CHAPTER 2

SCIENCE OF LAW

RIGHT = ANY RIGHT WHICH LEGAL SUBJECTS HAS REGARDING SPECIFIC LEGAL OBJECTS & WHICH IS PROTECTED BY LAW

PUBLIC LAW - LEGAL RULES CONTROL RELATIONSHIPS BETWEEN STATE & CITIZENS

PRIVATE LAW - LEGAL RULES CONTROL RELATIONSHIPS BETWEEN CITIZENS

PUBLIC LAW SUBDIVISIONS: INTERNATIONAL LAW, CONSTITUTIONAL LAW, ADMINISTRATIVE LAW, CRIMINAL LAW & LAW OF PROCEDURE

PRIVATE LAW SUBDIVISIONS: LAW OF PERSONS, FAMILY LAW, LAW OF PERSONALITY & PATRIMONIAL LAW

FURTHER CATEGORY: COMMERCIAL / MERCANTILE LAW

COMMERCIAL LAW - RELATED TO BUSINESS ACTIVITY

COMMERCIAL LAW: CONTRACTS OF SALE, LEASE & CREDIT AGREEMENTS, NEGOTIABLE INSTRUMENTS, INSOLVENCY, COMPANIES, PARTNERSHIP, CC'S, AGENCY, SECURITY, INSURANCE, CONTRACTS OF TRANSPORTATION, LABOUR LAW, INTELLECTUAL PROPERTY LAW, COMPETITION LAW, CONSUMER LAW, TAX LAW

LAW = SYSTEM OF RULES WHICH APPLY IN COMMUNITY

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Meaning of Right

Right is any right which legal subject has regarding specific legal object & which is protected by law.

Such right = subjective right

Nature of legal subjects, legal objects & subjective rights is determined by objective law

Legal object = object of legal subject's claim - property, intelectual property, aspects of personality & performances

Legal subjects = natural persons / juristic persons

Natural persons = human beings

Juristic persons = other than human beings - company, university, municipality, state

Subjective right = relationship between legal subject & legal object & between legal subject & other legal subject = right

MEANING OF RIGHT
CATEGORIES OF JURICICAL RIGHT

(A) Real Right = Legal Right Which Legal Subject Has To Property

1. OWNERSHIP
2. SERVITUDES, SUBDIVIDED AS
   (I) Pradial Servitudes - Adjacent Property - Limited Right To Property Of Another
   (II) Personal Servitudes - Enjoyment Of Property Of Another (Usufruct)
3. MORTAGE / PLEDGE - Right To Sell Property If Debtor Fails To Settle Debt
4. INTELLECTUAL PROPERTY
5. PERSONAL RIGHTS - GIVING SOMETHING, DOING SOMETHING, REFRAIN FROM DOING SOMETHING

(B) Intellectual Property

(C) Personality Rights - Reputation
PRIVATE LAW

LAW OF PERSONS

PATRIMONIAL LAW

LAW OF PERSONALITY

FAMILY LAW
LAW OF PERSONS

REGulates conception, existence & termination of natural person as legal subject

All humans = legal subjects

Human being & its legal capacity come into existence at birth

Rights of unborn child are protected, provided that child is born alive

Legal capacity = terminated by death

Status accorded to every legal subject

Protection not in interest of deceased. Body = community. Assets = creditors & heirs

Law protects body & deceased's former assets

Law of persons
STATUS

THE AGGREGATE OF RIGHTS & DUTIES WHICH ARE ATTACHED TO A PERSON AS ONE OF A SPECIFIC CLASS.

FACTORS DETERMINE STATUS: AGE, SEX, MARITAL STATUS, SANITY & LEGITIMICY OF DESCENT

STATUS = LEGAL CONDITION = POSITION OCCUPIED BY LEGAL SUBJECT IN RELATION TO FELLOW LEGAL SUBJECTS AS MEMBER OF CLASS IN LEGAL COMMUNITY

STATUS CANNOT BE CHANGED OF OWN ACCORD, APART FROM EXCEPTIONAL CASES - IE MARRIAGE

VOTE - PUBLIC LAW; ACQUIRE OWNERSHIP - PRIVATE LAW
LAW OF PERSONALITY

- PHYSICAL BEING, DIGNITY, REPUTATION
- PHYSICAL & PSYCHICAL INTEGRITY
- RIGHT OF PRIVACY
- PROTECTED BY CRIMINAL LAW (ASSAULT) & CIVIL LAW (DAMAGES IN DELICT)
- LIMITATIONS (POLITICIAN CARICATURED IN CARTOON)
LAW OF PROPERTY

