

CIVIL CODE SERIES

LOUISIANA POCKET CIVIL CODE

2016 EDITION

LEXISNEXIS LAW SCHOOL PUBLISHING ADVISORY BOARD

Paul Caron

Professor of Law

Pepperdine University School of Law

Bridgette Carr

Clinical Professor of Law

University of Michigan Law School

Steven I. Friedland

Professor of Law and Senior Scholar

Elon University School of Law

Carole Goldberg

Jonathan D. Varat Distinguished Professor of Law

UCLA School of Law

Oliver Goodenough

Professor of Law

Vermont Law School

John Sprankling

Distinguished Professor of Law

McGeorge School of Law

CIVIL CODE SERIES

LOUISIANA POCKET CIVIL CODE

2016 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:

KIMBERLY ULASIEWICZ



ISBN: 978-1-6328-4667-9 (print)

ISBN: 978-1-6328-4668-6 (eBook)

This publication is designed to provide authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender and the Matthew Bender Flame Design are registered trademarks of Matthew Bender Properties Inc.

Copyright © 2015 Matthew Bender & Company, Inc., a member of LexisNexis. All Rights Reserved.

No copyright is claimed by LexisNexis or Matthew Bender & Company, Inc., in the text of statutes, regulations, and excerpts from court opinions quoted within this work. Permission to copy material may be licensed for a fee from the Copyright Clearance Center, 222 Rosewood Drive, Danvers, Mass. 01923, telephone (978) 750-8400.

NOTE TO USERS

To ensure that you are using the latest materials available in this area, please be sure to periodically check the LexisNexis Law School web site for downloadable updates and supplements at www.lexisnexis.com/lawschool.

Editorial Offices

121 Chanlon Rd., New Providence, NJ 07974 (908) 464-6800

201 Mission St., San Francisco, CA 94105-1831 (415) 908-3200

www.lexisnexis.com

MATTHEW  BENDER

(2016-Pub.29727)

