

Civil Code for the Free and Sovereign State of Morelos

Legal Counsel of the Executive Power of the State of Morelos.  
 General Directorate of Legislation.  
 Subdirectorato de Jurisematics.

Last Refurbishment: 03-08-2017

## CIVIL CODE FOR THE FREE AND SOVEREIGN STATE OF MORELOS

**GENERAL OBSERVATIONS.-** The Seventh transitory article, repeals the Civil Code for the Free State and Soberano de Morelos of 1945/09/26, published in the Official State Newspaper of 1946/02/24.  
 The eighth transitory article repeals Decree number 74 of 1952/11/26, published in the Official State Newspaper in 1952/12/31.

- Articles 89,243,244 first paragraph, 253,254,255,256 and 282 section IV, and the name of the Chapter VI, article 243-A is added and articles 249,252,262 of Decree 687 of POEM 4397 are repealed 2005/06/15.
- Article 2399 amended by Decree No. 880 published in Official Gazette 4434 of 2006/01/11. Validity: 2006/01/12.
- Repealed articles 59 to 934 by Transitory Article Fifth of the Family Code for the Free and Sovereign State de Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481, Second Section of 2006/09/06. Validity: 2006/10/01.
- The Second Book, the First Title, Chapter I made up of Articles 59 and 60, Chapter II are added. made up of articles 61, 62, 63 and 64, chapter III made up of article 65, chapter IV made up of the Article 66, Chapter V made up of Articles 67, 68 and 69 and Chapter VI made up of Articles 70 and 71, by Sole Article of Decree No. 49 published in the Official Newspaper "Tierra y Libertad" No. 4497 of 2006/12/06. Validity 2006/12/07.
- "Land and Freedom" dated 2008/09/24. Validity: 2008/09/25.
- Articles 59, 62, 63, 64, 65 are amended, Article 66 is repealed, as well as the name of Chapter IV, of the First Title, Second Book and articles 2102 BIS and 2117 BIS are added by Sole Article of Decree No. 1153 published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. Validity: 2008/12/12.

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- The third paragraph of article 2399 is amended by the Sole Article of Decree No. 898 published in the Official Newspaper "Land and Freedom" dated 2008/09/24. Validity: 2008/09/25.
- Articles 59, 62, 63, 64, 65 are amended, Article 66 is repealed, as well as the name of Chapter IV, of the First Title, Second Book and articles 2102 BIS and 2117 BIS are added by Sole Article of Decree No. 1153 published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. Validity: 2008/12/12.
- Section III of article 1238 and article 1242 are reformed, by sole article of Decree No. 1582 published in the Official Newspaper "Tierra y Libertad" No. 5479 dated 2017/03/08. Valid 2017/03/09.

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ANTONIO RIVA PALACIO LOPEZ, CONSTITUTIONAL GOVERNOR OF  
FREE AND SOVEREIGN STATE OF MORELOS, TO ITS INHABITANTS KNOW:

That the H. Congress of the State, has served to send me for its promulgation,  
following:

THE HONORABLE XLV LEGISLATURE OF THE CONSTITUTIONAL CONGRESS OF  
FREE AND SOVEREIGN STATE OF MORELOS, IN EXERCISE OF THE  
FACULTY CONFERRED BY SECTION II OF ARTICLE 40 OF THE  
LOCAL POLITICAL CONSTITUTION, AND,

#### CONSIDERING

I. That in exercise of the power conferred by articles 42, section I and 70  
fraction I of the Local Political Constitution, the Citizen Governor  
Constitutional State presented before this Sovereignty the INITIATIVE OF  
CIVIL CODE FOR THE FREE AND SOVEREIGN STATE OF MORELOS.

II. As stated by the initiator, the Civil Code in force in our State was  
promulgated on September 27, 1945 and indeed, considered one of the  
the most modern ordinances of its time, the Civil Code of the State of  
Morelos meant an undoubted advance with respect to the Code of 1889, adjusting  
norms and institutions to the demands of a community that had suffered  
substantial changes in your organization, aspirations and relationships  
legal.

III. Since the promulgation of this substantive ordinance to date, they are  
multiple and varied transformations that the country has undergone, and since  
then our State, in all areas.

Mexico has entered a stage of dizzying changes that have affected the  
social structure politically, economically and legally.

The law, as a regulator of social relations, requires a constant  
update in accordance with the rhythm of social transformation.

In today's circumstance, legal relationships between individuals require  
simple, practical and above all dynamic regulation.

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The Civil Code Initiative submitted to the consideration of this Sovereignty satisfies those requirements and we are certain that it will constitute a remarkable advance in the legal life of the State of Morelos.

IV. With the firm purpose of updating our civil legislation to the needs and aspirations of today's society, the head of the State Executive Power entrusted the Doctor of Law Fernando Flores García with the preparation of a Draft Civil Code, which once concluded was put for consideration of Magistrates, Notaries, Lawyers and an integrated Review Commission for such an effect.

Of the suggestions, observations, modifications and adjustments made by these Legal professionals comes the final text of the Initiative, from which the considers it pertinent to transcribe the explanatory statement formulated by the authors of the Project, which is done next:

#### "INTRODUCTION

When we receive the honorable commission of the citizen Constitutional Governor of the State of Morelos, Mr. Antonio Riva Palacio López, to prepare a Civil Code Project for the Entity, at the same time we realized that the need to try to renew a body of laws, which despite its good gained prestige in his time, now, more than forty-five years after his entry into force and despite the reforms that have been introduced, the step inexorable time and the dizzying changes experienced by the entire humanity, and in particular, for our country, a good number of civil institutions regulated by the 1945 Code, have lagged behind and need a renovation so that their regulation is in accordance with the current conditions of the State, and for the future that envisages even a new century.

The Drafting Committee has considered that it is not appropriate to carry out a number considerable reforms to the Civil Code of Morelos, but that, due to the reasons previously stated, a new order is required that standardize comprehensively and in accordance with the structural and methodical topography of the same, the complex civil context that despite being classified as traditional and

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sometimes immutable, it is renewed periodically and remains the column vertebral of the right from which one day all its branches derived.

The obligatory start of the task was informative, trying to enter the Commission in the text and comments to the local Codification, so that the line followed by proceeding to collect comparative data by consulting the Codes Civilians of the Federal District, drawn up by the distinguished jurist Don Francisco H. Ruiz, example of technical-legal and social advancement of his time; of the Civil Code of Puebla, recently minted, 1985; of the Civil Code Project for the District Federal, written by prominent national jurists; as well as some foreign civil substantive catalogs such as that of Spain and Panama. For another On the other hand, the jurisprudence of our highest Court of Justice was consulted to locate their criteria in the corresponding subjects and thus achieve the necessary legislative consistency.

#### LEGAL STRUCTURE

Unlike the Code in force, the Draft Civil Code for the State of Morelos consists of seven books compared to the five contained in the current one. The Commission has considered that day by day, the principle of specialization charges greater force and the Law is not alien to this phenomenon; also, the content of Civil Law and its field of action is extremely broad, therefore, it is requires a coding that in a more precise and specialized way regulates its context. For these reasons, the formation of seven books has been contemplated in the project; the First of preliminary provisions since, on the one hand, They frame the provisions of generic application as well as the theory of the event legal and nullities that constitute a fundamental part and of the nature general applicable to a large part of legal events, motives that led the members to dedicate the initial book to the content of such institutions.

The Second Book of people in which the subject of Law is the object central regulation, as well as that related to its attributes, circumstances that make the transcendence of the legal entity undeniable in order to dedicate a book to it particular.

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Within this book it has been considered prudent to include legal relationships interpersonal through relative institutions such as kinship, adoption, marriage, divorce, consensual family bond, to mention some and that are included within this common environment.

Consistent with the above, it was decided to locate the Registry more logically Civil, a State institution that contemplates and regulates with full legal effectiveness, various stages and situations of people until their death, circumstance which led this Commission to give it this place within the Code.

The Third Book is in charge of the regulations of the successions; that is, of the legal effects after the death of the author of the inheritance, and whose regulation is indispensable in a single book due to its characteristics special procedures and through the dual process of successor processing.

The Fourth Book is fundamentally dedicated to regulating the patrimonial scope of the Civil Law, which is translated through property and real rights, as well as by the possession and prescription that complement this panorama, and whose specialized content due to its material scope requires in the opinion of this Commission of a book also private.

The Fifth Book establishes the sustenance of the Sixth, in terms of its natural structure and therefore, despite close ties, the two fields are different.

Indeed, the Fifth Book of obligations establishes the basis of contracts for establish basic rules that are applicable to the latter and to a variety of obligatory aspects of peculiar traits, foundations that made reflect to this Commission on the need to institute a complete book to this matter.

The Sixth Book, of contracts, regulates in a particular way the immeasurable civil contractual scope, and that for the same reasons of specialty, added to its dynamism, requires a specific book.

The Seventh Book of the Public Property Registry details the regulation on this institution whose current importance increases every day and makes indispensable that the real estate traffic; that of movable property, as well as that of

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civil legal persons and other related areas, are detailed in order to achieve full legal security, reasons for which it was considered necessary to regulation within an exclusive book.

#### PHILOSOPHY OF THE DRAFT CODE

In the complex world of human relationships and the explanatory world of being human, this Commission considered that the central axis of corporate life is the own man, considered like figure and main act of the civil relations. This premise guided the Commission to regulate the human being the Draft Code. In this way, it was conceived that the Project would follow the temporal sequence of man: from conception to death, being located within that period, the relationships that may arise, as well as the different stages and situations that the human being could acquire.

On the other hand, its purely individualistic and protectionist regime has left behind, to locate man in his true reality; the social nature and that every day is acquiring more vigor to achieve a state of authentic solidarity between the components of a society, prevailing in case of conflict, the general interest over the individual.

It is worth mentioning that two central concerns are clearly manifested throughout the Project: one, the protection of the fundamental rights of the man and his constitutional and legal projection; and, two, the protection of the most needy of the Morelos population, in an effort to provide them with a legal defense of their interests, since modern civil law does not constrains or should be limited to guaranteeing private interests, but rather its This sphere must be extended and have an impact on the legal social protection of the marginalized.

Thus, as an example, let us mention the text of article 14 of the Project, which stipulates the obligation to carry out particular activities for the collective benefit and grants, as one of the indicated pioneer cases in our country, the claim to protect the collective interests of undetermined groups (the class action of the Anglo-Saxon law; the action to protect diffuse interests, of some European countries).

#### SIMPLIFICATION

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The Project, imbued with a spirit of modernity, tries to abandon politics legislative of the far-fetched and sometimes sterile casuism, to offer a simple regulations, without unnecessary complications; and, as a result, all three one thousand four hundred twenty-five numerals of which the current Civil Code consists, is reduced to two thousand five hundred and fifty-five articles, which are those that We offer to the enlightened consideration of the head of the Executive Power of this Federative Entity, as well as that of the deputies that are members of the Power Legislative of the State of Morelos.

#### HEADINGS

Continuing the technique adopted in the Civil Code Project for the State Free and Sovereign of Morelos, each article is preceded by a heading, simple, condensed and explanatory of the content of the text of said numeral, which facilitates the management and location of the precept.

#### TERMINOLOGY AND TRANSFER OF PRECEPTS

Related to some civil adjective precepts, this Project uses more suitable words, such as: term, in its proper sense, of a series of days, or longer periods; that is, a period within which it is possible to carry out the conduct ordered by law, or by judicial authority, or granted Between the parts; versus term, which is the end of the term, only date to carry carry out the legally foreseen activity.

Likewise, the distinction between action, as the sole legal possibility of provoking the judicial heterocomponent activity; and, on the other hand, the claims, understood as a variable, multiple legal aspiration, to submit the interest legal alien to one's own.

The authority of the body is frequently referred to and it is avoided to refer to the judge "competent", since the aptitude of judgment is objective and not personal.

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If a confrontation is made, between the substantive civil project and the procedural one, You will notice that many articles of adjective content were located and that they are in the

Civil catalog in force, in the correct place, which is the procedural legislation. Due to the legislatively and doctrinally recognized principle that the affiliation of the children born out of wedlock results, in relation to the mother, from the sole fact birth, is used in the Civil Code Project, the word of "admission"; reserving, with respect to the father the act of "recognition", that it was ambiguously used for both.

#### EVENT OR LEGAL EVENT

Without looking for a simple doctrinal or theoretical effect, which I would find better expression in another type of legal task, but rather in a clarifying and maximum simplicity, concepts are regulated and reflected (we do not know the origin, nor the why it is argued that the law and its codified manifestations should not define the institutions that regulate), the Project establishes the notions of fact natural, voluntary, involuntary human legal acts and against the Will; and the legal act, all forming part of the event or event that produces legal consequences, as well as its elements of existence and validity; and, that affect the situation of people whose legal life civil, is regulated by this Codification.

#### PEOPLE AND FAMILY LAW

Regardless of the controversy of belonging to the common trunk of Law Civil, from its conversion into an autonomous discipline, Family Law; O well, of its tendency to be part of Social Law, the Project puts very special attention in the legal relationships derived from the family union and the people, as entities of legal provisions.

A generic reference is made to legal persons, since there are plenty of the works of Ferrara and Kelsen are well known, in the sense that not every man is a person, not every person resides in man, but it is an attribution specific objective that the Law makes to the "subjects of Law", who can fall on the human creature: "individual legal person" or on the "moral person", designation preferable to the simple "legal person", "collective", or "social".

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Of the natural person, the personality is delimited and regulated, the general attribution of every person, and is distinguished from the capacity (old and seemingly endless discussion) as its legal limitation in certain areas of conduct.

In an effort to complement and accurately enunciate they are set out in the Project (provisions about the attributes of the person: personality, capacity, domicile, name, age, nationality, assets and marital status).

It is necessary to consign a regulation that the project does and that is unusual, on the name and the minority of age.

#### FUNDAMENTAL RIGHTS OF THE HUMAN BEING

A sample of the stated purpose of protecting human rights is can consign, since for the Multicited Civil Code Project, all The individual shall enjoy the subjective public rights enshrined in the Political Constitution of the United Mexican States, as well as respect for its life, security, privacy and personal dignity. Only available in life of parts and organs of your body when it does not contravene the regulations of health or criminal.

In this way, it is sought to avoid unscrupulous traffic or parts market or human organs that are observed in the present.

As regards legal entities, they are authorized to exercise all the rights necessary to lawfully carry out the object of its statutes.

#### INCREASES

A special chapter is devoted to food, comprising food, clothing, room and sickness assistance.

Regarding minors, they also cover the essential expenses for provide them with primary education and, if possible, the obligee's secondary

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and to procure for him some trade, art or profession that is honest and appropriate to his Personal circumstances.

The Project provides on the nutritional relationships between spouses and relatives with a brand the protective tendency to the obligor creditors, but with respect and audience to debtors.

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EMANCIPATION AND COMING OF AGE

The Project regulates a single hypothesis of emancipation, through the marriage and consecrates a chapter of coming of age, thus giving a sign of support for the progress of the majority youth that populate the world.

BASES OF THE MORELAN FAMILY

As an express recognition of the social cell that is the family, it is determined by the Civil Code Project, that the Morelos family is a group that has its foundation in a stable relationship between a man and a woman and her full realization in the free, conscious, responsible and informed, accepted and directed by the couple, a bond that is only extinguished by death or presumption about one of the spouses, by divorce or by declaration of will.

Careful regulation is sought for the persistence and improvement of the marriage, paying attention to the requirements to contract it, including a forecast that technically improves, by being updated, by including drugs narcotic and psychotropic drugs and chronic, incurable diseases that are contagious or hereditary and deadly, such as the scourge of Immune Syndrome Acquired deficiency.

Both chapters regulate the aspects of relationships with children, around property and good faith in the marriage is presupposed.

LEGAL EQUALITY OF CHILDREN

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Throughout history, one of the goals most desired by the human being has been to achieve equality among all their peers, by the simple fact of belong to the human species. Of course, as Montesquieu pointed out, men are born with natural characteristics that individualize us as person, but at the same time they set us apart from others. Notwithstanding above, the Law has overcome this natural circumstance, establishing the legal equality of all men for that simple fact. So, on that basis, This Order intends to apply an egalitarian principle to all children, by the just the fact of having such quality, leaving aside if they are children born of marriage, outside of it, or consensual family bond. The aforementioned equalization

it is condensed into an equality in terms of rights such as being fed, of receiving inheritances and legacies and of not being classified with a certain quality for having been born in any of the aforementioned legal figures, such as examples of equal treatment.

The legislative intention thus translates into providing equal treatment to those who they are within the same plane.

#### PATRIA POTESTAD Y TUTELA

No less important are the titles that frame parental authority, guardianship and curatorship, which seeks to establish a balance between the protection of the children or the disabled, on the one hand; and on the other, give certainty to the functions of parents and guardians.

#### ADOPTION

The project contains precepts that promote the incorporation of elements strangers to the family, of spouses without descendants, who have conditions economic, health and morality to care for and educate as their own children the adopted ones.

#### DIVORCE

One of the most acute family and therefore social problems, which suffers from The growing number of countries is that of the proliferation of divorces, the etiology of which is

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locates in a plurality of extralegal factors, especially in the decrease or lack of ethical values of the community, of married couples and in general youth, that with economic, political and educational changes, go through a critical period, assuming an uninspiring attitude or constructive in particular, for the stability and improvement of the marriage.

Faced with this panorama, which is not only local, but generalized, the legislator should carefully foresee its regulation and, as far as possible, restrict the routes legal for the breakdown of marriage, without forgetting on the other hand the social reality living. That has been the attitude of the Draft Civil Code for the State of Morelos, by regulating divorce, incorporating as grounds to institutions of recent appearance such as heterogeneous insemination in the female or implantation

in it of an ovum fertilized by people outside the marriage, without the consent of the husband; or diseases such as Immuno Syndrome Acquired Deficiency; or, some other, which has proven its "effectiveness" in other Mexican latitudes, such as separation for more than two years  
Regardless of the reason for the separation, it may be invoked by either party.

#### ABSENCE AND PRESUMPTION OF DEATH

These figures take into account the noticeable improvement in the means of communication and dissemination with rapidity and not a few astonishing occasions, which is currently being experimented on, so there has been a tendency to simplify its mandatory and reduce deadlines, which seem too long, in addition to modernize your presentation assumptions.

#### FAMILY HERITAGE

The protective institution is preserved, mainly of people of limited economic resources, and an attempt is made to attribute to their assets a balanced and updated.

#### CIVIL REGISTRATION

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It is another Title in which beneficial news are introduced, trying to give this social service a functional structure and in which the inscriptions are distributed in five books: One, the certificates of birth, admission and recognition of children; Two, the marriage and consensual family union certificates; Three, the minutes of divorce, whether judicial or administrative; Four, the death certificates; and five, the enforceable actions that declare the adoption, guardianship, absence, presumption of death or that the legal capacity to administer property or property has been lost or limited His person.

They will serve to record exclusively the acts of the civil status and will record the principle, condition and extinction of the legal life of natural persons.

The possibility of correction and rectification of the minutes is given, keeping the certainty of the institution, through an accessible procedure.

We cannot forget the tutelary tonic that has been the guiding principle of the Project, for For example, by establishing that the birth certificates under no circumstances are they will enter words that qualify the registered person. In any act that contains said note, those words will be tested ex officio by whoever has it at his / her position.

#### GUARDIANSHIP

In matters of guardianship, preventive guardianship was introduced that establishes the possibility that, a capable person who could fall into some disability, name with their guardian in advance, complementing the guardianship table and generating a special scope of the will.

#### SUCCESSIONS

The book inherent to the succession context represents, both in the opinion of the doctrinal experts as well as legislative specialists, the substantive context mostly consolidated civil, so consequently leaves a radius of action extremely limited in its reformatory aspect.

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Thus, the different legal repercussions that occur after the death of the author of the succession, were subject to a regulation that includes the institutions successions and their general characteristics, respecting their double track; the testamentary and legitimate, thereby achieving a balance between the will of the author of the succession to carry out the legal effects desired by him to his death, and the absence of the will of the aforementioned author that opens the way to the legitimate, where there is an Equal treatment, on the one hand with respect to the spouse and the person united by consensual family bond and by another with relation to all the children without taking into consideration more than their such.

On the other hand, the incapacities to test and inherit, as well as the special capacity requirements for such purposes.

Likewise, an attempt was made to simplify, by reducing the paperwork and shortening of deadlines and terms in the processing of successors, as well as the avoid regulatory duplication by referring to the Civil Adjective Code when it

contemplates the hypothesis of the Civil Substantive Code, which resulted in a shortening of articles of the latter.

## REAL PROPERTY AND RIGHTS

This Book represents the heritage area, which is undoubtedly one of the largest transcendence today due to its economic content.

Traditionally, this field of Civil Law has an undoubted solidity that allows to have great regularity in its application, but at the same time reduces by that same reason the reformatory framework.

Regarding goods, the classification of the current Code was preserved but It specifies and methodizes it based on criteria of unity and simplification.

Respecting the philosophy of the Federal Magna Carta that in particular establishes its Article 27, the spirit of the social function of property is preserved without the right and the exercise over it may imply the reduction of the collective interest;

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must be exercised in accordance with legal provisions and seeking the benefit Social.

In terms of joint ownership, the effects derived from the lack of notification of the co-owner to the others, so that they can exercise the right of the time, changing the nullity provided for in the current Code by the compensation consisting of damages that may have been caused with its omission.

In matters of possession, the theory of the exercise of de facto power over the property possessed, for the benefit of the one who has it without harming the community, and detailing its content with the thesis on possession has been pronounced by the Supreme Court of Justice of the Nation and that help to specify the intricate context of this institution, as well as that of the prescription.

