Getting Family Land Back After a Louisiana Tax Sale

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If your family lost land to a tax sale in Louisiana, the sale may not be final — and the single most important thing that decides whether you can get it back is **whether you were properly notified**.

Read this first

This page is legal information. It is not legal advice, it does not make anyone your lawyer, and it does not file anything for you.

Nothing you read here stops a deadline. If a lawsuit has been filed against your property, or you have been served with papers, or someone has sent you a notice about the property, a clock may already be running against you right now. Call a Louisiana property lawyer or legal aid today. The free numbers are at the bottom of this page.

Three things are true about Louisiana tax sales, and most people are never told any of them:

1. **A tax sale can be undone if the owner was never properly notified.** Mailed notice to a person whose name and address can reasonably be found is a constitutional requirement, not a courtesy. If the government skipped it, the sale is vulnerable.
2. **If nobody ever notified you, the deadline to fight it may never have started.** Several of Louisiana's time limits begin only on the day a person is properly notified. No notice, no clock.
3. **Winning costs money.** Getting the property back means paying the buyer what they put in, plus interest and costs, within one year of the judgment. That part is covered honestly further down, because people need to know it before they start, not after.

If the property has been in your family for generations and nobody ever opened a succession when the owner died, **read the heirs' property section**. That is the strongest position in Louisiana tax-sale law, and it is also the most common.

Step one: find the date of the sale

Louisiana changed its tax-sale law twice. **The date your property was sold decides which rules apply to you**, and the three sets of rules are very different. Everything else depends on getting this right.

When the sale happened	What the buyer got	Where you stand
Before January 1, 2009	Tax sale title to the property	Strongest law for you. A sale made without notice to the record owner has been held null, and the time limit did not bar the challenge
January 1, 2009 through December 31, 2025	Tax sale title to the property	The deadlines are short, **but they start only when a person is properly notified**
On or after January 1, 2026	A tax lien certificate — **not your title**	You may still be able to pay the lien off and keep the property

How to find the date. Go to the Caddo Parish Clerk of Court, or the clerk in the parish where the land sits, and ask for a copy of the **tax sale certificate** or **tax sale deed** for your property. You will need the legal description or the parcel number, which the parish assessor can give you from the address or the owner's name. The recording date on that document is the date that matters.

While you are there, get copies of:

- The tax sale certificate or deed, with its recording date and instrument number
- Anything recorded against the property **after** the sale — later notices, suits to quiet title, monition proceedings, further sales
- The full chain of ownership back to the person in your family who last clearly owned it

Write down every name and address the government used. That list is the case. If the notices went to a house that burned down in 1988, or to a person who died in 1994, or to "the heirs of" somebody with no address at all, that is the fact that matters most.

If the sale happened before January 1, 2009

This is the strongest ground in Louisiana tax-sale law, and most families who lost land in the 1980s, 1990s and 2000s have been told it is too late. That is not what the Louisiana Supreme Court held.

In **Smitko v. Gulf South Shrimp, Inc.** (2012), the Court held that where the sheriff failed to give the record owner notice of the delinquency and the sale, that failure violated due process and rendered the tax sales **"null and void in their entirety."** And the Court said directly that the time limitation in the old statute **did not prevent** the owner from bringing the challenge.

The Court explained that the United States Supreme Court's decision in **Mennonite Board of Missions v. Adams** (1983) "elevated lack of notice in a tax sale to a due process violation that makes the sale null and of no effect," and that since then Louisiana courts have consistently held that failure to notify a record owner makes the resulting sale null.

What Mennonite actually requires. Notice by mail, or by some other means just as likely to actually reach the person, is the **minimum the Constitution allows** before the government takes property — whenever the person's name and address are reasonably ascertainable. Publishing a notice in the newspaper is not enough by itself if the government could have found and written to you.

And under **Jones v. Flowers** (2006), if the government mailed a notice and it came back undelivered, the government has to take additional reasonable steps. It cannot simply shrug and proceed.

What this means in plain terms. If the parish could have found the owner — the name was on the deed, the family was in the phone book, somebody was living in the house, the obituary ran in the paper — and the parish never wrote to them, then an older sale is attackable **even though decades have passed**.

What to prove. Who the record owner was on the day of the sale, where that person could have been found, and what the parish actually did. The parish's own file is the evidence, and it is a public record you can request.

If the sale happened between 2009 and 2025

Louisiana rewrote this part of the law effective January 1, 2009. The deadlines got short, and the statute calls these defects "relative nullities" rather than absolute ones. On paper that sounds bad.

But read the deadlines carefully, because they all begin at the same place. Under La. R.S. 47:2287, the time to annul a tax sale on redemption grounds runs from the earlier of:

- **six months** after a person **is duly notified**, where the notice was sent between the end of the redemption period and five years after the tax sale certificate was recorded; or
- **sixty days** after a person **is duly notified**, if they were duly notified more than five years after recordation.

For payment grounds, the period runs to the later of five years after recordation, or sixty days after the person **was duly notified** if they were not notified at least sixty days before that five-year mark.