CIVIL CODE SERIES

LOUISIANA POCKET CIVIL CODE
2016

LOUISIANA CIVIL CODE PRÉCIS SERIES

LOUISIANA LAW OF OBLIGATIONS IN GENERAL
ALAIN LEVASSEUR
4TH ED. 2015

LOUISIANA LAW OF CONVENTIONAL OBLIGATIONS
ALAIN LEVASSEUR
2D ED. 2015

LOUISIANA LAW OF TORTS
FRANK MARAIST
2010

LOUISIANA LAW OF SALE AND LEASE
ALAIN LEVASSEUR & DAVID GRUNING
3RD ED. 2015

LOUISIANA LAW OF SECURITY DEVICES
MICHAEL H. RUBIN
2011

LOUISIANA LAW OF PROPERTY
JOHN RANDALL TRAHAN
2012

LOUISIANA LAW OF PERSONS
MONICA H. WALLACE
FORTHCOMING

LOUISIANA LAW OF SUCCESSIONS
FORTHCOMING

TABLE OF CONTENTS

PRELIMINARY TITLE.1

 CHAPTER 1. GENERAL PRINCIPLES.1

 CHAPTER 2. INTERPRETATION OF LAWS.2

 CHAPTER 3. CONFLICT OF LAWS.2

BOOK 1. OF PERSONS.2

 TITLE 1. NATURAL AND JURIDICAL PERSONS.2

 TITLE 2. OF DOMICILE.3

 TITLE 3. ABSENT PERSONS.4

 CHAPTER 1. CURATORSHIP OF THE PROPERTY
 OF ABSENT PERSONS.4

 CHAPTER 2. DECLARATION OF DEATH.5

 TITLE 4. HUSBAND AND WIFE.6

 CHAPTER 1. MARRIAGE: GENERAL PRINCIPLES.6

 CHAPTER 2. NULLITY OF MARRIAGE.7

 CHAPTER 3. INCIDENTS AND EFFECTS OF MARRIAGE.8

 CHAPTER 4. TERMINATION OF MARRIAGE.8

 TITLE 5. DIVORCE.9

 CHAPTER 1. THE DIVORCE ACTION.9

 CHAPTER 2. PROVISIONAL AND INCIDENTAL
 PROCEEDINGS.10

 SECTION 1. SPOUSAL SUPPORT.10

 SECTION 2. CLAIM FOR CONTRIBUTIONS TO
 EDUCATION OR TRAINING.12

 SECTION 3. CHILD CUSTODY.12

 SECTION 4. CHILD SUPPORT.14

 SECTION 5. PROVISIONAL AND INCIDENTAL
 PROCEEDINGS IN ACTIONS OF NULLITY.15

 CHAPTER 3. EFFECTS OF DIVORCE.15

 TITLE 6. OF MASTER AND SERVANT.15

 TITLE 7. PARENT AND CHILD.16

 CHAPTER 1. FILIIATION.16

 CHAPTER 2. FILIIATION BY PROOF OF MATERNITY
 OR PATERNITY.16

 SECTION 1. PROOF OF MATERNITY.16

 SECTION 2. PROOF OF PATERNITY.16

TABLE OF CONTENTS

viii

SUBSECTION A.	THE PRESUMPTION OF PATERNITY OF HUSBAND; DISAVOWAL OF PATERNITY; CONTESTATION; ESTABLISHMENT OF PATERNITY.	16
SUBSECTION B.	PRESUMPTION OF PATERNITY BY SUBSEQUENT MARRIAGE AND ACKNOWLEDGMENT.	18
SUBSECTION C.	OTHER METHODS OF ESTABLISHING PATERNITY.	18
CHAPTER 3.	FILIATION BY ADOPTION.	19
SECTION 1.	EFFECT OF ADOPTION.	19
SECTION 2.	ADOPTION OF MINORS.	19
SECTION 3.	ADOPTION OF ADULTS.	19
CHAPTER 4.	FILIATION OF CHILDREN BY ASSISTED REPRODUCTIVE TECHNOLOGY [<i>RESERVED</i>].	20
CHAPTER 5.	PARENTAL AUTHORITY OF MARRIED PERSONS.	20
SECTION 1.	GENERAL PRINCIPLES OF PARENTAL AUTHORITY.	20
SECTION 2.	OBLIGATIONS OF PARENTS.	20
SECTION 3.	OBLIGATIONS OF CHILDREN.	20
SECTION 4.	AUTHORITY OF THE PROPERTY OF THE CHILD.	21
SECTION 5.	PERSON HAVING PARENTAL AUTHORITY AND OF ITS DELEGATION AND SUSPENSION.	21
SECTION 6.	TERMINATION OF PARENTAL AUTHORITY.	22
CHAPTER 6.	OBLIGATIONS OF CHILDREN AND PARENTS AND OTHER ASCENDANTS.	22
TITLE 8.	OF MINORS, OF THEIR TUTORSHIP AND EMANCIPATION.	23
CHAPTER 1.	OF TUTORSHIP.	23
SECTION 1.	GENERAL DISPOSITIONS.	23
SECTION 2.	OF TUTORSHIP BY NATURE.	23
SECTION 3.	OF THE TUTORSHIP BY WILL.	24
SECTION 4.	OF THE TUTORSHIP BY THE EFFECT OF THE LAW.	25
SECTION 5.	OF DATIVE TUTORSHIP.	25
SECTION 6.	OF THE UNDERTUTOR.	26
SECTION 7.	OF FAMILY MEETINGS.	26
SECTION 8.	OF THE CAUSES WHICH DISPENSE OR EXCUSE FROM THE TUTORSHIP.	26
SECTION 9.	OF THE INCAPACITY FOR, THE EXCLUSION FROM, AND DEPRIVATION OF THE TUTORSHIP.	28
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.....	28
SECTION 11.	OF THE ADMINISTRATION OF THE TUTOR.....	29
SECTION 12.	OF CONTINUING OR PERMANENT TUTORSHIP OF PERSONS WITH INTELLECTUAL DISABILITIES.....	29
CHAPTER 2.	EMANCIPATION.	31
TITLE 9.	OF PERSONS INCAPABLE OF ADMINISTERING THEIR ESTATES, WHETHER ON ACCOUNT OF INSANITY OR SOME OTHER INFIRMITY, AND OF THEIR INTERDICTION AND CURATORSHIP.....	32
CHAPTER 1.	GROUND FOR INTERDICTION.	32
CHAPTER 2.	GENERAL DUTIES OF CURATORS AND UNDERCURATORS.....	33
CHAPTER 3.	EFFECTS OF INTERDICTION.....	33
CHAPTER 4.	MODIFICATION AND TERMINATION OF INTERDICTION.....	34
CHAPTER 5.	RESPONSIBILITY FOR WRONGFUL FILING OF INTERDICTION PETITION.....	34
BOOK 2.	THINGS AND THE DIFFERENT MODIFICATIONS OF OWNERSHIP.	34
TITLE 1.	THINGS.....	34
CHAPTER 1.	DIVISION OF THINGS.	34
SECTION 1.	GENERAL PRINCIPLES.	34
SECTION 2.	IMMOVABLES.....	36
SECTION 3.	MOVABLES.	37
CHAPTER 2.	RIGHTS IN THINGS.	38
TITLE 2.	OWNERSHIP.....	38
CHAPTER 1.	GENERAL PRINCIPLES.....	38
CHAPTER 2.	RIGHT OF ACCESSION.	39
SECTION 1.	OWNERSHIP OF FRUITS.	39
SECTION 2.	ACCESSION IN RELATION TO IMMOVABLES.....	40
SECTION 3.	ACCESSION IN RELATION TO MOVABLES.	42
CHAPTER 3.	TRANSFER OF OWNERSHIP BY AGREEMENT.....	44
CHAPTER 4.	PROTECTION OF OWNERSHIP.	45
TITLE 3.	PERSONAL SERVITUDES.	46
CHAPTER 1.	KINDS OF SERVITUDES.	46
CHAPTER 2.	USUFRUCT.....	46
SECTION 1.	GENERAL PRINCIPLES.	46
SECTION 2.	RIGHTS OF THE USUFRUCTUARY.....	48

