

Table of Contents

CHAPTER 1. THE DOMAIN OF CIVIL LAW PROPERTY

- § 1:1 Property
- § 1:2 Objects of property rights

CHAPTER 2. THINGS

II. CLASSIFICATION OF THINGS

B. CORPOREALS AND INCORPOREALS

- § 2:15 Louisiana law

D. FUNGIBLES AND NON-FUNGIBLES

- § 2:18 Definition; legal consequences

H. FRUITS AND PRODUCTS

- § 2:29 Kinds of fruits
- § 2:31 Timber and minerals as fruits

CHAPTER 3. COMMON, PUBLIC, AND PRIVATE THINGS

II. PUBLIC THINGS

- § 3:5 Public things; definition
- § 3:8 The public domain and the private domain; The 1978 Revision
of the Louisiana Civil Code
- § 3:9 Inalienability of public things
- § 3:10 Imprescriptibility of public things
- § 3:14 Wildlife as a public thing

CHAPTER 4. NAVIGABLE WATER BODIES

I. ORIGIN, EXTENT, AND INCIDENTS OF STATE OWNERSHIP OF NAVIGABLE WATER BODIES

- § 4:2 Waters that became navigable after 1812 or ceased to be
navigable
- § 4:3 Navigability

**II. PATENTS CONVEYING NAVIGABLE WATER
BOTTOMS**

§ 4:6 The repose statute: Act 62 of 1912

**III. THE SEA, THE SEASHORE, AND INLAND
NAVIGABLE WATER BODIES**

§ 4:9 Arms of the sea

§ 4:13 Rivers and streams

§ 4:15 Rivers and streams—Avulsion, new channel and abandoned bed

§ 4:19 Lakes

**CHAPTER 5. PUBLIC USE OF THE BANKS
OF NAVIGABLE RIVERS**

§ 5:8 The levee servitude

§ 5:9 Public use of batture

**CHAPTER 6. DEDICATION TO PUBLIC USE:
HIGHWAYS, ROADS, AND STREETS**

§ 6:1 Things subject to public use

**I. NATURE, INCIDENTS, AND EFFECTS OF
PUBLIC USE**

§ 6:4 Protection of public use

§ 6:5 Incidents and effects of public use

§ 6:6 Modes of dedication to public use

II. HIGHWAYS, ROADS, AND STREETS

§ 6:9 Implied dedication

§ 6:10 Statutory dedication

§ 6:11 Tacit dedication

§ 6:13 Acquisitive prescription

§ 6:15 Termination of public use

§ 6:16 Consequences of termination of public use

CHAPTER 7. MOVABLES AND IMMOVABLES

§ 7:1 Basis of the distinction

**I. CLASSIFICATION OF THINGS AS MOVABLES
AND IMMOVABLES**

A. HISTORICAL DEVELOPMENT

§ 7:4 German law

B. LOUISIANA LAW

§ 7:7 The Louisiana Civil Code of 1870

TABLE OF CONTENTS

§ 7:8 The 1978 revision

II. TRACTS OF LAND AND THEIR COMPONENT PARTS

§ 7:10 Component parts of tracts of land

§ 7:11 Ownership of buildings, other constructions, timber, and crops

§ 7:13 Article 493 of the civil code and unwanted constructions revisited

§ 7:14 Ownership of things incorporated in, or attached to, a tract of land

§ 7:16 Ownership of things incorporated in, or attached to, a tract of land—Batture

§ 7:19 Vendor's privilege and right of dissolution—Transfer or encumbrance of immovable property

