

Official Journal of the Republic of Cameroon

CODE OF CIVIL PROCEDURE

December 16, 1954

Article 1 — This decree, which will be executed under the title "Code of Civil and Commercial Procedure", codifies the provisions of the decrees relating to civil and commercial procedure before the French Courts of Cameroon and regulates, in execution of article 56 of the decree of 27 November 1947, matters not provided for in said decrees.

BOOK ONE

Courts.

TITLE I

On the introduction and instruction of proceedings.

SECTION I

Of the action and representation of the parties.

Article 2 — In civil and commercial matters, the parties may, before all courts, act and defend themselves, verbally or through the ministry of defense lawyers. When the number of defense lawyers at the seat of the court or the Justice of the Peace with extended jurisdiction will be less than two for any cause or when the number of defense lawyers of the If the seat is insufficient, the parties may be represented before this court by a agent of their choice, provided with written and express power of attorney and approved by the judge. The parties may also resort to the procedure on requests and briefs provided for in Articles 19 et seq.

[Note. The JPCE have been abolished and replaced by courts since O. 59.86 of 17 Nov. 59]

SECTION II

Of conciliation.

Article 3 — All proceedings are exempt from the preliminary conciliation procedure.

However, in all cases, the parties may, by agreement, voluntarily appear at the for the purposes of conciliation before the competent Judge. The applicant also has the option of summoning the defendant to conciliation, observing the time limits set out in Articles 14 and 15.

The Judge seized may, at any stage of the procedure, attempt to conciliate the parties who may be assisted by their lawyers.

Article 4 — If there is conciliation, the Judge, assisted by the Clerk, draws up a report of the conditions of the arrangement. This report is signed by both parties if they know and can do so, otherwise it is noted. It is proof until proven false with respect to all parties and of its date and the statements reported therein; the agreements of the parties recorded in the report are enforceable and carry a legal mortgage. This report is filed with the registry.

SECTION III

Postponements.

Article 5 — Subject to what will be said in Articles 18 et seq., proceedings in civil and commercial matters are brought by summons.

Article 6 — The summons shall contain:

- 1° The date of the days, months and years, the name, profession and address of the applicant;
- 2° The name, address and registration number of the bailiff or enforcement officer, the name and address of the defendant, and mention of the person to whom a copy of the writ will be left;
- 3° The subject of the request, the summary statement of the grounds;
- 4° The indication of the court which must hear the request, the date and time of the hearing.

Article 7 — All summonses shall be made to the person or domicile, but if the bailiff or enforcement officer finds at the domicile neither the party nor any of his relatives or servants, or if these refuse to receive the copy, he will immediately hand the copy over to the mayor or deputy mayor of the municipality or to the acting official, to the head of the local administrative unit (head of subdivision, post, etc.) or, failing that, to the heads of the group or village. The person who has received the copy will be issued against the original free of charge.

However, bailiffs or enforcement agents are only required to travel when the person assigned will be domiciled within a radius of 20 kilometers from their residence. They can also be dispensed with by order of the President when the person to be summoned resides in a locality located more than 7 kilometers from any passable road.

In these cases, the bailiff or enforcement officer sends the documents necessary for the summons by registered mail to the administrative authority closest to the domicile of the party to summon. This authority shall have the summons served as soon as possible against receipt. The dated receipt is signed by the person concerned if they can and know it, otherwise mention is made. It constitutes proof of delivery of the summons and is returned to the bailiff or enforcement officer by registered mail.

In the case of a summons made in accordance with the preceding provisions, the time limit of Article 14 is increased by fifteen days.

When the copy is given to any person other than the party itself or the Attorney General Republic, it will be delivered in a sealed envelope, bearing no other indication, on one side, than the name and address of the party and, on the other, the stamp of the bailiff's or agent's office execution, affixed to the closure of the envelope.

The bailiff or enforcement officer will make a note of everything, both on the original and on the copy.

Article 8 — (D. 21 November 1933). - In personal matters, the defendant will be summoned before the court of his domicile; if he has no domicile, before the court of his residence.

In matters of alimony, the proceedings may be brought before the court of the domicile of the requesting ascendant.

Disputes relating to supplies, works, rentals, leases of works or industry may be brought before the judge of the place where the agreement was entered into or executed, when one of the parties is domiciled in that place.

If there are several defendants, before the court of the domicile of one of them, at the plaintiff's choice.

In real matters, before the court of the location of the disputed object.

In mixed matters, before the judge of the situation, or before the judge of the defendant's domicile.

In matters of a company, as long as it exists, before the judge of the place where it is established.

In matters of succession:

1° On requests between heirs, up to and including the division;

2° On the claims which would be brought by creditors of the deceased, before the division;

3° On applications relating to the execution of dispositions upon death, until the final judgment, before the court of the place where the succession is opened.

In bankruptcy matters, before the Judge of the bankrupt's domicile.

In terms of guarantee, before the Judge where the original application will be pending.

Finally, in the event of election of domicile for the execution of an act, before the court of the elected domicile, or before the court of the actual domicile of the defendant, in accordance with article 111 of the civil code.

The claim for compensation for damage caused by an offense, a contravention, or a quasi-offense may be brought before the court of the place where the damaging act occurred.

Article 9 — In commercial matters, the applicant may assign at his choice:

- Before the court of the defendant's domicile;
- Before the person in whose jurisdiction the promise was made and the goods delivered;
- Before the person in whose jurisdiction the payment was to be made.

Article 10 — In maritime cases where there are non-domiciled parties, and in those where there is a question of tackle, provisions, crews and repairs of vessels ready to weigh anchor, and other urgent and provisional matters, summons from day to day, or from hour to hour may be given by order and the default may be judged immediately.

Article 11 — All assignments given on board to the person assigned shall be valid.

Article 12 — Requests for costs made by defense lawyers, bailiffs, enforcement agents or ministerial officers shall be brought to the Court where the costs were incurred.

Article 13 — Will be assigned

1° The State and the Territory in the person or office of the High Commissioner.

2° Administrations or public establishments, in their offices, in the place where the headquarters of the administration resides; in other places, in the person and at the office of their representative.

3° The municipalities, in the person or at the home of the mayor or the official acting in office.

In the above cases, the original will be endorsed by the person to whom a copy of the writ is left; in the event absence or refusal, the visa will be given, either by the Justice of the Peace with extended jurisdiction, or by the public prosecutor at the Court of First Instance to whom, in this case, the copy will be left.

4° Trading companies, as long as they exist in their corporate headquarters, and, if there is none, in the person or at the domicile of one of the partners.

5° Unions and management of creditors, in the person or at the domicile of one of the trustees or directors.

6° Those who have no known domicile in Cameroon, at the place of their current residence: if the place is not known, the writ will be posted at the main door of the courtroom where the request is made, a second copy will be given to the public prosecutor, who will endorse the original.

7° Those who live in French territory, that is to say France, Algeria, the overseas departments and other overseas territories and those who are established in Togo, in the countries under protectorate of France, including Tunisia, to the public prosecutor's office at the court where the application is made, which will endorse the original and send the copy directly to the head of the judicial service which will transmit it directly: in France, in the overseas departments, in Algeria and Tunisia, to the office of the Public Prosecutor of the district where the person for whom it is intended; in overseas territories, Togo and protectorate countries other than Tunisia, to the head of the judicial service.

In the Justices of the Peace with extended or ordinary jurisdiction, it is the Judge who will endorse the original and transmit the copy.

8° Those who live abroad, to the same public prosecutor's office which, under the same conditions, will send the copy to the Minister of Foreign Affairs or to any other authority determined by diplomatic conventions.

Article 14 — The ordinary period of summons will be eight days for those who are domiciled in the place where the competent court or justice of the peace sits; thirty days for those who are domiciled in other parts of Cameroon. Outside the territory, Article 15 will be applied. In cases requiring speed, the President may, by order issued on request, allow the summons to short notice.

Article 15 — If the person being summoned remains outside the territory, the time limit will be:

1° Two months for those who live in metropolitan France, in Europe, in Africa, Madagascar and Reunion;

2° Three months for those who live in America;

3° Four months for those who live in all other countries.

The above deadlines will be doubled in the event of war.

Article 16 — When a summons to a party domiciled outside Cameroon is given to him personally in Cameroon, it will only carry the ordinary time limits, except for the court to extend them, if necessary.

Article 17 — If, by application of the provisions of Article 603, a writ is declared null and void by the fact of the bailiff or the enforcement agent, they may be ordered to pay the costs of the writ and the procedure cancelled, without prejudice to damages of the party, depending on the circumstances.

SECTION IV

Of voluntary appearance.

Article 18 — The parties may appear voluntarily, without summons, before the judge to be judged; in this case, this will be mentioned in the judgment.

They may also appear before a court other than that of their domicile or residence.
; mention of their voluntary appearance will be included in the judgment.

SECTION V

On the procedure for requests and briefs.

Article 19 — In any matter, the parties may refer the matter to the competent court by application and plead on briefs, even by defense lawyer, when they reside more than 20 kilometers from the place where the court seized sits.

Article 20 — The application initiating proceedings which must contain all the information appearing in Article 6 (1°, 3° and 4°) and a full statement of the case and the grounds is sent with as much copies of the defendants' documents by the plaintiff to the President of the competent court by letter recommended. The request must also contain the statement that the applicant intends to plead following the procedure of Articles 19 and following. Within twenty-four hours of its receipt the The magistrate issues an order setting the date of the hearing and submits the file to the clerk who, within twenty-four hours, send by registered letter with acknowledgment of receipt:

(a) To the defendant, a copy of the order and the application instituting proceedings;

(b) To the applicant, copy of the order.

When the registered letter has not reached the defendant, the clerk sends a copy of the order with mention of its non-delivery and the application initiating proceedings to the bailiff or enforcement agent to be carried out in accordance with the provisions of Articles 6 et seq. It informs the applicant of this transmission at the same time.

The order is then deemed unwritten.

Article 21 — When the parties wish to plead on brief, they may do so in the following manner:

The application initiating proceedings or the summons shall serve as a statement of claim; the defendant or his or her defense attorney shall send to the registry, before the date of the hearing set by the summons or order, a statement of claim accompanied by as many copies as there are claimants.

The clerk notifies this memorandum by registered letter with acknowledgment of receipt to applicant or to the defense lawyer who will be appointed by him, warning him that he will have a period of one months, excluding judicial vacations if applicable, to produce a reply brief accompanied by as many copies as there are defenders.

Within eight days of receiving this memorandum, in reply, the clerk shall notify it in the same manner to the defender, who shall also have the time limit provided for in the preceding paragraph to respond.

When the registered letter has not been able to reach the addressee, or when the clerk knows that transmission by post is not possible, the applicant is informed by the clerk; he then proceeds via bailiff as stated in the previous article.

The case that was called for hearing on its date is then adjourned. It will be placed back on the hearing list by the most diligent party.

Article 22 — All investigative measures will be brought to the attention of the parties by the clerk and carried out by him on their behalf.

SECTION VI

On the procedure in mobile court hearings.

Article 23 — When civil or commercial matters are involved which may be tried by a judge sitting in a mobile court, due to the presence of the parties at the place where this hearing is held or near this place, the judge proceeds as prescribed in articles 30 and following of the decree of November 27, 1947.

SECTION VII

From deposit to registry.

Article 24 — Except in cases of legal aid, the applicant is required, before any proceedings, to deposit with the registry of the court he intends to bring an action against a sum sufficient to guarantee payment costs, including registration. He will have to supplement this provision if during the proceedings it is proves insufficient.

If this insufficiency is due to the filing of counterclaims by the defendant, the additional provision will be provided by the latter.

In the absence of a provision, the amount of which will, in the event of difficulty, be fixed by order of the president of the court upon simple request from the clerk, no further action will be taken in the proceedings.

TITLE OF

21ST - Hearings.

Article 25 — At the hearing fixed by the summons or by order or agreed between the parties, they will appear either in person, or by their defense lawyer, or by their agent, under the conditions set out in Article 2.

Article 26 — (Art. 2 of the D. of November 27, 1947).- Court hearings are public, unless such publicity is dangerous to order or morality, in which case the court shall declare it so by prior judgment.

In all cases, judgments in all matters are pronounced publicly.

Article 27 — The parties shall be required to express themselves with moderation and to maintain respect in all matters due to Justice. Those who attend the hearings must keep their heads uncovered in respect and silence. Everything that the president or the justice of the peace orders for the maintenance of order in court will be executed punctually and immediately. The same provision will be observed in places where magistrates and clerks exercise their functions.

Article 28 — If one or more individuals, whoever they may be, break the silence, give signs of approval or disapproval, either in defense of the parties, or in the speeches and orders of the magistrates, cause or excite tumult in any way whatsoever, and if after the warning of the Presiding Judge they do not return to order immediately, they will be ordered to withdraw and the resistance fighters will be seized and immediately taken to the remand center for 24 hours; they will be received on the order of the Presiding Judge, which will be mentioned in the minutes of the hearing; this decision will not be subject to appeal under any circumstances.

Article 29 — If an offence is committed within the premises and during the hearing, the President or the Justice of the Peace with extended jurisdiction will draw up a report of the fact, hear the accused and the witnesses and will apply without delay the penalties imposed by the penal code, without prejudice to the right of appeal. The offender may be placed under arrest, even if he has left the courthouse. If he cannot be arrested or if he does not appear before the court, the judgment will be returned by default.

If it is a Justice of the Peace with ordinary jurisdiction, he may arrest the offender; he will draw up a report of the fact, hear the accused and the witnesses and send, without delay, the information file to the Public Prosecutor or the Justice of the Peace with extended jurisdiction of the district.

If the act committed in court constitutes only a simple contravention, the Judge will apply the simple police penalties.

Article 30 — If it is a crime committed in court, the president of the court, after having made arrest the offender, proceed with the investigation; he then forwards the file to the Public Prosecutor.

Article 31 — At the hearing, the parties (or their representatives) are authorized to present oral observations or to develop their conclusions.

The conclusions filed with the registry and communicated to the opposing party less than three days before the hearing where the case is to be argued may be rejected from the debates as late, as well as the documents which will be attached.

Article 32 — The Judge may order the documents to be filed with the court for immediate or subsequent ruling.

If the parties appear and the final judgment is not issued at the first hearing, the parties not domiciled in the place where the court or the Justice of the Peace sits are required to elect domicile there.

The election of domicile must be mentioned in the court record; failing this election, any notification will be validly made to the court registry.

Article 33 — If, after examination of a case, it is necessary to order that facts or documents be verified or that a party be questioned, this shall be done in accordance with the forms and conditions determined by this code.

If a party is unable to appear, a judge may be appointed by rogatory order to hear them.

Article 34 — The judicial oath regulated by Articles 1357 to 1369 of the Civil Code is ordered by a judgment. This judgment will state the facts on which it will be received.

Article 35 — The oath shall be taken by the party in person and at the hearing.

In the event of a legitimate and duly noted impediment, the oath may be taken before the judge appointed by the court, who will attend the party's visit, assisted by the clerk.

If the party to whom the oath is administered is remote, the court may order that he or she take the oath before the court of the place of his or her residence.

In all cases, the oath shall be taken in the presence of the other party where they shall be duly summoned.

No formal formula is required. The party swears to tell the truth.

TITLE III

From communication to public prosecution.

Article 36 — The following causes will be communicated to the public prosecutor:

1° Those which concern public order, the State, the Territory, domains, municipalities, public establishments, donations and legacies for the benefit of the poor;

2° Those which concern the status of persons and guardianships;

3° The declinatories on incompetence;

4° The regulations of Judges, the challenges and referrals for kinship and alliance;

5° The attacks;

6° The causes of women not authorized by their husbands, or even authorized, when it concerns their dowry, and that they are married under the dotal regime, the causes of minors, and generally all those where one of the parties is defended by a curator;

7° Causes concerning or involving persons presumed to be absent.

The Public Prosecutor may nevertheless take notice of all other cases in which he believes his role is necessary; the court or the Justice of the Peace with extended jurisdiction may even order it ex officio.

Article 37 — Before the Justices of the Peace with extended jurisdiction, cases simply communicable are judged without intervention of the public prosecutor. Before these same courts, the right to be a principal party is exercised by the Public Prosecutor having the right to do so. requisition.

TITLE IV

Judgments.

Article 38 — Judgments shall be written in minutes. They shall state that they were delivered in public hearing and shall clearly indicate the date on which they were delivered. They shall contain the names of the magistrates and the clerk who presided.

Article 39 — Judgments shall also contain the names, professions, and domiciles of the parties, the document initiating the proceedings and the operative part of the conclusions, the grounds and the operative part. It shall be indicated whether the parties appeared in person or by proxy, or whether the judgment was based on su

Article 40 — (Art. 34 of the decree of 27 November 1947).- Judgments rendered during mobile court hearings are transcribed without delay by the clerk or, failing that, by the judge in a special register, and also contain ordinary statements, the summary of the conclusions of the parties. They indicate also the name of the agent who was responsible for giving the notice to appear, the time limit which was set by the judge for the appearance and the place where the hearing was held, all under penalty of nullity.

Article 41 — The clerk writes at the hearing in a register numbered and initialed by the Judge, the operative part of the judgment at the very moment it is pronounced; he also takes note in his record book of any incidents which may occur during the hearing.

Article 42 — The president or the justice of the peace and the clerks will sign each judgment within a maximum period of five days from the day of its pronouncement.

The clerk is expressly prohibited from issuing a copy of a judgment before it has been signed, under penalty of being prosecuted as a forger.

Article 43 — The clerks are specially responsible, under the supervision of the judge, for drafting the qualities which comprise the document initiating proceedings and the operative part of the parties' conclusions.

Article 44 — In cases where the courts may grant time limits for the execution of their judgments, they will do so by the very judgment which will rule on the dispute, and which will state the reasons for the delay.

The time limit will run from the day of the judgment, if it is contradictory, and from the day of notification, if it is by default.

Article 45 — The debtor may not obtain a delay, nor benefit from the delay granted to him, if his assets are sold at the request of other creditors, if he is in a state of bankruptcy, in contumaciousness, nor when, by his action, he will have reduced the securities which he had given by the contract to his creditor, nor finally when the law prohibits all delays.

Article 46 — The protective acts shall be valid, notwithstanding the time limit granted.

Article 47 — Interlocutory judgments rendered in the presence of the parties or their representative will not be sent. In the event that the judgment orders an operation to which the parties should attend, it will indicate the place, day and time. The parties will then be summoned by the clerk and the summons will be considered a citation.

Article 48 — All judgments which order damages shall contain the liquidation thereof, or order that they be given by statement.

Article 49 — Judgments which order restitution of fruits shall order that it be made in kind for the last year and, for previous years, according to market prices the nearest, taking into account the seasons and the common prices of the year; otherwise according to experts, in the absence of market prices. If restitution in kind for the last year is impossible, it will be made as for previous years.

Article 50 — Any unsuccessful party shall be ordered to pay the costs.

However, costs may be compensated in whole or in part, between spouses, ascendants, descendants, brothers and sisters or relatives in the same degree: the judges may also compensate the costs in whole or in part, if the parties respectively fail on any count.

Article 51 — Defense lawyers and bailiffs or enforcement agents who have exceeded the limits of their ministry, the guardians, curators, beneficiary heirs or other administrators who will have compromised the interests of their administration, may be ordered to pay the costs, in their name and without repetition, even to damages if applicable, without prejudice to the prohibition against defense lawyers, bailiffs and enforcement and dismissal agents against guardians and others, depending on the seriousness of the circumstances.

Article 52 — The defense attorneys may request the diversion of costs in their favor, by stating, when the judgment is delivered, that they have made the greater part of the advances. The diversion of costs may only be ordered by the judgment which condemns them; in this case, the tax will be pursued and the enforcement order issued in the name of the defense attorney.

Article 53 — If an interim application has been filed and the case is ready on the interim and on the merits, the judges will be required to rule on the whole in a single judgment.

Article 54 — Regardless of the cases where it is prescribed by law and except when it is either prohibited by a text, or excluded due to the nature of the case, the provisional execution of the final or preliminary judgments, contradictory or by default, may be ordered if requested and only in the case of urgency or danger in the event of default.

Article 55 — The court which orders provisional execution, for all or part only of the sentence, may make it subject to the provision of a guarantee.

However, there will be no need to provide a guarantee:

1° When there is either an uncontested title, authentic or private, or a recognized promise or agreement reached between the parties before or during the proceedings, or a previous conviction by judgment from which there is no appeal;

2° When it concerns the provisional execution of a judgment ordering an investigative measure;

3° When provisional execution, not being likely to cause damage giving rise to compensation, has been ordered subject to the condition that the sums to be derived from said execution will be subject to a deposit governed by Article 57.