TABLE OF CONTENTS

x

SECTION 3. OBLIGATIONS OF THE USUFRUCTUARY.....	50
SECTION 4. RIGHTS AND OBLIGATIONS OF THE NAKED OWNER.	55
SECTION 5. TERMINATION OF USUFRUCT.	55
CHAPTER 3. HABITATION.	58
CHAPTER 4. RIGHTS OF USE.	59
TITLE 4. PREDIAL SERVITUDES.	60
CHAPTER 1. GENERAL PRINCIPLES.....	60
CHAPTER 2. NATURAL SERVITUDES.	61
CHAPTER 3. LEGAL SERVITUDES.	61
SECTION 1. LIMITATIONS OF OWNERSHIP.....	61
SECTION 2. COMMON ENCLOSURES.	63
SECTION 3. RIGHT OF PASSAGE.	65
CHAPTER 4. CONVENTIONAL OR VOLUNTARY SERVITUDES.....	66
SECTION 1. KINDS OF CONVENTIONAL SERVITUDES.....	66
SECTION 2. ESTABLISHMENT OF PREDIAL SERVITUDES BY TITLE.	68
SECTION 3. ACQUISITION OF CONVENTIONAL SERVITUDES FOR THE DOMINANT ESTATE.	71
SECTION 4. RIGHTS OF THE OWNER OF THE DOMINANT ESTATE.	72
SECTION 5. EXTINCTION OF PREDIAL SERVITUDES.....	73
TITLE 5. BUILDING RESTRICTIONS.	75
TITLE 6. BOUNDARIES.....	76
CHAPTER 1. GENERAL PROVISIONS.....	76
CHAPTER 2. EFFECT OF TITLES, PRESCRIPTION, OR POSSESSION.....	77
TITLE 7. OWNERSHIP IN INDIVISION.	78
BOOK 3. OF THE DIFFERENT MODES OF ACQUIRING THE OWNERSHIP OF THINGS.	80
PRELIMINARY TITLE—GENERAL DISPOSITIONS.....	80
TITLE 1. OF SUCCESSIONS.....	81
CHAPTER 1. OF THE DIFFERENT SORTS OF SUCCESSIONS AND SUCCESSORS.....	81
CHAPTER 2. OF INTESTATE SUCCESSION.	81
CHAPTER 3. OF THE RIGHTS OF THE STATE.	84
CHAPTER 4. COMMENCEMENT OF SUCCESSION.	85
CHAPTER 5. LOSS OF SUCCESSION RIGHTS.....	85
CHAPTER 6. ACCEPTANCE AND RENUNCIATION OF SUCCESSIONS.	87
SECTION 1. GENERAL PRINCIPLES.	88

