

LOUISIANA CIVIL CODE 2024

Sample

About the Book

Formatted and compiled with the practitioners and law students in mind, this edition of the Louisiana Civil Code has easy to read text on letter size pages that reads across the whole page (no dual columns) and a detailed table of contents that allows you to quickly access the provision you need. Contains all articles as amended through the 2023 Legislative Sessions.

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Contents

PRELIMINARY TITLE	17
CHAPTER 1: GENERAL PRINCIPLES.....	17
CHAPTER 2: INTERPRETATION OF LAWS.....	18
CHAPTER 3: CONFLICT OF LAWS.....	18
BOOK I. OF PERSONS	20
TITLE I. NATURAL AND JURIDICAL PERSONS.....	20
TITLE II – DOMICILE.....	21
TITLE III. ABSENT PERSONS.....	22
CHAPTER 1. CURATORSHIP OF THE PROPERTY OF ABSENT PERSONS.....	22
CHAPTER 2. DECLARATION OF DEATH.....	23
TITLE IV - HUSBAND AND WIFE.....	25
CHAPTER 1 - MARRIAGE: GENERAL PRINCIPLES.....	25
CHAPTER 2 - NULLITY OF MARRIAGE.....	26
CHAPTER 3. INCIDENTS AND EFFECTS OF MARRIAGE.....	27
CHAPTER 4. TERMINATION OF MARRIAGE.....	27
TITLE V – DIVORCE.....	27
CHAPTER 1. THE DIVORCE ACTION.....	27
CHAPTER 2. PROVISIONAL AND INCIDENTAL PROCEEDINGS.....	29
SECTION 1. SPOUSAL SUPPORT.....	29
SECTION 2. CLAIM FOR CONTRIBUTION TO EDUCATION OR TRAINING.....	31
SECTION 3. CHILD CUSTODY.....	32
SECTION 4. CHILD SUPPORT.....	35
SECTION 5. PROVISIONAL AND INCIDENTAL PROCEEDINGS IN ACTIONS OF NULLITY.....	35
CHAPTER 3. EFFECTS OF DIVORCE.....	36
TITLE VI. OF MASTER AND SERVANT [REPEALED].....	36
TITLE VII. PARENT AND CHILD.....	36
CHAPTER 1. FILIATION.....	36
CHAPTER 2. FILIATION BY PROOF OF MATERNITY OR PATERNITY.....	37
SECTION 1. PROOF OF MATERNITY.....	37
SECTION 2. PROOF OF PATERNITY.....	37
SUBSECTION A. THE PRESUMPTION OF PATERNITY OF HUSBAND; DISAVOWAL OF PATERNITY; CONTESTATION; ESTABLISHMENT OF PATERNITY.....	37

SUBSECTION B. PRESUMPTION OF PATERNITY BY SUBSEQUENT MARRIAGE AND ACKNOWLEDGMENT	39
SUBSECTION C. OTHER METHODS OF ESTABLISHING PATERNITY	40
CHAPTER 3. FILIATION BY ADOPTION	41
SECTION 1. EFFECT OF ADOPTION	41
SECTION 2. ADOPTION OF MINORS	41
SECTION 3. ADOPTION OF ADULTS	41
CHAPTER 5--OF PARENTAL AUTHORITY	42
SECTION 1--OF THE DUTIES OF PARENTS TOWARDS THEIR LEGITIMATE CHILDREN, AND OF THE DUTIES OF LEGITIMATE CHILDREN TOWARDS THEIR PARENTS	42
SECTION 2--OF THE DUTIES OF PARENTS TOWARDS THEIR ILLEGITIMATE CHILDREN, AND OF THE DUTIES OF ILLEGITIMATE CHILDREN TOWARD THEIR PARENTS.....	45
TITLE VIII--OF MINORS, OF THEIR TUTORSHIP AND EMANCIPATION	45
CHAPTER 1--OF TUTORSHIP	45
SECTION 1--GENERAL DISPOSITIONS	45
SECTION 2--OF TUTORSHIP BY NATURE.....	46
SECTION 3--OF THE TUTORSHIP BY WILL.....	47
SECTION 4--OF THE TUTORSHIP BY THE EFFECT OF THE LAW	48
SECTION 5--OF DATIVE TUTORSHIP	48
SECTION 6--OF THE UNDERTUTORSHIP	49
SECTION 7. OF FAMILY MEETINGS.....	49
SECTION 8--OF THE CAUSES WHICH CONSTITUTE AN EXCUSE OR EXCUSE FROM THE TUTORSHIP	49
SECTION 9--OF THE LOSS OF CAPACITY FOR, THE EXCLUSION FROM, AND DEPRIVATION OF THE TUTORSHIP	51
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	51
SECTION 11--OF THE ADMINISTRATION OF THE TUTOR	53
SECTION 12--OF CONTINUING OR PERMANENT TUTORSHIP OF PERSONS WITH INTELLECTUAL DISABILITIES	53
CHAPTER 2. EMANCIPATION.....	56
TITLE IX. PERSONS UNABLE TO CARE FOR THEIR PERSONS OR PROPERTY.....	57
CHAPTER 1. GROUNDS FOR INTERDICTION	57
CHAPTER 2. GENERAL DUTIES OF CURATORS AND UNDERCURATORS	58
CHAPTER 3. EFFECTS OF INTERDICTION.....	58

CHAPTER 4. MODIFICATION AND TERMINATION OF INTERDICTION	59
CHAPTER 5. RESPONSIBILITY FOR WRONGFUL FILING OF INTERDICTION PETITION	59
BOOK II. THINGS AND THE DIFFERENT MODIFICATIONS OF OWNERSHIP	61
TITLE I—THINGS	61
CHAPTER 1--DIVISION OF THINGS.....	61
SECTION 1--GENERAL PRINCIPLES.....	61
SECTION 2—IMMOVABLES	63
SECTION 3—MOVABLES.....	65
CHAPTER 2--RIGHTS IN THINGS	66
TITLE II—OWNERSHIP	66
CHAPTER 1. GENERAL PRINCIPLES	66
CHAPTER 2--RIGHT OF ACCESSION	67
SECTION 1--OWNERSHIP OF FRUITS	67
SECTION 2--ACCESSION IN RELATION TO IMMOVABLES	68
SECTION 3--ACCESSION IN RELATION TO MOVABLES	72
CHAPTER 3--TRANSFER OF OWNERSHIP BY AGREEMENT	74
CHAPTER 4--PROTECTION OF OWNERSHIP.....	75
TITLE III--PERSONAL SERVITUDES.....	76
CHAPTER 1--KINDS OF SERVITUDES.....	76
CHAPTER 2—USUFRUCT	77
SECTION 1--GENERAL PRINCIPLES.....	77
SECTION 2--RIGHTS OF THE USUFRUCTUARY	79
SECTION 3--OBLIGATIONS OF THE USUFRUCTUARY.....	83
SECTION 4--RIGHTS AND OBLIGATIONS OF THE NAKED OWNER	89
SECTION 5--TERMINATION OF USUFRUCT.....	89
CHAPTER 3—HABITATION.....	93
CHAPTER 4--RIGHTS OF USE	94
TITLE IV--PREDIAL SERVITUDES.....	95
CHAPTER 1--GENERAL PRINCIPLES.....	95
CHAPTER 2--NATURAL SERVITUDES.....	97
CHAPTER 3--LEGAL SERVITUDES	98
SECTION 1--LIMITATIONS OF OWNERSHIP	98
SECTION 2--COMMON ENCLOSURES	100

SECTION 3--RIGHT OF PASSAGE.....	103
CHAPTER 4--CONVENTIONAL OR VOLUNTARY SERVITUDES	105
SECTION 1--KINDS OF CONVENTIONAL SERVITUDES.....	105
SECTION 2--ESTABLISHMENT OF PREDIAL SERVITUDES BY TITLE.....	107
SECTION 3--ACQUISITION OF CONVENTIONAL SERVITUDES FOR THE DOMINANT ESTATE.....	110
SECTION 4--RIGHTS OF THE OWNER OF THE DOMINANT ESTATE	112
SECTION 5--EXTINCTION OF PREDIAL SERVITUDES.....	113
TITLE V--BUILDING RESTRICTIONS	116
TITLE VI--BOUNDARIES.....	118
CHAPTER I--GENERAL PROVISIONS	118
CHAPTER 2. EFFECT OF TITLES, PRESCRIPTION, OR POSSESSION	119
TITLE VII. OWNERSHIP IN INDIVISION.....	120
BOOK III. OF THE DIFFERENT MODES OF ACQUIRING THE OWNERSHIP OF THINGS.....	124
PRELIMINARY TITLE--GENERAL DISPOSITIONS	124
TITLE I--OF SUCCESSIONS.....	124
CHAPTER 1--OF THE DIFFERENT SORTS OF SUCCESSIONS AND SUCCESSORS.....	124
CHAPTER 2--OF INTESTATE SUCCESSION.....	125
CHAPTER 3--OF THE RIGHTS OF THE STATE.....	128
CHAPTER 4. COMMENCEMENT OF SUCCESSION.....	129
CHAPTER 5. LOSS OF SUCCESSION RIGHTS.....	129
CHAPTER 6. ACCEPTANCE AND RENUNCIATION OF SUCCESSIONS.....	131
SECTION 1. GENERAL PRINCIPLES.....	131
SECTION 2. ACCEPTANCE.....	133
SECTION 3. RENUNCIATION	134
SECTION 4. ACCEPTANCE OF SUCCESSION BY CREDITORS	134
CHAPTER 7--OF THE SEALS, AND OF THE AFFIXING AND RAISING OF THE SAME	134
CHAPTER 8--OF THE ADMINISTRATION OF VACANT AND INTESTATE SUCCESSIONS.....	135
SECTION 1--GENERAL DISPOSITIONS	135
SECTION 2--OF THE INVENTORY OF VACANT AND INTESTATE SUCCESSIONS SUBJECT TO ADMINISTRATION	135
SECTION 3--OF THE APPOINTMENT OF CURATORS TO SUCCESSIONS, AND OF THE SECURITY THEY ARE BOUND TO GIVE.....	135
SECTION 4--OF THE DUTIES AND POWERS OF CURATORS OF VACANT SUCCESSIONS AND OF ABSENT HEIRS	136

SECTION 5--OF THE CAUSES FOR WHICH A CURATOR OF A SUCCESSION MAY BE DISMISSED OR SUPERSEDED	136
SECTION 6--OF THE SALE OF THE EFFECTS AND OF THE SETTLEMENT OF SUCCESSIONS ADMINISTERED BY CURATORS.....	136
SECTION 7--OF THE ACCOUNT TO BE RENDERED BY THE CURATORS AND THE COMMISSION DUE TO THEM.....	137
SECTION 8--OF THE APPOINTMENT OF COUNSEL OF ABSENT HEIRS, AND OF THEIR DUTIES	137
CHAPTER 9--OF THE SUCCESSIONS OF PERSONS DOMICILIATED OUT OF THE STATE, AND OF THE TAX DUE BY FOREIGN HEIRS, LEGATEES AND DONEES	137
SECTION 1--OF THE SUCCESSIONS OF PERSONS DOMICILIATED OUT OF THE STATE	137
SECTION 2--OF THE TAX DUE BY FOREIGN HEIRS, LEGATEES AND DONEES.....	138
CHAPTER 10--OF SUCCESSIONS ADMINISTERED BY SYNDICS.....	138
CHAPTER 11--OF COLLATIONS	138
SECTION 1--WHAT COLLATION IS, AND BY WHOM IT IS DUE	138
SECTION 2--TO WHOM THE COLLATION IS DUE, AND WHAT THINGS ARE SUBJECT TO IT	141
SECTION 3--HOW COLLATIONS ARE MADE.....	142
CHAPTER 12. OF THE PARTITION OF SUCCESSIONS	148
SECTION 1. OF THE NATURE OF PARTITION AND OF ITS SEVERAL KINDS	148
SECTION 2--AMONG WHAT PERSONS PARTITION CAN BE SUED FOR.....	150
SECTION 3--IN WHAT MANNER THE JUDICIAL PARTITION IS MADE.....	152
SECTION 4--HOW THE RECORDER OF THE PARISH OR THE NOTARY IS BOUND TO PROCEED IN THE JUDICIAL PARTITION	155
SECTION 5--OF THE EFFECTS OF PARTITION.....	160
SECTION 6--OF THE WARRANTY OF PARTITION.....	160
SECTION 7--OF THE RESCISSION OF PARTITION.....	162
CHAPTER 13. PAYMENT OF THE DEBTS OF AN ESTATE.....	164
SECTION 1. GENERAL DISPOSITIONS INTRODUCTION	164
SECTION 2. RIGHTS OF CREDITORS	164
SECTION 3. RESPONSIBILITY OF SUCCESSORS AMONG THEMSELVES	165
TITLE II. DONATIONS	167
CHAPTER 1. GENERAL DISPOSITIONS.....	167
CHAPTER 2. OF THE CAPACITY NECESSARY FOR DISPOSING AND RECEIVING BY DONATION INTER VIVOS OR MORTIS CAUSA.....	168
CHAPTER 3. THE DISPOSABLE PORTION AND ITS REDUCTION IN CASE OF EXCESS.....	170

CHAPTER 4--OF DISPOSITIONS REPROBATED BY LAW IN DONATIONS INTER VIVOS AND MORTIS CAUSA	176
CHAPTER 5. DONATIONS INTER VIVOS	176
SECTION 1. GENERAL DISPOSITIONS.....	176
SECTION 2. OF THE FORM OF DONATIONS INTER VIVOS	178
SECTION 3. EXCEPTIONS TO THE RULE OF THE IRREVOCABILITY OF DONATIONS INTER VIVOS.....	180
CHAPTER 6. DISPOSITIONS MORTIS CAUSA.....	182
SECTION 1. TESTAMENTS GENERALLY	182
SECTION 2. FORMS OF TESTAMENTS.....	183
SECTION 3. OF THE COMPETENCE OF WITNESSES AND OF CERTAIN DESIGNATIONS IN TESTAMENTS	187
SECTION 4. TESTAMENTARY DISPOSITIONS.....	188
SECTION 5. PROBATE OF TESTAMENTS.....	191
SECTION 6. REVOCATION OF TESTAMENTS AND LEGACIES.....	191
SECTION 7. RULES FOR THE INTERPRETATION OF LEGACIES.....	192
SECTION 8. DISINHERISON	193
CHAPTER 7. OF PARTITIONS MADE BY PARENTS AND THEIR DESCENDANTS AMONG THEIR DESCENDANTS	195
CHAPTER 8. OF DONATIONS INTER VIVOS MADE IN CONTEMPLATION OF MARRIAGE BY THIRD PERSONS	197
SECTION 1. IN GENERAL.....	197
SECTION 2. DONATIONS OF PRESENT PROPERTY	197
SECTION 3. DONATIONS OF PROPERTY TO BE LEFT AT DEATH.....	198
CHAPTER 9. OF INTERSPOUSAL DONATIONS INTER VIVOS	199
TITLE III. OBLIGATIONS IN GENERAL	201
CHAPTER 1. GENERAL PRINCIPLES	201
CHAPTER 2. NATURAL OBLIGATIONS.....	201
CHAPTER 3. KINDS OF OBLIGATIONS	202
SECTION 1. REAL OBLIGATIONS	202
SECTION 2. STRICTLY PERSONAL AND HERITABLE OBLIGATIONS.....	203
SECTION 3. CONDITIONAL OBLIGATIONS.....	203
SECTION 4. OBLIGATIONS WITH A TERM.....	205
SECTION 5. OBLIGATIONS WITH MULTIPLE PERSONS	206
SECTION 6. CONJUNCTIVE AND ALTERNATIVE OBLIGATIONS	210

SECTION 7. DIVISIBLE AND INDIVISIBLE OBLIGATIONS	211
CHAPTER 4. TRANSFER OF OBLIGATIONS	212
SECTION 1. ASSUMPTION OF OBLIGATIONS	212
SECTION 2. SUBROGATION	213
CHAPTER 5. PROOF OF OBLIGATIONS.....	214
CHAPTER 6. EXTINCTION OF OBLIGATIONS	218
SECTION 1. PERFORMANCE.....	218
SUBSECTION A. IMPUTATION OF PAYMENT	219
SUBSECTION B. TENDER AND DEPOSIT	220
SECTION 2. IMPOSSIBILITY OF PERFORMANCE.....	221
SECTION 3. NOVATION.....	222
SECTION 4. REMISSION OF DEBT	224
SECTION 5. COMPENSATION.....	225
SECTION 6. CONFUSION.....	226
TITLE IV. CONVENTIONAL OBLIGATIONS OR CONTRACTS	227
CHAPTER 1. GENERAL PRINCIPLES	227
CHAPTER 2. CONTRACTUAL CAPACITY AND EXCEPTIONS	228
CHAPTER 3. CONSENT	230
CHAPTER 4. VICES OF CONSENT.....	233
SECTION 1. ERROR.....	233
SECTION 2. FRAUD	233
SECTION 3. DURES.....	234
SECTION 4. LESION	235
CHAPTER 5. CAUSE.....	235
CHAPTER 6. OBJECT AND MATTER OF CONTRACTS.....	236
CHAPTER 7. THIRD PARTY BENEFICIARY	237
CHAPTER 8. EFFECTS OF CONVENTIONAL OBLIGATIONS.....	238
Section 1. General Effects of Contracts	238
SECTION 2. SPECIFIC PERFORMANCE.....	238
SECTION 3. PUTTING IN DEFAULT	239
SECTION 4. DAMAGES.....	240
SECTION 5. STIPULATED DAMAGES	242
CHAPTER 9. DISSOLUTION.....	243

CHAPTER 10. SIMULATION.....	245
CHAPTER 11. NULLITY	245
CHAPTER 12. REVOCATORY ACTION AND OBLIQUE ACTION.....	247
SECTION 1. REVOCATORY ACTION	247
SECTION 2. OBLIQUE ACTION.....	248
CHAPTER 13. INTERPRETATION OF CONTRACTS.....	248
TITLE V. OBLIGATIONS ARISING WITHOUT AGREEMENT.....	251
CHAPTER 1--MANAGEMENT OF AFFAIRS (Negotiorum Gestio)	251
CHAPTER 2--ENRICHMENT WITHOUT CAUSE	252
SECTION 1. GENERAL PRINCIPLES	252
SECTION 2. PAYMENT OF A THING NOT OWED	252
CHAPTER 3--OF OFFENSES AND QUASI OFFENSES	253
TITLE VI--MATRIMONIAL REGIMES	262
CHAPTER 1--GENERAL PRINCIPLES.....	262
CHAPTER 2--THE LEGAL REGIME OF COMMUNITY OF ASSETS AND GAINS.....	263
SECTION 1--GENERAL DISPOSITIONS	263
SECTION 2--MANAGEMENT OF COMMUNITY PROPERTY	267
SECTION 3--TERMINATION OF THE COMMUNITY	269
CHAPTER 3--SEPARATION OF PROPERTY REGIME	275
CHAPTER 4--MARITAL PORTION	276
TITLE VII—OF SALE.....	278
CHAPTER 1: OF THE NATURE AND FORM OF THE CONTRACT OF SALE.....	278
CHAPTER 2. OF PERSONS CAPABLE OF BUYING AND SELLING	279
CHAPTER 3. OF THINGS WHICH MAY BE SOLD	279
CHAPTER 4. HOW THE CONTRACT OF SALE IS TO BE PERFECTED	280
CHAPTER 5. OF THE PRICE OF THE CONTRACT OF SALE	281
CHAPTER 6. AT WHOSE RISK THE THING IS, AFTER THE SALE IS COMPLETED.....	281
CHAPTER 7. OF THE OBLIGATIONS OF THE SELLER.....	282
CHAPTER 8. EVICTION	285
CHAPTER 9. REDHIBITION	287
CHAPTER 10. OF THE OBLIGATIONS OF THE BUYER	291
CHAPTER 11. OF THE SALE WITH A RIGHT OF REDEMPTION.....	293
CHAPTER 12. RESCISSION FOR LESION BEYOND MOIETY	295

CHAPTER 13. SALES OF MOVABLES.....	297
CHAPTER 14. AGREEMENTS PREPARATORY TO THE SALE	301
SECTION 1. OPTION.....	301
SECTION 2. CONTRACT TO SELL	302
SECTION 3. RIGHT OF FIRST REFUSAL	302
SECTION 4. EFFECTS	303
CHAPTER 15. ASSIGNMENT OF RIGHTS	304
CHAPTER 16. OF THE GIVING IN PAYMENT.....	305
TITLE VIII--OF EXCHANGE	306
TITLE IX. LEASE	307
CHAPTER 1. GENERAL PROVISIONS.....	307
CHAPTER 2. ESSENTIAL ELEMENTS	308
SECTION 1. THE THING	308
SECTION 2. THE RENT.....	308
SECTION 3. THE TERM	309
SECTION 4. FORM.....	310
CHAPTER 3. THE OBLIGATIONS OF THE LESSOR AND THE LESSEE.....	310
SECTION 1. PRINCIPAL OBLIGATIONS.....	310
SECTION 2. DELIVERY	310
SECTION 3. USE OF THE THING BY THE LESSEE.....	311
SECTION 4. ALTERATIONS, REPAIR, AND ADDITIONS.....	311
SECTION 5. LESSOR'S WARRANTIES.....	313
SUBSECTION 1. WARRANTY AGAINST VICES OR DEFECTS	313
SUBSECTION 2. WARRANTY OF PEACEFUL POSSESSION	313
SECTION 6. PAYMENT OF RENT.....	314
SECTION 7. LESSOR'S SECURITY RIGHTS.....	315
SECTION 8. TRANSFER OF INTEREST BY THE LESSOR OR THE LESSEE	316
CHAPTER 4. TERMINATION AND DISSOLUTION	316
SECTION 1. RULES APPLICABLE TO ALL LEASES.....	316
SECTION 2. LEASES WITH A FIXED TERM.....	317
SECTION 3. LEASES WITH INDETERMINATE TERM.....	318
CHAPTER 5. OF THE LETTING OUT OF LABOR OR INDUSTRY	319
SECTION 1--OF THE HIRING OF SERVANTS AND LABORERS	319

SECTION 2--OF CARRIERS AND WATERMEN	320
SECTION 3--OF CONSTRUCTING BUILDINGS ACCORDING TO PLOTS, AND OTHER WORKS BY THE JOB, AND	321
OF FURNISHING MATERIALS	321
TITLE X. ANNUITIES	324
CHAPTER 1. ANNUITY CONTRACT	324
CHAPTER 2. ANNUITY CHARGE	325
TITLE XI—PARTNERSHIP	326
CHAPTER 1--GENERAL PRINCIPLES.....	326
CHAPTER 2--OBLIGATIONS AND RIGHTS OF PARTNERS TOWARD EACH OTHER AND TOWARD THE PARTNERSHIP	328
CHAPTER 3--RELATIONS OF THE PARTNERSHIP AND THE PARTNERS WITH THIRD PERSONS.....	329
CHAPTER 4. CESSATION OF MEMBERSHIP.....	329
SECTION 1. CAUSES OF CESSATION.....	329
SECTION 2--EFFECTS OF CESSATION OF MEMBERSHIP AND RIGHTS OF THE FORMER PARTNER....	330
CHAPTER 5--TERMINATION OF A PARTNERSHIP.....	331
SECTION 1--CAUSES OF TERMINATION.....	331
SECTION 2--EFFECTS OF TERMINATION OF PARTNERSHIP AND RIGHTS OF FORMER PARTNERS....	332
CHAPTER 6--DISSOLUTION, LIQUIDATION, AND DIVISION OF ASSETS	332
CHAPTER 7--PARTNERSHIP IN COMMUNITY	333
TITLE XII. LOAN.....	336
CHAPTER 1. LOAN FOR USE (COMMODATUM).....	336
CHAPTER 2. LOAN FOR CONSUMPTION (MUTUUM).....	338
CHAPTER 3. LOAN ON INTEREST.....	339
TITLE XIII. DEPOSIT AND SEQUESTRATION.....	340
CHAPTER 1. DEPOSIT.....	340
CHAPTER 2. DEPOSIT WITH INNKEEPERS.....	342
CHAPTER 3. CONVENTIONAL SEQUESTRATION	343
CHAPTER 4. JUDICIAL SEQUESTRATION	343
TITLE XIV--OF ALEATORY CONTRACTS	344
TITLE XV. REPRESENTATION AND MANDATE.....	344
CHAPTER 1. REPRESENTATION.....	344
CHAPTER 2. MANDATE.....	345
SECTION 1. GENERAL PRINCIPLES	345

