

Table of Contents

CHAPTER 1. USUFRUCT; GENERAL PRINCIPLES

I. NOTION AND KINDS OF USUFRUCT

- § 1:1 Usufruct; definition
- § 1:3 Usufruct of consumables; definition
- § 1:5 Usufruct as an incorporeal

II. CREATION OF USUFRUCT

A. CREATION OF USUFRUCT BY JURIDICAL ACT

- § 1:11 Contractual usufruct
- § 1:12 Testamentary usufruct
- § 1:13 Contractual and testamentary freedom
- § 1:14 Contractual and testamentary interpretation

III. PARTITION OF THE USUFRUCT, OF THE NAKED OWNERSHIP AND OF THE PROPERTY SUBJECT TO THE USUFRUCT

A. LOUISIANA AND FRANCE

- § 1:32 Partition of the entire property

IV. VALUATION OF USUFRUCT; TAXATION

- § 1:37 Federal taxes
- § 1:38 Louisiana taxes

CHAPTER 2. RIGHTS OF THE USUFRUCTUARY

I. THE USUFRUCTUARY'S RIGHT OF ENJOYMENT IN GENERAL

A. USE OF THE PROPERTY

- § 2:3 Use of nonconsumables

B. RIGHT TO FRUITS

§ 2:10 Commencement of the right to fruits

III. PRODUCTS OF THE SUBSOIL IN USUFRUCT

A. MINERALS

§ 2:18 Rights of the usufructuary to take minerals; the 1870 Code

§ 2:21 Usufruct of land; the open mines doctrine

CHAPTER 3. LEGAL POWERS OF THE USUFRUCTUARY

I. ACTS OF ADMINISTRATION

A. LEASES

§ 3:5 In general; leases contracted by the usufructuary

§ 3:6 Louisiana; leases of immovables contracted by the usufructuary

II. ALIENATION AND OTHER ACTS OF DISPOSITION

§ 3:17 Alienation or encumbrance of the things

§ 3:18 Alienation of the usufruct

III. RECOURSE TO JUSTICE

§ 3:22 Real actions

CHAPTER 4. OBLIGATIONS OF THE USUFRUCTUARY

§ 4:1 Scope of this chapter

I. BEFORE ENTRY

B. SECURITY

§ 4:7 Requirement of security; kind and amount of security

§ 4:11 Dispensation of security by operation of law; Louisiana Civil Code 1870 and the 1976 revision

§ 4:12 Dispensation of Security by Operation of law; 2004 and 2010 Amendments

II. DURING ENJOYMENT

C. UPKEEP OF THE THINGS

§ 4:22 Ordinary maintenance and repairs

§ 4:23 Ordinary and extraordinary repairs

§ 4:26 Limits of the usufructuary's obligation to make repairs

CHAPTER 5. RIGHTS AND OBLIGATIONS OF THE NAKED OWNER

I. RIGHTS OF THE NAKED OWNER

§ 5:3 Acts of disposition

§ 5:4 Actions against the usufructuary or against third persons

II. OBLIGATIONS OF THE NAKED OWNER

§ 5:8 Legislative foundation

§ 5:10 Obligation to abstain from interference with the enjoyment of the usufructuary

CHAPTER 6. TERMINATION OF THE USUFRUCT

§ 6:1 Scope of this chapter

I. CAUSES OF TERMINATION OF THE USUFRUCT

§ 6:5 Arrival of the term or happening of the condition

§ 6:6 Loss, extinction, or destruction of the property; real subrogation

§ 6:7 Loss, extinction, or destruction of the property—Permanent and total loss through accident, *force majeure* or decay

§ 6:9 Renunciation of the usufruct

§ 6:10 Sale of the property

§ 6:11 Prescription of non-use

§ 6:12 Acquisitive prescription

§ 6:14 Abuse of the enjoyment

II. CONSEQUENCES OF TERMINATION

§ 6:16 Re-integration of ownership

§ 6:17 Restoration of things; usufruct of nonconsumables; removal of encumbrances

§ 6:24 Accounting—Cost of extraordinary repairs

§ 6:25 Right of retention

§ 6:27 Prescription of claims—Real actions

CHAPTER 7. LEGAL USUFRUCTS

I. THE USUFRUCT OF THE SURVIVING SPOUSE IN COMMUNITY

A. LOUISIANA

§ 7:5 Deceased spouse survived by descendants

§ 7:6 Intestate succession

§ 7:8 Confirmation of the legal usufruct by will

§ 7:9 Consequences of confirmation

§ 7:11 Impingement on the legitime

§ 7:16 Duration of the usufruct of the surviving spouse; community property

§ 7:18 Termination of the usufruct; causes

II. PARENTAL ENJOYMENT OF THE PROPERTY OF MINOR CHILDREN

§ 7:23 Legislative evolution

§ 7:24 Parental administration of the property of minor children

§ 7:25 Persons entitled to enjoyment; property subject to enjoyment

§ 7:26 Rights and obligations of parents having enjoyment

§ 7:28 Application of general provisions of usufruct; termination of the enjoyment

CHAPTER 8. LIMITED PERSONAL SERVITUDES

§ 8:1 Scope of this chapter

I. LIMITED PERSONAL SERVITUDES

§ 8:2 Notion of limited personal servitudes

§ 8:3 Freedom to create limited personal servitudes; legislation

§ 8:5 Incidents and function of limited personal servitudes

§ 8:6 Contractual interpretation

§ 8:9 Contractual interpretation—Real right or personal obligation

II. HABITATION

§ 8:11 Notion of habitation

§ 8:12 Creation and termination

§ 8:13 Rights and obligations

Table of Laws and Rules

Table of Cases

Index