TABLE OF CONTENTS

SECTION 2.	ACCEPTANCE.....	88
SECTION 3.	RENUNCIATION.....	88
CHAPTER 7.	OF THE SEALS, AND OF THE AFFIXING AND RAISING OF THE SAME <i>[REPEALED.]</i>	89
CHAPTER 8.	OF THE ADMINISTRATION OF VACANT AND INTESTATE SUCCESSIONS.	89
SECTION 1.	GENERAL DISPOSITIONS.	89
SECTION 2.	OF THE INVENTORY OF VACANT AND INTESTATE SUCCESSIONS SUBJECT TO ADMINISTRATION <i>[REPEALED.]</i>	90
SECTION 3.	OF THE APPOINTMENT OF CURATORS TO SUCCESSIONS, AND OF THE SECURITY THEY ARE BOUND TO GIVE <i>[REPEALED.]</i>	90
SECTION 4.	OF THE DUTIES AND POWERS OF CURATORS OF VACANT SUCCESSIONS AND OF ABSENT HEIRS.....	90
SECTION 5.	OF THE CAUSES OF WHICH A CURATOR OF A SUCCESSION MAY BE DISMISSED OR SUPERSEDED <i>[REPEALED.]</i>	91
SECTION 6.	OF THE SALE OF THE EFFECTS AND OF THE SETTLEMENT OF SUCCESSIONS ADMINISTERED BY CURATORS.....	91
SECTION 7.	OF THE ACCOUNT TO BE RENDERED BY THE CURATORS AND THE COMMISSION DUE TO THEM.	91
SECTION 8.	OF THE APPOINTMENT OF COUNSEL OF ABSENT HEIRS, AND OF THEIR DUTIES <i>[REPEALED.]</i>	92
CHAPTER 9.	OF THE SUCCESSIONS OF PERSONS DOMICILIATED OUT OF THE STATE, AND OF THE TAX DUE BY FOREIGN HEIRS, LEGATEES AND DONEES <i>[REPEALED.]</i>	92
SECTION 1.	OF THE SUCCESSIONS OF PERSONS DOMICILIATED OUT OF THE STATE <i>[REPEALED.]</i>	92
SECTION 2.	OF THE TAX DUE BY FOREIGN HEIRS, LEGATEES AND DONEES <i>[REPEALED.]</i>	92
CHAPTER 10.	OF SUCCESSIONS ADMINISTERED BY SYNDICS <i>[REPEALED.]</i>	92
CHAPTER 11.	OF COLLATIONS.....	92
SECTION 1.	WHAT COLLATION IS, AND BY WHOM IT IS DUE.....	92
SECTION 2.	TO WHOM THE COLLATION IS DUE, AND WHAT THINGS ARE SUBJECT TO IT.....	95
SECTION 3.	HOW COLLATIONS ARE MADE.....	96
CHAPTER 12.	OF THE PARTITION OF SUCCESSIONS.	101
SECTION 1.	OF THE NATURE OF PARTITION, AND OF ITS SEVERAL KINDS.....	101

TABLE OF CONTENTS

xii

SECTION 2.	AMONG WHAT PERSONS PARTITION CAN BE SUED FOR.	103
SECTION 3.	IN WHAT MANNER THE JURIDICAL PARTITION IS MADE..	104
SECTION 4.	HOW THE RECORDER OF THE PARISH OR THE NOTARY IS BOUND TO PROCEED IN THE JUDICIAL PARTITION..	107
SECTION 5.	OF THE EFFECT OF PARTITION..	111
SECTION 6.	OF THE WARRANTY OF PARTITION.	111
SECTION 7.	OF THE RESCISSION OF PARTITION..	112
CHAPTER 13.	PAYMENT OF THE DEBTS OF AN ESTATE.	114
SECTION 1.	GENERAL DISPOSITIONS INTRODUCTION..	114
SECTION 2.	RIGHTS OF CREDITORS..	114
SECTION 3.	RESPONSIBILITY OF SUCCESSORS AMONG THEMSELVES..	115
TITLE 2.	DONATIONS.	117
CHAPTER 1.	GENERAL DISPOSITIONS..	117
CHAPTER 2.	OF THE CAPACITY NECESSARY FOR DISPOSING AND RECEIVING BY DONATION INTER VIVOS OR MORTIS CAUSA..	117
CHAPTER 3.	THE DISPOSABLE PORTION AND ITS REDUCTION IN CASE OF EXCESS.	119
CHAPTER 4.	OF DISPOSITIONS REPROBATED BY LAW IN DONATIONS INTER VIVOS AND MORTIS CAUSA..	123
CHAPTER 5.	DONATIONS INTER VIVOS..	124
SECTION 1.	GENERAL DISPOSITIONS.	124
SECTION 2.	OF THE FORM OF DONATIONS INTER VIVOS.	125
SECTION 3.	EXCEPTIONS TO THE RULE OF THE IRREVOCABILITY OF DONATIONS INTER VIVOS.	126
CHAPTER 6.	DISPOSITIONS MORTIS CAUSA..	128
SECTION 1.	TESTAMENTS GENERALLY..	128
SECTION 2.	FORMS OF TESTAMENTS..	129
SECTION 3.	OF THE COMPETENCE OF WITNESSES AND OF CERTAIN DESIGNATIONS IN TESTAMENTS..	132
SECTION 4.	TESTAMENTARY DISPOSITIONS..	132
SECTION 5.	PROBATE OF TESTAMENTS.	135
SECTION 6.	REVOCATION OF TESTAMENTS AND LEGACIES..	135
SECTION 7.	RULES FOR THE INTERPRETATION OF LEGACIES..	136
SECTION 8.	DISINHERISON.	137

