

# Blight Busters!



**City Attorney's  
Guide to  
Acquiring Blighted Properties in the  
City of New Orleans by**

## ***Three Year Acquisitive Prescription***

For questions contact:  
Housing Unit  
City Attorney's Office  
1340 Poydras St., Room 1115  
New Orleans, LA 70115  
(504) 299-4850  
[www.blightbusters.com](http://www.blightbusters.com)

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## Introduction

La. R.S. 9:5633 allows the acquisition by three year acquisitive prescription of property in the City of New Orleans that has been declared “blighted” by an administrative adjudication hearing officer. The law was passed by the Louisiana Legislature in the 2001 Regular Session and became effective August 15, 2001. It was amended by Act No 1188 of the 2003 Regular Session of the Louisiana Legislature, effective July 3, 2003.

What does this statute do? Simply put, it means that a neighbor of a vacant lot that has been declared blighted can clean up the lot, fence it, make it part of his yard, keep it mowed for three years and pay the taxes, and the neighbor will then own the lot. Or, a developer can take over a house that has been declared blighted, renovate it and pay the taxes, and the developer will then own the house. In fact, pursuant to the amendments in the 2003 Regular Session, if the possessor erects or renovates a building on the property, other than an outbuilding, the possessor acquires that property at the time the possessor receives a certificate of use and occupancy, rather than waiting three years.

Of course, in real life, it is not quite as simple as that. There are many hoops to be jumped through. Therefore, ***you should hire an attorney to guide you through this process.*** An attorney will be indispensable at two points in this process, so you might as well get the benefit of the attorney’s advice all the way through. Those two points are (1) before starting the process and (2) after ending the process. Before starting, you will need to get an attorney to abstract the property to determine whether there are title problems and what persons and entities will be entitled to receive notice. The attorney must also determine the names and addresses of the adjoining landowners. After ending the process, you will need an attorney to bring a suit to quiet title (a “possessory action”) in your favor. Otherwise, while you will own the property, you will be unable to sell or mortgage the property.

If you are a low-income person, you may be able to take advantage of the services of a law clinic. In particular, the Tulane University School of Law Civil Law Clinic has offered its services. You will find its number in the section entitled “Important Contacts”.

While this statute can be a very important tool in encouraging the renovation and maintenance of property that has been declared blighted and, especially, in getting this property into the hands of the neighbors who have been damaged by the condition of the property, it is not a general purpose tool and will not work with all properties that have been declared blighted. In considering whether to use this tool, it will be important to first consider the amount of taxes, interest and penalties on the property. ***The taxes, interest and penalties burdening the property may make the acquisition and rehabilitation of the property unfeasible.*** This will be discussed in greater detail in this guide, but is important enough to highlight in this introduction. (The recent amendments to the law provide that mortgages and privileges on the property cannot be enforced after the possessor takes possession and are cancelled upon the possessor’s obtaining ownership. However, the secured party may stop the possession by executing upon its secured interest.)

Is the law retroactive? Can I count the last ten years that I have been maintaining the property? No, possession prior to the effective date of the act is not taken into consideration when counting the three years. Notices have to be given prior to taking possession. However, if a property has been declared blighted by an administrative hearing officer prior to the effective date of the statute, it is eligible for three year acquisitive prescription.

The laws governing ten year acquisitive prescription and thirty year acquisitive prescription apply to this three year prescription to the extent that they are consistent. Therefore, the prescription runs against absent person and incompetents, including minors and interdicts. Additionally, possession may be tacked to that of the transferee, meaning that, after you have taken possession, you can sell your interest in the property to someone else, who can “tack” your possession to theirs to add up to three years.

Read this guide all the way through prior to starting the process. Be aware, especially, of the time limits within which actions must be taken. If you have any questions, consult your attorney. The City Attorney’s office will be happy to help, but we represent the City of New Orleans, not you.

