

## French Civil Code

### BOOK III. Of The Different Modes Of Acquiring Property.

#### TITLE XIX.

##### *OF FORCIBLE EJECTMENT, AND OF THE ORDER AMONG CREDITORS.*

Decreed the 19th of March, 1804. Promulgated the 29th of the same month.

#### CHAPTER I.

##### *Of forcible Ejectment.*

2204. The creditor may sue for ejectment, 1st, from property immovable and appendages thereto deemed immovable belonging to his debtor as proprietor thereof; 2d, from the usufruct of property of the same nature appertaining to his debtor.
2205. Nevertheless the undivided portion of a coheir in the immovables of a succession cannot be put up to sale by his personal creditors, before the partition or auction which they may demand if they judge it convenient, or with which they have the right to interfere conformably to article 882, under the title "Of Successions."
2206. The immovables of a minor, even emancipated, or of an interdicted person, cannot be exposed to sale before the sale of the moveables.
2207. The sale of moveables is not required before ejectment from immovables held indivisibly between one of full age, and a minor or interdicted person, if the debt is common to them, nor in the case where the proceedings have been begun against an adult, or before interdiction.
2208. Ejectment from immovables which form part of the community, is sued for against the husband alone, although the wife be bound for the debt. That from immovable of the wife which have not entered into community, is sued for against the husband and wife who, upon the refusal of her husband to carry on proceedings with her, or in case her husband is a minor, may be authorized by the court.  
In case of the minority of the husband and of the wife, or of the wife only, if her husband being adult refuse to carry on proceedings with her, a guardian is nominated for the wife by the court, against whom the suit is to be carried on.
2209. The creditor can only sue for the sale of immovables which are not mortgaged to him, in case of the insufficiency of the property which is mortgaged to him.
2210. A compulsory sale of property situated in different circles can only be claimed successively, unless they form part of one single estate. It is sued for in the court within whose jurisdiction the principal part of the estate lies, or in default thereof, that part of the property which produces the greatest revenue according to the rent-roll.
2211. If property mortgaged to the creditor, and property not mortgaged, or property situated in different circles, form part of one and the same estate, the sale of both is pursued together, if the debtor require it; and an estimate is made of the price of the adjudication, if there be ground.
2212. If the debtor prove, by authentic leases, that the net and unencumbered revenue of his immovables during one year, is sufficient for the payment of the debt in capital, interest, and expenses, and if he offer to transfer such sum to the creditor, the suit may

be suspended by the judges, saving a right to resume it if any opposition or obstacle occur to the payment.

2213. Compulsory sale of immoveables can only be sued for by virtue of an authentic and executory title, for a debt certain and determined. If the debt consist of coin the value of which is not ascertained, the suit is valid; but the adjudication cannot be made until after computation.

2214. The assignee of an executory title cannot sue for ejectment until after notification of the conveyance has been made to the debtor.

2215. The suit may take place by virtue of a provisional or final judgment, executory by provision, notwithstanding appeal; but the adjudication cannot be made until a final judgment in the last resort, or one passed with the force of a matter decided. The suit cannot be carried on by virtue of judgments given on default during the interval of opposition.

2216. The suit cannot be annulled under pretext that the creditor should have commenced it for a larger sum than that which is due to him.

2217. Every suit for ejectment from immoveables must be preceded by a summons to pay, made, at the instance of the creditor, personally to the debtor or at his domicile by the means of an officer. The forms of the summons and those of the suit in ejectment are regulated by the laws relating to that procedure.

## **CHAPTER II.**

### ***Of the Order and Distribution of the Price among the Creditors.***

2218. The order and the distribution of the price of immoveables, and the manner of proceeding therein, are regulated by the laws upon that procedure.