

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 (and)
 - 2. Authentic form signed by Obligee of Record that acknowledges satisfaction and directs the clerk to cancel its recordation
 - B. PARAPHEDED OBLIGATIONS (R.S. 44:107)
 - 1. Request for Cancellation (and)
 - 2. Paraphed Note marked "paid" or "cancelled" (or)
 - 3. An authentic act of release identifying the obligation, by one who declares he is both owner and holder of the obligation, directing the recorder to cancel the incumbrance in whole or in part and a declaration by the notary the he paraphed the obligation with the act.
- NOTE: Upon request, the original note may be returned to presenter
 - 1. Make a duplicate of the original note and attach it to the request for cancellation.
 - 2. Make a notation on the duplicate note that it is a copy of the original note presented to you *
 - 3. Paraph the original note for identification wit the Request for cancellation and return it to presenter **
- C. CANCELLATION BY CERTIFICATES OF PUBLIC OFFICER (R.S. 44:108)
 - 1. Request for Cancellation (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:
 - 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 orherwise 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 (and)
2. Signed Application for cancellation

F. CANCELLATION OF PRESCRIBED JUDICIAL MORTGAGE
(CC3368)

1. Request for Cancellation (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.

G. 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

H. 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 mortgage 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.

* This is a duplicate of the original promissory note presented to me by: _____
 along with the Request for Cancellation of
 Registry No. _____ MOB _____ FOLIO _____
 This _____ day of _____ 20 _____

 Deputy Clerk

** "NE VARIETUR"
 For identification with Request for Cancellation of
 Registry No. _____ MOB _____ FOLIO _____
 Presented to me by: _____
 This _____ day of _____ 20 _____

 Deputy Clerk