Article 56 — The security that the applicant for provisional enforcement must provide, where applicable, will be specified in the judgment ruling on the latter and must be sufficient to cover any restitution and compensation.

It will consist in particular of the submission of a deposit in accordance with articles 259 et seq. of this code, or in the deposit of cash or securities of which the court, on offers from the applicant, will arbitrate the amount and nature.

Article 57 — Except in cases where the debt is of a maintenance nature or compensation for damage caused to the person, the condemned party may avoid the provisional execution being pursued by obtaining from the interim relief judge authorization to deposit sufficient cash or assets to guarantee, in principal, interest and costs, the amount of the condemnation.

From the moment the said sentence has been carried out, the guarantees provided by the party in whose favour the provisional execution has been pronounced, having become without object, will be released.

Article 58 — The deposit or consignment referred to in the two preceding articles will be made to the Caisse des dépôts et consignations or into the hands of a notary or a banking establishment appointed for this purpose, in accordance with the procedures set out in the decision prescribing them.

They will carry special assignment and privilege of article 2073 of the Civil Code for the benefit of the party for security of the rights of which they were carried out.

Article 59 — If the party has neglected to request provisional enforcement or if the judges have failed to rule on the request made, provisional enforcement can no longer be granted by a second judgment, but, in all cases, it may still be requested on appeal under the conditions of Article 204 of this Code or on opposition.

Article 60 — Provisional enforcement may not be ordered for costs, even if they are awarded in lieu of damages.

Article 61 — (Order No. 72/21 of October 19, 1972).-

Copies of orders, judgments, court orders, as well as copies of contracts and all acts subject to forced execution, are covered by the enforceable formula introduced as follows:

"Republic of Cameroon"

"In the name of the Cameroonian people"

and ended with the following statement:

"Consequently, the President of the Republic of Cameroon orders and commands all Bailiffs and Enforcement Agents on this request to put this order (or judgment, etc.) into execution, and the Attorneys General and Law Enforcement Officers to lend assistance when legally required to do so."

"In witness whereof this judgment has been signed by "

[Old form:

(D. of June 12, 1947).- The enforceable copies of judgments will be titled as follows:

"Federal Republic of Cameroon"

"In the name of the Cameroonian people"

and terminated by the following formula:

"Consequently, the Federal Republic of Cameroon orders and orders all bailiffs on this required to enforce this judgment (or order), to the Attorneys General and to the Attorneys of the Republic near the courts of first instance to hold the hand there, to all commanders and officers of the public force to lend assistance when legally required to do so.

"In witness whereof, this judgment has been signed by the President and the clerk.

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TITLE V

Default judgments and oppositions.

Article 62 — If one of the parties fails to appear on the day specified in the summons, the case shall be judged by default unless the appearing party consents to an adjournment. In the event that the time limits are not observed, if the defendant fails to appear, the judge shall order that he be re-summoned and the costs of the first summons shall be borne by the plaintiff.

If the party appears before the end of the hearing where the case was deliberated, the judge may always dismiss the default and reopen the proceedings.

If neither party appears, the president may order the case to be struck out.

All except where it is pleaded on brief. The party who appeared in the proceedings may no longer be in default.

Article 63 — If the judge knows by himself or by representations made to him at the hearing by the defendant's close neighbors or friends that the latter could not be informed of the procedure, he may order the reassignment; in the event that the extension has neither been granted automatically nor requested, the defaulter may be relieved of the strictness of the deadline and allowed to object by justifying that due to absence or serious illness or proven impediment, he could not be instructed in the procedure.

Article 64 — Default will be pronounced at the hearing and the conclusions of the party requesting it will be awarded if they are fair and well-founded; the judge may nevertheless have the documents placed on the table to pronounce the judgment at the next hearing.

Where several parties have been summoned for the same purpose at different times, no default shall be taken against any of them until the expiry of the longest time limit.

Article 65 — If, of two or more parties summoned, not all appear, the parties defaulters will, upon expiry of the adjournment periods, be reassigned by bailiff or agent execution with mention. In the reassignment that the judgment to be made will have the effects of a contradictory judgment.

At the end of the new adjournment periods, a single judgment between all parties will be issued.

The same shall apply, even if there are only two parties involved, if, after having agreed to an adjournment and noted the default, the appearing party proceeds in the same manner as above to the reassignment of the defaulting party to the person in question.

Article 66 — All judgments rendered by default are subject to opposition. This opposition is only admissible for a fortnight, starting from the day of personal service; during this period is added to that determined in Articles 14 or 15. The service made by the bailiff or by the agent execution must, under penalty of nullity, mention in very clear characters the deadline for opposition fortnight and distance period.

During this period, the judgment may not be executed unless, in case of emergency or danger in the remains, provisional execution has not been ordered before the expiry of the said time limits, with or without surety, in the cases provided for in Articles 54 et seq. of this Code.

Article 67 — If service has not been made on the person of the defaulter, the opposition will be admissible as long as the judgment has not been executed in full view of the defaulter, or during the month following the defaulter's knowledge of the judgment.

If it has been impossible to give the defaulter notice of an act of execution as just stated, the judgment will be published as an extract in a newspaper of the last known domicile.

This journal will be designated by order at the request of the president of the court which rendered the judgment.

The extract will contain exclusively the date of the judgment with an indication of the court which rendered it, the names, first names, professions and domiciles or residences of the parties indicated in the judgment.

Finally, it will specify that no objection will be admissible after a period of one month if the defaulter resides in Cameroon, a period to which will be added in other cases those provided for by article 14 of this code.

Article 68 — The judgment is deemed to be executed when the seized furniture has been sold or the sentenced has been recommended or that the seizure of one or more of his buildings has been notified to him or that the costs have been paid, or, finally, when there is some act from which it necessarily results that the execution of the judgment has been made known to the defaulting party; the opposition filed within the time limits above and in the forms prescribed below suspends the execution, if it has not been ordered notwithstanding opposition.

Article 69 — The opponent's writ shall summarily contain the grounds for his opposition and shall be served on the defendant in opposition with summons on the next hearing day, while observing the time limits prescribed for summons by Articles 14 and 15.

Any request for opposition not filed within the time limits will render the opposition inadmissible, except as provided for in Article 63.

If the opposition is upheld, the judge will restore the parties to the position they were in before and will rule by a new judgment which may, if necessary, be the pure and simple confirmation of the first judgment.

Article 70 — An opposition may not be accepted against a judgment which has dismissed a first opposition.

Article 71 — The opposition of a defaulting party to a judgment rendered contradictorily with another party having the same interest will not be admissible.

Article 72 — Default judgments must be executed within twelve months of their receipt, otherwise they are deemed void.

TITLE VI

Exceptions.

Section I

OF THE SECURITY TO BE PROVIDED BY FOREIGNERS.

Article 73 — Subject to guardianship agreements and international conventions, all foreigners, main applicants or interveners, will be required, if the defendant so requests before any exception, to provide security, to pay the costs and damages to which they may be ordered.

Article 74 — The judgment ordering the security will set the amount up to which it will be provided; the applicant who deposits this sum or who proves that his buildings located in Cameroon are sufficient to meet this requirement will be exempt from providing a deposit.

Section II

REFERENCES.

Article 75 — The party who has been summoned before a court other than that which is to hear the dispute may request that it be referred to the competent judges.

Article 76 — It will be required to make this request prior to any other exceptions and defenses.

Article 77 — If, nevertheless, the court were incompetent on the matter, referral may be requested in any event; and if referral was not requested, the court shall be required to refer of its own motion.

However, referral may not be ordered if the exception raised is based on the civil or commercial nature of the dispute.

In such cases, it will be up to the court to admit only civil or commercial evidence depending on the case.

Article 78 — If an application for the same purpose has previously been filed in another court, or if the dispute is related to a case already pending in another court, the referral may be requested and ordered.

Article 79 — Any request for referral will be judged without it being able to be reserved or joined to the main case.

Section III

DILATORY EXCEPTIONS.

Article 80 — The heir, the widow, the divorced or separated woman, assigned as common, will have three months from the day of the opening of the succession or dissolution of the community to make

inventory, and forty days to deliberate; if the inventory was made before the three months, the forty-day period will begin from the day it was completed.

If they prove that the inventory could not be made within three months, they will be given a suitable period of time to do so, and forty days to deliberate, which will be settled by the judge.

The heir nevertheless retains, after expiry of the time limits granted above, the right to still make an inventory and to declare himself a beneficiary heir, if he has not otherwise made an act of heir, or if there is no judgment against him which has become *res judicata* and condemns him as such.
of pure and simple heir.

Article 81 — Actions for warranty shall be brought within the time limits provided for in Articles 14 and 15 of this Code.

Article 82 — Successive actions for sub-guarantee will also be brought within the time limits of Articles 14 and 15.

Article 83 — If, nevertheless, the original defendant is summoned within the time limits to make an inventory and deliberate, the time limit for calling a guarantor will only begin from the day on which those to make inventory and deliberate will have expired.

Article 84 — There shall be no further time limit for calling upon a guarantor, in any matter whatsoever, under pretext of minority or other privileged cause; except to pursue the guarantors but without the judgment of the main claim being delayed.

Article 85 — If the time limits for warranty claims have not expired at the same time as that of the original claim, no default shall be taken against the original defendant, when, before the expiry of the time limit, he will have declared, by act from lawyer to lawyer, or, or by notification to the opposing party, that he has filed his claim in warranty; unless the defendant, after the expiry of the time limit for calling the guarantor, does not justify the claim in warranty, to uphold the original claim, even to condemn him to damages, if the warranty claim by him alleged is found not to have been formed.

Article 86 — If the original applicant claims that there is no time limit for calling a guarantor, the incident will be judged immediately.

Article 87 — Those who are assigned as a guarantee shall be required to proceed before the court where the original claim is pending, even if they deny being guarantors; but if it appears in writing, or by evidence of the fact, that the original claim was only made to take them out of their court, they shall be referred to it.

Article 98 — As a formal guarantee, for real or mortgage matters, the guarantor may always take up the cause of the guaranteed party, who will be exonerated, if he so requests before the first judgment.

However, the guarantor, although excluded, may request that he remain there for the preservation of his rights and the original applicant may request that he remain there for the preservation of his own.

Article 89 — In simple guarantee, the guarantor may only intervene, without taking up the cause of the guarantor.

Article 90 — If the original and guaranteed claims are ready to be judged at the same time, there is will be granted jointly; otherwise the original applicant may have his application judged separately; the same judgment will rule on the disjunction, if the two instances have been joined; except, after judgment on the principal, to uphold the guarantee, if applicable.

Article 91 — Judgments rendered against formal guarantors shall be enforceable against the guaranteed.

It will be sufficient to report the judgment to the guarantors, whether they have been exonerated, or whether they have assisted, without the need for any other request or procedure. With regard to costs, damages and interests, liquidation and execution may only be made against the guarantors.

However, in the event of the guarantor's insolvency, the guarantor shall be liable for costs, unless he has been exonerated; he shall also be liable for damages, if the court considers that this is appropriate.

Article 92 — Dilatory exceptions will be proposed jointly and before any defenses on the merits.

Article 93 — The heir, the widow and the divorced or separated woman may only submit their dilatory exceptions after the deadlines for taking inventory and deliberating have expired.

Section IV

OF THE COMMUNICATION OF THE PARTS.

Article 94 — The list of documents which one of the parties intends to use will be mentioned in its conclusions or briefs. The opposing party may even request communication by letter of the said documents. These will be filed and communicated without travel to the registry of the jurisdiction seized.

Article 95 — The time limit for communication shall be eight days from the date of filing. The filer shall inform the opposing party of this date.

Article 96 — Any documents not mentioned in the briefs, summonses or conclusions of a party or whose communication has been refused will be rejected from the proceedings, even ex officio by the judge.

Article 97 — All exceptions, requests for nullity, grounds of inadmissibility and all declinatories referred to in the preceding articles except the exception of incompetence rationae materiae and the exception of communication of documents, will be declared inadmissible if they are presented after the merits have been concluded.

The exception of surety must be presented first.

The exception of relative incompetence must be presented after that of surety and before any other.

All other exceptions, requests for nullity, grounds for inadmissibility and all other declinatories must be offered simultaneously and none will be received after a judgment ruling on one of them.

TITLE VII

On the verification of writings and the false civil incident.

Article 98 — If one of the parties alleges the falsity of a private document, it is up to the person who intends to use this document to prove its sincerity.

Article 99 — If it is a public or authentic document, it is up to the party who claims its falsity to prove that the document is false or falsified.

Article 100 — The evidence referred to in the preceding articles shall be provided in accordance with the law common.

TITLE VIII

Investigations.

Article 101 - If the parties disagree on facts that can be established by witnesses, and the verification of which the court finds relevant and admissible, it will order the proof, determining the subject in a precise manner and will set the date of the investigation in public hearing.

The investigation, always adversarial, is either principal or incidental, and may in either case, if there is urgency, be ordered by the interim relief judge.

Article 102 — Proof to the contrary shall be by right; the proof of the applicant and the proof to the contrary shall be begun and completed within the time limits set by the judge in the judgment ordering the investigation.

Article 103 — Witnesses shall be summoned to appear by summons addressed to them by the clerk.

The summons will mention the provisions of Article 104.

Article 104 — Witnesses affected by the contravention who do not appear may be summoned at their own expense by the bailiff or enforcement officer.

If the summoned witnesses are still in default, the judge may sentence them to a fine not exceeding 2,000 francs.

Article 105 — The defaulting witness may be discharged from the fine and the costs of re-assignment if he proves that he was unable to appear on the day indicated.

If the witness proves that he is unable to appear on the day indicated, the court will grant him sufficient time or will travel, accompanied by the clerk, to receive his testimony.

When the witnesses are removed, the court will give letters rogatory to the judge of the place where they are found who will hear them; this magistrate may himself appoint a Justice of the Peace for this purpose ordinary competence.

Article 106 — On the day indicated, the witnesses, after having stated their name, profession, age and residence, shall declare whether they are relatives or allies of the parties and to what degree and whether they are their servants or domestics and shall take an oath to tell the truth.

Article 107 — Witnesses shall be heard separately in the presence of the parties, if they appear, or their counsel or agents. The parties or their counsel or agents will be required to provide their accusations before the witnesses testify and to sign them. If the parties are unable or unable to sign, this will be noted.

Article 108 — The parents or relatives of either party may be held responsible, up to and including the fourth degree, anyone who has drunk or eaten with one of the parties and at their expense since the judgment which ordered the investigation; the servants and domestics, the prosecution witness and the witness sentenced to emotional or infamous punishment.

Article 109 — The judge will decide and if the accusation is upheld, the witness will not be heard.

The reproach is also optional.

Article 110 — Individuals under the age of fifteen may be heard, unless their depositions are given such consideration as is reasonable.

Article 111 — The parties shall not question the witnesses themselves; after the depositions, the judge may, at the request of the parties or even ex officio, make any appropriate questioning of the witness.

Article 112 — In all cases, the clerk shall draw up a report of the hearing of witnesses ; this act will contain their name, age, profession and residence, their oath to tell the truth, their declaration if they are relatives or allies or servants of the parties and the accusations which will have been made against them.

The minutes will be read to each witness for the part that concerns them, they will sign their statement or it will be mentioned that they do not know or cannot.

The report will also be signed by the judge and the clerk; the case will be judged immediately or at the first useful hearing.

The presence of the public prosecutor at investigations is optional.

TITLE IX

Raids on the premises.

Article 113 — The court may, if it deems it necessary, visit the scene. It will set the day and time of the transport. A report will be drawn up of this operation. It will be signed by the judge and the clerk. Any other judge may be appointed by rogatory process if necessary.

The presence of the public prosecutor is optional during on-site raids.

Witnesses may be heard at the scene.

Article 114 — The interim relief judge may proceed as stated above in the event of an emergency.

Article 115 — The transport costs will be advanced by the applicant and deposited by him with the registry.

TITLE X

Expert reports.

Article 116 — If necessary, during a report or before any trial, during the inspection or assessment of objects, works or goods, one or three experts will be appointed by the court or in case of emergency by the interim relief judge.

The parties may agree on the choice of experts. In the event of disagreement between the parties, the court will appoint the experts ex officio.

The purpose of the expert appraisal will be clearly stated in the judgment, which must set the time limit within which the expert appraisal must be carried out.

Experts may be challenged on the grounds for which witnesses may be held liable. The recusal of experts may only be proposed within fifteen days of their appointment. will take place in the forms provided for in Article 164.

She will be judged at the first hearing. The judgment on the challenge will be enforceable notwithstanding the appeal.

Article 117 — If the challenge is upheld, a new expert or experts will be appointed ex officio by the same judgment to replace the one or those challenged.

Article 118 — If the challenge is rejected, the party who made it will be ordered to pay such damages as are due, even to the expert, if he so requests; but in the latter case, he may not remain an expert.

Article 119 — The experts shall take the oath on the date fixed by the judgment which appointed them.

They may be exempted from the oath by the parties. The most diligent party will summon the experts to take the oath and proceed with their operations.

The expert will make his refusal known within eight days of this summons or at the latest the day before the hearing at which his oath must be taken.

Article 120 — The experts will indicate to the parties the place, day and time of their operations, they will be given the judgment which ordered the report and the necessary documents.

The parties and any other parties involved may be heard by experts, if necessary.

Article 121 — If an expert does not accept his appointment, the parties shall agree to appoint one in his place, or otherwise the appointment may be made by order of the president of the court at the request of the most diligent party.

Article 122 — An expert who, after having accepted his appointment, does not fulfil his mission, may be ordered by the court to pay all the costs incurred and even damages unless he can prove a legitimate impediment.

Article 123 — The costs and fees of the experts will be advanced by the party requesting the expert appraisal or by both parties if they agree.

When the expert appraisal is ordered ex officio, the advance will be made by the plaintiff at the trial.

The expert may, if necessary, request an advance payment, subject to a fee in the event of a dispute.

Article 124 — The experts will draw up a single report; they will formulate only one opinion, by majority vote. votes. The report will be written by one of the experts and signed by all. They will file their report with the registry within the time limit set by the court or judge.

Article 125 — In the event of delay or refusal on the part of the experts to submit their report, they may be summoned for three days before the court which appointed them.

It will be up to the court to assess whether the delay is attributable to the ill will of the experts or to any other cause.

If the court orders the expert to be replaced, the expert will be ordered to pay the costs of the incident.

Article 126 — The parties may obtain communication of the report from the registry.

If necessary, the most diligent party may lift the report and have it served on the opposing party by bailiff or enforcement officer.

The case will have to be called at the next hearing following the filing of the report.

Article 127 — If the court does not find sufficient clarification in the report, it may ex officio order a new expert appraisal by one or more experts whom he will also appoint ex officio and who may ask the previous experts for any information they find appropriate.

Article 128 — The court is not obliged to follow the opinion of experts if its conviction is opposed to it.

TITLE XI

On the personal appearance of the parties and their questioning.

Article 129 — The court may, in any event and in any matter, order ex officio or at the request of any of the parties involved, the personal appearance of the parties.

Article 130 — The appearance takes place before the court. The judgment ordering the appearance shall be fixed by the parties on the day and time. In the event of an excuse deemed valid, the new day and time shall be fixed by an order issued upon simple request.

Article 131 — The request for personal appearance is made by way of conclusions.

Article 132 — The court, the parties or their counsel or agents called, shall rule in public hearing by judgment not prejudicing the main issue.

Article 133 — The parties must appear on the day and time fixed by the judgment. In the absence of an appearance without a valid excuse, the court shall decide whether the judgment should be lifted and served with a summons in person or at home by a bailiff or enforcement agent appointed by it. It shall then set the new day and time.

Article 134 — The parties may be questioned in each other's absence; in this case they may then be confronted. They shall answer the questions put to them in person and without being able to read any draft.

Article 135 — The parties' counsel may assist them and, after questioning by the court, request the court to ask any questions they consider useful.

Article 136 — A record shall be kept of the statements of the appearing parties. It shall be read to each party and challenged to declare whether they have spoken the truth and persist. If a party adds new statements, the addition shall be written in the margin or following the examination; it shall be read to them and the same challenge shall be made to them. The record shall be signed by the president, their clerk and the parties; if one of them is unable or unwilling to sign, this shall be noted. The parties may obtain a copy of the record.

Article 137 — If the parties or one of them are unable to appear, the court may appoint a judge who will attend accompanied by a clerk. In any event, the opposing party will be summoned by the clerk and the public prosecutor, but the latter only in proceedings that can be communicated to the public prosecutor.

