

The Supreme Court of the State of Louisiana

SUCCESSION OF CAROL JAMES
AYMOND, JR.

No. 2025-C-01101

IN RE: Chantel Georgette Aymond - Applicant Other; Applying For Writ Of
Certiorari, Parish of Avoyelles, 12th Judicial District Court Number(s) 2021-
904365, Court of Appeal, Third Circuit, Number(s) 24-335;

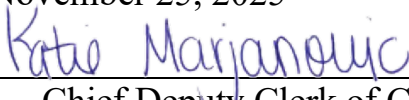
November 25, 2025

Writ application granted. See per curiam.

CRC
JLW
WJC
JBM
JMG

Hughes, J., concurs and assigns reasons.
Griffin, J., concurs.

Supreme Court of Louisiana
November 25, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-C-01101

SUCCESSION OF CAROL JAMES AYMOND, JR.

**On Writ of Certiorari to the Court of Appeal,
Third Circuit, Parish of Avoyelles**

PER CURIAM

This case concerns the authority of Chantel Aymond (“Chantel”) to sell immovable property of the Succession of Carol James Aymond, Jr. while the succession was under administration. For the reasons set forth below, we find the court of appeal failed to recognize the distinct roles Chantel served as Independent Executrix, Trustee, and usufructuary. We therefore reverse the court of appeal, reinstate the judgment of the trial court, and remand.

Background

Carol James Aymond Jr. (“testator”) died testate on February 26, 2021. His will divided his estate between his daughter, Chantel, and his younger daughter, Delila Aymond (“Delila”). Delila, a minor, is represented in this litigation by her tutor and mother, Valentina Bryan. Testator’s will left a usufruct of one-half of his estate to Chantel, for her life. He left the remainder of his estate to an existing irrevocable trust that named Delila as sole beneficiary with Chantel appointed as Trustee. After testator’s death, Chantel was confirmed as Independent Executrix of the succession, in accordance with the will. Thus, under the combined provisions of the Trust and the will, Chantel had separate roles as Independent Executrix, Trustee, and usufructuary.

Though the Trust prohibited the Trustee from alienating immovable property held in trust, the will did not contain a similar prohibition. During the estate administration, Chantel, in her capacity as Independent Executrix, sold a portion of

the immovable property that formed part of the estate. After consultation with tax attorneys, Chantel believed the succession lacked the liquidity to pay potential estate tax obligations. Chantel invested the proceeds in certificates of deposit held by the succession.

Ms. Bryan as Tutrix of the Trust's beneficiary objected to the sales and sought, among other remedies, to have Chantel removed as Independent Executrix and a declaration that Chantel's usufruct terminated when she sold the real estate. In a related case, she sought to have Chantel removed as Trustee.¹ The trial court dismissed Ms. Bryan's claims in this case and the related trust case. A divided five judge panel of the court of appeal reversed, ordered Chantel to pay attorney fees and costs to the Trust, and remanded. *Succession of Aymond*, 2024-335 (La.App. 3 Cir. 7/30/25), 418 So. 3d 983.

Analysis

The crux of this dispute is whether Chantel had the authority to sell the immovable property. Chantel had multiple roles in her father's estate planning, and each of those roles came with distinct rights and obligations. As usufructuary, she had a "real right of limited duration over the property of another," La. C.C. art. 535, which generally gave her "the right to use the thing and the right to take its fruits." Ronald J. Scalise, Jr., 3 La. Civ. Law Treatise, Personal Servitudes § 2:2 (5th ed. 2024). Unlike usufructuaries, succession representatives (and trustees) are fiduciaries who are *not* entitled to use the property under their administration for their own personal enjoyment. La. C.C.P. art. 3191 ("succession representative is a fiduciary with respect to the succession"); La. R.S. 9:2082 (trustee is bound to "administer the trust solely in the interest of the beneficiary"). As Independent

¹ In the related matter, Ms. Bryan sought to remove Chantel as Trustee based Chantel's failure to prevent the sale of the succession's immovable property and preserve it for the Trust. *Valentina V. Brian, in her Capacity as Natural Tutrix of Dalila Carol Aymond v. Chantel G. Aymond, in her Capacity as Trustee of the Dalila Carol Aymond Trust, et al.*, 2025-01103 (La. 11/25/25), --- So. 3d ---.

Executrix of the succession, Chantel owed fiduciary duties not only to the heirs and legatees, but also to creditors.² *See generally Succession of Sylvester*, 16-372, p. 4 (La.App. 5 Cir. 12/14/16) 215 So. 3d 368, 372. Indeed, “the defining characteristic of a fiduciary relationship . . . is the special relationship of confidence or trust imposed by one in another who undertakes to act primarily for the benefit of the principal in a particular endeavor.” *Scheffler v. Adams and Reese, LLP*, 06-1774, p. 7 (La. 2/22/07), 950 So. 2d 641, 648 (internal quotation marks omitted).