CHAPTER 7.	OF PARTITIONS MADE BY PARENTS AND OTHER ASCENDANTS AMONG THEIR DESCENDANTS.....	138
CHAPTER 8.	OF DONATIONS INTER VIVOS MADE IN CONTEMPLATION OF MARRIAGE BY THIRD PERSONS.....	140
SECTION 1.	IN GENERAL.....	140
SECTION 2.	DONATIONS OF PRESENT PROPERTY.....	140
SECTION 3.	DONATIONS OF PROPERTY TO BE LEFT AT DEATH.....	140
CHAPTER 9.	OF INTERSPOUSAL DONATIONS INTER VIVOS.....	142
TITLE 3.	OBLIGATIONS IN GENERAL.....	143
CHAPTER 1.	GENERAL PRINCIPLES.....	143
CHAPTER 2.	NATURAL OBLIGATIONS.....	144
CHAPTER 3.	KINDS OF OBLIGATIONS.....	144
SECTION 1.	REAL OBLIGATIONS.....	144
SECTION 2.	STRICTLY PERSONAL AND HERITABLE OBLIGATIONS.....	144
SECTION 3.	CONDITIONAL OBLIGATIONS.....	145
SECTION 4.	OBLIGATIONS WITH A TERM.....	146
SECTION 5.	OBLIGATIONS WITH MULTIPLE PERSONS.....	147
SECTION 6.	CONJUNCTIVE AND ALTERNATIVE OBLIGATIONS.....	150
SECTION 7.	DIVISIBLE AND INDIVISIBLE OBLIGATIONS.....	151
CHAPTER 4.	TRANSFER OF OBLIGATIONS.....	151
SECTION 1.	ASSUMPTION OF OBLIGATIONS.....	151
SECTION 2.	SUBROGATION.....	152
CHAPTER 5.	PROOF OF OBLIGATIONS.....	153
CHAPTER 6.	EXTINCTION OF OBLIGATIONS.....	156
SECTION 1.	PERFORMANCE.....	156
SUBSECTION A.	IMPUTATION OF PAYMENT.....	157
SUBSECTION B.	TENDER AND DEPOSIT.....	158
SECTION 2.	IMPOSSIBILITY OF PERFORMANCE.....	158
SECTION 3.	NOVATION.....	159
SECTION 4.	REMISSION OF DEBT.....	160
SECTION 5.	COMPENSATION.....	161
SECTION 6.	CONFUSION.....	162
TITLE 4.	CONVENTIONAL OBLIGATIONS OR CONTRACTS.....	163
CHAPTER 1.	GENERAL PRINCIPLES.....	163
CHAPTER 2.	CONTRACTUAL CAPACITY AND EXCEPTIONS.....	164
CHAPTER 3.	CONSENT.....	165

