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253. — If the person performing does not make such designation, the person receiving the prestation can make it, at the time of reception, unless the person performing at once refuses to agree to such appropriation.

ILLUSTRATION. — If A does not notify B to which item the cheque applies (see the foregoing illustration). B, on receiving the cheque, may notify A that he considers it to be payment for the house rent or for the pony, as B may think fit.

254. — If no appropriation is made by the parties, or if the person performing at once refuses to agree to the appropriation made by the person receiving performance, the prestation must be appropriated according to the following rules :

1) Judgment debts must be paid in preference to other debts.

2) If there are several judgment debts, the debt bearing the highest interest must be paid in preference.

3) If there are several debts other than judgment debts, the debt bearing the highest interest must be paid in preference.

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3) If there are several debts other than judgment debts, the debt bearing the highest interest must be paid in preference.

4) If there are several debts bearing the same interest, the prestation must be divided between them in proportion to their respective amounts.

ILLUSTRATION. — *A is the creditor of B for the following sums :*

No. 1.	Judgment debt of	1000 baht	bearing interest at	10 %
No. 2.	id.	400 „	id.	8 %
No. 3.	id.	800 „	id.	8 %
No. 4.	Ordinary debt of	3000 „	id.	12 %
No. 5.	id.	200 „	id.	6 %
No. 6.	id.	100 „	id.	6 %

I. — *On the 1st. of April 2455 B makes a payment of 1300 baht. This payment shall be appropriated as follows:*

a) *Judgment debt of 1000 baht to be entirely extinguished (rules Nos. 1 and 2.)*

b) *Balance of 300 baht to be divided between the 2nd. and the 3rd. judgment debts, viz. 100 baht to debt No. 2 and 200 baht to debt No. 3 (rule No. 4).*

Then a balance of 300 baht remains unpaid on judgment debt No. 2 and a balance of 600 baht on judgment debt No. 3.

II. — *On the 1st. of May 2455 B makes a further payment of 1200 baht. This payment shall be appropriated as follows :*

a) *Judgment debts No[s]. 2 and 3 to be entirely extinguished (rule No. 1).*

b) *Ordinary debt No. 4 to be extinguished up to the amount of 300 baht, 2700 baht remaining unpaid (rule No. 3).*

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