

CHAPTER 81
TRANSFER OF OBLIGATIONS

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§ 81101. When Burdens Transferable.

The burden of an obligation may be transferred with the consent of the party entitled to its benefit, but not otherwise, except as provided in § 81110 of this Chapter.

SOURCE: CC § 1457.

§ 81102. Rights Transferable.

A right arising out of an obligation is the property of the person to whom it is due, and may be transferred as such.

SOURCE: CC § 1458.

§ 81103. Nonnegotiable Instruments may be Transferred.

A nonnegotiable written contract for the payment of money or personal property may be transferred by endorsement, in like manner with negotiable instruments. Such endorsement shall transfer all the rights of the assignor under the instrument to the assignee, subject to all equities and defenses existing in favor of the maker at the time of the endorsement.

SOURCE: CC § 1459.

§ 81104. Covenants Running with the Land.

Certain covenants, contained in grants of estates in real property, are appurtenant to such estates, and pass with them, so as to bind the assigns of

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the covenantor and to vest in the assigns of the covenantee, in the same manner as if they had personally entered into them. Such covenants are said to run with the land.

SOURCE: CC § 1460.

NOTE: The law regarding real property is found in Title 21 of this Code.

§ 81105. What Covenants Run with Land.

The only covenants which run with the land are those specified in this Chapter, and those which are incidental thereto.

SOURCE: CC § 1461.

§ 81106. Covenants to Benefit Property.

Every covenant contained in a grant of an estate in real property, which is made for the direct benefit of the property, or some part of it then in existence, runs with the land.

SOURCE: CC § 1462.

§ 81107. Covenants of Warranty Run with Land.

The last section includes covenants "of warranty," "for quiet enjoyment," or for further assurance on the part of a grantor, and covenants for the payment of rent, or of taxes or assessments upon the land, on the part of the grantee.

SOURCE: CC § 1463.

§ 81108. Covenants with Land: Assigns Named.

A covenant for the addition of some new thing to real property, or for the direct benefit of some part of the property not then in existence or annexed thereto, when contained in a grant of an estate in such property, and made by the covenantor expressly for his assigns or to the assigns of the covenantee, runs with the land so far only as the assigns thus mentioned are concerned.

SOURCE: CC § 1464.

§ 81109. Who are Bound by Covenants.

A covenant running with the land binds those only who acquire the whole estate of the covenantor in some part of the property.

SOURCE: CC § 1465.

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§ 81110. Who are not Bound.

No one, merely by reason of having acquired an estate subject to a covenant running with the land, is liable for a breach of the covenant before he acquired the estate, or after he has parted with it, or ceased to enjoy its benefits.

SOURCE: CC § 1466.

§ 81111. Apportionment of Covenants.

When several persons, holding by several titles, are subject to the burden or entitled to the benefit of a covenant running with the land, it must be apportioned among them according to the value of the property subject to it held by them respectively, if such value can be ascertained, and if not, then according to their respective interests in point of quantity.

SOURCE: CC § 1467.

§ 81112. Transfer of Obligations: Land Covenants.

A covenant made by the owner of land with the owner of other land, to do or refrain from doing some act on his own land, which doing or refraining is expressed to be for the benefit of the land of the covenantee, and which is made by the covenantor expressly for his assigns or to the assigns of the covenantee, runs with both of such parcels of land.

SOURCE: CC § 1468.

NOTE: No 1970 Civil Code §§ 1469-1472 existed.

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