Article 138 — In the event of the distance of the parties or one of them making travel too difficult or too expensive, the court may exceptionally, in order to have them heard, together or separately depending on the circumstances, issue a letter of request to the court of the domicile or residence of one of them.

Article 139 — Legal persons and collective bodies entitled to appear in court in the person of their legal representatives, persons lacking legal capacity themselves, their legal representatives or those assisting them, as well as agents of public administrations may be summoned to appear.

Article 140 — The administrations of public establishments or bodies are required to appoint an administrator or agent to respond to the summons, without prejudice to the right to directly summon administrators and agents to be questioned both on facts that are personal to them and on those that they have become aware of in their capacity as agents of the administration in question.

Article 141 — If one of the parties does not appear or, appearing, refuses to respond, the court may, in all legal consequences and in particular, note the absence or refusal of respond as equivalent to a start of proof in writing under the conditions of article 1347 of the civil code.

TITLE XII

Incidents.

Section I

INCIDENTAL REQUESTS

Article 142 — Incidental claims shall be made by way of submissions. The defendant the incident will give its answer by the same route.

Section II

OF THE INTERVENTION.

Article 143 — The intervention will be formed by summons which will contain the grounds and conclusions.

Article 144 — The intervention may not delay the judgment of the principal case, when it is ready.

TITLE XIII

Resumption of proceedings.

Article 145 — The judgment of the case which is ready for hearing shall not be delayed by a change in the status of the parties or by the cessation of the functions in which they were acting, nor by their death or by the death, resignation, prohibition or dismissal of their representatives ad litem.

Article 146 — The case will be ready for hearing when the pleadings have begun.

Article 147 — In cases which are not ready for trial, all proceedings made after notification of the death of one of the parties will be null and void.

Article 148 — Neither the change of status of the parties nor the cessation of the functions in which they were acting shall prevent the continuation of the proceedings.

Article 149 — The summons for recovery will be given within the time limits set under the summons.

Article 150 — If the party summoned for recovery contests, the incident will be judged summarily.

Article 151 — If at the end of the time limit the party summoned for recovery does not appear, it will be rendered judgment which will hold the case for resumption and will order that it will proceed, following the last errors and without there being any other deadlines than those which remained to run.

Article 152 — The judgment rendered by default against a party, on the request for continuation of proceedings, will be served by a bailiff or an enforcement officer.

TITLE XIV

Judges' regulations.

Article 153 — If a dispute is brought before two or more courts of peace falling under the same court, the settlement of judges will be brought before that court.

If the Peace Courts are under different jurisdictions, the settlement of judges will be brought before the Court of Appeal.

If these courts do not fall under the same Court of Appeal, the settlement will be brought before the Court of Cassation.

If a dispute is brought before two or more courts of first instance or justice of the peace extended jurisdiction falling within the jurisdiction of the Court of Appeal of Cameroon, the regulation of judges will be brought to this court; it will be brought to the Court of Cassation, if the courts do not all fall under the same Court of Appeal or if the conflict exists between one or more courts.

Article 154 — On the basis of requests made in different courts, it will be rendered, upon request, judgment granting permission to sue in settlement, and the judges may order that it be stayed to all proceedings in the said courts.

Article 155 — The applicant shall serve the judgment and summon the parties within the time limits provided for in Articles 14 and 15 of this Code.

The time limit for appearing will be that provided for in the said articles.

Article 156 — If the plaintiff has not served notice within the above time limits, he shall remain deprived of the settlement of judges, without it being necessary to have it ordered; and proceedings may be continued in the court seized by the defendant in settlement.

Article 157 — The unsuccessful applicant may be ordered to pay damages to the other parties.

TITLE XV

From referral to another court for kinship or alliance or legitimate suspicion and from recusal.

Article 158 — When a party has two relatives or relatives by marriage up to the degree of first cousin inclusive, among the judges of a court of first instance, or three relatives or allies to the same degree in the court of appeal, or where he has a relative to the said degree among the judges of the court of first instance, or two relatives in the court of appeal, and he himself is a member of the tribunal or of that court, the other party may request the referral.

Article 159 — Any judge may be challenged for the following reasons:

1° If he is a relative or relative of the parties, or of one of them, up to the degree of first cousin inclusive;

2° If the judge's wife is a relative or relative by marriage, employer or employee of one of the parties, or if the judge is a relative or relative of the wife of one of the parties, to the above degree, when the woman is alive, or that being deceased, there are children by her: if she is deceased, and there there is no child, the father-in-law, the son-in-law, nor the brothers-in-law may be judges;

The provision relating to the deceased wife shall apply to the divorced wife, if there are children of the dissolved marriage;

3° If the judge, his wife, their ascendants and descendants, or relatives in the same line, have a dispute on a question similar to that in question between the parties;

4° If they have a lawsuit in their name in a court where one of the parties will be judge; if they are creditors or debtors of one of the parties;

5° If, within the five years preceding the challenge, there has been a criminal trial between them and one of the parties, or their spouse, or their parents or relatives in a direct line;

6° If there is a civil proceeding between the judge, his wife, their ascendants and descendants, or relatives in the same line, and one of the parties, and that this lawsuit, if it was brought by the party, was brought before the instance in which the challenge is proposed; if this trial having been completed, it was completed only within the six months preceding the challenge;

7° If the judge is a guardian, subrogated guardian or curator, presumptive heir or donee, master or commensal of one of the parties, if he is an administrator of any establishment, company or management, party in the case; if one of the parties is his presumed heir;

8° If the judge has given advice, pleaded or written on the dispute; if he has previously heard it as judge or as arbitrator; if he has requested registered or provided at the expense of the trial; if he has filed as witness; if, since the beginning of the trial, he has drunk or eaten with either party in their house, or received gifts from them;

9° If there is capital enmity between him and one of the parties;

10° If there has been, on his part, aggression, insults or threats, verbally or in writing, since the proceedings or in the six months preceding the proposed recusal.

Article 160 — There shall be no grounds for recusal in cases where the judge is related to the guardian or the curator of one of the parties, or of the directors of an establishment, company, management or union, party in the cause, unless the said guardians, administrators or interested parties have a separate or personal interest.

Article 161 — The grounds for disqualification relating to judges are applicable to the public prosecutor when he is a joined party; but he is not disqualifiable when he is the principal party.

Article 162 — The referral or challenge shall be requested before the start of the pleading.

From the request, all judgment and operations will be suspended.

Article 163 — The challenge against judges assigned to raids, investigations and other operations may only be proposed within three days:

1° If the judgment is contradictory, from the day of judgment;

2° If the judgment is by default and there is no opposition, from the day of expiry of the opposition;

3° If the judgment was rendered by default or there was an opposition, from the day of the dismissal opposition, even by default.

Article 164 — The referral and the challenge will be proposed by declaration to the registry which will contain them the means and will be signed by the party or the person acting on behalf of his authentic and special power of attorney, which will be attached to the declaration.

A copy will be given within twenty-four hours by the clerk to the judges on whose grounds the referral is requested or to the challenged judges.

Article 165 — Within the same period of twenty-four hours from the delivery of the copy, the judges will be required to give their declaration in writing, bearing or acquiescence in the challenge,

or their refusal to abstain, with their responses to the grounds for recusal or their observations on the request for referral.

Article 166 — In all cases and whatever the nature of these responses or observations, or if the judges refuse or abstain from responding, the file is forwarded within twenty-four hours of the declaration provided for in Article 164 to the First President of the Court of Appeal.

Article 167 — All requests for referral or recusal concerning magistrates of the district court are submitted by the first president to the civil chamber of the Court of Appeal, which rules urgently on the conclusions of the Attorney General and on the report of an advisor, without that it is necessary to call the parties.

Article 168 — If the declarant has not provided written proof or the beginning of proof of the causes of the challenge or request for referral, it is left to the prudence of the court seized to reject it on the simple declaration of the judges or to order proof of the means produced.

Article 169 — If the challenge of a Justice of the Peace with ordinary jurisdiction, of a Justice of the Peace with extended jurisdiction of a court president is admitted, the court will refer the case to a magistrate of a neighboring jurisdiction of a similar order to that seized.

Article 170 — If the challenged magistrate is a member of a court of first instance, the Court of Appeal will refer the case to another magistrate of this jurisdiction or any other magistrate specially designated for this purpose.

Article 171 — Any magistrate who becomes aware that there is a cause for disqualification in his person shall be required to refer the matter to the court, which shall decide whether he should abstain. If so, the case shall be referred back as stated in the preceding articles.

Article 172 — Any request for the disqualification of a member of the Court of Appeal shall be judged by the court itself in general meeting, on the report of an advisor and the conclusions of the attorney general, without it being necessary to call the parties.

Article 173 — If the request for referral is granted, the court of appeal shall refer the case to a jurisdiction of a similar order to that seized, specially designated for this purpose. This will have to know by simple summons; the procedure will be continued following its old errors.

Article 174 — Requests for referral on grounds of legitimate suspicion directed against the court itself or against a chamber of the court shall be brought before the Court of Cassation.

Article 175 — Any person whose request for referral or challenge has been declared inadmissible or inadmissible may be sentenced to a fine of 500 to 12,000 francs, without prejudice, where appropriate, to damages.

TITLE XVI

From the expiration date.

Article 176 — Any proceedings shall be extinguished by discontinuance of proceedings for three years.

This period will be increased by six months in all cases where there is a request for continuation of proceedings.

Article 177 — The limitation period shall run against the State, the Territory, public establishments and all other persons, even minors, except their recourse against administrators and guardians.

Article 178 — The expiry takes place automatically, but the defendant may waive its right to invoke it.

Article 179 — The expiry is not the action; it only involves the extinction of the procedure, without it being possible, in any case, to oppose any of the acts of the extinguished procedure, nor to deny them prevail.

In the event of lapse, the principal applicant is ordered to pay all costs of the expired procedure.

TITLE XVII

Of withdrawal.

Article 180 — The withdrawal may be made and accepted by simple acts signed by the parties or their representatives filed with the court registry. It may also result from a declaration by the parties or their representatives made at the hearing and recorded in the court record.

In any case, it will be acknowledged without judgment.

Article 181 — The withdrawal, when accepted, will automatically imply consent that things be returned on both sides to the same state as they were before the request.

It will also entail submission to pay the costs, to which the party which has withdrawn will be obliged to pay, by simple order of the President included at the bottom of the tax.

This order, if it comes from a court of first instance, will be executed notwithstanding opposition or appeal; it will be executed notwithstanding opposition, if it comes from the Court of Appeal.

TITLE XVIII

Referrals.

Article 182 — In all cases of urgency, or when it is necessary to rule provisionally on difficulties relating to the execution of an enforceable title or a judgment, the procedure shall be as set out below.

Article 183 — The application shall be brought to a hearing held for this purpose by the President of the Court of First Instance or by the Justice of the Peace with extended jurisdiction, or by the judge replacing them, on the day and at the time indicated by the court.

Article 184 — If, however, the case requires speed, the President or the person representing him may allow to summon, either to the hearing or to his hotel, at the time indicated, even on holidays; and, in this case, the summons may only be given by virtue of the order of the judge who will appoint a bailiff or enforcement officer for this purpose.

Article 185 — Interim orders shall not cause any prejudice to the main proceedings; they shall be enforceable provisionally, without security, if the judge has not ordered that one be provided.

They will not be subject to opposition.

In cases where the law authorizes an appeal, this appeal may be lodged even before the period of eight days, from the date of the order; and it will not be admissible if it was lodged after the fortnight, from the day of service of the order.

The appeal will be heard urgently.

Article 186 — The minutes of the interim orders shall be filed with the registry.

Article 187 — In cases of absolute necessity, the judge may order the execution of his order on the original.

BOOK II

From the call.

SINGLE TITLE

From the call.

Article 188 — The Court of Appeal hears appeals from all judgments at first instance by the courts of first instance and justices of the peace with extended jurisdiction.

The courts of first instance and the justices of the peace with extended jurisdiction hear appeals from all judgments rendered at first instance by the justices of the peace with ordinary jurisdiction.

[See D. 247 of 18-12-59 on the transitional provisions of the judicial organization and the devolution of the appeal (JOC, 59, p. 1814)]

Article 189 — (Art. 36 of the D. of November 27, 1947).- The appeal will be made by simple request to the members of the appeal court.

Article 190 — The appeal request shall contain the statements of the application initiating ordinary proceedings, the grounds of the appeal and the appellant's conclusions.

A copy of the judgment under appeal will be attached.

Article 191 — The appeal request signed by the party or its representative will be filed with the registry of the appeal court in as many copies as there are respondents. It may be addressed there by post, by registered mail.

(Decree No. 68/df/441 of November 8, 1968).-

As soon as it has been received, the clerk will notify the appellant of the amount of the deposit to be paid; this deposit must, under penalty of forfeiture of public policy of the appeal, be made within four months of notification. This period is interrupted by the filing of a request for legal aid.

If the appellant does not record and does not prove that he benefits from legal aid, the forfeiture incurred is noted, if necessary ex officio by order without costs of the president of the Court of Appeal. This order notified to the parties may be appealed in cassation in the period of ordinary law from the date of its notification. This notification is made by administratively or by bailiff's writ and in the latter case at the diligence of the respondent.

The appellant may also be sentenced to a civil fine of 5 to 20,000 francs in the event of a dilatory appeal.

If the deposit is paid or if the benefit of legal aid is proven, the request will be registered.

[Old form of the second paragraph:

As soon as it has been received, it will be recorded in the registry by the clerk in a register provided for this purpose.

After its registration, the President of the appeal court will issue an order noting the request received and setting a deadline for the respondent to file his defenses and the date of the hearing.

Notice of the motion and of the order made shall be given by the clerk of the court to the party respondent or its representative. Notice of the order will also be given to the appealing party. receipt will be withdrawn by the clerk.

If the notice intended for the respondent is returned to the registry with a note that it was not delivered, the clerk will notify the appellant. The appellant will then have his appeal served as stated in the section "The summonses" observing the time limits for the summons to appear before the appeal court referred to in Articles 13 and 14 of this decree.

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Article 192 - (Art. 36 of the decree of November 27, 1947).- The time limit for filing an appeal will be three months plus the time limits for distance in Articles 14 and 15, except in matters where a special text has provided otherwise.

Article 193 — The time limit for appeal shall be forfeited.

(Art. 36 of D. 27 November 1947).- It will run, for contradictory judgments, from the day of the service in person or at real or elected domicile, for judgments by default, from the day on which the opposition will no longer be admissible.

The respondent may nevertheless incidentally appeal in any event, even if he has served the judgment without reservation.

Any appeal brought about by the main appeal will also be admissible in any event. However, it may not, under any circumstances, delay the resolution of the main appeal.

The time limit for appeal will run against the person who served the judgment from the day of such service.

The meaning, even without reservation, will not bring acquiescence.

Article 194 — (Art. 36 of the D. of November 27, 1947).- With regard to persons with disabilities, the time limit for appeal does not will only run from the notification to the person or at the home of those who are responsible for exercising their rights.

Article 195 — The time limit for appeal shall be suspended by the death of either party. It shall not will resume its course only after the expiry of the fortnight following the new notification of the judgment, made at the deceased's home, in the forms prescribed in Article 7 and from the expiry of the time limits for making an inventory and deliberating if the judgment was served before these latter time limits had expired.

This notification may be made to the heirs and representatives, collectively and without designation of names and capacities.

Article 196 — In the case provided for in the preceding article, service of the notice of appeal may be made in the forms and to the persons indicated in said article.

But the appellant may only follow up on his appeal after notification has been delivered to each of the heirs and representatives and to his domicile.

Article 197 — In the event that the judgment was rendered on a false document, or if the party had was condemned for not representing a decisive piece which was retained by his opponent, the

the time limits for appeal will only run from the day on which the forgery has been recognized or legally established, or that the part has been recovered, provided that, in the latter case, there is written proof of the day on which the part was recovered, and not otherwise.

Article 198 — If during the appeal period a change occurs in the condition of one of the parties, the appeal period will be suspended and will not start running again until eight days after a new meaning expressly intended to apply this article.

Article 199 — An appeal against a judgment before it is granted may only be lodged after the judgment final and jointly with the appeal of this judgment, and the time limit for the appeal will only run from the day of service of the final judgment; this appeal will be admissible, even if the preliminary judgment has been executed without reservation.

Article 200 — Judgments deemed to be final shall be subject to appeal when they have been rendered by judges who could only rule in the first instance.

Appeals against judgments rendered on matters over which the first instance judges have final jurisdiction, but which they have failed to classify or which they have classified at first instance, will not be admissible.

Article 201 — Where there is a question of incompetence, the appeal shall be admissible, even if the judgment has been qualified as a last resort.

Article 202 — Appeals against judgments subject to appeal shall be admissible even during the period for appeal.

Article 203 — An appeal lodged within the legal time limit will have suspensive effect, unless provisional execution is ordered.

The execution of judgments deemed improperly qualified as final judgments may only be suspended by virtue of defenses obtained by the appellant at the hearing of the appeal court.

Article 204 — In the cases provided for in Article 59 of this Code, provisional execution will be requested by simple petition before the appeal court which will rule in accordance with the provisions of Articles 54 and following.

Article 205 — If provisional execution has been ordered outside the cases or conditions provided for by law, the appellant may obtain defenses at the hearing, on simple submissions.

[See DF 581 of 3 Dec. 1966 - JOF 66 p. 1851 on the suspension of provisional execution]

Article 206 — In no case may it, under penalty of nullity, be granted in defense, nor be rendered no judgment or order tending to directly or indirectly stop the execution of the judgment appealed from.

Article 207 — No new claim shall be made on appeal, unless it is for compensation or the new claim is a defense to the main action.

The parties may also request interest, arrears, rents and other accessories due.
since the judgment at first instance and damages for the harm suffered since the judgment.

A request arising directly from the original request and aiming at the same ends, even if based on different causes or motives, cannot be considered new.

Article 208 — In the cases provided for in the preceding article, new requests and exceptions by the defendant may only be made by simple reasoned conclusions.

Article 209 — Anyone who can demonstrate an interest may intervene in the appeal.

Article 210 — The lapse of time in the appeal proceedings shall give the judgment the force of *res judicata*, even if the judgment has not been served.

Article 211 — If the judgment is confirmed, enforcement shall be the responsibility of the court which rendered it.

If the judgment is overturned in its entirety, enforcement between the same parties will be a matter for the appellate court.

In the event of partial reversal, the appeal court may either retain enforcement or refer the matter back to the same court composed of other judges, if it deems it necessary, or to another court. All except in cases in which the law confers jurisdiction.

Article 212 — In the event of an appeal against a judgment which is partly final and partly preliminary, if this decision is overturned, the appeal court may refer the case to the Court provided that the matter is capable of receiving a final decision.

The same will apply in the event that it overturns or annuls judgments on the merits, either for a formal defect or for any other reason.

However, in cases where the reversal is pronounced for violation of the rules of jurisdiction, the referral will always be ordered.

Article 213 — The principal appellant who is unsuccessful may be sentenced to a fine of 500 to 5,000 francs if the appeal is deemed abusive or dilatory.

Article 214 — The other rules concerning the courts of first instance shall be observed before the Court of Appeal.

Article 215 — Before the Court of Appeal, court offences will be judged without appeal. For crimes committed to the hearing of the Court of Appeal, the case will be judged immediately and without to be distraught.

The Court of Appeal will hear the witnesses, the offender and the defender he has chosen or who has been appointed to him. appointed by the president and after having noted the facts or heard the public prosecutor, all publicly, it will apply the sentence by a judgment which will be justified.

Article 216 — In the event that it is pleaded before the appeal court by memorial, the case is called to the hearing set and it is proceeded in accordance with the requirements of Articles 19 and following.

BOOK III

Extraordinary ways to attack judgments.

TITLE I

From the third opposition.

Article 217 — A party may file a third-party objection to a judgment which prejudices its rights, and when from which neither she nor those she represents have been called.

Article 218 — The third-party opposition brought by principal action will be brought before the court which rendered the contested judgment.

Any third-party incidental opposition to a dispute brought before a court shall be filed by application to that court, if it is equal to or higher than the court which rendered the judgment.

Article 219 — If it is not equal or higher, the third-party incidental opposition will be brought, by principal action, to the court which rendered the judgment.

Article 220 — The court before which the contested judgment has been produced may, depending on the circumstances, override or stay the judgment.

Article 221 — Judgments which have become final and binding, ordering the abandonment of possession of an inheritance, shall be executed against the condemned parties, notwithstanding third-party opposition, and without prejudice thereto.