SECTION 2. RELATIONS BETWEEN THE PRINCIPAL AND THE MANDATARY.....	347
SECTION 3. RELATIONS BETWEEN THE PRINCIPAL, THE MANDATARY, AND THIRD PERSONS.....	349
Subsection A. Relations Between the Mandatary and Third Persons	349
Subsection B. Relations Between the Principal and Third Persons	350
SECTION 4. TERMINATION OF THE MANDATE AND OF THE AUTHORITY OF THE MANDATARY	350
TITLE XVI. SURETYSHIP	352
CHAPTER 1. NATURE AND EXTENT OF SURETYSHIP.....	352
CHAPTER 2. KINDS OF SURETYSHIP.....	353
CHAPTER 3.- THE EFFECTS OF SURETYSHIP BETWEEN THE SURETY AND CREDITOR.....	354
CHAPTER 4. THE EFFECTS OF SURETYSHIP BETWEEN THE SURETY AND PRINCIPAL OBLIGOR.....	354
CHAPTER 5. THE EFFECTS OF SURETYSHIP AMONG SEVERAL SURETIES	356
CHAPTER 6. TERMINATION OR EXTINCTION OF SURETYSHIP.....	356
CHAPTER 7. LEGAL SURETYSHIP.....	357
TITLE XVII. COMPROMISE.....	359
TITLE XVIII--OF RESPITE.....	361
TITLE XIX--OF ARBITRATION.....	361
CHAPTER 1--GENERAL PROVISIONS.....	366
TITLE XX-A. PLEDGE.....	367
CHAPTER 1. GENERAL PROVISIONS.....	367
CHAPTER 2. THE PLEDGE OF THE LESSOR'S RIGHTS IN THE LEASE OF AN IMMOVABLE AND ITS RENTS	371
CHAPTER 3--OF ANTICIPATORY RESISTANCE.....	373
TITLE XXI--OF PRIVILEGES.....	373
CHAPTER 1--GENERAL PROVISIONS.....	373
CHAPTER 2--OF THE SEVERAL KINDS OF PRIVILEGES.....	373
CHAPTER 3--OF PRIVILEGES ON MOVABLES.....	374
SECTION 1--OF GENERAL PRIVILEGES ON MOVABLES.....	374
§1--OF FUNERAL CHARGES	374
§2--OF LAW CHARGES.....	375
§3--OF EXPENSES DURING THE LAST SICKNESS	375
§4--OF THE WAGES OF SERVANTS	376
§5--OF SUPPLIES OF PROVISIONS	377
§6--OF THE PRIVILEGE OF CLERKS.....	377

SECTION 2--OF THE PRIVILEGES ON PARTICULAR MOVABLES.....	378
§2--OF THE PRIVILEGE OF THE CREDITOR ON THE THING PLEDGED	379
§3--OF THE PRIVILEGE OF A DEPOSITOR.....	379
§4--OF EXPENSES INCURRED FOR THE PRESERVATION OF THE THING	379
§5--OF THE PRIVILEGE OF THE VENDOR OF MOVABLE EFFECTS	380
§6--OF THE PRIVILEGE OF THE INNKEEPER ON THE EFFECTS OF THE TRAVELER	381
SECTION 3--OF THE PRIVILEGE ON SHIPS AND MERCHANDISE	382
CHAPTER 4--OF PRIVILEGES ON IMMOVABLES.....	385
CHAPTER 5--OF PRIVILEGES WHICH EMBRACE BOTH MOVABLES AND IMMOVABLES.....	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 XXII—MORTGAGES.....	390
CHAPTER 1. GENERAL PROVISIONS.....	390
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 XXII-A--OF REGISTRY.....	399
CHAPTER 1. GENERAL PROVISIONS.....	399
CHAPTER 2. MORTGAGE RECORD	403
SECTION 1. GENERAL PROVISIONS.....	403
SECTION 2. METHOD AND DURATION OF RECORDATION.....	404
SECTION 3. CANCELLATION.....	407
TITLE XXIII--OCCUPANCY AND POSSESSION.....	410
CHAPTER 1—OCCUPANCY	410
CHAPTER 2—POSSESSION.....	411
SECTION 1--NOTION AND KINDS OF POSSESSION	411
SECTION 2--ACQUISITION, EXERCISE, RETENTION, AND LOSS OF POSSESSION	412
SECTION 3. VICES OF POSSESSION	413
SECTION 4. PRECARIOUS POSSESSION.....	414

SECTION 5. TRANSFER, TACKING, AND PROOF OF POSSESSION.....	414
TITLE XXIV—PRESCRIPTION	415
CHAPTER 1--GENERAL PRINCIPLES.....	415
SECTION 1—PRESCRIPTION	415
SECTION 2—PEREMPTION	417
CHAPTER 2--INTERRUPTION AND SUSPENSION OF PRESCRIPTION.....	417
SECTION 1--INTERRUPTION OF PRESCRIPTION.....	417
SECTION 2--SUSPENSION OF PRESCRIPTION	418
CHAPTER 3--ACQUISITIVE PRESCRIPTION	419
SECTION 1--IMMOVABLES: PRESCRIPTION OF TEN YEARS IN GOOD FAITH AND UNDER JUST TITLE	420
SECTION 2--IMMOVABLES: PRESCRIPTION OF THIRTY YEARS	422
SECTION 3--MOVABLES: ACQUISITIVE PRESCRIPTION OF THREE YEARS OR TEN YEARS.....	422
CHAPTER 4. LIBERATIVE PRESCRIPTION.....	423
SECTION 1. ONE YEAR PRESCRIPTION.....	423
SECTION 1-A. TWO-YEAR PRESCRIPTION.....	423
SECTION 2. THREE YEAR PRESCRIPTION.....	423
SECTION 3. FIVE YEAR PRESCRIPTION.....	424
SECTION 4. TEN YEAR PRESCRIPTION.....	425
SECTION 5. THIRTY YEAR PRESCRIPTION.....	426
SECTION 6. INTERRUPTION AND SUSPENSION OF LIBERATIVE PRESCRIPTION.....	426
SECTION 7. EXTENSION OF LIBERATIVE PRESCRIPTION.....	426
TITLE XXV. OF THE SIGNIFICATION OF SUNDRY TERMS OF LAW EMPLOYED IN THIS CODE	427
BOOK IV. CONFLICT OF LAWS	429
TITLE I. GENERAL PROVISIONS	429
TITLE II. STATUS.....	430
TITLE III. MARITAL PROPERTY.....	431
TITLE IV. SUCCESSIONS.....	432
TITLE V. REAL RIGHTS	433
TITLE VI. CONVENTIONAL OBLIGATIONS	434
TITLE VII. DELICTUAL AND QUASI-DELICTUAL OBLIGATIONS.....	435
TITLE VIII. LIBERATIVE PRESCRIPTION	437

Sample

PRELIMINARY TITLE

CHAPTER 1: GENERAL PRINCIPLES

Art. 1. Sources of law

The sources of law are legislation and custom.
Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 2. Legislation

Legislation is a solemn expression of legislative will.
Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 3. Custom

Custom results from practice repeated for a long time and generally accepted as having acquired the force of law. Custom may not abrogate legislation.
Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 4. Absence of legislation or custom

When no rule for a particular situation can be derived from legislation or custom, the court is bound to proceed according to equity. To decide equitably, resort is made to justice, reason, and prevailing usages.
Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 5. Ignorance of law

No one may avail himself of ignorance of the law.
Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 6. Retroactivity of laws

In the absence of contrary legislative expression, substantive laws apply prospectively only. Procedural and interpretative laws apply both prospectively and retroactively, unless there is a legislative expression to the contrary.
Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 7. Laws for the preservation of the public interest

Persons may not by their juridical acts derogate from laws enacted for the protection of the public interest. Any act in derogation of such laws is an absolute nullity.
Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 8. Repeal of laws

Laws are repealed, either entirely or partially, by other laws.

A repeal may be express or implied. It is express when it is literally declared by a subsequent law. It is implied when the new law contains provisions that are contrary to, or irreconcilable with, those of the former law.

The repeal of a repealing law does not revive the first law.
Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

CHAPTER 2: INTERPRETATION OF LAWS

Art. 9. Clear and unambiguous law

When a law is clear and unambiguous and its application does not lead to absurd consequences, the law shall be applied as written and no further interpretation may be made in search of the intent of the legislature.

Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 10. Language susceptible of different meanings

When the language of the law is susceptible of different meanings, it must be interpreted as having the meaning that best conforms to the purpose of the law.

Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 11. Meaning of words

The words of a law must be given their generally prevailing meaning.

Words of art and technical terms must be given their technical meaning when the law involves a technical matter.

Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 12. Ambiguous words

When the words of a law are ambiguous, their meaning must be sought by examining the context in which they occur and the text of the law as a whole.

Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

Art. 13. Laws on the same subject matter

Laws on the same subject matter must be interpreted in reference to each other.

Acts 1987, No. 124, §1, eff. Jan. 1, 1988.

CHAPTER 3: CONFLICT OF LAWS

Art. 14. Multistate cases

Unless otherwise expressly provided by the law of this state, cases having contacts with other states are governed by the law selected in accordance with the provisions of Book IV of this Code.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 15. to Art. 23. [Repealed]

Sample

BOOK I. OF PERSONS

TITLE I. NATURAL AND JURIDICAL PERSONS

Art. 24. Kinds of persons

There are two kinds of persons: natural persons and juridical persons. A natural person is a human being. A juridical person is an entity to which the law attributes personality, such as a corporation or a partnership. The personality of a juridical person is distinct from that of its members.

Acts 1987, No. 125, §1, eff. Jan. 1, 1988.

Art. 25. Commencement and end of natural personality

Natural personality commences from the moment of live birth and terminates at death.

Acts 1987, No. 125, §1, eff. Jan. 1, 1988.

Art. 26. Unborn child

An unborn child shall be considered as a natural person for whatever relates to its interests from the moment of conception. If the child is born dead, it shall be considered never to have existed as a person, except for purposes of actions resulting from its wrongful death.

Acts 1987, No. 125, §1, eff. Jan. 1, 1988.

Art. 27. General legal capacity

All natural persons enjoy general legal capacity to have rights and duties.

Acts 1987, No. 125, §1, eff. Jan. 1, 1988.

Art. 28. Capacity to make juridical acts

A natural person who has reached majority has capacity to make all sorts of juridical acts, unless otherwise provided by legislation.

Acts 1987, No. 125, §1, eff. Jan. 1, 1988.

Art. 29. Age of majority

Majority is attained upon reaching the age of eighteen years.

Acts 1987, No. 125, §1, eff. Jan. 1, 1988.

Art. 30. Presumption of death

When a person has disappeared under circumstances such that his death seems certain, his death is considered to have been established even though his body has not been found.

Acts 1990, No. 989, §3, eff. Jan. 1, 1991.

Art. 31. Existence of a person at time of accrual of a right

One claiming a right that has accrued to another person is bound to prove that such person existed at the time when the right accrued.

Acts 1990, No. 989, §3, eff. Jan. 1, 1991.

Art. 32. to Art. 37. [Repealed]

TITLE II – DOMICILE

Art. 38. Domicile

The domicile of a natural person is the place of his habitual residence. The domicile of a juridical person may be either the state of its formation or the state of its principal place of business, whichever is most pertinent to the particular issue, unless otherwise specifically provided by law.

Acts 2008, No. 801, §1, eff. Jan. 1, 2009; Acts 2012, No. 73, §2.

Art. 39. Domicile and residence

A natural person may reside in several places but may not have more than one domicile. In the absence of habitual residence, any place of residence may be considered one's domicile at the option of persons whose interests are affected.

Acts 1985, No. 272, §1; Acts 2008, No. 801, §1, eff. Jan. 1, 2009.

Art. 40. Domicile of spouses

Spouses may have either a common domicile or separate domiciles.

Acts 2008, No. 801, §1, eff. Jan. 1, 2009.

Art. 41. Domicile of unemancipated minor

The domicile of an unemancipated minor is that of the parent or parents with whom the minor usually resides. If the minor has been placed by court order under the legal authority of a parent or other person, the domicile of that person is the domicile of the minor, unless the court directs otherwise.

The domicile of an unemancipated minor under tutorship is that of his tutor. In case of joint tutorship, the domicile of the minor is that of the tutor with whom the minor usually resides, unless the court directs otherwise.

Acts 2008, No. 801, §1, eff. Jan. 1, 2009.

Art. 42. Domicile of interdict

The domicile of a full interdict is that of the curator. A limited interdict retains his domicile, unless otherwise provided in the judgment of interdiction.

Acts 2008, No. 801, §1, eff. Jan. 1, 2009.

Art. 43. Domicile of person under continued or permanent tutorship

The domicile of a person under continued or permanent tutorship is that of his tutor.
Acts 2008, No. 801, §1, eff. Jan. 1, 2009.

Art. 44. Change of domicile

Domicile is maintained until acquisition of a new domicile. A natural person changes domicile when he moves his residence to another location with the intent to make that location his habitual residence.

Acts 2008, No. 801, §1, eff. Jan. 1, 2009.

Art. 45. Proof of intent to change domicile

Proof of one's intent to establish or change domicile depends on the circumstances. A sworn declaration of intent recorded in the parishes from which and to which he intends to move may be considered as evidence of intent.

Acts 2008, No. 801, §1, eff. Jan. 1, 2009.

Art. 46. Person holding temporary position

A person holding a temporary position away from his domicile retains his domicile unless he demonstrates a contrary intent.

Acts 2008, No. 801, §1, eff. Jan. 1, 2009.

TITLE II. ABSENT PERSONS

CHAPTER 1. CURATORSHIP OF THE PROPERTY OF ABSENT PERSONS

Art. 47. Curator of an absent person's property

An absent person is one who has no representative in this state and whose whereabouts are not known and cannot be ascertained by diligent effort.

When an absent person owns property in this state, the court may, upon petition of any interested party and a showing of necessity, appoint a curator to manage the property of the absent person.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 48. Powers, rights, and duties of curator

The curator has power of administration and disposition over the property of the absent person as provided by legislation.

When the absent person is a spouse in community, the curatorship is limited to his separate property.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 49. Legal capacity of absent person

The establishment of the curatorship does not deprive the absent person of his capacity to make juridical acts. Nevertheless, his acts of disposition of immovable property are not effective towards third persons and the curator unless filed for registry in the public records of the parish in which the immovable property is located.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 50. Termination of curatorship of right

The curatorship of the property of the absent person terminates of right when he appoints a person to represent him in this state, when his whereabouts become known, or when he dies.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 51. Termination by judgment of declaration of death

The curatorship of the property of the absent person also terminates when a judgment of declaration of death is rendered.

When an absent person has no known heirs and is presumed dead, it shall be the duty of the curator to initiate proceedings for a declaration of death.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 52. Effects of termination of curatorship

Upon termination of the curatorship, the curator is bound to account for his management and to restore the property to the formerly absent person or to his successors.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 53. Validity of acts of curator after termination of the curatorship

When the curator acquires knowledge of the termination of his curatorship, he is bound to file a notice in the curatorship proceeding that his authority to manage the property of the formerly absent person has ceased.

Acts of administration or disposition made by the curator after the curatorship has terminated are valid toward third persons unless notice of the termination of the curatorship has been filed in the curatorship proceeding.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

CHAPTER 2. DECLARATION OF DEATH

Art. 54. Absent person; declaration of death

One who has been an absent person for five years is presumed to be dead. If the absence commenced between August 26, 2005, and September 30, 2005, and was related to or caused by Hurricane Katrina or Rita, the absent person who is not currently charged with an offense that is defined as a felony under the laws of the state of Louisiana or the United States of America shall be presumed dead after the passage of two years. Upon

petition by an interested party, the court shall render judgment declaring the death of the absent person and shall determine the date on which the absence commenced and the date of death.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991; Acts 2006, No. 258, §1.

Art. 55. Declaration of death; effect

The succession of the person declared dead shall be opened as of the date of death fixed in the judgment, and his estate shall devolve in accordance with the law of successions.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 56. New evidence as to time of death

If there is clear and convincing new evidence establishing a date of death other than that determined in the judgment of declaration of death, the judgment shall be amended accordingly.

Persons previously recognized as successors are bound to restore the estate to the new successors but may keep the fruits they have gathered.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 57. Reappearance of absent person; recovery of his property

If a person who has been declared dead reappears, he shall be entitled to recover his property that still exists in the condition in which it is found from those who took it as his successors or from their transferees by gratuitous title. He may also recover the net proceeds of things alienated and for the diminution of the value of things that has resulted from their encumbrance.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 58. Succession rights of person presumed dead or declared dead

A person who is presumed to be dead or who has been declared dead at a time a succession would have been opened in his favor cannot be a successor. The estate of the deceased devolves as if that person were dead at the time of the opening of the succession.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 59. Reappearance of absent person; recovery of his inheritance

If the person who is presumed to be dead or who has been declared dead reappears, he shall be entitled to recover his inheritance in the condition in which it is found from those who succeeded in his default and from their transferees by gratuitous title. He may also recover the net proceeds of things alienated and for the diminution of the value of things that has resulted from their encumbrance.

Acts 1990, No. 989, §1, eff. Jan. 1, 1991.

Art. 60 to Art. 85 [Repealed]

TITLE IV - HUSBAND AND WIFE

CHAPTER 1 - MARRIAGE: GENERAL PRINCIPLES

Art. 86. Marriage; definition

Marriage is a legal relationship between a man and a woman that is created by civil contract. The relationship and the contract are subject to special rules prescribed by law. Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

Art. 87. Contract of marriage; requirements

The requirements for the contract of marriage are:

The absence of legal impediment.

A marriage ceremony.

The free consent of the parties to take each other as husband and wife, expressed at the ceremony.

Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

Art. 88. Impediment of existing marriage

A married person may not contract another marriage.

Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

Art. 89. Impediment of same sex

Persons of the same sex may not contract marriage with each other. A purported marriage between persons of the same sex contracted in another state shall be governed by the provisions of Title II of Book II of the Civil Code.

Acts 1987, No. 886, §1, eff. Jan. 1, 1988; Acts 1999, No. 890, §1.

Art. 90. Impediments of relationship

A. The following persons may not contract marriage with each other:

(1) Ascendants and descendants.

(2) Collaterals within the fourth degree, whether of the whole or of the half blood.

B. The impediment exists whether the persons are related by consanguinity or by adoption. Nevertheless, persons related by adoption, though not by blood, in the collateral line within the fourth degree may marry each other if they obtain judicial authorization in writing to do so.

Acts 1987, No. 886, §1, eff. Jan. 1, 1988; Acts 2004, No. 26, §1.

Art. 90.1. Impediments of age

A minor under the age of sixteen may not contract marriage. A minor sixteen or seventeen years of age may not contract marriage with a person of the age of majority where there is an age difference of three years or greater between them.

Acts 2019, No. 401, §1.

Art. 91. Marriage ceremony required

The parties must participate in a marriage ceremony performed by a third person who is qualified, or reasonably believed by the parties to be qualified, to perform the ceremony. The parties must be physically present at the ceremony when it is performed. Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

Art. 92. Marriage by procuration prohibited

A marriage may not be contracted by procuration. Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

Art. 93. Vices of consent

Consent is not free when given under duress or when given by a person incapable of discernment. Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

CHAPTER 2 - NULLITY OF MARRIAGE

Art. 94. Absolutely null marriage

A marriage is absolutely null when contracted without a marriage ceremony, by procuration, or in violation of an impediment. A judicial declaration of nullity is not required, but an action to recognize the nullity may be brought by any interested person. Acts 1987, No. 886, §1, eff. Jan. 1, 1988. {{NOTE: SEE ACTS 1987, NO. 886, §5.}}

Art. 95. Relatively null marriage; confirmation

A marriage is relatively null when the consent of one of the parties to marry is not freely given. Such a marriage may be declared null upon application of the party whose consent was not free. The marriage may not be declared null if that party confirmed the marriage after recovering his liberty or regaining his discernment. Acts 1987, No. 886, §1, eff. Jan. 1, 1988

Art. 96. Civil effects of absolutely null marriage; putative marriage

An absolutely null marriage nevertheless produces civil effects in favor of a party who contracted it in good faith for as long as that party remains in good faith.

When the cause of the nullity is one party's prior undissolved marriage, the civil effects continue in favor of the other party, regardless of whether the latter remains in good faith, until the marriage is pronounced null or the latter party contracts a valid marriage. When the cause of the nullity is an impediment of age, the marriage produces civil effects in favor of a child of the parties. When the cause of the nullity is another reason, a marriage contracted by a party in good faith produces civil effects in favor of a child of the parties. A purported marriage between parties of the same sex does not produce any civil effects.

Acts 1987, No. 886, §1, eff. Jan. 1, 1988; Acts 2019, No. 401, §1.

Art. 97. Civil effects of relatively null marriage

A relatively null marriage produces civil effects until it is declared null.
Acts 1987, No. 886, §1, eff., Jan. 1, 1988.

CHAPTER 3. INCIDENTS AND EFFECTS OF MARRIAGE

Art. 98. Mutual duties of married persons

Married persons owe each other fidelity, support, and assistance.
Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

Art. 99. Family authority

Spouses mutually assume the moral and material direction of the family, exercise parental authority, and assume the moral and material obligations resulting therefrom.
Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

Art. 100. Surname of married persons

Marriage does not change the name of either spouse. However, a married person may use the surname of either or both spouses as a surname.
Acts 1987, No. 886, §1, eff. Jan. 1, 1988.

CHAPTER 4. TERMINATION OF MARRIAGE

Art. 101. Termination of marriage

Marriage terminates upon:
The death of either spouse.
Divorce.
A judicial declaration of its nullity, when the marriage is relatively null.
The issuance of a court order authorizing the spouse of a person presumed dead to remarry, as provided by law.
Acts 1987, No. 886, §1, eff. Jan. 1, 1988; Acts 1990, No. 1009, §1, eff. Jan. 1, 1991.

TITLE V – DIVORCE

CHAPTER 1. THE DIVORCE ACTION

Art. 102. Judgment of divorce; living separate and apart prior to rule

Except in the case of a covenant marriage, a divorce shall be granted upon motion of a spouse when either spouse has filed a petition for divorce and upon proof that the requisite period of time, in accordance with Article 103.1, has elapsed from the service of

the petition, or from the execution of written waiver of the service, and that the spouses have lived separate and apart continuously for at least the requisite period of time, in accordance with Article 103.1, prior to the filing of the rule to show cause.

The motion shall be a rule to show cause filed after all such delays have elapsed. Amended by Acts 1952, No. 229, §1; Acts 1958, No. 331; Acts 1990, No. 1009, §2, eff. Jan. 1, 1991; Acts 1991, No. 367, §1; Acts 1993, No. 107, §1; Acts 1995, No. 386, §1; Acts 1997, No. 1380, §1; Acts 2006, No. 743, §1, eff. Jan. 1, 2007.

Art. 103. Judgment of divorce; other grounds

Except in the case of a covenant marriage, a divorce shall be granted on the petition of a spouse upon proof that:

(1) The spouses have been living separate and apart continuously for the requisite period of time, in accordance with Article 103.1, or more on the date the petition is filed.

(2) The other spouse has committed adultery.

(3) The other spouse has committed a felony and has been sentenced to death or imprisonment at hard labor.

(4) During the marriage, the other spouse physically or sexually abused the spouse seeking divorce or a child of one of the spouses, regardless of whether the other spouse was prosecuted for the act of abuse.

(5) After a contradictory hearing or consent decree, a protective order or an injunction was issued during the marriage against the other spouse to protect the spouse seeking the divorce or a child of one of the spouses from abuse.

Acts 1990, No. 1009, §2, eff. Jan. 1, 1991; Acts 1991, No. 918, §1; Acts 1997, No. 1380, §1; Acts 2006, No. 743, §1, eff. Jan. 1, 2007; Acts 2014, No. 316, §1; Acts 2015, No. 221, §1; Acts 2018, No. 265, §1.

Art. 103.1. Judgment of divorce, time periods

The requisite periods of time, in accordance with Articles 102 and 103 shall be as follows:

(1) One hundred eighty days where there are no minor children of the marriage.

(2) Three hundred sixty-five days when there are minor children of the marriage at the time the rule to show cause is filed in accordance with Article 102 or a petition is filed in accordance with Article 103.

Acts 2006, No. 743, §1, eff. Jan. 1, 2007; Acts 2010, No. 604, §1, eff. June 25, 2010; Acts 2014, No. 316, §1.

Art. 104. Reconciliation

The cause of action for divorce is extinguished by the reconciliation of the parties. Amended by Acts 1979, No. 677, §1; Acts 1980, No. 351, §1; Acts 1990, No. 1009, §2, eff. Jan. 1, 1991.

Art. 105. Determination of incidental matters

In a proceeding for divorce or thereafter, either spouse may request a determination of custody, visitation, or support of a minor child; support for a spouse; injunctive relief; use and occupancy of the family home or use of community movables or immovables; or use of personal property.

