

ผนวก ถ

ประมวลกฎหมายแพ่งเยอรมัน
(Bürgerliches Gesetzbuch (BGB) หรือ German Civil Code)

Book 1 - General Principles

Section 3 - Legal Transactions

Title 3 - Contract

§156 - Auctions

At an auction a contract is not concluded until the knocking down of the object. A bid expires if a higher bid is made, or if the auction is closed without knocking down the object.

Book 2 - Law of Obligations

Section 3 - Extinction of Obligations

Title 2 - Lodgment

§383 -

If the thing owed is a moveable which is not suitable to be lodged, and if the creditor is in default, the debtor may cause it to be sold by auction at the place of performance and lodge the proceed. The same rule applies in the cases provided for by 372, sentence 2, if the destruction of the thing is to be apprehended, or if its custody would involve disproportionate expense.

If a reasonable return is not to be expected from an auction at the place of performance, the thing shall be sold by auction in some other appropriate place.

The auction shall be held publicly by a Court officer appointed for the place of auction, or by some other official authorized to conduct auctions, or by a publicly appointed auction (i.e., public auction). The time and place of the auction, with a general description of the thing, shall be publicly advertised.

Section 7 - Particular Kinds of Obligations

Title 1 - Sale – Exchange

§433

By a contract of sale the seller of a thing is bound to deliver the thing to the purchaser and to transfer ownership of the thing. The seller of a right is bound to transfer the right to the purchaser, and if the right involves the possession of a thing, to deliver the thing.

The purchaser is bound to pay to the seller the purchase price agreed upon and to take delivery of the thing purchased.

§434

The seller is bound to transfer to the purchaser the sold object free from rights enforceable by third parties against the purchaser.

§461

A seller is not responsible for a defect of quality in the thing sold if it is sold by public auction under the law of pledge and designated as a pledge.

Book 3 - Law of Things

Section 3 - Ownership

Title 2 - Acquisition and Loss of Ownership of Land

§925

The real agreement of the alienor and the acquirer necessary according to 873 for the transfer of ownership of land (i.e., a conveyance by agreement) must be declared at the land registry office in the presence of both parties simultaneously.

A conveyance by agreement made subject to any conditions or limitation of time is of no effect.

Title 3 - Acquisition and Loss of Ownership of Movables

Sub-title 1 - Transfer

§929

For the transfer of ownership of a movable it is necessary that the owner deliver the thing to the acquirer and make a real agreement with him that the ownership shall

pass. If the acquirer is in possession of the thing the real agreement as to the passing of ownership is sufficient.