## OF THE OBLIGATIONS

One of the fundamental characteristics of legal norms is their dynamism. Indeed, the provisions of law must match reality social in its content, in accordance with the requirements that the

society is imposing on him.

Thus, it was deemed necessary to transfer this principle to the mandatory civil field, guided by social development that establishes the need to be oriented by the context of interdependence, solidarity and social priority, born of the division of the work and community needs, leaving behind the purely principle individualistic of the autonomy of the person, regarding the availability patrimonial, for the sake of a greater approach to the collective interest, preeminence over the individual grows daily.

In this way, after regulating the real rights in the previous Book, within the field of obligations, personal rights were structured, guided by the philosophy described above, defining and specifying the content thereof, establishing the distinction between personal obligation and the real.

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As regards the sources of the obligations, the various classes were detailed of these, based on the facts and legal acts that give rise to they.

It was considered convenient to transfer the provisions relating to contracts as a source of obligations to the place that corresponds to him; that is, to the Contract Book, intending with this to conform to the principle of logic and legislative congruence of legal institutions.

The stipulation in favor of a third party, as it is considered a figure that has relevance Within the contractual field, he moved from the mandatory field to the contract field, thereby seeking a better location and affinity for said institution.

Regarding the obligations arising from illicit acts, it was sought to print to this Chapter a more adequate systematic, linking articles that will provide a greater unity to it, a situation that was extended to the responsibilities derived from these.

Regarding the modalities and complexity of the obligations, it is attempted to give it a more accurate panorama by joining together dispositions related to each other, thereby trying to imbue greater coherence in so important line of obligations.

One of the most relevant areas, and whose development is increasingly important within the civil field, it is undoubtedly represented by that relating to contracts.

In this sense, a preliminary Title was established with general provisions applicable to contracts, based on the distinction between agreement and contract.

Due to the significance of the contracts, a rationale was used for the application of rules to contracts, going from the particular to the general, from the species to genus; being applicable in the first place, the provisions of each contract; then, the rules of the preliminary title of the contracts; likewise, those relating to obligations and ultimately those inherent to the

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legal act, with which it is intended to achieve a greater systematic and congruence logic over matter.

In this order of ideas, the specific provisions regarding the consent in contracts, as well as their compliance, without reiterating the rules on essential and valid elements that are regulated in the legal act and that are applicable in your case, follow the application rules already described.

It was considered appropriate to regulate the context of the proposal to enter into contracts, as well as the different supply hypotheses for such purposes, framing the corresponding rules.

Next, the useful classification of the contracts was established, which facilitates and complements their quality.

Of manifest importance is considered the clause freedom of the contracting parties, principle that frames the volitional autonomy of the parties, within the limits of the legality and without distorting the nature of the contracts, bases on which they will have to hold on.

What is related to the penal clause and its effects has a singular relevance due to that its limits and effects were sought to establish clearly.

Also of manifest importance are the rules on the interpretation of the contracts that are intended to help unravel the meaning and efficacy of clauses.

Finally, it was considered convenient to establish various rules inherent to the contractual breach and its effects, which seek to complement this panorama.

Regarding sales, the articles corresponding to the price and determination of the thing, in order to achieve greater legislative unity; were also included in this line, due to the affinity that in this field they have with these institutions, the sales at sight; about quality things determined; of things that are weighed, measured, counted or liked; about sample and by collection.

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On the other hand, they were methodized, seeking to obtain greater congruence, both the obligations of the seller as well as those of the buyer and a Chapter of common rules for both contracting parties.

Regarding the donation contract, it was also intended to imbue it better systematics, through the ordering of related provisions that make the institution more understandable.

Regarding the mutual agreement with interest, it was considered convenient to transfer the amount of the annual legal interest, which was traditionally located in this contract, at Book of obligations, by virtue of the fact that it is an obligatory provision of a general nature and not exclusive to the mutual with interest.

For what corresponds to the category of carriers and renters, it was estimated as more current the use of the terminology of transport contract and of rental of transport as well as the name of carriers.

Regarding the accommodation contract, legal figures were established that could prevent the right of retention of luggage by hoteliers, without making disappear this, but considering it as an extreme measure to achieve the payment of amount due.

Regarding the civil society contract, the provision that allowed the transformation of civil societies to become companies of a commercial nature, by virtue of the fact that the corporate purpose for which civil society was created goes beyond the limits of the economic field to locate itself

within that of speculation; likewise, a cause of dissolution is generated that allows the liquidation of civil society; and on the other hand, a society must be extinguished born under a civil legal regime and not simply move to a different one.

Regarding foreign companies of a private nature, it is provided that, regarding the existence, capacity, functioning, transformation, dissolution, liquidation and merger, they will be governed by the right of their constitution.

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Finally, it was considered convenient to abolish the contracts for both antichresis as of emphytheusis, without prohibiting of course its celebration, for having fallen into obsolete and obsolete in their current application, remembering that the standards legal systems must respond to social needs without such contracts constitute it.

#### PUBLIC PROPERTY REGISTRY

This institution, which comes from the Reformation period and was established as a state function of real estate regulation by the Benemérito de las Américas, Benito Juárez García, today appreciates her importance as a protector of the legal security in real estate traffic.

Access to documents and the registry function becomes more copious and enormous each time, so, in order to provide greater precision to the acts registrable and achieve its proper functioning, an attempt is made to frame its regulation within an exclusive Book.

The public nature of the Registry is preserved, an element implicit in it since its creation and that allows the achievement of registration publicity both material as formal.

Likewise, the declarative effects of the Institution are preserved in concordance with the entire Code system.

Likewise, modifications are specified and introduced as regards the acts registry, and gives rise to both judicial and administrative registration to ensure that farms that have not had access to the Public Registry of the Property can have life and legal effects. "

V. Considering the importance of the Civil Code Initiative, and notwithstanding that This had been consulted with the members of the Colleges, Bars and Bar Associations before being submitted for consideration by this Sovereignty, it was considered pertinent to distribute among the members of the forum, thus as among the members of the Judicial Power, both State and Federal, copies of the Initiative in order to collect your suggestions and

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observations; as a last stage in the analysis of the Initiative, working meetings with prominent members of the Bar Association with the object of having a final revision of the text finally approved by the Assembly.

For all the above, the Honorable XLV Legislature of the Congress of the Free State and Sovereign of Morelos is pleased to issue the following:

## CIVIL CODE FOR THE FREE AND SOVEREIGN STATE OF MORELOS

### PRELIMINARY PROVISIONS

#### TITLE ONE GENERAL RULES

#### SINGLE CHAPTER GENERAL CIVIL RULES

**ARTICLE 1.- SPACE AREA OF APPLICATION.** The provisions of this Code will govern the affairs of Civil order in the State of Morelos. Also I know They will apply on a supplementary basis, to any legal relationship or situation of Law not foreseen or incompletely regulated, by other provisions of local jurisdiction.

**ARTICLE 2.- EFFECTS OF THE ACTS THAT ARE EXECUTED IN MORELOS.** The legal effects of the acts and contracts celebrated outside the State of Morelos, but that must be executed there, will be governed by the provisions of this Code.

**ARTICLE 3.- LEGAL CONDITION OF THE ASSETS LOCATED IN THE STATE OF MORELOS.** Real estate located in the State of

Morelos, and the movable property found therein, shall be governed by the provisions of this Code, even when the owners are not Mexican, nor Morelos, nor neighbors of the State.

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**ARTICLE 4.- FOREIGN LOCAL APPLICATION REGARDING THE FORM OF THE ACTS.** Legal acts, in everything related to their form, will be governed by the laws of the place where they occur. However, Mexicans, whether or not Morelos, and foreigners residing outside the State of Morelos, remain in freedom to abide by the forms prescribed by this Code, when the act must be executed in said State.

When these acts are related to real estate that is within of the State, for them to take effect in relation to third parties, they must register in the Public Property Registry, even when this requirement is not required in the place of its granting.

**ARTICLE 5.- PERSONAL SCOPE OF APPLICATION OF CIVIL LAW.** The Laws of Morelos, including those that refer to marital status and the capacity of the people, they will apply to all the inhabitants of the State, whether they are domiciled or not in it, or are passersby; Regarding foreigners, it will also be observed that provided by federal law.

**ARTICLE 6.- CIVIL LEGAL EQUALITY.** The legal capacity is the same for the man and woman.

**ARTICLE 7.- ENTRY INTO FORCE.** Laws, regulations, circulars or any other provisions of general observance, oblige and supply their effects the day after its publication in the Official Newspaper "Tierra y Libertad", body of the Government of the Free and Sovereign State of Morelos.

If the law, regulation, circular or provision of general observance, fixes the day in that must begin to govern, obliges from that day as long as its publication has been earlier.

**ARTICLE 8.- IRRETROACTIVITY OF THE RULES.** To no Law or Government provision will be given retroactive effect to the detriment of any person.

**ARTICLE 9.- ABROGATION REPEAL OF CIVIL LAW.** The Civil Law It is only abrogated or repealed by a later one that so declares

expressly or containing totally or partially incompatible provisions

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with the previous Law; The laws that establish exceptions to the general rules do not are applicable to any case that is not expressly specified in the same laws.

**ARTICLE 10.- HIERARCHICAL OBLIGATORY OF CIVIL LAW.** The will of individuals cannot exempt the observance of the Law, nor alter it or modify it. Only private rights that do not affect directly to the public interest, when the waiver does not harm rights of third parties.

The resignation provided for in the preceding paragraph does not produce any effect if it is not done in clear and precise terms, in such a way that there is no doubt about the right resignation.

**ARTICLE 11.- ACTS CONTRARY TO PROHIBITIVE LAWS OR OF PUBLIC INTEREST.** Acts carried out against the wording of the laws prohibitive or public interest will be void, except in cases where the Law specifically order otherwise.

**ARTICLE 12.- PRACTICAL IGNORANCE CONTRARY TO THE LAW.** Nobody can to withdraw from the observance of the laws alleging that he ignores them, but the Judge may, hearing the Public Ministry, exempt individuals from sanctions in which they have incurred for that reason, when it is not a matter of laws of interest public and whoever fails to comply with them is notoriously intellectual poverty or live in a place away from the roads, particularly if They will be individuals who are members of indigenous peoples. The Judge will instruct the person who is exempted from sanction, from the duties imposed by law and, from If possible, it will give you a deadline to comply with them.

Disuse, custom or practice cannot be alleged against the observance of the law otherwise.

**ARTICLE 13.- CIVIL LEGAL INJURY.** When someone, exploiting or taking advantage of extreme ignorance, notorious inexperience or extreme need another, obtain an excessive profit that is obviously disproportionate to what

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that he for his part is obliged, the injured party will have the right to obtain the statement of nullity of the act and, if not possible, the equitable reduction of its obligation.

When any individual or moral person has carried out systematic activities by which, exploiting or taking advantage of the utmost ignorance, notorious inexperience or extreme need for another, obtain excessive profits evidently disproportionate to their investments, to the extent of causing or creating beginnings of any social problem, the State will review the acts executed and will provide for the prevention or resolution of the social problem originated or in genesis. The State may exercise this power at all times, being your right in this regard is imprescriptible, but provided there is compensation appropriate to the entrepreneur's investments and their equitable benefits, which are will be estimated by the judicial authority.

The powers conferred on the State by this article, including the review and The executive effects derived from it will be exercised in accordance with the laws that are issued, whether they are regulations of this article or provisions correlative constitutional laws.

**ARTICLE 14.- OBLIGATION TO CARRY OUT PARTICULAR ACTIVITIES IN COLLECTIVE BENEFIT PRETENSION OF GUARDIANSHIP OF INTERESTS COLLECTIVES OF UNDETERMINED GROUPS.** The inhabitants of the State of Morelos have the obligation to carry out their activities and to use and dispose of their goods, not only in a way that does not harm the community, but also in a way that a way that redounds to the benefit of the same, under the sanctions established in this Code and in the relative laws. They also have an obligation to exercise their rights, to use and dispose of their goods, when due to the non-exercise, use or disposition, a general damage is caused or a collective benefit is prevented.

When the obligation provided for in the preceding paragraph is broken, it may be exercised the claim of protection of collective interests of undetermined groups and will be legitimized to promote the corresponding process, the Public Ministry, any interested party or the institutions or associations of social interest political or union, which in the opinion of the court guarantees an adequate defense of the engaged interest.

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## SECOND TITLE GENERAL PROVISIONS FOR LEGAL EVENTS.

### CHAPTER I GENERAL RULES

**ARTICLE 15.- ON THE LEGAL EVENT.** For the purposes of this Code, A legal event is understood to be any natural or human event that produces consequences of law.

Natural events are all phenomena of nature that generate consequences of law, without the intervention of human will. Human events are those events in which there is participation of man, but that produce legal effects not desired by the author.

**ARTICLE 16.- HUMAN LEGAL FACTS.** The legal facts of the man, they can be voluntary, involuntary and against your will.

**ARTICLE 17.- VOLUNTARY HUMAN LEGAL FACTS.** The facts Voluntary legal acts only suppose the existence of appreciable volitional phenomena through the senses and will be lawful or illegal.

Those voluntary human legal acts that, producing legal consequences are executed without intent or fault and do not violate or are contrary to civil, public order or social interest regulations, be they prohibitive or imperatives, or good manners.

Voluntary human legal acts that are carried out with fraud are illegal, guilt, lack of foresight or care, as well as those who by themselves or by the consequences that produce, violate or are contrary to civil laws, of public order or social interest, or good customs.

**ARTICLE 18.- INVOLUNTARY HUMAN LEGAL FACTS AGAINST THE WILL.** Involuntary human legal facts are those that They do not meet the requirements of the previous article. Involuntary legal facts and

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those executed by man, against his will, will only produce consequences of law when expressly so declared by the Civil Law in each case.

It is considered that the legal act is executed against the will of the subject, when it is carried out by irresistible coercion, when deprived of liberty or when compelled by unforeseeable circumstances or force majeure.

When by virtue of an involuntary act or carried out against the will it is caused damage to another, they will respond with the corresponding compensation, if with the damage the author himself was enriched, in which case the provisions of this Code for enrichment without cause.

## CHAPTER II COMMON RULES FOR LEGAL ACTS.

**ARTICLE 19.- ON THE LEGAL ACT.** For the purposes of this Code, A legal act is understood to be any event that contains a statement or manifestation of will made with the purpose of producing consequences legal.

**ARTICLE 20.- ELEMENTS OF THE LEGAL ACT.** For a legal act fully produce its effects, it must be made up of elements essential and validity.

**ARTICLE 21.- ESSENTIAL ELEMENTS OF THE LEGAL ACT.** They are elements of existence of the legal act:

- I.- The declaration or manifestation of will in order to produce consequences of law;
- II.- The object of the manifestation or volitional declaration, or of the consequences that they are intended with it, as long as they are physically and legally possible; Y
- III.- Solemnity in the cases regulated by this Order.

**ARTICLE 22.- OF THE DECLARATION OF WILL.** The statement o manifestation of will can be express or tacit. It is express when manifested verbally, in writing or by unequivocal signs. It is unspoken when

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It results from facts or acts that presuppose it or that authorize it to be presumed, except in cases where by law or by agreement, the will must be manifested expressly.

**ARTICLE 23.- POSSIBILITY OF THE PURPOSE OF THE LEGAL ACT.** it's possible physically the object of the legal act, when no law of nature is object to its realization or existence.

The object of the act is legally possible when the object itself is determinable, is within the trade and no rule of law constitutes a insurmountable obstacle to its realization.

**ARTICLE 24.- ELEMENTS OF VALIDITY OF THE LEGAL ACT.** Supposed the existence of the legal act for it to be valid will require:

- I.- The capacity of the author or authors of the act;
- II.- The absence of vices in the will;
- III.- The lawfulness of the object, motive, or purpose of the act; Y
- IV.- The form, when the Law so declares.

**ARTICLE 25.- CAPACITY.** Capacity is the suitability to be subject to legal relationships and carry out concrete legal acts and events.

**ARTICLE 26.- ABSENCE OF VICIES IN THE WILL.** The manifestation of Will in the legal act will only be valid if it is expressed freely and exempt from error, violence, fraud or bad faith.

**ARTICLE 27.- ERROR AS A VICE OF WILL.** By mistake it is understood the false concept of legal or factual reality, which nullifies the legal act when falls on the determining motive of the will of the author or authors thereof, if in the act of the celebration it is declared that it was held in the false assumption that motivated him and for no other reason.

The calculation error leads to it being rectified.

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**ARTICLE 28.- EVENTS OF VIOLENCE.** There is violence when use physical force or threats that pose a risk of loss of life, integrity, health, human dignity, honor, freedom, or a part considerable property of the author of the act, his spouse, his relatives collaterals within the fourth degree, their ancestors, their descendants or of people united by intimate and close ties of friendship, or love or affection, with the aforementioned author of the act.

The act celebrated under the rule of violence is null, whether it comes from any of the parties, whether of a third party interested or not in the act.

**ARTICLE 29.- REVERENTIAL FEAR.** The simple fear or fear of displeasing people to whom submission and respect are owed, it is not enough to vitiate the Will.

**ARTICLE 30.- DOLO BAD FAITH AS VICIES OF THE WILL.** I know understood by fraud in legal acts, any suggestion or artifice that is use to mislead or maintain the author or authors of such acts; Y by bad faith the concealment of the error, once known.

**ARTICLE 31.- DOLO OR BAD FAITH OF THOSE INVOLVED IN THE ACT LEGAL.** The fraud or bad faith of any of the authors of the legal act, and the fraud that comes from a third party knowing it, cancel the act, if they have been the reason determinant of it.

If all parties to a legal act proceed with fraud, or bad faith, none of the they can claim the nullity of the act, or claim compensation.

**ARTICLE 32.- COMMON PROVISIONS TO DOLO VIOLENCE.** The general appreciations that one of the authors of the act exposes on the benefits and damages that naturally may or may not result from the celebration celebration of the same, and that no deception or threat to any of the parts, will not be taken into account when qualifying fraud or violence.

It is not lawful to waive for the future the nullity that results from fraud or violence.

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The perpetrator of fraud or violence is responsible for repairing the damage and compensation for the damages caused to the victim.

If, having stopped the violence or knowing the fraud, the one who suffered said Vices ratifies the act, you cannot from now on claim for them.

**ARTICLE 33.-** **LAWFULNESS OF THE LEGAL ACT.** The object, purpose or motive of the act legal, it must not be contrary to the laws of public order or social interest, prohibitive norms, nor to good customs.

**ARTICLE 34.-** **FREEDOM OF FORM IN LEGAL ACTS.** In the Civil legal acts, each one is bound by the manner and terms in which it appears that he wanted to be bound, and any declaration of will is considered valid, without formalities are required for the validity of the act or declaration certain, outside of the cases expressly designated by the Law.

**ARTICLE 35.-** **FORMAL REQUIREMENTS OF THE LEGAL ACTS.** When the Law requires a certain form for a legal act, while it does not Review said form will not be valid, unless otherwise provided, but if the will of the author or authors of the act is reliably established, either by in writing or in any indubitable way, any of the interested parties may demand that the act be given the legal form, except in the case of revocable acts.

When the written form is required for the act, the relative document must be signed by all those involved in it. If any of them can't or You do not know how to sign, someone else will do it at your request and the fingerprint will be printed on the document data of the interested party who did not sign.

### **CHAPTER III OF THE NON-EXISTENCE OF LEGAL ACTS.**

**ARTICLE 36.-** **NON-EXISTENCE.** The lack of some essential element of the act legal, produces its non-existence in the following cases:

I.- When it does not contain an express or tacit declaration of will;

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- II.- When the object is missing or it is impossible;  
 III.- When, in the case of acts of civil status, the solemnities required by the Civil Law for them, or they are not granted before the officials indicated in each case; Y  
 IV.- When the law denies any legal effect to the act, unless it is declared that said deprivation of effect is a consequence of nullity.

**ARTICLE 37.- CHARACTERISTICS OF THE NON- EXISTENCE .** The legal act nonexistent will not produce legal effects. It is not capable of being worth confirmation, nor by prescription. Its nonexistence can be invoked by everything interested.

**ARTICLE 38.- NON-EXISTENCE DUE TO LACK OF WILL.** It will be non-existent due to lack of will the act that is executed in the following cases:

- I. If it is fully demonstrated that a document signed in white, if the subscriber did not authorize its use or, when It is verified that the content of the will enshrined in it is different of which the subscriber has declared; Y  
 II. When the absolute simulation is fully justified, verifying that the party or parties falsely stated what was contained in the act, but the nonexistence may not prejudice the rights of third parties in good faith legitimately acquired by virtue of the simulated act.

**ARTICLE 39.- NON-EXISTENCE DUE TO LACK OF OBJECT.** The lack of object in the legal act produces its non-existence when it is not intended to carry out consequences that are foreseen and regulated by law, consisting of create, transmit, modify or extinguish rights and obligations or situations specific legal issues.

**ARTICLE 40.- EXCEPTION OF CONSEQUENCES OF THE NON-EXISTING ACT.** The non-existent legal act will not produce, as such, any effect; but yes the will produce as a legal fact, when the necessary elements concur in order to such an assumption occurs.

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**CHAPTER IV  
OF THE NULLITY OF THE LEGAL ACTS.**

**ARTICLE 41.- TYPES OF NULLITY.** The lack of some of the elements of validity of the legal act will cause its nullity already absolute and relative.