RIGHT OF OWNERSHIP

MORGAGE & PLEDGE

SERVITUDES
LAW OF PROPERTY

RELATIONSHIPS OF PERSONS TOWARDS MATERIAL OBJECTS

GRANTING & RECOGNITION OF RIGHTS OVER PROPERTY

RIGHT OF OWNERSHIP = CONERSTONE OF ALL REAL RIGHTS & MOST COMPREHENSIVE RIGHT

RIGHT OF PLEGE GIVES HOLDER ONLY POSSESS TO PROPERTY

REAL RIGHT OF OWNERSHIP GIVES HOLDER WIDE POWERS TO USE, ENJOY, DESTROY, SELL

DEPEND ON KIND OF REAL RIGHT HELD BY PERSON
RIGHT OF OWNERSHIP & POSSESSION

PROTECTION OF OWNERSHIP & POSSESSION

ACQUISITION OF OWNERSHIP
Right of Ownership

Most Complete Power Over Property

Ownership does not confer unlimited / absolute control

Restrictions of public law: sanitary regulations, building regulations, statutory provisions which prohibit division of land, traffic rules, etc

Ownership = restricted in interest of community

May be restricted by neighbour's right of ownership (may not excavate in such way that neighbour's land caves in)
OWNERSHIP & POSSESSION

PERSON WHO HAS RIGHT OF OWNERSHIP = NOT NECESSARILY POSSESSOR OF PROPERTY

2 ELEMENTS OF POSSESSION: PHYSICAL & PSYCHICAL

PHYSICAL: IN POSSESSION OF PROPERTY

PSYCHICAL: INTENTION OF POSSESSING

BINDING ON SUBSEQUENT COURTS
ACQUISITION OF OWNERSHIP

BASIC DISTINCTION: ORIGINAL & DERIVATIVE

ORIGINAL METHOD OF ACQUIRING OWNERSHIP: OCCUPATION & PRESCRIPTION

OCCUPATION: SEIZE PROPERTY BELONGING TO NO-ONE WITH INTENTION OF BECOMING OWNER

PRESCRIPTION: HAS POSSESSED OPENLY / OWNER FOR UNINTERRUPTED PERIOD OF 30 YEARS

OCCUPATION - CANNOT BECOME OWNER OF PROPERTY BELONGING TO ANOTHER

REGISTRATION OF TRANSFER OF DEEDS REQUIRED TO AQUIRE OWNERSHIP OF IMMOVABLE PROPERTY

IF EITHER PARTY LACKS INTENSION, OWNERSHIP DOES NOT PASS

MOST COMMONLY - ACQUIRING OWNERSHIP - DELIVERY OF PROPERTY

DERIVATIVE METHOD OF ACQUIRING OWNERSHIP: MOVABLE PROPERTY & IMMOVABLE PROPERTY

IF OWNER ALLOWS POSSESSION OF PROPERTY FOR LONG PERIOD, IMPRESSION TO OUTSIDE WORLD - POSSESSOR = OWNER

OCCUPATION = ORIGINAL - NEW OWNER DOES NOT OBTAIN RIGHT OF OWNERSHIP FROM ANOTHER
Ownership is protected primarily by granting owners remedy *rei vindicatio*.

Owner may reclaim property from any person who is wrongfully in possession of it.

In action someone asks that possession lost be restored, court not interested in who owner is, but if applicant was wrongfully deprived of possession.

No one may deprive someone of possession against will.

Remedy - possession restored - *mandament van spolie*.

Protection of ownership & possession.
SERVITUTES

RIGHT OF SERVITUTED IS LIMITED REAL RIGHT OVER PROPERTY OF ANOTHER, WHICH CONFERS ON THE HOLDER OF THE RIGHT, SPECIFIC POWERS TO USE PROPERTY IN PARTICULAR WAY

PRAEDIAL SERVITUTES:
- SERVITUDE RIGHT OF WAY
- SERVITUDE OF DRAWING WATER
- SERVITUDE OF GRAZING

PERSONAL SERVITUDS

Division:

- Praedial Servitudes: Servitude Right of Way, Servitude of Drawing Water, Servitude of Grazing
- Personal Servitudes

Most common method of acquiring servitude is by registration at Deeds Office against title deeds of dominant & servient properties.

