

Last Minute Challenge to Foreclosure by Executory Process Defeated by Oral Argument Only

Pursuant to a last minute request for counsel by a major financial institution, the Firm's Lafayette Office successfully defended against a property owner's petition for injunctive relief. The property owner alleged that the client's mortgage was not an authentic act as defined by Civil Code art. 1833; thus, the client was not entitled to foreclosure by executory process. Although no opposition to the property owner's petition was filed due to the last minute request for counsel, Lindsay Meador Young and Benjamin G. Torian were able to defeat the property owner's petition using only oral argument. Injunctive relief was denied, and the client was able to proceed by executory process.

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