Even though these principles are foundational to Louisiana’s system of successions and trust law, the court of appeal rejected the argument that Chantel’s roles as usufructuary and Trustee were subordinate to the administration of the estate, finding that she lacked the authority to sell the immovable property in her capacity as Independent Executrix due to the Trust’s terms. In making that finding, the court of appeal made several errors. The court of appeal focused on La. R.S. 9:1936, which provides that “[a]n addition of property to an existing trust by donation mortis causa is effective at the moment of the donor’s death.” The court of appeal then found that pursuant to this article, the property belonged to the Trust at the moment of the testator’s death, and therefore Chantel’s actions in selling the property were prohibited under the plain terms of the Trust.

Although transfer of ownership occurs automatically upon a decedent’s death, heirs and legatees do not enjoy *full* ownership or possession rights during the administration of a succession. Rather, while the estate is being administered, those rights are subject to the executor’s superior “seizin” rights. La. C.C. arts. 935, 938. *See generally* Monica Hof Wallace, 10 La. Civ. Law Treatise, Successions & Donations § 4:6 (2d ed.) (explaining the “radical distinction between ownership and

² *See* Elizabeth R. Carter, *Fiduciary Litigation in La.: Mandataries, Succession Representatives, and Trustees*, 80 La. L. Rev. 661, 679 (2020) (describing these various duties and roles).

constructive possession” and that it has been continuously “confused in the jurisprudence”). As this Court stated over a century ago:

By the fiction of the law, ‘le mort saisit le vif,’ the heir is seised of right, but not in fact, until he accepts the succession and is sent into or takes possession according to law. As long as the property is under administration it remains in the custody of the law, and the rights of heirs and legatees are in abeyance until the administration is closed.

Succession of Stauffer, 43 So. 928, 929 (La. 1907).

In other words, the Trust was not yet in possession of the property, with the rights that full possession entails, because the succession still had to go through administration. To that end, the Code of Civil Procedure grants broad powers to the independent executor of an estate to sell succession property for any purpose, if the independent executor is acting in compliance with his or her fiduciary obligations. Pursuant to La. C.C.P. art. 3261, “[a] succession representative may sell succession property *in order to pay debts* and legacies, *or for any other purpose*, when authorized by the court as provided in this Chapter.” (Emphasis added.) Additionally, an independent executor has the authority to sell succession property without prior court approval and to use the sale proceeds to pay creditors. La. C.C.P. art. 3396.15. Paying debts owed to the Internal Revenue Service is undoubtedly part of the fiduciary role of a succession representative. For one, federal law imposes a fiduciary duty upon the succession representative to file the estate tax return and remit any taxes owed. 26 U.S.C. §2002 (2025). Further, a succession representative can be held “personally liable for unpaid estate tax where he distributes estate assets before satisfying its tax obligation.” La. Prac. Series: Estate Planning in La. § 1:66 (2024-25 ed).³

³ The question of whether those actions were reasonable under the circumstances is not before the Court. If they were deemed to be unreasonable, Chantel should be held accountable in her position as the Independent Executrix not punished in her capacity as usufructuary.

In summary, the fact that Chantel also served as Trustee of the Trust, which prohibited the Trustee from selling immovable property in that capacity, did not curtail the duties and rights she had as Independent Executrix including the right to sell property as part of her administration of the estate.

The court of appeal also erred in holding that Chantel's sale of the immovable property resulted in the termination of her usufructuary rights. The penalty imposed by the court of appeal under La. C.C. art. 623-624, is only applicable where there is malfeasance by a usufructuary. The court of appeal's error here was bound up with an erroneous conflation of Chantel's various rights and obligations. Because, as explained above, Chantel sold the property in her capacity as Independent Executrix, she was acting fully within her legal authority, and her usufruct should not have been impacted. Even assuming Chantel's actions breached her fiduciary duties as Independent Executrix, the law sets forth many remedies for actions against an executor, which do not include the termination of her separate and distinct usufruct.

DECREE

For the foregoing reasons, we reverse the ruling of the court of appeal removing Chantel as Independent Executrix of the Succession of Carol James Aymond, Jr. and terminating Chantel's usufructuary rights. We also vacate the court of appeal's order requiring Chantel to pay attorney fees and costs to the Trust, finding no grounds for the imposition of any such fees. We reinstate the judgment of the trial court and remand to the trial court for further proceedings, including the completion of the administration of the Succession of Carol James Aymond, Jr.

REVERSED; TRIAL COURT JUDGMENT REINSTATED; AND REMANDED.