Can be obtained by prescription - has openly & as though were entitled to do so exercised for an uninterrupted period of 30 years. Rights & powers which person who has right to such servitude is entitled to exercise (Section 6 of Prescription Act 68 of 1969).

Only comes into being at registration.

If owner of dominant tenement suffered loss, may claim damages from servient tenement.

Land of owner who is holder of servituted = dominant tenement & servituted = servient tenement.
PERSONAL SERVITUDES

USUFRUCT (LIFE-INTEREST)

METHOD OF OBTAINING USUFRUCT: REGISTRATION - TERMS OF TESTAMENTARY DISPOSITION

MAY TAKE ALL PRODUCE OF PROPERTY

PROPERTY MAY NOT BE DESTROYED / SUBSTANTIALLY ALTERED

USUFRUCT MAY NOT BE TRANSFERRED TO ANOTHER

MAY NOT BE GRANTED FOR LONGER THAN LIFETIME OF HOLDER
MORTGAGE & PLEDGE

LIMITED REAL RIGHTS OVER PROPERTY

OBJECT OF MORTGAGE = IMMOVABLE PROPERTY & MORTGAGE = ACQUIRED BY REGISTRATION AGAINST TITLE DEED

OBJECT OF PLEDG = MOVABLE PROPERTY & IS ACQUIRED THROUGH AGREEMENT & DELIVERY OF PROPERTY

CONSTITUTE WAYS IN WHICH DEBTS CAN BE SECURED
LAW OF SUCESSION

Estate administered by executor/s under letters of executorship granted by master.

Duty of executor to pay debts of deceased, realising assets of estate if necessary.

After payment of debts, remaining balance distributed amongst heirs/beneficiaries.

Estate of deceased vests in executor - becomes legal owner of assets, bare dominium / naked ownership - not beneficial ownership.

Heirs & beneficiaries depend if deceased left valid will - no will - rules of intestate succession apply.
ALL PRODUCTS OF HUMAN INTELLECT WHICH ARE INCORPOREAL & HAVE EXONOMIC VALUE ARE REGARDED AS INCORPOREAL THINGS IN RESPECT OF WHICH RIGHTS CAN EXIST

LAW OF INTELLECTUAL PROPERTY


MOST IMPORTANT: COPYRIGHT, PATENTS, TRADE MARKS, GOODWILL & MODELS
LAW OF OBLIGATIONS

- LAW OF DELICT
- UNJUSTIFIED ENRICHMENT
- REMEDIES
- ORIGIN OF CLAIM FOR ENRICHMENT
- OBLIGATION IMPOSED UPON ENRICHED PERSON
The Law of Obligations is the bond or relationship between legal subjects. Personal rights come about through contract, delict, most important - unjustified enrichment.

Legal object in relation to contract is performance which must be delivered.

Delict - payment of compensation; unjustified enrichment - payment of amount equal to amount by which person has been enriched to detriment of another.

Example 1: 2 parties conclude contract, obligation arises in terms of which party has right to demand that other keep promise (other party - render performance). Both parties simultaneously obligee & obligator.

Example 2: if by committing delict, party 1 causes damage to party 2, obligation arises between parties. Party 1 obliged to pay party 2 damages & party 2 has right to claim damages.

Example 3: unjustified enrichment. Party 1 pays party 2 money, thinking party 1 owes party 2 money (not true). Obligation arises - party 2 to pay party 1.
LAW OF DELICT

FACTORS CAUSING DAMAGE: NATURAL DISASTERS / HUMAN ACTION

COMPENSATION FOR DAMAGE SUFFERED BY PERSON CAN BE RECOVERED FROM ANOTHER PERSON ONLY IF LEGALLY RECOGNISED GROUNDS FOR RECOVERY

LAW OF DELICT LAYS DOWN WHAT IS REQUIRED FOR ACT CAUSING DAMAGE TO QUALIFY AS DELICT & WHAT REMEDIES ARE AVAILABLE TO PARTY SUFFERING DAMAGE

