

ACT 169
CANCELLATIONS

I. All cancellations must be by Request for Cancellation (**CC 3366**)

A. NO PARAPHEDED OBLIGATION (R.S. 44:106)

1. Request for Cancellation (*Form RFC 1*) (**and**)
2. Authentic form signed by **Obligee of Record** (*Form RFC 2*) that acknowledges satisfaction and directs the clerk to cancel its recordation

B. PARAPHEDED OBLIGATIONS
(R.S. 44:107)

1. Request for Cancellation (*Form RFC 1*) (**and**)
2. Paraphed Note marked "paid" or "cancelled" (**or**)
 3. An Act of Release executed before a notary who certifies in the act that the obligation was presented to him by the holder and owner and that he paraphed it for identification with the Act of Release

C. CANCELLATION BY CERTIFICATES OF PUBLIC OFFICER
(R.S. 44:108)

1. Request for Cancellation (*Form RFC 1*) (**and**)
2. Certified Copy of Order or other document evidencing the extinction

D. CANCELLATION BY LICENSED FINANCIAL INSTITUTION
(R.S. 44:109)

1. Financial Institution may comply with R.S. 44: 106 -108) **or**
- 2 An authentic act stating the following: (*Form RFC 3*)
 - a. institution was the obligee or authorized agent at the time the obligation was extinguished (or)
 - b. institution is the obligee or authorized agent of the obligee (and)
 - c. type of institution
 - d. its licensing or regulatory authority
 - e. that the obligation has been paid or otherwise satisfied or extinguished and directs the recorder to cancel its recordation

NOTE: A financial institution, in lieu of filing a separate "request for cancellation" may combine it in one form.

NOTE: A licensed financial institution is any person licensed or regulated by La. Office of Financial Institutions, or any bank, credit union, lending agency, or other person conducting such a business that is licensed or regulated by another state or U.S.

E. CANCELLATION OF PRESCRIBED MORTGAGE OR
PRIVILEGE
(CC3367)

1. Request for Cancellation (*Form RFC 1*) (**and**)
2. Signed Application for cancellation

F. CANCELLATION OF PRESCRIBED JUDICIAL MORTGAGE
(CC3368)

1. Request for Cancellation (*Form RFC 1*) (**and**)
2. Certificate from Clerk of Court (Suit Department) that no suit or motion has been filed for revival of judgment or certified copy of judgment rejecting the demands to revive the judgment.

CANCELLATION OF LOST NOTE AFTER RECEIPT OF NOTARY
WHO SATISFIED NOTE OUT OF PROCEEDS
(R.S. 9:5167E)

No change in law

1. Affidavit from the notary that states:
 - a. Description of promissory note and the property
 - b. That the affiant did satisfy the note
 - c. That the affiant did receive the note marked "Paid in Full" from the last holder of the note,
 - d. That the note was lost or destroyed while in the affiant's custody and

- e. That the affiant agrees to hold harmless the clerk of court or recorder of mortgages
- f. A statement that the affiant has made a due and diligent search for the last holder and last holder cannot be located and one year has elapsed since recordation of the act of sale or mortgage or
- g. Accompanied by an affidavit from the last holder stating that the promissory note marked "Paid in Full" was delivered to the notary

**CANCELLATION OF MORTGAGE INSCRIPTION BY AFFIDAVIT
(R.S. 9:5167.1)**

No change in law

1. Affidavit of authorized officer of a title insurance business that states:
 - a. Affiant is an authorized officer of title insurance business, the closing notary public or the attorney which made the payment
 - b. Affidavit is made on behalf of the mortgagor or an owner of the property encumbered by the mortgage
 - c. Mortgagee provided a payoff statement with respect to the loan secured by the mortgage
 - d. The affiant has ascertained that the mortgagee has received payment of the loan in accordance with the payoff statement, as evidenced by:
 1. A bank check, certified check, or escrow account check which has been negotiated by or on behalf of the mortgagee or
 2. Other documentary evidence of the receipt of payment by the mortgagee including but not limited to verification that the funds were wired to the mortgage
 - e. More than 60 days have elapsed since the date payment was received by mortgagee has not returned documentary authorization for cancellation
 - f. Mortgagee has been given at least 15 days notice in writing of the intention to execute and record an affidavit in accordance with this Section with a copy of the proposed affidavit attached to the written notice
 - g. The names of the mortgagor and the mortgagee, date of mortgage and the book and page, or folio or clerk's file number
 - h. Attached documentary evidence that payment has been received by the mortgagee including a copy of the payoff statement.

REQUEST FOR CANCELLATION

In accordance with the provisions of La. C.C. Article 3366, The Recorder of Mortgages for JEFFERSON DAVIS Parish, Louisiana is hereby requested and directed to cancel the recordation of the following described privilege:

- () MORTGAGE granted by ... In favor of ... In the sum of ... Dated ... File Number ... MOB ... Page ...
() JUDGMENT in favor of ... Against ... In the sum of ... Dated ... File Number ... MOB ... Page ...
() OTHER ... File Number ... MOB ... Page ...

