Louisiana Pocket
Civil Code
LOUISIANA CIVIL CODE PRÉCIS SERIES

Louisiana Law of Obligations in General
Alain Levasseur
4th Ed. 2015

Louisiana Law of Conventional Obligations
Alain Levasseur
2015

Louisiana Law of Sale and Lease
Alain Levasseur & David Gruning
3d Ed. 2015

Louisiana Law of Torts
Frank Marais
2010

Louisiana Law of Security Devices
Michael H. Rubin
2d Ed. 2017

Louisiana Law of Property
John Randall Trahan
2012

Louisiana Pocket Civil Code
2018
Louisiana Pocket
Civil Code

2018 Edition

Edited by

Alain Levasseur
PROFESSOR OF LAW, EMERITUS
FONDATION POUR LE DROIT CONTINENTAL
PAUL M. HEBERT LAW CENTER
LOUISIANA STATE UNIVERSITY

With the Assistance of

Kristi Parnell
Mallory Waller

CAROLINA ACADEMIC PRESS
Durham, North Carolina
## Contents

### Preliminary Title.
- Chapter 1. General Principles. 3
- Chapter 2. Interpretation of Laws. 4
- Chapter 3. Conflict of Laws. 5

### Book 1. Of Persons.
- Title 1. Natural and Juridical Persons. 7
- Title 2. Of Domicile. 8
- Title 3. Absent Persons.
  - Chapter 1. Curatorship of the Property of Absent Persons. 9
  - Chapter 2. Declaration of Death. 10
- Title 4. Husband and Wife.
  - Chapter 1. Marriage: General Principles. 12
  - Chapter 2. Nullity of Marriage. 13
  - Chapter 3. Incidents and Effects of Marriage. 14
  - Chapter 4. Termination of Marriage. 14
- Title 5. Divorce.
  - Chapter 1. The Divorce Action. 15
  - Chapter 2. Provisional and Incidental Proceedings.
    - Section 1. Spousal Support. 16
    - Section 2. Claim for Contributions to Education or Training. 19
    - Section 3. Child Custody. 20
    - Section 4. Child Support. 22
    - Section 5. Provisional and Incidental Proceedings in Actions of Nullity. 23
  - Chapter 3. Effects of Divorce. 24
- Title 6. Of Master and Servant. 24
Title 7. Parent and Child. 24
  Chapter 1. Filiation. 24
  Chapter 2. Filiation by Proof of Maternity or Paternity. 25
    Section 1. Proof of Maternity. 25
    Section 2. Proof of Paternity. 25
  Chapter 3. Filiation by Adoption. 28
    Section 1. Effect of Adoption. 28
    Section 2. Adoption of Minors. 28
    Section 3. Adoption of Adults. 29
  Chapter 4. Filiation of Children by Assisted Reproductive Technology [Reserved]. 29
  Chapter 5. Parental Authority of Married Persons. 29
    Section 1. General Principles of Parental Authority. 29
    Section 2. Obligations of Parents. 30
    Section 3. Obligations of Children. 30
    Section 4. Authority over the Property of the Child. 30
    Section 5. Person Having Parental Authority and of Its Delegation and Suspension. 31
    Section 6. Termination of Parental Authority. 32
  Chapter 6. Obligations of Children and Parents and Other Ascendants. 32
Title 8. Of Minors, of Their Tutorship and Emancipation. 33
  Chapter 1. Of Tutorship. 33
    Section 1. General Dispositions. 33
    Section 2. Of Tutorship by Nature. 34
    Section 3. Of the Tutorship by Will. 35
    Section 4. Of the Tutorship by the Effect of the Law. 36
    Section 5. Of Dative Tutorship. 37
    Section 6. Of the Undertutor. 37
    Section 7. Of Family Meetings. 38
    Section 8. Of the Causes Which Dispense or Excuse from the Tutorship. 38
    Section 9. Of the Incapacity For, the Exclusion From, and Deprivation of the Tutorship. 40
    Section 10. Of the Appointment, Recognition, or Confirmation of Tutors, of the Persons Whose Duty It Is to Cause Tutors to Be Appointed and of the Liability of Such Persons. 40
    Section 11. Of the Administration of the Tutor. 41
CONTENTS

