

**332[335].** – The right of withdrawal is not subject to judicial attachment.

If bankruptcy proceedings are instituted against the property of the debtor, the right of withdrawal cannot be exercised during the bankruptcy proceedings.

(G. 337).

**333[336].** – If the thing forming the subject of performance is not suitable for deposit, or if in regard to the thing there is an apprehension that it may perish or be destroyed or damaged, the person performing may with the permission of the Court sell it at auction and deposit the proceeds. The same applies, if the keeping of the thing would be unreasonably expensive.

(G. Old text 368, 369; J. 497).

**334[337].** – The auction is not permissible until after the creditor has been warned of it. The warning may be dispensed with if the thing is liable to deterioration, and there is danger in delaying the auction.

The debtor shall without delay notify the creditor of the auction; if the debtor fails to do so, he is liable for compensation.

The warning and the notice may be dispensed with if they are impracticable.

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The time and place of the auction, with a general description of the thing, shall be publicly advertised.

*(G. 384, and c/p G. 383).*

**335[338]**. – The costs of the deposit or of the auction shall be borne by the creditor unless the deposit be withdrawn by the debtor.

*(c/p Old text 371; G. 381, 386).*

**336[339]**. – The right of the creditor to the deposit is extinguished after the lapse of ten years since receipt of notice of the deposit, unless the creditor reports himself at the deposit office within such period. **[After the right of the creditor is extinguished]** the debtor is entitled to withdraw even if he has waived the right of withdrawal.

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