## Important Contacts

To view the “Blighted List”, go to:

[www.blightbusters.com](http://www.blightbusters.com)

Division of Housing and Neighborhood Development, Code Enforcement  
1340 Poydras St., 11<sup>th</sup> Floor  
New Orleans, LA 70112  
(504) 299-4810

Department of Health, Environmental Health Division  
City Hall  
1300 Perdido St., Rm. 8W03  
New Orleans, LA 70112  
(504) 565-6896

New Orleans Redevelopment Authority (“NORA”) (the repository of the “Blighted List”)  
1340 Poydras St., 11<sup>th</sup> Floor  
New Orleans, LA 70112  
(504) 299-4871

Lien Waiver Committee  
1340 Poydras St., 11<sup>th</sup> Floor  
New Orleans, LA 70112  
(504) 299-4854

Office of Public Advocacy  
City Hall, Room 1W09  
New Orleans, LA 70112

Tulane University School of Law Civil Law Clinic  
6329 Freret St.  
New Orleans, LA 70118-6231  
(504) 865-5153  
[jjohnson@law.tulane.edu](mailto:jjohnson@law.tulane.edu)

Clerk of Court, Civil District Court  
421 Loyola Ave., 4<sup>th</sup> Floor  
New Orleans, LA 70112  
(504) 592-9100  
(504) 592-9128 Fax

Register of Conveyances

421 Loyola Ave., Basement  
New Orleans, LA 70112  
(504) 592-9170

Recorder of Mortgages

421 Loyola Ave., Basement  
New Orleans, LA 70112  
(504) 592-9176

Notarial Archives

421 Loyola Ave., Basement  
New Orleans, LA 70112  
(504) 568-8577  
(504) 568-8599 Fax

## Definitions

“**Blighted Property**’ shall include those commercial or residential premises, including lots, which have been declared vacant, uninhabitable, and hazardous by an administrative hearing officer acting pursuant to R.S. 13:2575 and 2576 or other applicable law. In determining whether any premises are vacant, uninhabitable, or hazardous, the hearing officer shall consider the following:

- (1) Any premises which because of physical condition are considered hazardous to persons or property;
- (2) Any premises declared to be a public nuisance;
- (3) Any premises declared to be a fire hazard;
- (4) Any premises declared to be vermin infested or lacking in facilities or equipment required by the housing code of the city of New Orleans.”

Act No. 155 of the 1984 Regular Session and Act No. 101 of the 1997 Regular Session of the Louisiana Legislature. See, also, Section 6-44 of the New Orleans City Code.

“An administrative hearing officer acting pursuant to Section 6-44 of the New Orleans City Code, in determining whether a vacant lot is ‘blighted property’, pursuant to Section 8 of Act No. 170 of the 1968 Regular Session of the Louisiana Legislature, as amended by Act No. 135 of the 1994 Third Extraordinary Session, Act No. 375 of the 1995 Regular Session, and Act No. 101 of the 1997 Regular Session, and Section 6-44 of the New Orleans City Code, shall consider to be a public nuisance a vacant lot (1) which vacant lot is owned by a person who has been found guilty of failing to maintain the vacant lot in accordance with Sections 66-241, *et seq.*, by the Municipal Court of the City of New Orleans and/or by an administrative adjudication hearing officer acting pursuant to Section 6-31, *et seq.*, of the New Orleans City Code, and (2) which vacant lot has been adjudicated to the City of New Orleans for unpaid taxes, charges imposed pursuant to R.S. 33:1236, or paving or other improvement assessments.” Section 6-45 of the New Orleans City Code.

“Blighted vacant lots” include any of the following:

- “1. Blighted vacant lots are defined as any portion of ground which is not reasonably or adequately maintained thereby causing deterioration and creating a blighting influence or condition on nearby properties thereby depreciating the value, use and enjoyment to such an extend [*sic*] that it is harmful to the public health, welfare, safety and economic stability of the area or neighborhood and the owner thereof has been twice cited in a 24 month period for failure to maintain the vacant lot. Such lots may be declared blighted by an administrative hearing officer after notification to the owner of record of the hearing at which the blight thereof is to be considered.”

- “2. The taxes owed has [sic] not been paid for a period of three (3) years and the taxes exceed the value of the land.”
- “3. Any vacant lot bearing unpaid taxes for three (3) years and meeting the criteria included in the definition of a blighted vacant lot.”
- “4. Any unkept vacant lot that has been created by virtue of demolition by a city agency to protect and ensure public health, and safety bearing unpaid demolition liens.”

