

Louisiana Law Review

Volume 17 | Number 4
June 1957

Masthead

Repository Citation

Masthead, 17 La. L. Rev. (1957)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol17/iss4/1>

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LOUISIANA LAW REVIEW

LOUISIANA STATE UNIVERSITY LAW SCHOOL

BATON ROUGE 3, LOUISIANA

Subscription per year \$5.00 (Foreign \$5.50)

Single copy \$1.25

VOLUME XVII

JUNE, 1957

NUMBER 4

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COMMENTS

Insurance as Community Property

This discussion concerns itself with community property as it relates to those types of insurance which seek to guarantee subsistence payments while the insured has either temporarily or permanently ceased his normal occupation. These types of insurance are annuity policies, disability policies, workmen's compensation, and unemployment compensation.

A discussion of this nature must begin with the rule laid down for the determination of the separate or community character of the proceeds of life insurance. Announced in the case of *Estate of Moseman*, the rule is that the interest in the insurance contract becomes vested and its character determined at the time of the creation of the contract.¹ From this it follows that if the policy is taken out before marriage, the proceeds are the sep-

1. 38 La. Ann. 219 (1886).