Acts 1984, No. 817, §1; Acts 1990, No. 1009, §2, eff. Jan. 1, 1991.

Art. 106. to Art. 110. [Repealed]

CHAPTER 2. PROVISIONAL AND INCIDENTAL PROCEEDINGS

SECTION 1. SPOUSAL SUPPORT

Art. 111. Spousal support; authority of court

In a proceeding for divorce or thereafter, the court may award interim periodic support to a party or may award final periodic support to a party who is in need of support and who is free from fault prior to the filing of a proceeding to terminate the marriage in accordance with the following Articles.

Amended by Acts 1928, No. 130; Acts 1979, No. 72, §1; Acts 1990, No. 361, §1, eff. Jan. 1, 1991; Acts 1997, No. 1078, §1, eff. Jan. 1, 1998; Acts 2006, No. 749, §1, eff. June 30, 2006.

Art. 112. Determination of final periodic support

A. When a spouse has not been at fault prior to the filing of a petition for divorce and is in need of support, based on the needs of that party and the ability of the other party to pay, that spouse may be awarded final periodic support in accordance with Paragraph B of this Article.

B. The court shall consider all relevant factors in determining the amount and duration of final support including:

- (1) The income and means of the parties, including the liquidity of such means.
- (2) The financial obligations of the parties, including any interim allowance or final child support obligation.
- (3) The earning capacity of the parties.
- (4) The effect of custody of children upon a party's earning capacity.
- (5) The time necessary for the claimant to acquire appropriate education, training, or employment.
- (6) The health and age of the parties.
- (7) The duration of the marriage.
- (8) The tax consequences to either or both parties.
- (9) The existence, effect, and duration of any act of domestic abuse committed by the other spouse upon the claimant or a child of one of the spouses, regardless of whether the other spouse was prosecuted for the act of domestic violence.

C. When a spouse is awarded a judgment of divorce pursuant to Article 103(2), (3), (4), or (5), or when the court determines that a party or a child of one of the spouses was the victim of domestic abuse committed by the other party during the marriage, that spouse is presumed to be entitled to final periodic support.

D. The sum awarded under this Article shall not exceed one-third of the obligor's net income. Nevertheless, when support is awarded after a judgment of divorce is rendered pursuant to Article 103(4) or (5), or when the court determines that a party or a child of one of the spouses was the victim of domestic abuse committed by the other party during the marriage, the sum awarded may exceed one-third of the obligor's net income and may be awarded as a lump sum.

Amended by Acts 1916, No. 247; Acts 1928, No. 21; Acts 1934, 2nd Ex.Sess., No. 27; Acts 1964, No. 48; Acts 1979, No. 72, §1; Acts 1982, No. 293, §1; Acts 1986, No. 229, §1; Acts 1997, No. 1078, §1, eff. Jan. 1, 1998; Acts 2006, No. 749, §1, eff. June 30, 2006; Acts 2014, No. 316, §1; Acts 2014, No. 616, §1; Acts 2018, No. 265, §1.

Art. 113. Interim spousal support

A. Upon motion of a party, the court may award a party interim spousal support based on the needs of that party, the ability of the other party to pay, any interim or final child support obligation, and the standard of living of the parties during the marriage. An award of interim spousal support shall terminate one hundred eighty days from the rendition of a judgment of divorce, except that the award may extend beyond one hundred eighty days but only for good cause shown.

B. An obligation to pay final periodic support shall not begin until an interim spousal support award has terminated.

Acts 1997, No. 1078, §1, eff. Jan. 1, 1998; Acts 2001, No. 738, §1; Acts 2003, No. 1092, §1; Acts 2014, No. 316, §1; Acts 2014, No. 616, §1; Acts 2018, No. 265, §1.

Art. 114. Modification or termination of award of support

An award of interim spousal support or final periodic support may be modified if the circumstances of either party materially change and shall be terminated if it has become unnecessary. The subsequent remarriage of the obligor spouse shall not constitute a change of circumstance.

Acts 1997, No. 1078, §1, eff. Jan. 1, 1998; Acts 2001, No. 1049, §1; Acts 2018, No. 265, §1.

Art. 115. Extinguishment of support obligation

The obligation of interim spousal support or final periodic support is extinguished upon the remarriage of the obligee, the death of either party, or a judicial determination that the obligee has cohabited with another person of either sex in the manner of married persons.

Acts 1997, No. 1078, §1, eff. Jan. 1, 1998; Acts 2018, No. 265, §1.

Art. 116. Modification of spousal support obligation

The obligation of final spousal support may be modified, waived, or extinguished by judgment of a court of competent jurisdiction or by authentic act or act under private signature duly acknowledged by the obligee.

Acts 1997, No. 1078, §1, eff. Jan. 1, 1998.

Art. 117. Peremptive period for obligation

The right to claim after divorce the obligation of spousal support is subject to a peremption of three years. Peremption begins to run from the latest of the following events:

(1) The day the judgment of divorce is signed.

(2) The day a judgment terminating a previous judgment of spousal support is signed, if the previous judgment was signed in an action commenced either before the signing of the judgment of divorce or within three years thereafter.

(3) The day of the last payment made, when the spousal support obligation is initially performed by voluntary payment within the periods described in Paragraph (1) or (2) and no more than three years has elapsed between payments.

Acts 1997, No. 1078, §1, eff. Jan. 1, 1998.

Art. 118. to Art. 120. [Repealed]

SECTION 2. CLAIM FOR CONTRIBUTIONS TO EDUCATION OR TRAINING

Art. 121. Claim for contributions to education or training; authority of court

In a proceeding for divorce or thereafter, the court may award a party a sum for his financial contributions made during the marriage to education or training of his spouse that increased the spouse's earning power, to the extent that the claimant did not benefit during the marriage from the increased earning power.

The sum awarded may be in addition to a sum for support and to property received in the partition of community property.

Acts 1990, No. 1008, §2, eff. Jan. 1, 1991; Acts 1991, No. 367, §1.

Art. 122. Nature of action

The claim for contributions made to the education or training of a spouse is strictly personal to each party.

Acts 1990, No. 1008, §2, eff. Jan. 1, 1991.

Art. 123. Form of award; effect of remarriage or death

The sum awarded for contributions made to the education or training of a spouse may be a sum certain payable in installments.

The award shall not terminate upon the remarriage or death of either party.

Acts 1990, No. 1008, §2, eff. Jan. 1, 1991.

Art. 124. Prescription of spousal claim for contributions

The action for contributions made to the education or training of a spouse prescribes in three years from the date of the signing of the judgment of divorce or declaration of nullity of the marriage.

Acts 1990, No. 1008, §2, eff. Jan. 1, 1991.

Art. 125. to Art. 130. [Repealed]

SECTION 3. CHILD CUSTODY

Art. 131. Court to determine custody

In a proceeding for divorce or thereafter, the court shall award custody of a child in accordance with the best interest of the child.

Amended by Acts 1888, No. 124; Acts 1979, No. 718, §1; Acts 1981, No. 283, §1; Acts 1982, No. 307, §1, eff. Jan. 1, 1983; Acts 1983, No. 695, §1; Act 1984, No. 133, §1; Acts 1984, No. 786, §1; Acts 1986, No. 950, §1, eff. July 1, 1986; Acts 1989, No. 188, §1; Acts 1993, No. 261, §1, eff. Jan. 1, 1994.

Art. 132. Award of custody to parents

If the parents agree who is to have custody, the court shall award custody in accordance with their agreement unless the provisions of R.S. 9:364 apply or the best interest of the child requires a different award. Subject to the provisions of R.S. 9:364, in the absence of agreement, or if the agreement is not in the best interest of the child, the court shall award custody to the parents jointly; however, if custody in one parent is shown by clear and convincing evidence to serve the best interest of the child, the court shall award custody to that parent.

Acts 1993, No. 261, §1, eff. Jan. 1, 1994; Acts 2018, No. 412, §1, eff. May 23, 2018.

Art. 133. Award of custody to person other than a parent; order of preference

If an award of joint custody or of sole custody to either parent would result in substantial harm to the child, the court shall award custody to another person with whom the child has been living in a wholesome and stable environment, or otherwise to any other person able to provide an adequate and stable environment.

Acts 1986, No. 966, §1; Acts 1989, No. 546, §1; Acts 1993, No. 261, §1, eff. Jan. 1, 1994.

Art. 134. Factors in determining child's best interest

A. Except as provided in Paragraph B of this Article, the court shall consider all relevant factors in determining the best interest of the child, including:

(1) The potential for the child to be abused, as defined by Children's Code Article 603, which shall be the primary consideration.

(2) The love, affection, and other emotional ties between each party and the child.

(3) The capacity and disposition of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child.

(4) The capacity and disposition of each party to provide the child with food, clothing, medical care, and other material needs.

(5) The length of time the child has lived in a stable, adequate environment, and the desirability of maintaining continuity of that environment.

(6) The permanence, as a family unit, of the existing or proposed custodial home or homes.

(7) The moral fitness of each party, insofar as it affects the welfare of the child.

(8) The history of substance abuse, violence, or criminal activity of any party.

(9) The mental and physical health of each party. Evidence that an abused parent suffers from the effects of past abuse by the other parent shall not be grounds for denying that parent custody.

(10) The home, school, and community history of the child.

(11) The reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference.

(12) The willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party, except when objectively substantial evidence of specific abusive, reckless, or illegal conduct has caused one party to have reasonable concerns for the child's safety or well-being while in the care of the other party.

(13) The distance between the respective residences of the parties.

(14) The responsibility for the care and rearing of the child previously exercised by each party.

B. In cases involving a history of committing family violence, as defined in R.S. 9:362, or domestic abuse, as defined in R.S. 46:2132, including sexual abuse, as defined in R.S. 14:403(A)(4)(b), whether or not a party has sought relief under any applicable law, the court shall determine an award of custody or visitation in accordance with R.S. 9:341 and 364. The court may only find a history of committing family violence if the court finds that one incident of family violence has resulted in serious bodily injury or the court finds more than one incident of family violence.

Acts 1988, No. 817, §2, eff. July 18, 1988; Acts 1990, No. 361, §1, eff. Jan. 1, 1991; Acts 1993, No. 261, §1, eff. Jan. 1, 1994; Acts 2018, No. 412, §1, eff. May 23, 2018.

Art. 135. Closed custody hearing

A custody hearing may be closed to the public.

Acts 1990, No. 361, §1, eff. Jan. 1, 1991; Acts 1993, No. 261, §1, eff. Jan. 1, 1994.

Art. 136. Award of visitation rights

A. Subject to R.S. 9:341 and 364, a parent not granted custody or joint custody of a child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would not be in the best interest of the child.

B. In addition to the parents referred to in Paragraph A of this Article, the following persons may be granted visitation if the parents of the child are not married or cohabitating with a person in the manner of married persons or if the parents of the child have filed a petition for divorce:

(1) A grandparent if the court finds that it is in the best interest of the child.

(2) Under extraordinary circumstances, any other relative, by blood or affinity, or a former stepparent or stepgrandparent if the court finds that it is in the best interest of the child. Extraordinary circumstances shall include a determination by a court that a parent is abusing a controlled dangerous substance.

C. Before making any determination under Subparagraph (B)(1) or (2) of this Article, the court shall hold a contradictory hearing as provided by R.S. 9:345 in order to determine whether the court should appoint an attorney to represent the child.

D. In determining the best interest of the child under Subparagraph (B)(1) or (2) of this Article, the court shall consider only the following factors:

(1) A parent's fundamental constitutional right to make decisions concerning the care, custody, and control of their own children and the traditional presumption that a fit parent will act in the best interest of their children.

(2) The length and quality of the prior relationship between the child and the relative.

(3) Whether the child is in need of guidance, enlightenment, or tutelage which can best be provided by the relative.

(4) The preference of the child if he is determined to be of sufficient maturity to express a preference.

(5) The mental and physical health of the child and the relative.

E. If the parents of a child are married and have not filed for divorce or they are living in concubinage the provisions of R.S. 9:344 shall apply.

Acts 1992, No. 782, §1; Acts 1993, No. 261, §1, eff. Jan. 1, 1994; Acts 1995, No. 57, §1; Acts 2009, No. 379, §1; Acts 2012, No. 763, §1, eff. June 12, 2012; Acts 2014, No. 586, §1; Acts 2018, No. 383, §1; Acts 2018, No. 412, §1, eff. May 23, 2018.

Art. 136.1. Award of visitation rights

A child has a right to time with both parents. Accordingly, when a court-ordered schedule of visitation, custody, or time to be spent with a child has been entered, a parent shall exercise his rights to the child in accordance with the schedule unless good cause is shown. Neither parent shall interfere with the visitation, custody or time rights of the other unless good cause is shown.

Acts 2008, No. 671, §1.

Art. 137. Denial of visitation; sex offense; death of a parent

A. In a proceeding in which visitation of a child is being sought by a parent, if the child was conceived through the commission of a sex offense as provided by R.S. 15:541,

the parent who committed the sex offense shall be denied visitation rights and contact with the child.

B. In a proceeding in which visitation of a child is being sought by a relative by blood or affinity, if the court determines, by a preponderance of the evidence, that the intentional criminal conduct of the relative resulted in the death of the parent of the child, the relative shall be denied visitation rights and contact with the child.

Acts 2001, No. 499, §1; Acts 2010, No. 873, §1, eff. July 2, 2010; Acts 2012, No. 763, §1, eff. June 12, 2012; Acts 2023, No. 271, §2, eff. June 9, 2023.

Art. 138. to Art. 140. [Repealed]

SECTION 4. CHILD SUPPORT

Art. 141. Child support; authority of court

In a proceeding for divorce or thereafter, the court may order either or both of the parents to provide an interim allowance or final support for a child based on the needs of the child and the ability of the parents to provide support.

The court may award an interim allowance only when a demand for final support is pending.

Acts 1993, No. 261, §6, eff. Jan. 1, 1994.

Art. 142. Modification or termination of child support award

An award of child support may be modified if the circumstances of the child or of either parent materially change and shall be terminated upon proof that it has become unnecessary.

Acts 1993, No. 261, §7, eff. Jan. 1, 1994; Acts 2001, No. 1082, §2.

Art. 143. to Art. 150. [Repealed]

SECTION 5. PROVISIONAL AND INCIDENTAL PROCEEDINGS IN ACTIONS OF NULLITY

Art. 151. Proceeding for declaration of nullity of a marriage; interim incidental relief

In a proceeding for declaration of nullity of a marriage, a court may award a party the incidental relief afforded in a proceeding for divorce.

Acts 1993, No. 108, §1, eff. Jan. 1, 1994.

Art. 152. Proceeding for declaration of nullity of a marriage; final incidental relief

After the declaration of nullity of a marriage, a party entitled to the civil effects of marriage may seek the same relief as may a divorced spouse.

Incidental relief granted pending declaration of nullity to a party not entitled to the civil effects of marriage shall terminate upon the declaration of nullity.

Nevertheless, a party not entitled to the civil effects of marriage may be awarded custody, child support, or visitation. The award shall not terminate as a result of the declaration of nullity.

Acts 1993, No. 108, §1, eff. Jan. 1, 1994.

Art. 153. to 158. [Repealed]

CHAPTER 3. EFFECTS OF DIVORCE

Art. 159. Effect of divorce on community property regime

A judgment of divorce terminates a community property regime retroactively to the date of filing of the petition in the action in which the judgment of divorce is rendered. The retroactive termination of the community shall be without prejudice to rights of third parties validly acquired in the interim between the filing of the petition and recordation of the judgment.

Amended by Acts 1977, No. 483, §2; Acts 1979, No. 711, §1; Act 1990, No. 1009, §2, eff. Jan. 1, 1991.

Art. 160. [Blank]

Art. 161. Repealed by Acts 1990, No. 1008, §6, eff. Jan. 1, 1991.

TITLE VI. OF MASTER AND SERVANT [Repealed]

Art. 162 to Art. 177 [Repealed]

TITLE VII. PARENT AND CHILD

CHAPTER 1. FILIATION

Art. 178. Definition

Filiation is the legal relationship between a child and his parent.
Acts 2009, No. 3, §1, eff. June 9, 2009.

Art. 179. Establishment of filiation

Filiation is established by proof of maternity or paternity or by adoption.
Acts 2009, No. 3, §1, eff. June 9, 2009.

Art. 180. to Art. 183. [Repealed]

CHAPTER 2. FILIATION BY PROOF OF MATERNITY OR PATERNITY

SECTION 1. PROOF OF MATERNITY

Art. 184. Maternity

Maternity may be established by a preponderance of the evidence that the child was born of a particular woman, except as otherwise provided by law.

Amended by Acts 1976, No. 430, §1; Acts 2005, No. 192, §1, eff. June 29, 2005; Acts 2009, No. 3, §3, eff. June 9, 2009.

SECTION 2. PROOF OF PATERNITY

SUBSECTION A. THE PRESUMPTION OF PATERNITY OF HUSBAND; DISAVOWAL OF PATERNITY; CONTESTATION; ESTABLISHMENT OF PATERNITY

Art. 185. Presumption of paternity of husband

The husband of the mother is presumed to be the father of a child born during the marriage or within three hundred days from the date of the termination of the marriage.

Amended by Acts 1976, No. 430, §1; Acts 2005, No. 192, §1, eff. June 29, 2005; Acts 2009, No. 3, §3, eff. June 9, 2009.

Art. 186. Presumption if child is born after divorce or after death of husband; effect of disavowal

If a child is born within three hundred days from the day of the termination of a marriage and his mother has married again before his birth, the first husband is presumed to be the father.

If the first husband or his successor, obtains a judgment of disavowal of paternity of the child, the second husband is presumed to be the father. The second husband, or his successor, may disavow paternity if he institutes a disavowal action within a preemptive period of one year from the day that the judgment of disavowal obtained by the first husband is final and definitive.

Amended by Acts 1976, No. 430, §1; Acts 2005, No. 192, §1, eff. June 29, 2005.

Art. 187. Disavowal action; proof

The husband may disavow paternity of the child by clear and convincing evidence that he is not the father. The testimony of the husband shall be corroborated by other evidence.

Amended by Acts 1976, No. 430, §1; Acts 1989, No. 790, §1; Acts 2005, No. 192, §1, eff. June 29, 2005.

Art. 188. Disavowal precluded in case of assisted conception

The husband of the mother may not disavow a child born to his wife as a result of an assisted conception to which he consented.

Amended by Acts 1976, No. 430, §1; Acts 1989, No. 790, §1; Acts 2005, No. 192, §1, eff. June 29, 2005.

Art. 189. Time limit for disavowal by the husband

The action for disavowal of paternity is subject to a liberative prescription of one year. This prescription commences to run from the day of the birth of the child, or the day the husband knew or should have known that he may not be the biological father of the child, whichever occurs later.

Nevertheless, if the husband lived separate and apart from the mother continuously during the three hundred days immediately preceding the birth of the child, this prescription does not commence to run until the husband is notified in writing that a party in interest has asserted that the husband is the father of the child.

Amended by Acts 1976, No. 430, §1; Acts 1999, No. 790, §1; Acts 2005, No. 192, §1, eff. June 29, 2005; Acts 2016, No. 309, §1.

Art. 190. Time limit for disavowal by heir or legatee

If the prescription has commenced to run and the husband dies before the prescription has accrued, his successor whose interests adversely affected may institute an action for disavowal of paternity. The action of the successor is subject to a liberative prescription of one year. This prescription commences to run from the day of the death of the husband.

If the prescription has not yet commenced to run, the action of the successor is subject to a liberative prescription of one year. This prescription commences to run from the day the successor is notified in writing that a party in interest has asserted that the husband is the father of the child.

Amended by Acts 1976, No. 430, §1; Acts 1999, No. 790, §1; Acts 2005, No. 192, §1, eff. June 29, 2005.

Art. 190.1. Three-party acknowledgment; alternative to disavowal; time period

If blood or tissue sampling indicates by a ninety-nine and nine-tenths percentage point threshold probability that the biological father is the father of the child and he is not the husband or former husband presumed to be the father of the child, then the husband or former husband presumed to be the father of the child, the mother, and the biological father of the child may execute a three-party acknowledgment in authentic form declaring that the husband or former husband is not the father of the child and that the biological father is the father of the child. When a three-party acknowledgment is executed, the husband or former husband is not presumed to be the father of the child. The biological father who has acknowledged the child by three-party acknowledgment is presumed to be the father of the child.

To have effect, this acknowledgment shall be executed no later than ten years from the day of the birth of the child but never more than one year from the day of the death of the child. These time periods are peremptive.

Acts 2018, No. 21, §2, eff. May 7, 2018.

Art. 191. Contestation and establishment of paternity by mother

The mother of a child may institute an action to establish both that her former husband is not the father of the child and that her present husband is the father. This action may be instituted only if the present husband has acknowledged the child by authentic act. Acts 2004, No. 530, §1, eff. June 25, 2004; Acts 2005, No. 192, §1, eff. June 29, 2005; Acts 2016, No. 309, §1.

Art. 192. Contestation action; proof

The mother shall prove by clear and convincing evidence both that her former husband is not the father and that her present husband is the father. The testimony of the mother shall be corroborated by other evidence.

Acts 2005, No. 192, §1, eff. June 29, 2005.

Art. 193. Contestation and establishment of paternity; time period

The action by the mother shall be instituted within a peremptive period of one hundred eighty days from the marriage to her present husband and also within two years from the day of the birth of the child, except as may otherwise be provided by law.

Acts 2005, No. 192, §1, eff. June 29, 2005.

Art. 194. Judgment in contestation action

A judgment shall not be rendered decreeing that the former husband is not the father of the child unless the judgment also decrees that the present husband is the father of the child.

Acts 2005, No. 192, §1, eff. June 29, 2005.

SUBSECTION B. PRESUMPTION OF PATERNITY BY SUBSEQUENT MARRIAGE AND ACKNOWLEDGMENT

Art. 195. Presumption by marriage and acknowledgment; child not filiated to another man; proof; time period

A man who marries the mother of a child not filiated to another man and who, with the concurrence of the mother, acknowledges the child by authentic act is presumed to be the father of that child.

The husband may disavow paternity of the child as provided in Article 187. Revocation of the authentic act of acknowledgment alone is not sufficient to rebut the presumption of paternity created by this Article.

The action for disavowal is subject to a peremptive period of one hundred eighty days. This peremptive period commences to run from the day of the marriage or the acknowledgment, whichever occurs later.

Acts 2005, No. 192, §1, eff. June 29, 2005; Acts 2009, No. 3, §3, eff. June 9, 2009; Acts 2016, No. 309, §1.

SUBSECTION C. OTHER METHODS OF ESTABLISHING PATERNITY

Art. 196. Formal acknowledgment; presumption

A man may, by authentic act, acknowledge a child not filiated to another man. The acknowledgment creates a presumption that the man who acknowledges the child is the father. The presumption can be invoked only on behalf of the child. Except as otherwise provided in custody, visitation, and child support cases, the acknowledgment does not create a presumption in favor of the man who acknowledges the child.

Acts 2005, No. 192, §1, eff. June 29, 2005; Acts 2006, No. 344, §1, eff. June 13, 2006; Acts 2009, No. 3, §3, eff. June 9, 2009; Acts 2016, No. 309, §1.

Art. 197. Child's action to establish paternity; proof; time period

A child may institute an action to prove paternity even though he is presumed to be the child of another man. If the action is instituted after the death of the alleged father, a child shall prove paternity by clear and convincing evidence.

For purposes of succession only, this action is subject to a preemptive period of one year. This preemptive period commences to run from the day of the death of the alleged father.

Acts 2005, No. 192, §1, eff. June 29, 2005.

Art. 198. Father's action to establish paternity; time period

A man may institute an action to establish his paternity of a child at any time except as provided in this Article. The action is strictly personal.

If the child is presumed to be the child of another man, the action shall be instituted within one year from the day of the birth of the child. Nevertheless, if the mother in bad faith deceived the father of the child regarding his paternity, the action shall be instituted within one year from the day the father knew or should have known of his paternity, or within ten years from the day of the birth of the child, whichever first occurs.

In all cases, the action shall be instituted no later than one year from the day of the death of the child.

The time periods in this Article are preemptive.

Amended by Acts 1944, No. 50; Acts 1948, No. 482, §1; Acts 1979, No. 607, §1; Acts 2005, No. 192, §1, eff. June 29, 2005.

CHAPTER 3. FILIATION BY ADOPTION

SECTION 1. EFFECT OF ADOPTION

Art. 199. Effect of adoption

Upon adoption, the adopting parent becomes the parent of the child for all purposes and the filiation between the child and his legal parent is terminated, except as otherwise provided by law. The adopted child and his descendants retain the right to inherit from his former legal parent and the relatives of that parent.