Resolution R-98-718, New Orleans City Council.

“**Public Nuisance**”: “Any garage, shed, barn, house, building or structure shall be deemed to be a public nuisance if by reason of the condition in which it is permitted to be or remain, it shall or may endanger the health, life, limb, or property of any person or persons, or cause any hurt, harm, damages, injury or loss to any person or persons in any one or more of the following ways, means or particulars:

- § By reasons [sic] of being dilapidated, decayed, unsafe or unsanitary is detrimental to health, morals, safety, public welfare, and the well-being of the community, endangers life or property or is conducive to ill health, delinquency and crime.
- § By reason of being a fire hazard.
- § By reason of the conditions which require its continued vacancy, the public nuisance, and its surrounding grounds, are not reasonably or adequately maintained, thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use and enjoyment to such an extent that it is harmful to the public health, welfare, morals, safety and the economic stability of the area, community or neighborhood in which such a public nuisance is located.”

Section 102.4.1.1 of the New Orleans Building Code.

## How is a Property Declared Blighted?

A property is not “blighted” because of its condition. “Blighted” is a legal term of art. A property becomes “blighted” when it is declared “blighted” by an administrative adjudication hearing officer. A list of properties that have been declared “blighted” (the “Blighted List”) can be obtained at [www.blightbusters.com](http://www.blightbusters.com) or from the New Orleans Redevelopment Authority (“NORA”). The following is the process under which property is declared “blighted”.

### **Panel of Review Hearing** (for Improved Property, not Vacant Lots)

**Citation under Building Code** (§102.4.1.1 of Ordinance No. 1882, M.C.S., “Public Nuisance”) **and/or Housing Code** (New Orleans City Code §26-258, “Uninhabitable Buildings”)

**Case Preparation** Inspection report, photograph(s), geographical location verified, ownership verified, etc.

**Notice of Violation and Hearing Sent to Owner**(certified and regular mail)

**Panel of Review Hearing** To hear owners’ intentions and notify owners of options to repair, demolish, or sell

**Notice of Panel of Review Hearing** Typical recommended action is either to give owner 30 days to start corrective action (sale, rehabilitation or demolition ) or to refer case to Administrative Adjudication

### **Administrative Adjudication Hearing** (for Improved Properties and Vacant Lots)

**Citation under Blighted Property** Jurisdiction (New Orleans City Code, §6-31, *et seq.*)

**Administrative Adjudication Case Preparation** Inspection report, photograph(s), geographic location verified, ownership verified, etc., and case referral

**Administrative Adjudication Hearing Notice** Administrative Adjudication Bureau of Department of Health mails notification and places notice in official journal (newspaper), while Housing Inspection posts notice

**Administrative Adjudication Hearing** The Hearing Officer can fine an owner, grant time to an owner to take corrective action, and/or render a judgment finding the property “blighted”

**Judgment Process** Judgment is mailed to owner by Administrative Adjudication Bureau and Housing Inspection posts judgment on property

**Appeal Period** Owner has 30 days from date on judgment to appeal to Civil District Court.

Generally, an improved property goes through both the panel of review hearing and the administrative adjudication hearing. A vacant lot goes only through the administrative adjudication hearing

## Step 1: Assess the Feasibility

The first step is to look before you leap.

Identify a piece of property that has been declared blighted by an administrative hearing officer (which can be determined by calling the Department of Health, Environmental Health Division - see “Important Contacts” - or from NORA’s “Blighted List”) that you think may be a feasible acquisition. It could be the vacant lot next door or a house halfway across the City. The land and *all* improvements thereon must have been declared blighted. If you identify a house that you want to renovate, make sure that the costs to renovate the house are feasible, i.e., you don’t want to end up with a house that costs a lot more to acquire and renovate than you can sell it for. This guide does not presume to be a guide to the determination of the feasibility of the renovation of property. However, it is wise to compare the cost per square foot to renovate to the average cost per square foot of property currently selling in your neighborhood. You can determine the average cost per square foot of property currently selling in your neighborhood by consulting the most recent “New Orleans and South Central Real Estate Market Analysis” by the Real Estate Market Data Center of the University of New Orleans, which is available in the Louisiana Collection at the Main Branch of the New Orleans Public Library.