**ARTICLE 42.- CHARACTERISTICS OF ABSOLUTE NULLITY.** Nullity absolute rule as a general rule does not prevent the act from provisionally producing its effects, which will be retroactively destroyed when pronounced by the Judge the nullity. Any interested party can take advantage of this and does not disappear by the confirmation or by prescription

**ARTICLE 43.- HYPOTHESIS OF ABSOLUTE NULLITY.** There will be nullity absolute in the following cases:

- I.- When there is illegality in the object, motive or purpose of the act, unless the Law expressly declare that said nullity will be relative; Y,
- II.- Having legal injury in accordance with the provisions of article 13 of this Code.

**ARTICLE 44.- RELATIVE NULLITY.** Nullity is relative when it does not meet the characteristics listed in article 42 of this Code, although always allows the act to temporarily produce its effects.

**ARTICLE 45.- CASES OF RELATIVE NULLITY.** Nullity may be declared relative:

- I.- Due to the incapacity of any of the authors of the act;
- II.- When error, fraud or violence vitiate the will; Y
- III.- The lack of form established by the Civil Law if it is not about acts solemn.

**ARTICLE 46.- SUBJECTS WHO MAY INVOKE RELATIVE NULLITY.** They can invoke relative nullity:

- I. The incapable person through his representative;

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II. The one who has suffered the vices of consent due to error, fraud or violence; Y

III. All those interested in the act can exercise the claim and defense of nullity due to lack of form.

When the lack of form produces nullity of the act, if the will of the parties has remain constant in an indubitable way and it is not a revocable act, Any of the interested parties can demand that the act be granted in the form prescribed by law.

## CHAPTER V NULLITY EFFECTS.

**ARTICLE 47.- PARTIALLY VOID LEGAL ACT.** The legal act will be partially void if the parts that form it can legally subsist separated, unless it is shown that when the legal act was held, it was intended to subsisting in its entirety.

**ARTICLE 48.- MUTUAL RESTITUTION OBLIGATION.** The annulment of the act Legally obliges the parties to mutually return what they have received or received by virtue of or as a consequence of the annulled legal act.

**ARTICLE 49.- RESTITUTION IN THE BILATERAL NULL ACT.** If the act legal outside bilateral and the correlative obligations both consist of sums of money or in things productive of fruits, the respective restitution of interest or fruits but from the day of the presentation of the demand for nullity, the interests and the fruits received up to that time will be compensated each.

**ARTICLE 50.- OBLIGATION TO RESTITUTE IN THE NULLITY OF THE ACT PLURILATERAL.** While one of the parties, in plurilateral legal acts, does not comply with the return of what by virtue of the declaration of nullity of the act is obliged to restore, the other parties cannot be compelled to refund what they have received.

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**ARTICLE 51.- NULLITY OF RIGHTS TRANSMITTED TO THIRD PARTIES.** Everyone the real or personal rights transmitted to a third party over an asset, by a

person who has become the owner of it by virtue of an act annulled, are worthless and can be claimed directly from the holder current as long as the prescription is not fulfilled, except in the case in which the harm the rights of third-party purchasers in good faith, since in such hypothesis, the provisions for the protection recognized by this Code will be followed said third parties.

**ARTICLE 52.- RULES ON THE RESTITUTORY EFFECTS OF THE NULLITY.** Regarding the restitution in the nullity, the following will be followed rules:

- I.- It will be absolute, operating in a comprehensive retroactive manner, for the purposes instantaneous capable of replacement;
- II.- It will be partial, operating for the future, regarding the acts of the tract successive that are not susceptible of replacement; if they are, the previous rule;
- III.- It will be inoperative with respect to the parties in the acts that involve situations irreparably consummated. In this case, the rules of the enrichment without cause, in order to avoid that a part becomes rich at the expense of the other;
- IV.- The provision of the benefits may not be made to the detriment of third parties of good faith, but the provisions of the final part of the previous section will be applied, for avoid enrichment without cause; Y
- V.- It will be inoperative with respect to legal situations consolidated by the positive prescription, with respect to one of the parties or both.

The restitutionary effects consigned in this numeral will be applied both in the cases of absolute nullity, as well as relative nullity, except that for the first, the law expressly prevent that the act will not produce any legal effect.

#### **CHAPTER VI VALIDATION BY DEADLINE CONFIRMATION FOR THE CLAIM OF NULLITY.**

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**ARTICLE 53.- CONFIRMATION OF THE VOID LEGAL ACT.** When the act legal is null, due to incapacity, violence, fraud, error or lack of form, it can be confirmed when the vice or reason for the nullity ceases, provided that there is no another cause that invalidates the commit.

The confirmation goes back to the day on which the null legal act was verified, but that Retroactive effect will not prejudice the rights of third parties.

**ARTICLE 54.- DEADLINE FOR THE PRESCRIPTION OF THE PRETENSION OF NULLITY.** The claim for nullity based on incapacity, fraud, error or non-observance of the form, prescribes within two years, but if the error or fraud is known before the expiration of said period, the claim for nullity prescribes sixty days from the knowledge of such vices. The case relating to nullity is excepted from the provisions of this article of wills, which will be subject to the statute of limitations established by this Code.

The claim to request the nullity of a legal act made by violence, prescribes six months from the end of this vice of the will.

## **CHAPTER VII OF THE INTERPRETATION OF LEGAL ACTS.**

**ARTICLE 55.- LEGAL ACTS CLEARLY DRAWN UP.** If the terms of a legal act are clear and leave no doubt about the intention of the author or authors thereof, it will be the literal sense of its clauses. If the words appear contrary to the evident intention of the author or authors of the legal act, the latter shall prevail over the former.

Words that can have different meanings will be understood in that that is more in line with the nature and purpose of the legal act.

**ARTICLE 56.- GENERALITY OF THE TERMS OF THE LEGAL ACT.** Whatever the generality of the terms of a legal act, they should not be understood to include different stipulations and cases or things different from

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those on which the author or authors of the legal act proposed understand.

If any clause of a legal act admits different meanings, it must be understood in the most appropriate way so that it produces the legal effects that the parts were proposed.

**ARTICLE 57.- CONGRUENCE AND JOINT INTERPRETATION OF THE CLAUSES OF THE LEGAL ACT.** The clauses of the legal acts must be interpreted congruently and jointly with each other, attributing to the doubtful the meaning that results from the set of all.

The use or custom of the country will be taken into account when interpreting the ambiguities of legal acts, or of the terms used in them.

**ARTICLE 58.- COMPLEMENTARY RULES OF INTERPRETATION OF THE LEGAL ACT.** When it is absolutely impossible to resolve doubts by the rules established in the preceding articles, if they fall on the accidental circumstances of the legal act, and this was gratuitous, will be resolved in favor of the least transmission of rights and interests, except as provided for wills; If the act is onerous, the doubt will be resolved in favor of the greater reciprocity of interests.

If the doubts whose solution this article deals with fall on the object principal of the legal act, so that it cannot be known which was the intention or the will of the author or authors of the act, it will be non-existent.

\* **BOOK TWO**  
**OF PEOPLE**  
**TITLE ONE**  
**OF THE LEGAL PERSONS**  
**CHAPTER I**  
**GENERAL RULES**

**NOTES**

**CURRENT REFORM.-** Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

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**ARTICLE \* 59.- SUBJECT OF LAW.** The individual legal person is everything human being from conception to natural death, holder of rights and obligations.

Collective or moral legal person is any group of individual persons endowed with legal personality, holder of rights and obligations.

**NOTES:**

**CURRENT REFORM.- Amended** by Sole Article of Decree No. 1153, published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. **Before it said:** SUBJECT OF RIGHT. The legal person is any human being or entity that owns rights and obligations.

**CURRENT REFORM.-** Added by Sole Article of Decree No. 49 published in the Newspaper

Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.**- Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUBJECT OF RIGHT. The legal person is any being or entity that owns rights and obligations.

**ARTICLE \* 60.- PERSONALITY AND CAPACITY.** For this Code, the Personality is the general attribution of every legal person to be the holder of rights and obligations; as well as the capacity is the referred suitability or aptitude to specific facts when required.

**NOTES**

**CURRENT REFORM.**- Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM, IN FORCE.**- Repealed by Transitory Article Five of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PERSONALITY ABILITY. For this Code, personality is the general attribution of every legal person to be the holder of rights and obligations; as well as the capacity is the referred suitability or aptitude to specific facts when required by law.

**\*CHAPTER II  
OF THE COLLECTIVE LEGAL PERSONS.**

**NOTES**

**CURRENT REFORM.**- Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**ARTICLE \* 61.- COLLECTIVE PEOPLE.** Collective legal persons, also called moral, they are:

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- I.- The Nation, the States and the Municipalities;
- II.- The other public corporations recognized by the Law;
- III.- Unions, professional associations and others to which they refer Sections XVI, section A, and X, section B, of article 123 of the Federal Constitution
- IV.- Mercantile companies and other non-civil companies regulated by law federal;
- V.- Civil societies and associations;
- VI.- Associations other than those listed that propose purposes political, scientific, mutual, artistic, recreational or any other lawful purpose not economic, as long as they are not unknown by law.

**NOTES**

**CURRENT REFORM.**- Added by Sole Article of Decree No. 49 published in the Newspaper

Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.**- Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAPACITY TO ENJOY YOUR PROTECTION. The enjoyment capacity of individual legal persons is acquired by the birth and is lost by death, but they come under the protection of the Law from the moment in which individuals are conceived; and if they are born viable, from that moment they are considered born.

For legal purposes, only the fetus that has completely detached from the breast is considered to be born. maternal, lives twenty-four hours or is presented alive to the Civil Registry. Missing any of these circumstances, a lawsuit may never be filed on paternity or maternity.

#### **ARTICLE \* 61 Bis.- Repealed**

##### **NOTES**

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** "OF THE MINORITY OF AGE".

The minority of age includes from the birth of the physical legal person, until this turns eighteen years of age: "

**REFORM WITHOUT VALIDITY.**- Added by Article Two of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

**ARTICLE \* 62.- EXERCISE OF THE RIGHTS OF PEOPLE COLLECTIVE LEGAL.** Collective legal persons can exercise all the rights that are necessary to carry out the purpose for which they were created.

##### **NOTES:**

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**CURRENT REFORM.- Amended** by Sole Article of Decree No. 1153, published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. **Before it said:** EXERCISE OF THE RIGHTS OF COLLECTIVE LEGAL PERSONS. Legal persons collectives can exercise all the rights that are necessary to carry out the corporate purpose established in its statutes.

**REFORM WITHOUT EFFECT.**- Added by Sole Article of Decree No. 49 published in the Official Newspaper "Tierra y Libertad" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.**- Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

LIMITATIONS ON PERSONALITY. The minority of age, the state of interdiction and the others disabilities established by law, are restrictions on legal personality that should not undermine the dignity of the person or undermine the integrity of the family; but the Incapacitated persons can exercise their rights or contract obligations through their representatives.

**ARTICLE \* 63.- REPRESENTATIVE BODIES OF PEOPLE COLLECTIVE.** Collective legal persons act and are bound by

individual legal persons entitled to do so.

**NOTES:**

**CURRENT REFORM.- Amended** by Sole Article of Decree No. 1153, published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. **Before it said:** ORGANS REPRESENTATIVES OF THE COLLECTIVE PEOPLE. Collective legal persons act and are oblige through bodies that represent them, either by provision of the Law or in accordance with the provisions of its articles of incorporation or statutes.

**REFORM WITHOUT EFFECT.-** Added by Sole Article of Decree No. 49 published in the Official Newspaper "Tierra y Libertad" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.-** Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NATURAL DISABILITY LEGAL. They have natural and legal incapacity:

I.- Minors;

II.- Those of legal age diminished or disturbed in their intelligence, even if they have intervals lucid; and those who suffer from any condition caused by disease or deficiency persistent physical, psychological or sensory character or due to addiction to toxic substances such as alcohol, psychotropics or narcotics; provided that due to limitation, or alteration in intelligence that this causes them, they cannot govern themselves, or express your will by any means; Y

III.- The other persons indicated by the Law.

**ARTICLE \* 64.- RECOGNITION OF COLLECTIVE PEOPLE.** For the effects of this Code, collective legal persons are recognized expressly authorized by law.

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**NOTES:**

**CURRENT REFORM.- Amended** by Sole Article of Decree No. 1153, published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. **I used to say:**

RECOGNITION OF COLLECTIVE PEOPLE. For the purposes of this Code, it is not they recognize more collective legal persons than those expressly authorized by the Law.

**REFORM WITHOUT EFFECT.-** Added by Sole Article of Decree No. 49 published in the Official Newspaper "Tierra y Libertad" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.-** Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

OF AGE. The age of majority begins at the age of eighteen. The largest of age can freely dispose of his person and his property, except for the limitations that establishes the Law.

**\* CHAPTER III  
OF THE ADDRESS**

**NOTES**

**CURRENT REFORM.-** Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**ARTICLE \* 65.- ADDRESS OF THE COLLECTIVE LEGAL PERSONS.**  
Collective legal persons have their domicile in the place where they develop their production.

Those whose administration is outside the State of Morelos, but who execute legal acts within it, shall be considered domiciled in the place where they have executed, in everything that refers to those acts.

Branches that operate in places other than where the parent company is located, will have their domicile in those places for the fulfillment of the obligations contracted by the same branches.

**NOTES:**

**CURRENT REFORM.- Amended** by Sole Article of Decree No. 1153, published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. **Before it said:** ADDRESS OF THE COLLECTIVE PEOPLE. Collective legal persons have their domicile in the place where its administration is established.

**REFORM WITHOUT EFFECT.-** Added by Sole Article of Decree No. 49 published in the Official Newspaper "Tierra y Libertad" No. 4497 of 2006/12/06. Valid 2006/12/07.

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**REFORM WITHOUT EFFECT.-** Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

FUNDAMENTAL RIGHTS OF THE HUMAN BEING. Every individual shall enjoy the rights subjective public enshrined in the Political Constitution of the Republic, as well as respect of his life, of his safety, of his privacy and personal dignity.

Minors will enjoy the fundamental rights of the human being, as well as those who in the civil order this Code specifies.

Regarding the rights, obligations and civil responsibilities of minors,

It will also be to the regulation of this ordinance.

It is a fundamental right of the human being to have, in life or after his death, parts or organs of his body, as long as his will is reliably established and they are not contravened sanitary or criminal regulations.

**REFORM WITHOUT EFFECT.-** Reformed the second paragraph by Article First and added the third and fourth paragraphs by Article Two of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

\* CHAPTER IV  
OF THE REASON OR COMPANY NAME

**NOTES:**

**CURRENT AMENDMENT.-** The name of Chapter IV is repealed by Sole Article of the Decree No. 1153, published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. **Before said:** OF THE REASON OR CORPORATE NAME

**REFORM WITHOUT EFFECT.-** Added by Sole Article of Decree No. 49 published in the

Official Newspaper "Tierra y Libertad" No. 4497 of 2006/12/06. Valid 2006/12/07.

## ARTICLE \* 66.- Repealed.

### NOTES:

**CURRENT REFORM.**- Repealed by Sole Article of Decree No. 1153, published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11. **Before it said:** DENOMINATION SOCIAL PARTNERSHIP OF CIVIL ASSOCIATIONS AND SOCIETIES. The denomination of the persons collective civil law will be formed by the reason or company name approved by its members, followed by the words civil association or civil society, or by the acronym AC or SC as appropriate.

The reason or company name must not be contrary to the provisions on the nomenclature of entities regulated in other laws.

**REFORM WITHOUT EFFECT.**- Added by Sole Article of Decree No. 49 published in the Official Newspaper "Tierra y Libertad" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.**- Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COLLECTIVE PEOPLE.

Collective legal persons, also called moral, are:

I.- The Nation, the States and the Municipalities;

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- II.- The other public corporations recognized by the Law;
- III.- Unions, professional associations and others referred to in sections XVI, section A, and X, section B, of article 123 of the Federal Constitution;
- IV.- Mercantile companies and other non-civil companies regulated by federal laws;
- V.- Civil societies and associations;
- VI.- Associations other than those listed that propose political, scientific, mutual, artistic, recreational or any other lawful non-economic purpose, provided they are not unknown by law; Y,

## \* CHAPTER V OF THE NATIONALITY

### NOTES

**CURRENT REFORM.**- Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**ARTICLE 67.- ON THE COLLECTIVE LEGAL PERSONS.** They are persons collective legal acts of Mexican nationality which are constituted in accordance with the laws of the republic and have their legal domicile there, as a legal bond political that unites them with the Mexican state; in everything related to them, it will be the provisions of special laws.

### NOTES

**CURRENT REFORM.**- Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.**- Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXERCISE OF THE RIGHTS OF MORAL LEGAL PERSONS. Legal entities may exercise all the rights that are necessary to carry out the corporate purpose established in its statutes.

**ARTICLE \* 68.-** OF THE COLLECTIVE LEGAL PERSONS FOREIGNERS. Foreign civil associations and companies will be governed attentive to the provisions relating to this code.

**NOTES**

**CURRENT REFORM.-** Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.-** Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ORGANS REPRESENTATIVES OF MORAL PEOPLE. Legal entities act and are

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oblige through bodies that represent them, either by provision of the Law or in accordance with provided in its articles of incorporation or statutes.

**ARTICLE \* 69.-** INABILITY TO INHERIT FOR REASONS OF ORDER PUBLIC. Foreigners and collective legal persons are capable of acquire property by will or intestate, but its capacity has the limitations established in the Political Constitution of the United States Mexicans, in that of the Free and Sovereign State of Morelos and in the laws that this emanate.

**NOTES**

**CURRENT REFORM.-** Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.-** Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION OF MORAL PEOPLE. For the purposes of this Code, no more legal persons are recognized moral than those expressly authorized by law.

**\* CHAPTER VI  
OF THE HERITAGE**

**NOTES**

**CURRENT REFORM.-** Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**ARTICLE \* 70.-** HERITAGE OF THE SUBJECT OF RIGHT. By heritage it is considers the legal universality constituted by the set of goods, rights and obligations, current and future susceptible of pecuniary appreciation.

**NOTES**

**CURRENT REFORM.**- Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.**- Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADDRESS OF THE INDIVIDUAL PERSON. The domicile of an individual legal person is the place where he resides for the purpose of settling in it; in the absence of this, the place where the main seat of your business, in the absence of both, the place where you simply reside and, failing that, the site where it is.

The purpose of settling in a place is presumed, when residing for more than six months in he.

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**ARTICLE \* 71.- PLURALITY OF EQUITY.** When a set is affected of goods, rights and obligations for a specific lawful purpose may exist plurality of heritage.

**NOTES**

**CURRENT REFORM.**- Added by Sole Article of Decree No. 49 published in the Newspaper Official "Land and Freedom" No. 4497 of 2006/12/06. Valid 2006/12/07.

**REFORM WITHOUT EFFECT.**- Repealed by Transitory Article Fifth of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGAL ADDRESS OF THE INDIVIDUAL PERSON. The legal domicile of a person is the place where the Law establishes his / her residence for the exercise of their rights and the fulfillment of their obligations, although fact is not there present.

**ARTICLE \* 72.- Repealed**

**NOTES**

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DIFFERENT KINDS OF LEGAL ADDRESS. The legal address is deemed to be:

- I.- Of the non-emancipated minor, that of the person to whose parental authority he is subject;
- II.- Of the minor who is not under parental authority and of the disabled major, that of his / her guardian;
- III.- Of the military in active service, the place where they are assigned;
- IV.- Of the public servants, the place where they carry out their functions for more than six months. Those who for a shorter time carry out any commission will not acquire domicile in the place where they comply, but will retain their previous address;
- V.- Of those sentenced to suffer a custodial sentence for more than six months, the population in which it is extinguished in terms of post-conviction legal relationships; on Regarding the previous relationships, the sentenced persons will keep the last address that they have Dyed;
- VI.- In the case of abandoned incapable minors, the one that is in accordance with the circumstances provided for in article 70 of this Legal Order; Y
- VII.- Of the spouses, the one in which they live by common agreement, without prejudice to the right to

each spouse to establish their domicile in the manner provided in article 70 of this Code.

### ARTICLE \* 73.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RULES WHEN HAA MULTIPLE ADDRESS. When a person has two or more addresses, they will be considered domiciled in the place where you simply reside and if you live in several, the one where I'll find.

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### ARTICLE \* 74.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADDRESS OF THE MORAL PEOPLE. Legal entities have their domicile in the place where they are established its administration. Those whose administration is outside the State of Morelos, but who execute legal acts within it, they will be considered domiciled in the place where they were executed, in everything that these acts are concerned. The branches that operate in places other than where the parent company is located, will have their domicile in those places for the fulfillment of the obligations contracted by them branch offices.

### ARTICLE \* 75.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** ADDRESS CONVENTIONAL. You have the right to designate a conventional address for compliance of certain obligations.

ADDRESS

## CHAPTER V OF THE NAME

### ARTICLE \* 76.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FORMATION OF THE NAME OF THE NATURAL PERSONS. The name is the legal attribute that identifies a person in their legal relationships. It is integrated by the proper name that is freely imposed by the person presented for registration, followed by the surnames that correspond to it.

**ARTICLE \* 77.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION TO USE NAMES IN CIVIL LEGAL ACTS. The use of a

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nickname in the celebration of civil legal acts. Its contravention will produce the nullity relative of the act.

**ARTICLE \* 78.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NAME OF THE CIVIL SOCIETY ASSOCIATIONS. The name of the civil legal entities is will form for the reason or company name approved by its members, followed by the words civil association or civil society, or the acronym AC or SC as appropriate. The reason or company name must not be contrary to the provisions on the nomenclature of entities regulated in other laws.

## CHAPTER VI OF THE NATIONALITY

**ARTICLE \* 79.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OF THE PEOPLE NATIONAL LEGALS. Nationality is a political legal bond that unites people with the Mexican state; in everything related to it, the special laws will be applied.