Acts 2009, No. 3, §1, eff. June 9, 2009.

SECTION 2. ADOPTION OF MINORS

Art. 200. Adoption of minors

The adoption of minors is also governed by the provisions of the Children's Code. Acts 2009, No. 3, §1, eff. June 9, 2009.

Art. 201. to Art. 211 [Repealed] by Acts 2005, No. 192, §1, eff. June 29, 2005.

SECTION 3. ADOPTION OF ADULTS

Art. 212. Adult adoption requirements

A person who has attained the age of majority may be adopted without judicial authorization only when the adoptive parent is the spouse or the surviving spouse of a parent of the person to be adopted.

In other proposed adult adoptions, the court, upon the joint petition of the adoptive parent and the person to be adopted, may authorize the adoption of a person who has attained the age of majority if the court finds after a hearing that the adoption is in the best interest of both parties.

Acts 2008, No. 351, §1, eff. Jan. 1, 2009; Acts 2009, No. 3, §3, eff. June 9, 2009.

Art. 213. Adult adoption; form

The adoptive parent and the person to be adopted shall consent to the adoption in an authentic act of adoption.

The spouse of the adoptive parent and the spouse of the person to be adopted shall sign the act of adoption for the purpose of concurrence in the adoption only. The act of adoption without this concurrence is absolutely null. The concurrence does not establish the legal relationship of parent and child.

Neither a party to an adult adoption nor a concurring spouse may consent by procuration or mandate.

Acts 2008, No. 351, §1, eff. Jan. 1, 2009.

Art. 214. Adult adoption; recordation requirement

The adoption is effective when the act of adult adoption and any judgment required to authorize the adoption are filed for registry, except as otherwise provided by law.

Amended by Acts 1948, No. 454, §1; Acts 1958, No. 514, §1; Acts 1978, No. 458, §1; Acts 1990, No. 147, §1, eff. July 1, 1990; Acts 1995, No. 1180, §1, eff. Jan. 1, 1996; Acts 2008, No. 351, §1, eff. Jan. 1, 2009.

CHAPTER 5--OF PARENTAL AUTHORITY

SECTION 1--OF THE DUTIES OF PARENTS TOWARDS THEIR LEGITIMATE CHILDREN, AND OF THE DUTIES OF LEGITIMATE CHILDREN TOWARDS THEIR PARENTS

Art. 215 to Art. 220. [Repealed]

Art. 221. Authority of married parents

The father and mother who are married to each other have parental authority over their minor child during the marriage.

Amended by Acts 1916, No. 41; Acts 1920, No. 252; Acts 1924, No. 197; Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 222. Representation of minor

Parental authority includes representation of the child and the right to designate a tutor for the child.

Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 223. Rights and obligations of parental authority

Parental authority includes rights and obligations of physical care, supervision, protection, discipline, and instruction of the child.

Acts 1986, No. 303, §1; Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 224. Parental obligation of support and education

Parents are obligated to support, maintain, and educate their child. The obligation to educate a child continues after minority as provided by law.

Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 225. Parental liability for child's offenses and quasi-offenses

Parents are responsible for damage occasioned by their child as provided by law.

Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 226. Parental obligation of direction

Parents have a moral obligation to provide moral, social, and material direction for their child.

Amended by Acts 1952, No. 265, §1; Acts 1985, No. 714, §1; Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 227. Parental control

A child owes assistance to his parents and may not quit a family residence without the consent of both parents, except as otherwise provided by law.

Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 228. Child's obligation of obedience; parental correction

A child shall obey his parents in all matters not contrary to law or good morals. Parents have the right and obligation to correct and discipline the child in a reasonable manner.

Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 229. Administration of the property of the child

Each parent has the right and the obligation to administer the property of the child. The parent must do so as a prudent administrator and is answerable for any damage caused by his fraud, fault, default, or neglect. An action for failure to perform this obligation is subject to a liberative prescription of five years that commences to run from the day the child attains the age of majority.

Amended by Acts 1970, No. 436, §2; Acts 1972, No. 668, §1; Acts 1979, No. 249, §1; Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 230. Alienation, encumbrance, or lease of the property of the child; expenditure of fruits

Either parent may alienate, encumber, or lease the property of the child, compromise a claim of the child, or incur an obligation of the child for his education, support, and maintenance only with prior court approval, except as otherwise provided by law.

Nevertheless, a parent may expend, without court approval, the fruits of the child's property for the shared benefit of the family, excluding major children not living in the household, or for the expenses of the child's household or property.

Acts 1985, No. 173, §1; Acts 1992, No. 1014, §1; Acts 2001, No. 408, §1; Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 231. Parents' obligation to deliver and account

Parents are bound to deliver to the child his property at termination of parental authority.

Parents shall also give an account of their administration when ordered by the court. The action to compel an accounting is subject to a liberative prescription of five years that commences to run from the day the child attains the age of majority.

Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 232. Parental authority

Either parent during the marriage has parental authority over his child unless otherwise provided by law.

Under extraordinary circumstances, such as if one parent is mentally incompetent, interdicted, or imprisoned, or is an absent person, the other parent has exclusive authority.
Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 233. Delegation of parental authority

Parents may delegate all or a part of their parental authority to others as provided by law.

Parents delegate a part of their parental authority to teachers and others to whom they entrust their child for his education, insofar as may be necessary.
Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 234. Parental authority; custody award

Parental authority continues during marriage, unless modified by a judgment awarding custody to one parent, by a joint custody implementation order, or by a judgment awarding custody to a third person.

An ascendant, other than a parent, who is awarded custody has parental authority. The authority of a third person who is awarded custody, other than an ascendant, is governed by the rules of tutorship, unless modified by court order.
Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 235. Termination of parental authority

Parental authority terminates upon the child's attaining the age of majority, upon the child's emancipation, or upon termination of the marriage of the parents of the child.
Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 236. Filial honor and respect

A child regardless of age owes honor and respect to his father and mother.
Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 237. Obligation of providing the basic necessities of life; ascendants; exceptions

Descendants are bound to provide the basic necessities of life to their ascendants who are in need, upon proof of inability to obtain these necessities by other means or from other sources, and ascendants are likewise bound to provide for their needy descendants, this obligation being reciprocal.

This obligation is strictly personal and is limited to the basic necessities of food, clothing, shelter, and health care.

This obligation is owed by descendants and ascendants in the order of their degree of relationship to the obligee and is joint and divisible among obligors. Nevertheless, if the obligee is married, the obligation of support owed by his descendants and ascendants is secondary to the obligation owed by his spouse.
Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

SECTION 2--OF THE DUTIES OF PARENTS TOWARDS THEIR ILLEGITIMATE CHILDREN, AND OF THE DUTIES OF ILLEGITIMATE CHILDREN TOWARD THEIR PARENTS

Art. 238. Amount of support

The amount of support shall be determined in accordance with the needs of the obligee, as limited under the preceding Article, and the means of the obligor.
Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 239. Modification or termination of support

The amount of support may be modified if the circumstances of the obligor or the obligee materially change and shall be terminated if it becomes unnecessary.
Acts 2015, No. 260, §1, eff. Jan. 1, 2016.

Art. 240. to Art. 245. [Repealed]

TITLE VIII--OF MINORS, OF THEIR TUTORSHIP AND EMANCIPATION

CHAPTER 1--OF TUTORSHIP

SECTION 1--GENERAL DISPOSITIONS

Art. 246. Occasion for tutorship.

The minor not emancipated is placed under the authority of a tutor after the dissolution of the marriage of his father and mother or the separation from bed and board of either one of them from the other.
Amended by Acts 1924, No. 72.

Art. 247. Kinds of tutorships.

There are four sorts of tutorships:
Tutorship by nature;
Tutorship by will;
Tutorship by the effect of the law;
Tutorship by the appointment of the judge.

Art. 248. Modes of establishment of tutorships.

Tutorship by nature takes place of right, but the natural tutor must qualify for the office as provided by law. In every other kind of tutorship the tutor must be confirmed or appointed by the court, and must qualify for the office as provided by law.

Amended by Acts 1960, No. 30, §1, eff. Jan. 1, 1961.

Art. 249. Accountability of tutor.

For every sort of tutorship, the tutor is accountable.

SECTION 2--OF TUTORSHIP BY NATURE

Art. 250. Persons entitled to tutorship

Upon the death of either parent, the tutorship of minor children belongs of right to the other. Upon divorce or judicial separation from bed and board of parents, the tutorship of each minor child belongs of right to the parent under whose care he or she has been placed or to whose care he or she has been entrusted; however, if the parents are awarded joint custody of a minor child, then the cotutorship of the minor child shall belong to both parents, with equal authority to act alone, on behalf of the child, and with equal privileges and responsibilities, unless modified by order of the court or by an agreement of the parents, approved by the court awarding joint custody. In the event of the death of a parent to whom joint custody had been awarded, the tutorship of the minor children of the deceased belongs of right to the surviving parent.

All those cases are called tutorship by nature.
Amended by Acts 1971, No. 196; Acts 1981, No. 283, §1; Acts 1982, No. 307, §1, eff. Jan. 1, 1983; Acts 1983, No. 695; Acts 2022, No. 121, §1, eff. May 25, 2022.

Art. 251. [Repealed]

Art. 252. Unborn and posthumous children.

If a wife happens to be pregnant at the time of the death of her husband, no tutor shall be appointed to the child till after his birth; but, if it should be necessary, the judge may appoint a curator for the preservation of the rights of the unborn child, and for the administration of the estate which may belong to such child. At the birth of the posthumous child, such curator shall be of right the undertutor.

Art. 253 to Art. 255 [Repealed]

Art. 256. Children born outside of marriage

A. The mother is of right the tutrix of her child born outside of marriage not acknowledged by the father, or acknowledged by him without her concurrence.

B. After the death of the mother, if the father had not acknowledged the child prior to the mother's death, the court shall give first consideration to appointment as tutor either of her parents or siblings who survive her and accept the appointment, and secondly, the father, always taking into consideration the best interests of the child.

C. If both parents have acknowledged their child born outside of marriage, the judge shall appoint as tutor the one by whose care the best interests of the child will be served. However, if the parents are awarded joint custody of such acknowledged child born outside of marriage, then the cotutorship of such child shall belong of right to both parents, with equal authority to act alone, on behalf of the child, and with equal privileges and responsibilities, unless modified by order of the court or by an agreement of the parents, approved by the court awarding joint custody.

Acts 1983, No. 215, §1, eff. Sept. 1, 1983; Acts 2016, No. 210, §1; Acts 2022, No. 121, §1, eff. May 25, 2022.

SECTION 3--OF THE TUTORSHIP BY WILL

Art. 257. Surviving parent's right of appointment.

The right of appointing a tutor, whether a relation or a stranger, belongs exclusively to the father or mother dying last.

The right of appointing a tutor, whether a relation or a stranger, also belongs to a parent who has been named the curator for the other living spouse, when that other living spouse has been interdicted, subject only to the right of the interdicted parent to claim the tutorship should his incapacity be removed by a judgment of a court of competent jurisdiction.

This is called tutorship by will because generally it is given by testament; but it may likewise be given by a declaration of the surviving father or mother, or the parent who is the curator of the other spouse, executed before a notary and two witnesses.

Amended by Acts 1974, No. 142, §1.

Art. 258. Right of appointment where parents are divorced or separated

If the parents are divorced or judicially separated, only the one to whom the court has entrusted the care and custody of the children has a right to appoint a tutor for them as provided in Article 257. However, if the parents have been awarded joint custody of the children, then the right to appoint a tutor for them belongs to the parent dying last, but either parent may appoint a tutor of the property of the children as provided in Article 257. In the event that both parents appoint a tutor of the property of the children, the tutors shall separately administer that portion of the children's property which is attributable to the respective parent's estate. The court shall decide which tutor shall administer that portion of the children's property which is not attributable to either parent's estate.

Acts 1992, No. 680, §1.

Art. 259. Option of acceptance of tutorship.

The tutor by will is not compelled to accept the tutorship to which he is appointed by the father or mother.

But if he refuses the tutorship, he loses in that case all the legacies and other advantages, which the person who appointed him may have made in his favor under a persuasion that he would accept this trust.

Art. 260. Repealed by Acts 1960, No. 30, §2, eff. Jan. 1, 1961.

Art. 261. Child born outside of marriage

The father or mother who is entitled to the tutorship of the child born outside of marriage, according to the provisions of Article 256, can choose a tutor for him, whose appointment, to be valid, must be approved by the judge.

Amended by Acts 1979, No. 607, §1; Acts 2016, No. 210, §1.

Art. 262. Appointment of several tutors; order of priority.

If the parent who died last has appointed several tutors to the children, the person first mentioned shall be alone charged with the tutorship, and the second shall not be called to it, except in case of the death, absence, refusal, incapacity or displacing of the first, and in like manner as to the others in succession.

SECTION 4--OF THE TUTORSHIP BY THE EFFECT OF THE LAW

Art. 263. Qualified ascendants, collaterals by blood; surviving spouse.

When a tutor has not been appointed to the minor by father or mother dying last, or if the tutor thus appointed has not been confirmed or has been excused, then the judge shall appoint to the tutorship, first among the qualified ascendants in the direct line, collaterals by blood within the third degree and the surviving spouse of the minor's mother or father dying last, the person whose appointment is in the best interests of the minor.

Amended by Acts 1976, No. 429, §1.

Art. 264. to Art. 269. [Repealed]

SECTION 5--OF DATIVE TUTORSHIP

Art. 270. Occasion for tutorship.

When a minor is an orphan, and has no tutor appointed by his father or mother, nor any relations who may claim the tutorship by effect of law, or when the tutor appointed in some of the modes above expressed is liable to be excluded or disqualified, or is excused legally, the judge shall appoint a tutor to the minor.

Amended by Acts 1960, No. 30, §1, eff. Jan. 1, 1961.

Art. 271. to Art. 272. [Repealed]

SECTION 6--OF THE UNDERTUTOR

Art. 273. Necessity for appointment.

In every tutorship there shall be an undertutor.
Amended by Acts 1960, No. 30, §1, eff. Jan. 1, 1961.

Art. 274. to Art. 277. [Repealed]

Art. 278. Liability concerning minor's legal mortgage.

The undertutor who fails or neglects to cause to be inscribed in the manner required by law, the evidence of the minor's legal mortgage against his tutor, shall be liable for all the damages which the minor may sustain in consequence of such failure or neglect; and this claim for damages shall not be prescribed so long as the minor's right of action exists against his tutor.

Art. 279. [Repealed]

Art. 280. Termination of undertutorship

The duties of the undertutor are terminated at the same time with the tutorship.

SECTION 7--OF FAMILY MEETINGS

Art. 281 to 291 [Repealed]

SECTION 8--OF THE CAUSES WHICH DISPENSE OR EXCUSE FROM THE TUTORSHIP

Art. 292. Excuse by reason of office or function.

The following persons are dispensed or excused from the tutorship by the privilege of their offices or functions:

1. The Governor and the Secretary of State;
2. The judges of the different courts of this State and the officers of the same;
3. The Mayor of the city of New Orleans;
4. The Collector of the Customs;
5. The officers and soldiers attached to the regular troops, whether on land or sea service, employed and in actual service in this State, and all the officers who are intrusted in this State with any mission from the Government, as long as they are employed;
6. Preceptors and other persons keeping public schools, as long as they remain in the useful and actual exercise of their profession;

7. Ministers of the gospel.

Art. 293. Waiver of excuse by subsequent acceptance of tutorship.

The persons mentioned in the preceding article, who have accepted a tutorship posterior to their being invested with the offices, engaged in the service, or intrusted with the mission which dispenses from it, shall not be admitted to be excused on that account.

Art. 294. Subsequently acquired excuse.

Those, on the contrary, who shall have been invested with offices, who shall have engaged in the service, or shall have been intrusted with commissions, posterior to their acceptance and administration of a tutorship, may, if they do not choose to continue to act as tutor, be excused from the tutorship, and apply for the appointment of another tutor to supply their place.

Art. 295. Excuse for remote relationship.

No person, who is not a relation of the minor by consanguinity, or who is only related to him beyond the fourth degree, can be compelled to accept the tutorship.

Art. 296. Excuse for age.

Every person who has attained the age of sixty-five years, may refuse to be a tutor.

The person who shall have been appointed prior to that age, may be excused from the tutorship at the age of seventy years.

Art. 297. Excuse for infirmity.

Every person affected with a serious infirmity, may be excused from the tutorship, if this infirmity be of such nature as to render him incapable of transacting his own business.

He may even be discharged from the tutorship, if such infirmity has befallen him after his appointment.

Art. 298. Excuse for prior tutorships

The person who is appointed to two tutorships has a legal excuse for not accepting a third.

A parent who has been appointed to one tutorship shall not be compelled to accept a second tutorship, except it be that of his own children.

Amended by Acts 1974, No. 163, §3.

Art. 299. Time to present excuse.

The tutor, who has excuses to offer against his appointment, must propose them to the judge who has appointed him, within ten days after he has been acquainted with his appointment, or after the same shall have been notified to him, which period shall be increased one day for every ten miles distance from his residence to the place where his

appointment was made, and after this delay he shall no longer be admitted to offer any excuse, unless he has sufficient reason to account for such delay.

Art. 300. Provisional administration pending consideration of excuse.

During the time of the pendency of the litigation relative to the validity of his excuses, the tutor who is appointed shall be bound provisionally* to administer as such, until he shall have been regularly discharged.

* "Provisionally" has no counterpart in French text.

Art. 301. Parent's unconditional obligation of tutorship.

The causes herein expressed, or any other, cannot excuse a parent from the obligation of accepting the tutorship of his children.

Amended by Acts 1974, No. 163, §3.

SECTION 9--OF THE INCAPACITY FOR, THE EXCLUSION FROM, AND DEPRIVATION OF THE TUTORSHIP

Art. 302. Repealed by Acts 1960, No. 30, §2

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

Art. 307. [Repealed]

Art. 308. Duty to apply for appointment.

In every case where it is necessary to appoint a tutor to a minor, all those of his relations who reside within the parish or the judge, who is to appoint him, are bound to apply to such judge, in order that a tutor be appointed to the minor at farthest within ten days after the event which [make/makes] such appointment necessary.

Art. 309. Minors exempt from taking application.

Minor relations are not included in the provisions contained in the preceding article. Amended by Acts 1974, No. 163, §3.

Art. 310. Liability for failure to make application.

Relations who have neglected to cause a tutor to be appointed, are responsible for the damages which the minor may have suffered.

This responsibility is enforced against relations in the order according to which they are called to the inheritance of the minor, so that they are responsible only in case of the insolvency of him or them who precede them in that order, and this responsibility is not *in solidum* between relations who have a right to the inheritance in the same degree.

Art. 311. Action for damages; prescription.

The action which results from this responsibility can not be maintained by the tutor but within the year of his appointment.

If the tutor neglects to bring his action within that time, he is answerable for such neglect to the minor.

Art. 312. to Art. 321. [Repealed]

Art. 322. Minor's legal mortgage on tutor's property.

The recording of the certificate of the clerk operates as a legal mortgage in favor of the minor for the amount therein stated, on all the immovable property of the natural tutor in the parish.

Amended by Acts 1960, No. 30, §1, eff. Jan. 1, 1961.

Art. 323. to Art. 332. [Repealed]

Art. 333. Sale of mortgaged property by one claimant; inscription of legal mortgage of remaining minors.

Whenever a special mortgage is given by a tutor to secure the rights of two or more minors, any of the minors, on attaining the age of majority or being emancipated, may cause the sale of the mortgaged property to satisfy the indebtedness of the tutor to him, after having discussed the other property of the debtor in the following manner:

If the judge is of the opinion that the mortgaged property is sufficient to satisfy all of the demands of the major and minors, he shall order the sale of so much of the property as will satisfy the demand of the major, if susceptible of division, and the property so sold shall be free of the mortgage in favor of the remaining minors.

If the judge is of the opinion that the mortgaged property is not sufficient to meet the demands of the major and minors, or that it is not susceptible of division, he shall order the sale of the whole of the mortgaged property, and the release of the mortgage of the major and minors. The proceeds of the sale, after defraying the expenses thereof, shall be divided equally among the major and minors, giving each his virile share. The portion to be paid the minors shall be paid to their tutor.

When the judge orders the sale of the property, he shall order the inscription of the minor's legal mortgage in the manner heretofore provided. This inscription shall be made in the parish where the tutor resides within three days of the order, and in all other parishes where the tutor has immovable property within thirty days of the order.

Amended by Acts 1960, No. 30, §1, eff. Jan. 1, 1961.

Art. 334. to Art. 335. [Repealed]

SECTION 11--OF THE ADMINISTRATION OF THE TUTOR

Art. 336. Alienation of minor's immovables.

The prohibition of alienating the immovables of a minor, does not extend to the case in which a judgment is to be executed against him, or of a licitation made at the instance of the coheir, or other coproprietor.

Acts 1966, No. 496, §1.

Art. 337. [Repealed]

Art. 338. Interest.

The sum which appears to be due by the tutor as the balance of his accounts, bears interest, without a judicial demand, from the day on which the accounts were closed.

The same rule applies to the balance due to the tutor.

Acts 1966, No. 496, §1.

Art. 339. Agreements between tutor and minor.

Every agreement which may take place between the tutor and the minor arrived at the age of majority, shall be null and void, unless the same was entered into after the rendering of a full account and delivery of the vouchers, the whole being made to appear by the receipt of the person to whom the account was rendered, ten days previous to the agreement.

Acts 1966, No. 496, §1.

Art. 340. Prescription of minor's action against tutor.

The action of the minor against his tutor, respecting the acts of the tutorship, is prescribed by four years, to begin from the day of his majority.

Acts 1966, No. 496, §1.

Art. 341. to Art. 353. [Repealed]

SECTION 12--OF CONTINUING OR PERMANENT TUTORSHIP OF PERSONS WITH INTELLECTUAL DISABILITIES

Art. 354. Procedure for placing under tutorship

Persons, including certain children, with intellectual disabilities or mental deficiencies may be placed under continuing or permanent tutorship without formal or complete interdiction in accordance with the following rules and the procedures stated in the Louisiana Code of Civil Procedure.

Added by Acts 1966, No. 496, §2; Acts 2014, No. 811, §30, eff. June 23, 2014.

Art. 355. Petition for continuing or permanent tutorship

When a person above the age of fifteen possesses less than two-thirds of the intellectual functioning of a person of the same age with average intellectual functioning, evidenced by standard testing procedures administered by competent persons or other relevant evidence acceptable to the court, the parents of such person, or the person entitled to custody or tutorship if one or both parents are dead, incapacitated, or absent persons, or if the parents are judicially separated or divorced or have never been married to each other, may, with the written concurrence of the coroner of the parish of the intellectually disabled person's domicile, petition the court of that district to place such person under a continuing tutorship which shall not automatically end at any age but shall continue until revoked by the court of domicile. The petitioner shall not bear the coroner's costs or fees associated with securing the coroner's concurrence.

Added by Acts 1966, No. 496, §2. Amended by Acts 1974, No. 714, §1; Acts 1991, No. 107, §1; Acts 2016, No. 115, §1; Acts 2018, No. 164, §1; Acts 2020, No. 218, §1.

Art. 356. Title of proceedings; procedural rules; parent to be named tutor

The title of the proceedings shall be Continuing Tutorship of (Name of Person), A Person with an Intellectual Disability.

(1) When the person to be placed under the continuing tutorship is above the age of fifteen, and under the age of majority, the proceeding shall be conducted according to the procedural rules established for ordinary tutorships.

(2) When the person to be placed under the continuing tutorship is above the age of majority, the proceeding shall be conducted according to the procedural rules established for interdictions.

(3) When the parents of the person to be placed under the continuing tutorship are married to each other and petition jointly, the court shall appoint the parents as co-tutors, unless for good cause the court decrees otherwise.

(4) When the parents of the person to be placed under the continuing tutorship are married to each other but do not petition jointly, the court shall appoint either a petitioning parent as tutor or both individually petitioning parents as co-tutors, in accordance with the best interest of the child.

(5) Upon the petition of a parent of the person to be placed under the continuing tutorship, the court shall, unless good cause requires otherwise, appoint as tutor the petitioning parent who is:

(a) The surviving parent, if one parent is dead.

(b) The parent awarded custody during minority of the person to be placed under the continuing tutorship, if the parents are divorced or judicially separated.

(c) The parent who was tutor or tutrix during minority, if the parents were never married to each other.

Added by Acts 1966, No. 496, §2. Amended by Acts 1974, No. 714, §1; Acts 2014, No. 26, §1; Acts 2014, No. 811, §30, eff. June 23, 2014; Acts 2020, No. 218, §1.