Also, be aware that there will be some costs to acquiring a property by three year acquisitive prescription that are unique. For example, at the end of the process, you will have to hire an attorney to file a quiet title suit (a “possessory action”) to establish your title. You will have to obtain your own quote for the cost to do this.

Additionally, you will have to pay the ad valorem taxes, interest and penalties on the property. The City of New Orleans cannot waive these; it is prohibited by the Louisiana Constitution. However, you may want to explore the Project Tax Amnesty program described in the guides entitled “Acquiring and Rehabilitating Abandoned and Blighted Properties” and “Project Tax Amnesty” available at the same place you obtained this guide, [www.blightbusters.com](http://www.blightbusters.com) or the Housing Unit of the City Attorney’s office, whose address is on the front page of this guide. That program allows you to pay the “actual cash value” of the property (generally 10 times the assessed value) in lieu of the taxes, interest and penalties. On the other hand, if there are housing, uninhabitable, health, grass or demolition liens on the property in favor of the City of New Orleans, they can be subordinated and/or waived by the Lien Waiver Committee. You can get information about this from the Office of Public Advocacy or at [www.blightbusters.com](http://www.blightbusters.com).

Finally, be aware that you will not be able to put a mortgage on the property to secure a construction loan. Therefore, you will have to finance the payment of the taxes and the rehabilitation of the property through other means. An your funds must be readily available, since you must rehabilitate the property within 270 days.

It is at this point that you will need to get an attorney to abstract the property to determine if

there are title problems and what persons and entities will be entitled to notice and to ascertain the names and addresses of the adjoining landowners.

Exhibit "A" is a feasibility worksheet. It is probably the most important form to fill out in the entire process. Do not skip it!

## Step 2: Give Notice of your Intent

First, get a *certified* copy of the judgment of blight from the Department of Health, Environmental Health Division. Then, get proof that the judgment of blight is “final”, i.e., that it cannot still be appealed. Generally, that means that you will need to get a certificate from the Clerk of Court of Civil District Court for the Parish of Orleans, showing that thirty days have elapsed since the date of the judgment or declaration of blight and certifying that an appeal has not been filed in the Civil District Court appealing the judgment or declaration of blight. A form of this “proof” is attached as Exhibit “B”. If the judgment of blight has been appealed, you will need to hire an attorney to determine what proof you will need and whether it can be secured.

Next, you need to prepare an affidavit and execute it before a notary public. A form of this affidavit is attached as Exhibit “C”. Attach to the original affidavit the certified copy of the judgment and the original certificate from the Clerk. The copy of the judgment attached to the certificate from the Clerk is not sufficient. In other words, attach a copy of the judgment to the original Clerk’s certificate. Then attach the certified copy of the judgment and the original Clerk’s certificate, with a copy of the judgment attached to it, to the original affidavit. You should then have four pieces of paper in this order: (1) the original affidavit, (2) the certified copy of the judgment, (3) the original Clerk’s certificate, and (4) a copy of the judgment (the “package”). Make an extra copy of the package for the Register of Conveyances, a copy for you, a copy for each owner, a copy for each owner of property having a common boundary with the property and a copy for each party having an interest in the property, e.g., all creditors. Make sure that you keep a copy for yourself because various governmental agencies may want to see it to establish your right to permits. Also, prepare envelopes to each owner, each owner of property having a common boundary with the property and each party having an interest in the property.

You will also have to prepare a notice to be posted on the property. A form of this notice is attached as Exhibit “D”. Take the notice to a sign store and have it made into full poster size on weather proof material. If you cannot post the sign on the house with nails, get a stake to attach the notice to.

Then file the original package with the Notarial Archives and the Register of Conveyances (the Register of Conveyances must get an extra copy as well). ***Within one week after filing the affidavit***, you must (1) mail a copy of the package, certified mail, return receipt requested, to each owner of the property, each owner of property having a common boundary with the property and each party having an interest in the property, and (2) affix the notice in a ***prominent*** location on the immovable. It would be wise to take a photograph of the notice to evidence that it was affixed in a prominent location.

