



Louisiana Department of Public Safety
Office of Motor Vehicles
Policy 18.01 Small Successions

Section: 4. Motor Vehicle Registration Requirements

Effective Date: 04/02/1992

Revised Date: 11/27/2017

Authority:

LA CCP 3421-3442

[R.S. 47:2410](#)

To view Louisiana Statutes: <http://www.legis.state.la.us/>

Definitions:

- **Small Successions** - The succession or the ancillary succession of a person who died leaving property in Louisiana with a gross value of \$125,000 or less valued as of the date of death or, if the date of death occurred at least 20 years prior to the date of filing of a small succession affidavit, leaving property in Louisiana of any value.

Compliance:

- The decedent died intestate (no will);
- The value of the decedent's property in Louisiana at the time of death does not exceed \$125,000 or any value if the date of death occurred at least 20 years from the date of filing.
- The decedent's estate contains movable or immovable property;
- It shall not be necessary to judicially open a small succession of:
 - a person domiciled in Louisiana who died intestate,
 - a person domiciled outside of Louisiana who died intestate or whose testament has been probated by court order of another state, and whose sole heirs are as follows:
 - his/her descendants
 - his/her ascendants
 - his/her brothers or sisters or descendants thereof
 - his/her surviving spouse
 - his/her legatees under a testament probated by the court of another state

Requirements:

- An affidavit executed by at least two persons, including the surviving spouse, if any, and one major heir of the deceased. The affidavit must indicate:
 - The date of death of the deceased, and his/her domicile at the time of death
 - That the deceased died intestate
 - The marital status of the deceased, the location of the last residence of the deceased, and the name of the surviving spouse. If there is a surviving spouse, the spouse's address and location of last residence must be included as well.

- The names and last known address of the heirs of the deceased, their relationship to the deceased, and the statement that an heir not signing the affidavit cannot be located or was given 10 days' notice by mail of the affiants' intent to execute an affidavit for a small succession and did not object.
- A description of the property left by the deceased, including whether the property is community or separate.
- A listing of the value of each item of property, and the total value of all such property at the time of death.
- A statement describing the respective interests in the property which each heir has inherited and whether a legal usufruct of the surviving spouse attaches to the property;
- An attachment consisting of certified copies of the testament and the probate order of another state, if the affidavit is being used in lieu of an ancillary probate proceeding.
- An affirmation that, by signing the affidavit, the affiant, if an heir, has accepted the succession of the deceased.
- An affirmation that, by signing the affidavit, the affiants swear under penalty of perjury that the information contained in the affidavit is true, correct and complete to the best of their knowledge, information, and belief.
 - If the deceased had no surviving spouse, the affidavit must be signed by at least two heirs. If the deceased had no surviving spouse and only one heir, the affidavit must be signed by a second person who has actual knowledge of the matter.
 - In addition to the powers of a natural tutor otherwise provided by law, a natural tutor may also execute the affidavit on behalf of a minor child.
- Title and registration certificate, if available.
- A notarized bill of sale or act of donation signed by all heir(s) if transferring the vehicle to a new owner.
- An odometer disclosure statement is required if the vehicle is transferred to a third party. The mileage may be recorded on the Louisiana odometer disclosure form or on the back of a conforming title.
- Original or certified copy of chattel mortgage or UCC-1 financing statement, if a new lien is to be recorded. If a lien was reflected on title of decedent, that lien should be noted on the new title unless proof of cancellation of the lien is presented in the form of a paid note or a satisfaction of lien executed by the lienholder. The lien satisfaction must be submitted on company letterhead, and include, the address and telephone number of the lienholder.
- A completed vehicle application form (DPSMV 1799).
- All files in which the date of transfer is after August 1, 2012, must include a copy of the vehicle owner's current and valid photo identification. The photo identification provided should be a driver's license or identification card issued by this state, another state, or by the United States military.
- Applicable fees and taxes
- **Tax Rules:**
 - Donations by testament (will) are never taxable.
 - All transfers by last will or intestate succession are tax free.
 - Transfer of vehicles by heirs or legatees may or may not be taxable, depending on the nature of the transfer.

- If an existing mortgage is being assumed by the surviving spouse, taxes are not due on the unpaid principal balance of the mortgage.

Related Policies:

Section 4, Policy 2.03 [Completion Of Vehicle Application](#)

Section 4, Policy 18.00 [Successions Judgements Of Possession](#)

Section 4, Policy 35.01 [Acceptable Proof Of Lien Cancellation Prescription](#)

Section 4, Policy 35.03 [Electronic Lien And Title Program](#)

Section 4, Policy 52.00 [Act Of Donation /Manual Gift](#)