In other cases, the judges may, depending on the circumstances, suspend the execution of the judgment.

Article 222 — The party whose third-party opposition is rejected will be sentenced to a fine which may not be less than 500 francs nor exceed 5,000 francs without prejudice to the party's damages, if applicable.

TITLE II

Of the civil request.

Article 223 — Contradictory judgments rendered as a last resort by justices of the peace with extended jurisdiction, courts of first instance and appeal, and judgments by default rendered as a last resort, and which are no longer subject to opposition, may be withdrawn, at the request of those who were parties or duly summoned, for the following reasons:
:

1° If there was personal fraud;

2° If the forms prescribed under penalty of nullity have been violated, either before or during the judgments, provided that the nullity has not been covered by the parties;

3° If it was pronounced on things not requested;

4° If more was awarded than was asked for;

5° If it has been omitted to rule on one of the heads of claim;

6° If there is a conflict of judgments in the last instance, between the same parties and on the same grounds, in the same courts or tribunals;

7° If, in the same judgment, there are contrary provisions;

8° If, in cases where the law requires communication to the public prosecutor, this communication has not taken place, and the judgment has been rendered against the person for whom it was ordered;

9° If the judgment was based on documents recognized or declared false since the judgment;

10° If, since the judgment, decisive documents have been recovered which had been retained by the party.

Article 224 — The State, the Territory, the municipalities, public establishments and minors are still entitled to appeal, if they have not been defended or if they have been validly defended.

Article 225 — If there has been an opening only against one head of the judgment, it alone will be retracted, unless the others are dependent on it.

Article 226 — The civil application shall be made by summons served with a summons to appear before the competent court within two months with respect to adults, from the date of service of the contested judgment in person or at home.

Article 227 — The two-month period will only run against minors from the day the judgment is served on them, whether in person or at their domicile, since they came of age.

Article 228 — When the applicant is absent from the territory for service reasons, he will have, in addition to the ordinary period of two months from the service of the judgment, a period of two months.

The same will apply to seafarers absent due to navigation.

Article 229 — Those who reside outside Cameroon will have, in addition to the period of two months from the notification of the judgment, the period of adjournments regulated by Article 15 above.

Article 230 — If the condemned party dies within the time limits set above for bringing an action, the remainder of the proceedings will only begin, against the estate, within the time limits and in the manner prescribed by the above article.

Article 231 — When the opening of civil proceedings is forgery, fraud or the discovery of new evidence, the time limits will only run from the day on which either the forgery or fraud has been recognized or the evidence discovered; provided that, in these last two cases, there is written proof of the day and not otherwise.

Article 232 — If there is a conflict of judgment, the time limit will run from the day of service of the last judgment.

Article 233 — The civil application shall be brought before the same court where the judgment was rendered; it may be decided there by the same judges.

Article 234 — If a party wishes to challenge by civil action a judgment produced in a case pending in a court other than that which rendered it, it shall appeal to the court which rendered the contested judgment; and the court seized of the case in which it is produced may, depending on the circumstances, overrule or stay the judgment.

Article 235 — If the application is filed incidentally before a court competent to hear it, it will be filed by simple conclusion, but if it is incidental to a dispute brought before a court other than that which rendered the judgment, it will be filed by summons before the judges who rendered the judgment.

Article 236 — The civil application of any party other than that which stipulates the interests of the State or the Territory shall not be received if, before this application has been presented, a sum of 3,000 francs has not been deposited in the registry as a fine and 5,000 francs for the damages of the party, without prejudice to further damages, if applicable; the deposit shall be half, if the judgment is by default or by foreclosure, and a quarter in the case of judgments given by the courts of first instance.

Article 237 — The clerk's receipt will be served at the head of the request, as well as a consultation with three lawyers practicing for at least five years before a court or tribunal of France or the French Union, including at least one before one of the courts of Cameroon.

The consultation will contain a statement that they are of the opinion of the civil petition, and it will also state the openings, otherwise the petition will not be received.

Article 238 — The civil application shall not prevent the execution of the contested judgment; no defenses may be granted; the person who has been ordered to abandon an inheritance shall not be allowed to plead on the civil application unless he provides proof of the execution of the judgment in the main proceedings.

Article 239 — Any civil application shall be communicated to the public prosecutor.

Article 240 — No means other than the civil application openings set out in the consultation will be discussed at the hearing or in writing.

Article 241 — The judgment dismissing the civil application shall order the applicant to pay the fine and damages set above, without prejudice to further damages, if applicable.

Article 242 — If the civil application is admitted, the judgment shall be withdrawn, and the parties shall be released in the same state in which they were before this judgment; the sums deposited will be returned, and the objects of the convictions which would have been collected under the revoked judgment will be returned.

When the civil application has been ratified for reasons of conflict of judgments, the judgment which ratifies the civil application will order that the first judgment be executed according to its form and content.

Article 243 — The substance of the dispute on which the retracted judgment was rendered will be brought to the same court that ruled on the civil application.

Article 244 — No party may appeal in a civil action, either against the judgment which dismissed it, or against the judgment rendered on the rescission, under penalty of nullity and damages, even against the defense lawyer who, having acted on the first application, would act on the second.

Article 245 — The contradiction of judgments rendered in final instance between the same parties and on the same means in different courts gives rise to cassation; and the instance is formed and judged in accordance with the laws which are specific to the Court of Cassation.

TITLE III

From the taking to task.

Article 246 — Judges may be taken to task in the following cases:

1° If there is fraud, deceit, bribery or serious professional misconduct which one would claim to have been committed, either during the investigation or during judgments;

2° If the taking into account is expressly pronounced by law;

3° If the law declares the judges responsible, under penalty of damages;

4° If there is a denial of justice.

The Territory is civilly liable for any damages awarded against the magistrates as a result of these acts, except for its recourse against the latter.

Article 247 — There is a denial of justice when judges refuse to respond to requests or neglect to judge cases in readiness and in turn to be judged.

Article 248 — The denial of justice will be established by two requisitions made to the judge in the person of clerks and served at least every eight days; any bailiff or enforcement agent required will be required to make these requisitions, under penalty of prohibition.

Article 249 — After the two requisitions, the judge may be taken to task.

Article 250 — The taking to task of justices of the peace with extended or ordinary jurisdiction against courts of first instance or against any of their members, and the taking to task of a advisor to the Court of Appeal or the criminal court, will be brought before the Court of Appeal of Cameroon.

Any action taken against the criminal court, the Court of Appeal or one of its chambers will be brought before the Court of Cassation.

Article 251 - However, no magistrate may be taken to task without prior authorization from the first president who will decide after having obtained the advice of the attorney general.

In the event of a refusal, which will be justified, the complaining party may refer the matter to the Court of Cassation in accordance with the provisions of Article 45 of the law of July 23, 1947.

Article 252 — A request from the party or its proxy holder will be submitted for this purpose. authentic and special, which power of attorney will be attached to the request; as well as the documents supporting documents, if any, under penalty of nullity.

Article 235 — No insulting term may be used against the judges, under penalty of a fine against the party as appropriate.

Article 254 — If the application is rejected, the applicant shall be ordered to pay damages to the parties, if applicable.

Article 255 — If the application is admitted, it will be served within three days on the judge in question, who will be required to provide his defenses within eight days.

He will refrain from knowing the dispute; he will even refrain, until the final judgment of the taking to court, from all the causes that the party, or his relatives in direct line or his spouse may have in his court, under penalty of nullity of the judgments.

Article 256 — The taking of part will be brought to the hearing upon simple request and will be judged by another room than the one that admitted it.

Article 257 — If the applicant is dismissed, he will be ordered to pay damages to the parties if necessary.

TITLE IV

Appeals in cassation.

Article 258 - (Art. 55 of the decree of 27 November 1947).- Judgments rendered in any matter by the Court of Appeal, except where it rules as a Court of Annulment - and final judgments of the Courts of First Instance and justices of the peace with extended jurisdiction - may be referred to the Court of Cassation in accordance with the provisions of metropolitan legislation.

[See O. 59-86 of 17-12-59 on the judicial organization (JOC, 59, p. 1801)]

BOOK IV

On the execution of judgments.

TITLE I

Deposits and receipt of guarantees.

Article 259 — The judgment ordering the provision of security shall set the time limit within which it shall be presented, and the time limit within which it shall be accepted or contested.

Article 260 — The security shall be presented by writ served on the party, with a copy of the deposit document which will be made at the registry and titles which establish the solvency of the surety, except in the case where the law does not require that the solvency be established by titles.

Article 261 — The party may take communication of the titles from the registry; if it accepts the surety, she will declare it by a single act; in this case, or if the party does not contest within the time limit, the surety will make its submission to the registry, which will be enforceable, without judgment.

Article 262 — If the party contests the deposit within the time limit set by the judgment, the hearing will continue by a simple act of the court.

The bail receipts will be judged urgently. The judgment will be executed notwithstanding the appeal.

Article 263 — If the surety is admitted, it will make its submission in accordance with Article 260 above.

TITLE II

On the liquidation of damages.

Article 264 — When the judgment or order has not fixed the damages, the declaration in will be served on the defendant or his agent; and documents will be communicated by means of the graft.

Article 265 — The defendant shall be required within the time limit set by Article 95 to deliver the said documents and, eight days after the expiry of the said deadlines, to make offers to the applicant of the sum that he will advise for damages; otherwise the case will be brought on simple submissions at the hearing, and it will be ordered to pay the amount of the declaration, if it is found to be correct and properly verified.

Article 266 — If the contested offers are deemed sufficient, the applicant will be ordered to pay the costs from the date of the offers.

TITLE III

From the liquidation of fruits.

Article 267 — Anyone who is ordered to return fruits will account for them in the following manner; and the same procedure will apply to other accounts rendered in court.

TITLE IV

Accountabilities.

Article 268 — Accountants appointed by the courts will be prosecuted before the judges who have clerks; guardians before the judges of the place where the guardianship was referred; all other accountants, before the judges of their domicile.

Article 269 — In the event of an appeal against a judgment which has dismissed a request for an accounting, the reversing judgment will refer, for the rendering and judgment of the account, to the court where the application was made, or any other court of first instance that the judgment indicates.

If the account has been rendered and judged in first instance, the execution of the reversal judgment will belong to the court which rendered it or to another court which it will have indicated by the same judgment.

Article 270 — Parties who have the same interest may appoint a single defense attorney; If there is no agreement on the choice, the oldest will occupy; nevertheless, each of the parties may constitute one, but the costs incurred by this particular constitution will be borne by him.

Article 271 — Any judgment ordering an account to be rendered shall set the time limit within which the account shall be rendered and shall appoint a judge.

Article 272 — If the preamble to the account, including the mention of the act or judgment which will have committed the rendering and of the judgment which will have ordered the account, exceeds six roles, the excess will not pass into tax.

Article 273 — The party making the request will only use travel expenses for common expenses, if applicable, the duties of the defense lawyer who will have put in order the account documents, the main documents and copies, the costs of presentation and affirmation.

Article 274 — The account will contain actual receipts and expenditures; it will end with a summary of the balance of said receipts and expenditures, unless a separate chapter is made for items to be recovered.

Article 275 — The payer shall present and affirm his account in person or by special agent, within the time limit set and on the day indicated by the examining magistrate, the persons present, or called to person or domicile, if they do not have defense lawyers and by act of the court if they have appointed them.

After the deadline, the person rendering the goods will be forced to do so by seizure and sale, up to a sum which the court will arbitrate.

Article 276 — The account presented and affirmed, if the income exceeds the expenditure, the lender may request the executive receiver of this excess, without approval of the account.

Article 277 — After the presentation and affirmation, the account will be served on the beneficiary or his defense attorney: the supporting documents will be listed and initialed by the beneficiary or by his defense attorney if he has one; if they are communicated on receipt, they will be restored within the time limit which will be set by the bankruptcy judge.

If the parties have appointed different defense lawyers, the copy and communication above will be given to the senior defense attorney only if they have the same interest, and to each defense lawyer, if they have different interests.

If there are intervening creditors, they will all have only one communication together, both of the account and of the supporting documents, through the hands of the most senior of the defense lawyers they have appointed.

Article 278 — Receipts from suppliers, workers, pension masters, and others of the same nature, produced as supporting documents for the account, are exempt from registration.

Article 279 — On the day and at the time indicated by the commissioner, the parties shall appear before him to provide debates, support and responses on its minutes; if the parties do not appear no, the case will be brought to the hearing on a simple act.

Article 280 — If the parties do not agree, the commissioner shall order that he shall do so report to the hearing, on the day he indicates; they will be required to be there, without any summons.

Article 281 — The judgment which will be issued on the account proceedings will contain the calculation of the income and expenditure, and will fix the precise balance, if there is one.

Article 282 — No account shall be revised, except where the parties, if there are errors, omissions, forgeries or duplications, may submit their requests before the same judges.

Article 283 — If the beneficiary is in default, the commissioner will make his report on the day indicated by him: items will be allocated, if they are justified; the returnee, if he is in balance, will keep the funds, without interest, and if it is not a guardianship account, the accountant will give security, if he does not prefer to deposit.

TITLE V

Liquidation of costs and expenses.

Article 284 — The liquidation of costs and expenses will be made by the judgment which awards them.

TITLE VI

General rules on the execution of judgments and acts.

Article 285 — No judgment or act may be enforced unless it bears the same title that the laws and are not terminated by the same mandate to the officers of justice, as is said in Article 61.

Article 286 — Judgments rendered by foreign courts and documents received by officers shall not will be enforceable in Cameroon only if they have been declared enforceable there by the French court of the territory, without prejudice to any contrary provisions which may exist in the diplomatic conventions or guardianship agreements.

Article 287 — Judgments rendered and acts passed in Cameroon, France, Algeria, Morocco, Tunisia, overseas departments and territories under the Ministry of France overseas will be enforceable throughout the territory, even if the enforcement takes place outside the jurisdiction of the court by which the judgments were rendered or of the country in which the acts were past.

Judgments rendered and acts passed in the associated States will be enforceable under the conditions set out in the conventions entered into with these States.

Article 288 — Judgments which pronounce a release, a cancellation of mortgage registration, a payment or something else to be done by a third party or at their expense, will not be enforceable by third parties or against them, even after the time limits for opposition or appeal, except on the certificate of the defense attorney, the prosecuting party or that party itself, containing the date of service of the judgment made at the domicile of the condemned party, and on the certificate of clerk noting that there is no objection against the

judgment neither opposition nor appeal.

Article 289 — Upon certification that there is no opposition or appeal, the conservatories, and all others, shall be required to satisfy the judgment.

Article 290 — Subject to the special provisions relating to registered real estate, no seizure of movable or immovable property shall be made except by virtue of an enforceable title, and for liquid and certain things; if the debt due is not a sum of money, it will be suspended, after the seizure, to all subsequent proceedings, until the assessment has been made.

Article 291 — Disputes raised regarding the enforcement of judgments of commercial courts shall be brought before the court of first instance of the place where enforcement will continue.

Article 292 — If the difficulties encountered in the execution of judgments or acts require speed, the local court will rule provisionally and refer the matter to the enforcement court.

Article 293 — The bailiff or enforcement officer insulted in the exercise of his functions will draw up a report of rebellion; and the procedure will be followed in accordance with the rules established by the Code of Criminal Procedure.

Article 294 — The delivery of the document or judgment to the bailiff or enforcement officer shall be deemed to be power for all executions other than the seizure of real estate for which special power will be required.

TITLE VII

Attachments or oppositions.

Article 295 — With the permission of the judge of the domicile of the debtor or the third party seized, any creditor may, by virtue of an enforceable or private title, or even without a title, seize and arrest in the hands of a third party the sums and effects belonging to his debtor, or oppose their delivery.

Article 296 — When there is a title, the order shall contain a statement thereof and mention of the amount for which garnishment is authorized. If the debt is not liquid, the provisional assessment will be made by the judge.

The request will contain an election of domicile in the place where the third party seized resides if the seizing party does not reside there.

Article 297 — If the attachment is authorized under an enforceable title, the judge's order is prohibiting the third party seized from paying the debtor and the latter from recovering his debt or disposing of it. The third party seized is further required by the order to make the declaration provided for in Article 310 below.

The order is served on the third party and the garnishee within eight days. The third party may make his declaration to the bailiff or enforcement officer, immediately, or by registered letter with acknowledgment of receipt addressed to the seizing party within two weeks of notification to him.

Within the same period, the person seized may request the lifting of the garnishment from the court of his domicile and notify the garnishee of his opposition. If the garnishee's declaration is contested by the garnishee, the latter may refer the matter to the court of the debtor's domicile, except for the third party seized, to invoke the provisions of Article 309 below.

Article 298 — The transfer of the debt to the benefit of the seizing creditor, up to the amount of the debt of the seized creditor to him, takes place at the end of the opposition period open to the seized creditor. The third party seized is then released validly in the hands of the seizing party of the amount of the causes of the seizure as stated in the order, if the person seized has not notified him of any opposition. The expiry of the period for opposition open to the seized results from a certificate from the clerk endorsed by the judge.

Article 299 — If the seized person has summoned for release, the transfer of debt takes place when the judgment validating the seizure and refusing the release was notified to the third party seized and is no longer subject to appeal, unless provisional enforcement has been ordered. When there are several garnishments, the distribution of the prize as indicated below in articles 415 et seq. (Distribution by contribution).

Article 300 — When there is no enforceable title, the order is limited to authorizing the seizure. In the eight days of the seizure, not including the time limits for distance, the seizing party is required, under penalty of nullity, to report the seizure to the seized debtor and summon him for validity before the court of his domicile. summons the third party seized for the same hearing for the declaration provided for in Article 310 except when this, already made within the time limit and as stated in article 297 above, is not contested.

The seized debtor may summon the seizing party before the same court to have the seizure lifted.

Article 301 — The court decides on the validity, nullity or release of the seizure as well as on the declaration that the third party seized is required to make at the hearing if he has not made it beforehand to the bailiff or the enforcement agent during the seizure or by registered letter with acknowledgment of receipt addressed to the seizing party.

Article 302 — The third party seized who has not made his declaration by any of the three means open to him or who has made a false statement may be declared the pure and simple debtor of the causes of the seizure.

Article 303 — The transfer of debt to the benefit of the seizing party takes place under the conditions provided for in Article 299.

Article 304 — The seizure-arrest formed in the hands of receivers, depositaries or administrators of funds or public funds, in this capacity, will not be valid, if the writ is not made to anyone appointed to receive it, and if it is not endorsed by her on the original or, in the event of refusal, by the Public Prosecutor of the Republic.

Article 305 — The seizure in the hands of persons not residing in Cameroon may not be made at the domicile of the public prosecutors; it must be served personally or on residence.

Article 306 — The bailiff or enforcement officer who has served the garnishment order shall be liable, if applicable: required, to provide proof of the execution of the seizing authority at the time when the power to seize was given, failing which the parties will be prohibited and liable for damages.

Article 307 — In any event and whatever the state of the case, the seized party may apply for interim relief in order to obtain authorization to collect from the garnishee, notwithstanding opposition, condition of paying into the Caisse des dépôts et consignations, or into the hands of a third party appointed to this effect, sufficient sum arbitrated by the interim relief judge, to respond to any causes of garnishment in the event that the person seized recognizes or is judged to be a debtor.

The deposit thus ordered will be specially allocated to the hands of the third party holder to guarantee the claims for security for which seizure has been carried out and exclusive privilege over any other will be granted to them on said deposit.

From the execution of the interim order, the third party seized will be discharged and the effects of the seizure transferred to the third party holder.

Article 308 — The public officials referred to in Article 304 will not make a declaration, but will issue a certificate stating whether it is due to the seized party and stating the amount, if it is liquid.

Article 309 — The third party seized, summoned to make a declaration before the court of the domicile of the seized person, may, if his declaration is contested, request that it be referred to his judge.

Article 310 — The declaration shall state the causes and the amount of the debt; the payments on account, if any have been made; the act or causes of release, if the seized third party is no longer a debtor; and in all cases the seizures or oppositions formed in his hands.

Supporting documents for the declaration will be attached to it.

Article 311 — New seizures made in the hands of the third party seized shall be immediately brought to the knowledge of the first seizing party by registered letter with acknowledgment of receipt in mentioning the names and addresses of the seizing parties and the reasons for seizure.

Article 312 — If the declaration is not contested, no proceedings will be taken, either by the third party seized or against him.

Article 313 — If the attachment is made on personal effects, the third party seized shall be required to attach to his declaration a detailed statement of said effects.

