

What is a usufruct?

A usufruct is a limited real right entitling the holder thereof to have the full benefit and enjoyment of the property, in respect of which the usufruct is held, until the usufruct holder passes away or the right lapses after a specified time, where applicable. The usufruct holder is prohibited from selling the property without the consent of the holder of the bare dominium.

A usufruct is commonly created where the testator wishes to let his children inherit, but also wants to look after his wife. The will would in such a case stipulate that the testator leaves, for example his farm, to his son subject to a usufruct in favour of his wife. His wife will in such a case be entitled to the full use and enjoyment of the farm after his death. The son will therefore only be entitled to use the farm before her death with her permission.

The son can therefore not force his mother to make the farm available to him. His rights of use and enjoyment of the property only becomes enforceable after she has passed away. After her death the usufruct lapses automatically and the son will be the owner and no longer the bare dominium holder only.

You can complete a will instruction sheet here: [Testament Instruksievel](#) / [Will Instruction Sheet](#)