

IV. EFFECT OF PREFERENTIAL RIGHTS.

280[1]. – A preferential right in a movable cannot be exercised after the debtor has delivered the thing to a third person who has acquired it from him.

(J. 333).

281[2]. – When a preferential right conflicts with a pledge of a movable, the pledgee has the same rights as the holder of a preferential right of the first rank mentioned in Section 277.

(J. 334).

282[3]. – A person who has a general preferential right must receive performance first out of **[the movable]** property **other than immovables [of the debtor]**, and only in case that is insufficient he can receive performance out of immovables.

As to immovables, he must receive performance first out of such immovables as are not subject to a special security.

If a person who has a general preferential right **[negligently]** omits to intervene in a distribution according to the provisions of the foregoing two paragraphs, he cannot exercise his preferential right against a third person whose right is registered, to the extent of what he would have received through such intervention.

IV. - EFFECT OF PREFERENTIAL RIGHTS.

280. – A preferential right in a movable cannot be exercised after the debtor has delivered the thing to a third person who has acquired it from him.

(J. 333).

282. – When a preferential right conflicts with a pledge of a movable, the pledgee has the same rights as the holder of a preferential right of the first rank mentioned in the section 277.

(J. 334).

³
282. – A person who has a general preferential right must receive performance first out of ^{the movable of the debtor} ~~property other than~~ immovables, and only in case that is insufficient can he receive performance out of immovables.

As to immovables he must receive performance first out of such immovables as are not the subject of a special security.

If a person who has a general preferential right ^{negligently} ~~omits~~ to intervene in a distribution according to the provisions of the foregoing two paragraphs, he cannot exercise his preferential right against a third person whose right is registered, to the extent of what he would have received through such intervention.

The provisions of the foregoing three paragraphs do not apply, if the proceeds of an immovable are to be distributed before those of other property, or if the proceeds of an immovable which is the subject of a special security are to be distributed before the proceeds of other immovables.

(J. 335).

283[4]. – A general preferential right, even though not registered in respect to an immovable, may be set up against any creditor who has no special security; but this does not apply against a third person who made registration.

(J. 336).

284[5]. – A preferential right on account of the preservation of an immovable retains its effect by being registered immediately after the act of preservation is completed.

(c/p Old text 390 par.2; J. 337).

285[6]. – A preferential right on account of work done upon an immovable retains its effect by a provisional estimate of the cost being registered before the work has begun. If, however, the costs of the work exceeds the provisional estimate, there is no preferential right for the excess.

The provisions of the foregoing three paragraphs do not apply, if the proceeds of an immovable are to be distributed before those of other property, or if the proceeds of an immovable which is the subject of a special security are to be distributed before the proceeds of other immovables.

(J. 335)

283⁴. – A general preferential right, even though not registered in respect to an immovable, may be set up against any creditor who has no special security; but this does not apply against a third person who made registration.

(J. 336)

284⁵. – A preferential right on account of the preservation of an immovable retains its effect by being registered immediately after the act of preservation is completed.

(c/p Old text 390 par. 2, J. 337).

285⁶. – A preferential right on account of work done upon an immovable retains its effect by a provisional estimate of the cost being registered before the work has begun. If, however, the cost of the work exceeds the provisional estimate, there is no preferential right for the excess.

The increase of value of an immovable arising from the work done upon it is to be estimated by experts appointed by the Court at the time of the intervention in the distribution.

(c/p old text 383 par.2; J. 338).

286[7]. – A preferential right registered in accordance with the provisions of the preceding two sections can be exercised in preference to a mortgage.

(J. 339).

287[8]. – A preferential right on account of the sale of an immovable retains its effect by registering at the same time with the contract of sale the fact that the price or the interest thereon has not been paid.

(c/p Old text 392; J. 340).

288[9]. – As to the effect of a preferential right, in addition to provisions of Sections 280 to 288[7] **[inclusive]** the provisions as to Mortgage apply correspondingly.

(c/p Old text 395; J. 341).

The increase of value of an immovable arising from the work done upon it is to be estimated by experts appointed by the Court at the time of the intervention in the distribution.

(c/p old text 383 par 2, J. 338).

286. – A preferential right registered in accordance with the provisions of the preceding two sections can be exercised in preference to a mortgage.

(J. 339).

287. – A preferential right on account of the sale of an immovable retains its effect by registering at the same time with the contract of sale the fact that the price or the interest thereon has not been paid.

(c/p Old text 392; J. 340).

288. – As to the effect of a preferential right, in addition to the provisions of sections 280 to 288, ^{inclusive} the provisions as to mortgages apply correspondingly.

(c/p Old text 395; J. 341).