Article 314 — Salaries and pensions owed by the State may only be seized for the following portion:

- 10% on the portion between 10,000 francs of local currency, per month;
- 20% on the portion between 10,000 and 50,000 francs of local currency, per month;
- 50% on the portion between 50,000 and 80,000 francs of local currency, per month;
- 100% on the portion above 80,000 francs in local currency per month.

Article 315 — The following shall be exempt from seizure:

- 1° Things declared unseizable by law;
- 2° Food provisions awarded by court order;
- 3° The sums and available objects declared unseizable by the testator or donor;
- 4° Amounts and pensions for maintenance even if the will or deed of gift does not declare them unseizable.

Article 316 — Alimony may only be seized for maintenance: the objects mentioned in numbers 3 and 4 of the preceding article may be seized by creditors subsequent to the deed of donation or the opening of a legacy; and this, by virtue of the permission of the judge and for the portion that he will determine.

TITLE VIII

On precautionary seizure.

Article 317 — In commercial matters, in cases requiring speed, the President of the Court or the Justice of the Peace with extended jurisdiction may allow the seizure of personal effects. He may depending on the requirements of the cases, subject applicants to providing security or providing proof of solvency sufficient. Its orders will be enforceable notwithstanding opposition or appeal.

TITLE IX

Seizures.

Article 318 — Any seizure for execution shall be preceded by an order to the person or domicile of the debtor, made at least one day before the seizure, and containing notification of the title, if it has not already been notified.

However, when there is a risk that the person seized will take advantage of the said period to conceal his most valuable furniture, valuable, the creditor can have the seizure carried out without prior order, but with the permission of the Judge, which will be justified and subject to referral.

Article 319 — The order will contain an election of domicile until the end of the prosecution, in the locality where the court of the place of seizure sits, if the creditor does not reside there, and the debtor may make all notifications to this elected domicile, even of real offers or appeals.

Article 320 — (D. of 13 January 1923).- The bailiff or enforcement officer may be assisted by one or two adult witnesses, who are not relatives or allies of the parties or of the bailiff or enforcement officer, up to and including the second cousin, nor their servants.

In this case, he will state their names, professions and addresses in the report; the witnesses will sign the original copy. The prosecuting party may not be present at the seizure.

Article 321 — The formalities of the writs will be observed in the reports of seizure and execution; they will contain an iterative command if the seizure is made at the seized party's residence.

Article 322 — If the doors are closed, and if opening is refused, the bailiff or agent The enforcement officer may establish a guard at the gates to prevent the entertainment; he will withdraw immediately without summons, before the Judge or, failing that, before the judicial police officer in presence of which the opening of doors, even those of closing furniture, will be made, as and when extent of the seizure. The officer who goes there will not draw up a report; but he will sign that of the bailiff or enforcement officer, who may only draw up one and the same minutes.

Article 323 — The report shall contain the detailed description of the seized objects: if there are goods, they shall be weighed, measured or gauged, depending on their nature.

Article 324 — Silverware shall be specified by pieces and hallmarks, and it shall be weighed.

Article 325 — If there are cash funds, the number and quality of the funds will be mentioned. cash: the bailiff or enforcement officer will deposit them at the place established for deposits; unless that the seizing party and the seized party, together with the opponents, if any, agree on another depositary.

Article 326 — If the person seized is absent and there is a refusal to open any room or piece of furniture, the bailiff or enforcement officer will request that it be opened, and if any papers are found, he will request that the officer called for the opening affix seals.

Article 327 — The following may not be seized:

1° Objects that the law declares to be immovable by destination;

2° The necessary sleeping arrangements for the seized persons, those of their children living with them; the clothes of which the seized are clothed and covered; the effects belonging to the woman when she is not a joint owner;

3° Books relating to the profession of the person seized, up to the sum of 20,000 francs;

4° Machines and instruments used for the practical teaching or exercise of sciences and arts, up to the same amount and at the discretion of the seized person;

5° Military equipment, according to order and rank;

6° The tools of craftsmen necessary for their personal occupations;

7° Flour and small foodstuffs necessary for the consumption of the person seized and the family for one month, as well as utensils essential for the preparation of food and meals;

8° Finally, one cow, or three sheep, or two goats, at the discretion of the person seized, with the straw, fodder and grain necessary for the bedding and food of the said animals for one month.

Article 328 — The said objects may not be seized for any debt, even that of the State or the Territory, except for maintenance provided to the seized party, or sums due to the manufacturers or sellers of the said objects, or to the person who has been lent to buy, manufacture or repair them, for rents and harvests of the lands in the cultivation of which they are employed, rents of factories, mills, presses and factories on which they depend and rents of the premises used for the personal residence of the debtor.

The objects specified under No. 2 of the previous article may not be seized for any debt.

Article 329 — In the event of seizure of animals and utensils used in the exploitation of land, the Judge may, at the request of the seizing party, the owner and the seized party having been heard or summoned, appoint a manager for the exploitation.

Article 330 — The minutes shall contain an indication of the day of the sale.

Article 331 — If the seized party offers a solvent guardian who voluntarily and immediately takes charge, it will be established with the bailiff or the enforcement agent.

Article 332 — If the seized person does not present a solvent guardian of the required quality, one will be established by the bailiff or the enforcement agent.

Article 333 — The following may not be appointed guardians: the seizing party, his spouse, his parents and relatives up to and including the degree of first cousin, and his servants; but the seized party, his spouse, parents, relatives in-law and domestic servants may be established as guardians with their consent and that of the seizing party.

Article 334 — The report will be made without moving; it will be signed by the guardian in the original and the copy; if he cannot sign, this will be mentioned, and he will be left with a copy of the report.

Article 335 — Those who, by means of acts of violence, prevent the establishment of the guardian, or who remove and divert seized effects, will be prosecuted in accordance with the code of procedure criminal.

Article 336 — If the seizure is made at the party's home, a copy of the report will be left with him immediately, signed by the persons who signed the original. If the party is absent, a copy will be given to the mayor or deputy mayor, or to the magistrate, who, in the event of refusal of doors, will have had the doors opened, and who will endorse the original.

Article 337 — If the seizure is made outside the home and in the absence of the person seized, a copy shall be notified to him within the time limits provided for in Articles 14 and 15 of this Code.

Otherwise, the custody fees and the time limits for the sale will only run from the day of notification.

Article 338 — The keeper may not use the seized things, rent them or lend them, under penalty of deprivation custody costs and damages.

Article 339 — If the seized objects have produced any profits or income, he is required to count them.

Article 340 — He may request his discharge, if the sale has not been made on the day indicated by the minutes, without it having been prevented by any obstacle; and, in the event of prevention, the discharge may be requested two months after the seizure, except for the seizing party to appoint another guardian.

Article 341 — Discharge will be requested against the seizing party and the seized party, by a summons in referred to the Judge of the place of seizure, if it is granted, the following will first be carried out: inventory of seized effects, parties called.

Article 342 — It will be ignored, notwithstanding any claims on the part of the seized party on which a summary judgment will be given.

Article 343 — Anyone who claims to be the owner of the seized objects, or part of them, may oppose the sale by writ served on the keeper, and notified to the seizing party and the seized party, containing worded assignment and the statement of proof of ownership, under penalty of nullity: it will be decided by the court of the place of seizure.

The claimant who loses will be ordered, if necessary, to pay damages to the seizing party.

Article 344 — The creditors of the seized person, for whatever reason, even for rent, may not form an opposition only on the sale price: their oppositions will contain the reasons; they will be served on the seizing party and the bailiff or enforcement officer or other officer responsible for the sale, with election of domicile in the place where the seizure is made, if the opponent is not domiciled there: all under penalty of nullity of the oppositions and damages against the bailiff or the enforcement agent, if applicable.

Article 345 — The opposing creditor may not take any action, except against the party seizure and to obtain conviction: none will be made against him, except to discuss the causes of his opposition during the distribution of money.

Article 346 — The bailiff or enforcement officer who, appearing to seize, finds a seizure already made and an established guardian, will not be able to seize again; but he will be able to proceed to the inventory of furniture and effects on the report, which the guardian will be required to present to him, he will seize the omitted effects, and will summon the first seizing party to sell everything within eight days; the inventory report will be valid as an opposition to the sale funds.

Article 347 — Failure by the seizing party to have the sale made within the time limit set below, any opponent having enforceable title may, prior notice given to the seizing authority and without making any request in subrogation, carry out an inventory of the seized objects, on the copy of the seizure report that the keeper will be required to present, and then the sale.

Article 348 — There shall be at least eight days between the notification of the seizure to the debtor and the sale.

Article 349 — If the sale takes place on a day other than that indicated by the notification, the seized party will be called, with an interval of one day, in addition to one day for three myriameters, due to the distance from the domicile of the seized person and the place where the effects will be sold.

Article 350 — Opponents will not be called.

Article 351 — The inventory report which precedes the sale will not contain any statement of the seized assets but only of those in deficit, if there are any.

Article 352 — The sale will be made, either at the next public market, on the ordinary day and time markets, or on a Sunday, or at the auction room if there is one. However, it may President of the Court to allow the effects to be sold on another day or other more advantageous place. In any case, it will be announced one day before by at least four placards, displayed, one at the place where the effects are, the other at that of the subdivision, the third at the market of the place, and if there are none at the neighboring market, the

fourth at the door of the courtroom and, if the sale takes place in a place other than the market or the place where the effects are, a fifth placard will be affixed at the place where the sale will take place. The sale will also be announced by newspapers, in the towns where there are any.

Article 353 — The placards will indicate the place, day and time of the sale, and the nature of the objects, without particular details.

Article 354 — The affixing will be recorded by writ, to which a copy of the placard will be attached.

Article 355 — If it concerns barges, launches, and other sea-going vessels of the port of 10 tons and below, ferries, galleys, boats and other river buildings, mills and other buildings mobile, seated on boats or otherwise, they will be auctioned at ports, stations or platforms where they are located: at least four placards will be displayed, in accordance with the previous article, and three publications will be made, on three consecutive days, at the place where the said objects are located: the first publication will not be made until at least eight days after notification of the seizure. In cities where newspapers are printed, these three publications will be supplemented by the insertion in the newspaper of the announcement of the said sale, which announcement will be repeated three times during the month preceding the sale.

Article 356 — Silver tableware, rings and jewels with a value of at least 50,000 francs, shall not may only be sold after placards have been affixed in the above form, and three exhibitions, either at market, or in the place where the said effects are, without, however, in any case the said objects may be sold below their real money value, nor below the estimate which will have was made by people of art, if it concerns rings and jewels.

In the cities where newspapers are printed, the three publications will be supplemented, as stated in the preceding article.

Article 357 — When the value of the seized effects exceeds the amount of the causes of seizure and the oppositions, only sufficient items will be sold to provide the necessary sum for the payment of claims and costs.

Article 358 — The report will note the presence or failure to appear of the seized party.

Article 359 — The auction will be made to the highest bidder, paying cash. In the absence of payment, the instrument will be resold immediately at the winning bidder's wild bid.

Article 360 — Auctioneers, bailiffs and enforcement agents will be personally responsible for the price of the auctions and will mention, in their minutes, the names and homes of the successful bidders: they may not receive from them any sum above the bid, bribery penalty.

TITLE X

From the seizure of hanging fruits by the root or from the seizure of the brand.

Article 361 — The seizure-brand may only be made within the six weeks preceding the ordinary time of the ripening of the fruits; it will be preceded by a commandment with a day 'interval.

Article 362 — The seizure report shall contain an indication of each piece, its contents and location and at least two of its ins and outs, and the nature of the fruits.

Article 363 — A guardian taken outside the persons included in the exclusion provided for in Article 333 will be established; if he is not present, the seizure will be notified to him; a copy will also be left with the mayor of the municipality or failing that with the head of the administrative unit of the situation and the original will be countersigned by the

If the property is located in several administrative units (municipalities, subdivisions and regions), a single guardian will be established. The visa will be issued by one of the heads of the said administrative units.

Article 364 — The sale will be announced by notices posted, at least eight days before the sale, at the door of the person seized, at that of the town hall, and, if there is none, at the place where the deeds of sale are affixed. the public authority; at the main market of the place, and, if there is none, at the nearest market and at the door of the courtroom.

Article 365 — The notices will designate the day, time and place of sale, the names and residences of the seized person and of the seizing party, the quantity of hectares and the nature of each species of fruit, the municipality or subdivision where they are located, without further designation.

Article 366 — The affixing of the placards will be noted as stated under the heading "seizures and executions".

Article 367 — The sale will be made on a Sunday or market day.

Article 368 — It may be carried out on the premises or in the square of the municipality or subdivision where the majority of the seized objects are located.

The sale may also be made at the local market, and if there is none, at the nearest market.

Article 369 — In addition, the formalities prescribed under "seizures and executions" will be observed.

Article 370 — The sale price will be distributed as described under the heading "distribution by contribution".

TITLE XI

On the seizure of annuities established on individuals.

Article 371 — The seizure of an annuity constituted as perpetual or life annuity, for a fixed capital sum, or for the price of the sale of a building, or of the transfer of real estate funds, or at any other onerous or free title, cannot take place when this annuity is seizable except by virtue of a title enforceable.

Article 372 — Although there is an enforceable title, the rent will be seized in the hands of the person who owes it following the rules prescribed under the heading "garnishments or oppositions", for cases where there is no enforceable title under Articles 310 et seq. of this Code.

The seizure writ always constitutes seizure of the arrears due and to fall due of the annuity until final judgment.

Article 373 — The debtor shall, in all cases, be summoned to appear in person or at his or her domicile and required to intervene in the proceedings. Where the declaration is neither late nor contested, the costs of the debtor's intervention shall be borne by the parties ordered to pay costs.

Article 374 — The value of the claim will be assessed in the form of an annuity based on the value of the annuity franc established by the National Life Insurance Fund for victims of work accidents, according to the rate in force at the time of the summons.

The creditor will be substituted for his debtor creditor for an annuity corresponding to the sums owed to him, within the limit of the annuity owed per debtor.

Article 375 — The creditor may, however, refuse this substitution and request the court, at its risks and perils, the sale by public auction of the annuity. In this case, on the conclusions of the parties, the court will determine the conditions under which the sale will take place.

Article 376 — Whatever the price obtained, the seizing party's claim will be extinguished to the extent that it would have been, if he had agreed to be substituted for his creditor debtor, under the conditions provided for in article 374.

However, the court may set a price below which bids will not be accepted. If it does not
If a higher price is not presented, the case will be brought before the court at the diligence of the seizing party who will conclude with the subdivision provided for in said article 374.

TITLE XII

Rights of owners over the furniture, effects and fruits of their tenants and farmers or of the attachment and seizure of foreign debtors.

Article 377 — Owners and principal tenants of houses or rural properties, whether there are lease, or there is none, may, one day after order, and without permission of the judge, make seizure, for rents and leases due, the effects and fruits being in the said houses or rural buildings and on land.

They can even have the property seized immediately, by virtue of the permission they have obtained on request from the president of the court of first instance or the justice of the peace with extended jurisdiction.

They may also seize the furniture which furnished the house or the farm, when it has been moved without their consent; and they retain their privilege over them, provided that they have claimed it, in accordance with article 2102 of the Civil Code.

Article 378 — The effects of sub-tenants and sub-farmers furnishing the premises by them may occupied, and the fruits of the lands which they sublet, be seized for the rents and leases due by the tenant or farmer from whom they hold; but they will obtain a release by proving that they have paid without fraud and without being able to oppose payments made in advance.

Article 379 — The seizure shall be made in the same form as the execution; the person seized may be appointed guardian; and if there are fruits, it shall be made in the form established by the title of the preceding book.

Article 380 — Any creditor, even without title, may, without prior order, but with permission of the president of the first instance or the justice of the peace with extended jurisdiction, seize the effects found in the municipality in which he lives, belonging to his temporary debtor.

Article 381 — The seizing party shall be the guardian of the effects, if they are in his hands; otherwise, a guardian shall be appointed.

Article 382 — No sale may be made on the seizures set out in this title until they have been declared valid.

Article 383 — The rules prescribed for seizure, sale and distribution of funds shall also be observed.

TITLE XIII

Of the seizure-claim.

Article 384 — No seizure-claim may be made except by order of the president of the court of first instance or of the justice of the peace with extended jurisdiction rendered on request, and this, under penalty of damages, both against the party and against the bailiff or enforcement agent who carried out the seizure.

Article 385 — Any request for seizure and reclamation shall summarily designate the effects.

Article 386 — The judge may allow seizure-claim, even on legal holidays.

Article 387 — If the person with whom the effects that one wishes to claim are located refuses the doors or opposes the seizure, the matter will be referred to the judge; and however, the seizure will be suspended, except for the applicant to establish a garrison at the gates.

Article 388 — The seizure-claim will be made in the same form as the seizure-execution, except that the person at whose premises it is made may be appointed guardian.

Article 389 — The application for the validity of the seizure shall be brought before the court of the domicile of the person on whom it is made; and, if it is connected with proceedings already pending, it shall be brought before the court seized of those proceedings.

TITLE XIV

On real estate seizure and its incidents.

Article 390 — (Art. 189 of the decree of July 21, 1932).- Registration prior to the award is mandatory requirement, namely: in matters of seizure by the pursuing creditor, in matters of auction by one of the joint bidders, for the property of minors by the guardians or subrogated guardians with the authorization of the family council.

Article 391 — (Art. 190 of the decree of July 21, 1932).- The court shall ex officio make the sale subject to prior registration, otherwise it will be null and void.

Article 392 — (Art. 193 of the decree of July 21, 1932).- The registration procedure will continue in accordance with the provisions of this decree. After the expiry of the time limit for filing objections, the plaintiff shall file his specifications with the registry and the real estate seizure procedure shall continue until the award exclusively in accordance with the forms prescribed in this decree.

Article 393 — (Art. 194 of the decree of July 21, 1932).- The award may only take place after a final decision on registration. In the event that the decision modifies the consistency or situation legal aspects of the building, as defined by the specifications, the plaintiff will be required to publish a corrective statement to arrive at the award.

Article 394 — (Art. 52 of the decree of July 21, 1932).- The creditor secured by a certificate issued by the land registrar under the conditions provided for in Article 130 of the decree of July 21, 1932, or an enforceable title may, in the absence of payment on the due date, continue the sale by forced expropriation of the building or registered buildings of its debtor. This Prosecution may only be exercised for creditors holding a registration certificate on the affected buildings.

Article 395 — (Art. 53 of the decree of July 21, 1932).- In the event of allocation of several buildings to a debt, execution may not be pursued simultaneously on each of them except after authorization issued in the form of an order upon request by the president of the court or the justice of the peace to extended jurisdiction. The said order must designate the building(s) which must be the subject of the prosecution. This order must be obtained before the filing of the specifications. It will be similarly when a seizure order, served under an unregistered enforceable title, does not not carrying any assignment, will have been registered on several buildings.

Article 396 — (decree of February 14, 1972).-

The creditor who intends to proceed with the forced sale of a property must have a summons served on the debtor in person or at home;

This commandment includes:

1° the full reproduction of the enforceable title and the registration certificate under which the order is drawn up;

2° the election of domicile if necessary for the creditor in the place where the Court of First Instance in whose jurisdiction the building is located;

3° the payment period of 20 days including that of notification, at the end of which the sale of the property will be continued;

4° the location of the property for which the sale is requested.

Failure to comply with any of the formalities provided for in this article shall render the order absolutely null and void.

Article 397 — (Art. 55 of the decree of July 21, 1932).- The original of the order will be endorsed under penalty of absolute nullity, within a maximum period of twenty days from the date of its notification and including this day, by the registrar of the situation of the building and summarily registered on the title of property, without any mention of the amount. Visa and mention will be affixed at the request of the pursuing the aim of warning third parties of the existence of the command and putting them in guard against any transaction concerning

the building and may infringe the rights of the plaintiff. A copy of the order will be filed with this effect to the conservation. If there has been a previous command registered, the curator will register nevertheless summarily this new commandment, but in aiming at it, he will mention the date of this first registration as well as the names of the pursuer and the person being pursued. The proceedings will be joined, if necessary, at the request of the most diligent party or, ex officio, by the court or justice of Peace with extended competence.

Article 398 — (Art. 56 of the decree of July 21, 1932).- In the event of payment within the twenty-day period set out in Article 396, the registration of the order will be cancelled by the registrar upon a show of hands given by the pursuing creditor in authentic form or under private seal. In the case of hand raised under private seal, the signature of the creditor will be legalized by the authority of the place of his domicile. The debtor and any other interested person may also, in this case, cause the cancellation of the registration of the order, but by providing proof of payment made by a duly discharged title, to the president of the court or the justice of the peace with extended jurisdiction of the location of the property.