Art. 357. Decree, place of recording, notice.

If the prayer for continuing or permanent tutorship be granted, the decree shall be recorded in the conveyance and mortgage records of the parish of the minor's domicile, and of any future domicile, and in such other parishes as may be deemed expedient. The decree

shall not be effective as to persons without notice thereof outside of the parishes in which it is recorded.

Added by Acts 1966, No. 496, §2.

Art. 358. Authority, privileges, and duties of tutor and undertutor; termination of tutorship

The granting of the decree shall confer upon the tutor and undertutor the same authority, privileges, and responsibilities as in other tutorships, including the same authority to give consent for any medical treatment or procedure, to give consent for any educational plan or procedure, and to obtain medical, educational, or other records, but the responsibility of the tutor for the offenses or quasi-offenses of the person with an intellectual disability shall be the same as that of a curator for those of the interdicted person and the tutorship shall not terminate until the decree is set aside by the court of the domicile, or the court of last domicile if the domicile of the person with an intellectual disability is removed from the State of Louisiana.

Added by Acts 1966, No. 496, §2. Amended by Acts 1979, No. 211, §1; Acts 2014, No. 811, §30, eff. June 23, 2014.

Art. 359. Restriction on legal capacity

The decree if granted shall restrict the legal capacity of the person with an intellectual disability to that of a minor.

Added by Acts 1966, No. 496, §2. Amended by Acts 1974, No. 714, §1; Acts 2014, No. 811, §30, eff. June 23, 2014; Acts 2018, No. 164, §1.

Art. 360. Parents' rights of administration

In addition to the rights of tutorship, the parents shall retain, during the marriage and for the minority of the child with an intellectual disability, all rights of administration granted to parents of children without an intellectual disability during their minority.

Acts 1966, No. 496, §2; Acts 2014, No. 811, §30, eff. June 23, 2014.

Art. 361. Contest of decree restricting legal capacity

The decree restricting his legal capacity may be contested in the court of domicile by the person himself or by anyone adversely affected by the decree. For good cause, the court may modify or terminate the decree restricting legal capacity.

Acts 1966, No. 496, §2; Acts 2018, No. 164, §1.

Art. 362. Persons subject to interdiction.

Persons subject to mental or physical illness or disability, whether of a temporary or permanent nature, of such a degree as to render them subject to interdiction, under the provisions of Title IX hereof, remain subject to interdiction as provided in Articles 389 to 399, inclusive, and such other laws as may relate thereto.

Acts 1966, No. 496, §2.

Art. 363. to Art. 364. [Repealed]

CHAPTER 2. EMANCIPATION

Art. 365. Emancipation

There are three kinds of emancipation: judicial emancipation, emancipation by marriage, and limited emancipation by authentic act.

Acts 2008, No. 786, §1, eff. Jan. 1, 2009.

Art. 366. Judicial emancipation

A court may order for good cause the full or limited emancipation of a minor sixteen years of age or older. Full judicial emancipation confers all effects of majority on the person emancipated, unless otherwise provided by law. Limited judicial emancipation confers the effects of majority specified in the judgment of limited emancipation, unless otherwise provided by law.

Acts 1992, No. 715, §1; Acts 2008, No. 786, §1, eff. Jan. 1, 2009.

Art. 367. Emancipation by marriage

A minor sixteen or seventeen years of age is fully emancipated by marriage. Termination of the marriage does not affect emancipation by marriage. Emancipation by marriage may not be modified or terminated.

Acts 2008, No. 786, §1, eff. Jan. 1, 2009; Act 2019, No. 401, §1.

Art. 368. Limited emancipation by authentic act

An authentic act of limited emancipation confers upon a minor age sixteen or older the capacity to make the kinds of juridical acts specified therein, unless otherwise provided by law. The act shall be executed by the minor, and by the parents of the minor, if parental authority exists, or by the tutor of the minor, if parental authority does not exist. All other effects of minority shall continue.

Acts 2008, No. 786, §1, eff. Jan. 1, 2009.

Art. 369. Emancipation; when effective

Judicial emancipation is effective when the judgment is signed. Emancipation by marriage is effective upon marriage. Limited emancipation by authentic act is effective when the act is executed.

Acts 2008, No. 786, §1, eff. Jan. 1, 2009.

Art. 370. Modification and termination of judicial emancipation

The court may modify or terminate its judgment of emancipation for good cause.

A judgment modifying or terminating a judgment of emancipation is effective toward third persons as to immovable property when the judgment is filed for registry in the conveyance records of the parish in which the property is situated, and as to movables

when the judgment is filed for registry in the conveyance records of the parish or parishes in which the minor was domiciled at the time of the judgment.

A judgment modifying or terminating a judgment of emancipation does not affect the validity of an act made by the emancipated minor prior to the effective date of modification or termination.

The termination of judicial emancipation places the minor under the same authority to which he was subject prior to emancipation, unless otherwise ordered by the court for good cause shown.

Acts 2008, No. 786, §1, eff. Jan. 1, 2009.

Art. 371. Modification or termination of limited emancipation by authentic act

The parties to an authentic act of limited emancipation may modify or terminate the limited emancipation by making a subsequent authentic act. In addition, a court, for good cause, may modify or terminate limited emancipation by authentic act.

An authentic act or judgment modifying or terminating limited emancipation by authentic act is effective toward third persons as to immovable property when the act or judgment is filed for registry in the conveyance records of the parish in which the property is situated and as to movables when the act or judgment is filed for registry in the conveyance records in the parish or parishes in which the minor was domiciled at the time of the act modifying or terminating limited emancipation by authentic act.

An authentic act or judgment modifying or terminating a prior act of limited emancipation does not affect the validity of a judicial act made by the minor prior to the effective date of modification or termination.

Acts 2008, No. 786, §1, eff. Jan. 1, 2009.

Art. 372. to Art. 388. [Repealed]

TITLE IX. PERSONS UNABLE TO CARE FOR THEIR PERSONS OR PROPERTY

CHAPTER 1. GROUNDS FOR INTERDICTION

Art. 389. Full interdiction

A court may order the full interdiction of a natural person of the age of majority, or an emancipated minor, who due to an infirmity, is unable consistently to make reasoned decisions regarding the care of his person and property, or to communicate those decisions, and whose interests cannot be protected by less restrictive means.

Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

Art. 390. Limited interdiction

A court may order the limited interdiction of a natural person of the age of majority, or an emancipated minor, who due to an infirmity is unable consistently to make reasoned decisions regarding the care of his person or property, or any aspect of either, or to communicate those decisions, and whose interests cannot be protected by less restrictive means.

Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

Art. 391. Temporary and preliminary interdiction

When a petition for interdiction is pending, a court may order a temporary or preliminary interdiction when there is a substantial likelihood that grounds for interdiction exist and substantial harm to the health, safety, or property of the person sought to be interdicted is imminent.

Amended by Acts 1948, No. 321, §1; Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

CHAPTER 2. GENERAL DUTIES OF CURATORS AND UNDERCURATORS

Art. 392. Curators

The court shall appoint a curator to represent the interdict in juridical acts and to care for the person or affairs of the interdict, or any aspect of either. The duties and powers of a curator commence upon his qualification. In discharging his duties, a curator shall exercise reasonable care, diligence, and prudence and shall act in the best interest of the interdict.

The court shall confer upon a curator of a limited interdict only those powers required to protect the interests of the interdict.

Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

Art. 393. Undercurators

The court shall appoint an undercurator to discharge the duties prescribed for him by law. The duties and powers of an undercurator shall commence upon qualification. In discharging his duties, an undercurator shall exercise reasonable care, diligence, and prudence and shall act in the best interest of the interdict.

Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

CHAPTER 3. EFFECTS OF INTERDICTION

Art. 394. Pre-interdiction juridical acts

Interdiction does not affect the validity of a juridical act made by the interdict prior to the effective date of interdiction.

Acts 1997, No. 1117, §1; Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

Art. 395. Capacity to make juridical acts

A full interdict lacks capacity to make a juridical act. A limited interdict lacks capacity to make a juridical act pertaining to the property or aspects of personal care that the judgment of limited interdiction places under the authority of his curator, except as provided in Article 1482 or in the judgment of limited interdiction.

Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001; Acts 2001, No. 509, §1, eff. June 1, 2001; Acts 2003, No. 1008, §1.

Art. 396. Effective date of judgment of interdiction

A judgment of interdiction has effect retroactive to the date of the filing of the petition for interdiction.

Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

CHAPTER 4. MODIFICATION AND TERMINATION OF INTERDICTION

Art. 397. Modification and termination of interdiction

The court may modify or terminate a judgment of interdiction for good cause. Interdiction terminates upon death of the interdict or by judgment of the court.

A judgment of preliminary interdiction granted after an adversarial hearing terminates thirty days after being signed, unless extended by the court for good cause for a period not exceeding thirty days. A judgment of temporary interdiction granted ex parte terminates ten days after being signed. On motion of the defendant or for extraordinary reasons shown at a contradictory hearing, the court may extend the judgment of temporary interdiction for one additional period not to exceed ten days.

Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

Art. 398. Effective date of modification or termination of a judgment of interdiction

An order modifying or terminating a judgment of interdiction is effective on the date signed by the court.

Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

CHAPTER 5. RESPONSIBILITY FOR WRONGFUL FILING OF INTERDICTION PETITION

Art. 399. Responsibility for wrongful filing of interdiction petition

A petitioner whose petition for interdiction is denied is liable for resulting damages caused to the defendant if the petitioner knew or should have known at the time of filing that any material factual allegation regarding the ability of the defendant consistently to make reasoned decisions or to communicate those decisions was false.
Acts 2000, 1st Ex. Sess., No. 25, §1, eff. July 1, 2001.

Art. 400. to Art. 447. [Repealed]

Sample

BOOK II. THINGS AND THE DIFFERENT MODIFICATIONS OF OWNERSHIP

TITLE I—THINGS

CHAPTER 1--DIVISION OF THINGS

SECTION 1--GENERAL PRINCIPLES

Art. 448. Division of things.

Things are divided into common, public, and private; corporeals and incorporeals; and movables and immovables.

Acts 1978, No. 728, §1.

Art. 449. Common things.

Common things may not be owned by anyone. They are such as the air and the high seas that may be freely used by everyone conformably with the use for which nature has intended them.

Acts 1978, No. 728, §1.

Art. 450. Public things.

Public things are owned by the state or its political subdivisions in their capacity as public persons.

Public things that belong to the state are such as running waters, the waters and bottoms of natural navigable water bodies, the territorial sea, and the seashore.

Public things that may belong to political subdivisions of the state are such as streets and public squares.

Acts 1978, No. 728, §1.

Art. 451. Seashore.

Seashore is the space of land over which the waters of the sea spread in the highest tide during the winter season.

Acts 1978, No. 728, §1.

Art. 452. Public things and common things subject to public use.

Public things and common things are subject to public use in accordance with applicable laws and regulations. Everyone has the right to fish in the rivers, ports, roadsteads, and harbors, and the right to land on the seashore, to fish, to shelter himself, to moor ships, to dry nets, and the like, provided that he does not cause injury to the property of adjoining owners.

The seashore within the limits of a municipality is subject to its police power, and the public use is governed by municipal ordinances and regulations.

Acts 1978, No. 728, §1.

Art. 453. Private things.

Private things are owned by individuals, other private persons, and by the state or its political subdivisions in their capacity as private persons.

Acts 1978, No. 728, §1.

Art. 454. Freedom of disposition by private persons.

Owners of private things may freely dispose of them under modifications established by law.

Acts 1978, No. 728, §1.

Art. 455. Private things subject to public use.

Private things may be subject to public use in accordance with law or by dedication.

Acts 1978, No. 728, §1.

Art. 456. Banks of navigable rivers or streams.

The banks of navigable rivers or streams are private things that are subject to public use.

The bank of a navigable river or stream is the land lying between the ordinary low and the ordinary high stage of the water. Nevertheless, when there is a levee in proximity to the water, established according to law, the levee shall form the bank.

Acts 1978, No. 728, §1.

Art. 457. Roads; public or private.

A road may be either public or private.

A public road is one that is subject to public use. The public may own the land on which the road is built or merely have the right to use it.

A private road is one that is not subject to public use.

Acts 1978, No. 728, §1.

Art. 458. Works obstructing the public use.

Works built without lawful permit on public things, including the sea, the seashore, and the bottom of natural navigable waters, or on the banks of navigable rivers, that obstruct the public use may be removed at the expense of the persons who built or own them at the instance of the public authorities, or of any person residing in the state.

The owner of the works may not prevent their removal by alleging prescription or possession.

Acts 1978, No. 728, §1.

Art. 459. Building encroaching on public way.

A building that merely encroaches on a public way without preventing its use, and which cannot be removed without causing substantial damage to its owner, shall be permitted to remain. If it is demolished from any cause, the owner shall be bound to restore to the public the part of the way upon which the building stood.

Acts 1978, No. 728, §1.

Art. 460. Construction of navigation facilities on public places by port commissions or municipalities.

Port commissions of the state, or in the absence of port commissions having jurisdiction, municipalities may, within the limits of their respective jurisdictions, construct and maintain on public places, in beds of natural navigable water bodies, and on their banks or shores, works necessary for public utility, including buildings, wharves, and other facilities for the mooring of vessels and the loading or discharging of cargo and passengers.

Acts 1978, No. 728, §1.

Art. 461. Corporeals and incorporeals.

Corporeals are things that have a body, whether animate or inanimate, and can be felt or touched.

Incorporeals are things that have no body, but are comprehended by the understanding, such as the rights of inheritance, servitudes, obligations, and right of intellectual property.

Acts 1978, No. 728, §1.

SECTION 12—IMMOVABLES

Art. 462. Tracts of land.

Tracts of land, with their component parts, are immovables.

Acts 1978, No. 728, §1.

Art. 463. Component parts of tracts of land.

Buildings, other constructions permanently attached to the ground, standing timber, and unharvested crops or ungathered fruits of trees, are component parts of a tract of land when they belong to the owner of the ground.

Acts 1978, No. 728, §1.

Art. 464. Buildings and standing timber as separate immovables.

Buildings and standing timber are separate immovables when they belong to a person other than the owner of the ground.

Acts 1978, No. 728, §1.

Art. 465. Things incorporated into an immovable.

Things incorporated into a tract of land, a building, or other construction, so as to become an integral part of it, such as building materials, are its component parts.
Acts 1978, No. 728, §1.

Art. 466. Component parts of a building or other construction

Things that are attached to a building and that, according to prevailing usages, serve to complete a building of the same general type, without regard to its specific use, are its component parts. Component parts of this kind may include doors, shutters, gutters, and cabinetry, as well as plumbing, heating, cooling, electrical, and similar systems.

Things that are attached to a construction other than a building and that serve its principal use are its component parts.

Other things are component parts of a building or other construction if they are attached to such a degree that they cannot be removed without substantial damage to themselves or to the building or other construction.

Acts 1978, No. 728, §1; Acts 2005, No. 301, §1, eff. June 29, 2005; Acts 2006, No. 765, §1; Acts 2008, No. 632, §1, eff. July 1, 2008.

Art. 467. Immovables by declaration.

The owner of an immovable may declare that machinery, appliances, and equipment owned by him and placed on the immovable other than his private residence, for its service and improvement are deemed to be its component parts. The declaration shall be filed for registry in the conveyance records of the parish in which the immovable is located.

Acts 1978, No. 728, §1.

Art. 468. Deimmobilization.

Component parts of an immovable so damaged or deteriorated that they can no longer serve the use of lands or buildings are deimmobilized.

The owner may deimmobilize the component parts of an immovable by an act translatif of ownership and delivery to acquirers in good faith.

In the absence of rights of third persons, the owner may deimmobilize things by detachment or removal.

Acts 1978, No. 728, §1. Amended by Acts 1979, No. 180, §2.

Art. 469. Transfer or encumbrance of immovable.

The transfer or encumbrance of an immovable includes its component parts.
Acts 1978, No. 728, §1. Amended by Acts 1979, No. 180, §2.

Art. 470. Incorporeal immovables.

Rights and actions that apply to immovable things are incorporeal immovables. Immovables of this kind are such as personal servitudes established on immovables, predial servitudes, mineral rights, and petitory or possessory actions.

Acts 1978, No. 728, §1.

SECTION 3—MOVABLES

Art. 471. Corporeal movables.

Corporeal movables are things, whether animate or inanimate, that normally move or can be moved from one place to another.

Acts 1978, No. 728, §1.

Art. 472. Building materials.

Materials gathered for the erection of a new building or other construction, even though deriving from the demolition of an old one, are movables until their incorporation into the new building or after construction.

Materials separated from a building or other construction for the purpose of repair, addition, or alteration to it, with the intention of putting them back, remain immovables.

Acts 1978, No. 728, §1.

Art. 473. Incorporeal movables.

Rights, obligations, and actions that apply to a movable thing are incorporeal movables. Movables of this kind are such as bonds, annuities, and interests or shares in entities possessing juridical personality.

Interests or shares in a juridical person that owns immovables are considered as movables as long as the entity exists; upon its dissolution, the right of each individual to a share in the immovables is an immovable.

Acts 1978, No. 728, §1.

Art. 474. Movables by anticipation

Unharvested crops and ungathered fruits of trees are movables by anticipation when they belong to a person other than the landowner. When encumbered with security rights of third persons, they are movables by anticipation insofar as the creditor is concerned.

The landowner may, by act translative of ownership or by pledge, mobilize by anticipation unharvested crops and ungathered fruits of trees that belong to him.

Acts 1978, No. 728, §1.

Art. 475. Things not immovable.

All things, corporeal or incorporeal, that the law does not consider as immovables, are movables.

Acts 1978, No. 728, §1.

CHAPTER 2--RIGHTS IN THINGS

Art. 476. Rights in things.

One may have various rights in things:

1. Ownership;
2. Personal and predial servitudes; and
3. Such other real rights as the law allows.

Acts 1978, No. 728, §1.

TITLE II—OWNERSHIP

CHAPTER 1. GENERAL PRINCIPLES

Art. 477. Ownership; content

Ownership is the right that confers on a person direct, immediate, and exclusive authority over a thing. The owner of a thing may use, enjoy, and dispose of it within the limits and under the conditions established by law.

Acts 1979, No. 180, §1; Acts 1995, No. 640, §1, eff. Jan. 1, 1996; HR 17, 1998 1st Ex. Sess.; HCR 13, 1998 R.S.; Acts 2020, No. 20, §1.

Art. 478. Resolutory condition; real right in favor of other person.

The right of ownership may be subject to a resolutory condition, and it may be burdened with a real right in favor of another person as allowed by law. The ownership of a thing burdened with a usufruct is designated as naked ownership.

Acts 1979, No. 180, §1.

Art. 479. Necessity of person

The right of ownership may exist only in favor of a natural person or a juridical person.

Acts 1979, No. 180, §1.

Art. 480. Co-ownership.

Two or more persons may own the same thing in indivision, each having an undivided share.

Acts 1979, No. 180, §1.

Art. 481. Ownership and possession distinguished.

The ownership and the possession of a thing are distinct.

Ownership exists independently of any exercise of it and may not be lost by nonuse. Ownership is lost when acquisitive prescription accrues in favor of an adverse possessor.

Acts 1979, No. 180, §1.

Art. 482. Accession.

The ownership of a thing includes by accession the ownership of everything that it produces or is united with it, either naturally or artificially, in accordance with the following provisions.

Acts 1979, No. 180, §1.

CHAPTER 2--RIGHT OF ACCESSION

SECTION 1--OWNERSHIP OF FRUITS

Art. 483. Ownership of fruits by accession.

In the absence of rights of other persons, the owner of a thing acquires the ownership of its natural and civil fruits.

Acts 1979, No. 180, §1.

Art. 484. Young of animals.

The young of animals belong to the owner of the mother of them.

Acts 1979, No. 180, §1.

Art. 485. Fruits produced by a third person; reimbursement.

When fruits that belong to the owner of a thing by accession are produced by the work of another person, or from seeds sown by him, the owner may retain them on reimbursing such person his expenses.

Acts 1979, No. 180, §1.

Art. 486. Possessor's right to fruits.

A possessor in good faith acquires the ownership of fruits he has gathered. If he is evicted by the owner, he is entitled to reimbursement of expenses for fruits he was unable to gather.

A possessor in bad faith is bound to restore to the owner the fruits he has gathered, or their value, subject to his claim for reimbursement of expenses.

Acts 1979, No. 180, §1.

Art. 487. Possessor in good faith; definition.

For purposes of accession, a possessor is in good faith when he possesses by virtue of an act translative of ownership and does not know of any defects in his ownership. He ceases to be in good faith when these defects are made known to him or an action is instituted against him by the owner for the recovery of the thing.

Acts 1979, No. 180, §1.

Art. 488. Products; reimbursement of expenses.

Products derived from a thing as a result of diminution of its substance belong to the owner of that thing. When they are reclaimed by the owner, a possessor in good faith has the right to reimbursement of his expenses. A possessor in bad faith does not have this right.

Acts 1979, No. 180, §1.

Art. 489. Apportionment of fruits.

In the absence of other provisions, one who is entitled to the fruits of a thing from a certain time or up to a certain time acquires the ownership of natural fruits gathered during the existence of his right, and a part of the civil fruits proportionate to the duration of his right.

Acts 1979, No. 180, §1.

SECTION 2--ACCESSION IN RELATION TO IMMOVABLES

Art. 490. Accession above and below the surface.

Unless otherwise provided by law, the ownership of a tract of land carries with it the ownership of everything that is directly above or under it.

The owner may make works on, above, or below the land as he pleases, and draw all the advantages that accrue from them, unless he is restrained by law or by rights of others.

Acts 1979, No. 180, §1.

Art. 491. Buildings, other constructions, standing timber, and crops.

Buildings, other constructions permanently attached to the ground, standing timber, and unharvested crops or ungathered fruits of trees may belong to a person other than the owner of the ground. Nevertheless, they are presumed to belong to the owner of the ground, unless separate ownership is evidenced by an instrument filed for registry in the conveyance records of the parish in which the immovable is located.

Acts 1979, No. 180, §1.

Art. 492. Separate ownership of part of a building.

Separate ownership of a part of a building, such as a floor, an apartment, or a room, may be established only by a juridical act of the owner of the entire building when and in the manner expressly authorized by law.

Acts 1979, No. 180, §1.

Art. 493. Ownership of improvements

Buildings, other constructions permanently attached to the ground, and plantings made on the land of another with his consent belong to him who made them. They belong to the owner of the ground when they are made without his consent.

When the owner of buildings, other constructions permanently attached to the ground, or plantings no longer has the right to keep them on the land of another, he may remove them subject to his obligation to restore the property to its former condition. If he does not remove them within ninety days after written demand, the owner of the land may, after the ninetieth day from the date of mailing the written demand, appropriate ownership of the improvements by providing an additional written notice by certified mail, and upon receipt of the certified mail by the owner of the improvements the owner of the land obtains ownership of the improvements and everything pertaining to the owner of the improvements. Until such time as the owner of the land appropriates the improvements, the improvements shall remain the property of he who made them and he shall be solely responsible for any harm caused by the improvements.

When buildings, other constructions permanently attached to the ground, or plantings are made on the separate property of a spouse with community assets or with separate assets of the other spouse and when such improvements are made on community property with the separate assets of a spouse, this Article does not apply. The rights of the spouses are governed by Articles 2366, 2367, and 2367.1.

Acts 1984, No. 933, §1; Acts 2001, No. 715, §1.

NOTE: See HCR No. 306, 2004 R.S., relative to retroactive effects.

Art. 493.1. Ownership of component parts

Things incorporated in or attached to an immovable so as to become its component parts under Articles 465 and 466 belong to the owner of the immovable.

Acts 1984, No. 933, §1.

Art. 493.2. Loss of ownership by accession; claims of former owner

One who has lost the ownership of a thing to the owner of an immovable may have a claim against him or against a third person in accordance with the following provisions.

Acts 1984, No. 933, §1.

Art. 494. Constructions by landowner with materials of another.

When the owner of an immovable makes on it constructions, plantings, or works with materials of another, he may retain them, regardless of his good or bad faith, on

reimbursing the owner of the materials their current value and repairing the injury that he may have caused to him.

Acts 1979, No. 180, §1.

Art. 495. Things incorporated in, or attached to, an immovable with the consent of the owner of the immovable.

One who incorporates in, or attaches to, the immovable of another, with his consent, things that become component parts of the immovable under Articles 465 and 466, may, in the absence of other provisions of law or juridical acts, remove them subject to his obligation of restoring the property to its former condition.

If he does not remove them after demand, the owner of the immovable may have them removed at the expense of the person who made them or elect to keep them and pay, at his option, the current value of the materials and of the workmanship or the enhanced value of the immovable.