Every single one of those clocks starts on the words "is duly notified."

So the question is not "has it been more than six months." The question is **"was I ever duly notified at all?"** If the answer is no — if nothing was ever properly served on you, at an address where you could be found — then no period under that statute has ever begun to run against you, and your right to challenge the sale has not expired.

This is the single most important thing on this page for anyone who lost land in the last fifteen years.

One more thing worth knowing. In 2017 the Louisiana Supreme Court decided a case about the notice a tax collector is required to send after a sale, and held that a private buyer could give that notice instead. But the Court **expressly declined to decide** whether the 2009 statute can constitutionally cut off an owner who was never notified at all. The Chief Justice disagreed with the majority and would have held such sales null for want of due process.

That means the constitutional question is still open. It has not been decided against you. A lawyer can still raise it — but only if it is raised the right way, which is covered in the section on mistakes that lose the case.

If the sale happened in 2026 or later

The law changed again effective January 1, 2026, and this time it changed in your favor on the most important point.

The buyer at the auction no longer gets your property. They get a lien. What is sold is a **tax lien certificate**, recorded against the land. Bidders compete by bidding the interest rate down, not by bidding away a share of your ownership. You still own the property, subject to that lien.

You can get rid of the lien by paying it off, and you pay the **parish tax collector**, not the person who bought the certificate.

The lienholder cannot move against the property immediately. Generally they must wait three years from recordation before filing an enforcement action, and they must bring it within seven years. Before filing, they generally must send you advance notice. **If you are served with a petition, the statutory notice gives you thirty days to pay.** That thirty days is real and it is short.

What to do, in order:

1. **Call the parish tax collector and ask in writing for an itemized termination quote** — the total to pay off the lien, broken down, with the date through which it is good.
2. Check the figures. The payoff can include the certificate's face value, statutory penalties and interest, later taxes the statute allows, and the political subdivision's costs of preparation, notice and recording. **Post-auction notice costs supported by the holder's affidavit are capped at $500** under La. R.S. 47:2156.
3. Pay before the enforcement cutoff if you can, or get a lawyer on it immediately if you cannot.

If you have already been served with a petition on a 2026 certificate, stop reading and make two calls today — the parish tax collector, and a Louisiana property lawyer or legal aid. The thirty-day window may already be running.

Heirs' property: when nobody opened a succession

This is the most common situation and the strongest position, and it is worth understanding exactly why.

When a landowner dies in Louisiana and no succession is opened, the property does not become ownerless and it does not belong to the parish. **It passes immediately to the heirs**, who own it together — "in indivision." Every one of those heirs is an owner. Every one of them has a property interest the Constitution protects.

Which means **every one of them was entitled to notice before a tax sale.**

And under the *Mennonite* rule, the question is not whether the parish happened to have their addresses on a card. The question is whether their names and addresses were **reasonably ascertainable**. In most families they were: the obituary ran in the paper, the

children's names are in the conveyance records on other transactions, somebody has been paying the water bill, somebody has been living in the house, the neighbors know exactly who the family is.

So if you are an heir and nobody ever served you, two things follow.

First, for a sale in the 2009–2025 window, **no deadline under R.S. 47:2287 ever started running against you**, because every one of those periods begins only when a person "is duly notified."

Second, for an older sale, you are squarely inside the *Smitko* holding — a sale made without notice to an owner, held null, with the statutory time limit held not to bar the action.

What to do about the succession. You will eventually need to open or complete it, because a court needs to know who the owners are before it can give the property back to them. Do not let that stop you from acting now. Opening a succession and challenging a tax sale are two different proceedings, and legal aid and the pro bono project handle successions regularly — it is one of the most common things they do.

Gather this: the death certificate, the names and current addresses of every living heir, the names of any heirs who have since died and their heirs, and anything showing the family's connection to the address — utility bills, insurance, tax receipts, letters, photographs with dates.

Important: if some heirs sold their interests, or if someone has been claiming the whole property, that changes the analysis. Say so when you call. It does not necessarily sink the case, but a lawyer needs to know it at the start, not in month six.

What winning costs — and the cheaper move to try first

This is the part most people are not told, and it is the part that decides whether a case is worth filing.

A judgment annulling a tax sale does not hand the property back free. Louisiana conditions the judgment on payment. To recover the property you generally have to pay the buyer:

- the price they paid at the sale
- all taxes and governmental liens they covered afterward
- interest, at the statutory rate
- a five percent penalty, where the ground is a redemption nullity

- the costs of notice, publication, and researching who the tax sale parties were
- reimbursement for improvements they made to the property, under La. Civ. Code arts. 496–497

And the buyer is **presumed to be a good faith possessor**, which affects what they can claim for improvements.

The deadline that catches people. Under La. R.S. 47:2291(C), you have **one year from the judgment to pay**. If you do not pay within that year, **the judgment of nullity is vacated and the case is dismissed with prejudice** — meaning you cannot bring it again. You win, you cannot pay, you lose the property permanently and you have paid a lawyer for nothing.

