

SUPREME COURT OF LOUISIANA

NO. 99-C-0761

SUCCESSION OF JOSEPH PAGE BOYTER

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL
SECOND CIRCUIT, PARISH OF CADDO**

VICTORY, J., dissenting.

In my view § 2501(B)(1)(c) controls. The majority acknowledges that Mr. Boyter's testament omits two of his children, but maintains that the language of the will does not indicate an intent to restrict these "forced heirs" to an amount less than the legitime. I disagree. The language of Mr. Boyter's testament which affirmatively leaves all of his property to two of his four children, clearly and unequivocally indicates his intent that the omitted "forced heirs" are to be restricted to an amount less than the legitime, i.e., they are to get nothing.