Acts 1979, No. 180, §1.

Art. 496. Constructions by possessor in good faith.

When constructions, plantings, or works are made by a possessor in good faith, the owner of the immovable may not demand their demolition and removal. He is bound to keep them and at his option to pay to the possessor either the cost of the materials and of the workmanship, or their current value, or the enhanced value of the immovable.

Acts 1979, No. 180, §1.

Art. 497. Constructions by bad faith possessor.

When constructions, plantings, or works are made by a bad faith possessor, the owner of the immovable may keep them or he may demand their demolition and removal at the expense of the possessor, and in addition, damages for the injury that he may have sustained. If he does not demand demolition and removal, he is bound to pay at his option either the current value of the materials and of the workmanship of the separable improvements that he has made or the enhanced value of the immovable.

Acts 1979, No. 180, §1.

Art. 498. Claims against third persons

One who has lost the ownership of a thing to the owner of an immovable may assert against third persons his rights under Articles 493, 493.1, 494, 495, 496, or 497 when they are evidenced by an instrument filed for registry in the appropriate conveyance or mortgage records of the parish in which the immovable is located.

Acts 1979, No. 180, §1. Acts 1984, No. 933, §1.

Art. 499. Alluvion and dereliction.

Accretion formed successively and imperceptibly on the bank of a river or stream, whether navigable or not, is called alluvion. The alluvion belongs to the owner of the bank, who is bound to leave public that portion of the bank which is required for the public use.

The same rule applies to dereliction formed by water receding imperceptibly from a bank of a river or stream. The owner of the land situated at the edge of the bank left dry owns the dereliction.

Acts 1979, No. 180, §1.

Art. 500. Shore of the sea or of a lake.

There is no right to alluvion or dereliction on the shore of the sea or of lakes.

Acts 1979, No. 180, §1.

Art. 501. Division of alluvion.

Alluvion formed in front of the property of several owners is divided equitably, taking into account the extent of the front of each property prior to the formation of the alluvion in issue. Each owner is entitled to a fair proportion of the area of the alluvion and a fair proportion of the new frontage on the river, depending on the relative values of the frontage and the acreage.

Acts 1979, No. 180, §1.

Art. 502. Sudden action of waters.

If a sudden action of the waters of a river or stream carries away an identifiable piece of ground and unites it with other lands on the same or on the opposite bank, the ownership of the piece of ground so carried away is not lost. The owner may claim it within a year, or even later, if the owner of the bank with which it is united has not taken possession.

Acts 1979, No. 180, §1.

Art. 503. Island formed by river opening a new channel.

When a river or stream, whether navigable or not, opens a new channel and surrounds riparian land making an island, the ownership of that land is not affected.

Acts 1979, No. 180, §1.

Art. 504. Ownership of abandoned bed when river changes course.

When a navigable river or stream abandons its bed and opens a new one, the owners of the land on which the new bed is located shall take by way of indemnification the abandoned bed, each in proportion to the quantity of land that he lost.

If the river returns to the old bed, each shall take his former land.

Acts 1979, No. 180, §1.

Art. 505. Islands and sandbars in navigable rivers.

Islands, and sandbars that are not attached to a bank, formed in the beds of navigable rivers or streams, belong to the state.

Acts 1979, No. 180, §1.

Art. 506. Ownership of beds of nonnavigable rivers or streams.

In the absence of title or prescription, the beds of nonnavigable rivers or streams belong to the riparian owners along a line drawn in the middle of the bed.
Acts 1979, No. 180, §1.

SECTION 3--ACCESSION IN RELATION TO MOVABLES

Art. 507. Accession as between movables.

In the absence of other provisions of law or contract, the consequences of accession as between movables are determined according to the following rules.
Acts 1979, No. 180, §1.

Art. 508. Things principal and accessory

Things are divided into principal and accessory. For purposes of accession as between movables, an accessory is a corporeal movable that serves the use, ornament, or complement of the principal thing.

In the case of a principal thing consisting of a movable construction permanently attached to the ground, its accessories include things that would constitute its component parts under Article 466 if the construction were immovable.
Acts 1979, No. 180, §1; Acts 2008, No. 632, eff. July 1, 2008.

Art. 509. Value or bulk as a basis to determine principal thing.

In case of doubt as to which is a principal thing and which is an accessory, the most valuable, or the most bulky if value is nearly equal, shall be deemed to be principal.
Acts 1979, No. 180, §1.

Art. 510. Union of principal and an accessory thing.

When two corporeal movables are united to form a whole, and one of them is an accessory of the other, the whole belongs to the owner of the principal thing. The owner of the principal thing is bound to reimburse the owner of the accessory its value. The owner of the accessory may demand that it be separated and returned to him, although the separation may cause some injury to the principal thing, if the accessory is more valuable than the principal and has been used without his knowledge.
Acts 1979, No. 180, §1.

Art. 511. Ownership of new thing made with materials of another.

When one uses materials of another to make a new thing, the thing belongs to the owner of the materials, regardless of whether they may be given their earlier form. The owner is bound to reimburse the value of the workmanship.

Nevertheless, when the value of the workmanship substantially exceeds that of the materials, the thing belongs to him who made it. In this case, he is bound to reimburse the owner of the materials their value.

Acts 1979, No. 180, §1.

Art. 512. Effect of bad faith.

If the person who made the new thing was in bad faith, the court may award its ownership to the owner of the materials.

Acts 1979, No. 180, §1.

Art. 513. Use of materials of two owners; separation or co-ownership.

When one used partly his own materials and partly the materials of another to make a new thing, unless the materials can be conveniently separated, the thing belongs to the owners of the materials in indivision. The share of one is determined in proportion to the value of his materials and of the other in proportion to the value of his materials and workmanship.

Acts 1979, No. 180, §1.

Art. 514. Mixture of materials.

When a new thing is formed by the mixture of materials of different owners, and none of them may be considered as principal, an owner who has not consented to the mixture may demand separation if it can be conveniently made.

If separation cannot be conveniently made, the thing resulting from the mixture belongs to the owners of the materials in indivision. The share of each is determined in proportion to the value of his materials.

One whose materials are far superior in value in comparison with those of any one of the others, may claim the thing resulting from the mixture. He is then bound to reimburse the others the value of their materials.

Acts 1979, No. 180, §1.

Art. 515. Recovery of materials or value in lieu of ownership.

When an owner of materials that have been used without his knowledge for the making of a new thing acquires the ownership of that thing, he may demand that, in lieu of the ownership of the new thing, materials of the same species, quantity, weight, measure and quality or their value be delivered to him.

Acts 1979, No. 180, §1.

Art. 516. Liability for unauthorized use of a movable.

One who uses a movable of another, without his knowledge, for the making of a new thing may be liable for the payment of damages.

Acts 1979, No. 180, §1.

CHAPTER 3--TRANSFER OF OWNERSHIP BY AGREEMENT

Art. 517. Voluntary transfer of ownership of an immovable

The ownership of an immovable is voluntarily transferred by a contract between the owner and the transferee that purports to transfer the ownership of the immovable. The transfer of ownership takes place between the parties by the effect of the agreement and is not effective against third persons until the contract is filed for registry in the conveyance records of the parish in which the immovable is located.

Acts 1979, No. 180, §1; Acts 2005, No. 169, §2, eff. July 1, 2006; Acts 2005, 1st Ex. Sess., No. 13, §1, eff. Nov. 29, 2005.

Art. 518. Voluntary transfer of the ownership of a movable

The ownership of a movable is voluntarily transferred by a contract between the owner and the transferee that purports to transfer the ownership of the movable. Unless otherwise provided, the transfer of ownership takes place between the parties by the effect of the agreement and against third persons when the possession of the movable is delivered to the transferee.

When possession has not been delivered to subsequent transferee to whom possession is delivered acquires ownership provided he is in good faith. Creditors of the transferor may seize the movable while it is still in his possession.

Acts 1984, No. 331, §2, eff. Jan. 1, 1985.

Art. 519. Transfer of action for recovery of movable.

When a movable is in the possession of a third person, the assignment of the action for the recovery of that movable suffices for the transfer of its ownership.

Acts 1979, No. 180, §1.

Art. 520. Transfer of ownership by merchant.

Except as otherwise provided by legislation, a transferee in good faith and for fair value acquires ownership of a corporeal movable from a transferor who is not the owner only if the transferor has possession of the thing with consent of the owner, is a merchant customarily selling similar things, and transfers the thing in the regular course of the transferor's business.

Acts 2023, No. 401, §1.

Art. 521. Lost or stolen thing.

One who has possession of a lost or stolen thing may not transfer its ownership to another. For purposes of this Chapter, a thing is stolen when one has taken possession of it without the consent of its owner. A thing is not stolen when the owner delivers it or transfers its ownership to another as a result of fraud.

Acts 1979, No. 180, §1.

Art. 522. Transfer of ownership by owner under annullable title.

A transferee of a corporeal movable in good faith and for fair value retains the ownership of the thing even though the title of the transferor is annulled on account of a vice of consent.

Acts 1979, No. 180, §1.

Art. 523. Good faith; definition.

An acquirer of a corporeal movable is in good faith for purposes of this Chapter unless he knows, or should have known, that the transferor was not the owner.

Acts 1979, No. 180, §1.

Art. 524. Recovery of lost or stolen things.

The owner of a lost or stolen movable may recover it from a possessor who bought it in good faith at a public auction or from a merchant customarily selling similar things on reimbursing the purchase price.

The former owner of a lost, stolen, or abandoned movable that has been sold by authority of law may not recover it from the purchaser.

Acts 1979, No. 180, §1.

Art. 525. Registered movables.

Movables required by law to be registered are subject to the provisions of this Chapter.

Acts 1979, No. 180, §1; Acts 2023, No. 401, §1.

CHAPTER 4. PROTECTION OF OWNERSHIP

Art. 526. Recognition of ownership; recovery of the thing.

The owner of a thing is entitled to recover it from anyone who possesses or detains it without right and to obtain judgment recognizing his ownership and ordering delivery of the thing to him.

Acts 1979, No. 180, §1.

Art. 527. Necessary expenses.

The evicted possessor, whether in good or in bad faith, is entitled to recover from the owner compensation for necessary expenses incurred for the preservation of the thing and for the discharge of private or public burdens. He is not entitled to recover expenses for ordinary maintenance or repairs.

Acts 1979, No. 180, §1.

Art. 528. Useful expenses.

An evicted possessor in good faith is entitled to recover from the owner his useful expenses to the extent that they have enhanced the value of the thing.

BOOK III. OF THE DIFFERENT MODES OF ACQUIRING THE OWNERSHIP OF THINGS

PRELIMINARY TITLE--GENERAL DISPOSITIONS

Art. 870. Modes of acquiring ownership

A. The ownership of things or property is acquired by succession either testate or intestate, by the effect of obligations, and by the operation of law.

B. Testate and intestate succession rights, including the right to claim as a forced heir, are governed by the law in effect on the date of the decedent's death.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982; Acts 2001, No. 560, §1, eff. June 22, 2001.

TITLE I--OF SUCCESSIONS

CHAPTER 1--OF THE DIFFERENT SORTS OF SUCCESSIONS AND SUCCESSORS

Art. 871. Meaning of succession.

Succession is the transmission of the estate of the deceased to his successors. The successors thus have the right to take possession of the estate of the deceased after complying with applicable provisions of law.

Acts 1981 No. 919, §1, eff. Jan. 1, 1982.

Art. 872. Meaning of estate.

The estate of a deceased means the property, rights, and obligations that a person leaves after his death, whether the property exceeds the charges or the charges exceed the property, or whether he has any net charges without any property. The estate includes not only the rights and obligations of the deceased as they exist at the time of death, but all that has accrued thereto since death, and the new charges to which it becomes subject.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 873. Kinds of succession.

There are two kinds of succession: testate and intestate.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 874. Testate succession.

Testate succession results from the will of the deceased, contained in a testament executed in a form prescribed by law. This kind of succession is covered under the Title: *Of donations inter vivos and mortis causa.*

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 875. Intestate succession.

Intestate succession results from provisions of law in favor of certain persons, in default of testate successors. Intestate succession is the subject of the present title. Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 876. Kinds of successors.

There are two kinds of successors corresponding to the two kinds of succession described in the preceding articles:

Testate successors, also called legatees.

Intestate successors, also called heirs.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art 877. to Art 879. [Repealed]

CHAPTER 2--OF INTESTATE SUCCESSION

Art. 880. Intestate succession.

In the absence of valid testamentary disposition, the undisposed property of the deceased devolves by operation of law in favor of his descendants, ascendants, and collaterals, by blood or by adoption, and in favor of his spouse not judicially separated from him, in the order provided in and according to the following articles.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 881. Representation: effect.

Representation is a fiction of the law, the effect of which is to put the representative in the place, degree, and rights of the person represented.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 882. Representation in direct line of descendants

Representation takes place ad infinitum in the direct line of descendants. It is permitted in all cases, whether the children of the deceased concur with the descendants of the predeceased child, or whether, all the children having died before him, the descendants of the children be in equal or unequal degrees of relationship to the deceased. For purposes of forced heirship, representation takes place only as provided in Article 1493.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982; Acts 1990, No. 147, §1, eff. July 1, 1990; Acts 1995, No. 1180, §1, eff. Jan. 1, 1996.

Art. 883. Representation of ascendants not permissible.

Representation does not take place in favor of the ascendants, the nearest relation in any degree always excluding those of a more remote degree.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 884. Representation in collateral line.

In the collateral line, representation is permitted in favor of the children and descendants of the brothers and sisters of the deceased, whether they succeed in concurrence with their uncles and aunts, or whether, the brothers and sisters of the deceased having died, their descendants succeed in equal or unequal degrees.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 885. Basis of partition in cases of representation.

In all cases in which representation is permitted, the partition is made by roots; if one root has produced several branches, the subdivision is also made by roots in each branch, and the members of the same branch take by heads.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 886. Representation of deceased persons only.

Only deceased persons may be represented.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 887. Representation of decedent whose succession was renounced.

One who has renounced his right to succeed to another may still enjoy the right of representation with respect to that other.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 888. Succession rights of descendants.

Descendants succeed to the property of their ascendants. They take in equal portions and by heads if they are in the same degree. They take by roots if all or some of them succeed by representation.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 889. Devolution of community property.

If the deceased leaves no descendants, his surviving spouse succeeds to his share of the community property.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 890. Usufruct of surviving spouse

If the deceased spouse is survived by descendants, the surviving spouse shall have a usufruct over the decedent's share of the community property to the extent that the decedent has not disposed of it by testament. This usufruct terminates when the surviving spouse dies or remarries, whichever occurs first.

Acts 1981, No. 919, §1. Amended by Acts 1982, No. 445, §1; Acts 1990, No. 1075, §1, eff. July 27, 1990; Acts 1996, 1st Ex. Sess., No. 77, §1.

Art. 891. Devolution of separate property; parents and brothers and sisters

If the deceased leaves no descendants but is survived by a father, mother, or both, and by a brother or sister, or both, or descendants from them, the brothers and sisters or their descendants succeed to the separate property of the deceased subject to a usufruct in favor of the surviving parent or parents. If both parents survive the deceased, the usufruct shall be joint and successive.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982; Acts 2004, No. 26, §1.

Art. 892. Devolution of separate property in absence of parents or in absence of brothers and sisters.

If the deceased leaves neither descendants nor parents, his brothers or sisters or descendants from them succeed to his separate property in full ownership to the exclusion of other ascendants and other collaterals.

If the deceased leaves neither descendants nor brothers or sisters, nor descendants from them, his parent or parents succeed to the separate property to the exclusion of other ascendants and other collaterals.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 893. Brothers and sisters related by half-blood.

The property that devolves to the brothers or sisters is divided among them equally, if they are all born of the same parents. If they are born of different unions, it is equally divided between the paternal and maternal lines of the deceased: brothers or sisters fully related by blood take in both lines and those related by half-blood take each in his own line. If there are brothers or sisters on one side only, they take the entirety to the exclusion of all relations in the other line.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 894. Separate property; rights of surviving spouse.

If the deceased leaves neither descendants, nor parents, nor brothers, sisters, or descendants from them, his spouse not judicially separated from him shall succeed to his separate property to the exclusion of other ascendants and other collaterals.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 895. Separate property; rights of other ascendants

If a deceased leaves neither descendants, nor brothers, sisters, or descendants from them, nor parents, nor spouse not judicially separated, his other ascendants succeed to his separate property. If the ascendants in the paternal and maternal lines are in the same degree, the property is divided into two equal shares, one of which goes to the ascendants on the paternal side, and the other to the ascendants on the maternal side, whether the number of ascendants on each side be equal or not. In this case, the ascendants in each line inherit by heads.

If there is in the nearest degree but one ascendant in the two lines, such ascendant excludes ascendants of a more remote degree.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 896. Separate property; rights of other collaterals.

If the deceased leaves neither descendants, nor brothers, sisters, or descendants from them, nor parents, nor spouse not judicially separated, nor other ascendants, his other collaterals succeed to his separate property. Among the collateral relations, the nearest in degree excludes all the others. If there are several in the same degree, they take equally and by heads.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 897. Repealed by Acts 2022, No. 40, §1.

Art. 898. Repealed by Acts 2022, No. 40, §1.

Art. 899. Nearest in degree among more remote relations.

Among the successors in each class the nearest relation to the deceased, according to the following articles, is called to succeed.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 900. Degrees of relationship.

The propinquity of consanguinity is established by the number of generations, and each generation is called a degree.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Art. 901. Direct and collateral relationship.

The series of degrees forms the line. The direct line is the series of degrees between persons who descend one from another. The collateral line is the series of degrees between persons who do not descend one from another, but who descend from a common ancestor.

In the direct line, the number of degrees is equal to the number of generations between the heir and the deceased. In the collateral line, the number of degrees is equal to the number of generations between the heir and the common ancestor, plus the number of generations between the common ancestor and the deceased.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

CHAPTER 3--OF THE RIGHTS OF THE STATE

Art. 902. Rights of the state.

In default of blood, adopted relations, or a spouse not judicially separated, the estate of the deceased belongs to the state.

Acts 1981, No. 919, §1, eff. Jan. 1, 1982.

Arts 903 to Art. 933 [Repealed]

CHAPTER 4. COMMENCEMENT OF SUCCESSION

Art. 934. Commencement of succession

Succession occurs at the death of a person.
Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 935. Acquisition of ownership; seizin

Immediately at the death of the decedent, universal successors acquire ownership of the estate and particular successors acquire ownership of the things bequeathed to them.

Prior to the qualification of a succession representative only a universal successor may represent the decedent with respect to the heritable rights and obligations of the decedent.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 936. Continuation of the possession of decedent

The possession of the decedent is transferred to his successors, whether testate or intestate, and if testate, whether particular, general, or universal legatees.

A universal successor continues the possession of the decedent with all its advantages and defects, and with no alteration in the nature of the possession.

A particular successor may commence a new possession for purposes of acquisitive prescription.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 937. Transmission of rights of successor

The rights of a successor are transmitted to his own successors at his death, whether or not he accepted the rights, and whether or not he knew that the rights accrued to him.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 938. Exercise of succession rights

A. Prior to the qualification of a succession representative, a successor may exercise rights of ownership with respect to his interests in a thing of the estate as well as his interest in the estate as a whole.

B. If a successor exercises his rights of ownership after the qualification of a succession representative, the effect of that exercise is subordinate to the administration of the estate.

Acts 1997, No. 1421, §1, eff. July 1, 1999; Acts 2001, No. 556, §1, eff. June 22, 2001.

CHAPTER 5. LOSS OF SUCCESSION RIGHTS

Art. 939. Existence of successor

A successor must exist at the death of the decedent.
Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 940. Same; unborn child

An unborn child conceived at the death of the decedent and thereafter born alive shall be considered to exist at the death of the decedent.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 941. Declaration of unworthiness

A successor shall be declared unworthy if he is convicted of a crime involving the intentional killing, or attempted killing, of the decedent or is judicially determined to have participated in the intentional, unjustified killing, or attempted killing, of the decedent. An action to declare a successor unworthy shall be brought in the succession proceedings of the decedent.

An executive pardon or pardon by operation of law does not affect the unworthiness of a successor.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 942. Persons who may bring action

A. An action to declare a successor unworthy may be brought only by a person who would succeed in place of or in concurrence with the successor to be declared unworthy, or by one who claims through such a person.

B. When a person who may bring the action is a minor or an interdict, the court, on its own motion, or on the motion of any family member, may appoint an attorney to represent the minor or interdict for purposes of investigating and pursuing an action to declare a successor unworthy.

Acts 1997, No. 1421, §1, eff. July 1, 1999; Acts 2001, No. 824, §1.

Art. 943. Reconciliation or forgiveness

A successor shall be declared unworthy if he proves reconciliation with or forgiveness by the decedent.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 944. Prescription

An action to declare a successor unworthy is subject to a liberative prescription of five years from the death of the decedent as to intestate successors and five years from the probate of the will as to testate successors.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 945. Effects of declaration of unworthiness

A judicial declaration that a person is unworthy has the following consequences:

(1) The successor is deprived of his right to the succession to which he had been called.

(2) If the successor has possession of any property of the decedent, he must return it, along with all fruits and products he has derived from it. He must also account for an impairment in value caused by his encumbering it or failing to preserve it as a prudent administrator.

(3) If the successor no longer has possession because of a transfer or other loss of possession due to his fault, he must account for the value of the property at the time of the transfer or other loss of possession, along with all fruits and products he has derived from it.

He must also account for any impairment in value caused by his encumbering the property or failing to preserve it as a prudent administrator before he lost possession.

(4) If the successor has alienated, encumbered, or leased the property by onerous title, and there is no fraud on the part of the other party, the validity of the transaction is not affected by the declaration of unworthiness. But if he has donated the property and it remains in the hands of the donee or the donee's successors by gratuitous title, the donation may be annulled.

(5) The successor shall not serve as an executor, trustee, attorney or other fiduciary pursuant to a designation as such in the testament or any codicil thereto. Neither shall he serve as administrator, attorney, or other fiduciary in an intestate succession.
Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 946. Devolution of succession rights of successor declared unworthy

A. If the decedent died intestate, when a successor is declared unworthy his succession rights devolve as if he had predeceased the decedent; but if the decedent died testate, then the succession rights devolve in accordance with the provisions for testamentary accretion as if the unworthy successor had predeceased the testator.

B. When the succession rights devolve upon a child of the successor who is declared unworthy, the unworthy successor and the other parent of the child cannot claim a legal usufruct upon the property inherited by their child.
Acts 1997, No. 1421, §1, eff. July 1, 1999; Acts 2001, No. 824, §1.

CHAPTER 6. ACCEPTANCE AND RENUNCIATION OF SUCCESSIONS

SECTION 1. GENERAL PRINCIPLES

Art. 947. Right of successor to accept or renounce

A successor is not obligated to accept rights to succeed. He may accept some of those rights and renounce others.
Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 948. Minor successor deemed to accept

A successor who is a minor is deemed to accept rights to succeed, but his legal representative may renounce on behalf of the minor when expressly authorized by the court.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 949. Death of decedent as prerequisite to acceptance or renunciation

A person may not accept or renounce rights to succeed before the death of the decedent.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 950. Knowledge required of successor as prerequisite to acceptance or renunciation

An acceptance or renunciation is valid only if the successor knows of the death of the person to be succeeded and knows that he has rights as a successor. It is not necessary that he know the extent of those rights or the nature of his relationship to the decedent.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 951. Nullity of premature acceptance or renunciation

A premature acceptance or renunciation is absolutely null.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 952. Probate or annulment of testament after acceptance or renunciation of succession

An acceptance or renunciation of rights to succeed by intestacy is null if a testament is subsequently probated or given the effect of probate. An acceptance or renunciation of rights to succeed in a testate succession is null if the probate of the testament is subsequently annulled or the rights are altered, amended, or revoked by a subsequent testament or codicil.

Acts 1997, No. 1421, §1, eff. July 1, 1999; Acts 2001, No. 824, §1.