In one Louisiana Supreme Court case on these costs, the amount claimed came to more than thirty-seven thousand dollars — and the Court held the current owner had to pay it even though he was not the person who had failed to pay the taxes.

So the order of operations is: figure out the money before you file, not after you win.

Try asking for a payoff first

For a great many families this is the better outcome, and it is free to ask.

Write to whoever now holds the tax title or the lien and ask for **an itemized payoff to transfer the property back to the family**. Many tax-title holders bought the parcel for a few hundred or a few thousand dollars and have no interest in a lawsuit. A negotiated buy-back can cost less than litigation and takes months instead of years.

Put it in writing, keep a copy, and say three things:

1. You are a record owner or an heir of the record owner, and you are asserting that interest.
2. You were never properly notified of the sale, and you are reserving every right to challenge it.
3. You are asking for an itemized figure and a date through which it is good.

That letter costs a stamp. It sometimes ends the matter. And if it does not, it has put the holder on written notice of the defect, which matters later.

Before you spend anything, find out what the property is worth. The parish assessor will give you the assessed value for free. If the land is worth less than the payoff, that is a hard thing to hear, but it is better to know in week one. And if there are minerals under it, the value may be very different from what the assessment shows — say so when you call for help.

Two mistakes that lose these cases

Both of these are procedural. Both have cost Louisiana families their strongest argument. Neither has anything to do with the merits.

The constitutional argument has to be pleaded specifically

The strongest attack on a 2009–2025 sale is that cutting off an owner who was never notified violates due process. The Louisiana Supreme Court has **not** decided that question — it was expressly left open.

But a Louisiana court will not reach a constitutional challenge that was not **specifically pleaded in the trial court, with the grounds particularized.** Raising it late, or raising it in general terms, gets it waived. A recent decision declined to reach exactly this issue for exactly this reason.

If you hire a lawyer or work with legal aid, this is worth asking about by name: *is the constitutional challenge pleaded specifically, in the petition, with the grounds spelled out?*

The Attorney General has to be served

When a party asks a Louisiana court to hold a state statute unconstitutional, **the Attorney General must be served.** It is a requirement, not a formality. A court that notices it was skipped can refuse to reach the issue — and that has happened in a tax-sale case raising precisely these grounds.

So the second question to ask: *has the Attorney General been served with the pleading raising unconstitutionality?*

Two more things not to do

Do not let the deadline run while you gather documents. If you have been served with anything, the clock does not pause while you get organized. Call first, gather second.

Do not sign anything the current holder puts in front of you without having someone read it. A quitclaim, a release, a "settlement," or a document that looks like it is simply confirming facts can give away the interest you are trying to assert. If you are asked to sign, that is the moment to get help, not after.

Where to get help — free and low cost

Acadiana Legal Service Corporation serves northwest Louisiana, including Caddo and Bossier. Free for those who qualify.

- Shreveport office: **720 Travis Street, Shreveport, Louisiana**
- Intake: **1-866-ASK-ALSC (1-866-275-2572)**
- Phone applications: Monday, Tuesday and Wednesday 9:00 a.m. to 12:00 p.m., and Thursday 1:00 to 3:00 p.m.
- Apply online: **la-law.org/get-help**

Shreveport Bar Foundation Pro Bono Project takes referrals that legal aid cannot handle, including successions. **shreveportbarfoundation.org/pro-bono-project**

LouisianaLawHelp.org — statewide self-help and referral directory.

For the lawyer or advocate helping you: the *Louisiana Legal Services and Pro Bono Desk Manual*, maintained at Loyola, carries a **template petition to annul a tax sale** at chapter 8, section 9, and a full chapter on tax sales. It is free and online at **probonodeskmanual.loyno.edu**. Bring it up — not every practitioner knows it is there.

What to bring to your first call

Have as much of this as you can. You do not need all of it to call.

What	Where to get it
The property's legal description and parcel number	Parish assessor
Tax sale certificate or deed, with recording date and instrument number	Parish Clerk of Court
Everything recorded against the property after the sale	Parish Clerk of Court
Every notice or letter anyone ever sent about the property, including envelopes	Your own records
The names and addresses the government used for notice	Tax collector's file — a public record you can request
Death certificate of the last clear owner	Vital records

What	Where to get it
Names and current addresses of all living heirs	Family
Proof of the family's connection to the property	Utility bills, insurance, tax receipts, letters, dated photographs
Current assessed value	Parish assessor

The one sentence to lead with

When you call, open with this. It tells a screener immediately whether you have a case:

> "My family lost property at a tax sale on [date]. I am [the record owner / an heir of the record owner]. **I was never notified.** I want to know whether the sale can be annulled and what it would cost."

The date and the words *never notified* are the two things that matter. Everything else can come later.

This page provides legal information about Louisiana law. It is not legal advice, it does not create an attorney-client relationship, and it does not calculate any deadline or payoff for your situation. Statutes and case law change. Verify current law and every deadline with the parish tax collector and a licensed Louisiana attorney.