LEGAL ORDER COMES TO AID OF PREJUDICED PARTY IN 2 WAYS

IN SYSTEM OF SUBJECTIVE RIGHTS REGULATED BY OBJECTIVE LAW, INTEREST OF LEGAL SUBJECTS ARE JURIDICALLY DEMARCATED

(1) PREJUDICED PARTY IS GRANTED ORDER (INTERDICT) WHICH FORBIDS OTHER PARTY TO PROCEED WITH COURSE OF ACTION

(2) WRONGDOER IS ORDERED TO COMPENSATE THE PREJUDICED PARTY FOR DAMAGE CAUSED
DEFINITION OF A DELICT

DEFINITION: DELICT IS ANY UNLAWFUL CULPABLE ACT WHEREBY A PERSON CAUSES THE OTHER PARTY DAMAGE / INJURY TO PERSONALITY, & WHEREBY HE PREJUDICED PERSON IS GRANTED RIGHT TO DAMAGES / COMPENSATION DEPENDING ON CIRCUMSTANCES

5 ELEMENTS OF DELICT (WRONGDOER'S ACTION MUST COMPLY WITH ALL)

(1) AN ACT

(2) UNLAWFULNESS

(3) FAULT

(4) CAUSATION

(5) DAMAGE / INJURY TO PERSONALITY (HARM)

MERE FACT PERSON CAUSED ANOTHER TO SUFFER DAMAGE = INSUFFICIENT TO FOUND DELICTUAL LIABILITY
AN ACT

ANY VOLUNTARY HUMAN CONDUCT, NEED NOT BE WILLFUL

ANY HUMAN CONDUCT WHICH AT TIME OF ACTIVITY WAS CAPABLE OF BEING EXERCISED UNDER CONTROL OF WILL

ONLY HUMAN BEING CAN ACT IN EYES OF LAW
NOT ALL ACTS THAT ARE HARMFUL TO OTHERS ARE DELICTS

ACT IS UNLAWFUL WHEN INFRINGES THE RIGHTS OF ANOTHER (DEFAMED / ASSULT)

ACT IS UNLAWFUL IF WRONGDOER OWED PERSON PREJUDICED DUTY TO TAK CAR & THIS DUTY IS BREACHED

SPECIAL CIRCUMSTANCES: ACT WHICH AT FIRST GLANCE INFRINGES RIGHT OF ANOTHER PROVES ON CLOSER SCRUTINY TO BE LAWFUL WHEN DEFENDANT CAN RELY ON SOME PARTICULAR CIRCUMSTANCE WHICH JUSTIFIES ACT

CAN INFRINGEMENT ALLEGED BY PLAINTIFF BE JUSTIFIED BY DEFENDANT'S CLAIM THAT ACT WAS NOT UNLAWFUL BECAUSE HAD RIGHT TO PERFORM ACT

UNLAWFULNESS
NECESSITY EXISTS WHEN PERSON IS THROUGH EXTERNAL FORCES PLACED IN SUCH A POSITION THAT THE PERSON'S (/ANOTHER'S) LEGITIMATE INTERETS CAN ONLY BE PROTECT THROUGH A REASONABLE INFRMEMENT OF RIGHTS OF ANOTHER.

PURPOSE OF ACT OF NECESSITY = TO PROTECT INTERETS OF PERPETRATOR / 3RD PARTY AGAINST DANGEROUS SITUATION.
SELF-DEFENCE EXISTS WHEN PERSON, IN REASONABLE WAY, DEFENDS HIMSELF AGAINST ACTUAL / IMMENTEN UNLAWFUL ATTACK BY ANOTHER TO DEFEND HIS OWN / ANOTHER'S LEGALLY ACKNOWLEDGED RIGHT

DEFENCE = AGAINST UNLAWFUL THREAT / ATTACK

MUST BE ACT DIRECTED AGAINST HUMAN ACT FOR ONLY A HUMAN CAN ACT UNLAWFULLY

SELF-DEFENCE
WHERE PERSON IS LEGALLY CAPABLE OF EXPRESSING HIS WILL GIVES CONSENT TO INJURY / HARM, THE CAUSING OF SUCH HARM WILL BE LAWFUL.

TWO FORMS OF CONSENT: CONSENT TO INJURY; CONSENT TO / ACCEPTANCE OF RISK OF INJURY.

CONSENT GIVEN WITHOUT CONSENTING PARTY'S BEING AWARE OF NATURE & SERIOUSNESS OF POSSIBLE CONSEQUENCES = INVALID.

CONSENT NOT GIVEN FREELY IS INVALID.

NOT EVERY FACTUAL CONSENT TO INJURY IS VALID, CONSENT MUST NOT BE CONTRARY TO GOOD MORALS.

CONSENT MAY BE GIVEN EXPRESSLY / TACITLY.