**ARTICLE \* 80.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OF THE PEOPLE FOREIGN MORAL JURIDICALS. Foreign civil societies and associations are The relative provisions of this Code shall be governed carefully.

## CHAPTER VII OF THE HERITAGE

**ARTICLE \* 81.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUBJECT'S HERITAGE

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OF LAW. Heritage is considered the legal universality constituted by the set of assets, rights and obligations, current and future susceptible of pecuniary appreciation.

**ARTICLE \* 82.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PLURALITY OF HERITAGE. When a set of goods, rights and obligations is affected for a lawful purpose determined, there may be a plurality of patrimonies.

## CHAPTER VIII OF THE CIVIL STATE

**ARTICLE \* 83.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CIVIL STATUS OF THE PHYSICAL LEGAL PERSON. Only the natural legal person has a civil status, understood as the specific legal situation of a man or a woman in relation to the family in their capacity as single, married, or divorced.

## TITLE \* SECOND FAMILY LAW

### CHAPTER I OF THE FAMILY

**NOTES:**

**REFORM WITHOUT EFFECT.-** Reformed the denomination by Article One of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

**ARTICLE \* 84.- Repealed.****NOTES:**

**CURRENT REFORM.-** Repealed by Third Article of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

**ARTICLE \* 84 Bis.- Repealed****NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FAMILY BASES MORELENSE. The Morelense family is a natural grouping that has its foundation in a relationship, establishes between man and woman and its full realization in free filiation, consents, Responsible and informed, accepted and directed by the couple. "Family members have the right to have other members respect their integrity physical and mental, in order to contribute to their healthy development for their full incorporation and participation in the social nucleus. To this end, they will have the assistance and protection of public institutions in accordance with the laws".

**REFORM WITHOUT VALIDITY.-** Added by Article Two of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

**ARTICLE \* 85.-** Repealed.

**NOTES:**

**CURRENT REFORM.-** Repealed by Third Article of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

**ARTICLE \* 85 BIS.-** Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before he said:** "OF VIOLENCE IN THE FAMILY". For Family Violence, the use of physical or moral force is considered as well as the serious omissions that one family member repeatedly exercises against another member of the same, that threatens their physical or mental integrity or both, regardless of whether or not it can cause injuries, as long as the aggressor and attacked keep a direct link in any of the hypotheses contained in this Code for the kinship, marriage and concubinage live in the same domicile.

**REFORM WITHOUT VALIDITY.-** Added by Article Two of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

## CHAPTER II OF THE RELATIONSHIP

**ARTICLE \* 86.-** Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** KINDSHIP CLASSES. This Code only recognizes blood, affinity and civil relationships.

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### ARTICLE \* 87.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RELATIONSHIP BY CONSANGUINITY. The blood relationship is the one that exists between people who they are descended from the same parent.

### ARTICLE \* 88.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RELATIONSHIP OF AFFINITY. The kinship of affinity is the one contracted by marriage, between the man and the blood relatives of the woman, and between the woman and the blood relatives of the man.

### ARTICLE \* 89.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CIVIL RELATIONSHIP. The Civil kinship is the one that is born from the adoption.  
**REFORM WITHOUT EFFECT:** This article is amended by Decree number 687 published in POEM 4397 dated 06/15/05.

### ARTICLE \* 90.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEGREE LINE OF RELATIONSHIP. Each generation forms a degree, and the series of degrees constitutes the line of relationship.

### ARTICLE \* 91.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LINE OF RELATIONSHIP STRAIGHT OR CROSS. The line is straight or transversal; the line is made up of the series of degrees between people who descend from each other, the transversal is made up of the series of

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degrees between people who, without descending from each other, come from a parent or trunk common.

#### ARTICLE \* 92.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** KINDSHIP CLASSES ON THE STRAIGHT LINE. The straight line is ascending or descending: ascending is the line that links a person with his parent or trunk from which he comes, descending is the one that links the parent with those who come from him. The same line will be ascending or descending, depending on the starting point and the relationship to be addressed.

#### ARTICLE \* 93.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COMPUTING OF GRADES IN STRAIGHT LINE. In the straight line, degrees are counted by the number of generations, or by the number of people, excluding the parent.

#### ARTICLE \* 94.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COMPUTING OF GRADES IN THE TRANSVERSAL LINE. On the transverse line the degrees are counted by the number of generations, going up one line and down the other, or by the number of people from one to the other of the extremes considered, excluding the parent or common trunk.

### CHAPTER III OF FOOD

#### ARTICLE \* 95.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECIPROCITY FOOD. The obligation to give food is reciprocal. The one who gives them has in turn the right to ask for them.

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### ARTICLE \* 96.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALIMENTARY OBLIGATION BETWEEN CONUGES. Spouses must give each other food. The Law will determine when it is This obligation subsists in the cases of divorce and others that the same Law indicates. Concubines are obliged, in the same way, to give each other alimony if the requirements are met. indicated by Chapter IV of Title Four of Book Three of this Code.

### ARTICLE \* 97.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION ALIMENTARY OF THE ASCENDANTS. Parents are obliged to feed their children. In the absence or inability of the parents, the obligation falls on the other ascendants for both lines that are closest in degree.

### ARTICLE \* 98.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALIMENTARY OBLIGATION OF THE DESCENDANTS. Children are obliged to feed their parents. By default or by impossibility of children are the descendants closest in degree.

### ARTICLE \* 99.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION ALIMENTARY OF COLLATERAL RELATIVES. In the absence or impossibility of ascendants or descendants, the maintenance obligation falls on the siblings of the father or mother who are in better conditions to be able to grant them. In the absence of the relatives referred to in the preceding paragraph, they are obliged to minister the collateral relatives within the fourth degree.

### ARTICLE \* 100.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALIMENTARY OBLIGATION OF COLLATERAL RELATIVES IN RELATION TO THE DISABLED. The brothers and others Collateral relatives referred to in the previous article, have an obligation to provide maintenance to their incapable relatives.

#### **ARTICLE \* 101.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALIMENTARY OBLIGATION IN ADOPTION. The adopter and the adoptee are obliged to provide maintenance, in cases where that parents and children have.

#### **ARTICLE \* 102.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FOOD. The food They include food, clothing, room and sickness care. Respect to minors, food also includes the expenses necessary for education primary and secondary of the obligee and, to provide him with some honest trade, art or profession and appropriate to your personal circumstances. In the same terms, food is understood with respect to food creditors to which Article 100 of this Ordinance refers to. The obligation to provide maintenance does not include the obligation to provide capital to the children to exercise the trade, art or profession to which they have dedicated themselves.

#### **ARTICLE \* 103.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FULFILLMENT OF THE FOOD OBLIGATION. The person obliged to provide maintenance complies with the obligation by assigning a Sufficient pension to the alimony creditor, or incorporating him into the family. If the creditor objects to be incorporated, it is up to the Judge, according to the circumstances, to determine the way of ministering the food.

#### **ARTICLE \* 104.-** Repealed

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPEDIMENT OF THE ALIMONY DEBTOR. The alimony debtor may not request that the person who must receive maintenance, in the case of a divorced spouse who receives maintenance from the other, and when there is a legal inconvenience to do that incorporation.

#### **ARTICLE \* 105.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROPORTIONALITY FOOD. The food must be proportionate to the possibility of the one who must give it already the needs of the one who should receive them. Determined by agreement or sentence, maintenance will have a minimum automatic increase equivalent to the percentage increase in the daily wage general law in force in the State, unless the maintenance debtor shows that his income is not they increased in equal proportion; in this case, the increase in food will be adjusted to the would have actually obtained the debtor. These precautions must always be expressed in the judgment or corresponding agreement.

#### **ARTICLE \* 106.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PLURALITY OF FOOD DEBTORS. If there are several who have to give food and all have possibility to do so, the judge will distribute the amount among them in proportion to their assets. If only some have the possibility, the amount of food will be divided among them; and if one only have it, he will only fulfill the obligation.

#### **ARTICLE \* 107.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE FACULTATED TO EXERCISE THE FOOD SECURITY CLAIM. They have pretense to request food security:

- I.- The food creditor;
- II.- The ascendant who has him under his parental authority;
- III.-The tutor;
- IV.- Siblings and other collateral relatives within the fourth degree; Y
- V.- The Public Ministry.

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**ARTICLE \* 108.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPOINTMENT OF INTERIM GUARDIAN TO EXERCISE THE FOOD SECURITY CLAIM.

If the persons referred to in sections I, III and IV of the previous article cannot represent the alimony creditor in the trial in which maintenance is requested, will appoint by the judge an interim tutor.

The interim guardian will guarantee the annual amount of food. If I managed a fund destined for that purpose, for him it will give the legal guarantee.

**ARTICLE \* 109.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** WAYS OF ASSURANCE. The assurance may consist of a mortgage, pledge, surety, trust, or

enough amount deposit to cover food. If the debtor had no other assets than from the income of their work, it will be sufficient that of said assets to the extent that the court ordered.

**ARTICLE \* 110.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DISTRIBUTION OF THE FOOD DEBT IN CASE OF USUFRUCT. In cases where those who exercise the homeland power to enjoy half of the usufruct of the child's assets, the amount of maintenance is will deduct from said half, and if it does not cover them, the excess will be paid by those who exercise parental authority.

**ARTICLE \* 111.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CESSATION OF THE OBLIGATION FOOD. The obligation to provide maintenance ceases:

I.- When the person who has it lacks the means to fulfill it;

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II.- When the feeder stops needing food. The obligation subsists in the event of incapacity or continuation of the studies of the maintenance creditor, in this case until the twenty five years;

III.- In case of crime, antisocial behavior, or serious damages intentionally inflicted by the obligee against whom he must lend them;

IV.- When the need for food depends on the criminal, illicit or vicious conduct of the food creditor while these causes subsist; Y

V.- If the obligee, without the knowledge of the person who must give the food, leaves the latter's house without justification;

Notwithstanding the provisions of sections III, IV and V, the maintenance obligation subsists until the fourteen years.

### ARTICLE \* 112.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHARACTERS OF RIGHT TO RECEIVE FOOD. The right to receive maintenance is not waivable, nor can be the object of a transaction, compensation or agreement that establishes modality or reduction some.

### ARTICLE \* 113.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NEGATIVE OF THE DEBTOR FOOD TO DELIVER THE FOODS. When the maintenance debtor is not present or being present, I will refuse to deliver what is necessary to cover the meals of the members of the your family with the right to receive them, will be responsible for the debts that they contract for cover that requirement, but only up to the amount strictly necessary for that object and always that it is not luxury expenses.

### ARTICLE \* 114.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** CONTINUITY OF THE OBLIGATION TO PROVIDE FOOD IN CHARGE OF THE SEPARATE SPOUSE. The spouse who is has separated from the other is still obliged to meet the expenses referred to in article 134 of this Code. By virtue of this, the person who has not given rise to that fact, may request the Family Judge of your residence, which requires the other to provide the expenses for the duration of the

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separation, as well as that it satisfies the debts contracted in the terms of the article previous.

If said proportion cannot be determined, the Judge, according to the circumstances of the case, will set the corresponding monthly sum and will dictate the necessary measures to ensure its delivery and the that he has stopped covering since he broke up.

## CHAPTER IV OF EMANCIPATION

### ARTICLE \* 115.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUBJECTS OF THE EMANCIPATION. Men and women over sixteen years of age, subject to parental authority or guardianship, They can be emancipated through marriage as prescribed by this Code.

**REFORM WITHOUT EFFECT.-** Before this article is amended by Decree No. 985 published in POEM 4272 dated 2003/08/13. Validity; 2003/08/14. It said: " SUBJECTS OF THE EMANCIPATION. Males over sixteen years of age and women over fourteen, subjects to parental authority or guardianship, they can be emancipated through marriage as prescribed by this Code. "

### ARTICLE \* 116.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** DEFINITIVITY OF THE EMANCIPATION. The marriage of the minor produces emancipation by law. Although the marriage is dissolved, the emancipated will not fall into parental authority or guardianship.

### ARTICLE \* 117.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FREE ADMINISTRATION OF THE ASSETS OF THE EMANCIPATE. The emancipated have the free administration of their assets, but he always needs during his younger age:

- I.- Of the judicial authorization for the alienation, encumbrance or mortgage of real estate; Y
- II.- Of a tutor for judicial business, when required by the Civil Procedure Code.

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**CHAPTER V  
OF THE MAJORITY OF AGE**

**ARTICLE \* 118.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BEGINNING OF MOST OF AGE. The age of majority begins at the age of eighteen.

**ARTICLE \* 119.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FREE DISPOSITION OF ADULT. The person of legal age freely disposes of his person and his property.

**TITLE THREE  
OF THE MARRIAGE OF DIVORCE**

**CHAPTER I  
OF MARRIAGE  
GENERALITIES**

**ARTICLE \* 120.- Repealed.**

**NOTES: CURRENT AMENDMENT.-** Repealed by Third Article of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

**ARTICLE \* 121.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ESPONSALES. Any written agreement that implies a promise of marriage, will not produce the obligation to contract it.  
The non-compliance without serious cause will only originate the payment of the expenses verified that the other part made on the occasion of the projected marriage.

**ARTICLE \* 122.- Repealed****NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NATURE OF

**MARRIAGE.** Marriage is the voluntary union of a man and a woman, sanctioned by the State, to perpetuate the species and help each other. Any condition contrary to these purposes will be considered not set.

The marriage bond is extinguished by the death or presumption of this of one of the spouses, for divorce or by declaration of nullity.

### ARTICLE \* 123.- Repealed

#### NOTES

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SOLEMNITY OF MARRIAGE. The marriage must be celebrated before the officials established by law and with the solemnities that she demands.

## CHAPTER II OF THE REQUIREMENTS FOR MARRIAGE

### ARTICLE \* 124.- Repealed

#### NOTES

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** AGE TO CONTRACT MARRIAGE. To get married, a man and a woman must be sixteen years. The Family Judge can only grant age dispensations for serious causes and justified.

**REFORM WITHOUT EFFECT.**- Before this article is amended by Decree No. 985 published in POEM 4272 dated 2003/08/13. Validity; 2003/08/14. It said: " AGE TO GET MARRIED. To marry the man must be sixteen and the fourteen year old woman. The Family Judge can only grant age waivers for serious and justified causes. "

### ARTICLE \* 125.- Repealed

#### NOTES

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONSENT OF THE ASCENDANTS FOR THE MARRIAGE OF MINORS. The son or daughter who have not fulfilled eighteen years cannot marry without the consent of their father and mother, if Both will live, or whoever survives. This right is owned by the father or mother, even if they have

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contracted subsequent nuptials, if the son lives next to him. In the absence or inability of the parents, You need the consent of the grandparents who are in exercise of parental authority. In the absence of parents and grandparents, the consent of the guardians is needed and in the absence or refusal of said consent, the interested parties will go before the Family Judge, who will decide on the particular.

**ARTICLE \* 126.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IRREVOCABILITY OF CONSENT. The ascendant or guardian who has given their consent, signing the respective application and ratifying it before the Civil Registry Officer, you cannot revoke them later, at unless there is just cause for it.

If the ascendant or guardian who has signed or ratified the marriage application dies before that is celebrated, your consent cannot be revoked by the person who, failing that, would have the right to grant it, but provided that the marriage is verified within the established period in article 502, first paragraph, of this Code.

The judge who has authorized a minor to marry may not revoke the consent, once it has been granted, but for a just supervening cause.

**ARTICLE \* 127.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPEDIMENTS TO TO GET MARRIED. The following are impediments to celebrating the marriage:

- I.- Lack of age required by Law, when it has not been dispensed with;
- II.- The lack of consent of the one or those who exercise parental authority, the guardian or the Judge in their respective cases;
- III.- The consanguinity relationship without limitation of degree in the straight, ascending or falling. In the same collateral line, the impediment extends to the brothers and the media brothers. On the uneven collateral, the impediment extends only to uncles and uncles and nephews, provided they are in the third degree and have not obtained a dispensation;
- IV.- The one that has existed kinship of affinity by straight line, without any limitation;
- V.- Adultery between the people who intend to marry, when that adultery has been judicially proven;
- VI.- The attempt against the life of any of the married to marry, with which go free;
- VII.- Violence or serious fear. In the event of abduction, the impediment between the abductor and the abducted, as long as she is not returned to a safe place, where she can freely express her Will;

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- VIII.- Habitual drunkenness, or the illegal and persistent use of narcotic drugs and psychotropic;
- IX.- The incurable impotence for copulation;
- X.- Suffering from chronic and incurable diseases that are, in addition, contagious or hereditary;
- XI. Being affected by incurable mental illnesses;
- XII.- The subsisting marriage with a person other than the one with whom it is intended to contract; Y
- XIII.- The others indicated in this Code.

**ARTICLE \* 128.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION MARRIAGE OF THE ADOPT. The adopter cannot marry the adoptee or their descendants, as long as the legal bond resulting from the adoption lasts.

**ARTICLE \* 129.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPEDIMENT BY POSSIBLE GRAVITY OF THE WOMAN. The woman cannot marry until the past three hundred days after the dissolution of the previous one. In cases of nullity or divorce, you must be counted this time since the cohabitation was interrupted.

**ARTICLE \* 130.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION MARRIAGE FOR THE GUARDIAN, CURATOR, HIS DESCENDANTS. The guardian cannot marry the person who has been or is under your care, unless you obtain dispensation, which will not be granted by the respective family judge, but when they have been guardianship accounts approved. This prohibition also includes the curator and his descendants and the guardian. If the marriage is celebrated in contravention of the provisions of the preceding paragraphs, the Judge shall immediately appoint an interim guardian to receive the assets and administer them while they are gets the waiver.

**ARTICLE \* 131.-** Repealed**NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REGISTRATION OF MARRIAGE CONTRACTED ABROAD BY MORELENS. When it comes to Morelos who marry abroad, within three months of their arrival at the State, the certificate of celebration of the marriage will be transcribed in the Civil Registry of the place where domicile the consorts. If the transcription is made within those three months, its civil effects will be rolled back to the date in which the marriage was celebrated; if it is done later, it will only produce effects from the day it is did the transcription.

CIVIL CODE FOR THE FREE AND SOVEREIGN STATE OF MORELOS  
**OF THE RIGHTS OBLIGATIONS ARISING FROM THE LINK  
 MATRIMONIAL**

**ARTICLE \* 132.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

**COMMON RECIPROCAL OBLIGATIONS OF THE SPOUSES.** Spouses have the right to decide by common agreement and in a free, responsible and informed way about the number and spacing your children.

The spouses are obliged to be faithful to each other, to contribute each for their part to the ends of marriage and helping each other.

Any agreement contrary to these purposes will be legally considered non-position.

RIGHTS

**ARTICLE \* 133.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SPOUSAL ADDRESS.

The spouses will live together in the marital home. Marital domicile is considered the place established by common agreement by the consorts, in which both enjoy authority and equal consideration.

The Courts with knowledge of the cause, may exempt any of them from that obligation, When the other transfers his domicile to a foreign country, unless he does so in public service, social or professional; or is established in an unhealthy or unseemly place; or when one of the spouses exercise a civil claim against the other; or has denounced the commission of a offense attributing this to the other consort.

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**ARTICLE \* 134.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EQUAL CONDITION

**CONJUGAL.** The rights and obligations arising from marriage will always be the same for the spouses and independent of their economic contribution to the maintenance of the home.

The spouses will contribute financially to the maintenance of the home, its food and that of their children, as well as their education in the terms established by law, without prejudice to distribute the load in the form and proportion agreed for this purpose, according to their possibilities. Anyone who is unable to work is not obliged to the foregoing.

paid and lacks own assets, in which case the other will fully attend to those expenses.

**ARTICLE \* 135.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FOOD PRIORITY.

The assets of the spouses and their products, as well as their salaries, or emoluments, remain preferentially affected by the payment of alimony, in the part that corresponds to each Law or by agreement. To make this right effective, spouses and children or their representatives request at any time the insurance of those assets.

**ARTICLE \* 136.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EQUAL AUTHORITY

CONSIDERATION OF SPOUSES. Regardless of the provisions of numeral 134 of this Code, the spouses by common agreement will arrange matters relating to the direction and care of the home, education and training of children and the administration of assets that are common to the spouses or that belong to the children subject to their parental authority. In case of disagreement, the Family Judge will resolve what is appropriate.

**ARTICLE \* 137.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LAWFUL ACTIVITIES OF THE CONJUGES. The spouses may carry out any activity except those that damage the

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family morality or structure. Either of them may object to the other perform the activity in question. The Family Judge will decide on the opposition.

**ARTICLE \* 138.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAPACITY OF

OLDER OF AGE MARRIED. The husband and wife of legal age have the capacity to administer, contract or dispose of their own assets, exercise the claims or oppose the defenses that correspond to them without the husband needing the consent of the wife, nor the latter of the authorization of the former, except as stipulated in the capitulations matrimonial property administration.

If the civil claims that one has against the other are exercised, the prescription between the consorts do not run for the duration of the marriage.

**ARTICLE \* 139.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** LIMITATIONS ON MINOR CONSORTS. The underage husband and wife shall have the administration of their assets, in the terms of the preceding article, but they will need judicial authorization to sell, encumber or mortgage them.

**ARTICLE \* 140.-** Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PURCHASE AND SALE BETWEEN CONUGES. The contract of sale can only be concluded between the spouses when the marriage is subject to the separation of property regime.

**CHAPTER IV**

**GENERAL PROVISIONS OF MARRIAGE IN RELATION TO THE GOODS**

**ARTICLE \* 141.-** Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ECONOMIC REGIME MATRIMONIAL. The marriage must be celebrated under the regime of conjugal partnership or separation of assets, being able to agree on a mixed regime. The chosen regime may be changed by agreement of the spouses during the marriage.  
In the event of omission regarding the patrimonial regime of the marriage, that of conjugal society.

