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STATE OF LOUISIANA
COURT OF APPEAL
FIRST CIRCUIT

2020 CA 1026 c/w 2020 CA 1027

SUCCESSION OF GERONIMO JI JAGA

CONSOLIDATED WITH

AMERICAN GENERAL LIFE INSURANCE COMPANY, SUCCESSOR TO
WESTERN NATIONAL LIFE INSURANCE COMPANY F/K/A AIG ANNUITY
INSURANCE COMPANY, SUCCESSOR TO AMERICAN GENERAL
ANNUITY INSURANCE COMPANY

VERSUS

JOJUYOUNGHI CLEAVER, AS SURVIVING SPOUSE AND AS NATURAL
TUTRIX OF THE MINOR CHILD, K.J.J.; LAILA MINJA, AS NATURAL
TUTRIX OF THE MINOR CHILD, T.G.J.; SHONA PRATT
AND HIROJI PRATT

Judgment rendered: DEC 14 2021

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On Appeal from the
Sixteenth Judicial District Court
In and for the Parish of St. Mary, State of Louisiana
No. 19232 c/w 128836

The Honorable Keith R. J. Comeaux, Judge Presiding

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Ronald E. Stutes
Baton Rouge, Louisiana

Attorney for
Plaintiffs/Defendants/Appellants
Shona Pratt, Hiroji Pratt, and Nikki
Michaux

Emily E. Eagan
New Orleans, Louisiana

Attorney for Defendant/Appellee
American General Life Insurance
Company

M. Janice Villarrubia
Baton Rouge, Louisiana

Attorney for
Plaintiff/Defendant/Appellee
Jojuyounghi "Joju" Cleaver as
Administratrix and as Agent under

Judge, J. Comeaux in the result.

Specific Power of Attorney for
Kayode Ji Jaga

Joseph A. Prokop, Jr.
Baton Rouge, Louisiana

Attorney for Defendant/Appellee
Jojuyounghi “Joju” Cleaver as
Surviving Spouse of the Decedent

Mark R. Callender
Baton Rouge, Louisiana

Attorney for Defendant/Appellee
Glory William “Laila” Minja as
Natural Tutrix of the Minor Child,
Tkumsah Geronimo Jaga

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BEFORE: GUIDRY, HOLDRIDGE, AND CHUTZ, JJ.

HOLDRIDGE, J.

The adult children of the decedent appeal from a judgment of possession signed August 29, 2019 in their father's succession. Finding error, we reverse, vacate, and remand.

A full recitation of the pertinent facts and procedural history of this case are set forth in the companion opinion to this appeal, **Succession of Geronimo Ji Jaga c/w American General Life Insurance Company v. Jojuyoungi Cleaver, as surviving spouse and as natural tutrix of the minor child, Kayode Ji Jaga, et al.**, 2020 CA 1028 c/w 2020 CA 1029, also handed down this date. The companion appeal arose from the July 26, 2019 final judgment in the consolidated succession and concursus proceedings. In the July 2019 final judgment, the district court ruled that an annuity should be included in the mass of the succession. That ruling was the basis of the awards in the August 2019 judgment of possession before us in this appeal. The appellants urged the same assignments of error in both appeals and filed the same briefs.

For the reasons set forth in our opinion in **Succession of Jaga c/w American General Life Insurance Co. v. Cleaver**, 2020 CA 1028 c/w 2020 CA 1029 finding the inclusion of the annuity in the succession mass to be error, we reverse and vacate the August 29, 2019 judgment of possession from which the decedent's adult children, Shona Pratt, Hiroji Pratt, and Nikki Michaux, appeal. This matter is remanded for further proceedings consistent with this opinion and that of **Succession of Jaga c/w American General Life Insurance Co. v. Cleaver**, 2020 CA 1028 c/w 2020 CA 1029.

Costs of this appeal are assessed to Jojuyoungi "Joju" Cleaver as administratrix and as agent under specific power of attorney for Kayode Ji Jaga and Glory William "Laila" Minja as natural tutrix of the minor child, Tkumsah

Geronimo Jaga.

REVERSED, VACATED, AND REMANDED.