

_____ : NUMBER _____ DIV “ _____ ”
VERSUS : _____ JUDICIAL DISTRICT COURT
_____ : PARISH OF _____
_____ : STATE OF LOUISIANA

PETITION FOR CONCURSUS

The petition of _____ (hereinafter called “Broker”), domiciled in the Parish of _____ respectfully represents:

1.

The following are made defendants herein:

- a) _____, domiciled in the Parish of _____;
- b) _____, domiciled in the Parish of _____.

2.

Louisiana Revised Statute 37:1435. (H) empowered the Louisiana Real Estate Commission to establish, through the adoption and promulgation of rules and regulations in accordance with the Administrative Procedures Act, procedures by which a determination may be made as to whom a disputed escrow deposit should be released.

3.

Pursuant to the authority granted by LSA-R.S. 37:1435. (H), and in accordance with the Administrative Procedures Act, the Commission adopted and promulgated Chapter 29, Section 2901 of its rules and regulations (Louisiana Administrative Code, Title 46, part LXVII, Chapter 29), authorizing a broker, through a concursus proceeding, to deposit the funds into the registry of any court of competent jurisdiction and proper venue.

4.

On or about _____, broker became aware that a dispute existed as to the ownership or entitlement of funds, held in escrow as a result of a real estate transaction.

5.

A check in the amount of _____ (\$ _____) Dollars was tendered by _____ for deposit in the escrow account of _____, pursuant to a Purchase Agreement dated _____, 2000. Said agreement pertained to the property of _____, which was described as _____, _____, Louisiana,

_____.

6.

In accordance with Chapter 29 of the Louisiana Real Estate Commission's Rules and Regulations, the funds held in escrow by the broker are being deposited into a concursus proceeding for a determination of ownership or entitlement to the funds.

7.

Broker does not know to whom the escrow funds, consisting of a check in the amount of _____ (\$ _____) Dollars should be paid; and, pursuant to the Louisiana Code of Civil Procedure Article 4653, desires to deposit into the registry of this court said funds; and to require these defendants to assert, contradictorily against all other parties to this proceeding, their respective claims to the money deposited into the registry of this court.

WHEREFORE, petitioner prays:

1. For leave to deposit into the registry of this court the amount of the deposit referred to in paragraph 5 above;
2. All parties be relieved from payment of any of the costs of this proceeding as they accrue, and the clerk of this court be directed to deduct these costs from the money deposited into the registry of the court;
3. The defendants be cited to appear and assert their respective claims, contradictorily against all other defendants, to the money deposited into the registry of the court in this proceeding; and
4. For judgment relieving petitioner of any and all liability to all defendants for the money deposited into the registry of this court.

ORDER

Considering the foregoing petition;

IT IS ORDERED that:

1. The petitioner is granted leave to deposit a check in the amount of _____ (\$_____) Dollars into the registry of this court;
2. All parties to this proceeding are relieved of the necessity of paying any of the costs

thereof as they accrue, and the clerk of this court is directed to deduct these costs from the money deposited into the registry of the court; and,

3. The defendants be cited to appear and to assert their respective claims, contradictorily against all other defendants, to the funds deposited into the registry of the court in this proceeding.

_____, Louisiana, _____, 2000.

JUDGE, _____ JUDICIAL DISTRICT COURT

PLEASE SERVE: