

LA R.S. 9:5501.1, Sworn affidavit; form

A. Notwithstanding the provisions of R.S. 13:841 et seq. the clerks of the several district courts shall provide to any person who makes a request the following affidavit and acknowledgment form and shall notarize and record the affidavit subject to a fee to be established by the clerk or the recorder of mortgages.

B. The affidavit and the acknowledgment concerning the distinction or identity of a person shall comply with the requirements of R.S. 9:5501 and 5503 if it provides all the information required or set forth in the following form:

STATE OF LOUISIANA

PARISH OF _____

AFFIDAVIT

Before me, the undersigned authority _____, personally came and appeared:

(Affiant) _____, (marital status and mailing address),

who after being duly sworn, deposed as follows:

I, _____ (Affiant) _____, being of sound mind acknowledge and understand that any intentional falsification of information I am about to provide shall subject me to penalties for the crime of injuring public records and false swearing.

My full name is _____. I am _____ years old and I was born on

(Month) (Day) (Year)

at -----
(City, Parish/County and State of Birth)

My social security number is _____. I presently reside at _____ and my previous addresses for the preceding 10 years were _____, _____.

Name and address of my employer _____;

Name and address of location of employment _____;

Occupation _____;

Marital status _____,

If married full name of spouse ----- (Maiden name if applicable)

Spouse's social security number _____.

I HEREBY AFFIRM AND ATTEST, under penalty of law, that I am not the same person as the debtor or debtors named in the following described recorded judgments, liens, privileges, or mortgages:

(1) (Identification of recorded judgments, liens, privileges, or mortgages.)

I HEREBY FURTHER AFFIRM AND ATTEST, that on the ____ day of _____, _____, I mailed a copy of the affidavit to each judgment creditor listed in the affidavit at his last known address by registered mail and hereby submit proof of said certified mailing.

I HEREBY FURTHER AFFIRM AND ATTEST, that the Judgment Creditor has failed to comply with R.S. 9:5501 and I hereby execute this affidavit of identity to establish that I am not the same person identified as the debtor in the said recorded judgments, liens, privileges, mortgages or other such documents itemized above.

Thus done, read and signed at _____,

State of Louisiana, this ____ day of _____, _____.

WITNESSES:

Affiant

Notary Public

Acknowledgment

I,(we), (Name of Judgment Creditor) hereby

acknowledge that the above named affiant is not the same person identified or

named in the above identified or described (judgment, lien, privilege, or mortgage) and that the property of

the affiant is not subject to the judicial mortgage resulting from the judgment.

Thus done, read and signed at _____, State of Louisiana, this ____ day of the month of ____, ____.

Judgment Creditor

Notary Public

LA R.S. 9:5503, Affidavit of identity; content; effect; penalty for falsifying

A. If the judgment creditor cannot be located or does not comply with R.S. 9:5501, any person may execute before a notary public or any authorized employee of the clerk's office on a form provided by the clerk of court and file for record in the office of clerk of court or the office of the recorder of mortgages an affidavit of identity as set forth in R.S. 9:5501.1 to establish that he is not the same person identified as the debtor in one or more recorded judgments, liens, privileges, mortgages, or other such documents.

B. The affiant shall mail a copy of the affidavit to each judgment creditor listed in the affidavit at his last known address by registered mail. The clerk of court or recorder of mortgages shall not record the affidavit unless the affiant can show proof of mailing.

C. The intentional falsification of information by the affiant in an affidavit of identity filed in the office of a recorder of mortgages constitutes the crime of injuring public records. The affiant shall also be liable for any damages, attorney fees, and expenses occasioned by a fraudulently executed affidavit of identity.

D. The procedure established in this Section for executing the affidavit of identity shall not be the exclusive means of clarifying that an individual with a name similar to that of a judgment debtor is not the same person as such judgment debtor.

E. The clerk of court or recorder of mortgages may not charge more than eighteen dollars to prepare and record the first page of the affidavit filed by a single affiant including the acknowledgement returned by those judgement creditors designated by the affiant, executed pursuant to R.S. 9:5501 or this Section, plus six dollars for each subsequent page, and three dollars for each name after the first name that is required to be indexed.

LA R.S. 9:5556, Amendment or cancellation of mortgage securing future and other obligations not evidenced by instrument paraphed for identification therewith

A. A direction to cancel or release a mortgage or privilege, a modification or amendment to a mortgage or privilege, or a receipt evidencing extinction of the obligation which a mortgage or privilege secures, signed by the mortgagee or privilege holder of record in an act executed before a notary public or acknowledged before a notary public shall be accepted by the recorder, and may be relied upon by any person who thereafter acquires an interest in or over the property subject to the mortgage. The recorder of mortgages for the parish of Orleans, and the clerk of court and ex officio recorder of mortgages of any other parish of the state, shall cancel from the records of his office the inscription of the mortgage or privilege upon presentation to him of such direction to cancel or release or receipt evidencing extinction.

B. For purposes of this Section, the mortgagee or privilege holder of record is the obligee or creditor identified in the act of mortgage or privilege or his successor, as evidenced by acts evidencing the transfer of the mortgage or privilege filed with the recorder.

C. The provisions of this Section do not apply to a mortgage or privilege to the extent that it secures an instrument paraphed for identification with the mortgage by the notary before whom it is executed.

D. No mandamus proceeding is required to use the provisions of this Section. Neither the recorder of mortgages for the parish of Orleans or clerk of court and ex officio recorder of

mortgages nor his surety on his official bond shall have any liability for any damages resulting to any person or entity as a consequence of canceling the inscription of a mortgage or privilege pursuant to this Section. The recorder of mortgages for the parish of Orleans or clerk of court and ex officio recorder of mortgages shall not refuse to accept the direction to cancel or release or receipt evidencing extinction which complies with this Section and shall not require the filing of a mandamus proceeding as a condition of canceling the inscription of a mortgage or privilege.