A. STANDING CROPS

§ 7:25 Classification: component parts or movables by anticipation

§ 7:28 Lessee's crops

C. BUILDINGS, OTHER CONSTRUCTIONS, AND THEIR COMPONENT PARTS

§ 7:39 Component parts of buildings or other constructions

§ 7:40 Interpretation and application of article 466

III. INCORPOREAL IMMOVABLES

§ 7:44 Louisiana law; rights and actions affecting immovables

§ 7:45 Application of the rules governing immovables

IV. MOVABLES

§ 7:46 Corporeal movables

§ 7:47 Incorporeal movables

§ 7:49 Shares or interests in a juridical person

§ 7:50 Interests in trust

CHAPTER 8. PATRIMONY AND PATRIMONIAL MASSES

§ 8:4 Legislative foundation

§ 8:6 Transferability of patrimony

§ 8:10 Real subrogation

CHAPTER 9. REAL RIGHTS

II. CLASSIFICATION OF OBLIGATIONS AS PERSONAL AND REAL

§ 9:10 Legal texts

§ 9:11 Jurisprudence

IV. REAL RIGHTS AND CONTRACTUAL FREEDOM

§ 9:17 Numerus clausus—Louisiana law

V. ENUMERATION OF REAL RIGHTS

B. LOUISIANA LAW

§ 9:23 Real rights; principal and accessory

§ 9:26 Lease of immovables

§ 9:29 Restraints on use

§ 9:36 Interests in trust

CHAPTER 10. CLASSIFICATION OF ACTIONS

I. CLASSIFICATION OF ACTIONS AS PERSONAL, REAL, OR MIXED

§ 10:3 Criteria for classification

III. SIGNIFICANCE OF CLASSIFICATION

A. LOUISIANA LAW

§ 10:12 Liberative prescription

CHAPTER 11. REAL ACTIONS

§ 11:1 Protection of real rights in immovables

I. PETITORY ACTION

C. LOUISIANA LAW

§ 11:7 Availability of petitory action; plaintiff and defendant

§ 11:8 Petition and venue

§ 11:9 Burden of proof

§ 11:10 Burden of proof—Defendant in possession; proof of ownership

§ 11:11 Burden of proof—Earlier title from common author

§ 11:12 Burden of proof—Defendant out of possession; proof of better title

§ 11:13 Burden of proof—Declaratory judgment, trespass, and concursus, expropriation, or similar proceeding

§ 11:16 Judgment

§ 11:22 Reimbursement for improvements

§ 11:25 Prescription

IV. THE ACTION OF BOUNDARY

§ 11:28 Boundary and boundary markers; fixing the boundary

§ 11:30 Judicial fixing of the boundary

§ 11:31 Nature of the boundary action

TABLE OF CONTENTS

- § 11:33 Appointment of surveyor
- § 11:34 Effect of titles, prescription, and possession

VI. OTHER REMEDIES

- § 11:39 Trespass
- § 11:40 Trespass—Timber
- § 11:43 Action for declaratory judgment
- § 11:44 Action to remove cloud from title
- § 11:45 Action for injunction

**CHAPTER 12. POSSESSION AND THE
POSSESSORY ACTION**

I. POSSESSION

**A. NOTION, NATURE, AND KINDS OF
POSSESSION**

- § 12:2 Definitions
- § 12:3 Possession and detention; *animus* and *corpus*
- § 12:5 Corporeal possession and civil possession
- § 12:7 Things susceptible of possession
- § 12:9 Rights of possessors

**B. ACQUISITION, EXERCISE AND LOSS OF
POSSESSION**

- § 12:12 Possession as owner
- § 12:14 Loss of possession and of the right to possess

C. VICES OF POSSESSION

- § 12:15 Notion and terminology
- § 12:16 Violence
- § 12:19 Equivocality

D. PRECARIOUS POSSESSION

- § 12:20 Notion and effects
- § 12:22 Termination of precarious possession

**E. TRANSFER, TACKING AND PROOF OF NON-
INTERRUPTED POSSESSION**

- § 12:23 Transfer of possession
- § 12:24 Tacking of possession

II. THE POSSESSORY ACTION

C. LOUISIANA LAW

- § 12:34 Availability of the possessory action

- § 12:35 Plaintiff and defendant; venue
- § 12:36 Allegations and proof; C.C.P. Art. 3658
- § 12:37 Possession at the time of the disturbance; C.C.P. Art. 3658(1)
- § 12:38 Quiet and uninterrupted possession for a year prior to the disturbance; C.C.P. Art. 3658(2)
- § 12:39 Disturbance in fact or in law; C.C.P. Art. 3658(3)
- § 12:40 Institution of action within a year from the disturbance; C.C.P. Art. 3658(4)
- § 12:42 Conversion of the possessory action into petitory
- § 12:43 Prohibition of cumulation of possessory and petitory actions

CHAPTER 13. PROTECTION OF THE OWNERSHIP AND POSSESSION OF MOVABLES

II. LOUISIANA LAW

A. THE SCHEME OF THE CIVIL CODE

- § 13:4 Real actions

B. REVENDICATORY ACTION

- § 13:7 Availability and nature of the revendicatory action
- § 13:8 Plaintiff and defendant
- § 13:9 Lost or stolen things
- § 13:10 Burden of proof
- § 13:11 Defenses

C. OTHER REMEDIES

- § 13:14 The delictual action

Table of Laws and Rules

Table of Cases

Index