TABLE OF CONTENTS

xiv

CHAPTER 4.	VICES OF CONSENT.....	167
SECTION 1.	ERROR.....	167
SECTION 2.	FRAUD.....	168
SECTION 3.	DURESS.....	169
SECTION 4.	LESION.....	169
CHAPTER 5.	CAUSE.....	169
CHAPTER 6.	OBJECT AND MATTER OF CONTRACTS.....	170
CHAPTER 7.	THIRD PARTY BENEFICIARY.....	171
CHAPTER 8.	EFFECTS OF CONVENTIONAL OBLIGATIONS.....	171
SECTION 1.	GENERAL EFFECTS OF CONTRACTS.....	171
SECTION 2.	SPECIFIC PERFORMANCE.....	172
SECTION 3.	PUTTING IN DEFAULT.....	172
SECTION 4.	DAMAGES.....	173
SECTION 5.	STIPULATED DAMAGES.....	174
CHAPTER 9.	DISSOLUTION.....	175
CHAPTER 10.	SIMULATION.....	177
CHAPTER 11.	NULLITY.....	177
CHAPTER 12.	REVOCATORY ACTION AND OBLIQUE ACTION.....	178
SECTION 1.	REVOCATORY ACTION.....	178
SECTION 2.	OBLIQUE ACTION.....	179
CHAPTER 13.	INTERPRETATION OF CONTRACTS.....	180
TITLE 5.	OBLIGATIONS ARISING WITHOUT AGREEMENT.....	181
CHAPTER 1.	MANAGEMENT OF AFFAIRS (<i>NEGOTIORUM GESTIO</i>).....	181
CHAPTER 2.	ENRICHMENT WITHOUT CAUSE.....	182
SECTION 1.	GENERAL PRINCIPLES.....	182
SECTION 2.	PAYMENT OF A THING NOT OWED.....	182
CHAPTER 3.	OF OFFENSES AND QUASI OFFENSES.....	183
TITLE 6.	MATRIMONIAL REGIMES.....	189
CHAPTER 1.	GENERAL PRINCIPLES.....	189
CHAPTER 2.	THE LEGAL REGIME OF COMMUNITY OF ACQUETS AND GAINS.....	190
SECTION 1.	GENERAL DISPOSITIONS.....	190
SECTION 2.	MANAGEMENT OF COMMUNITY PROPERTY.....	193
SECTION 3.	TERMINATION OF THE COMMUNITY.....	194
CHAPTER 3.	SEPARATION OF PROPERTY REGIME.....	199
CHAPTER 4.	MARITAL PORTION.....	200
TITLE 7.	SALE.....	201
CHAPTER 1.	OF THE NATURE AND FORM OF THE CONTRACT OF SALE.....	201

CHAPTER 2.	OF PERSONS CAPABLE OF BUYING AND SELLING.	202
CHAPTER 3.	OF THINGS WHICH MAY BE SOLD.	202
CHAPTER 4.	HOW THE CONTRACT OF SALE IS TO BE PERFECTED.	202
CHAPTER 5.	OF THE PRICE OF THE CONTRACT OF SALE.	203
CHAPTER 6.	AT WHOSE RISK THE THING IS, AFTER THE SALE IS COMPLETED.	204
CHAPTER 7.	OF THE OBLIGATIONS OF THE SELLER.	204
CHAPTER 8.	EVICITION.	206
CHAPTER 9.	REDHIBITION.	208
CHAPTER 10.	OF THE OBLIGATIONS OF THE BUYER.	211
CHAPTER 11.	OF THE SALE WITH A RIGHT OF REDEMPTION.	213
CHAPTER 12.	RESCISSION FOR LESION BEYOND MOIETY.	215
CHAPTER 13.	SALES OF MOVABLES.	216
CHAPTER 14.	AGREEMENTS PREPARATORY TO THE SALE.	219
SECTION 1.	OPTION.	219
SECTION 2.	CONTRACT TO SELL.	219
SECTION 3.	RIGHT OF FIRST REFUSAL.	220
SECTION 4.	EFFECTS.	220
CHAPTER 15.	ASSIGNMENT OF RIGHTS.	221
CHAPTER 16.	OF THE GIVING IN PAYMENT.	222
TITLE 8.	OF EXCHANGE.	223
TITLE 9.	LEASE.	223
CHAPTER 1.	GENERAL PROVISIONS.	223
CHAPTER 2.	ESSENTIAL ELEMENTS.	224
SECTION 1.	THE THING.	224
SECTION 2.	THE RENT.	224
SECTION 3.	THE TERM.	225
SECTION 4.	FORM.	225
CHAPTER 3.	THE OBLIGATIONS OF THE LESSOR AND THE LESSEE.	226
SECTION 1.	PRINCIPAL OBLIGATIONS.	226
SECTION 2.	DELIVERY.	226
SECTION 3.	USE OF THE THING BY THE LESSEE.	226
SECTION 4.	ALTERATIONS, REPAIRS, AND ADDITIONS.	227
SECTION 5.	LESSOR'S WARRANTIES.	228
SUBSECTION A.	WARRANTY AGAINST VICES OR DEFECTS.	228