The Magistrate will be notified by a reasoned request which will necessarily include an election of domicile in the place where the court sits and to which all supporting documents will be attached; upon this request, he will issue an order ordering the removal or rejecting the request for removal. This order must be issued within three days following the day on which the request is submitted to the registry. The date of this delivery will be noted by the clerk by a note placed at the bottom of the request. As soon as it is rendered,

the order will be notified by extract, by the clerk to the applicant, at the address given. The order issued is in all cases final and immediately enforceable.

Article 399 — (Art. 57 of the decree of July 21, 1932).- In the event of non-payment within the time limit set at Article 396 the registered order will be considered as seizure. The property and its income will be immobilized under the conditions provided for in Articles 682 and 685 of the Metropolitan Code of Civil Procedure. The debtor may not alienate the property or encumber it with any real right or charge until the end of the instance. The registrar will refuse to make any new registration required for this purpose. Registration of the final auction report

will result in the cancellation of the command. Any acts registered after the date on which the command was registered on the land title, in accordance with Article 397 above, will be automatically null and void with respect to third parties.

Article 400 - (Art. 58 of the decree of July 21, 1932).- Within a maximum period of thirty days, from the expiry of the period set in Article 396, the filing of the specifications shall take place, under penalty of absolute nullity of the proceedings, with the registry of the court or the Justice of the Peace with extended jurisdiction in the jurisdiction of which the property seized of the specifications is located, with a view to the sale, the date of which shall be set in the deed of filing, observing the deadlines set out above. If the thirtieth day is a public holiday or a Sunday, the filing of the specifications shall take place on the first non-public holiday following the thirtieth.

Article 401 - (Art. 59 of the decree of July 21, 1932).- Under penalty of absolute nullity of the proceedings, the filing with the registry of the specifications will be followed, at least thirty days before the day fixed for the sale, the day of affixing not being included, by the affixing of the placards in the following places:

1° A cupboard in the courtroom where the sale is to be carried out;

2° A cupboard at the door of the court, on the outside;

3° A cupboard at the door of the office of the constituency and the subdivision where these goods are located;

4° A cupboard in the land registry office;

5° A placard on the building, if it is a constructed building;

6° A cupboard at the seized person's home;

7° Four placards in the streets or squares of the location of the building and, if the building is outside a built-up area, in the streets or squares of the nearest built-up area.

Article 402 - (Art. 60 of the decree of July 21, 1932).- The placards will contain a very brief statement of the title under which the sale is being pursued, the names and addresses of the plaintiff and the person seized, the date of the order and its visa, the designation of the property (including the name and number of the title, its designation, district, subdivision, town or village, street, district), its approximate surface area, its consistency, the date and place of filing of the specifications, the asking price, the day, time and place of the sale.

The cost of the cupboards will be set by an order of the High Commissioner of the Republic, taken at the board of directors.

Article 403 — (Art. 61 of the decree of July 21, 1932).- The report of the affixing of the placards will be notified, under penalty of absolute nullity of the proceedings, to the debtor and to the registered creditors, if any, at the domicile chosen by them in the registration. In the same act, they will be summoned to take note of the specifications and to attend the sale. Under penalty of absolute nullity of the proceedings, this designation must be notified at least thirty days before the day fixed for the sale. The day of notification is not

not included in this deadline.

Article 404 - (Art. 62 of the decree of July 21, 1932).- The sale may not, under penalty of absolute nullity of the proceedings, be fixed beyond a maximum period of ninety days from the day of filing of the specifications and not including this day. If the ninetieth day falls on a Sunday or a public holiday, the sale may be fixed for the ninety-first day.

Article 405 - (Art. 63 of the decree of July 21, 1932).- The auction takes place in the presence of the debtor or duly summoned. It takes place before the court or justice of the peace with extended jurisdiction over the location of the assets or the location of the greater part of the assets.

Article 406 — Within eight days at the latest, after the filing of the specifications, summons is made:

1° To the person seized, in person or at home;

2° To registered creditors, to take note of the specifications and to have their statements and observations included within five days before the day set for the sale, as stated in Article 407.

(Art. 64 of the decree of July 21, 1932).- The order, the specifications, a copy of the placards affixed, the minutes of affixing the placards, the summons to read the specifications and to attend the sale are attached to the minutes

of adjudication and its annexes will be filed with the land conservation office at the end registration. This formality will purge all privileges and mortgages and creditors will no longer have action than on the price. The curator must, at the time of registration of the auction, take ex officio, for the benefit of all beneficiaries, generally any, a mortgage as security for payment of the auction price if it is not justified or of the payment of this price, or of its deposit regular or even compensation or confusion. If the duplicate of the title deed is not filed by the bearer, a new duplicate may be issued to the successful bidder upon receipt of a judgment, rendered on application, ordering it. The old duplicate will, in this case, be subject to legal forfeiture. A summary notice informing the public of this forfeiture will be published in the Official Journal by the registrar and entered on the title.

Article 407 — (Art. 65 of the decree of July 21, 1932).- Statements and observations of any nature and all purposes, oppositions, requests for nullity of proceedings, based, both on means of form as well as on substantive means, must be recorded in the specifications five days before less before the day fixed for the sale, the day of the consignment being included in this period. They will contain election of domicile in the place where the court or justice of the peace with jurisdiction sits extent before which the sale must take place. The court is seized by a reasoned request clearly specifying, under penalty of rejection, the grounds invoked. This request must be filed with the registry at least three days before the date set for the sale, the day of filing with the registry being included in this period. It is immediately transmitted by the Clerk to the President of the court. The clerk must also immediately notify a copy, via the public prosecutor's office, to the elected prosecutor at home. The court, after having heard, at the very hearing at which the sale is to take place, the applicant, if unless he is present himself or by proxy, in his purely oral observations which can only target the means specified in the request and under the same conditions, the pursuer, and after having collected the conclusions of the public prosecutor, decides at this same hearing. If the proceedings are cancelled, the order must be lifted in this decision. If the irregularity of a formality is noted without this irregularity leading to the cancellation of the proceedings, the decision must indicate, if at least it orders new procedural acts, the date on which the sale will take place, a date which may not exceed fifteen days. The decision will specify the conditions under which the pursuer must again complete the declared formalities irregular. No statements or observations may then be presented.

Article 408 — (Art. 66 of the decree of July 21, 1932).- The decisions rendered in this matter by the court are, in all cases, rendered as a final decision.

Article 409 — (Art. 67 of the decree of July 21, 1932).- However, at any time prosecutions and even after service of the order, but outside the extreme period of five days fixed at Article 407, the nullity of the order may be invoked. It will be requested from the Court of First Instance or to the Justice of the Peace with extended jurisdiction of the location of the property, by request reasoned in which the applicant will compulsorily elect domicile in the place of jurisdiction. This request will clearly specify, under penalty of rejection, the grounds invoked. It will be filed with the registry and immediately transmitted by the clerk to the President of the court. The latter will set, at the bottom of the request, the hearing to which the case will be called; this hearing must have place within a maximum period of eight days, from the day the application is filed with the registry. This The hearing date will be notified with a copy of the request at least three days before the scheduled date by the clerk, through the prosecution, to the prosecutor and the applicant, at their address for service. The court, on the day fixed for the hearings, and without any adjournment being granted, will hear the

applicant, if at least he is present or represented, in his purely oral observations which may only refer to the grounds set out in the application and, under the same conditions, the prosecutor, and will collect the conditions of the public prosecutor. The Court will rule within a maximum period of twenty days, from the day of the hearing to which the case was called.

During the course of the proceedings and from the day the petitioner receives it, the formalities relating to seizure and sale will be suspended, except for the formality of the visa in article 397 which must always take place. If the order is cancelled, it will be lifted. If the continuation of proceedings is ordered, the decision will specify the procedure which must be followed in these cases. purposes, taking into account the requirements and deadlines set out in Articles 397 et seq. The decision The decision rendered in this matter by the court will, in all cases, be final.

Article 410 - (Art. 68 of the decree of July 21, 1932).- In the event that the order is not followed up or in the event that the award provided for by the specifications or fixed by If the court decision does not take place, the person seized may still, by reasoned application, request interim relief. the lifting of the order. This request will be addressed to the President of the court before which the sale was to take place. A copy of this request will be notified to the plaintiff, at the address given, via the public prosecutor's office, by the Clerk, at least three days before the date of the interim relief. This date will be indicated at the bottom of the request. The order issued will, in all cases, be final and immediately enforceable.

Article 411 — The auction takes place as indicated in Articles 704 et seq. of the Code of Civil Procedure (Metropolitan).

(Art. 69 of the decree of July 21, 1932).- The overbidding takes place in accordance with articles 708 and following of the Code of Civil Procedure (Metropolitan).

Article 412 — (Art. 70 of the decree of July 21, 1932).- When there is reason for a wild bid, it is carried out according to the method indicated in articles 396 and following of this Code.

Article 413 - (Art. 71 of the decree of July 21, 1932).- It is open to the parties, in order to avoid resorting to the procedure which has just been described, to agree in the mortgage constitutive act or in an act later, but on the condition that this act is registered, that, in the absence of payment of the due date, the creditor may have the mortgaged property sold before a Notary of the place where the assets are located. In this case the sale takes place at public auction before a notary appointed by simple order issued at the request of the President of the Court or the Justice of the Peace with extended jurisdiction, after completion of the formalities provided for in Articles 396 et seq.

Article 414 — The said Notary receives, where applicable, the declaration of overbidding under Article 411.

TITLE XV

From distribution by contribution.

Article 415 — If the funds set aside or the sale price are not sufficient to pay the creditors, the garnishee or the officer who made the sale will be required to deposit the funds eight days after the end seizure or sale operations, less: for the third party seized of the taxed costs of its affirmative declaration if they have not been charged to him, for the selling officer of his costs taxed by the Judge on the minute of the report.

Article 416 — The most diligent party shall refer the matter to the President of the Court or the Justice of the Peace extended jurisdiction for the purpose of summoning creditors and the seized party. This summons is made by registered letter with acknowledgment of receipt, sent by the Clerk. The date of the meeting must be chosen, taking into account the distance limits of articles 14 and 15 of this Code.

Creditors who do not comply with this summons or who do not have themselves represented there, will not will not participate in the distribution. Mention of the forfeiture incurred will be made in the letter recommended sent by the Registrar.

Article 417 — On the day fixed for the meeting, the Magistrate, assisted by his Clerk, hears the parties present, verifies the claims, proceeds with the distribution among the beneficiaries and submits to them the distribution statement.

Article 418 — If there is no dispute, a report is immediately drawn up. This report, which will be filed with the minutes of the court registry, is signed by all participants or states that they do not know or cannot. It is enforceable and carries a legal mortgage. Creditors obtain payment from the Caisse des dépôts et consignations upon a mandate issued to them by the Clerk.

Article 419 — If there is a dispute or disagreement over the proposed distribution, the Magistrate shall record the observations and explanations of the parties and, ruling by order, stops the distribution of money and orders the delivery of mandates to each of the creditors.

Article 420 — An appeal against this order may be lodged with the Court of Appeal within the time limits set out in Article 185 of this Code.

Article 421 — If the seized debt is due in successive installments and a new creditor appears who produces a declaration to the registry after the amicable or judicial distribution, the Magistrate summons the creditors at his request and the procedure is repeated as stated above.

TITLE XVI

Order.

Article 422 — The successful tenderer having paid within the time limit set by the specifications, but who does not may in no case exceed six weeks, in the hands of the clerk or the appointed notary, in at the same time as the main auction price the amount of the costs incurred to achieve the implementation sale and, where applicable, registration when this has been made necessary, costs the figure of which duly stopped and taxed by the Judge will have been announced before the auction, the clerk or the Notary depositing the said sums, establishes upon expiry of the period granted for the declaration of overbidding a statement of distribution of the price between the creditors of the expropriated owner.

For this purpose, the claims are classified in the following order:

1° The legal costs incurred to achieve the realization of the property sold and the distribution of the price itself;

2° Claims secured by a conventional or forced mortgage, each according to the rank which belongs to it, with regard to the date of its publication;

3° The privileged claims listed in article 2101 of the Civil Code;

4° Claims based on enforceable titles, when the beneficiaries have intervened to the procedure by way of opposition, the latter at the same rank and to the mark the franc between they.

The surplus, if any, is allocated to the expropriated owner.

Article 423 — The distribution statement is submitted to the interested parties and, if approved by them, They are immediately given the sums due to them against receipt, and, if necessary, release of the mortgage granted in their favor.

Article 424 — If there is disagreement between the various creditors, either on the rank to be attributed to their claim, either on the amount of the sums to be returned to them, the distribution of the prize can only take place by judicial order.

Article 425 — In this case, the sums paid by the successful bidder are deposited with the Caisse des deposits and consignments, within a period of eight days at the latest, under the name of the Clerk or Notary committed, and the distribution statement completed by the statement of the parties' statements and observations is submitted, accompanied by all useful documents, to the President of the Court or to the Justice of the Peace with extended jurisdiction of the district.

Article 426 — This Magistrate summons, within eight days of the delivery of the statement, the creditors whose names appear therein. This summons is made by registered letters sent by the Clerk and addressed to the interested parties, both to their actual domicile and to their elected domicile.

The expropriated owner and the successful bidder are also summoned in the same form.

The date of the meeting must be chosen as stated in the aforementioned Article 416.

Creditors who do not appear are permanently barred.

Article 427 — On the day fixed for the meeting, the Magistrate hears the observations and explanations of the parties and ruling by way of order, it sets the order, orders the delivery of the collocation slips to each of the creditors coming in useful rank and at the same time pronounces the release of the building which is freed from all mortgage charges with which it was encumbered even though the secured debts could not have been settled in whole or in part.

Article 428 — The order provided for in the preceding article is subject to appeal as stated in Article 420 above.

Article 429 — Dispatch of the amicable distribution statement or the final decision closing the order judicial certificate is issued to the successful bidder, for the purpose of registration in the land register. This registration will purge all liens and mortgages.

PART TWO - Miscellaneous Procedures.

BOOK ONE

TITLE I - Offers of payment and deposit.

Article 430 — Any record of offers shall designate the object offered, so that no other may be substituted; and if it is cash, it shall contain the enumeration and quality thereof.

Article 431 — The report will mention the response, refusal or acceptance of the creditor, and whether he signed, refused or declared that he could not or did not know how to sign.

Article 432 — If the creditor refuses the offers, the debtor may, in order to free himself, deposit the thing or the sum offered by observing the formalities prescribed by Article 1259 of the Civil Code.

Article 433 — The application which may be brought, either for the validity or for the nullity of the offers or the deposit, will be made according to the rules established for the principal applications; if it is incidental, it will be made by petition.

Article 434 — The judgment which declares the offers valid will order, in the case where the deposit would not have yet taken place, that due to the creditor's failure to have received the sum or thing offered, it will be recorded; it will pronounce the cessation of interest, from the day of realization.

Article 435 — Voluntary or ordered deposit will always be the responsibility of the oppositions, if any exists, and by reporting them to the creditor.

Article 436 — The surplus is regulated by the provisions of the Civil Code relating to offers of payment and deposit.

TITLE II

Ways to take to obtain a copy of a document or to have it amended.

Article 437 — A Notary or other custodian who refuses to deliver a copy or a copy of a document to the interested parties in their direct name, heirs or beneficiaries, shall be sentenced to do so, upon prompt service of summons, given with the permission of the President of the Court of First Instance or the Justice of the Peace with extended jurisdiction.

Article 438 — The judgment shall be executed notwithstanding opposition or reminder.

Article 439 — The party wishing to obtain a copy of an unregistered or even imperfect document shall submit its request to the President of the Court of First Instance or to the Justice of the Peace with extended jurisdiction, except for the execution of laws and regulations relating to registration.

Article 440 — The delivery will be made, if necessary, in execution of the order issued following the request; and this will be mentioned at the bottom of the copy delivered.

Article 441 — In the event of refusal by the Notary or depositary, the matter will be referred to the President of the Court of First Instance or to the Justice of the Peace with extended jurisdiction.

Article 442 — The party who wishes to be issued a second gross, either of a minute of an act, or by way of an exemplification of a deposited gross, shall submit, for this purpose, a request to the President of the Court of First Instance or to the Justice of the Peace with extended jurisdiction; by virtue of the order which is issued, it shall summon the Notary to make the delivery on the day and time indicated, and the interested parties to appear there; mention shall be made of this order at the bottom of the second gross, as well as the sum for which it may be executed, if the debt is paid or assigned in part.

Article 443 — In the event of a dispute, the parties shall proceed in summary proceedings.

Article 444 — Anyone who, during the course of proceedings, wishes to obtain a copy or extract of a document in which he was not a party, shall provide that it will be settled.

Article 445 — The application for compulsory relief shall be made by petition from defense attorney to defense attorney or by summons from party to party. It shall be brought to the hearing and judged summarily without any procedure.

Article 446 — The judgment shall be enforceable, notwithstanding appeal or opposition.

Article 447 — The minutes of the compulsive examination or collation shall be drawn up and the dispatch or copy delivered by the Notary or depositary, unless the Court which ordered it has appointed one of its members, or any other Judge of the Court of First Instance, or another Notary.

Article 448 — In all cases, the parties may attend the minutes and include in them any statements they see fit.

Article 449 — If the costs and expenses of the original of the document are due to the depositary, he may refuse to send it until he has been paid the said costs, in addition to those of sending.

Article 450 — The parties may collate the original copy, which will be read by the depositary; if they claim that they are not in conformity, the matter will be referred on the day indicated in the report to the President of the Court of First Instance or to the Justice of the Peace with extended jurisdiction, who will do the collation; for this purpose the depositary will be required to provide the original copy.

The costs of the report, as well as those of the transport of the depositary will be advanced by the applicant.

Article 451 — The Clerks and custodians of public registers will issue them without order of justice, dispatch, copy or extract to all applicants, at the expense of their rights, subject to costs, damages.

Article 452 — A second enforceable copy of a judgment shall not be issued to the same party that by virtue of an order of the President of the Court where it was rendered or of the Justice of the Peace extended competence.

The formalities prescribed for the delivery of second copies of deeds before Notaries will be observed.

Article 453 — Anyone wishing to have a civil status document rectified shall submit a request to the President of the Court of First Instance or to the Justice of the Peace with extended jurisdiction, who shall rule by order or refer the matter to the Court.

A copy of the order will be filed with the registry.

When the President has referred the case to the Tribunal, a decision will be taken on the conclusions of the public prosecutor. The Judges will order, if they deem it appropriate, that the interested parties be called, and that the family council will be convened beforehand. If it is necessary to call the interested parties, the request will be made by writ without preliminary conciliation. It will be made by act of defense lawyer, if the parties are in proceedings.

Article 454 — In the event that there is no other party than the applicant for rectification and where there believes he has cause to complain about the order or judgment, he may, within two months from the pronounced, appeal to the Court of Appeal by submitting a request to the first president on which will be indicated on a day when a decision will be taken in chambers on the conclusions of the public prosecutor.

Article 455 — No rectification or change may be made to the act, but the operative part of the rectification orders, judgments and rulings will be transcribed in the registers of the civil registrar as soon as it has been given to him; mention of this will be made in the margin of the reformed document and the act will no longer be issued except with the ordered rectifications, under penalty of all damages and interest against the custodian of the registers who issued it.

Article 456 — The operative part of any orders, judgments and rulings, the transcription of which in the civil status registers has been ordered, must state the first names and surnames of the parties involved as well as the places and dates of the acts in the margin of which the transcription must be mentioned.

This transcription will only cover the operative part. The qualities and reasons must not be notified to the civil registrar by the parties or transmitted by the Public Prosecutor.

TITLE III

Of some provisions relating to the sending into possession of the property of an absent person.

Article 457 — In the case provided for by Article 112 of the Civil Code, and to have it ruled on, it will be presented request to the President of the Court. On this request, to which the exhibits and documents will be attached, the judgment will be delivered after hearing the public prosecutor.

Article 458 — The same procedure will apply in the case of provisional possession authorized by Article 120 of the Civil Code.

TITLE IV

On the intervention of justice regarding the rights of spouses.

Article 459 - (Art. 29 December 1948).- The spouse who wishes to be authorized or empowered by the courts in the cases provided for by Articles 215, 217, 219, 223, 1422, 1428, 1528, 1551, 1555, 1556, 1557, 1558, 2144, 2145 of the Civil Code or by other provisions, shall submit a request to the president, so that a decision may be made by the court to this effect, producing the necessary justifications in support of his request.