Art. 953. Legacy subject to a suspensive condition

A legacy that is subject to a suspensive condition may be accepted or renounced either before or after the fulfillment of the condition.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 954. Retroactive effects of acceptance and renunciation

To the extent that he accepts rights to succeed, a successor is considered as having succeeded to those rights at the moment of death of the decedent. To the extent that a successor renounces rights to succeed, he is considered never to have had them.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 955. [Reserved]

Art. 956. Claims of successor who is a creditor of the estate

A successor may assert a claim that he has as a creditor of the estate whether he accepts or renounces his succession rights.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

SECTION 2. ACCEPTANCE

Art. 957. Formal or informal acceptance

Acceptance may be either formal or informal. It is formal when the successor expressly accepts in writing or assumes the quality of successor in a judicial proceeding. It is informal when the successor does some act that clearly implies his intention to accept.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 958. Informal acceptance; use or disposition of property

Acts of the successor concerning property that he does not know belongs to the estate do not imply an intention to accept.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 959. Informal acceptance; act of ownership

An act of ownership that can be done only as a successor implies acceptance, but an act that is merely administrative, custodial, or preservative does not imply acceptance.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 960. Donative renunciation implies acceptance

A renunciation shall be deemed to be an acceptance to the extent that it causes the renounced rights to devolve in a manner other than that provided by law or by the testament if the decedent died testate.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 961. Effect of acceptance

Acceptance obligates the successor to pay estate debts in accordance with the provisions of this Title and other applicable laws.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 962. Presumption of acceptance

In the absence of a renunciation, a successor is presumed to accept succession rights. Nonetheless, for good cause the successor may be compelled to accept or renounce.

Acts 1997, No. 1421, §1, eff. July 1, 1999.

Art. 2012. Stipulated damages may not be modified

Stipulated damages may not be modified by the court unless they are so manifestly unreasonable as to be contrary to public policy.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

CHAPTER 9. DISSOLUTION

Art. 2013. Obligee's right to dissolution

When the obligor fails to perform, the obligee has a right to the judicial dissolution of the contract or, according to the circumstances, to regard the contract as dissolved. In either case, the obligee may recover damages.

In an action involving judicial dissolution, the obligor who failed to perform may be granted, according to the circumstances, an additional time to perform.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2014. Importance of failure to perform

A contract may not be dissolved when the obligor has rendered a substantial part of the performance and the part not rendered does not substantially impair the interest of the obligee.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2015. Dissolution after notice to perform

Upon a party's failure to perform the other may serve him a notice to perform within a certain time, with a warning that, unless performance is rendered within that time, the contract shall be deemed dissolved. The time allowed for that purpose must be reasonable according to the circumstances.

The notice to perform is subject to the requirements governing a putting of the obligor in default and for the recovery of damages for delay, shall have the same effect as a putting of the obligor in default.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2016. Dissolution without notice to perform

When a delayed performance would no longer be of value to the obligee or when it is evident that the obligor will not perform, the obligee may regard the contract as dissolved without any notice to the obligor.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2017. Express dissolution clause

The parties may expressly agree that the contract shall be dissolved for the failure to perform a particular obligation. In that case, the contract is deemed dissolved at the time it provides for or, in the absence of such a provision, at the time the obligee gives notice to the obligor that he avails himself of the dissolution clause.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2018. Effects of dissolution

Upon dissolution of a contract, the parties shall be restored to the situation that existed before the contract was made. If restoration in kind is impossible or impracticable, the court may award damages.

If partial performance has been rendered and that performance is of value to the party seeking to dissolve the contract, the dissolution does not preclude recovery for that performance, whether in contract or quasi-contract.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2019. Contracts for continuous or periodic performance

In contracts providing for continuous or periodic performance, the effect of the dissolution shall not be extended to any performance already rendered.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985

Art. 2020. Contracts made by more than two parties

When a contract has been made by more than two parties, one party's failure to perform may not cause dissolution of the contract for the other parties, unless the performance that failed was essential to the contract.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2021. Rights of third party in good faith

Dissolution of a contract does not impair the rights acquired through an onerous contract by a third party in good faith.

If the contract involves immovable property, the principles of recordation apply to a third person acquiring an interest in the property whether by onerous or gratuitous title.

Acts 1984, No. 331, §1, eff. July 1, 1985; Acts 2005, No. 169, §2, eff. Jan. 1, 2006; Acts 2005, 1st Ex. Sess., No. 13, §1, eff. Nov. 29, 2005.

Art. 2022. Refusal to perform

Either party to a contract may refuse to perform his obligation if the other has failed to perform or does not offer to perform his own at the same time, if the performances are due simultaneously.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2023. Security for performance

If the situation of a party, financial or otherwise, has become such as to clearly endanger his ability to perform an obligation, the other party may demand in writing that adequate security be given and, upon failure to give that security, that party may withhold or discontinue his own performance.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2024. Contract terminated by a party's initiative

A contract of unspecified duration may be terminated at the will of either party by giving notice, reasonable in time and form, to the other party.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

CHAPTER 10. SIMULATION

Art. 2025. Definition; simulation and counterletter

A contract is a simulation when, by mutual agreement, it does not express the true intent of the parties.

If the true intent of the parties is expressed in a separate writing, that writing is a counterletter.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2026. Absolute simulation

A simulation is absolute when the parties intend that their contract shall produce no effects between them. That simulation, therefore, can have no effects between the parties.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2027. Relative simulation

A simulation is relative when the parties intend that their contract shall produce effects between them though different from those recited in their contract. A relative simulation produces between the parties the effects they intended if all requirements for those effects have been met.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2028. Effects as to third persons

Any simulation, either absolute or relative, may have effects as to third persons.

Counterletters can have no effects against third persons in good faith. Nevertheless, if the counterletter involves immovable property, the principles of recordation apply with respect to third persons.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985; Acts 2012, No. 277, §1.

CHAPTER 11. NULLITY

Art. 2029. Nullity of contracts

A contract is null when the requirements for its formation have not been met.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2030. Absolute nullity of contracts

A contract is absolutely null when it violates a rule of public order, as when the object of a contract is illicit or immoral. A contract that is absolutely null may not be confirmed.

Absolute nullity may be invoked by any person or may be declared by the court on its own initiative.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2031. Relative nullity of contracts

A contract is relatively null when it violates a rule intended for the protection of private parties, as when a party lacked capacity or did not give free consent at the time the contract was made. A contract that is only relatively null may be confirmed.

Relative nullity may be invoked only by those persons for whose interest the ground for nullity was established, and may not be declared by the court on its own initiative.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2032. Prescription of action

Action for annulment of an absolutely null contract does not prescribe.

Action of annulment of a relatively null contract must be brought within five years from the time the ground for nullity either ceased, as in the case of incapacity or duress, or was discovered, as in the case of error or fraud.

Nullity may be raised at any time as a defense against an action on the contract, even after the action for annulment has prescribed.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2033. Effects

An absolutely null contract or a relatively null contract that has been declared null by the court, is deemed never to have existed. The parties must be restored to the situation that existed before the contract was made. If it is impossible or impracticable to make restoration in kind, it may be made through an award of damages.

Nevertheless, a performance rendered under a contract that is absolutely null because its object or its cause is illicit or immoral may not be recovered by a party who knew or should have known of the defect that makes the contract null. The performance may be recovered, however, when that party invokes the nullity to withdraw from the contract before its purpose is achieved and also in exceptional situations when, in the discretion of the court, that recovery would further the interest of justice.

Absolute nullity may be raised as a defense even by a party who, at the time the contract was made, knew or should have known of the defect that makes the contract null.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2034. Nullity of a provision

Nullity of a provision does not render the whole contract null unless, from the nature of the provision or the intention of the parties, it can be presumed that the contract would not have been made without the null provision.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2035. Rights of third party in good faith

Nullity of a contract does not impair the rights acquired through an onerous contract by a third party in good faith.

If the contract involves immovable property, the principles of recordation apply to a third person acquiring an interest in the property whether by onerous or gratuitous title. Acts 1984, No. 331, §1, eff. Jan. 1, 1985; Acts 2005, No. 169, §2, eff. July 1, 2006; Acts 2005, 1st Ex. Sess., No. 13, §1, eff. Nov. 29, 2005.

CHAPTER 12. REVOCATORY ACTION AND OBLIQUE ACTION

SECTION 1. REVOCATORY ACTION

Art. 2036. Act of the obligor that causes or increases his insolvency

An obligee has a right to annul an act of the obligor, or the result of a failure to act of the obligor, made or effected after the right of the obligee arose, that causes or increases the obligor's insolvency.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985; Acts 2003, No. 552, §1; Acts 2004, No. 447, §1.

Art. 2037. Insolvency

An obligor is insolvent when the total of his liabilities exceeds the total of his fairly appraised assets.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985; Acts 2003, No. 552, §1; Acts 2004, No. 447, §1.

Art. 2038. Onerous contract made by the obligor

An obligee may annul an onerous contract made by the obligor with a person who knew or should have known that the contract would cause or increase the obligor's insolvency. In that case, the person is entitled to recover what he gave in return only to the extent that it has inured to the benefit of the obligor's creditors.

An obligee may annul an onerous contract made by the obligor with a person who did not know that the contract would cause or increase the obligor's insolvency, but in that case that person is entitled to recover as much as he gave to the obligor. That lack of knowledge is presumed when that person has given at least four-fifths of the value of the thing obtained in return from the obligor.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2039. Gratuitous contract made by the obligor

An obligee may attack a gratuitous contract made by the obligor whether or not the other party knew that the contract would cause or increase the obligor's insolvency.
Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2040. Contract made in course of business

An obligee may not annul a contract made by the obligor in the regular course of his business.
Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2041. Action must be brought within one year

The action of the obligee must be brought within one year from the time he learned or should have learned of the act, or the result of the failure to act, of the obligor that the obligee seeks to annul, but never after three years from the date of that act or result.
Acts 1984, No. 331, §1, eff. Jan. 1, 1985; Acts 2013, No. 98, §1; Acts 2021, No. 414, §1.

Art. 2042. Obligees must join obligor and third persons

In an action to annul either his obligor's act, or the result of his obligor's failure to act, the obligee must join the obligor and the third persons involved in that act or failure to act.

A third person joined in the action may plead discussion of the obligor's assets.
Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2043. Assets transferred must be returned

If an obligee establishes his right to annul his obligor's act, or the result of his obligor's failure to act, that act or result shall be annulled only to the extent that it affects the obligee's right.
Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

SECTION 2. OBLIQUE ACTION

Art. 2044. Insolvency by failure to exercise right

If an obligor causes or increases his insolvency by failing to exercise a right, the obligee may exercise it himself, unless the right is strictly personal to the obligor.

For that purpose, the obligee must join in the suit his obligor and the third person against whom that right is asserted.
Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

CHAPTER 13. INTERPRETATION OF CONTRACTS

Art. 2045. Determination of the intent of the parties

Interpretation of a contract is the determination of the common intent of the parties.
Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2046. No further interpretation when intent is clear

When the words of a contract are clear and explicit and lead to no absurd consequences, no further interpretation may be made in search of the parties' intent.
Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2047. Meaning of words

The words of a contract must be given their generally prevailing meaning.

Words of art and technical terms must be given their technical meaning when the contract involves a technical matter.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2048. Words susceptible of different meanings

Words susceptible of different meanings must be interpreted as having the meaning that best conforms to the object of the contract.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985

Art. 2049. Provision susceptible of different meanings

A provision susceptible of different meanings must be interpreted with a meaning that renders it effective and not with one that renders it ineffective.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985

Art. 2050. Provisions interpreted in light of each other

Each provision in a contract must be interpreted in light of the other provisions so that each is given the meaning suggested by the contract as a whole.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2051. Contract worded in general terms

Although a contract is worded in general terms, it must be interpreted to cover only those things it appears the parties intended to include.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2052. Situation to which the contract applies

When the parties intend a contract of general scope but, to eliminate doubt, include a provision that describes a specific situation, interpretation must not restrict the scope of the contract to that situation alone.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2053. Nature of contract, equity, usages, conduct of the parties, and other contracts between same parties

A doubtful provision must be interpreted in light of the nature of the contract, equity, usages, the conduct of the parties before and after the formation of the contract, and of other contracts of a like nature between the same parties.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2054. No provision of the parties for a particular situation

When the parties made no provision for a particular situation, it must be assumed that they intended to bind themselves not only to the express provisions of the contract, but also to whatever the law, equity, or usage regards as implied in a contract of that kind or necessary for the contract to achieve its purpose.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985

Art. 2055. Equity and usage

Equity, as intended in the preceding articles, is based on the principles that no one is allowed to take unfair advantage of another and that no one is allowed to enrich himself unjustly at the expense of another.

Usage, as intended in the preceding articles, is a practice regularly observed in affairs of a nature identical or similar to the object of a contract subject to interpretation.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2056. Standard-form contracts

In case of doubt that cannot be otherwise resolved, a provision in a contract must be interpreted against the party who furnished its text.

A contract executed in a standard form of one party must be interpreted, in case of doubt, in favor of the other party.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2057. Contract interpreted in favor of obligor

In case of doubt that cannot be otherwise resolved, a contract must be interpreted against the obligee and in favor of the obligor of a particular obligation.

Yet, if the doubt arises from lack of a necessary explanation that one party should have given, or from negligence or fault of one party, the contract must be interpreted in a manner favorable to the other party whether obligee or obligor.

Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

Art. 2058. Arts. 2058 to 2291 [Repealed]

Repealed by Acts 1984, No. 331, §1, eff. Jan. 1, 1985.

TITLE V. OBLIGATIONS ARISING WITHOUT AGREEMENT

CHAPTER 1--MANAGEMENT OF AFFAIRS (Negotiorum Gestio)

Art. 2292. Management of affairs; definition

There is a management of affairs when a person, the manager, acts without authority to protect the interests of another, the owner, in the reasonable belief that the owner would approve of the action if made aware of the circumstances.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2293. Application of rules governing mandate

A management of affairs is subject to the rules of mandate to the extent those rules are compatible with management of affairs.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2294. Duties of the manager; notice to the owner

The manager is bound, when the circumstances so warrant, to give notice to the owner that he has undertaken the management and to wait for the directions of the owner, unless there is immediate danger.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2295. Duties of the manager; liability for loss

The manager must exercise the care of a prudent administrator and is answerable for any loss that results from his failure to do so. The court, considering the circumstances, may reduce the amount due the owner on account of the manager's failure to act as a prudent administrator.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2295. Duties of the manager; liability for loss

The manager must exercise the care of a prudent administrator and is answerable for any loss that results from his failure to do so. The court, considering the circumstances, may reduce the amount due the owner on account of the manager's failure to act as a prudent administrator.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2296. Capacity

An incompetent person or a person of limited legal capacity may be the owner of an affair, but he may not be a manager. When such a person manages the affairs of another, the rights and duties of the parties are governed by the law of enrichment without cause or the law of delictual obligations.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2297. Obligations of the owner

The owner whose affair has been managed is bound to fulfill the obligations that the manager has undertaken as a prudent administrator and to reimburse the manager for all necessary and useful expenses.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

CHAPTER 2--ENRICHMENT WITHOUT CAUSE

SECTION 1. GENERAL PRINCIPLES

Art. 2298. Enrichment without cause; compensation

A person who has been enriched without cause at the expense of another person is bound to compensate that person. The term "without cause" is used in this context to exclude cases in which the enrichment results from a valid juridical act or the law. The remedy declared here is subsidiary and shall not be available if the law provides another remedy for the impoverishment or declares a contrary rule.

The amount of compensation due is measured by the extent to which one has been enriched or the other has been impoverished, whichever is less.

The extent of the enrichment or impoverishment is measured as of the time the suit is brought or, according to the circumstances, as of the time the judgment is rendered.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

SECTION 2. PAYMENT OF A THING NOT OWED

Art. 2299. Obligation to restore

A person who has received a payment or a thing not owed to him is bound to restore it to the person from whom he received it.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2300. Obligation that does not exist

A thing is not owed when it is paid or delivered for the discharge of an obligation that does not exist.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2301. Obligation under suspensive condition

A thing is not owed when it is paid or delivered for discharge of an obligation that is subject to a suspensive condition.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2302. Payment of the debt of another person

A person who paid the debt of another person in the erroneous belief that he was himself the obligor may reclaim the payment from the obligee. The payment may not be reclaimed to the extent that the obligee, because of the payment, disposed of the instrument or released the securities relating to the claim. In such a case, the person who made the payment has a recourse against the true obligor.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2303. Liability of the person receiving payment

A person who in bad faith received a payment or a thing not owed to him is bound to restore it with its fruits and products.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2304. Restoration of a thing or its value

When the thing not owed is an immovable or a corporeal movable, the person who received it is bound to restore the thing itself, if it exists.

If the thing has been destroyed, damaged, or cannot be returned, a person who received the thing in good faith is bound to restore its value if the loss was caused by his fault. A person who received the thing in bad faith is bound to restore its value even if the loss was not caused by his fault.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2305. Liability when the thing is alienated

A person who in good faith alienated a thing not owed to him is only bound to restore whatever he obtained from the alienation. If he received the thing in bad faith, he owes, in addition, damages to the person to whom restoration is due.

Acts 1995, No. 1041, §1, eff. Jan. 1, 1996.

Art. 2306. to Art. 2314. [Repealed]

CHAPTER 3--OF OFFENSES AND QUASI OFFENSES

Art. 2315. Liability for acts causing damages

A. Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.

B. Damages may include loss of consortium, service, and society, and shall be recoverable by the same respective categories of persons who would have had a cause of action for wrongful death of an injured person. Damages do not include costs for future medical treatment, services, surveillance, or procedures of any kind unless such treatment, services, surveillance, or procedures are directly related to a manifest physical or mental

injury or disease. Damages shall include any sales taxes paid by the owner on the repair or replacement of the property damaged.

Amended by Acts 1884, No. 71; Acts 1908, No. 120, §1; Acts 1918, No. 159, §1; Acts 1932, No. 159, §1; Acts 1948, No. 333, §1; Acts 1960, No. 30, §1; Acts 1982, No. 202, §1; Acts 1984, No. 397, §1; Acts 1986, No. 211, §1; Acts 1999, No. 989, §1, eff. July 9, 1999; Acts 2001, No. 478, §1.

Art. 2315.1. Survival action

A. If a person who has been injured by an offense or quasi offense dies, the right to recover all damages for injury to that person, his property or otherwise, caused by the offense or quasi offense, shall survive for a period of one year from the death of the deceased in favor of:

(1) The surviving spouse and child or children of the deceased, or either the spouse or the child or children.

(2) The surviving father and mother of the deceased, or either of them if he left no spouse or child surviving.

(3) The surviving brothers and sisters of the deceased, or any of them, if he left no spouse, child, or parent surviving.

(4) The surviving grandfathers and grandmothers of the deceased, or any of them, if he left no spouse, child, parent, or sibling surviving.

B. In addition, the right to recover all damages for injury to the deceased, his property or otherwise, caused by the offense or quasi offense, may be urged by the deceased's succession representative in the absence of any class of beneficiary set out in Paragraph A.

C. The right of action granted under this Article is heritable, but the inheritance of it neither interrupts nor prolongs the prescriptive period defined in this Article.

D. (1) As used in this Article, the words "child", "brother", "sister", "father", "mother", "grandfather", and "grandmother" include a child, brother, sister, father, mother, grandfather, and grandmother by adoption, respectively.

(2) As used in this Article, the words "child", "brother", and "sister" include a child, brother, or sister given in adoption, respectively.

E. For purposes of this Article, a father or mother who has abandoned the deceased during his minority is deemed not to have survived him.

Acts 1986, No. 211, §2; Acts 1987, No. 675, §1; Acts 1997, No. 1317, §1, eff. July 15, 1997; Acts 2022, No. 718, §1..

Art. 2315.2. Wrongful death action

A. If a person dies due to the fault of another, suit may be brought by the following persons to recover damages which they sustained as a result of the death:

(1) The surviving spouse and child or children of the deceased, or either the spouse or the child or children.

(2) The surviving father and mother of the deceased, or either of them if he left no spouse or child surviving.

(3) The surviving brothers and sisters of the deceased, or any of them, if he left no spouse, child, or parent surviving.

(4) The surviving grandfathers and grandmothers of the deceased, or any of them, if he left no spouse, child, parent, or sibling surviving.

B. The right of action granted by this Article prescribes one year from the death of the deceased.

C. The right of action granted under this Article is heritable, but the inheritance of it neither interrupts nor prolongs the prescriptive period defined in this Article.

D. (1) As used in this Article, the words "child", "brother", "sister", "father", "mother", "grandfather", and "grandmother" include a child, brother, sister, father, mother, grandfather, and grandmother by adoption, respectively.

(2) As used in the Article, the words "child", "brother", and "sister" include a child, brother, or sister given in adoption, respectively.

E. For purposes of this Article, a father or mother who has abandoned the deceased during his minority is deemed not to have survived him.

Acts 1986, No. 211, §2; Acts 1997, No. 1317, §1, eff. July 1, 1997; Acts 2022, No. 718, §1.

Art. 2315.3. Additional damages; child pornography

In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton and reckless disregard for the rights and safety of the person through an act of pornography involving juveniles, as defined by R.S. 14-11.1, regardless of whether the defendant was prosecuted for his acts.

Acts 2009, No. 382, §1.

Art. 2315.4. Additional damages; intoxicated defendant

In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton or reckless disregard for the rights and safety of others by a defendant whose intoxication while operating a motor vehicle was a cause in fact of the resulting injuries.

Acts 1984, No. 511, §1.

Art. 2315.5. Wrongful death and survival action; exception

Notwithstanding any other provision of law to the contrary, the surviving spouse, parent, or child of a deceased, who has been convicted of a crime involving the intentional killing or attempted killing of the deceased, or, if not convicted, who has been judicially determined to have participated in the intentional, unjustified killing or attempted killing of the deceased, shall not be entitled to any damages or proceeds in a survival action or an action for wrongful death of the deceased, or to any proceeds distributed in settlement of any such cause of action. In such case, the other child or children of the deceased, or if the deceased left no other child surviving, the other survivors enumerated in the applicable provisions of Articles 2315.1(A) and 2315.2(A), in order of preference stated, may bring a

survival action against such surviving spouse, parent, or child, or an action against such surviving spouse, parent, or child for the wrongful death of the deceased.

An executive pardon shall not restore the surviving spouse's, parent's, or child's right to any damages or proceeds in a survival action or an action for wrongful death of the deceased.

Acts 1987, No. 690, §1; Acts 1991, No. 180, §1.

Art. 2315.6. Liability for damages caused by injury to another

A. The following persons who view an event causing injury to another person, or who come upon the scene of the event soon thereafter, may recover damages for mental anguish or emotional distress that they suffer as a result of the other person's injury:

(1) The spouse, child or children, and grandchild or grandchildren of the injured person, or either the spouse, the child or children, or the grandchild or grandchildren of the injured person.

(2) The father and mother of the injured person, or either of them.

(3) The brothers and sisters of the injured person or any of them.

(4) The grandfather and grandmother of the injured person or either of them.

B. To recover for mental anguish or emotional distress under this Article, the injured person must suffer such harm that one can reasonably expect a person in the claimant's position to suffer serious mental anguish or emotional distress from the experience, and the claimant's mental anguish or emotional distress must be severe, debilitating, and foreseeable.

Damages suffered as a result of mental anguish or emotional distress for injury to another shall be recovered only in accordance with this Article.

Acts 1991, No. 782, §1.

Art. 2315.7. Liability for damages caused by criminal sexual activity occurring during childhood

In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton and reckless disregard for the rights and safety of the person through criminal sexual activity which occurred when the victim was seventeen years old or younger, regardless of whether the defendant was prosecuted for his or her acts. The provisions of this Article shall be applicable only to the perpetrator of the criminal sexual activity.

Acts 1993, No. 831, §1, eff. June 22, 1993.

Art. 2315.8. Liability for damages caused by domestic abuse

A. In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton and reckless disregard for the rights and safety of a family or household member, as defined in R.S. 46:2132, through acts of domestic abuse resulting in serious bodily injury or severe

emotional and mental distress, regardless of whether the defendant was prosecuted for his or her acts.

B. Upon motion of the defendant or upon its own motion, if the court determines that an action seeking damages under this Article is frivolous or fraudulent, the court shall award costs of court, reasonable attorney fees, and any other related costs to the defendant and any other sanctions and relief requested pursuant to Code of Civil Procedure Article 863.

Acts 2014, No. 315, §1; Acts 2018, No. 264, §1.

Art. 2315.9. Liability for damages caused by acts of terror

A. In addition to general and special damages, a prevailing plaintiff shall also be awarded court costs and reasonable attorney fees in the appropriate district or appellate court upon proof that the injuries on which the action is based were caused by an act of terror or terrorism resulting in injury to the person or damage to the person's property, regardless of whether the defendant was prosecuted for this act.

B. The rights and remedies provided by this Article are in addition to any other rights and remedies provided by law.

C. As used in this Article, the terms shall be defined as follows:

(1) "Act of terror" or "terrorism" means the commission of any of the acts occurring primarily in this state and as enumerated in this subparagraph, when the offender has the intent to intimidate or coerce the civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by intimidation or coercion:

- (a) Intentional killing of a human being.
- (b) Intentional infliction of serious bodily injury upon a human being.
- (c) Kidnapping of a human being.
- (d) Aggravated arson upon any structure, watercraft, or movable.
- (e) Aggravated criminal damage to property.