TABLE OF CONTENTS

xvi

SUBSECTION B.	WARRANTY OF PEACEFUL POSSESSION.....	228
SECTION 6.	PAYMENT OF RENT.....	229
SECTION 7.	LESSOR'S SECURITY RIGHTS.....	230
SECTION 8.	TRANSFER OF INTEREST BY THE LESSOR OR THE LESSEE.....	230
CHAPTER 4.	TERMINATION AND DISSOLUTION.....	231
SECTION 1.	RULES APPLICABLE TO ALL LEASES.....	231
SECTION 2.	LEASES WITH A FIXED TERM.....	232
SECTION 3.	LEASES WITH INDETERMINATE TERM.....	233
CHAPTER 5.	OF THE LETTING OUT OF LABOR OR INDUSTRY.....	233
SECTION 1.	OF THE HIRING OF SERVANTS AND LABORERS.....	233
SECTION 2.	OF CARRIERS AND WATERMEN.....	234
SECTION 3.	OF CONSTRUCTING BUILDINGS ACCORDING TO PLOTS, AND OTHER WORKS BY THE JOB, AND OF FURNISHING MATERIALS.....	234
TITLE 10.	ANNUITIES.....	238
CHAPTER 1.	ANNUITY CONTRACT.....	238
CHAPTER 2.	ANNUITY CHARGE.....	239
TITLE 11.	PARTNERSHIP.....	240
CHAPTER 1.	GENERAL PRINCIPLES.....	240
CHAPTER 2.	OBLIGATIONS AND RIGHTS OF PARTNERS TOWARD EACH OTHER AND TOWARD THE PARTNERSHIP.....	241
CHAPTER 3.	RELATIONS OF THE PARTNERSHIP AND THE PARTNERS WITH THIRD PERSONS.....	242
CHAPTER 4.	CESSATION OF MEMBERSHIP.....	242
SECTION 1.	CAUSES OF CESSATION.....	242
SECTION 2.	EFFECTS OF CESSATION OF MEMBERSHIP AND RIGHTS OF THE FORMER PARTNER.....	243
CHAPTER 5.	TERMINATION OF A PARTNERSHIP.....	244
SECTION 1.	CAUSES OF TERMINATION.....	244
SECTION 2.	EFFECTS OF TERMINATION OF PARTNERSHIP AND RIGHTS OF FORMER PARTNERS.....	244
CHAPTER 6.	DISSOLUTION, LIQUIDATION, AND DIVISION OF ASSETS.....	245
CHAPTER 7.	PARTNERSHIP IN COMMENDAM.....	245
TITLE 12.	LOAN.....	248
CHAPTER 1.	LOAN FOR USE (COMMODATUM).....	248
CHAPTER 2.	LOAN FOR CONSUMPTION (MUTUUM).....	249

TABLE OF CONTENTS

xviii

CHAPTER 3.	OF PRIVILEGES ON MOVABLES.	277
SECTION 1.	OF GENERAL PRIVILEGES ON MOVABLES.	277
SUBSECTION A.	OF FUNERAL CHARGES.	277
SUBSECTION B.	OF LAW CHARGES.	277
SUBSECTION C.	OF EXPENSES DURING THE LAST SICKNESS.	278
SUBSECTION D.	OF THE WAGES OF SERVANTS.	278
SUBSECTION E.	OF SUPPLIES OF PROVISIONS.	279
SUBSECTION F.	OF THE PRIVILEGE OF CLERKS.	279
SECTION 2.	OF THE PRIVILEGES ON PARTICULAR MOVABLES.	280
SUBSECTION A.	OF THE PRIVILEGE OF THE LESSOR.	280
SUBSECTION B.	OF THE PRIVILEGE OF THE CREDITOR ON THE THING PLEDGED.	281
SUBSECTION C.	OF THE PRIVILEGE OF A DEPOSITOR.	281
SUBSECTION D.	OF EXPENSES INCURRED FOR THE PRESERVATION OF THE THING.	281
SUBSECTION E.	OF THE PRIVILEGE OF THE VENDOR OF MOVABLE EFFECTS.	281
SUBSECTION F.	OF THE PRIVILEGE OF THE INNKEEPER ON THE EFFECTS OF THE TRAVELER.	282
SECTION 3.	OF THE PRIVILEGE ON SHIPS AND MERCHANDISE.	283
CHAPTER 4.	OF PRIVILEGES ON IMMOVABLES.	285
CHAPTER 5.	OF PRIVILEGES WHICH EMBRACE BOTH MOVABLES AND IMMOVABLES.	286
CHAPTER 6.	OF THE ORDER IN WHICH PRIVILEGED CREDITORS ARE TO BE PAID.	286
CHAPTER 7.	HOW PRIVILEGES ARE PRESERVED AND RECORDED.	289
CHAPTER 8.	OF THE MANNER IN WHICH PRIVILEGES ARE EXTINGUISHED.	290
TITLE 22.	MORTGAGES.	290
CHAPTER 1.	GENERAL PROVISIONS.	290
CHAPTER 2.	CONVENTIONAL MORTGAGES.	291
CHAPTER 3.	JUDICIAL AND LEGAL MORTGAGES.	293
CHAPTER 4.	THE EFFECT AND RANK OF MORTGAGES.	294
CHAPTER 5.	THIRD POSSESSORS.	295
CHAPTER 6.	EXTINCTION OF MORTGAGES.	295
CHAPTER 7.	INSCRIPTION OF MORTGAGES AND PRIVILEGES.	295

