Can a property subject to a usufruct be sold?

A usufruct is a limited real right entitling the holder thereof to the use and enjoyment of the property, basically as if he or she had been the owner thereof, except, however, that the property can not be sold without the consent and co-operation of the holder of the bare dominium. A usufruct is most commonly created in a will, for example where the testator leaves his farm to his son subject to a life long usufruct in favour of his wife. The basic idea is to ensure that the farm is inherited by his son on the one hand and to look after his wife's maintenance on the other hand.

A property that is subject to a usufruct can therefore only be sold with the consent and co-operation of both the holder of the bare dominium as well as the usufruct. There would therefore normally be two sellers who sell their rights in respect of the property and who would between them agree how the proceeds of the sale are divided.