

419. — If immovable property is declared to be subject to a servitude established by law, the seller is not liable unless he has expressly guaranteed that the property was free from servitudes or from that particular servitude.

*ILLUSTRATION.* — I. — *A and B have two adjoining pieces of land. There is no way out of B's land except through the land of A. A sells his land to C, who is unaware of the right of way of B. No clause for guarantee is inserted in the contract of sale. B claims his right of way and gets an order of the Court granting his claim. C has no remedy against A because the right of way is inherent in the position of the land.*

*II. — If A had guaranteed that the land was free from servitudes or free from rights of way, A should be liable to C for partial eviction.*

420. — If an action in connection with a claim of a third person is entered, the buyer is entitled to withhold the price as provided by Section 411.

421. — If the seller was not a party to the original action, or if the buyer has made a compromise with the third person, or has yielded to his claim, the liability of the seller is extinguished by prescription three months after final judgment in the original action, or after the date of the compromise, or of the yielding to the third person.

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