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CONSENT MAY BE GIVEN EXPRESSLY / TACITLY.
PERSON DOES NOT ACT UNLAWFULLY IF HE PERFORMS AN ACT WHILE EXERCISING STATUTORY AUTHORITY

REQUIREMENTS: STATUTE MUST AUTHORISE INFRINGEMENTS OF PARTICULAR RIGHT CONCERNED; CONDUCT MUST NOT EXCEED BOUND OF AUTHORITY CONFERRED BY STATUTE
PROVOCATION

(2) Conduct of provoked person must constitute immediate & reasonable retaliation against body of other person.

Two requirements: (1) Provocative conduct must be of such a nature that reaction thereto = reasonable & therefore excusable.

Provocation = not complete defence when verbal provocation has been followed by physical assault.

Provocation exists when person is provoked / incited by another's word / actions to cause harm to the other.

Defamatory / insulting allegations made during argument in retaliation to provocative verbal conduct may be justified & if provocation takes form of physical assault, may constitute complete defence against action on basis of subsequent retaliatory physical assault.
A UNLAWFUL ACT DOESN'T NECESSARILY ENTAIL LIABILITY FOR WRONGDOER, MUST BE AT FAULT. AT FAULT IF ACTED INTENTIONALLY / NEGLIGENTLY.

SUFFICIENT LEVEL OF MENTAL DEVELOPMENT COMPREHEND NATURE & CONSEQUENCES OF ACTIONS.

CHILDREN UNDER 7 & INSANE PERSONS CAN NEVER BE LIABLE.

APPORTIONMENT OF DAMAGES ACT 34 OF 1956: DAMAGE DIVIDED IN PROPORTION TO RESPECTIVE DEGREES OF NEGLIGENCE.

CONTRIBUTORY NEGLIGENCE: INJURED PERSON HAS ALSO BEEN NEGLIGENT.

DOLUS EVENTUALIS: POSSIBILITY OF ANOTHER EVENT COMING ABOUT.

ACTUAL INTENTION: AWARE OF UNLAWFULNESS OF ACTIONS.

BOYS UNDER AGE OF 14.

GIRLS UNDER AGE OF 12.

FAULT
CAUSATION

ONLY HELD LIABLE FOR CONSEQUENCES CAUSED

2 ELEMENTS: FACTUAL CAUSATION & LEGAL CAUSATION

FACTUAL CAUSATION
- FACTUAL CAUSAL LINK EXISTS BETWEEN ACT & DAMAGE. SINGLE ACT CAN GIVE RISE TO UNLIMITED NUMBER OF HARMFUL EVENTS - DETERMINE WHICH ACTS SHOULD GIVE RISE TO LIABILITY FOR DAMAGE
- FACTUAL DETERMINED BY APPLYING CONDITION SINE QUA NON TEST

LEGAL CAUSATION
- SUFFICIENTLY CLOSE RELATIONSHIP BETWEEN CONDUCT & CONSEQUENCE - CONSEQUENCE MAY BE IMPUTED TO WRONGDOER IN VIEW OF POLICY CONSIDERATIONS BASED ON REASONABLENESS, FAIRNESS & JUSTICE
MUST HAVE CAUSED DAMAGE / IMPAIRMENT OF OTHER'S PERSONALITY

PATRIMONIAL DAMAGE - CONDITION OF ESTATE LESS FAVOURABLE

PRESENT CONDITION OF ESTATE COMPARED WITH WHAT WOULD HAVE BEEN

(1) MAY NOT RAISE AS DEFENCE THAT OTHER'S DAMAGE HAD, ENTIRELY / IN PART, BEEN EXTINGUISHED BY 3RD PARTY (INSURANCE) FALL OUTSIDE DISPUTE NOT CONSIDERED WHEN CALCULATING DAMAGES

(2) DUTY NOT TO ALLOW DAMAGE TO ACCUMULATE

IMPAIRMENT OF PERSONALITY - DIFFICULT TO ASSESS

DAMAGE / IMPAIRMENT OF PERSONALITY
REMEDIES

PERSON RIGHTS THREATENED MAY PROTECT BY MEANS OF INTERDICT

HARM ALREADY CAUSED - CLAIM FOR COMPENSATION

PATRIMONIAL DAMAGE: CLAIM FOR COMPENSATION BASED ON ACTIO LEGIS AQUILIAE

PERSONALITY DAMAGE: CLAIM BASED ON ACTIO INIURIARUM (ACTION FOR PAIN & SUFFERING)

SOLATIUM - SENTIMENTAL DAMAGES
UNJUSTIFIED ENRICHMENT

PATENTLY INEQUITABLE FOR 1 PERSON TO BE ENRICHED TO THE DETRIMENT OF ANOTHER

CLAIM IS LIMITED TO AMOUNT OF ACTUAL ENRICHMENT

NOBODY SHOULD BE ENRICHED AT EXPENSE OF ANOTHER

Nobody should be enriched at the expense of another.