THIS REQUEST TO CANCEL IS BASED ON THE FOLLOWING:

(Please initial the appropriate box)

- () R.S. 44:106 No Paraphed Obligation - Authentic Act signed by Obligee of Record that acknowledges satisfaction
() R.S. 44:107 Paraphed Obligation - Note Attached marked "Paid" or "Cancelled"
() R.S. 44:107 Paraphed Obligation - An act of release executed before a notary who certifies in the act that the obligation was presented to him by the holder and owner and that he paraphed it for identification with the act of release
() R.S. 44:108 Public Officer - (Sheriff, Marshal or other officer as a consequence of a judicial sale or other decree of action)
() R.S. 44:111 Bankruptcy Order of Discharge - Affidavit
() CC 3367 Prescribed Mortgage or Privilege - Application
() CC 3368 Prescribed Judicial Mortgage - Certificate of Clerk of the Court rendering Judgment-that no suit or motion has been filed for revival or certified copy of final judgment rejecting the demand to revive judgment
() R.S.9:5167E Affidavit of Lost Note - After Receipt of Notary who satisfied note out of proceeds
() R.S. 9:5167.1 Affidavit to Cancel by Title Insurance Officer
() OTHER

The undersigned acknowledges that he is liable to and shall indemnify the Recorder of Mortgages of JEFFERSON DAVIS Parish and any of its employees or agents relying on this Request for Cancellation for any damages they may suffer as a consequence of such reliance in accordance with provisions of R.S. 44:110.

This _____ day of _____, 2017.

SIGNATURE: _____
PRINTED NAME: _____
COMPANY NAME: _____
TITLE: _____
ADDRESS: _____
TELEPHONE NO: _____

RELEASE BY OBLIGEE OF RECORD
(Pursuant to R.S. 44:106)

STATE OF _____

PARISH OF _____

BE IT KNOWN that on this ____ day of _____, 20____, before me the undersigned Notary, duly commissioned and qualified in and for the above named Parish and State,
PERSONALLY CAME AND APPEARED:

Represented herein by: _____ Title:

_____, its duly authorized representative, who after being duly sworn declared:

(Please initial the appropriate box)

- () The above named appearer is the obligee of record of the obligation secured by the below described mortgage or privilege.
- () The above named appearer is the assignee of record of the obligation secured by the below described mortgage or privilege. Said assignment is duly recorded at:
File Number _____ MOB _____ Page _____

The said secured obligation has been paid or otherwise satisfied or extinguished and further the said mortgage or privilege is hereby released. The Recorder of Mortgages in and for the Parish of JEFFERSON DAVIS is hereby requested, authorized and directed to cancel the recordation of the mortgage or privilege described as follows:

Mortgage or Privilege granted by _____
In favor of _____

In the sum of _____ Dated _____, File number _____ MOB _____ Page _____
of the official records of _____ Parish, Louisiana, which affects the following described property:

WITNESSES:

SIGNATURE: _____

PRINTED NAME: _____

COMPANY NAME: _____

TITLE: _____

ADDRESS: _____

TELEPHONE NO: _____

Sworn to and subscribed before me this ____ day of _____, 20____

Notary Public

Printed Name: _____

ID or Bar Roll Number: _____ Commission Expires: _____

REQUEST FOR CANCELLATION BY LICENSED FINANCIAL INSTITUTION

(Pursuant to R.S. 44:109B)

STATE OF _____
PARISH OF _____

BE IT KNOWN that on this ___ day of _____, 20____, before me the undersigned Notary, duly commissioned and qualified in and for the above named Parish and State **PERSONALLY CAME AND APPEARED:**

_____ Represented herein by:
_____ Title: _____, its duly authorized representative, who after being duly sworn declared:

The above named Financial Institution is: *(Please initial the appropriate box)*
 Bank Credit Union Lending Agency Other Person Conducting Such Business

Whose licensing or regulatory authority is _____
(Please initial the appropriate box)

The above named financial institution was the obligee or authorized agent of the obligee of the secured obligation described below when the obligation was extinguished;

The above named financial institution is the obligee or authorized agent of the obligee of the secured obligation described below;

The said secured obligation has been paid or otherwise satisfied or extinguished and further the said mortgage or privilege is hereby released. The Recorder of Mortgages in and for the Parish of _____ is hereby requested, authorized and directed to cancel the recordation of the mortgage or privilege described as follows:

Mortgage or Privilege granted by _____
In favor of _____
In the sum of _____ Dated _____ File Number _____ MOB _____ Page _____
of the official records of _____ Parish, Louisiana, which affects the following described property:

The undersigned acknowledges that he is liable to and shall indemnify the Recorder of Mortgages of _____ Parish and any of its employees or agents relying on this Request for Cancellation for any damages they may suffer as a consequence of such reliance in accordance with provisions of R.S. 44:110.

WITNESSES:

SIGNATURE: _____

PRINTED NAME: _____

COMPANY NAME: _____

TITLE: _____

ADDRESS: _____

TELEPHONE NO: _____

Sworn to and subscribed before me this _____ day of _____ 20_____

Notary Public

Printed Name: _____

ID or Bar Roll Number: _____ Commission Expires: _____

CERTIFICATE OF CLERK

STATE OF LOUISIANA
PARISH OF _____

I, the undersigned, Deputy Clerk of Court in and for the Parish and State aforesaid, do hereby certify that after an examination of the Civil Suit Indices of said Parish and State for a period **OF TEN YEARS**, I find no civil suit or motion that has been filed to revive the following described judgment within the time required by Article 350 I or a final judgment of the court rejecting the demands of the prevailing party in a civil suit or motion to revive the following described judgment:

In favor of: _____

Against: _____

Suit Number _____ In the sum of _____ Filed Date _____

File Number _____ MOB _____ Page Number _____

EXCEPT

Given under my hand and seal of office this _____ day of _____, 20____.

Deputy Clerk of Court