**ARTICLE \* 142.-** Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAPITULATIONS MARRIAGE. Once the patrimonial regime of the marriage has been determined, the matrimonial agreements to establish the conjugal partnership, or the separation of assets and regulate what is related to its administration.  
Marriage agreements can be granted before the celebration of the marriage or during it, and can include not only the assets owned by the spouses in the moment to make the pact, but also those who acquire later.

**ARTICLE \* 143.-** Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAPITULATIONS MARRIAGE OF THE MINOR. The minor who according to the Law can get married, can also grant capitulations, which will be valid if the persons whose prior consent is necessary for the celebration of the marriage.

## CHAPTER V OF THE MARITAL SOCIETY

### ARTICLE \* 144.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REGIME OF THE CONJUGAL SOCIETY. The regime of the conjugal society consists of the formation and administration of a common patrimony, different from the patrimonies of the consorts. In the absence of marriage agreements with respect to the conjugal partnership, or if there are these do not establish the proportion of the same, it will be understood that said proportion will be by equal parts. The dominion of the common goods resides in both consorts jointly.

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The conjugal society will be governed by the matrimonial agreements that constitute it, and in what was not expressly stipulated, by the provisions relating to the partnership contract.

### ARTICLE \* 145.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CREATION OF THE CONJUGAL SOCIETY. The conjugal society is born when the marriage is celebrated or during it. It can understand not only the assets owned by the spouses when forming it, but also future assets acquired by the consorts.

### ARTICLE \* 146.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FORMALITIES EFFECTS OF THE MARRIAGE CAPITULATIONS. The marriage agreements in which constitutes the conjugal partnership, they will be recorded in a public deed when the spouses agree to become partners or transfer the ownership of goods that merit such a requirement so that the transfer is valid. In this case, the alteration made to the capitulations must also be granted in public deed, making the respective annotation in the protocol in which the primitive capitulations and in the registration of the Public Property Registry. Without filling these

requirements, the alterations will not produce effect against third parties.

## ARTICLE \* 147.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TERMINATION OF THE CONJUGAL SOCIETY. The conjugal partnership can end during the marriage:

I.- By will of the spouses;

II.- At the request of one of them if the administrator spouse, due to their notorious negligence or clumsiness administration, threatens to ruin the other or considerably diminish the common goods. TO Unless the spouse who is considered injured proves his aptitude to administer and requests judicially take it under his charge;

III.- At the request of one of the spouses, when the administrator consort makes assignment of their assets belonging to the company to its personal creditors or declared in bankruptcy or bankruptcy;

IV.- Due to the dissolution of the marriage;

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V.- By the sentence that declares the absence of the spouse unless otherwise agreed in marriage contracts or the absent spouse returns; Y

VI.- Due to the death of one of the spouses or by a sentence that declares the presumption of death.

In the event that the spouses are minors, they must intervene in the dissolution of the society, giving their consent, the persons referred to in article 143 of this

Code. This same rule will be observed when the conjugal partnership is modified during the younger age of consorts;

## ARTICLE \* 148.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTENT OF THE CAPITULATIONS OF THE MARITAL SOCIETY. The marriage agreements in which establish the conjugal partnership, they must contain:

I.- The detailed list of real estate that each consort brings to the company, with expression of their value, their registration history and the taxes they report;

II.- The specified list of movable property that each consort introduces to the company, with expression of the documents that prove ownership;

III.- Detailed note of the debts that each spouse has when the capitulations are granted with expression of whether society has to answer for them, or only for those that are contracted during the partnership, either by both consorts or by either of them;

IV.- The express declaration of whether the conjugal partnership has to include all the assets of each consort or only part of them, specifying in the latter case which are the goods that are to be enter society;

V.- The explicit declaration of whether the conjugal partnership has to include all the assets of the consorts, or just their products. In both cases, the part

that the goods or their products correspond to each spouse;  
 VI.- The declaration of whether the product of the work of each consort corresponds exclusively to the who executed it, or if he should give participation of that product to the other consort and in what proportion;  
 VII.- The final statement about who should be the administrator of the company, expressing clearly the powers that are granted;  
 VIII.- The statement about whether the future assets acquired by the spouses during the marriage, belong exclusively to the acquirer, or if they should be shared between them and in what proportion; Y  
 IX.- The bases for liquidating the company.

### ARTICLE \* 149.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAPITULATIONS SUBJECT TO NULLITY. The capitulation by virtue of which one of the consorts has to perceive

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all the utilities, as well as the one that establishes that any of them is responsible for the losses and common debts in a part that exceeds that proportionally corresponding to your capital or profits.

### ARTICLE \* 150.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** AMOUNT FIXED TO A CONSORT. When it is established that one of the consorts should only receive a fixed amount, the another consort or his heirs must pay the agreed sum, whether or not there is utility in the society.

### ARTICLE \* 151.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PARTIAL ASSIGNMENT OF GOODS BETWEEN SPOONS. Any agreement that involves the transfer of a part of the assets of each spouse, it will be considered as a donation between consorts.

### ARTICLE \* 152.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION TO EARLY WAIVER OF EARNINGS. You cannot waive the earnings resulting from the conjugal partnership; but dissolved the marriage or established the separation of property, the spouses can renounce the earnings that correspond to them.

**ARTICLE \* 153.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE ABSENCE IN THE MARITAL SOCIETY. The sentence that declares the absence of any of spouses, modifies or terminates the conjugal partnership in the cases indicated by this Code.

**ARTICLE \* 154.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF ABANDONMENT OF THE MARITAL ADDRESS. Unjustified abandonment of the home for more than six months conjugal by one of the consorts, ceases for him, from the day of abandonment, the effects that are favored by the conjugal society, which may not be restarted except by express agreement, but this situation cannot be invoked to the detriment of a third party.

**ARTICLE \* 155.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GOOD FAITH IN NULLITY OF THE MARITAL SOCIETY. In cases of nullity, the company is considered subsisting until the sentence becomes enforceable, if the two spouses proceeded in good faith. When only one of the consorts had good faith, the society will also subsist until it causes the judgment is enforceable, if the resolution is favorable to the innocent spouse, otherwise the considered void from the beginning.

**ARTICLE \* 156.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** BAD FAITH IN NULLITY OF THE MARITAL COMMUNITY. If the two spouses acted in bad faith, the partnership It will be considered void from the celebration of the marriage, remaining in any case safe the rights that a third party has against the social fund. If the dissolution of the company proceeds from the nullity of the marriage, the consort who has acted in bad faith will have no part in the profits. These will apply to the children, and if there are none, to the innocent spouse. If both proceeded in bad faith, the profits will be applied to the children, and if there are not, the they will distribute in proportion to what each consort brought to the marriage.

**ARTICLE \* 157.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INVENTORY LIQUIDATION OF THE MARITAL SOCIETY. Once the company is dissolved, an inventory will be formed, in which The bedding, non-sumptuary dresses and objects for personal use of the consorts will not be included, those who will be theirs or their heirs. Once the inventory is finished, the credits that exist against the social fund will be paid, it will be returned to each spouse what they contributed to the marriage and the surplus, if any, will be divided between the two consorts in the agreed manner. In case of losses, the amount of these will be deducted

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of the assets of each consort in proportion to the profits that should correspond to them, and if one He only carried capital, from this the total loss will be deducted.

**ARTICLE \* 158.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

ADMINISTRATION BY THE SPOUSE SUPERSTITE. Once one of the spouses has died, the that survives in the provisional possession and temporary administration of the goods as long as designates a representative of the succession.

The surviving consort shall be entitled to remuneration for the administration he performs which will be fixed by agreement between him and the heirs or by the Judge if an agreement is not reached among them.

POSSESSION

## CHAPTER VI OF THE SEPARATION OF ASSETS

**ARTICLE \* 159.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REGIME OF THE SEPARATION OF PROPERTY. There may be separation of assets by virtue of capitulations prior to marriage, or during it by agreement of the consorts, or by sentence judicial.

The separation may include not only the assets owned by the consorts when celebrating marriage, but also those they acquire later.

**ARTICLE \* 160.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** MODALITY OF THE SEPARATION OF PROPERTY. The separation of assets can be absolute or partial. In a second

In this case, the assets that are not included in the separation agreements, will be subject to the conjugal society that the spouses must constitute.

## ARTICLE \* 161.- Repealed

### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUBSTITUTION OF SEPARATION OF PROPERTY REGIME. During the marriage, the separation of property can end to be replaced by the conjugal society, but if the consorts are minors, The provisions of article 143 of this Code will be followed. The same will be observed when the separation capitulations are modified during the minor age of spouses.

## ARTICLE \* 162.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FORMALITY OF THE ASSET SEPARATION CAPITULATIONS. The capitulations that establish separation of assets, they will always contain an inventory of the assets owned by each husband at the time of the marriage, and a specified list of debts each consort.

It is not necessary that the capitulations in which the separation is agreed to be recorded in a public deed of goods, before the celebration of the marriage. If it is agreed during the marriage, They will observe the formalities required for the transfer of the goods in question.

## ARTICLE \* 163.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** ADMINISTRATION IN THE SEPARATION OF ASSETS. In the property separation regime, spouses will retain ownership and administration of the assets that respectively belong and, therefore, all the fruits and accessions of said goods will not be common, but the exclusive domain of the owner of them. The wages, salaries, emoluments and earnings obtained for personal service, for the performance of a job or the exercise of a profession, trade or industry.

DOMAIN

## CHAPTER VII OF THE RULES COMMON TO THE CONJUGAL ECONOMIC REGIMES

**ARTICLE \* 164.- Repealed**  
**NOTES**

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 General Directorate of Legislation.  
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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADMINISTRATION OF SOME ASSETS ACQUIRED BY THE CONSORTS. The assets that the spouses acquire in common by donation, inheritance, legacy, by gratuitous title or by gift of fortune, while the division is made, they will be administered by both or by one of them with the agreement of the other; but in this case, the one who administers will be considered as agent.

**ARTICLE \* 165.- Repealed**  
**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** HONORABLE SERVICES BETWEEN CONUGES. Neither the husband may charge the wife or the latter, remuneration or honorarium any for the personal services that I will provide, or for the advice and assistance that I give, but if one of the consorts, due to the absence or impediment of the other, not originated by illness, temporarily take charge of the administration of your assets, you will have the right to that he be rewarded for this service, in proportion to its importance and the result it produces.

**ARTICLE \* 166.- Repealed**  
**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PARTICIPATION OF USUFRUCT BETWEEN SPOONS. The husband and wife who exercise parental authority will be divided between them, in equal parts, half of the usufruct that the Law grants them, the other corresponding half of the usufruct to those subject to parental authority.

**ARTICLE \* 167.- Repealed**  
**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECIPROCITY SPOUSE OF PAYMENT FOR INJURIOUS DAMAGES. The husband responds to the wife and the latter to the former of damages and losses caused by fraud, fault or negligence.

**CHAPTER VIII**  
**OF ANTENUPTIAL DONATIONS**

**ARTICLE \* 168.- Repealed**

## NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DONATIONS PRIOR TO MARRIAGE. Antenuptial donations are called prior to marriage a suitor to the other, as well as those that a stranger does to one of the suitors, or both in consideration of marriage.

**ARTICLE \* 169.- Repealed**

## NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LIMIT OF THE ANTENUPTIAL DONATIONS BETWEEN SUBJECTS. Antenuptial donations between suitors, even if there are several, may not exceed one sixth of the assets together of the donor. In excess, the donation will be inoficiosa.

**ARTICLE \* 170.- Repealed**

## NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DONATIONS INOFICIENT ANTENUPCIAL. Antenuptial donations made by a stranger will be unofficial in the terms in which the common ones are.  
In order to calculate whether an antenuptial donation is unofficial, they have the donor suitor and his heirs the power to choose the time when the donation was made or the time of the death of the donor.

**ARTICLE \* 171.- Repealed**

## NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITIONS OF THE ANTENUPTIAL DONATIONS. Antenuptial donations do not need to be valid for express acceptance.  
If an inventory of the donor's assets was not formed when the donation was made, the period in which it was granted.

**ARTICLE \* 172.- Repealed**

## NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REVOCATION E

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**IRREVOCABILITY OF ANTENUPTIAL DONATIONS.** Antenuptial donations  
They are revocable and are understood to be revoked by adultery or unjustified abandonment of the home  
spouse by the donee, when the donor is the other spouse.  
Antenuptial donations will not be revoked due to the donor having children.  
Nor will they be revoked for ingratitude unless the donor is a stranger, that the donation  
has been made to both spouses and that both are ungrateful.

#### **ARTICLE \* 173.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DONATIONS  
ANTENUPCIAL BETWEEN MINORS. Minors can make antenuptial donations,  
but only with the intervention of their parents or guardians, or with judicial approval.

#### **ARTICLE \* 174.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CESSATION OF EFFECTS  
OF THE ANTENUPTIAL DONATIONS. Antenuptial donations will be void if  
the marriage will stop taking place.

#### **ARTICLE \* 175.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COMMON DONATIONS  
ANTENUPCIAL. Donation rules apply to antenuptial donations  
common in everything that is not contrary to this chapter.

### **CHAPTER IX OF THE DONATIONS BETWEEN CONSORTS**

#### **ARTICLE \* 176.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONFIRMATION OF THE  
DONATIONS MADE BETWEEN CONSORTS. Consorts can make donations if  
are married under the separation of property regime, which will only be confirmed with death

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of the donor, provided they are not contrary to the matrimonial agreements, are not greater than fifty percent of the donor's assets at the time of making the donation, or harm the right of ascendants or descendants to receive food.

#### ARTICLE \* 177.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REVOCATION OF THE DONATIONS BETWEEN SPOUSES. Donations between consorts can be revoked by the donors, while the marriage subsists, when there is just cause for it that will qualify the Judge, or due to the ingratitude of the donee, if the marriage had been dissolved due to a necessary divorce and the donee was found guilty in the cases of sections I, II, III, IV, V, VIII, IX, X, XI, XII, XIII, XV and XVI, of article 199 of this Code.

#### ARTICLE \* 178.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** HYPOTHESIS OF NO REVOCATION REDUCTION OF DONATIONS BETWEEN SPOUSES. Donations between consorts will not be revoked by the supervening of children, but will be reduced when they are innocuous, in the same terms as the common ones.

### CHAPTER X

#### NULL, NON-EXISTING AND ILLEGAL MARRIAGES

#### ARTICLE \* 179.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GENERIC CAUSES OF NULLITY OF MARRIAGE. They will be cause of marriage nullity:

- I.- The mistake about the person with whom it is contracted when understanding a spouse to celebrate Marriage with a specific person, contracts it with another;
- II.- That the marriage was celebrated with one of the impediments listed in Article 127 of this Code; Y
- III.- That it has been held in contravention of the provisions of articles 495, 496, 501, 502 and 504 of this Order.

#### ARTICLE \* 180.- Repealed

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**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CLAIM FOR NULLITY BY ERROR IN THE PERSON OF THE DRIVER. The claim of nullity that arises from error, only can be deducted by the cheated spouse; but if he does not report the error immediately to the If you notice it, the consent is considered ratified and the marriage remains.

**ARTICLE \* 181.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LACK OF NULLITY FOR MINORITY OF AGE. The minor age of sixteen years in men and women will cease to be cause of invalidity when:

- I.- There are children;
- II.- Even if there are none, the minor has reached the age of eighteen, and neither he nor the other spouse they have tried the nullity; Y
- III.- Before the nullity resolution is declared enforceable, the age dispensation or the wife is pregnant.

**REFORM WITHOUT EFFECT.-** Before this article is amended by Decree No. 985 published in POEM 4272 dated 2003/08/13. Validity; 2003/08/14. **It said:** " LACK OF NULLITY BY MINORITY OF AGE. The minor age of sixteen years in man and fourteen In women, it will cease to be grounds for invalidity when:

- I.- There are children;
- II.- Even if there are none, the minor has reached the age of eighteen, and neither he nor the other spouse they have tried the nullity; Y
- III.- Before the nullity resolution is declared enforceable, the age dispensation or the wife is pregnant. "

**ARTICLE \* 182.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CLAIM FOR NULLITY OF THE ASCENDANTS. Nullity due to lack of consent of the ascendants may only be alleged by the one or those to whom it was called upon to give said consent, and within thirty days counted since they have knowledge of the marriage.

**ARTICLE \* 183.- Repealed****NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CESSATION OF NULLITY OF THE ASCENDANTS. The cause of nullity established in the previous article ceases, if within of the established term, the ascendant has expressly consented to the marriage, or tacitly, making donation to children in consideration of marriage, receiving consorts to live in home, presenting the offspring as legitimate to the Civil Registry, or practicing other acts that Judge's criteria are as conducive to the effect as those expressed.

#### ARTICLE \* 184.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY FOR LACK OF CONSENT OF THE GUARDIAN OR JUDGE. The nullity due to the absence of consent of the guardian or judge, may be requested within a period of thirty days by either spouse, or by the tutor; but said cause of nullity shall cease if, before filing a claim in the form of her, the guardian's ratification or judicial authorization is obtained, confirming the marriage.

#### ARTICLE \* 185.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY FOR LACK OF DISPENSES IN THE RELATIONSHIP. The non-dispensed blood relationship cancels the marriage; but if later a dispensation is obtained and both spouses, once the nullity is recognized, would spontaneously wish to reiterate their consent by means of an act before the Official of the Civil Registry, the marriage will be revalidated and will have all legal effects from the day on which first contracted.

The claim that arises from this kind of nullity and that which arises from the kinship of affinity in straight line, can be exercised by either spouse, by their ancestors or by the Public ministry.

#### ARTICLE \* 186.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY FOR AN ATTEMPT OF HOMICIDE AGAINST ONE OF THE SPOUSES. The claim of nullity that comes from the attempt on the life of one of the spouses to marry the one who is freed, it may be deducted by the consort victim of the attack, by their children or by the Public Ministry, within the period of six months, counted from the date the new marriage was celebrated.

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### ARTICLE \* 187.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY FOR FEAR

VIOLENCE. Fear and violence will cause the marriage to be annulled if the following circumstances:

I.- Those provided for in article 28 of this Code;

II.- That the fear has been caused or the violence done to the spouse or to the person or persons who they have you under their parental authority or guardianship when the marriage is celebrated; Y

III.- That one or the other has survived at the time the marriage is celebrated.

The claim that arises from these causes of nullity can only be deducted by the aggrieved spouse within sixty days from the date the violence or intimidation ceased.

### ARTICLE \* 188.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY FOR VICES

SPOUSE DISEASES. The nullity that is based on any of the causes expressed in sections VIII, IX and X of article 127, it can only be requested by the spouses within the period of sixty days from the date the marriage was celebrated.

They have the right to request the nullity referred to in section XI of article 127, the other spouse or the guardian of the disabled person.

### ARTICLE \* 189.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY FOR BIGAMIA. The

The bond of a previous marriage, existing at the time the second was contracted, annuls it even though is contracted in good faith, believing that the previous consort had died. The

claim can be deducted by the spouse from the first marriage, or by their children or heirs, and

by the spouses who contracted the second. Not deducting it from any of the people

mentioned, it will be deducted by the Public Ministry.

### ARTICLE \* 190.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NON-EXISTENCE DUE TO FAILURE

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OF SOLEMNITY. The nonexistence that merges into the lack of solemnity for the existence of the marriage, it can be argued by the spouses and by anyone who has an interest in proving that there is marriage. The non-existence may also be declared at the request of the Public Ministry.

### ARTICLE \* 191.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RIGHT TO DEMAND THE NULLITY OF THE MARRIAGE. The right to demand the nullity of the marriage corresponds to whom the Law expressly grants it, and is not transferable by inheritance or in any other way. However, the heirs may continue to demand nullity filed by the one to whom they inherit.

### ARTICLE \* 192.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** VALIDITY REGISTRATION OF THE JUDGMENT OF NULLITY. Once the judgment declaring nullity has been executed, the Court, official letter, will send a certified copy of it to the Official of the Civil Registry before whom the marriage, so that in the margin of the record put a circuntanciado note stating: The part resolution of the sentence, its date, the Court that pronounced it and the number with which the copy, which will be deposited in the archive.

### ARTICLE \* 193.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRESUMPTION OF VALIDITY OF MARRIAGE. Marriage has in its favor the presumption of being valid. It will only be considered Void when so declared by a judgment that causes enforceability.

### ARTICLE \* 194.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GOOD FAITH IN MARRIAGE. The good faith is presumed. Marriage contracted in good faith, even if declared void, it produces all its civil effects in favor of the spouses while it lasts; and in all time in favor of the children born before the celebration of the marriage, during it and

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three hundred days after the declaration of nullity, if the consorts or since their separation otherwise.

If there has been good faith on the part of only one of the spouses, the marriage produces civil effects only with respect to him and the children.

If there has been bad faith on the part of both consorts, the marriage produces civil effects only with respect to children.

#### ARTICLE \* 195.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EFFECTS OF NULLITY OF THE MARRIAGE ON THE ANTENUPTIAL DONATIONS. The nullity of the marriage, the following rules will be observed with respect to antenuptial donations:

I.- Those made by a third party to the spouses may be revoked;

II.- Those that the innocent spouse did to the guilty will be without effect and the things that were the object of them will be returned to the donor with all their products;

III.- Those made to the innocent by the spouse who acted in bad faith will remain; Y

IV.- If the two spouses proceeded in bad faith, the donations that have been made will remain in favor your children. If they do not have them, the donors will not be able to make any claim for reason of liberality.

