

to have the sale cancelled by the Court. C must restore the house: if C has made to the house alterations or additions which he cannot take away without damaging the house, he must restore the house with the additions and alterations and is not entitled to compensation for the increase in the value resulting therefrom.

347. — Cancellation operates in favour of all the creditors.

ILLUSTRATION. — A, B and C are creditors of D. A obtains under S. 343 the cancellation of a contract by which D has sold a house to E to the prejudice of A. The house reverts to D's estate and is sold in execution. B and C, although they entered no claim for cancellation of the sale of the house, are entitled to share in the proceeds of such house as provided by law.

348. — The right to claim cancellation is extinguished by prescription one year after the day when the judgment creditor knew of the transfer or renunciation.

ILLUSTRATION. — A owes money to B, to be repaid on the 1st. of May 2455. A does not repay the money. In July 2455 A sells land of his for an inadequate price to C. B knows of the sale on the 15th. of August 2455. The right of B to claim cancellation of the sale under Section : 343 is extinguished by prescription on the 15th. of August 2456.

349. — In no case can an action for cancellation of a transfer or renunciation made in fraud of the rights of a creditor be entered later than ten years after the transfer or renunciation.

to have the sale cancelled by the Court. C must restore the house: if C has made to the house alterations or additions which he cannot take away without damaging the house, he must restore the house with the additions and alterations and is not entitled to compensation for the increase in the value resulting therefrom.

347.—Cancellation operates in favour of all the creditors.

ILLUSTRATION.—A, B and C are creditors of D. A obtains under S. 343 the cancellation of a contract by which D has sold a house to E to the prejudice of A. The house reverts to D's estate and is sold in execution. B and C, although they entered no claim for cancellation of the sale of the house, are entitled to share in the proceeds of such house as provided by law.

348.—The right to claim cancellation is extinguished by prescription one year after the day when the judgment creditor knew of the transfer or renunciation.

ILLUSTRATION.—A owes money to B, to be repaid on the 1st. of May 2455. A does not repay the money. In July 2455 A sells land of his for an inadequate price to C. B knows of the sale on the 15th. of August 2455. The right of B to claim cancellation of the sale under Section 343 is extinguished by prescription on the 15th. of August 2456.

349.—In no case can an action for cancellation of a transfer or renunciation made in fraud of the rights of a creditor be entered later than ten years after the transfer or renunciation.