

N O T E
FOR THE REVISING COMMITTEE

Section 753

The explanation of this section is as follows.

If a person buys an immovable property which is mortgaged and makes improvements in such property so that its value be increased, the amount of his expenses shall be reimbursed to him when the mortgaged is disposed of.

This disposition may happen in case of enforcement of mortgage, when the mortgagee notifies the transferee of his intention to that effect (Section 751). In this case there may be either a sale by auction or a mere transfer of the property to the mortgagee by order of Court (Section 744).

The disposition of the mortgage may happen also in case of removal under section 752. In this case there may be: either an agreement between the transferee and the registered creditors who accept the transferee's offer (Section 756) who understands that the transferee has certainly taken account of his own expenses for improvements when making the offer; or a sale by auction if a creditor does not agree (Section 757).

In other words, in both cases (enforcement or removal) there may happen to be an