

11/25/2019 “See News Release 050 for any Concurrences and/or Dissents.”

**SUPREME COURT OF LOUISIANA**

**No. 2019-C-01449**

**SUCCESSION OF LEE MARK HANNA, JR.**

*On Writ of Certiorari to the Court of Appeal, Second Circuit,  
Parish of Jackson*

**WEIMER, J.**, dissenting.

This case presents a close question as to whether the signatures on each page of the testament and the testament’s closing attestation clause satisfy the requirement of being “substantially similar” to the formal requirements indicated in La. C.C. art. 1577(2). This is essentially a singular question of law, which distinguishes the instant case from the presentation of multiple issues in **Successions of Toney**, 16-1534, p. 1 (La. 5/3/17), 226 So. 3d 397, 398-99 (analyzing a testament “where the first two pages of the testament were initialed rather than signed and where the testament contains no attestation clause which meets all of the requirements of La. Civ.Code art. 1577, nor any attestation by the notary beyond the general notarization.”). Even though there is essentially a single legal issue here, the concern I expressed in **Successions of Toney** about “elevat[ing] form over the substance of what [the testator] intended” may be occurring here as well. See **Successions of Toney**, 16-1534 at 1; 226 So. 3d at 409 (Weimer, J., dissenting). Accordingly, just as the appellate court wrestled with this case in a full opinion, I would grant and docket for this court to give equal consideration to the weighty issue of whether the testament met the standard the legislature has dictated for “substantially” complying

with La. C.C. art. 1577(2). Thus, I respectfully dissent.