
DIGEST

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Tim Burns

HB No. 80

Abstract: Provides that a judgment of possession automatically includes certain terms when made in accordance with a testamentary usufruct or trust.

Present law provides that the court shall render and sign a judgment of possession if it finds that the petitioners are entitled to the relief prayed for.

Present law requires the judgment to recognize the petitioners as the heirs, legatees, surviving spouse, or usufructuary and send them into possession.

Proposed law retains present law and additionally provides that the judgment of possession automatically includes, without restating, all the terms and provisions of the testamentary usufruct or trust when it sends petitioners into possession in accordance with such usufruct or trust.

(Amends C.C.P. Art. 3061)