Make sure that you get receipts for the filings and mailings and that you later receive the green cards from the mailings and a certificate of filing from the Register of Conveyances.

## **Neighbors' First Right of Possession**

Owners of property having common boundaries with the property (the “neighbors”) have a preference over others to possess the property. However, this preference must be exercised within a certain period of time, or it will be lost. A neighbor may himself, within the *earlier* of 30 days of receipt or 45 days of mailing of the package described in Step 2, file his own package with the Notarial Archives and the Register of Conveyances, mail the package to the appropriate parties, post the property and notify the intended possessor of the neighbor’s own intent to possess in writing by certified mail, return receipt requested. A form of the notice to the intended possessor is attached as Exhibit “E”. Once done, the neighbor, as any other intended possessor, would proceed with Step 3.

The original intended possessor should carefully monitor the neighbor’s compliance with the statute. If the neighbor does not comply with the statute, the original intended possessor alone has 30 days to reassert his intention to possess by again taking the action described in Step 2 (except that the neighbors do not have to be notified). After that time, any interested party may start the process.

### **Step 3: Request a Mortgage Certificate**

After 60 and no later than 90 calendar days after the date of the filing of the affidavit with the Register of Conveyances, you should ask that the Recorder of Mortgages run a mortgage certificate. The certificate should set forth the full legal description of the property and be run in the name of the owner or owners of the property from the date the owner or owners acquired the property through 60 calendar days after the date the affidavit was filed with the Register of Conveyances. A form of the certificate is attached as Exhibit "F".

Get a receipt from the Recorder of Mortgages when you request the mortgage certificate, so that you can prove that you requested the certificate on a timely basis.

Upon receiving the mortgage certificate, you should review it. *If any notice of lis pendens, seizure under a writ of fieri facias or seizure and sale has been filed, you cannot proceed any further.*

You should prepare for your taking possession by also obtaining building and/or demolition permits at this time.

## **Step 4: Take Possession**

No sooner than the date that the mortgage certificate is generated by the Recorder of Mortgages, and no later than 60 calendar days after that time, you may take corporeal (actual) possession of the property. ***You must take possession peaceably.*** That means that you cannot take part in any violence, and you cannot break into the property. You cannot break through locked gates, doors or windows or remove boards from doors or windows. It would be wise to take a photograph of the means of access you intend to take to establish that the property has been left unsecured.

To establish your corporeal possession, you should secure the property, if there are improvements on the property, by locking and/or boarding doors and windows. You should immediately begin bringing the property up to code by cleaning up the property and maintaining the grounds. You may prepare for your taking possession by obtaining building and/or demolition permits in advance. Once you have established your corporeal possession, it would be wise to take a photograph of the property to establish evidence of your possession.

## **Step 5: Give Notice of Your Possession**

Immediately after taking corporeal possession of the property, you should prepare an affidavit and execute it before a notary public. A form of this affidavit is attached as Exhibit "G". Attach to the original affidavit the original mortgage certificate (the "package"). Make an extra copy of the package for the Register of Conveyances, a copy for you, a copy for each owner and a copy for each party having an interest in the property. Make sure that you keep a copy for yourself because various governmental agencies may want to see it to establish your right to permits. Also, prepare envelopes for each owner and each party having an interest in the property.

You will also have to prepare a notice to be posted on the property. A form of this notice is attached as Exhibit "H". Take the notice to a sign store and have it made into full poster size on weather proof material. If you cannot post the sign on the house with nails, get a stake to attach the notice to.

Within 10 calendar days after you take possession, you should file the original package with the Notarial Archives and the Register of Conveyances (the Register of Conveyances must get an extra copy as well). Within one week of the filing, you should (1) mail a copy of the package, certified mail, return receipt requested, to each owner of the property and each party having an interest in the property, and (2) affix the notice in a *prominent* location on the property. It would be wise to take a photograph of the notice to evidence that it was affixed in a prominent location.

