

To prevent this continuation of the community, the survivor must make a true and faithful Inventory, after having given notice to those of the children who are of age, (1) and to the tutor or curator of those who are minors, to be present at the making thereof; and this Inventory must be completed within three months, (2) and closed in three months after its completion. The closing is made by an affidavit before a Judge by the survivor, that he has not omitted entering in the Inventory any of the effects of the community. If the Inventory be not closed within the latter three months, the continuation of the community ceases upon the day in which the Inventory is subsequently closed, not upon the day it is completed; but when the Inventory is made within the three months from the death of the conjunct, and closed within the proper time, there is no continuation of community.

The continued community can be dissolved in the same manner as the continuation may be prevented. It cannot be dissolved by a mere expression of will, there must be an Inventory duly made and closed, if there be any minor children; but if they were all of age, a division of the property properly made and authenticated, (3) or a written consent that the community be dissolved (4) would suffice. If the Inventory be not closed according to the formalities required by law, the survivor cannot take advantage of the defect, but the minors may.

The dissolution may be demanded by the children of the deceased conjunct, or by the minor only.

The continued community is also dissolved by the natural or civil death of the survivor, or by the death of all the children without heirs; but the death of one of them does not dissolve it as in some other partnerships; because the children form only one head in this partnership; the portion belonging to those who die accrues to the others, because the law gives the liberty of asking the continuation jointly; the survivor therefore does not succeed to his children dying during the continuation as regards the property depending upon it.

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(1) C. P. Art. 240. (2) Poth. Com. No. 813.

(3) De la Jannes, p. 93. (4) Lebrun. Com. l. 3 c. 352, Poth. Com. 815.