Claim is limited to the amount of actual enrichment.

Patently inequitable for one person to be enriched to the detriment of another.
ORIGIN OF CLAIM FOR ENRICHMENT

CONDICTIONES = LEGAL ACTIONS

LEGAL ACTIONS ACKNOWLEDGED IN ROMAL LAW TO PROVIDE FOR CERTAIN TYPES OF ENRICHMENTS - ADOPTED BY ROMAN-DUTCH LAW - SA LAW BASED

NO GENERAL ENRICHMENT ACTION IS RECOGNISED IN SA

CONDICTIONI INDEBITI: ROMAN LAW - TRANSFEROR OF PROPERTY WHICH HAD BEEN GIVEN TO ANOTHER PERSON WITHOUT LEGAL TITLE COULD RECLAIM PROPERTY FROM OTHER PERSON
OBLIGATION IMPOSED UPON ENRICHED PERSON

2 FORMS: RESTITUTION / COMPENSATION

RESTITUTION: PERSON WHO HAS DELIVERED / TRANSFERRED MONEY / PROPERTY WHICH IS NOT DUE TO ANOTHER PERSON MAY RECOVER THAT MONEY / PROPERTY FROM THE OTHER PERSON

CIRCUMSTANCES - RESTITUTION: PAYMENT / DELIVERY IN ERROR; PAYMENT / DELIVERY UNDER CONTRACT WHICH IS INVALID OWING TO ILLEGALITY

PAYMENT / DELIVERY UNDER CONTRACT WHICH IS INVALID OWING TO ILLEGALITY: PARTY TO ILLEGAL CONTRACT, WHO HAS DELIVERED PROPERTY / MONEY TO ANOTHER PARTY, MAY RECOVER WHAT HAS BEEN DELIVERED, PROVIDED THAT PERSON IS NOT EQUALLY GUILTY WITH PERSON FROM WHOM PROPERTY / MONEY IS BEING CLAIMED

IF EQUALLY GUILTY, PAR DELICTUM RULE PREVENT RECOVERY

ACTION INSTITUTED IN THIS INSTANCE: CONDICTION INDEBITI

PAYMENT / DELIVERY IN ERROR: (A) MADE UNDER A MISTAKE; (B) MISTAKE WAS REASONABLE; (C) NOT MADE ON CONDITION WOULD NOT BE RECOVERABLE; (D) WAS NOT MADE BY WAY OF COMPROMISE
OBLIGATION IMPOSED UPON ENRICHED PERSON (COMPENSATION)

CIRCUMSTANCES:
- PARTIAL PERFORMANCE
- IMPROVEMENTS TO PROPERTY

PARTIAL PERFORMANCE: 1 PARTY OF CONTRACT PERFORMED ONLY PORTION OF OBLIGATION WHICH IS INDIVISIBLE

IMPROVEMENTS TO PROPERTY: PERSON EFFECTS IMPROVEMENTS TO PROPERTY WITH INTENTION OF DOING SO FOR OWN BENEFIT & HAS NO RIGHT / TITLE TO PROPERTY, IMPROVEMENTS BECOME PROPERTY OF TRUE OWNER.

PERSON EFFECTED IMPROVEMENTS ENTITLED TO CLAIM AMOUNT BY WHICH PROPERTY HAS INCREASED FROM TRUE OWNER

MAY NOT EXCEED ACTUAL EXPENSES INCURRED

OWNER NOT ACCEPT - PERSON WHO EFFECTED MUST REMOVE & NOT DAMAGE PROPERTY

NEGOTIORUM GESTIO: 1 PERSON VOLUNTARILY & WITHOUT PERMISSION / KNOWLEDGE, MANAGE AFFAIRS OF OTHER PERSON. IF PERSON ACCEPTS - OBLIGED TO COMPENSATE PERSON WHO MANAGED