



CHAPTER 97

An Act respecting sale with right of redemption

[Assented to, the 8th of April, 1938]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Article 1537 of the Civil Code is amended by adding C. C., art. thereto, after the number: "1550," in the fourth line of the 1537, am. first paragraph thereof, the numbers: "1550a, 1550b, 1550c,".

2. Article 1546 of the said Code is amended by replac- Id., art. 1546, ing the word: "obligations", at the end of the second para- am. graph thereof, by the words: "obligations or the part of such obligations as fixed by article 1550b".

3. Article 1549 of the said Code is replaced by the follow- Id., art. 1549. ing: replaced.

"1549. The stipulated term cannot be extended by Stipulated the court." term.

4. Article 1550 of the said Code, as amended by the act C. C., art. 9 George V, chapter 74, section 1, is again amended by 1550, am. replacing the word: "sold", in the third line thereof, by the words: "sold, if, at least sixty days prior to the expiration of the stipulated term, he has put the seller in default to exercise his right of redemption; otherwise, such right subsists until the expiration of the sixty days following that on which the buyer has put the seller in default to exercise such right. Putting in default.

The seller cannot renounce such putting in default." Seller.

C. C., arts.
1550a-1550c,
added.

Taking back
of thing sold.

If thing sold
is an immove-
able.

Deed of re-
trocession.

Deed grant-
ing hypothec-
ary obliga-
tion.

Registration.

C. C., art.
2248, am.

Application
of act.

Coming into
force.

5. The said Code is amended by adding thereto, after article 1550 thereof, the following articles:

“1550a. If, in the sixty days from the putting in default, the seller satisfies the obligations of article 1546, he takes the thing back and, in the case of an immoveable or an immoveable right, the buyer shall be bound to grant him a deed of retrocession.

“1550b. If the thing sold is an immoveable and if, within the delay of article 1550a, the seller satisfies, to the extent of seventy-five per cent or more, the obligations mentioned in article 1546, he likewise takes back the thing, but burdened, from the date of the sale with right of redemption, with a hypothec in favour of the buyer guaranteeing the payment of the balance of such obligations, which is converted into a claim of the buyer against the seller.

“1550c. The buyer is bound to give the seller who has satisfied the obligations of article 1550b a deed of retrocession of the thing.

The seller, on his part, is obliged to give the buyer a deed granting a hypothecary obligation on the thing for the balance of such obligations.

This deed of obligation or the judgment which takes its place shall be registered within thirty days from its date.”

6. Article 2248 of the said Code is amended by replacing the words: “is absolute”, in the second line of the first paragraph thereof, by the words: “has its effect, subject to articles 1550a, 1550b and 1550c,”.

7. All contracts of sale with right of redemption entered into before the coming into force of this act, whereof the stipulated delay for exercising the right of redemption has not expired before the 15th of March, 1938, shall be subject to the application of this act.

8. This act shall come into force on the day of its sanction.