Make sure that you get receipts for the filings and mailings and that you later receive the green cards from the mailings and a certificate of filing from the Register of Conveyances.

## Step 6: Maintain Your Possession

There can be no judgment rendered finding a violation of any public health, housing, fire code, environmental or historic district ordinance with respect to the property after you take possession. Any such violation during your three years of possession will destroy your possession and require that you start all over.

If there are any improvements on the property, they must be demolished (but only if they have been declared a public nuisance and only if you obtain a demolition permit) or certificates of use and occupancy must have been obtained within 270 calendar days after you take possession.

You must pay all ad valorem taxes, interest and penalties due and payable in full.

During this time, the owner cannot sue you for any tort related to your possession which may have occurred on or after you took possession, including but not limited to trespass and demolition of the improvements, nor can you be subject to criminal prosecution for trespass or for demolition. If the police contact you, show them the packages that you filed with the Register of Conveyances and cite La. R.S. 9:5633(D).

However, during this time, the owner may assert his interest in the property by filing a “petitory” action, which is a suit to recover his property. The owner will be entitled to his property, but he will be required to pay you any reasonable costs incurred or work done by you, plus 12% per annum interest thereon.

To prove the cost of any repairs, rehabilitation, maintenance, removal or demolition made or done, you will need to provide written receipts for the payment from persons who performed the work or from whom the materials were purchased. ***Make sure you keep written receipts for everything for at least the three years.*** If the owner contests the validity of such documentation, appraisers will be appointed by the court.

You are also entitled to reimbursement for your “sweat equity”. This is established by affidavits establishing the hourly rate generally charged for such work in the City of New Orleans and the number of hours spent on such work. Your attorney can draft such affidavits.

If the secured parties did not begin enforcing their mortgages and judgments on the property prior to your running the mortgage certificate (which would appear as a notice of *lis pendens*, a seizure under a writ of *fieri facias* or a seizure and sale on the mortgage certificate), mortgages and judgments on the property cannot be enforced after you take possession and are cancelled upon your obtaining ownership.

If you erect or renovate a building on the property, other than an outbuilding, you acquire that property at the time you receive a certificate of use and occupancy, rather than waiting three years.

## Step 7: Quiet Your Title

Three years after the date that you took possession (or upon obtaining a certificate of use and occupancy if you erect or renovate a building, other than an outbuilding, on the property), you own the property. However, you will not be able to sell it or mortgage it until you file a suit to quiet the title (a “possessory action”).

To prepare for your meeting with your attorney, you should gather together:

- the package consisting of the affidavit of intent to possess, the judgment declaring the property blighted and the proof that the judgment was not appealed;
- the post office receipts for the certified mail that you sent;
- the green cards showing whether the certified mail was received;
- a receipt from the Register of Conveyances that the affidavit of intent to possess was filed with the Register of Conveyances;
- a photograph of the notice of intent to possess posted on the property;
- a receipt from the Recorder of Mortgages, showing when the mortgage certificate was requested;
- a photograph of your means of entry when you took possession of the property;
- a photograph showing how you took corporeal possession;
- the package consisting of the affidavit of possession and the mortgage certificate;
- the post office receipts for the certified mail that you sent;
- the green cards showing whether the certified mail was received;
- a receipt from the Register of Conveyances that the affidavit of possession was filed with the Register of Conveyances;
- a photograph of the notice of possession posted on the property;
- a tax certificate, showing that all taxes, interest and penalties have been paid;
- a photograph showing that the improvements were demolished and/or a certificate of use and occupancy showing that the improvements were brought up to code;
- a certificate from Department of Health, Environmental Health Division that there has been no judgment rendered finding that a violation of any public health, housing, fire code, environmental or historic district ordinance has occurred with respect to the property after you took possession (a form for this certificate is attached as Exhibit “I”); and
- a judgment declaring the improvements to be a public nuisance, if you have demolished the improvements.

## **Curing Title**

In the event that you do not comply with all of the provisions of this law or if a health lien is assessed against the property, any interested party may file an affidavit with the Register of Conveyances, describing your failure to comply, or a certified copy of the health lien, which will be conclusive evidence of your failure to comply with the law and will nullify your possession.