Section 12. Of Continuing or Permanent Tutorship of Persons with Intellectual Disabilities. 42

Chapter 2. Emancipation. 45

Title 9. Of Persons Incapable of Administering Their Estates, Whether on Account of Insanity or Some Other Infirmity, and of Their Interdiction and Curatorship. 46

Chapter 1. Grounds for Interdiction. 46

Chapter 2. General Duties of Curators and Undercurators. 47

Chapter 3. Effects of Interdiction. 48

Chapter 4. Modification and Termination of Interdiction. 48

Chapter 5. Responsibility for Wrongful Filing of Interdiction Petition. 49

Book 2. Things and the Different Modifications of Ownership. 51

Title 1. Things. 51

Chapter 1. Division of Things. 51

Section 1. General Principles. 51

Section 2. Immovables. 53

Section 3. Movables. 55

Chapter 2. Rights in Things. 56

Title 2. Ownership. 56

Chapter 1. General Principles. 56

Chapter 2. Right of Accession. 57

Section 1. Ownership of Fruits. 57

Section 2. Accession in Relation to Immovables. 58

Section 3. Accession in Relation to Movables. 62

Chapter 3. Transfer of Ownership by Agreement. 63

Chapter 4. Protection of Ownership. 65

Title 3. Personal Servitudes. 66

Chapter 1. Kinds of Servitudes. 66

Chapter 2. Usufruct. 66

Section 1. General Principles. 66

Section 2. Rights of the Usufructuary. 69

Section 3. Obligations of the Usufructuary. 72

Section 4. Rights and Obligations of the Naked Owner. 78

Section 5. Termination of Usufruct. 79

Chapter 3. Habitation. 83

Chapter 4. Rights of Use. 84

Title 4. Predial Servitudes. 85
Chapter 1. General Principles.  
Chapter 2. Natural Servitudes.  
Chapter 3. Legal Servitudes.  
  Section 1. Limitations of Ownership.  
  Section 2. Common Enclosures.  
  Section 3. Right of Passage.  
Chapter 4. Conventional or Voluntary Servitudes.  
  Section 1. Kinds of Conventional Servitudes.  
  Section 2. Establishment of Predial Servitudes by Title.  
  Section 3. Acquisition of Conventional Servitudes for 
  the Dominant Estate.  
  Section 4. Rights of the Owner of the Dominant Estate.  
  Section 5. Extinction of Predial Servitudes.  
Title 5. Building Restrictions.  
Title 6. Boundaries.  
  Chapter 1. General Provisions.  
  Chapter 2. Effect of Titles, Prescription, or Possession.  
Title 7. Ownership in Indivision.  