Article 460 — (Art. December 29, 1948).- If one of the spouses is unable to express his or her will as a result of circumstances provided for in Article 213 of the Civil Code, the other spouse shall present request to the President, justifying the causes which prevent the manifestation of the will of his spouse and the need for the authorization or authorization requested.

If the request for authorization tends to override the opposition or refusal of the spouse, the spouse applicant will submit a request to the President to set the day on which his spouse will be summoned before the council chamber, to give the reasons for his opposition or refusal. The court will hear the spouse before ruling, unless the latter does not appear after having been regularly cited.

Article 461 — (D. December 29, 1948).- The judgments of authorization and empowerment referred to in articles which precede will be made in chambers, on the report of a judge appointed for this purpose, and after conclusion of the public prosecutor.

They will set the conditions to which the execution of their decision will be subject, as well as the extent of the authorization or power of representation granted.

Article 462 — (D. 29 December 1948).- If one of the spouses fails to fulfil their obligation to contribute to the costs of the marriage under the conditions provided for in Article 214 of the Civil Code, the other spouse may obtain from the Justice of the Peace authorization to seize and receive, in proportion to their needs, a share of the salary, product of work or income of their spouse.

The Clerk will summon the spouses before the Justice of the Peace by registered letter indicating the purpose of the request.

The spouses must appear in person, unless absolutely and duly justified.

The judgment rendered will be provisionally enforceable, notwithstanding opposition or appeal.

The notification of this judgment made to the spouse and third parties seized by the spouse who benefits from it will be worth awarding to the latter, without further procedure, the sums whose seizure will be authorized.

At any time and even when it has become final, the judgment may be modified at the request of either spouse when this modification is justified by a change in their respective situations.

TITLE V

Separation of property.

Article 463 — No application for separation of property may be made without authorization prior, which the President must give on the request presented to him for this purpose. May nevertheless the president, before giving authorization, may make any observations that appear to him suitable.

Article 464 — The Clerk of the Court shall enter, without delay, in a table placed for this purpose in the courtroom, an extract of the application for separation, which shall contain:

- 1° The date of request;

2° The names, first names, professions and residence of the spouses;

3° The names and address of the appointed defense lawyer who will be required to submit, for this purpose, the said extract to the clerk within three days of the request.

If there is a commercial court, such an extract will be inserted in the tables placed for this purpose in the courtroom of said court. This insertion will be certified by the Clerk.

Article 465 - The same extract will be inserted, in the prosecution of the woman, in one of the newspapers printed in the place where the Court sits and if there are none, in one of those established in the territory.

The said insertion will be justified by a copy of the newspaper bearing the printer's signature.

Article 466 — No judgment may be pronounced on the application for separation, except for protective acts, until two months after compliance with the formalities prescribed above, which shall be observed under penalty of nullity, which may be opposed by the husband or by his creditors.

Article 467 — The husband's confession will not constitute proof, even if there are no creditors.

Article 468 — The husband's creditors may, until the final judgment, summon the wife's defense attorney, by a document from defense attorney to defense attorney, to communicate to them the application for separation and the supporting documents, or even intervene for the preservation of their rights, without preliminary conciliation.

Article 469 - (D. 18 May 1934).- The judgment of separation will be read publicly, the hearing taking place, at the local commercial court, if there is one; an extract of this judgment containing the date, the designation of the court where it was rendered, the surnames, first names, professions and residence of the spouses will be inserted on a table for this purpose and displayed for one year in the auditorium of the Courts of First Instance and Commercial Courts of the husband's domicile even when he is not a trader; and if there is no commercial court, in the main room of the common house of the husband's domicile.

When one of the spouses is a trader, the separation judgment will be subject to the formalities prescribed by the special provisions included in this regard in the special decree for each colony containing public administration regulations for determining the conditions of application of the law of March 18, 1919 creating a trade register. This judgment will be transmitted by extract, within one month of its date to the Clerk of the Commercial Court or the Civil Court which acts as such, responsible for registration and entry in the trade register.

The woman may only begin the execution of the judgment from the day on which the above formalities have been completed, without it being necessary to wait for the expiry of the aforementioned period of one year.

All without prejudice to the provisions set out in Article 1445 of the Civil Code.

Article 470 — If the formalities prescribed in this title have been observed, the husband's creditors will no longer be entitled, after the expiry of the period referred to in the preceding article, to appeal by third party opposition against the judgment of separation.

Article 471 — The woman's renunciation of the community will be made at the registry of the Court hearing the application for separation.

TITLE VI

On legal separation and divorce.

Article 472 — The spouse who wishes to apply for legal separation shall be required to submit to the President of the Court of his or her domicile a request summarily containing the facts; he or she shall attach supporting documents, if any.

Article 473 — The application shall be answered by an order stating that the parties shall appear before the President on the day to be indicated in the said order.

Article 474 — The parties shall be required to appear in person, without being able to be assisted of defense lawyers or advisors.

Article 475 — The President shall make to both spouses the representations he deems appropriate to bring about reconciliation; if he cannot achieve this, he shall issue, following the first order, a second order stating that, since he has not been able to reconcile the parties, he refers them to apply without prior summons to the conciliation office; he shall authorize by the same order the wife to proceed with the application and to reside separately; he shall order that the effects for the wife's daily use shall be handed over to her. The applications for interim relief shall be brought to the hearing.

Article 476 — The case will be investigated and judged under the conditions provided for in Article 239 of the Civil Code.

An extract from the judgment which pronounces the separation will be inserted in the tables displayed in the courtroom as stated in article 469.

Article 477 — The procedure to be followed in matters of divorce remains that laid down by the Civil Code.

TITLE VII

Opinions of the family council.

Article 478 — When the appointment of a guardian has been made outside his presence, it will be notified to him, at the diligence of the member of the assembly who will have been designated by him; said notification will be made by bailiff's act within three days of the deliberation, in addition to the time limits of distance between the place where the meeting was held and the guardian's home.

Article 479 — Whenever the deliberations of the family council are not unanimous, the opinion of each of the members who compose it will be mentioned in the minutes.

The guardian, subrogated guardian or curator, even members of the assembly, may appeal to the Court of Justice of the Peace with extended jurisdiction against the deliberation; they will make their request against the members who were of the opinion of the deliberation.

Article 480 — In all cases where a deliberation subject to approval is involved, a copy of the deliberation will be attached to the request presented to the President of the Court or to the Justice of the Peace at extended jurisdiction, which, order at the bottom of said request, will order the communication to the public prosecutor and will set a day for the hearing in chambers.

Article 481 — The Public Prosecutor will give his conclusions at the bottom of the said order; the copy of the approval judgment will be placed after the said conclusions, in the same notebook.

Article 482 — If the guardian, or other person responsible for pursuing the approval, does not do so within the time limit set by deliberation, or, failing a decision, within a period of two weeks, one of the members of the assembly may pursue the approval against the guardian, and at the latter's expense without repetition.

Article 483 — Those members of the assembly who believe they should oppose the approval shall declare this by extrajudicial act to the person responsible for pursuing it; and if they have not been called, they will be able to file an opposition to the judgment.

Article 484 — Judgments rendered on deliberation of the family council shall be subject to appeal.

TITLE VIII

Of the ban.

Article 485 — In any prosecution for prohibition, acts of imbecility, insanity, or fury will be stated in the request submitted to the President of the Court or to the Justice of the Peace with jurisdiction extended; supporting documents will be attached and witnesses will be indicated.

Article 486 — The President of the Court or the Justice of the Peace with extended jurisdiction shall order the communication of the request to the public prosecutor, and will set a day for the hearing in chambers of the advice.

Article 487 — On the conclusions of the Public Prosecutor, the Court shall order that the council family, formed according to the method determined by the Civil Code, section IV of chapter II under the heading of "minority, guardianship and emancipation", will give its opinion on the status of the person whose prohibition is requested.

Article 488 — The request and the opinion of the family council shall be served on the defendant before his interrogation is carried out.

If the interrogation and the documents produced are insufficient and if the facts can be justified by witnesses, the Court will order, if necessary, an investigation.

He may order, if circumstances require, that the investigation be carried out without the presence of the defendant; but in this case, his counsel may represent him.

Article 489 — The appeal lodged by the person whose ban has been pronounced will be directed against the person provoking it.

The appeal lodged by the person provoking the appeal, or by one of the members of the assembly, will be lodged against the person whose ban was provoked.

In the event of the appointment of counsel, the appeal of the person to whom it has been given will be directed against the person provoking it.

Article 490 — If there is no appeal against the judgment of prohibition, or if it is confirmed on appeal, it will be provided for the appointment of a guardian and a substitute guardian for the interdicted person, in accordance with the rules prescribed under the heading "opinions of the family council".

The provisional administrator appointed pursuant to Article 497 of the Civil Code will cease his duties and report to the guardian, if he is not himself.

Article 491 — The judgment which pronounces a defense to pleading, compromising, borrowing, receiving a movable capital or give discharge of it, alienate it or mortgage it without the assistance of advice, will be posted and registered with the registry in the form prescribed by article 501 of the Civil Code.

Article 492 — Requests for the lifting of a ban or for judicial advice shall be submitted, as to the instruction and judgment and as to the publicity of the decision to the same rules as the requests for prohibition or appointment of counsel.

BOOK II

Procedures relating to the opening of an estate.

TITLE I

On the affixing of seals after death

Article 493 — Subject to the application of special provisions relating to successions vacant and those of article 5 of the decree of August 22, 1887, also subject to the agreements diplomatic which may exist when the deceased is of foreign nationality, the affixing of sealed after death will be made by the Presidents of Courts, Justices of the Peace with extended jurisdiction, Justices of the peace with ordinary jurisdiction, and in their absence, by their deputies.

In the event of impediment or emergency, the Judge may delegate the Clerk for sealing operations. This delegation is not subject to appeal and will not require registration.

Article 494 — The Judges and their deputies will use a special seal, which will remain in their hands and the imprint of which will be deposited in the registry of the Court of First Instance.

Article 495 — The affixing of seals may be required:

1° By all those who claim a right to the succession or to the community;

2° By all creditors based on an enforceable title or authorized by permission either from the President of the Court of First Instance, or of the Justice of the Peace with extended jurisdiction or with ordinary jurisdiction where the seal must be affixed;

3° In the event of absence, either of the spouse, or of the heirs or of one of them, by the persons who lived with the deceased, and by his servants and domestics.

Article 496 — Emancipated minor claimants and creditors may request the affixing of seals without the assistance of their curator.

If they are unemancipated minors, and if they do not have a guardian, or if one is absent, it may be requested by one of their parents.

Article 497 — The seal will be affixed, either at the request of the public prosecutor, or on the declaration of the mayor or deputy mayor of the municipality or the head of the administrative unit, and even ex officio by the Judge:

1° If the minor is without a guardian, and the seal is not required by a parent;

2° If the spouse, or if the heirs or one of them are absent;

3° If the deceased was a public depository, in which case the seal will only be affixed for the reason of this deposit and for the objects which compose it.

Article 498 — The seal may only be affixed by the President of the Court, the Justice of the Peace extended or ordinary jurisdiction of the premises or by their substitutes or delegates.

Article 499 — If the seal was affixed before the burial, the Judge will note in his report, the time when it was required to be affixed and the causes which delayed either the requisition or the affixing.

Article 500 — The affixing report will contain:

1° The date of the year, month, day and hour;

2° The reasons for the affixing;

3° The name, profession and residence of the applicant, if any, and his election of domicile in the municipality where the seal is affixed, if he does not reside there;

4° If there is no requesting party, the report will state that the seal was affixed ex officio or on the request or on the declaration of one of the officials named in article 497;

5° The order permitting the sealing, if one has been issued;

6° The appearances and statements of the parties;

7° The designation of the places, offices, safes, cupboards, on the openings of which the seal has been affixed;

8° A summary description of the effects which are not sealed;

9° The oath, at the closing of the affixing, by those who reside in the place, that they have not diverted anything, seen nor known that anything has been diverted directly or indirectly;

10° The establishment of the guardian presented, if he has the required qualities, except if he does not have them or if he is not presented, to establish one ex officio by the Judge.

Article 501 — The heads of locks on which the seal has been affixed shall remain until it is lifted, in the hands of the Clerk, who will make a note, on the report, of the delivery which has been made to him made, and neither the Judge nor the Clerk may go, until the lifting, to the house where the seal is, to unless required, or unless their transport has been preceded by a reasoned order.

Article 502 — If, during the affixing, a will or other sealed paper is found, the Judge will note its external form, the seal and the subscription, if any, and will initial the envelope with the parties present, if they know or can, and will indicate the day and time when the package will be presented to him to the President of the Court of First Instance or to the Justice of the Peace with extended jurisdiction or will be opened by himself if he fulfills these functions. He will mention everything on the report, which will be signed by the parties, otherwise mention will be made of their refusal.

Article 503 — At the request of any interested party, the Judge shall, before affixing the seal, search the will whose existence shall be announced; and if he finds it, he shall proceed as stated above.

Article 504 — On the day and at the time indicated, without the need for any summons, packages found sealed will be opened by the President of the Court or by the Justice of the Peace with jurisdiction. extent, this Magistrate will note its state and order its deposit if the content concerns a succession.

Article 505 — If the sealed packages appear, by their subscription or by some other proof written, belong to third parties, the President of the Court of First Instance or the Justice of the Peace extended jurisdiction will order that these third parties be called within a time limit that it will set, so that it may attend the opening: he will do so on the day indicated, in their presence or in their absence; and, if the packages are foreign to the succession, he will give them to them without making their contents known, or will be sealed again to be given to them at their first request.

Article 506 — If a will is found open, the Judge shall note its condition and observe what is prescribed in Article 502.

Article 507 — If the doors are closed, if there are obstacles to the affixing of seals, if there If difficulties arise, either before or during the sealing, the matter will be decided in summary proceedings by the President of the Court or the Justice of the Peace with extended jurisdiction. For this purpose, it will be suspended, and established by the Judge responsible for affixing seals or the delegated clerk of the external garrison, even internal, if the

where appropriate; and he will immediately refer the matter to the President of the Court or to the Justice of the Peace with extended jurisdiction.

However, if there is danger in the delay, the Judge may rule provisionally, subject to subsequently referring the matter to the President of the Court or the Justice of the Peace with extended jurisdiction.

Article 508 — In all cases where it is referred by the Judge to the President of the Court of First Instance or to the Justice of the Peace with extended jurisdiction, either in matters of sealing or in other matters, what will be done and ordered will be noted in the report drawn up by the Judge; the President or the Justice of the Peace with extended jurisdiction will sign his orders on said report.

Article 509 — When the inventory is completed, seals may not be affixed unless the inventory is not attacked and it is not so ordered by the President of the Court or the Justice of the Peace with extended competence.

If the affixing of seals is required during the inventory, the seals will only be affixed to objects not inventoried.

Article 510 — If there is no personal property, the Judge will draw up a report of failure to act.

If there are any household effects that are necessary for the use of the people staying in the house or on which the seal cannot be placed, the Judge will make a report containing a description summary of said effects.

Article 511 — In municipalities where the population is twenty thousand souls and above, it will be required, at the registry of the Court of First Instance or the justice of the peace with extended or ordinary jurisdiction, a register of order for seals, on which will be entered, according to the declaration that the Seal judges will be required to send the following within twenty-four hours of affixing:

1° The names and addresses of the persons on whose belongings the seal has been affixed;

2° The name and address of the Judge who made the affixation;

3° The day it was made.

Article 512 — When it is necessary to apply the provisions of Article 5 of the decree of September 22, 1887 authorizing administrators to affix and remove seals, even ex officio, the provisions of Titles I to V of this book will be observed.

TITLE II

Objections to seals.

Article 513 — Objections to seals may be made either by a declaration on the sealing report or by a writ served on the Clerk of the Judge.

Article 514 — All sealed oppositions shall contain, under penalty of nullity, in addition to the formalities common to any writ:

1° Election of domicile in the municipality or in the jurisdiction of the court where the seal is affixed, if the opponent does not live there;

2° The precise statement of the cause of the opposition.

TITLE III

On the lifting of the seal.

Article 515 — Subject to diplomatic conventions which may exist when the deceased is foreign nationality, the seal cannot be lifted and the inventory made until three days later burial if it was affixed before, and three days after affixing if it was done since burial, under penalty of nullity of the minutes of lifting of seals and inventory, and of damages against those who have made and requested them; all unless, for causes urgent and which will be mentioned in its order, unless otherwise ordered by the President of the Court of First Instance or the Justice of the Peace with extended jurisdiction. In this case, if the parties who are entitled to attend the lifting are not present, he will be called for them, both the lifting of the inventory, a Notary appointed ex officio by the President or the Justice of the Peace with jurisdiction extent.

Article 516 — If the heirs or some of them are unemancipated minors, the seals will not be lifted unless they have been previously provided with guardians or emancipated.

Article 517 — All those who have the right to have seals affixed may request that they be lifted, except those who have only had them affixed in execution of Article 495 3° above.

Article 518 — The formalities for achieving the lifting of the seals will be:

- 1° A requisition to this effect, recorded in the minutes of the Sealing Judge;
- 2° An order from the Judge, indicating the day and time when the lifting will be carried out;
- 3° A summons to attend this lifting, made to the surviving spouse, the presumptive heirs, the executor of the will, the universal legatees and universal legatees if they are known, and opponents.

There will be no need to call interested parties living outside the subdivision of the place of affixing seals, but a Notary appointed ex officio by the President of the Court of First Instance or the Justice of the Peace with extended jurisdiction will be called for them, at the time of the lifting and inventory.

The opponents will be called to their homes by their elected representatives.

Article 519 — The spouse, the executor of the will, the heirs, the universal legatees and those to universal title, may attend all sessions of the lifting of the seal and the inventory, in person or by an agent.

Opponents may only attend, either in person or by proxy, the first session; they will be required to be represented, at subsequent sessions, by a single proxy for all, on whom they agree, otherwise he will be appointed ex officio by the Judge.

If among these representatives there are defense lawyers of the Court of First Instance of spring, they will justify their powers, by the representation of the title of their party, and the oldest defense lawyer following the order of the table of creditors founded in authentic title, will assist by right for all opponents; if none of the creditors is founded in authentic title, the most senior defense lawyer of the opponents founded in private capacity will attend. Seniority will be definitively settled at the first session.

Article 520 — If one of the opponents had interests different from those of the others, or conflicting interests, he may attend in person, or by private representative, at his own expense.

Article 521 — Objections to the preservation of their debtor's rights may not attend the first session, nor participate in the choice of a common representative for the other sessions.

Article 522 — The spouse with common property, the heirs, the executors and the universal legatees or universal legatees may agree on the choice of one or two experts; if they do not If they are not suitable, the procedure will be carried out, depending on the nature of the objects, by one or two experts, appointed ex officio by the President of the Court of First Instance or the Justice of the Peace with extended jurisdiction. The experts will take an oath before the Judge who appointed them.

Article 523 — The lifting report will contain:

- 1° The date;
- 2° The name, profession, residence and election of domicile of the applicant;
- 3° The statement of the order issued for lifting;
- 4° The statement of the summons prescribed by Article 518 above;
- 5° The appearances and statements of the parties;
- 6° The appointment of experts who must operate;
- 7° The recognition of the seals that they are sound and whole, if they are not, the state of the alterations, except to provide as appropriate for reasons of said alterations;
- 8° The requisitions for searches, the results of said searches and any other requests on which it will be necessary to rule.

Article 524 — The seals will be lifted successively, and as the inventory is drawn up, they will be re-affixed at the end of each session.

Article 525 — Objects of the same nature may be held for successive inventory in their order; in this case, they will be placed under seal.

Article 526 — If objects and papers are found which are not part of the estate and are claimed by third parties, they will be handed over to whomever they belong. If they cannot be handed over immediately and it is necessary to make a description, it will be made on the minutes of the seals and not on the inventory.

Article 527 — If the cause of the affixing of the seals ceases before they are lifted or during the course of their lifting, they shall be lifted without description.

TITLE IV

From the inventory.

Article 528 — The inventory may be requested by those who have the right to request the lifting of the seal.

Article 529 — It must be present:

- 1° of the surviving spouse;
- 2° presumptive heirs;
- 3° of the executor, if the will is known;
- 4° of the donees and universal legatees or universal legatees, either in ownership or in usufruct, or those duly called, if they reside in the subdivision; if they reside beyond, a single Notary appointed by the President of the Court of

First Instance or the Justice of the Peace with extended jurisdiction to represent the parties summoned and in default.