#### ARTICLE \* 196.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GRAVITY OF THE WOMAN

WHEN THE NULLITY OF THE MARRIAGE IS DECLARED. If when the marriage was declared null and void, woman is pregnant, the precautions referred to in Chapter III, First Title,

Seventh Book of the Civil Procedure Code.

#### ARTICLE \* 197.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

ILLEGAL NULLITY OF MARRIAGE. It is illegal and, may be cause for the nullity of the marriage:

I.- When it has been contracted pending the decision of an impediment that is susceptible dispensation; Y

II.- When the prior dispensation required by article 130 has not been granted and when it is celebrated without the expiration of the terms established in articles 129 and 204 of this Code.

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In the above cases, the nullity may only be demanded by the Public Ministry and within the within ninety days of the marriage.  
Those who violate this article, as well as those who, being of legal age, get married with a minor without the authorization of his parents, the tutor or the Judge, in their respective cases, and those who authorize such marriages, will incur the penalties indicated in the Code of the matter.

## CHAPTER XI OF THE DIVORCE

### ARTICLE \* 198.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BREAKDOWN OF THE UNION MATRIMONIAL. Divorce dissolves the marriage bond, at the request of one or both spouses, based on legal provision, promoted before judicial authority in accordance with what provides the Civil Procedure Code.  
The divorced will be able to contract a new marriage, with the restrictions that this Order establishes.

### ARTICLE \* 199.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GROUNDS FOR DIVORCE.  
The following are grounds for divorce:  
I.- Duly proven adultery of one of the spouses;  
II.- The fact that the woman gives birth, during the marriage, a child conceived before it is celebrated the same, with a person other than the spouse and who is judicially declared so;  
III.- The proposal of a spouse to prostitute the other, not only when it has been done directly but when it is proven that he has received money or any remuneration for the express purpose of allow another to have carnal relations with his consort;  
IV.- The incitement to violence or the same act by one spouse to the other to commit any crime, even if it is not carnal incontinence;  
V.- Immoral acts carried out by the husband or by the wife in order to corrupt the children as well as tolerance in their corruption and the repeated exercise of physical or moral violence committed against minors by either spouse.  
VI.- Suffering from any chronic and incurable disease that is also contagious or hereditary or fatal; incurable impotence for copulation; as well as, the alterations behavior in sexual practice that occurs after the marriage is celebrated;  
VII.- Being affected by incurable mental illness:

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- IX.- The serious and continuous breach of the obligations derived from the marriage;
- X.- The presumption of death, made in accordance with the Law;
- XI.- Violence, threats, cruelty or insults by one spouse against the other;
- XII.- The unjustified refusal of the spouses to comply with the obligation indicated in the numeral 134 of this Order.
- XIII.- The formal accusation made by a spouse against the other, for a crime that deserves a greater penalty two years in prison;
- XIV.- Having committed one of the spouses an intentional crime that is not political, for which have to suffer a prison sentence of more than three years;
- XV.- Gambling or drunken habits or the persistent and illegal use of narcotic drugs or psychotropic, that threaten the moral or economic stability of the family, or constitute a continuous reason for marital disagreement;
- XVI.- Having committed one of the spouses against the person or property of the other, a crime for which have to suffer a custodial sentence of more than one year;
- XVII.- When a spouse has requested a divorce or annulment of the marriage for reasons that are not justified or insufficient, the defendant in turn has the right to request divorce, but may not do so until three months after the notification of the last sentence. During those three months, the spouses are not required to live together;
- XVIII.- Heterogeneous artificial insemination in women or the implantation of an ovum in her fertilized by persons outside the marriage, without the consent of the husband;
- XIX.- The separation of the conjugal home for a reason that is enough to request a divorce, if lasts for more than a year without the separated spouse having filed the lawsuit divorce, although to do so you must prove that you have complied with your maintenance obligations;
- XX.- The separation of the spouses for more than two years, regardless of the reason that has originated the separation, which may be invoked by any of them;
- XXI.- When one of the spouses, due to medical or surgical treatment, tries to change or changes of sex; Y
- XXII.- Mutual consent.

**REFORM WITHOUT EFFECT.-** Fraction V amended by Article One of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

#### **ARTICLE \* 200.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FORGIVENESS IN THE DIVORCE. None of the causes listed in article 199 of this Code, can be alleged to request divorce when express or tacit forgiveness has been mediated.

#### **ARTICLE \* 201.- Repealed**

##### **NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOSS OF THE COUNTRY POWER. The father and mother, even if they lose parental authority, are subject to all

legal duties they have towards their children.

#### **ARTICLE \* 202.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** EFFECTS AGAINST SPOUSE CAUSING DIVORCE. The spouse who gives cause to the divorce will lose everything It has been given or promised to him by his consort or by another person in consideration of the latter; the Innocent spouse will keep what was received and may claim what was agreed for their benefit.

#### **ARTICLE \* 203.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALIMENTARY PENSION DERIVED FROM DIVORCE. In cases of necessary divorce, the Judge, taking into account the circumstances of the case, including the spouses' ability to work, and their situation economic, sentence the guilty to the payment of alimony in favor of the innocent. In cases of divorce by mutual consent, the will of the parties will be respected. expressed in the agreement, unless it is harmful to any of them, in which case the opinion of the Public Ministry. When the divorce causes damages to the interests of the innocent spouse, the guilty will answer for them.

#### **ARTICLE \* 204.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** POSSIBILITY OF DIVORCED TO ENTER A NEW MARRIAGE. The spouse who has caused the divorce, you will not be able to remarry until after two years, counting from the date the divorce. For spouses who voluntarily divorce to remarry is It is essential that a year has passed since they obtained the divorce.

## **TITLE FOUR OF THE RELATIONSHIP OF THE ASCENDANTS WITH THE CHILDREN**

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## **CHAPTER I FROM PATERNITY MATERNITY**

#### **ARTICLE \* 205.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RIGHTS DUTIES OF

PARENTS FOR THE CHILDREN. The powers that the Law attributes to parents regarding of the person and property of the children are conferred through their exercise so that they comply fully with the duties that paternity and maternity impose on them, among which are find those to provide children:

I.- A family and social environment conducive to achieving spiritual development under normal conditions and physical of these;

II.- An education in the terms of article 102 of this ordinance.

III.- A positive and respectable conduct that serves as an example to them and helps to carry out the purposes of paternity and maternity;

IV.- The food, in accordance with the provisions of Chapter III, Second Title, Second Book of this Code; Y

V.- A stable and supportive family so that it constitutes an adequate environment for development of the love and attentions that the development of the personality of the children requires.

## CHAPTER II OF THE CHILDREN OF MARRIAGE

### ARTICLE \* 206.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FILIAL PRESUMPTION IN THE MARRIAGE. Children of the spouses are presumed:

I.- Children born after one hundred and eighty days counted from the celebration of the marriage; Y

II.- Children born within three hundred days following the dissolution of the marriage, already This comes from its nullity, the death of the husband or divorce.

This period will be counted in cases of divorce or annulment, since in fact they were separated spouses by court order.

### ARTICLE \* 207.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTRADICTION OF THE FILIAL PRESUMPTION. Against the presumption established in the previous article, only as evidence: That it was physically impossible for the husband to have carnal access to his wife, or father children with her in the first one hundred and twenty days of the three hundred that have preceded at birth.

### ARTICLE \* 208.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** UNKNOWLEDGE OF THE CHILDREN BY ADULTERY OF THE MOTHER. The husband will not be able to ignore the children, alleging adultery of the mother, even if she declares that they are not her husband's children, unless the birth has been concealed from him, or to show that during the ten months preceding the birth did not have carnal access to his wife or could not father children with her.

#### ARTICLE \* 209.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** UNKNOWLEDGE OF CHILDREN BORN AFTER THE PROVISIONAL SEPARATION. The husband may to ignore the child born after three hundred days counted since, judicially and from In fact, the provisional separation prescribed for divorce and nullity cases took place; but the The wife, son or guardian of the latter shall have a claim to prove that the husband is the father.

#### ARTICLE \* 210.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF UNKNOWING PATERNITY. The husband will not be able to ignore that he is the father of the child born within one hundred and eighty days following the celebration of the marriage:  
I.- If it is proven that he knew before marrying the pregnancy of his future consort; Y  
II.- When the husband attended the raising of the birth certificate of the presumed child, or expressly acknowledged.

#### ARTICLE \* 211.- Repealed

##### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FILIATION OF THE SON BORN IN SECOND MARRIAGE. If the widow, the divorced woman, or the woman whose marriage is declared void, contract new marriages within the period prohibited by article 129, the filiation of the child born after the new marriage has been celebrated, will be established in accordance with the following rules:  
I.- It is presumed that the child is that of the first husband if he is born within the next three hundred days to the dissolution of the first marriage and before one hundred and eighty days of the celebration of the second;  
II.- It is presumed that the child belongs to the second husband if it is born after one hundred and eighty days of the celebration of the second marriage, even if the birth takes place within three hundred days after the dissolution of the first marriage.  
He who denies the presumptions established in the two preceding fractions, shall prove

fully the physical impossibility that the child belongs to the husband to whom it is attributed; Y  
 III.- The child is presumed born out of wedlock if it is born before one hundred and eighty days of the  
 celebration of the second marriage and three hundred days after the dissolution of the first.

### ARTICLE \* 212.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTRADICTION OF THE PATERNITY BY THE HUSBAND ARBITRATION TRANSACTION IN MATTER OF FILIATION. On all cases in which the husband has the right to contradict that the child is the son of his marriage, you must deduct your claim within sixty days, counted from the birth, if is present; from the day you arrived at the place, if you were absent; or since the day discovered the fraud, if the birth was concealed from him.

If the husband is under guardianship due to a decrease or disturbance in his intelligence, or another reason that prevent himself from governing himself, this right can be executed by his guardian. If this one does not exercise, the husband may do so after leaving the guardianship, but always within the term designated above, which will be counted from the day on which it is legally declared to have ceased the impediment. When the husband, guardian or not, has died without regaining reason, the heirs may contradict paternity in cases where the father could.

The husband's heirs, except in the case of the second paragraph of this article, may not contradict the paternity of a child born within one hundred and eighty days of the celebration of the marriage, when the husband has not started this lawsuit. In all other cases, if the husband has died without making the claim within the business term, the heirs will have, for propose the demand, sixty days counted from the one in which the child was placed in possession of the father's property, or since the heirs are disturbed by the son in the possession of the inheritance.

Questions relating to the paternity of a child born three hundred days after dissolution marriage, may be promoted at any time by the person who is harmed by the filiation.

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Regarding filiation, there can be no compromise in arbitrators, arbitration clause or transaction.

There may be a transaction or arbitration on the pecuniary rights of filiation legally acquired could be deducted, without the concessions made to the so-called son, matter the acquisition of the status of a child of marriage.

## CHAPTER III OF THE EVIDENCE OF THE FILIATION OF CHILDREN BORN IN MARRIAGE

### ARTICLE \* 213.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROOF OF FILIATION BY MINUTES OF THE CIVIL REGISTRY. The filiation of the children born of marriage is proven with

your birth certificate and your parents' marriage certificate.

### ARTICLE \* 214.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** MEANS OF TEST A MISSING OR FOR IRREGULARITIES IN THE MINUTES. In the absence of minutes or if they are defective, incomplete or false, it will be proven with the constant possession of the status of a child born of marriage. In the absence of this possession, all persons are admissible to prove parentage. means of evidence that the Civil Procedure Code authorizes, but the testimonial is not admissible if it does not there is a principle of proof in writing or indications or presumptions resulting from certain facts that are considered serious to determine their admission. If only one of the records is missing or unused and there is a duplicate, it must be take the test, without admitting another class.

### ARTICLE \* 215.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROOF OF FILIATION FOR LACK OF THE PARENT'S MARRIAGE CERTIFICATE. If there were children born of two people who have lived publicly as husband and wife, and both have died, or by absence or illness makes it impossible for them to state the place where they were married, they will not be able to dispute to those children having been born of marriage for only the failure to present the certificate of link of his parents, provided that it is proven that he has possession of the status of their children or

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that, by the means of proof authorized in the previous article, the affiliation is proven and there is no contradicted by the birth certificate.

### ARTICLE \* 216.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRESUMPTION OF STATE OF THE SON OF MARRIAGE. If an individual has been consistently recognized as a child of marriage, by the families of the spouses and in society, the possession of status as a child of marriage if any of the following circumstances also concur:  
I.- That the son has constantly used the surnames of which he pretends to be his parents, with consent of these;  
II.- That the parents have treated him as a child born of marriage, providing his subsistence, education and establishment; Y  
III.- That the presumed parents have the age required by article 224 of this Code.

### ARTICLE \* 217.- Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** THE NULLITY OF MARRIAGE DOES NOT MODIFY THE QUALITY OF THE CHILDREN. Declared null a marriage, has there has been good or bad faith in the spouses when celebrating it, the children had during it will be considered as children of marriage.

**ARTICLE \* 218.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CLAIM OF THE FILIATION OF THE HUSBAND. The saying of the mother is not enough to exclude the husband from fatherhood. As long as he lives, only he can claim against the filiation of the child conceived during marriage.

**ARTICLE \* 219.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CIVIL PRETENSIONS AGAINST THE CHILDREN OF MARRIAGE. Civil claims made against the child for

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the assets that you have acquired during your state as a child born of marriage, even if after turns out not to be, he will be subject to the common rules of prescription.

**ARTICLE \* 220.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRETENSION OF THE SON YOUR HEIRS TO CLAIM YOUR STATE. The claim that is incumbent on the son to claiming his status is imprescriptible for him, his descendants and his other heirs. This claim may be tried both during the life of the parents, and after their death. The heirs that are not the descendants of the child, may file the claim if the child has died or if he fell into a state of incapacity.

**ARTICLE \* 221.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OPPORTUNITY CONTINUATION OF THE PRETENSION ATTEMPTED BY THE SON. The heirs may continue the claim made by the son, unless the latter has formally withdrawn from

she or nothing has promoted judicially during one hundred and eighty days counted from the last diligence.

Creditors, legatees and donees will have the same rights as heirs, if the child he did not leave enough assets to pay them.

#### ARTICLE \* 222.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOSS OF POSSESSION OF THE SON OF MARRIAGE. The possession of a child born of marriage cannot be lost except by Final judgment, which will admit the resources established by the Civil Procedure Code.

### CHAPTER IV

#### OF THE FILIATION OF CHILDREN BORN OUT OF MARRIAGE.

#### ARTICLE \* 223.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FILIAL RELATIONSHIP OF THE BORN OUT OF MARRIAGE. The filiation of children born out of wedlock results, in relation to the mother, the mere fact of birth. Regarding the father, it is only established by voluntary recognition or by a sentence declaring paternity.

#### ARTICLE \* 224.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** WHO CAN RECOGNIZE OR ADMIT YOUR CHILDREN. Can the father recognize or the mother admit their children, when they are of the age required for marriage, plus the age of the child who is to be recognized or admitted.

The minor cannot recognize or admit a child without the consent of the one or those who exercise over him the parental authority, or the person under whose guardianship he is, or in the absence thereof, without judicial authorization.

However, the recognition or admission made by a minor will be void if it proves that he or she suffered an error or deception in doing so, being able to try the claim of nullity up to four years after the Older.

Parents can recognize or admit their child jointly or separately.

The recognition or admission made by one of the parents produces effects on him and does not with respect to the other parent.

#### ARTICLE \* 225.- Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION OR ADMISSION OF THE UNBORN CHILD OF THE DECEASED. The child who has not been born and who has died if he has left offspring.

**ARTICLE \* 226.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IRREVOCABILITY OF ACKNOWLEDGMENT OR ADMISSION. The recognition or admission is not revocable by the who did it, and if it has been made in a will, when it is revoked, they will not be considered revoked those.

**ARTICLE \* 227.-** Repealed**NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTRADICTION OF ACKNOWLEDGMENT OR ADMISSION. The Public Ministry will have a contradictory claim of the recognition or admission of a minor, when it has been made to the detriment of this.

The same claim will be made by the parent who claims such a character to the exclusion of whoever has made the recognition or admission improperly or for the sole purpose of the exclusion of The paternity.

The third party affected by obligations derived from the illegal recognition or admission carried out may contradict it in defense.

In no case should it be necessary to challenge the recognition or admission due to inheritance to deprive from it to the minor recognized or admitted.

**ARTICLE \* 228.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** WAYS TO DO THE ACKNOWLEDGMENT OR ADMISSION. The recognition or admission of a child born outside the marriage must be done in one of the following ways:

- I.- In the birth certificate before the Official of the Civil Registry;
- II.- By special act before the same Official;
- III.- By public deed;
- IV.- By testament; Y
- V.- By direct and express judicial confession.

**ARTICLE \* 229.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION OR ADMISSION BY A SINGLE PARENT PROHIBITION OF DISCLOSING IDENTITY OF THE OTHER. When the father recognizes or the mother admits a child separately, they may not reveal in the act of recognition or admission the name of the person with whom it was, or state any circumstance by which it can be identified. The words that contain the disclosure will be tested ex officio, so that they are absolutely illegible.

**ARTICLE \* 230.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Legal Counsel of the Executive Power of the State of Morelos.  
General Directorate of Legislation.  
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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHILD ADMISSION PRIOR TO MARRIAGE. A married woman may admit her child before her marriage, without the consent of the other consort; but you will not have the right to take him to live at home spouse if not with the express consent of the other spouse. The husband may also recognize a child existed before or during his marriage; but You will not have the right to take him to live in the conjugal room, if it is not with the express consent of the wife.

**ARTICLE \* 231.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SON OF A MARRIED WOMAN UNKNOWN BY HUSBAND. The child of a married woman cannot be recognized as child by another man other than the husband, but when he has not known and by sentence enforcement has been declared that he is not his son.

**ARTICLE \* 232.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FILIAL CONSENT FOR YOUR ACKNOWLEDGMENT. The child of legal age cannot be recognized without his consent, nor the minor without that of his guardian if he has it, or that of the guardian appointed by the judge especially for that matter.

If the recognized child is a minor, you can claim against the recognition when you reach the oldest age.

The term to deduct this claim will be two years, which will begin to run from the time the child is of legal age, if before becoming one he had news of the recognition; and if he did not have it, from the date it was acquired.

**ARTICLE \* 233.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BEHAVIOR PERMANENT IN MATERNITY TO REQUEST CUSTODY. The woman who permanent behavior cares for or has cared for the breastfeeding of a child, to whom he has given his name or allowed to carry it; who has publicly presented him as his son and has provided to their education and subsistence, it may contradict the recognition that a man has made or pretend to play that child. In this case, you cannot be separated from your side, unless agrees to deliver it or to be obliged to deliver it by final judgment.

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**ARTICLE \* 234.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION AGAINST THE MOTHER. When the mother contradicts the recognition made without her consent, it will be without effect, and the question of paternity will be resolved in the corresponding contradictory judgment.

**ARTICLE \* 235.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION ADMISSION IN THE SAME ACT IN RELATION TO CUSTODY. When father and mother who do not live together recognize or admit the child in the same act, they will agree which of the two will exercise custody over him, and in case they do not do so, the Family Judge of the place, listening to the parents and the Public Ministry, it will resolve what it deems most convenient to the interests of the minor.

**ARTICLE \* 236.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION SUCCESSIVE ADMISSION BY PARENTS WHO DO NOT LIVE TOGETHER. In the event that the recognition or admission is made successively by parents who do not live together, will exercise custody whoever did it first, unless otherwise agreed between the parents, and provided that the Family Judge of the place does not consider it necessary to modify the agreement for reasons serious, with a hearing of the interested parties and the Public Ministry.

**ARTICLE \* 237.- Repealed**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INVESTIGATION PATERNITY PERMITTED. The investigation of the paternity of children born outside the marriage is allowed:

I.- In cases of kidnapping, rape or rape, when the time of the crime coincides with that of the conception;

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II.- When the child is or has been in possession of the status of a child with respect to the alleged father. The Possession of state shall be justified by demonstrating, by ordinary means of proof, that the child has been treated by the alleged father or by his family as the son of the former, and that the latter has provided their subsistence, education and establishment;

III.- When the child has been conceived during the time in which the mother was engaged in marital life with the alleged father; Y

IV.- When the son has in his favor a principle of proof against the alleged father.

**ARTICLE \* 238.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRESUMPTION OF CHILDREN IN THE CONCUBINATE. Children of concubines are presumed:

I.- Those born after one hundred and eighty days counted from the beginning of the concubinage; Y

II.- Those born within three hundred days counted from the end of the common life between the concubines.

**ARTICLE \* 239.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INVESTIGATION OF THE MATERNITY. The child born out of wedlock and his descendants are allowed to investigate maternity, which can be proven by any of the ordinary legal means, but the Inquiry will not be allowed when it is intended to attribute the child to a married woman. Notwithstanding the provisions of the final part of the preceding paragraph, the child may investigate maternity if it is deducted from a civil or criminal sentence.

**ARTICLE \* 240.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** MOTHERHOOD OR PATERNITY IS NOT PRESUMED BY GIVING FOOD. The fact of giving food does not constitute by itself proof, not even presumption of paternity or maternity. Neither can

alleged as a reason to investigate these.

### ARTICLE \* 241.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEADLINE TO EXERCISE THE CLAIMS OF PATERNITY OR MATERNITY. The research claims of Paternity or maternity can only be attempted while the parents are alive. If they had died during the minor age of the children, they will have the right to try the claim before are four years of their eldest age.