It is a felony to file any forged, wrongly altered or false document pursuant to this law. Additionally, anyone damaged by such a document may sue you. You may also sue anyone who has damaged you by filing such a document (such as a document stating that you did not comply with the law).

**Exhibit "A"**  
**Feasibility Worksheet**

A	Property taxes, interest and penalties	\$
B	Possessory or "quiet title" action	\$
C	Rehabilitation costs	\$
D	<b>TOTAL (A through E)</b>	\$
E	Square footage of the house	\$
F	Cost per square foot ( $F \div G$ )	\$
G	Typical cost per square foot in the neighborhood	\$

**Exhibit “B”**  
**Proof of No Appeal**

I, Dale N. Atkins, Clerk of Court of Civil District Court for the Parish of Orleans, State of Louisiana, certify that thirty days have elapsed since the date of the notice of judgment against [defendant], declaring the property described as [address and/or legal description of the property in the judgment] to be “blighted”, a copy of which is annexed hereto and made a part hereof, and that an appeal has not been filed in the Civil District Court for the Parish of Orleans, State of Louisiana, appealing the judgment or declaration of blight.

DALE N. ATKINS, CLERK  
CIVIL DISTRICT COURT,  
PARISH OF ORLEANS, STATE OF  
LOUISIANA

By: \_\_\_\_\_  
Deputy Clerk

Date: \_\_\_\_\_

**Exhibit "C"**  
**Affidavit of Intent to Possess**

**AFFIDAVIT OF INTENT TO POSSESS**  
**BY**  
**[YOUR NAME]**

**STATE OF LOUISIANA**  
**PARISH OF [WHERE YOU WILL BE**  
**SIGNING THIS]**

**BEFORE ME**, the undersigned Notary Public, personally came and appeared **[YOUR NAME]**, a person of full age (hereinafter referred to as "Affiant"), who, being first sworn by me, did depose and declare:

The Affiant's name and address are: [your name and address].

It is the Affiant's intention to take corporeal possession of the following described immovable property for the Affiant's own account in accordance with La. R.S. 9:5633:

[short legal description of the property]

Such corporeal possession shall commence no sooner than sixty (60) calendar days from the date of filing of this affidavit in the records of the Register of Conveyances.

The owner(s) of the property is/are [full name or names of the owner or owners of the property as shown by the title examination].

Annexed to this affidavit are a certified copy of the judgment declaring or certifying the said property as blighted and a certificate or proof that the judgment is final.

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me,  
Notary, on this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**Exhibit “D”  
Notice of Intent to Possess**

NOTICE OF INTENT TO POSSESS

IT IS THE INTENTION OF [YOUR NAME],  
WHOSE ADDRESS IS [YOUR ADDRESS],  
TO TAKE CORPOREAL POSSESSION OF THIS IMMOVABLE PROPERTY FOR [YOUR  
NAME]’S OWN ACCOUNT.

THIS NOTICE WAS AFFIXED TO THIS IMMOVABLE PROPERTY ON  
[THE DATE THE NOTICE IS POSTED].

**Exhibit “E”**  
**Notice by Neighbor to Intended Possessor**

[Name of Neighbor]  
[Address of Neighbor]

[Date of Notice]

[Name of Intended Possessor]  
[Address of Intended Possessor]

RE: [Address or Legal Description of the Property]

Dear [Name of Intended Possessor]:

I have today filed an affidavit of intent to possess with the Register of Conveyances, mailed copies of the affidavit to the appropriate parties and posted notice of my intent to possess on the above described property.

Please be advised that I am exercising my right, as an owner of property having common boundaries with the above described property, to first exercise a right to possess the above described property.

Sincerely,

[Name of Neighbor]

**Exhibit "F"**  
**Mortgage Certificate**

**DESIREE CHARBONNET**

**STATE OF LOUISIANA - PARISH OF ORLEANS**

**RECORDER OF MORTGAGES**

I, DESIREE CHARBONNET, RECORDER OF MORTGAGES FOR THE PARISH OF ORLEANS, CERTIFY THAT THIS CERTIFICATE HAS BEEN RUN EXCLUSIVELY IN THE EXACT NAMES HEREUNDER SET FORTH AND NOT IN ANY VARIATIONS OF SAID NAMES.

