



# Louisiana Law of Security Devices - A Precis (2011)

*Michael H. Rubin*

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Any decision about Louisiana collateral, financing, lending, mortgages, guarantees, liens and privileges, and collection procedures must take into account that Louisiana is the only state in the nation with civil law (rather than common law). Louisiana's Civil Code, with rules that trace back to the Napoleonic Code, and related statutes are the key to understanding this area of law. The Precis series of titles provides a comprehensive view of all of these topics and more.

Areas covered by **Louisiana Law of Security Devices** include:

- Suretyship and guarantees, including rules pertaining to Louisiana's categories of commercial, legal, and ordinary sureties
- Mortgage lending, including creation of mortgage, the types of Louisiana mortgages (conventional, legal and judicial), necessary provisions for a valid mortgage and desirable provisions for judicial execution on mortgages, and mortgage ranking
- Louisiana's law of registry and public records
- Title examination
- The interrelationship of the U.C.C. with Louisiana mortgage laws
- Securing interests in leases, in a rental income stream, and in leased property
- Judicial and non-judicial foreclosure rules, including the Louisiana Deficiency Judgment Act
- Louisiana liens and privileges, including general privileges as well as special privileges on both movable and immovable property
- The Louisiana Private Works Act, governing materialmen's liens

**Louisiana Law of Security Devices** contains, in easy-to-understand, non-legalese language:

- A detailed discussion of all of the key Civil Code articles and other statutes
- Numerous examples of how these rules interrelate
- Examples of how to resolve complex issues of ranking security devices
- Practical "how to" tips for practitioner
- Warnings of potential traps for the unwary in drafting and negotiating lending documents

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