TITLE 22-A. OF REGISTRY.	296
CHAPTER 1. GENERAL PROVISIONS.....	296
CHAPTER 2. MORTGAGE RECORDS.	299
SECTION 1. GENERAL PROVISIONS.	299
SECTION 2. METHOD AND DURATION OF RECORDATION.....	300
SECTION 3. CANCELLATION.....	301
TITLE 23. OCCUPANCY AND POSSESSION.....	302
CHAPTER 1. OCCUPANCY.	302
CHAPTER 2. POSSESSION.	304
SECTION 1. NOTION AND KINDS OF POSSESSION.	304
SECTION 2. ACQUISITION, EXERCISE, RETENTION, AND LOSS OF POSSESSION.....	304
SECTION 3. VICES OF POSSESSION.	305
SECTION 4. PRECARIOUS POSSESSION.....	305
SECTION 5. TRANSFER, TACKING, AND PROOF OF POSSESSION.....	306
TITLE 24. PRESCRIPTION.	306
CHAPTER 1. GENERAL PRINCIPLES.....	306
SECTION 1. PRESCRIPTION.	306
SECTION 2. PEREMPTION.....	308
CHAPTER 2. INTERRUPTION AND SUSPENSION OF PRESCRIPTION.....	308
SECTION 1. INTERRUPTION OF PRESCRIPTION.....	308
SECTION 2. SUSPENSION OF PRESCRIPTION.	309
CHAPTER 3. ACQUISITIVE PRESCRIPTION.....	310
SECTION 1. IMMOVABLES: PRESCRIPTION OF TEN YEARS IN GOOD FAITH AND UNDER JUST TITLE.	310
SECTION 2. IMMOVABLES: PRESCRIPTION OF THIRTY YEARS.....	311
SECTION 3. MOVABLES: ACQUISITIVE PRESCRIPTION OF THREE YEARS OR TEN YEARS.....	312
CHAPTER 4. LIBERATIVE PRESCRIPTION.....	312
SECTION 1. ONE YEAR PRESCRIPTION.	312
SECTION 1-A. TWO-YEAR PRESCRIPTION.....	312
SECTION 2. THREE YEAR PRESCRIPTION.....	313
SECTION 3. FIVE YEAR PRESCRIPTION.....	313
SECTION 4. TEN YEAR PRESCRIPTION.	314
SECTION 5. THIRTY YEAR PRESCRIPTION.	314
SECTION 6. INTERRUPTION AND SUSPENSION OF LIBERATIVE PRESCRIPTION.	315
TITLE 25. OF THE SIGNIFICATION OF SUNDRY TERMS OF LAW EMPLOYED IN THIS CODE.	319

TABLE OF CONTENTS

xx

BOOK 4. CONFLICT OF LAWS.316

TITLE 1. GENERAL PROVISIONS.316

TITLE 2. STATUS.317

TITLE 3. MARITAL PROPERTY.318

TITLE 4. SUCCESSIONS.319

TITLE 5. REAL RIGHTS..320

TITLE 6. CONVENTIONAL OBLIGATIONS.320

TITLE 7. DELICTUAL AND QUASI-DELICTUAL
OBLIGATIONS.321

TITLE 8. LIBERATIVE PRESCRIPTION.323

INDEX.325