### ARTICLE \* 242.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHILDREN'S RIGHTS RECOGNIZED OR ACCEPTED. The child recognized by the father, or admitted by the mother, or by both, as well as the one who has accredited their affiliation in the terms of the preceding articles, they have the right to:

- I.- Carry the surname of the person who recognizes or admits it, or with respect to which they have proven their affiliation;
- II.- To be fed by the person who recognized or admitted it and their ancestors; Y
- III.- Receive the hereditary portion established by Law, or, where appropriate, the corresponding maintenance, if not heir is instituted in the case of testamentary succession.

## CHAPTER V OF THE ADOPTION

### ARTICLE \* 243.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROVISIONS GENERAL.- Adoption is the legal institution through which, through a judicial resolution, integrates a minor or an incapacitated person, even when the latter is greater than age, to a family as a child, with all the rights and obligations of a child consanguineous.  
**REFORM WITHOUT VALIDITY.-** This article is amended by Decree number 687 published in POEM 4397 dated 06/15/05.

### ARTICLE \* 243-A. Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before L said:** WHO CAN ADOPT. Those over twenty-eight years of age and under fifty-eight years of age in full exercise of their rights, they can adopt one or more minors or disabled persons, even when they are

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of legal age, provided that the adopter is at least seventeen years older than the adoptee and that the adoption is beneficial for him, proving:

- I. That they have sufficient means to provide the subsistence, care and personal education of the adopted, depending on the circumstances of the person trying to adopt;
- II. That the adopter is a person of good habits, and that his health condition allows him to attend the integral development of the adoptee; Y
- III. Your identity, social environment and reasons for adopting.

**REFORM WITHOUT VALIDITY.-** This article is added by Decree number 687 published in POEM 4397 dated 06/15/05.

#### **ARTICLE \* 244.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADOPTION BY SPOUSES. The consorts in full exercise of their rights, may adopt, when both are agree to consider the adopted child as a child and even if only one of the spouses meets the requirement of age, but as long as the age difference between any of the adopters and the adopted is at least seventeen years old.

No one can be adopted by more than one person, except in the previous case.

**REFORM WITHOUT VALIDITY.-** The first paragraph of this article is amended by Decree number 687 dated 06/15/05.

#### **ARTICLE \* 245.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADOPTION BY TUTOR. The guardian cannot adopt the ward, until after they have been definitively guardianship accounts approved.

#### **ARTICLE \* 246.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHALLENGE OF THE ADOPTION BY THE ADOPTED. The minor or disabled person who has been adopted may contest the adoption within the year following the age of majority or the date on which there is disability disappeared.

#### **ARTICLE \* 247.-** Repealed

## NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECIPROCITY OF RIGHTS OBLIGATIONS BETWEEN ADOPTORS ADOPTED. The adopter will have With respect to the person and property of the adoptee, the same rights and obligations as the parents regarding the person and property of the children.  
The adopter may give the adopted name and surname, making the annotations corresponding in the adoption certificate.  
The adoptee shall have the same rights and rights towards the person or persons who adopt him obligations that a child has.

**ARTICLE \* 248.- Repealed**

## NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROCEDURE JUDICIAL EFFECTS OF THE ADOPTION. The procedure regulated in articles 838 to 848 of the Civil Procedure Code will end with a judicial resolution that by causing enforcement authorizing the adoption, it will be consummated.  
The Judge that approves the adoption will send copies of the respective proceedings to the Official of the Civil Registry of the place to draw up the corresponding act.

**ARTICLE \* 249.- Repealed**

## NOTES

**CURRENT REFORM.-** This **article** is repealed by Decree number 687 published in the POEM 4397 dated 06/15/05.

**ARTICLE \* 250.- Repealed**

## NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE ADOPTION REGARDING NATURAL RELATIONSHIP. The rights and obligations that resulting from natural kinship are not extinguished by adoption, except parental authority, which will be transferred to the adopter, unless in his case he is married to one of the parents of the adopted, because then it will be exercised by both spouses.  
The adoption will produce its effects even if children happen to the adopter.

**ARTICLE \* 251.- Repealed**

## NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROCEDURAL REGULATION OF THE REVOCATION OF THE ADOPTION. The procedure and the effects of the revocation are They are regulated in numbers 842 to 848 of the Civil Procedure Code.

## CHAPTER VI OF THE EFFECTS AND PROCEDURE OF THE ADOPTION

### ARTICLE \* 252.- Repealed

#### NOTES

**CURRENT REFORM.-** This **article** is repealed by Decree number 687 published in the POEM 4397 dated 06/15/05.

### ARTICLE \* 253.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE ADOPTION. The adoption has the following effects:

I. Minors, incapable, abandoned or foundlings, sheltered or delivered to an institution of assistance authorized to promote their adoption, and still incapacitated when they are of legal age as long as the adoption is beneficial.

For the purposes of this Code, the minor foundling is the one whose parents are unknown, or relatives, and that after three months of being taken in by a public or private institution, he has been ministerially declared in a state of exposure.

An abandoned minor is understood to be the one taken in by a public or private institution of protection to minors, whose parents have been disinterested in him for three months and who has been declared ministerially in a state of abandonment;

II. Parental authority will be exercised in the terms and by the persons indicated in this Code for the consanguineous children, and

III. The adoptee will be integrated into the family of the adopters, acquiring kinship ties with all their relatives, as if there were consanguineous parentage; correlatively all kinship relationship with their natural relatives.

**REFORMS IN EFFECT.-** This article is amended by Decree number 687 published in POEM 4397 dated 06/15/05.

### ARTICLE \* 254.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROCEDURE. The Adoption will require judicial approval, which will be processed in accordance with the established procedure

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in Chapter VII, of the First Title, of the Seventh Book of the Civil Procedure Code in what is conducive and attentive to the provisions of this Chapter.

**REFORM WITHOUT VALIDITY.-** This article is amended by Decree number 687 published in POEM 4397 dated 06/15/05.

#### **ARTICLE \* 255.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERVENTION OF SYSTEM FOR THE INTEGRAL DEVELOPMENT OF THE FAMILY.- In all procedures related to the adoption, intervention will be given as part of the System for the Integral Development of the Family through of the Office of the Attorney for the Defense of the Minor and the Family.

The System for the Integral Development of the Family in Morelos, through the Attorney General's Office Defense of the Minor and the Family, must monitor the granting for adoption, of in accordance with the provisions of the Regulations for the Adoption of Minors.

**REFORM WITHOUT VALIDITY.-** This article is amended by Decree number 687 published in POEM 4397 dated 06/15/05.

#### **ARTICLE \* 256.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EFFECTS ON THE REGISTRY CIVIL. The resolution that approves the adoption will order the Official of the Civil Registry birth, in which the adopters will appear as parents and their parents as grandparents, without mention the adoption. It will also order the cancellation, where appropriate, of the birth certificate of the adoptee.

The judicial resolution will be kept in the appendix of the record, being absolutely prohibited to give information about it, except in the following cases and whenever it is by order of a Judge competent:

- I. For purposes of impediment to contract marriage, and
- II. When the adoptee of legal age wishes to know his family history; if it is less than age will require the consent of the adopter or adopters.

**REFORM WITHOUT VALIDITY.-** This article is amended by Decree number 587 published in POEM 4397 dated 06/15/05.

#### \* CHAPTER VII OF THE INTERNATIONAL ADOPTION

##### **NOTE:**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01.

**REFORM WITHOUT VALIDITY:** This chapter is added by decree number 1046 published in POEM 4276 third section dated 2003/09/03

### ARTICLE \* 256-A.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGAL FRAMEWORK.- The international adoption is promoted by citizens of another country, with habitual residence outside of the national territory; shall be governed by the Convention on the Protection of Minors and Cooperation in Matter of International Adoption and by the international treaties that the Mexican State subscribe and ratify later.

The international adoptions will always be full.

**REFORM WITHOUT VALIDITY:** This article is added by Decree number 1046 published in POEM 4276 third section dated 2003/09/03.

### ARTICLE \* 256-B.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NATIONALITY OF THE ADOPTERS.- All other things being equal, Mexican adopters will be preferred, unless whoever exercises parental authority or guardianship over the minor consents to international adoption. On In such case, they must obtain the authorization of the System for the Integral Development of the Family of the State of Morelos, which will take into account the best interests of the child.

**REFORM WITHOUT VALIDITY:** This article is added by Decree number 1046 published in POEM 4276 third section dated 2003/09/03.

### ARTICLE \* 256-C.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERVENTION OF SYSTEM FOR THE INTEGRAL DEVELOPMENT OF THE FAMILY.- International adoptions promoted by citizens of countries that are party to the Convention on

Protection of Minors and Cooperation in Matters of Intercountry Adoption, will take place when the System for the Integral Development of the Family of the State of Morelos, in its capacity as central authority, verify and determine:

I. That the minor is adoptable;

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II. That after having adequately examined the child's placement possibilities, adoption is seen to be a viable, safe alternative for their comprehensive training and responds to the best interests of the minor;

III. That the people, institutions and authorities, whose consent is required for the adoption, have been technically advised by specialized personnel and duly informed of the consequences of their consent, which must be freely given, without mediate payment or compensation of any kind and be in writing; Y

IV. That the central authorities of the applicants' state of origin certify that they have verified that future adoptive parents meet the ideal profile and characteristics, are suitable to adopt, and that the minor has been or will be authorized to enter and reside permanently in That country.

**REFORM WITHOUT VALIDITY:** This article is added by Decree number 1046 published in POEM 4276 third section dated 2003/09/03.

#### **ARTICLE \* 256-D.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EFFECTS BEFORE ADMINISTRATIVE DEPENDENCES.- Once the adoption has been declared, the Family Judge will will inform the System for the Integral Development of the Family of the State of Morelos, the Secretariat Foreign Relations and the immigration authority dependent on the Ministry of the Interior, for subsequent legal and administrative purposes.

**REFORM WITHOUT VALIDITY:** This article is added by Decree number 1046 published in POEM 4276 third section dated 2003/09/03.

## **TITLE FIVE OF THE PATRIA POTESTAD**

### **SINGLE CHAPTER OF THE PATRIA POTESTAD EFFECTS RELATING TO THE PERSON OF THE CHILDREN**

#### **ARTICLE \* 257.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CARE RESPECT TO ASCENDANTS. Descendants, whatever their status, age and condition, must provide care, honor and respect for their ancestors.

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### ARTICLE \* 258.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** SUBJECTION OF THE MINORS NOT EMANCIPATED TO THE COUNTRY POTESTAD. Minor children do not emancipated persons are under parental authority as long as there is one of the ancestors who must exercise it in accordance with the law.

### ARTICLE \* 259.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACTIVE SUBJECTS LIABILITIES OF THE PATRIA POTESTAD. Parental authority is exercised over the person and property of the subjects to it. Parental authority is exercised by the father and mother of the non-emancipated minor or the elder incapacitated, either in the absence or due to the impossibility of both by the paternal or maternal grandparents. Its exercise has as its content the integral protection of the disabled in their physical, moral and social, and implies the duty of their guardianship and education. In the case of controversy between the obligated parties, the Family Judge will decide who or who of they will exercise it definitively taking into consideration the circumstances of the case in the founded and reasoned.

### ARTICLE \* 260.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JOINT EXERCISE OR SEPARATED FROM THE PATRIA POTESTAD. When both parents have recognized and admitted to the child born out of wedlock and living together, both shall exercise parental authority. If they live separately, the provisions of articles 235 and 236 of this Code. When for any circumstance any of the parents ceases to exercise parental authority, the to exercise it by the other and, in the absence of both, the paternal or maternal grandparents.

### ARTICLE \* 261.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PATRIA POTESTAD ON THE CHILD BORN OUT OF MARRIAGE. When the parents of the child born outside the

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couple who lived together separate, they will continue to exercise custody. In case you don't know agree on that point, the parent designated by the Judge will do so, always having take into account the interests of the child.

#### **ARTICLE \* 262.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** This **article** is repealed by Decree number 687 published in the POEM 4397 dated 06/15/05.

#### **ARTICLE \* 263.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF THE SUBJECT TO COUNTRY POTESTAD TO LEAVE THE FAMILY HOME. As long as the parental authority, the subject to it may not leave the house of those who exercise it, without their permission or of the competent judicial authority.

#### **ARTICLE \* 264.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERVENTION OF PUBLIC MINISTRY OF OTHER AUTHORITIES TO DEMAND COMPLIANCE WITH THE CUSTODY. When it comes to the knowledge of the Public Ministry or the Councils Premises of Guardianship, always with a view to the first, that people in exercise of parental authority do not comply with the obligations set forth in this Chapter, they will inform the Court of what Family member to be provided upon appointment of a special guardian.

#### **ARTICLE \* 265.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FACULTY OF MEASURED CORRECTION EXEMPLARY GOOD CONDUCT OBLIGATION. Those who exercise parental authority or have children in their custody have the power to correct them in a measured way and the obligation to observe conduct that serves as a good example for them. The competent authorities, if necessary, will assist these persons by making use of reprimands and corrections that give them sufficient support. "The power to correct does not imply inflicting on the minor acts of force that threatens their integrity physical or mental in the terms of the provisions of article 84 Bis of this Code, therefore the calls for attention and exhortations made by parents or guardians for good behavior and

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adequate coexistence of all members of the family nucleus, in no way justify the repeated exercise of physical or moral violence against minors. "

**REFORM WITHOUT VALIDITY.-** Added the third paragraph by Second Article of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

#### **ARTICLE \* 266.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY OF THE SUBJECT TO PARENTAL POWER TO BE OBLIGATED TO APPEAR IN JUDGMENT. The one who is subject to parental authority may not appear in court, or contract any obligation, without express consent of the one or those who exercise that right. In case of dissent, it will resolve Judge.

#### **ARTICLE \* 267.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REPRESENTATION ADMINISTRATION OF THOSE WHO EXERCISE THE PATRIA POTESTAD. Those who exercise the homeland power are legitimate representatives of those under it, and have the legal administration of the goods that belong to them.

#### **ARTICLE \* 268.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADMINISTRATION JOINT. When parental authority is exercised by both the father and the mother; or by the grandfather and grandmother, or by the adopters, the administrator of the property will be appointed by mutual agreement; but the appointee shall consult his consort in all business and require his express consent for the most important acts of the administration.

#### **ARTICLE \* 269.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL AUTHORIZATION OF THE ONE WHO EXERCISES THE COUNTRY POWER. The person exercising parental authority will represent also to those subject to it in court; but you will not be able to enter into any arrangement to finish it, if not

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It is with the express consent of his consort, and with the judicial authorization when the Law expressly required.

### **ARTICLE \* 270.- Repealed**

#### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CLASSES OF GOODS OF SUBJECT TO PATRIA POTESTAD. The assets of the subject to parental authority, while it is under this, they are classified as:

I.- Assets that you acquire through your work; Y

II.- Assets acquired by any other title.

The goods of the first class belong in property, administration and usufruct to whoever is subject to parental authority.

In goods of the second class, the property and half of the usufruct belong to the subject to custody; the administration and the other half of the usufruct correspond to the people who exercise parental authority. However, if those subject to parental authority acquire assets for inheritance, legacy or donation and the testator or donor has arranged that the usufruct belongs to the subject to parental authority or intended for a specific purpose, the provisions of those acts.

### **ARTICLE \* 271.- Repealed**

#### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** RENUNCIATE THE RIGHTS LEGALLY GRANTED TO THOSE WHO EXERCISE THE PATRIA POTESTAD.

Those who exercise parental authority can expressly waive the rights that grants the previous article.

The waiver of the usufruct made in favor of the subject to parental authority is considered as a donation.

### **ARTICLE \* 272.- Repealed**

#### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INCOME REDITES EXPIRED IN FAVOR OF THE SUBJECT TO PATRIA POTESTAD. The revenues and rents that have expired before the parents, grandparents or adopters come into possession of the assets whose property corresponds to the subject of parental authority, they belong to him, and in no case will they be fruits that the person exercising parental authority must enjoy.

### **ARTICLE \* 273.- Repealed**

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**CURRENT REFORM.** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATIONS FOOD SUPPLIES OF THE USUFRUCTUARIO IN CHARGE OF THOSE WHO EXERCISE THE COUNTRY POWER. The usufruct of the assets granted to the persons who exercise parental authority, carries with it the maintenance obligations expressed in Chapter III of the Second Title of the Book second, and also those imposed on usufructuaries, with the exception of the obligation to give surety, except in the following cases:

- I.- When those who exercise parental authority have been declared bankrupt, or are bankrupt;
- II.- When they contract subsequent nuptials; Y
- III.- When its administration is notoriously ruinous for those subject to parental authority.

#### ARTICLE \* 274.- Repealed

##### NOTES

**CURRENT REFORM.** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXTINCTION OF USUFRUCT OF THOSE WHO EXERCISE THE PATRIA POTESTAD. The right of usufruct granted to persons exercising parental authority, the following is extinguished:

- I.- By the emancipation or the greater age of the subjects of parental authority or by the termination of the disability when they are older;
- II.- For the loss of parental authority; Y
- III.- By resignation.

#### ARTICLE \* 275.- Repealed

##### NOTES

**CURRENT REFORM.** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADMINISTRATION BY SUBJECT TO COUNTRY POWER SINGLE. When the subject to parental authority is not married and has the administration of the goods, it will be considered with respect to said administration as emancipated with the restriction established by law to alienate, encumber or mortgage assets estate.

#### ARTICLE \* 276.- Repealed

##### NOTES

**CURRENT REFORM.** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF AVAILABILITY OF ASSETS TO THOSE WHO EXERCISE THE PATRIA POTESTAD. Those who exercise parental authority may not alienate or encumber in any way real estate and personal property

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that correspond to the subject of parental authority but because of absolute necessity or obvious benefit and prior authorization of the competent judge.  
They will not be able to enter into lease contracts for more than five years, or receive the rent anticipated for more than two years; sell commercial and industrial securities, rental securities,

shares, fruits and livestock for a lower value than that which is quoted in the market on the day of the sale; make donation of the goods of those subject to parental authority or voluntary remission of the rights of these, nor give surety on behalf of those subject to parental authority.

### ARTICLE \* 277.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL AUTHORIZATION FOR DISPOSING OF ASSETS TO THOSE WHO EXERCISE THE NAME OF THE COUNTRY. Whenever the Judge grant a license to those who exercise parental authority, to alienate a real estate, movable precious or security belonging to the incapacitated person will have said assets valued, will determine if waives the public auction according to the circumstances of the case and will make the proceeds of the sale are made immediately safe investments for the incapacitated, which must check satisfactorily.

### ARTICLE \* 278.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACCOUNTABILITY ON THE ADMINISTRATION. People who exercise parental authority have an obligation to account for the administration of the assets of those subject to parental authority.

### ARTICLE \* 279.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OPPOSITION OF INTERESTS BETWEEN SUBJECTS OF THE COUNTRY POTESTAD. In all cases where persons who exercise parental authority have an interest opposed to that of those subject to parental authority power, they will be represented, in court and out of it, by a guardian appointed by the Judge to each case. The Judges have the power to take the necessary measures to prevent that, due to the bad administration of those who exercise parental authority, the assets of the subject to parental authority are splurge or diminish. These measures will be taken at the request of the interested persons, the minor when there is At the age of fourteen, the guardian appointed to the incapable major or the Public Ministry in any case.

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### ARTICLE \* 280.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RETURN OF ASSETS FRUITS AT THE END OF THE PATRIA POTESTAD. People who exercise parental authority

must deliver the subjects to it, after they become emancipated or reach adulthood, or the incapacity ceases, all the goods and fruits that belong to them.

### ARTICLE \* 281.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TERMINATION OF THE CUSTODY. Parental authority ends:

- I.- With the death of the person exercising it if there is no other person to whom it falls;
- II.- With the emancipation;
- III.- Due to the greater age of the subject to parental authority; Y
- IV.- Due to the cessation of the incapacity of the elderly subject to it.

### ARTICLE \* 282.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOSS OF THE COUNTRY POWER. Parental authority is lost for any of the following causes:

- I.- When the person who exercises it is judicially sentenced to the loss of that right, or when it is convicted two or more times of serious crimes;
- II.- In cases of divorce, taking into account the provisions of article 822, section I of the Civil Procedure Code;
- III.- When the person exercising it does not fulfill, whatever the cause, the duties inherent to the position, compromising the health, safety or morality of those subject to parental authority, without prejudice to the applicable criminal sanctions; Y
- IV. Due to the exposure or abandonment of the subject to parental authority that lasts up to three months, by whom exercise this in accordance with the Law.

In the event of subsequent nuptials of the person exercising parental authority, the new spouse does not confer the right to exercise it with respect to the people who are subject to it.

**REFORM WITHOUT VALIDITY.-** Section IV of this article is amended by Decree number 687 published in POEM 4397 dated 06/15/05.

### ARTICLE \* 283.- Repealed

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#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** CONTINUITY OF THE CUSTODY. The mother or grandmother who goes on to remarriage does not lose the custody.

The new husband will not exercise parental authority over the children of the previous marriage.

### ARTICLE \* 284.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUSPENSION OF THE EXERCISE OF THE COUNTRY POTESTAD. The exercise of parental authority is suspended:

I.- Due to judicially declared incapacity;

II.- For the absence declared in form;

III.- For the conviction that imposes this suspension as a penalty;

IV.- In cases of divorce, taking into account the provisions of article 822, section II of the Civil Procedure Code; Y

V.- When the person exercising it engages in behaviors of family violence provided for in article 85 Bis of this Code, against the persons against whom it exercises it.

**REFORM WITHOUT EFFECT.-** Fraction V added by Second Article of Decree No. 1227 from 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

#### **ARTICLE \* 285.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** UNRENUNCIABILITY OF PARENTAL AUTHORITY. Parental authority cannot be waived, but those to whom it corresponds exercise it, they can excuse themselves when, due to their advanced age or poor health, they do not can meet it.

