

PART IV.
CANCELLATION OF FRAUDULENT ACTS.

236[7]. The creditor is entitled to claim cancellation by the Court of any juristic act done by the debtor with knowledge that it would prejudice his creditor; but this does not apply if the person enriched by such act did not know, at the time of the act, or the facts which could make it prejudicial to the creditor, provided, however, that in case of gratuitous act the knowledge on the part of the debtor alone is sufficient.

The provisions of the foregoing paragraph do not apply to a juristic act whose subject is not a property right.

(c/p old text 409; J. 424; It. 1239. Quebec 1032 – 1039; Walton Vol. II p. 107).

237[8]. – The cancellation under the foregoing section cannot affect the right of a third person acquired in good faith ~~before the commencement of the action for cancellation.~~

~~The foregoing paragraph does not apply~~ [The foregoing paragraph does not apply] if the right is acquired gratuitously.

(It. 1235; Fr. Jurisprudence, Plan. Vol. II No. 325).

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