

63a. When the seller takes back the property under his right of redemption, he receives it free from all incumbrances with which the buyer may have charged it.

Domat, *loc. cit.* no. 7.—Pothier, *Vente*, 430.—C. N. 1673.

64. The right of redemption, when no term is stipulated, is subject to the general rules of prescription.

If a term be stipulated, the time runs against minors and other incapable persons.

The right is not lost by the expiration of the stipulated time. It subsists until the buyer causes it to be declared extinct by the judgment of a competent court.

Domat, *loc. cit.* no. 9.—Pothier, *Vente*, 433 *et seq.*—*Intr. to title 14 of Cout. d'Orl.*, sec. 2.

(The four following articles are suggested as amendments to article 64.)

64a. The right of redemption cannot be stipulated for a term exceeding ten years.

If it be stipulated for a longer term, it is reduced to the term of ten years.

C. L. 2546.—C. N. 1660.

64b. The stipulated term is to be strictly observed. It cannot be extended by the court.

C. L. 2547.—C. N. 1661.

64c. If the seller fail to bring a suit for the enforcement of his right of redemption within the stipulated term, the buyer remains absolute owner of the thing sold.

C. L. 2548.—C. N. 1662.

64d. The term runs against all persons, including minors and those otherwise incapable in law, reserving to the latter such recourse as they may be entitled to.

C. L. 2549.—C. N. 1663.

65. The seller of immoveable property may exercise his right of redemption against a second buyer, although the right be not declared in the second sale.

Pothier, *Vente*, 396-8, 428.—Tropol. *Vente*, 728-9.—C. N. 1664.

66. The buyer of a thing subject to a right of redemption holds all the rights which the seller had in the thing. He may prescribe as well against the true proprietor as against those having claims and hypothecs on the thing.

Pothier, *Vente*, 385, 402 *in fine.*—C. L. 2551.—C. N. 1665.

67. He may set up the benefit of discussion against the creditors of the seller.

C. L. 2552.—C. N. 1666.

68. If the buyer of an undivided part of an immoveable subject to the right of redemption become afterwards the buyer of the whole property, upon a sale by licitation instituted against him, and such right be not purged, he may oblige the seller who wishes to exercise it to take back the whole property.

2 Tropol. *Vente*, 744-5.—6 Marc. p. 304.—16 Duranton, no. 413.—C. S. L. C. c. 48, s. 5.—C. N. 1667.

69. If several persons sell conjointly, and by one contract, an immoveable which is their common property, with a right of redemption, each of them can exercise his right for the part only which belonged to him.

Dumoulin, *Tract. de divid. et indiv.* no. 582 *et seq.*—Pothier, *Vente*, 397.—2 Tropol. *Vente*, 746 *et seq.*—C. ch. 7, sec. 5, title *Of Oblig.*—C. N. 1668.