Article 530 — In addition to the formalities common to all acts before a Notary, the inventory will contain:

1° The names, professions and addresses of the applicants, the appearing parties, the defaulters and the absentees, if known, of the Notary called to represent them, and of the experts, and the mention of the order appointing the Notary for the absentees and the defaulters;

2° The indication of the places where the inventory is made;

3° The description and estimation of the effects, which will be done at fair value and without flooding;

4° The designation of the qualities, weight and title of the silverware;

5° The designation of species in cash;

6° The papers will be listed by first and last; they will be initialed by hand by one of the Notaries; if there are books and registers of commerce, their condition will be noted, the pages will be similarly numbered and initialed if they are not; if there are blanks in the written pages, they will be crossed out;

7° The declaration of active and passive securities;

8° The mention of the oath taken, at the time of closing the inventory, by those who were in possession of the objects before the inventory or who lived in the house in which the said objects are, that they have not misappropriated, seen any misappropriated, nor known that any of them had been misappropriated;

9° The delivery of effects and papers, if applicable, into the hands of the person whose will be suitable or, failing that, will be appointed by the President of the Court or the Justice of the Peace extended competence.

Article 531 — If, during the inventory, difficulties arise, or if requisitions are made for the administration of the community or the estate, or for other purposes and, that it is not referred to by the other parties, the parties will appeal in summary proceedings to the President of the Court of First Instance or the Justice of the Peace with extended jurisdiction. The President will enter his order on the original of the minutes.

TITLE V

From the sale of furniture.

Article 532 — When the sale of furniture belonging to an estate takes place in execution of Article 826 of the Civil Code, this sale will be made in the forms prescribed under "seizures-executions".

Article 533 - This will be done at the request of one of the interested parties, by virtue of the order of the President of the Court of First Instance or the jurisdiction acting therein and by the bailiff or the enforcement agent or the auctioneer.

Article 534 — The parties entitled to attend the inventory, and who reside or have elected domicile within a distance of five myriameters, shall be called; the document shall be served at the elected domicile.

Article 535 — If difficulties arise, a provisional ruling may be made in summary proceedings by the President of the Court of First Instance or the Justice of the Peace with extended jurisdiction.

Article 536 — The sale will take place in the place where the effects are, unless otherwise ordered.

Article 537 — The sale will be made both in absence and presence, without calling anyone for the non-comparers.

Article 538 — The report will mention the absence or presence of the applicant.

Article 539 — If all parties are of legal age, present and in agreement, and there is no interested third party, they will not be required to comply with any of the above formalities.

TITLE VI

On the sale of real estate belonging to minors.

Article 540 — The sale of real estate belonging to minors may only be ordered based on an opinion from the family council stating the nature of the assets and their approximate value.

This notice will not be necessary if the goods belong at the same time to adults, and if the sale is continued by them.

Article 514 — When the court approves this notice and orders the sale, it will determine the price of each of the properties for sale and the conditions of the sale. This reserve price will be settled, either according to the opinion of the family council, or according to the title deeds, or according to the leases authentic or under private seal with a certain date, and, in the absence of leases, according to the role of the land tax.

However, the court may, depending on the circumstances, order a total or partial valuation of the buildings.

This estimate will be carried out, depending on the size and nature of the assets, by one or three experts appointed by the Court for this purpose.

Article 542 — If the valuation has been ordered, the expert or experts, after having taken an oath, either before the President of the Court or before a Judge appointed by him, will draw up their reports, which will briefly indicate the bases of the valuation, without going into the descriptive detail of the goods to be sell.

The report will be filed with the Court Registry. No copy will be issued.

Article 543 — The auction will be opened after prior registration of the buildings. The sale will take place in accordance with the provisions of Articles 396 et seq. of this Code.

TITLE VII

Shares and auctions.

Article 544 — In the cases of Articles 823 and 838 of the Civil Code, when the division must be made in court, the most diligent party shall take action.

Article 545 — Between two applicants, the prosecution shall belong to the one who first had the original of his writ endorsed by the Clerk of the Court; this endorsement shall be dated the day and time.

Article 546 — The special and particular guardian who must be given to each minor with interests will be appointed according to the rules contained in the title "opinions of the family council".

Article 547 — The judgment which will pronounce on the request for division will appoint, if necessary, a Judge, in accordance with article 823 of the Civil Code, and at the same time a Notary.

If, during the course of operations, the Judge or the Notary is prevented, the President of the Court will provide for replacement by an order on request, which will not be subject to opposition or appeal.

Article 548 — In ruling on this application, the Court shall order by the same judgment the division, if it can take place, or the sale by auction, which shall be made before a member of the Court. In the latter case, the buildings must be previously registered in accordance with the provisions of Article 189 of the decree of July 21, 1932 (Article 390 of this Code).

The Court may, whether it orders the division or orders the auction, declare that it will be carried out immediately without prior expertise, even when minors are involved; in the case of auction, the Court will determine the starting price, in accordance with Article 541.

Article 549 — When the Court orders the expert appraisal, it may appoint one or three experts, who will take an oath as stated in Article 542.

The appointments and reports of experts will be made in accordance with the formalities prescribed under the heading "expert reports".

The expert reports will briefly present the bases of the valuation, without going into descriptive detail of the assets to be shared or auctioned.

The prosecutor will request by submissions the ratification of the report.

Article 550 — The sale shall comply with the formalities prescribed in the title "on the sale of real estate belonging to minors", by adding to the specifications:

The name, address and profession of the plaintiff, the name and address of his defense lawyer;

The names, addresses and professions of the applicants and their defense lawyers, if they have any.

Article 551 — When the situation of the buildings requires several separate appraisals, and each building will have been declared indivisible, there will however be no need for auction, if it results from the reconciliation of the reports that all the buildings can be conveniently shared.

Article 552 — If the request for division only concerns the division of one or more buildings on which the rights of the interested parties have already been settled, the experts, in carrying out the estimate, will compose the lots as prescribed by article 466 of the Civil Code; and, after their report has been ratified, the lots will be drawn, either before the examining magistrate or before the Notary already committed by the Tribunal, under Article 547.

Article 553 — In other cases, and in particular when the Court has ordered the sharing without to have an expert report drawn up, the plaintiff will summon the co-sharers to appear, at day indicated, before the appointed Notary, for the purpose of proceeding with the account, report, formation of mass, samples, composition of lots and supplies, as ordered by the Civil Code, article 828.

The same will apply after the auction has been carried out, if the auction price must be merged with other objects into a common mass of sharing to form the balance between the various lots.

Article 554 — The appointed Notary will proceed alone and without the assistance of a second Notary or witnesses; if the parties are assisted by counsel, the fees of that counsel will not be included in the sharing costs and will be their responsibility.

In the case of Article 837 of the Civil Code, the Notary will draw up a separate report of the difficulties and statements of the parties: this report will be submitted by him to the registry and will be retained there.

If the examining magistrate refers the parties to the hearing, the indication of the day on which they must appear will serve as an adjournment.

No summons will be issued to appear before the Judge, either at the hearing.

Article 555 — When the mass of the division, the reports and deductions to be made by each of the interested parties have been established by the Notary, in accordance with Articles 829, 830, 831 of the Civil Code, the lots will be made by one of the co-heirs, if they are all adults, if they agree on the choice, and if the one they have chosen accepts the commission; otherwise, the Notary, without being need no procedure, will refer the parties before the supervising judge, and the latter will appoint a expert.

Article 556 — The co-heir chosen by the parties, or the expert appointed for the formation of the lots, will establish their composition by a report which will be received and drawn up by the Notary following the previous operations.

Article 557 — When the lots have been fixed, and the disputes over their formation, if there have been any, have been judged, the plaintiff will summon the co-sharers to the effect that they are present, on the day indicated, at the Notary's office, to attend the closing of his report, hear it read, and sign it with him, if they can and wish to do so.

Article 558 — The copy of the minutes of the division will be given by the Notary to the prosecuting lawyer who will communicate it to the lawyers on request upon simple notification receipt or to the parties in his office without travel. It will not be served or filed with the registry. On the prosecution of the most diligent party and the report of the supervising judge, the Court will approve the division, if necessary, the parties present or called, if not all have appeared at the closing of the minutes, and on the conclusions of the Public Prosecutor, in the event that the quality of the parties requires his ministry.

If all parties agree to approve the liquidation statement, approval can be given. requested, even by the guardians of minors and incapacitated persons and without authorization from the family council by way of a collective application. In this case, the judgment is given in chambers and is not subject to appeal, unless the Court has ordered any rectification of its own motion.

Article 559 — The homologation judgment will order the drawing of lots, either before the examining magistrate or before the Notary, who will issue them immediately after the drawing.

Article 560 — Either the Clerk or the Notary shall be required to issue such extracts, in whole or in part, from the minutes of division, as the interested parties may request.

Article 561 — The above formalities will be followed in auctions and divisions aimed at making cease joint ownership, when minors or other persons not enjoying their civil rights have an interest in it.

Article 562 - Furthermore, when all the co-owners or co-heirs are adults, enjoying their civil rights, present or duly represented, they may refrain from legal proceedings, or abandon them in any event, and agree to proceed in such a manner as they may see fit.

TITLE VIII

From the inventory profit.

Article 563 — If the heir wishes, before taking up the position, and in accordance with the Civil Code, to be authorized to proceed with the sale of movable effects dependent on the succession, he will present, for this purpose

effect, request to the President of the Court of First Instance in the jurisdiction of which the succession is opened.

The sale will be made by a public officer after the posters and publications prescribed above for the sale of furniture.

Article 564 — If there is reason to sell real estate belonging to the estate, the beneficiary heir shall submit to the President of the Court of First Instance or to the Justice of the Peace with jurisdiction over the place where the estate is opened a request in which these real estate properties shall be summarily designated. This request shall be communicated to the public prosecutor; on these conclusions, a judgment shall be rendered authorizing the sale and setting the starting price, or ordering in advance that the real estate properties be viewed and valued by an expert appointed ex officio.

In the latter case, the expert's report will be ratified upon request by the Court, and on the conclusions of the public prosecutor, the Court will order the sale.

Article 565 — The sale will take place, in each of the cases provided for above, after prior registration, and following the formalities prescribed under "Sale of goods" buildings belonging to minors".

Article 566 — The beneficiary heir will be deemed to be a pure and simple heir if he has sold real estate without complying with the rules prescribed by this Title.

Article 567 — If there is reason to proceed with the sale of the furniture and income dependent on the succession, the sale will be made in accordance with the forms prescribed for the sale of these types of goods, penalty against the beneficiary heir of being deemed a pure and simple heir.

Article 568 — The price of the sale of the furniture will be distributed by contribution between the opposing creditors, following the formalities indicated under the heading "Distribution by contribution".

Article 569 — The price of the sale of real estate will be distributed according to the order of privileges and mortgages.

Article 570 — The creditor or other interested party who wishes to compel the beneficiary heir to provide security shall have him served with a summons to this effect by extrajudicial act served in person or at his domicile.

Article 571 — Within three days of this summons, in addition to one day for every three myriameters of distance between the heir's home and the municipality where the court sits, he will be required to present security to the registry of the Court of the opening of the succession, in the form prescribed for the receptions of deposit.

Article 572 — If difficulties arise regarding the receipt of the security, the inciting creditors will be represented by the most senior defense lawyer.

The forms prescribed under the heading "
Accountabilities."

Article 573 — Actions to be brought by the beneficiary heir against the succession shall be brought against the other heirs; and if there are none or they are brought by all, they shall be against a curator for the benefit of inventory appointed in the same form as the curator of the estate vacant.

TITLE IX

On the renunciation of the community.

Article 574 — Renunciations of community or succession shall be made at the registry of the Court in the jurisdiction of which the dissolution of the community or the opening of the succession took place in the register prescribed by Article 784 of the Civil Code, and in accordance with Article 1457 of the same Code, without the need for any other formality.

TITLE X

Vacant estates.

Article 575 — In the event of vacant successions, the procedure is in accordance with the amended decree of 27 January 1855 concerning the administration of vacant successions in overseas territories.

BOOK THREE.

SINGLE TITLE

Arbitrations.

Article 576 — All persons may compromise the rights of which they have free disposal.

Article 577 — No compromise may be made on gifts and legacies of food, housing and clothing; on separations between husband and wife, divorces, matters of status, nor on any disputes which would be subject to communication to the public prosecutor.

Article 578 — The compromise may be made by report before the chosen arbitrators, or before a Notary, or under private signature.

Article 579 — The compromise shall designate the objects in dispute and the names of the arbitrators, failing which it shall be null and void.

Article 580 — The compromise will be valid, even if it does not set a time limit; and, in this case, the mission of the arbitrators will only last three months, from the day of the compromise.

Article 581 — During the arbitration period, arbitrators may only be removed by unanimous consent of the parties.

Article 582 — The parties and the arbitrators shall follow, in the procedure, the time limits and forms established for the courts, unless the parties have otherwise agreed.

Article 583 — The parties may, at the time of and after the compromise, waive the appeal.

When the arbitration is on appeal or on civil application, the arbitral judgment will be final and without appeal.

Article 584 — The acts of the investigation, and the minutes of the ministry of the arbitrators will be made by all the arbitrators, if the compromise does not authorize them to appoint one of them.

Article 585 — The compromise ends:

1° By the death, refusal, removal or impediment of one of the arbitrators, if there is no clause that he will be overridden, or that the replacement will be at the choice of the parties or at the choice of the remaining arbitrator(s);

2° By the expiry of the stipulated period or that of three months if it has not been settled;

3° By sharing if the arbitrators do not have the power to take a third arbitrator.

Article 586 — Death, when the heirs are adults, will not terminate the compromise. The time limit for investigating and judging will be suspended during the time limit for taking inventory and deliberating.

Article 587 — The arbitrators may not withdraw if their operations have begun; they may not be challenged except for a cause arising since the compromise.

Article 588 — If a registration of forgery is filed, even purely civil, or if any incident arises criminal, the arbitrators will leave the parties to appeal, and the arbitration deadlines will continue to run from the day of judgment of the incident.

Article 589 — Each party shall be required to produce its defenses and documents at least fifteen days before the expiry of the compromise; and the arbitrators shall be required to judge on what has been produced.

The judgment shall be signed by each of the arbitrators; and in the event that there are more than two arbitrators, if the minority refused to sign it, the other arbitrators would mention it, and the judgment would have the same effect as if it had been signed by each of the arbitrators.

An arbitral judgment shall not, in any case, be subject to opposition.

Article 590 — In the event of a split, the arbitrators authorized to appoint a third party shall be required to do so by the decision which pronounces the split; if they cannot agree, they shall declare this in the minutes, and the third party appointed by the President of the Court of First Instance or the Justice of the Peace with extended jurisdiction who must order the execution of the arbitral decision.

To this end, a request will be submitted by the most diligent party.

In both cases, the divided arbitrators will be required to write their separate and reasoned opinion, either in the same minutes or in separate minutes.

Article 591 — The third arbitrator shall be required to judge within one month of the day of his acceptance, unless this period has not been extended by the act of appointment; he may only pronounce after having conferred with the divided arbitrators, who will be summoned to meet for this purpose.

If all the arbitrators do not meet, the third arbitrator shall decide alone; and, nevertheless, he shall be bound to comply with one of the opinions of the other arbitrators.

Article 592 — The arbitrators and third-party arbitrators shall decide according to the rules of law, unless the compromise gives them the power to pronounce as amicable composers.

Article 593 — The arbitral judgment shall be made enforceable by an order of the President of the Court of First Instance or the jurisdiction acting therein in the jurisdiction of which it was rendered; To this end, the minute of the judgment will be filed within three days by one of the arbitrators at the registry of the Court.

If he had been compromised on the appeal of a judgment, the arbitral decision will be filed with the registry of the Court of Appeal; and the order made by the President of this Court.

Proceedings for filing costs and registration fees may only be brought against the parties.

Article 594 — Arbitral judgments, even preparatory ones, may not be enforced, that after the order which will be granted, to this effect, by the President of the Court at the bottom or in the margin of the minute, without it being necessary to communicate it to the public prosecutor; and the said order will be then sent from the dispatch of the decision.

Knowledge of the execution of the judgment belongs to the Court which issued the order.

Article 595 — Arbitral judgments may not, under any circumstances, be enforced against third parties.

Article 596 — Appeals against arbitral judgments shall be brought before: the Courts of First Instance Instance or justice of the peace with extended jurisdiction for matters which, if there had been no arbitration, would have been, either in the first or last resort, within the jurisdiction of the Justices of the Peace; and before the Court of Appeal for matters which would have been, either in first or last resort, the jurisdiction of the Courts of First Instance or of the justices of the peace with extended jurisdiction.

Article 597 — The rules on the provisional enforcement of court judgments are applicable to arbitral judgments.

Article 598 — If the appeal is dismissed, the appellant shall be sentenced to the same fine as if it were a judgment of ordinary courts.

Article 599 — A civil application may be made against arbitral judgments, within the time limits, forms and cases previously designated for judgments of ordinary courts.

It will be brought before the court which would have had jurisdiction to hear the appeal.

Article 600 — However, the following may not be proposed for opening:

1° Failure to observe the ordinary forms, if the parties had not otherwise agreed, as stated in article 582;

2° The means resulting from the fact that it will have been pronounced on things not requested, except apply for annulment in accordance with the following article.

Article 601 — There shall be no need to appeal or file a civil petition in the following cases:

1° If the judgment was rendered without compromise; or outside the terms of the compromise;

2° If it was on a null or expired compromise;

3° If it was rendered only by a few arbitrators not authorized to judge in the absence of the others;

4° If it was done by a third party without having conferred with the shared arbitrators;

5° Finally, if it was pronounced on things not requested.

In all cases, the parties will appeal against the enforcement order to the Court which issued it and will request the nullity of the act described as an "arbitral judgment".

An appeal may only be made against court judgments, rendered either on application or on appeal from an arbitral judgment.

General provisions.

Article 602 — Except in cases where laws or decrees provide otherwise, the nullity of writs or procedural acts is optional for the Judge who can always accept or reject them.

Article 603 — Null or frustrating procedures or acts and acts which have given rise to a fine, will be imposed on the submissions of the parties or even ex officio defense lawyers or ministerial officers who will have made them, who following the requirement of the In this case, they will also be liable for damages from the party and may even be suspended from their duties.

Article 604 — Public authorities and public establishments shall be required to comply with the administrative laws and regulations in force when filing a legal claim.

Article 605 — The day of notification and the day of maturity will not be counted for all acts.

Where the last day of any procedural time limit is a public holiday, the time limit shall be extended until the next day.

Article 606 — Summons to attend expert reports, as well as subpoenas data pursuant to joinder judgments, will only indicate the place, day and time of the first session or first hearing; they will not need to be repeated, although the vacation or the hearing was continued to another day.

Article 607 — When it is a question of receiving an oath, a surety, of proceeding with a request, of to appoint experts and generally to carry out any operation pursuant to a judgment, and that the parties, or the Judges may appoint a neighboring court, a Judge or even a Judge of peace, according to the requirements of the cases; they may even authorize a Tribunal to appoint, either one of its members, or a Justice of the Peace, to carry out the ordered operations.

Article 608 — The Courts, depending on the seriousness of the circumstances, may, in the cases for which they will be seized, issue, even ex officio, injunctions, delete writings, declare them slanderous, and order the printing of their judgments.

Article 609 — No service or execution may be made before six o'clock in the morning and after six o'clock in the evening; nor on legal holidays, unless by permission of the Judge, in the event that there is danger in the delay.

Article 610 — The defense lawyers who have acted in cases where final judgments have been rendered shall be required to act on the execution of these judgments provided that this takes place within one year of the pronouncement of the judgments.

Article 611 — All notifications made to public persons proposed to receive them will be endorsed by them free of charge on the original.

In the event of refusal, the original will be endorsed by the Public Prosecutor at the Court of First Instance. Instance or the Justice of the Peace with extended jurisdiction of their domicile. Those refusing may be sentenced, on the conclusions of the public prosecutor, to a fine which may not be less than five hundred francs nor more than five thousand francs.

Article 612 — All acts and reports of the Judge's ministry shall be made at the place where the court sits; the Judge shall always be assisted there by the Clerk, who shall keep the minutes and issue the dispatches; in case of emergency, the Judge may respond at his residence to requests which are presented; all except the execution of the provisions contained in the title "summary proceedings".

Article 613 — This Code shall be executed three months after its publication in the Official Journal of Cameroon; consequently, all proceedings brought since that time shall be conducted in accordance with its provisions.

This same Code will apply, regardless of the date of the summons, to all disputes appealed after the aforementioned date.

All decrees contrary to this Code are repealed, in particular that of February 1, 1926 and those which supplemented or modified it.

Article 614 — This order shall be registered, published and communicated wherever necessary.