Book 3. Of the Different Modes of Acquiring the Ownership of Things.  
  Preliminary Title—General Dispositions.  
  Chapter 1. Of the Different Sorts of Successions and Successors.  
  Chapter 2. Of Intestate Succession.  
  Chapter 3. Of the Rights of the State.  
  Chapter 4. Commencement of Succession.  
  Chapter 5. Loss of Succession Rights.  
  Chapter 6. Acceptance and Renunciation of Successions.  
  Section 1. General Principles.  
  Section 2. Acceptance.  
  Section 3. Renunciation.  
  Chapter 7. Of the Seals, and of the Affixing and Raising of 
  the Same. [Repealed.]  
  Chapter 8. Of the Administration of Vacant and Intestate 
  Successions.  
  Section 1. General Dispositions.  
  Section 2. Of the Inventory of Vacant and Intestate Successions 
  Subject to Administration. [Repealed.]
Section 3. Of the Appointment of Curators to Successions, and of the Security They Are Bound to Give. [Repealed.] 126
Section 4. Of the Duties and Powers of Curators of Vacant Successions and of Absent Heirs. 126
Section 5. Of the Causes for Which a Curator of a Succession May Be Dismissed or Superseded. [Repealed.] 126
Section 6. Of the Sale of the Effects and of the Settlement of Successions Administered by Curators. 127
Section 7. Of the Account to Be Rendered by the Curators and the Commission Due to Them. 128
Section 8. Of the Appointment of Counsel of Absent Heirs, and of Their Duties. [Repealed.] 128
Chapter 9. Of the Successions of Persons Domiciliated Out of the State, and of the Tax Due by Foreign Heirs, Legatees and Donees. [Repealed.] 128
Section 1. Of the Successions of Persons Domiciliated Out of the State. [Repealed.] 128
Section 2. Of the Tax Due by Foreign Heirs, Legatees and Donees. [Repealed.] 129
Chapter 10. Of Successions Administered by Syndics. [Repealed.] 129
Chapter 11. Of Collations.
Section 1. What Collation Is, and by Whom It Is Due. 129
Section 2. To Whom the Collation Is Due, and What Things Are Subject to It. 132
Section 3. How Collations Are Made. 133
Chapter 12. Of the Partition of Successions.
Section 1. Of the Nature of Partition, and of Its Several Kinds. 140
Section 2. Among What Persons Partition Can Be Sued For. 142
Section 3. In What Manner the Judicial Partition Is Made. 144
Section 4. How the Recorder of the Parish or the Notary Is Bound to Proceed in the Judicial Partition. 147
Section 5. Of the Effect of Partition. 152
Section 6. Of the Warranty of Partition. 153
Section 7. Of the Rescission of Partition. 154
Chapter 13. Payment of the Debts of an Estate.
Section 1. General Dispositions Introduction. 157
Section 2. Rights of Creditors. 157
Section 3. Responsibility of Successors among Themselves. 158