WHERE NO MIDDLE INITIALS HAVE BEEN FURNISHED, IDENTICAL NAMES WITH MIDDLE INITIALS HAVE NOT BEEN RUN AND WILL NOT BE UNLESS SPECIFICALLY REQUESTED.

SUBJECT TO THESE RESTRICTIONS AND EXCEPTIONS, I CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE THERE ARE NO UNCANCELLED ENCUMBRANCES RECORDED IN THE EXACT NAMES HEREINAFTER SET FORTH EXCEPT THE FOLLOWING WHICH BEAR AGAINST THE PROPERTY DESCRIBED HEREUNDER, TO-WIT:

Clerk \_\_\_\_\_

Cards \_\_\_\_\_

Remarks:

**Inscriptions recorded after September 20, 1987 are reported on a separate Computer Generated Form**

[Name of Owner]

Run from [date of acquisition by owner] to [60 days after the date of filing of the affidavit with the Register of Conveyances]

[Full legal description of the property]

**Exhibit "G"**  
**Affidavit of Possession**

**AFFIDAVIT OF POSSESSION BY**  
**[YOUR NAME]**

**STATE OF LOUISIANA**  
**PARISH OF [WHERE YOU WILL BE**  
**SIGNING THIS]**

**BEFORE ME**, the undersigned Notary Public, personally came and appeared [**Your Name**], a person of the full age (hereinafter referred to as "Affiant"), who, being first duly sworn by me, did depose and declare:

The Affiant's name and address are: [Your Name and Address].

The Affiant has taken corporeal possession of the following described immovable property for the Affiant's own account in accordance with La. R.S. 9:5633:

[Short legal description]

The Affiant took corporeal possession on [Date that You Took Possession] by:

Check all that applies:

- ? Cleaning up the property;
- ? Mowing the property;
- ? Fencing the property;
- ? Demolishing the improvements;
- ? Rekeying and/or adding locks on doors and/or windows;
- ? Boarding doors and/or windows;
- ? Repairing \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- ? Other \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The owner(s) of the property is/are [full name or names of the owner or owners of the property as shown by the title examination].

Annexed to this affidavit is a mortgage certificate generated by the Recorder of Mortgages, setting forth the full legal description of the immovable property above described, run in the name of the owner or owners of the immovable property for a period of time commencing with the date of the acquisition of the immovable property by said owner or owners and ending 60 days following the date of filing of my affidavit of intent to possess with the Register of Conveyances, which certificate shows that no notice of lis pendens has been filed against the immovable property and that the immovable property has not been seized under a writ of fieri facias or seizure and sale.

\_\_\_\_\_  
[Your Name]

Sworn to and subscribed before me,  
Notary, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

**Exhibit “H”  
Notice of Possession**

**NOTICE OF POSSESSION**

**[YOUR NAME],  
WHOSE ADDRESS IS [YOUR ADDRESS],  
HAS TAKEN CORPOREAL POSSESSION OF  
THIS IMMOVABLE PROPERTY FOR  
[YOUR NAME]’S OWN ACCOUNT  
ON [DATE OF POSSESSION].**

**Exhibit "T"**  
**Affidavit of No Violation**

**AFFIDAVIT OF NO VIOLATION BY  
ADMINISTRATIVE ADJUDICATION  
HEARING OFFICER**

**STATE OF LOUISIANA  
PARISH OF ORLEANS**

**BEFORE ME**, the undersigned Notary Public, personally came and appeared [ **NAME OF HEARING OFFICER**], a person of full age (hereinafter referred to as "Affiant"), who, being first sworn by me, did depose and declare that:

There has been no judgment rendered finding that a violation of any public health, housing, fire code, environmental or historic district ordinance of the City of New Orleans has occurred with respect to the property described as [address and/or legal description of the property] after [date you took possession of the property].

\_\_\_\_\_  
Affiant

Sworn to and subscribed before me,  
Notary, on this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public