

## Life Estate

**Life estate** is the ownership of land for the duration of a person's life.

**Life Estate** - O → A for life

May also be *per autre vie*; life of another

On a day-to-day basis, a **life tenant** is no different from any other owner, but the ownership has already been transferred to someone else, known in law as the "*remainderman*".

## Rights of a Life Tenant

- Right to use income & property but may not sell or give it away
- Estovers - yes, for domestic use  
*Estovers are an interest in the estate, such as firewood, made available to the life tenant during his lifetime*
- Emblements – Yes; also right after death  
*Emblements are growing crops produced by cultivation, and treated as the life tenant's property*
- Profits - yes, for domestic use
- Gov't assessments - yes
- Real estate taxes - yes
- Insurance - NO
- Waste - (duty not to waste the estate)
  - voluntary (*damages permanent estate*)
  - permissive (*premises air & water tight*)
- No right of alienation  
*(cannot sell property)*

However, a **life tenant** can sell their life estate interest. From a practical point of view, it's very difficult to place a value of a life estate, but the age of the life tenant will be a factor in determining its value. The approval of the remainder beneficiaries is not required. The transaction needs to be reflected on a valid real estate deed.