

163. — A right of superficies may be created : for a term not exceeding forty years, or for the term of the life of the land owner or of the superfiary.

In case no term has been agreed upon, each party can at any time determine the contract by giving reasonable notice to the other. But when a rent is to be paid, either one year's notice must be given or rent for one year be paid.

J. 268

164. — Any contract or will creating or altering a right of superficies is void unless made in writing and registered on the Land Register.

165. — The superfiary can transfer his right and dispose of it by inheritance.

He can also mortgage the structures erected on the land.

166. — When the superfiary has agreed to pay a periodical rent to the owner of the land, he must perform his obligation notwithstanding the loss of structures caused by *force majeure*.

J. 266, 274.

167. — Superficies is extinguished :

- (1) by the expiration of the term fixed by contract or will;
- (2) by the cancellation of the contract for non-payment of the rent, if any ;
- (3) by determination of the contract.

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