Title 2. Donations.
<table>
<thead>
<tr>
<th>Chapter 1. General Dispositions.</th>
<th>160</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 2. Of the Capacity Necessary for Disposing and Receiving by Donation Inter Vivos or Mortis Causa.</td>
<td>161</td>
</tr>
<tr>
<td>Chapter 3. The Disposable Portion and Its Reduction in Case of Excess.</td>
<td>163</td>
</tr>
<tr>
<td>Chapter 4. Of Dispositions Reprobated by Law in Donations Inter Vivos and Mortis Causa.</td>
<td>169</td>
</tr>
<tr>
<td>Chapter 5. Donations Inter Vivos.</td>
<td>170</td>
</tr>
<tr>
<td>Section 1. General Dispositions.</td>
<td>170</td>
</tr>
<tr>
<td>Section 2. Of the Form of Donations Inter Vivos.</td>
<td>171</td>
</tr>
<tr>
<td>Section 3. Exceptions to the Rule of the Irrevocability of Donations Inter Vivos.</td>
<td>173</td>
</tr>
<tr>
<td>Chapter 6. Dispositions Mortis Causa.</td>
<td>175</td>
</tr>
<tr>
<td>Section 1. Testaments Generally.</td>
<td>175</td>
</tr>
<tr>
<td>Section 2. Forms of Testaments.</td>
<td>176</td>
</tr>
<tr>
<td>Section 3. Of the Competence of Witnesses and of Certain Designations in Testaments.</td>
<td>180</td>
</tr>
<tr>
<td>Section 4. Testamentary Dispositions.</td>
<td>181</td>
</tr>
<tr>
<td>Section 5. Probate of Testaments.</td>
<td>185</td>
</tr>
<tr>
<td>Section 6. Revocation of Testaments and Legacies.</td>
<td>185</td>
</tr>
<tr>
<td>Section 7. Rules for the Interpretation of Legacies.</td>
<td>186</td>
</tr>
<tr>
<td>Section 8. Disinheritson.</td>
<td>187</td>
</tr>
<tr>
<td>Chapter 7. Of Partitions Made by Parents and Other Ascendants Among Their Descendants.</td>
<td>189</td>
</tr>
<tr>
<td>Chapter 8. Of Donations Inter Vivos Made in Contemplation of Marriage by Third Persons.</td>
<td>191</td>
</tr>
<tr>
<td>Section 1. In General.</td>
<td>191</td>
</tr>
<tr>
<td>Section 2. Donations of Present Property.</td>
<td>191</td>
</tr>
<tr>
<td>Section 3. Donations of Property to Be Left at Death.</td>
<td>192</td>
</tr>
<tr>
<td>Chapter 9. Of Interspousal Donations Inter Vivos.</td>
<td>193</td>
</tr>
<tr>
<td>Title 3. Obligations in General.</td>
<td>195</td>
</tr>
<tr>
<td>Chapter 1. General Principles.</td>
<td>195</td>
</tr>
<tr>
<td>Chapter 2. Natural Obligations.</td>
<td>196</td>
</tr>
<tr>
<td>Chapter 3. Kinds of Obligations.</td>
<td>197</td>
</tr>
<tr>
<td>Section 1. Real Obligations.</td>
<td>197</td>
</tr>
<tr>
<td>Section 2. Strictly Personal and Heritable Obligations.</td>
<td>197</td>
</tr>
<tr>
<td>Section 3. Conditional Obligations.</td>
<td>198</td>
</tr>
<tr>
<td>Section 4. Obligations with a Term.</td>
<td>199</td>
</tr>
<tr>
<td>Section 5. Obligations with Multiple Persons.</td>
<td>201</td>
</tr>
</tbody>
</table>
CONTENTS