(2) "Terrorist" means a person who knowingly does any of the following:

- (a) Commits an act of terror.
- (b) Acts as an accessory before or after the fact, aids or abets, solicits, or conspires to commit an act of terror.
- (c) Lends material support to an act of terror.

D. Upon motion of the defendant or upon its own motion, if the court determines that any action alleging an act of terror is frivolous or fraudulent, the court shall award costs of court, reasonable attorney fees, and any other related costs to the defendant and any other sanctions and relief requested pursuant to Code of Civil Procedure Article 863.

E. An action under the provisions of this Article shall be subject to a liberative prescriptive period of two years.

Acts 2015, No. 337, §1.

Art. 2315.10. Liability for death caused by hazing; additional damages

In addition to general and special damages, exemplary damages may be awarded upon proof that the death on which the action is based was caused by a wanton and reckless disregard for the rights and safety of the victim through an act of hazing, as defined by R.S. 17:1801, regardless of whether the defendant was prosecuted for his acts.

Acts 2018, No. 481, §1, eff. May 25, 2018.

Art. 2315.11. Liability for damages caused by sexual assault

A. In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by an act or acts of sexual assault in the workplace.

B. The provisions of this Article shall be applicable only to the perpetrator of the sexual assault.

C. Upon motion of the defendant or upon its own motion, if the court determines that an action seeking damages under this Article is frivolous or fraudulent, the court shall award costs of court, reasonable attorney fees, and any other related costs to the defendant and any other sanctions and relief requested pursuant to Code of Civil Procedure Article 53.

D. An action under the provisions of this Article shall be subject to a liberative prescriptive period provided for in Article 3496.2.

E. As used in this Article, sexual assault is as defined by R.S. 46:2184.
Acts 2021, No. 411, §1.

Art. 2317. Acts of others and of things in custody.

We are responsible, not only for the damage occasioned by our own act, but for that which is caused by the act of persons for whom we are answerable, or of the things which we have in our custody. This, however, is to be understood with the following modifications.

Art. 2317.1. Damage caused by ruin, vice, or defect in things

The owner or custodian of a thing is answerable for damage occasioned by its ruin, vice, or defect, only upon a showing that he knew or, in the exercise of reasonable care, should have known of the ruin, vice, or defect which caused the damage, that the damage could have been prevented by the exercise of reasonable care, and that he failed to exercise such reasonable care. Nothing in this Article shall preclude the court from the application of the doctrine of res ipsa loquitur in an appropriate case.

Acts 1996, 1st Ex. Sess., No. 1, §1, eff. April 16, 1996.

Art. 2318. Acts of a minor

The father and the mother are responsible for the damage occasioned by their minor child, who resides with them or who has been placed by them under the care of other persons, reserving to them recourse against those persons. However, the father and mother

are not responsible for the damage occasioned by their minor child who has been emancipated by marriage, by judgment of full emancipation, or by judgment of limited emancipation that expressly relieves the parents of liability for damages occasioned by their minor child.

The same responsibility attaches to the tutors of minors.

Acts 1984, No. 578, §1; Acts 2008, No. 786, §1, eff. Jan. 1, 2009.

Art. 2319. Acts of interdicts

Neither a curator nor an undercurator is personally responsible to a third person for a delictual obligation of the interdict in his charge solely by reason of his office.

Acts 2000, 1st Ex. Sess., No. 25, §2, eff. July 1, 2001.

Art. 2320. Acts of servants, students or apprentices

Masters and employers are answerable for the damage occasioned by their servants and overseers, in the exercise of the functions in which they are employed.

Teachers and artisans are answerable for the damage caused by their scholars or apprentices, while under their superintendence.

In the above cases, responsibility only attaches when the masters or employers, teachers and artisans, might have prevented the act which caused the damage, and have not done it.

The master is answerable for the crimes and quasi-offenses committed by his servants, according to the rules which are explained under the title: Of quasi-contracts, and of offenses and quasi-offenses.

Art. 2321. Damage caused by animal

The owner of an animal is answerable for the damage caused by the animal. However, he is answerable for the damage only upon a showing that he knew or, in the exercise of reasonable care, should have known that his animal's behavior would cause damage, that the damage could have been prevented by the exercise of reasonable care, and that he failed to exercise such reasonable care. Nonetheless, the owner of a dog is strictly liable for damages for injuries to persons or property caused by the dog and which the owner could have prevented and which did not result from the injured person's provocation of the dog. Nothing in this Article shall preclude the court from the application of the doctrine of *res ipsa loquitur* in an appropriate case.

Acts 1996, 1st Ex. Sess., No. 1, §1, eff. April 16, 1996.

Art. 2322. Damage caused by ruin of building

The owner of a building is answerable for the damage occasioned by its ruin, when this is caused by neglect to repair it, or when it is the result of a vice or defect in its original* construction. However, he is answerable for damages only upon a showing that he knew or, in the exercise of reasonable care, should have known of the vice or defect which caused the damage, that the damage could have been prevented by the exercise of reasonable care,

and that he failed to exercise such reasonable care. Nothing in this Article shall preclude the court from the application of the doctrine of res ipsa loquitur in an appropriate case. Acts 1996, 1st Ex. Sess., No. 1, §1, eff. April 16, 1996.

*"Original" has no counterpart in French text.

Art. 2322.1. Users of blood or tissue; a medical service

A. The screening, procurement, processing, distribution, transfusion, or medical use of human blood and blood components of any kind and the transplantation or medical use of any human organ, human tissue, or approved animal tissue by physicians, dentists, hospitals, hospital blood banks, and nonprofit community blood banks is declared to be, for all purposes whatsoever, the rendition of a medical service by each and every physician, dentist, hospital, hospital blood bank, and nonprofit community blood bank participating therein, and shall not be construed to be and is declared not to be a sale. Strict liability and warranties of any kind without negligence shall not be applicable to the aforementioned who provide these medical services.

B. In any action based in whole or in part on the use of blood or tissue by a healthcare provider, to which the provisions of Paragraph A do not apply, the plaintiff shall have the burden of proving all elements of his claim, including a defect in the thing sold and causation of his injuries by the defect, by a preponderance of the evidence, unaided by any presumption.

C. The provisions of Paragraphs A and B are procedural and shall apply to all alleged causes of action or other act, omission, or neglect without regard to the date when the alleged cause of action or other act, omission, or neglect occurred.

D. As used in this Article:

(1) "Healthcare provider" includes all individuals and entities listed in R.S. 9:2797, this Article, R.S. 40:1299.39 and R.S. 40:1299.41 whether or not enrolled with the Patient's Compensation Fund.

(2) "The use of blood or tissue" means the screening, procurement, processing, distribution, transfusion, or any medical use of human blood, blood products, and blood components of any kind and the transplantation or medical use of any human organ, human or approved animal tissue, and tissue products or tissue components by any healthcare provider.

Added by Acts 1981, No. 611, §1; Acts 1990, No. 1091, §1; Acts 1999, No. 539, §2, eff. June 30, 1999.

Art. 2323. Comparative fault

A. In any action for damages where a person suffers injury, death, or loss, the degree or percentage of fault of all persons causing or contributing to the injury, death, or loss shall be determined, regardless of whether the person is a party to the action or a nonparty, and regardless of the person's insolvency, ability to pay, immunity by statute, including but not limited to the provisions of R.S. 23:1032, or that the other person's identity is not known or reasonably ascertainable. If a person suffers injury, death, or loss as the result partly of his own negligence and partly as a result of the fault of another person

or persons, the amount of damages recoverable shall be reduced in proportion to the degree or percentage of negligence attributable to the person suffering the injury, death, or loss.

B. The provisions of Paragraph A shall apply to any claim for recovery of damages for injury, death, or loss asserted under any law or legal doctrine or theory of liability, regardless of the basis of liability.

C. Notwithstanding the provisions of Paragraphs A and B, if a person suffers injury, death, or loss as a result partly of his own negligence and partly as a result of the fault of an intentional tortfeasor, his claim for recovery of damages shall not be reduced.

Amended by Acts 1979, No. 431, §1; Acts 1996, 1st Ex. Sess., No. 3, §1, eff. April 16, 1996.

Art. 2324. Liability as solidary or joint and divisible obligation

A. He who conspires with another person to commit an intentional or willful act is answerable, in solido, with that person, for the damage caused by such act.

B. If liability is not solidary pursuant to Paragraph A, the liability for damages caused by two or more persons shall be a joint and divisible obligation. A joint tortfeasor shall not be liable for more than his degree of fault and shall not be solidarily liable with any other person for damages attributable to the fault of such other person, including the person suffering injury, death, or loss, regardless of such other person's insolvency, ability to pay, degree of fault, immunity by statute or otherwise, including but not limited to immunity as provided in R.S. 23:1032, or that the other person's identity is not known or reasonably ascertainable.

C. Interruption of prescription against one joint tortfeasor is effective against all joint tortfeasors.

Amended by Acts 1979, No. 431, §1; Acts 1987, No. 373, §1; Acts 1988, No. 430, §1; Acts 1996, 1st Ex. Sess., No. 2, §1, eff. April 16, 1996.

Art. 2324.1. Damages; discretion of judge or jury

In the assessment of damages in cases of offenses, quasi offenses, and quasi contracts, much discretion must be left to the judge or jury.

Acts 1984, No. 331, §3, eff. Jan. 1, 1985.

Art. 2324.2. Reduction of recovery

A. When the recovery of damages by a person suffering injury, death, or loss is reduced in some proportion by application of Article 2323 or 2324 and there is a legal or conventional subrogation, then the subrogee's recovery shall be reduced in the same proportion as the subrogor's recovery.

B. Nothing herein precludes such persons and legal or conventional subrogees from agreeing to a settlement which would incorporate a different method or proportion of subrogee recovery for amounts paid by the legal or conventional subrogee under the Louisiana Worker's Compensation Act, R.S. 23:1021, et seq.

Acts 1989, No. 771, §1, eff. July 9, 1989.

C. If the name of the partner in commendam is the same as that of a general partner or if it had been included in the name of a predecessor business entity or in the name of the partnership prior to the admission of the partner in commendam, its use does not imply that he is a general partner.

Acts 1980, No. 150, §1. Acts 1984, No. 429, §1.

Art. 2840. Partner in commendam; liability; agreed contribution.

A partner in commendam must agree to make a contribution to the partnership. The contribution may consist of money, things, or the performance of nonmanagerial services. The partnership agreement must describe the contribution and state either its agreed value or a method of determining it. The contract should also state the time or circumstances upon which the money or other things are to be delivered, or the services are to be performed, and if it fails to do so, payment is due on demand.

A partner in commendam is liable for the obligations of the partnership only to the extent of the agreed contribution. If he does not make the contribution, or contributes only part of it, he is obligated to contribute money, or other things equal to the portion of the stated value that he has failed to satisfy. The court may award specific performance if appropriate.

Acts 1980, No. 150, §1.

Art. 2841. Contract form; registry.

A contract of partnership in commendam must be in writing and filed for registry with the secretary of state as provided by law. Until the contract is filed for registry, partners in commendam are liable to third parties in the same manner as general partners.

Acts 1980, No. 150, §1.

Art. 2842. Restrictions on the right of a partner in commendam to receive contributions.

A partner in commendam may not receive, directly or indirectly, any part of the capital or undistributed profits of the partnership if to do so would render the partnership insolvent. If he does so, he must restore the amount received together with interest at the legal rate.

If the partnership or the partners do not force the partner in commendam to restore the amount received, the creditors may proceed directly against the partner in commendam to compel the restoration.

Acts 1980, No. 150, §1.

Art. 2843. Restrictions on the partner in commendam with regard to management or administration of the partnership.

A partner in commendam does not have the authority of a general partner to bind the partnership, to participate in the management or administration of the partnership, or to conduct any business with third parties on behalf of the partnership.

Acts 1980, No. 150, §1.

Art. 2844. Liability of the partner in commendam to third parties

A. A partner in commendam is not liable for the obligations of the partnership unless such partner is also a general partner or, in addition to the exercise of such partner's rights and powers as a partner, such partner participates in the control of the business. However, if the partner in commendam participates in the control of the business, such partner is liable only to persons who transact business with the partnership reasonably believing, based upon the partner in commendam's conduct, that the partner in commendam is a general partner.

B. A partner in commendam does not participate in the control of the business within the meaning of Paragraph A of this Article solely by doing one or more of the following:

(1) Being a contractor for or an agent or employee of the partnership or of a general partner.

(2) Being an employee, officer, director, or shareholder of a general partner that is a corporation or a member or manager of a general partner that is a limited liability company.

(3) Consulting with and advising a general partner with respect to the business of the partnership.

(4) Acting as surety for the partnership or guaranteeing or assuming one or more specific obligations of the partnership.

(5) Taking any action required or permitted by law to bring or pursue a derivative action in the right of the partnership.

(6) Requesting or attending a meeting of partners.

(7) Proposing, approving, or disapproving, by voting or otherwise, one or more of the following matters:

(a) The continuation, dissolution, termination, or liquidation of the partnership.

(b) The alienation, exchange, lease, mortgage, pledge, or other transfer of all or substantially all of the assets of the partnership.

(c) The incurrence of indebtedness by the partnership other than in the ordinary course of its business.

(d) A change in the nature of the business.

(e) The admission, expulsion, or withdrawal of a general partner.

(f) The admission, expulsion, or withdrawal of a partner in commendam.

(g) A transaction involving an actual or potential conflict of interest between a general partner and the partnership or the partners in commendam.

(h) An amendment to the contract of partnership.

The possession of the transferor is tacked to that of the transferee if there has been no interruption of possession.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3443. Presumption of continuity of possession

One who proves that he had possession at different times is presumed to have possessed during the intermediate period.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3444. Possessory action

Possession of immovables is protected by the possessory action, as provided in Articles 3655 through 3671 of the Code of Civil Procedure.

Possession of movables is protected by the rules of the Code of Civil Procedure that govern civil actions.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

TITLE XXIV—PRESCRIPTION

CHAPTER 1--GENERAL PRINCIPLES

SECTION 1—PRESCRIPTION

Art. 3445. Kinds of prescription

There are three kinds of prescription: acquisitive prescription, liberative prescription, and prescription of nonuse.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3446. Acquisitive prescription

Acquisitive prescription is a mode of acquiring ownership or other real rights by possession for a period of time.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3447. Liberative prescription

Liberative prescription is a mode of barring of actions as a result of inaction for a period of time.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3448. Prescription of nonuse

Prescription of nonuse is a mode of extinction of a real right other than ownership as a result of failure to exercise the right for a period of time.
Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3449. Renunciation of prescription

Prescription may be renounced only after it has accrued.
Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3450. Express or tacit renunciation

Renunciation may be express or tacit. Tacit renunciation results from circumstances that give rise to a presumption that the advantages of prescription have been abandoned.

Nevertheless, with respect to immovables, renunciation of acquisitive prescription must be express and in writing.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3451. Capacity to renounce

To renounce prescription, one must have capacity to alienate.
Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3452. Necessity for pleading prescription

Prescription must be pleaded. Except as otherwise provided by legislation, courts may not supply a plea of prescription.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983; Acts 2021, No. 259, §1.

Art. 3453. Rights of creditors and other interested parties

Creditors and other persons having an interest in the acquisition of a thing or in the extinction of a claim or of a real right by prescription may plead prescription, even if the person in whose favor prescription has accrued renounces or fails to plead prescription.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3454. Computation of time

In computing a prescriptive period, the day that marks the commencement of prescription is not counted. Prescription accrues upon the expiration of the last day of the prescriptive period, and if that day is a legal holiday, prescription accrues upon the expiration of the next day that is not a legal holiday.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3455. Computation of time by months

If the prescriptive period consists of one or more months, prescription accrues upon the expiration of the day of the last month of the period that corresponds with the date of the commencement of prescription, and if there is no corresponding day, prescription accrues upon the expiration of the last day of the period.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3456. Computation of time by years

If a prescriptive period consists of one or more years, prescription accrues upon the expiration of the day of the last year that corresponds with the date of the commencement of prescription.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3457. Prescription established by legislation only

There is no prescription other than that established by legislation.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

SECTION 2—PEREMPTION

Art. 3458. Peremption; effect

Peremption is a period of time fixed by law for the exercise of a right. Unless timely exercised, the right is extinguished upon the expiration of the preemptive period.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3459. Application of rules of prescription

The provisions on prescription governing computation of time apply to peremption.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3460. Peremption need not be pleaded

Peremption may be pleaded or may be supplied by a court on its own motion at any time prior to final judgment.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3461. Renunciation, interruption, or suspension ineffective

Except as otherwise provided by law, peremption may not be renounced, interrupted, or suspended.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983; Acts 2022, No. 469, §1.

CHAPTER 2--INTERRUPTION AND SUSPENSION OF PRESCRIPTION

SECTION 1--INTERRUPTION OF PRESCRIPTION

Art. 3462. Interruption by filing of suit or by service of process

Prescription is interrupted when the owner commences action against the possessor, or when the obligee commences action against the obligor, in a court of competent jurisdiction and venue. If action is commenced in an incompetent court, or in an improper

venue, prescription is interrupted only as to a defendant served by process within the prescriptive period.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3463. Duration of interruption; abandonment or discontinuance of suit

A. An interruption of prescription resulting from the filing of a suit in a competent court and in the proper venue or from service of process within the prescriptive period continues as long as the suit is pending.

B. Interruption is considered never to have occurred if the plaintiff abandons the suit, voluntarily dismisses the suit at any time either before the defendant has made any appearance of record or thereafter, or fails to prosecute the suit at the trial. The dismissal of a suit pursuant to a compromise does not constitute a voluntary dismissal.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983; Acts 1999, No. 1205, §1, eff. Jan. 1, 2000; Acts 2018, No. 443, §1; Acts 2021, No. 414, §1.

Art. 3464. Interruption by acknowledgment

Prescription is interrupted when one acknowledges the right of the person against whom he had commenced to prescribe.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3465. Interruption of acquisitive prescription

Acquisitive prescription is interrupted when possession is lost.

The interruption is considered never to have occurred if the possessor recovers possession within one year or if he recovers possession later by virtue of an action brought within the year.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3466. Effect of interruption

If prescription is interrupted, the time that has run is not counted. Prescription commences to run anew from the last day of interruption.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

SECTION 2--SUSPENSION OF PRESCRIPTION

Art. 3467. Persons against whom prescription runs

Prescription runs against all persons unless exception is established by legislation.

Acts 1982, No. 187, §1, eff. Jan. 1, 1983.

Art. 3468. Incompetents

BOOK IV. CONFLICT OF LAWS

TITLE I. GENERAL PROVISIONS

Art. 3515. Determination of the applicable law; general and residual rule

Except as otherwise provided in this Book, an issue in a case having contacts with other states is governed by the law of the state whose policies would be most seriously impaired if its law were not applied to that issue.

That state is determined by evaluating the strength and pertinence of the relevant policies of all involved states in the light of: (1) the relationship of each state to the parties and the dispute; and (2) the policies and needs of the interstate and international systems, including the policies of upholding the justified expectations of parties and of minimizing the adverse consequences that might follow from subjecting a party to the law of more than one state.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3516. Meaning of "State"

As used in this Book, the word "state" denotes, as may be appropriate: the United States or any state, territory, or possession thereof; the District of Columbia; the Commonwealth of Puerto Rico; and any foreign country or territorial subdivision thereof that has its own system of law.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3517. Renvoi

Except as otherwise indicated, when the law of another state is applicable under this Book, that law shall not include the law of conflict of laws of that state.

Nevertheless, in determining the state whose law is applicable to an issue under Articles 3515, 3519, 3537, and 3542, the law of conflict of laws of the involved foreign states may be taken into consideration.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3518. Domicile

For the purposes of this Book, the domicile of a person is determined in accordance with the law of this state. A juridical person may be treated as a domiciliary of either the state of its formation or the state of its principal place of business, whichever is most pertinent to the particular issue.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

TITLE II. STATUS

Art. 3519. Status of natural persons; general principle

The status of a natural person and the incidents and effects of that status are governed by the law of the state whose policies would be most seriously impaired if its law were not applied to the particular issue.

That state is determined by evaluating the strength and pertinence of the relevant policies of the involved states in the light of: (1) the relationship of each state, at any pertinent time, to the dispute, the parties, and the person whose status is at issue; (2) the policies referred to in Article 3515; and (3) the policies of sustaining the validity of obligations voluntarily undertaken, of protecting children, minors, and others in need of protection, and of preserving family values and stability.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3520. Marriage

A. A marriage that is valid in the state where contracted, or in the state where the parties were first domiciled as husband and wife, shall be treated as a valid marriage unless to do so would violate a strong public policy of the state whose law is applicable to the particular issue under Article 3519.

B. A purported marriage between persons of the same sex violates a strong public policy of the state of Louisiana and such a marriage contracted in another state shall not be recognized in this state for any purpose, including the assertion of any right or claim as a result of the purported marriage.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992, Acts 1999, No. 890, §1.

Art. 3521. Divorce or separation

A court of this state may grant divorce or separation only for grounds provided by the law of this state.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3522. Effects and incidents of marriage and of divorce

Unless otherwise provided by the law of this state, the effects and incidents of marriage and of divorce with regard to an issue are governed by the law applicable to that issue under Article 3519.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

TITLE III. MARITAL PROPERTY

Art. 3523. Movables

Except as otherwise provided in this Title, the rights and obligations of spouses with regard to movables, wherever situated, acquired by either spouse during marriage are governed by the law of the domicile of the acquiring spouse at the time of acquisition.
Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3524. Immovables situated in this state

Except as otherwise provided in this Title, the rights and obligations of spouses with regard to immovables situated in this state are governed by the law of this state. Whether such immovables are community or separate property is determined in accordance with the law of this state, regardless of the domicile of the acquiring spouse at the time of acquisition.
Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3525. Termination of community; immovables in another state acquired by a spouse while domiciled in this state

Upon the termination of the community between spouses, either of whom is domiciled in this state, their rights and obligations with regard to immovables situated in another state acquired during marriage by either spouse while domiciled in this state, which would be community property if situated in this state, shall be determined in accordance with the law of this state. This provision may be enforced by a judgment recognizing the spouse's right to a portion of the immovable or its value.
Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3526. Termination of community; movables and Louisiana immovables acquired by a spouse while domiciled in another state

Upon termination of the community, or dissolution by death or by divorce of the marriage of spouses either of whom is domiciled in this state, their respective rights and obligations with regard to immovables situated in this state and movables, wherever situated, that were acquired during the marriage by either spouse while domiciled in another state shall be determined as follows:

(1) Property that is classified as community property under the law of this state shall be treated as community property under that law; and

(2) Property that is not classified as community property under the law of this state shall be treated as the separate property of the acquiring spouse. However, the other spouse shall be entitled, in value only, to the same rights with regard to this property as would be granted by the law of the state in which the acquiring spouse was domiciled at the time of acquisition.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3527. Louisiana immovables acquired by a spouse while domiciled in another state; death of the acquiring spouse while domiciled in another state

Upon the death of a spouse domiciled outside this state, that spouse's immovables situated in this state and acquired by that spouse while domiciled outside this state, which are not community property under the law of this state, are subject to the same rights, in value only, in favor of the surviving spouse as provided by the law of the domicile of the deceased at the time of death.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

TITLE IV. SUCCESSIONS

Art. 3528. Formal validity of testamentary dispositions

A testamentary disposition is valid as to form if it is in writing and is made in conformity with: (1) the law of this state; or (2) the law of the state of making at the time of making; or (3) the law of the state in which the testator was domiciled at the time of making or at the time of death; or (4) with regard to immovables, the law that would be applied by the courts of the state in which the immovables are situated.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3529. Capacity and vices of consent

A person is capable of making a testament if, at the time of making the testament, he possessed that capacity under the law of the state in which he was domiciled either at that time or at the time of death.

If the testator was capable of making the testament under the law of both states, his will contained in the testament shall be held free of vices if it would be so held under the law of at least one of those states.

If the testator was capable of making the testament under the law of only one of the states specified in the first paragraph, his will contained in the testament shall be held free of vices only if it would be so held under the law of that state.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3530. Capacity of heir or legatee

The capacity or unworthiness of an heir or legatee is determined under the law of the state in which the deceased was domiciled at the time of his death.

Nevertheless, with regard to immovables situated in this state, the legatee must qualify as a person under the law of this state.

Acts 1991, No. 923, §1, eff. Jan. 1, 1992.

Art. 3531. Interpretation of testaments

The meaning of words and phrases used in a testament is determined according to the law of the state expressly designated by the testator for that purpose, or clearly contemplated by him at the time of making the testament, and, in the absence of such an