

**21 GCA REAL PROPERTY
CH. 41 UNLAWFUL TRANSFERS**

**CHAPTER 41
UNLAWFUL TRANSFERS**

- § 41101. Void Instruments, Purchases.
- § 41102. Purchaser's Notice.
- § 41103. Revocation, Generally.
- § 41104. Same.
- § 41105. Other Provisions.

§ 41101. Void Instruments, Purchases.

Every instrument, other than a will, affecting an estate in real property, including every charge upon real property, or upon its rents or profits, made with intent to defraud prior or subsequent purchasers thereof, or encumbrancers thereon is void as against every purchaser or encumbrancer, for value, of the same property, or the rents or profits thereof.

SOURCE: CC §1227.

§ 41102. Purchaser's Notice.

No instrument is to be avoided under the last section in favor of a subsequent purchaser or encumbrancer having notice thereof at the time his purchase was made, or his lien acquired, unless the person in whose favor the instrument was made was privy to the fraud intended.

SOURCE: CC §1228.

§ 41103. Revocation, Generally.

Where a power to revoke or modify an instrument affecting the title to, or the enjoyment of, an estate in real property, is reserved to the grantor, or given to any other person, a subsequent grant of, or charge upon, the estate, by the person having the power of revocation, in favor of a purchaser or encumbrancer for value, operates as revocation of the original instrument, to the extent of the power, in favor of such purchaser or encumbrancer.

SOURCE: CC §1229.

§ 41104. Same.

Where a person having a power of revocation, within the provisions of the last section is not entitled to execute it until after the time at which he

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makes such a grant or charge as is described in that section, the power is deemed to be executed as soon as he is entitled to execute it.

SOURCE: CC §1230.

§ 41105. Other Provisions.

Other provisions concerning unlawful transfers are contained in Part II, Division Fourth, of this Code, concerning the special relations of debtor or creditor.

SOURCE: CC §1231.