Section 6. Conjunctive and Alternative Obligations. 204
Section 7. Divisible and Indivisible Obligations. 205
Chapter 4. Transfer of Obligations. 206
Section 1. Assumption of Obligations. 206
Section 2. Subrogation. 207
Chapter 5. Proof of Obligations. 208
Chapter 6. Extinction of Obligations. 212
Section 1. Performance. 212
Section 2. Impossibility of Performance. 215
Section 3. Novation. 217
Section 4. Remission of Debt. 218
Section 5. Compensation. 219
Section 6. Confusion. 221
Title 4. Conventional Obligations or Contracts. 221
Chapter 1. General Principles. 221
Chapter 2. Contractual Capacity and Exceptions. 223
Chapter 3. Consent. 224
Chapter 4. Vices of Consent. 227
Section 1. Error. 227
Section 2. Fraud. 228
Section 3. Duress. 229
Section 4. Lesion. 230
Chapter 5. Cause. 230
Chapter 6. Object and Matter of Contracts. 231
Chapter 7. Third Party Beneficiary. 232
Chapter 8. Effects of Conventional Obligations. 232
Section 1. General Effects of Contracts. 232
Section 2. Specific Effects of Performance. 233
Section 3. Putting in Default. 233
Section 4. Damages. 234
Section 5. Stipulated Damages. 236
Chapter 9. Dissolution. 237
Chapter 10. Simulation. 239
Chapter 11. Nullity. 240
Chapter 12. Revocatory Action and Oblique Action. 241
Section 1. Revocatory Action. 241
Section 2. Oblique Action. 243
Chapter 13. Interpretation of Contracts. 243
Title 5. Obligations Arising without Agreement. 245
Chapter 1. Management of Affairs (Negotiorum Gestio).  245
Chapter 2. Enrichment without Cause.  246
  Section 1. General Principles.  246
  Section 2. Payment of a Thing Not Owed.  247
Chapter 3. Of Offenses and Quasi Offenses.  248
Title 6. Matrimonial Regimes.  256
  Chapter 1. General Principles.  256
  Chapter 2. The Legal Regime of Community of Acquests and
          Gains.  258
          Section 1. General Dispositions.  258
          Section 2. Management of Community Property.  261
          Section 3. Termination of the Community.  263
  Chapter 3. Separation of Property Regime.  269
  Chapter 4. Marital Portion.  271
Title 7. Sale.  272
  Chapter 1. Of the Nature and Form of the Contract of Sale.  272
  Chapter 2. Of Persons Capable of Buying and Selling.  273
  Chapter 3. Of Things Which May Be Sold.  273
  Chapter 4. How the Contract of Sale Is to Be Perfected.  274
  Chapter 5. Of the Price of the Contract of Sale.  275
  Chapter 6. At Whose Risk the Thing Is, After the Sale Is
          Completed.  276
  Chapter 7. Of the Obligations of the Seller.  276
  Chapter 8. Eviction.  279
  Chapter 9. Redhibition.  281
  Chapter 10. Of the Obligations of the Buyer.  286
  Chapter 11. Of the Sale with a Right of Redemption.  288
  Chapter 12. Rescission for Lesion Beyond Moiety.  290
  Chapter 13. Sales of Movable.  292
  Chapter 14. Agreements Preparatory to the Sale.  296
          Section 1. Option.  296
          Section 2. Contract to Sell.  296
          Section 3. Right of First Refusal.  297
          Section 4. Effects.  297
  Chapter 15. Assignment of Rights.  298
  Chapter 16. Of the Giving in Payment.  300
Title 8. Of Exchange.  301
Title 9. Lease.  302
  Chapter 1. General Provisions.  302
Chapter 2. Essential Elements.  
Section 1. The Thing.  
Section 2. The Rent.  
Section 3. The Term.  
Section 4. Form.  
Chapter 3. The Obligations of the Lessor and the Lessee.  
Section 1. Principal Obligations.  
Section 2. Delivery.  
Section 3. Use of the Thing by the Lessee.  
Section 4. Alterations, Repairs, and Additions.  
Section 5. Lessor's Warranties.  
Section 6. Payment of Rent.  
Section 7. Lessor's Security Rights.  
Section 8. Transfer of Interest by the Lessor or the Lessee.  
Chapter 4. Termination and Dissolution.  
Section 1. Rules Applicable to All Leases.  
Section 2. Leases with a Fixed Term.  
Section 3. Leases with Indeterminate Term.  
Chapter 5. Of the Letting Out of Labor or Industry.  
Section 1. Of the Hiring of Servants and Laborers.  
Section 2. Of Carriers and Watermen.  
Section 3. Of Constructing Buildings According to Plots, and Other Works by the Job, and of Furnishing Materials.  
Title 10. Annuities.  
Chapter 1. Annuity Contract.  
Chapter 2. Annuity Charge.  
Title 11. Partnership.  
Chapter 1. General Principles.  
Chapter 2. Obligations and Rights of Partners Toward Each Other and Toward the Partnership.  
Chapter 3. Relations of the Partnership and the Partners with Third Persons.  
Chapter 4. Cessation of Membership.  
Section 1. Causes of Cessation.  
Section 2. Effects of Cessation of Membership and Rights of the Former Partner.  
Chapter 5. Termination of a Partnership.  
Section 1. Causes of Termination.  
Section 2. Effects of Termination of Partnership and Rights of Former Partners.
Chapter 6. Dissolution, Liquidation, and Division of Assets. 331
Chapter 7. Partnership in Commendam. 331

Title 12. Loan. 334
Chapter 1. Loan for Use (Commodatum). 334
Chapter 2. Loan for Consumption (Mutuum). 336
Chapter 3. Loan on Interest. 338

Title 13. Deposit and Sequestration. 338
Chapter 1. Deposit. 338
Chapter 2. Deposit with Innkeepers. 340
Chapter 3. Conventional Sequestration. 341
Chapter 4. Judicial Sequestration. 342

Title 14. Of Aleatory Contracts. 342

Title 15. Representation and Mandate. 343
Chapter 1. Representation. 343
Chapter 2. Mandate. 344
   Section 1. General Principles. 344
   Section 2. Relations between the Principal and the
   Mandatary. 346
   Section 3. Relations between the Principal, the Mandatary,
   and Third Persons. 348
   Section 4. Termination of the Mandate and of the Authority
   of the Mandatary. 349

Title 16. Suretyship. 351
Chapter 1. Nature and Extent of Suretyship. 351
Chapter 2. Kinds of Suretyship. 352
Chapter 3. The Effects of Suretyship between the Surety
   and Creditor. 353
Chapter 4. The Effects of Suretyship between the Surety and
   Principal Obligor. 353
Chapter 5. The Effects of Suretyship among Several Sureties. 355
Chapter 6. Termination or Extinction of Suretyship. 355
Chapter 7. Legal Suretyship. 357

Title 17. Compromise. 358

Title 19. Of Arbitration. 360

Title 20. Security. 364
   Chapter 1. General Provisions. 365

Title 20-A. Pledge. 366
   Chapter 1. General Provisions. 366
   Chapter 2. The Pledge of the Lessor’s Rights in the Lease of an
   Immovable and Its Rents. 370
Title 21. Of Privileges. 371
   Chapter 1. General Provisions. 371
   Chapter 2. Of the Several Kinds of Privileges. 372
   Chapter 3. Of Privileges on Movable. 372
      Section 1. Of General Privileges on Movable. 372
      Section 2. Of the Privileges on Particular Movable. 376
      Section 3. Of the Privilege on Ships and Merchandise. 381
   Chapter 4. Of Privileges on Immovable. 384
   Chapter 5. Of Privileges Which Embrace Both Movable and Immovable. 385
   Chapter 6. Of the Order in Which Privileged Creditors Are to Be Paid. 386
   Chapter 7. How Privileges Are Preserved and Recorded. 389
   Chapter 8. Of the Manner in Which Privileges Are Extinguished. 390

Title 22. Mortgages. 391
   Chapter 1. General Provisions. 391
   Chapter 2. Conventional Mortgages. 392
   Chapter 3. Judicial and Legal Mortgages. 394
   Chapter 4. The Effect and Rank of Mortgages. 395
   Chapter 5. Third Possessors. 396
   Chapter 6. Extinction of Mortgages. 397
   Chapter 7. Inscription of Mortgages and Privileges. 397

Title 22-A. Of Registry. 399
   Chapter 1. General Provisions. 399
   Chapter 2. Mortgage Records. 403
      Section 1. General Provisions. 403
      Section 2. Method and Duration of Recordation. 404
      Section 3. Cancellation. 406

Title 23. Occupancy and Possession. 407
   Chapter 1. Occupancy. 407
   Chapter 2. Possession. 408
      Section 1. Notion and Kinds of Possession. 408
      Section 2. Acquisition, Exercise, Retention, and Loss of Possession. 409
      Section 3. Vices of Possession. 410
      Section 4. Precarious Possession. 410
      Section 5. Transfer, Tacking, and Proof of Possession. 411

Title 24. Prescription. 412
   Chapter 1. General Principles. 412
      Section 1. Prescription. 412
CONTENTS

Section 2. Peremption. 413
Chapter 2. Interruption and Suspension of Prescription. 414
  Section 1. Interruption of Prescription. 414
  Section 2. Suspension of Prescription. 415
Chapter 3. Acquisitive Prescription. 416
  Section 1. Immovables: Prescription of Ten Years in Good Faith and Under Just Title. 416
  Section 2. Immovables: Prescription of Thirty Years. 418
  Section 3. Movable: Acquisitive Prescription of Three Years or Ten Years. 418
Chapter 4. Liberative Prescription. 419
  Section 1. One Year Prescription. 419
  Section 1-A. Two-Year Prescription. 419
  Section 2. Three Year Prescription. 419
  Section 3. Five Year Prescription. 421
  Section 4. Ten Year Prescription. 421
  Section 5. Thirty Year Prescription. 422
  Section 6. Interruption and Suspension of Liberative Prescription. 422
Title 25. Of the Signification of Sundry Terms of Law Employed in This Code. 423

Book 4. Conflict of Laws. 427
  Title 1. General Provisions. 427
  Title 2. Status. 428
  Title 3. Marital Property. 429
  Title 4. Successions. 430
  Title 5. Real Rights. 431
  Title 6. Conventional Obligations. 432
  Title 7. Delictual and Quasi-Delictual Obligations. 433
  Title 8. Liberative Prescription. 436

Index 437