However, the Family Judge may deprive those who exercise it or modify it when there are sufficient reasons that determine better conditions for those who are subject to it.

#### **ARTICLE \* 286.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PATRIA POTESTAD DEL MINOR CHILD OF A DISABLED. The minor children of a disabled person will be under the

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parental authority of the capable person to whom it corresponds in accordance with the Law, and not having provide you with a tutor.

## **TITLE SIX GUARDIANSHIP**

### **CHAPTER I GENERAL DISPOSITION**

#### **ARTICLE \* 287.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PURPOSE OF THE GUARDIANSHIP. The object of the guardianship is the guardianship of the person and property of those who are not subject to parental authority have natural and legal incapacity, in accordance with the provisions of article 63 of this Code, or only the second, to govern itself. Guardianship can also have as its object the temporary representation of the incapacitated person in the special cases indicated by the Law. In its exercise, the total reintegration of the disabled person will preferably be sought within the social environment in which it has been located, in the terms of the third paragraph of article 259 of this Code.

#### ARTICLE \* 288.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PUBLIC INTEREST OF THE GUARDIANSHIP. Guardianship is a public interest charge from which no one can be exempted, except for reasons legitimate.

Whoever refuses without legal cause to perform the position of guardian, is responsible for the damages and damages resulting from their refusal to the incapacitated person.

While a guardian is appointed, the Family Judge must dictate the necessary measures so that the incapacitated person does not suffer damages in his person or in his interests.

#### ARTICLE \* 289.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

ORGANS

PARTICIPANTS IN THE GUARDIANSHIP. The guardianship will be carried out by the guardian with the intervention of the

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curator, the Family Judge and the Local Guardianship Council, in the terms established by this Code.

#### ARTICLE \* 290.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LIMITATIONS ON

GUARDIANSHIP PERFORMANCE. No incapacitated person can have more than one guardian at the same time and of a definitive curator.

The guardian and the curator can respectively carry out the guardianship or the conservatorship of up to two incapable. If these are brothers, or are joint heirs or legatees of the same person, you can appoint a single tutor and a curator to all of them, even if there are more than two.

#### ARTICLE \* 291.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OPPOSITION OF INTERESTS OF THE INCAPABLE. When the interests of one or more of the incapable, subject to the same guardianship, were they opposed, the guardian will inform the Judge, who will appoint a special guardian that defends the interests of the incapable, that he himself designates, while decide the point of opposition.

#### ARTICLE \* 292.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPEDIMENTS TO BE CURATOR TUTOR. The positions of guardian and curator of an incapacitated person cannot be performed at the same time by a single person. Nor can they perform for people who are related to each other in any degree of the straight line or within the room collateral grade. The persons who are Family Judges and the that make up the Local Guardianship Councils, nor those that are related to consanguinity with the aforementioned persons, in the straight line, without limitation of degrees, and in the collateral within the fourth degree inclusive.

#### ARTICLE \* 293.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION OF NOTIFY THE DEATH OF THE ONE WHO EXERCISES THE COUNTRY POWER OVER A BE UNABLE. When a person who exercises parental authority over an incapacitated person dies who should be appointed guardian, his executor and in case of intestacy, relatives and in In general, the people with whom he has lived are obliged to notify the Judge of the death of the Family, and if they do not do so within eight days, they will be imposed by the aforementioned Judge a fine not less than the amount of twenty days of the general minimum wage set for the place where the disabled person is domiciled. The Officials of the Civil Registry, the administrative and judicial authorities, have the obligation to give notice to the family judges in the cases in which it is necessary to appoint a guardian and they arrive to their knowledge in the exercise of their functions.

#### ARTICLE \* 294.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GUARDIANSHIP CLASSES. The Guardianship is testamentary, legitimate, dative or preventive.

**ARTICLE \* 295.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL DECLARATION OF THE STATE OF DISABILITY PRIOR TO THE EXERCISE OF GUARDIANSHIP. No guardianship can be conferred without previously declaring, in the terms provided by the Civil Procedure Code, the incapacity status of the person who is going to be subject to it.

**ARTICLE \* 296.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RIGHT OF HEARING IN THE REMOVAL OF CURATORY GUARDIANS. Guardians and curators cannot be removed from office without having previously been heard and defeated in court.

**ARTICLE \* 297.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** THE DISABLED ABANDONED SHOULD BE SUBJECT TO GUARDIANSHIP. Abandoned minors, and who

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are included in any of the hypotheses established in sections II and III of article 63 of this Ordinance, they will be subject to guardianship as long as the disability persists.

**ARTICLE \* 298.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DURATION OF THE POSITION OF TUTOR. The position of guardian of the incapacitated persons included in sections II and III of article 63 It will last as long as the interdiction subsists when it is exercised by the descendants or by the ancestors. The spouse will be obliged to carry out that position as long as they retain that character. Strangers performing the guardianship in question have the right to be relieve of it after ten years of exercising it.

The interdiction regulated by the preceding paragraph shall not cease except by the death of the incapacitated person or by final judgment, which will be pronounced in a trial followed according to the same rules established for the interdiction.

**ARTICLE \* 299.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **It used to say:** TEMPORARY CARE

OF THE PERSON PROPERTY OF THE DISABLED. The Family Judge of the domicile of the incapacitated and if there is not, the Judge of First Instance as well as the Juvenile Judge in his case, They will temporarily take care of the person and property of the disabled person, having to appoint a guardian provisional within a period of no more than ten days.

The judge who does not comply with the prescriptions of the previous paragraph regarding guardianship, in addition to the penalties incurred in accordance with the law, will be responsible for the damages that the incapable suffer.

## CHAPTER II OF THE TESTAMENTARY GUARDIANSHIP

### ARTICLE \* 300.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RIGHT OF THE ASCENDANT TO APPOINT TESTAMENTARY GUARDIAN. The ascendant who exclusively He exercises parental authority, he can appoint testamentary guardian to those over whom he exercises it, including posthumous children.

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The appointment of a testamentary guardian, made in the terms of the previous paragraph, excludes the exercise of parental authority to ascendants of later degrees, in accordance with the provided by article 259 of this ordinance.

If the excluded ascendants are disabled or absent, the guardianship will cease when the impediment or ascendants present themselves. Unless the testator has arranged expressly that the guardianship continues.

### ARTICLE \* 301.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TESTAMENTARY GUARDIAN COMMON. If there are several minors, a common guardian may be appointed or assigned to a person different guardianship of each of them, observing, where appropriate, the provisions of article 291 of this Code.

### ARTICLE \* 302.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PLURALITY OF TUTORS. The testator may establish that the guardians must succeed each other in the performance of the guardianship.

If the testator has not indicated said order and appointed several guardians, the guardianship will be carried out on first appointed, who will be substituted by the others in the order of their appointment, in the cases

death, disability, excuse or removal.

### ARTICLE \* 303.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** MODIFICATION OR JUDICIAL WAIVER TO THE ADMINISTRATION OF THE TESTAMENTARY GUARDIANSHIP. Must all the rules, limitations and conditions set by the testator for the administration of the guardianship, which are not contrary to the law, unless the Judge, hearing the guardian and to the curator, he deems them harmful to minors, in which case he may dispense or modify them.

### ARTICLE \* 304.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL PROVISION OF

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INTERIM GUARDIAN. If, due to a conditional appointment of guardian, or for any other reason, I temporarily the testamentary guardian, the judge will provide an interim guardian to the minor, in accordance with the general rules on appointment of guardians.

### ARTICLE \* 305.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TESTAMENTARY GUARDIAN DESIGNATED BY THE ADOPT. The adopter who exercises parental authority has the right to appoint a testamentary guardian to their adopted child, applying to this guardianship the provisions of the previous articles.

### ARTICLE \* 306.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAUTION OF THE GUARDIAN TESTAMENTARY. When the testator does not expressly relieve the guardian of the obligation to guarantee its handling, it will be guaranteed according to the following rules:

- I.- For the amount of real estate income in the last two years, and for the income of the capitals imposed during that same time;
- II.- For the value of movable property;
- III.- For the products of rustic farms in two years calculated by experts, or by the average term in a five-year period, at the discretion of the Judge; Y
- IV.- In commercial and industrial negotiations, for twenty percent of the amount of the merchandise and other movable effects, calculated by the books or at the judgment of experts.

**ARTICLE \* 307.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROPORTIONALITY IN THE CAUTION OF THE TESTAMENTARY GUARDIAN. If the assets of the disabled person increase or decrease during guardianship, the surety may be increased or decreased proportionally.

**CHAPTER III  
OF LEGITIMATE GUARDIANSHIP**

**ARTICLE \* 308.- Repealed****NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ORIGIN OF THE LEGITIMATE GUARDIANSHIP. Legitimate guardianship takes place:  
I.- When there is no one who exercises parental authority, or testamentary guardian; Y  
II.- When a guardian must be appointed due to divorce.

**ARTICLE \* 309.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** PREFERENTIAL FOR THE PERFORMANCE OF LEGITIMATE GUARDIANSHIP. Legitimate guardianship corresponds in order:  
I.- To the spouse, if any, regardless of their sex;  
II.- To the immediate ascendants in a straight line;  
III.- To children of legal age when their ascendants are free from marriage;  
IV.- To the brothers without distinction of sex, preferring those who are on both lines;  
V.- To the other immediate collateral relatives up to the fourth degree inclusive;  
VI.- To children of legal age with respect to their incapable widowed father or mother;  
VII.- To the people who have welcomed the foundlings; Y  
VIII.- To the directors of charities, assistance or similar institutions who will not require discernment of the position.

SUBJECTS

**ARTICLE \* 310.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ELECTION OF THE GUARDIAN IN CASE OF EQUAL RELATIONSHIP. If there are several relatives of the same degree, and between If the preference in the performance of guardianship is discussed, the Judge will choose the one who

seems more suitable for the position unless the minor, over the age of sixteen, leads to made the choice.

When there are two or more children, the judge will choose the one who seems most suitable and the who lives in the company of the father or mother.

### ARTICLE \* 311.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUPLEMENT OF THE FAILURE

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TEMPORARY LEGITIMATE GUARDIAN. The temporary absence of the legitimate guardian will be supplied in the terms established in the two previous articles.

## CHAPTER IV OF THE DATIVE GUARDIANSHIP

### ARTICLE \* 312.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ASSUMPTIONS OF THE DATIVE GUARDIANSHIP. The dative guardianship takes place:

I.- When there is no testamentary guardian or person to whom, according to the Law, the guardianship corresponds legitimate; Y

II.- When the testamentary guardian is temporarily prevented from exercising his position, and there is no no relative of those designated in article 309 of this Ordinance.

### ARTICLE \* 313.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPOINTMENT OF GUARDIAN DATING BY THE MINOR. The dative guardian will be appointed by the minor if he has reached sixteen years. The Family Judge will confirm the appointment hearing the opinion of the Local Council of Guardianship.

If the appointment made by the minor is not approved, the Judge will appoint a guardian in accordance with provided in the following article.

### ARTICLE \* 314.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL APPOINTMENT

OF THE DATIVE GUARDIAN. If the minor has not reached the age of sixteen, the appointment of a guardian will be the Family Judge from among the people who appear on the list formed each year according to the Article 870 of the Civil Procedure Code, hearing the Local Guardianship Council and the Public Ministry, who must take care that the honorability of the person chosen as guardian is proven.

### ARTICLE \* 315.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CIVIL LIABILITY OF THE JUDGE FOR LACK OF OPPORTUNITY WHEN APPOINTING DATIVE GUARDIAN. If the Judge does not timely appointment of guardian, is responsible for the damages that are followed by minor for that lack.

### ARTICLE \* 316.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DATIVE GUARDIANSHIP FOR JUDICIAL MATTERS. Guardianship for judicial matters of the minor will always be dative emancipated, except in the case provided in section II of article 308 of this Code.

### ARTICLE \* 317.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO CAN REQUEST OR PERFORM DATIVE GUARDIANSHIP OF MINORS WHO DO NOT HAVE ASSETS. TO minors who are not subject to parental authority or testamentary or legitimate guardianship, even if they do not have assets, they will be appointed dative guardian. Guardianship in this case will have as its object the care of the minor's person, in order that he receives the education that corresponds to his economic possibility and their aptitudes. The tutor will be appointed at the request of the Local Council of Guardianships, of the Public Ministry, of the same minor, and even ex officio by the Family Judge.

### ARTICLE \* 318.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPOINTMENT OF DATIVE GUARDIAN OF MINORS WITH ASSETS. If the minor who is in the intended case by the previous article if he has or acquires goods, he will be appointed dative guardian in accordance with the that provide the general rules for making these appointments.

**CHAPTER V  
OF PREVENTIVE GUARDIANSHIP**

**ARTICLE \* 319.- Repealed****NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** POSSIBILITY OF PERSON ABLE TO APPOINT YOUR OWN GUARDIAN. Everyone in full exercise of their rights may designate a capable person, so that if he falls into a state of interdiction or disqualification, exercise guardianship over it.

**ARTICLE \* 320.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PLURAL DESIGNATION OF PEOPLE AS FUTURE GUARDIANS. Also, in the same way as the precept above, you may designate other people to replace the person designated in the performance of the position, in case of non-acceptance, impediment, excuse or removal. These designations will only be valid if they are made before a Notary or Family Judge.

**ARTICLE \* 321.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPLICATION OF THE NORMATIVITY OF THE TESTAMENTARY GUARDIANSHIP TO THE PREVENTIVE. They will be applicable to the preventive guardianship all provisions of testamentary guardianship insofar as they do not oppose what provided in the previous article.

**CHAPTER VI  
IMPEDIMENTS TO THE PERFORMANCE OF GUARDIANSHIP**

**ARTICLE \* 322.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE WITH IMPEDIMENT TO BE A GUARDIAN. They cannot be tutors, even if they are willing to receive

The charge:

- I.- Those who have legal or natural incapacity;
- II.- Those of legal age who are under guardianship;
- III.- Those who have been removed from another guardianship for having behaved improperly, already

with respect to the person, and with respect to the administration of the assets of the disabled person;  
 IV.- Those who have been sentenced to deprivation of this ruling by means of an enforceable sentence.  
 position or disqualification to perform it;

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V.- Anyone who has been convicted of crimes against life or bodily integrity, crimes against persons in their patrimony, crimes against public morals or sexual crimes with a sentence whose penalty is greater than one year;  
 VI.- Those who do not have an office or an honest way of living or are notoriously misbehaving;  
 VII.- Those who, upon deferring guardianship, have a pending lawsuit with the disabled;  
 VIII.- The debtors of the disabled person;  
 IX.- The Magistrates and Judges, and other public servants of the Administration of Justice;  
 X.- The Public Ministry;  
 XI.- Those who are not domiciled in the place where they should exercise guardianship;  
 XII.- Public servants who by reason of their position have current or financial responsibility have had it and have not covered it;  
 XIII.- Anyone who suffers from a serious contagious chronic disease; Y  
 XIV.- Others who are prohibited by Law.

**ARTICLE \* 323.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION TO BE GUARDIAN OF THE SUBJECT TO INTERDICTION OR INHABILITATION. They cannot be guardians of the interdiction or disqualification those that have been the cause of its interdiction or disqualification or have directly or indirectly promoted said cause.

**CHAPTER VII****EXCUSES FOR THE PERFORMANCE OF GUARDIANSHIP****ARTICLE \* 324.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** WHO CAN EXCUSE YOURSELF FROM BEING A GUARDIAN. They can excuse themselves from being tutors:  
 I.- Public servants;  
 II.- The members of the Armed Institutions of the Union in active service;  
 III.- Those who have two or more descendants under their parental authority;  
 IV.- Those who due to the usual poor state of their health, or because of their rudeness, ignorance or inexperience in businesses are unable to duly attend guardianship;  
 V.- Those who, due to their precarious economic condition, cannot attend guardianship without prejudice to their subsistence;  
 VI.- Those who are sixty years old; Y  
 VII.- Those who are in charge of another guardianship or conservatorship.

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### ARTICLE \* 325.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRESUMPTION OF WAIVER OF EXCUSE TO BE A GUARDIAN. If the one who has a legitimate excuse to be a tutor accepts the position, resigns for the same fact to the excuse granted by the Law.

The impediment or excuse is also understood to have been waived when the tutor does not propose them in the term set by article 870 of the Civil Procedure Code.

If the tutor has two or more excuses, he will propose them simultaneously, within the respective term; Y

If you propose only one, the others will be considered waived.

While the impediment or excuse is qualified, the Family Judge will appoint a guardian interim.

### ARTICLE \* 326.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PENALTY TO THE GUARDIAN WHO DO NOT GET GUARDIANSHIP. The tutor who without excuse or rejected the one he had proposed does not performs guardianship, loses the right to inherit the disabled person who dies intestate, and will be responsible for the damages that have occurred due to his resignation himself disabled. The person to whom the legitimate guardianship corresponds shall incur the same sanction if having been legally summoned, she does not appear before the Family Judge stating her relationship with the incapable.

### ARTICLE \* 327.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOSS OF RIGHTS OF THE TESTAMENTARY GUARDIAN WHO EXCESSES HIMSELF. The testamentary guardian who excuses himself from exercise guardianship, you will lose all rights to what the testator has left for this concept.

### ARTICLE \* 328.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION TO GIVE NOTICE OF DEATH OF GUARDIAN. The guardian who has performed the guardianship is dead, His heirs or executors of the will are obliged to notify the Family Judge, who will immediately provide the incapacitated person with the corresponding guardian, according to the Law.

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## CHAPTER VIII OF THE SEPARATION OF THE EXTINCTION OF GUARDIANSHIP

### ARTICLE \* 329.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUBJECT TO THE SEPARATION FROM GUARDIANSHIP. They will be separated from guardianship:

- I.- Those who without having guaranteed their management in accordance with the Law, exercise the administration of the guardianship;
- II.- Those who conduct themselves improperly in the performance of guardianship, either with respect to the person, and regarding the administration of the assets of the disabled person;
- III.- Guardians who do not render their accounts within the period set by article 876 of the Code Civil procedure;
- IV.- Those included in article 322 of this Code, as soon as their impediment;
- V.- The guardian who is in the cases provided for in articles 130 and 337, second paragraph of this Code;
- VI.- The tutor who remains absent for more than six months from the place where he must perform the guardianship;
- VII.- The guardian who falls into disability;
- VIII.- The guardian who violates the provisions of articles 861 and 874, section VII of the Procedural Code Civil; Y
- IX.- Those who contravene article 359 of this Code.

### ARTICLE \* 330.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** WHO CAN

PROMOTE THE SEPARATION OF THE GUARDIAN. The Public Ministry, the Local Guardianship Council, the ward's relatives, and the ward, if he has reached the age of sixteen and acts through the interim guardian, have the right to promote the separation of guardians who are in any of the cases provided for in the previous article.

### ARTICLE \* 331.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SEPARATION FROM THE GUARDIAN

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SUBJECT TO CRIMINAL PROCESS. The guardian who is prosecuted for any crime will be suspended in the exercise of his duty from the moment the order of formal imprisonment is provided until the pronounce final judgment.

In the case that the previous paragraph deals with, the interim guardianship will be provided in accordance with the Law. Once the guardian is acquitted, he will return to the exercise of his order.

If you are sentenced to a sentence that does not entail the disqualification to perform guardianship, he will return to this when his sentence expires, provided that the penalty imposed does not exceed one year of prison.

#### ARTICLE \* 332.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXTINCTION OF GUARDIANSHIP. Guardianship is extinguished:

- I.- Due to the death of the guardian or ward or because his disability disappears; Y
- II.- When the disabled person subject to guardianship enters parental authority by admission or recognition, or by adoption.

### CHAPTER IX OF THE GUARANTEE TO BE PROVIDED TUTORS TO ENSURE YOUR MANAGEMENT

#### ARTICLE \* 333.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REGULATION OF THE GUARANTEE THAT THE GUARDIANS MUST PRESENT. The obligation to provide a guarantee for tutors to ensure the performance of their assignment, is regulated by numeral 871 of the Civil Procedure Code, in articles 306 and 307 of this Code, as well as those of this Chapter.

#### ARTICLE \* 334.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROVIDENCIAS JUDICIALS TO PRESERVE THE ASSETS OF THE PUPIL. The guarantee provided by the tutors will not prevent the Family Judge, at the motion of the Public Ministry, of the Local Council of Guardianship, of the next of kin of the disabled person or of the latter if they have reached the age of sixteen, and act through the interim guardian, issue the measures deemed appropriate for the conservation of the ward's assets.

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### ARTICLE \* 335.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GUARANTEE OF THE GUARDIAN COHEREDERO OF THE INCAPABLE. Provided that the tutor is also a joint heir of the incapable person, and the latter does not have more assets than hereditary, the guardian may not be required to guarantee another guarantee than that of his same hereditary portion, unless this does not equal half of that of the incapable, since in such In this case, the guarantee will be integrated with the guardian's own property or with a guarantee determined by the Judge.

### ARTICLE \* 336.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROPORTIONALITY OF THE GUARANTEE OF THE INDIVIDUAL INHERITANCE GUARDIANS. Being several disabled whose assets consist of assets from an undivided inheritance, if there are several guardians, only a guarantee will be required from each of them for the part that corresponds to their represented party.

## CHAPTER X THE PERFORMANCE OF GUARDIANSHIP

### ARTICLE \* 337.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DESIGNATION OF CURATOR WHEN THE GUARDIAN MANAGES ASSETS HIS LIABILITY. When the guardian has to administer assets, he will not be able to enter the administration without first being named curator, except in the case of Article 309, section VII of this Code. The guardian who enters the administration of the assets without being appointed curator, will be responsible for the damages caused to the incapacitated person and, furthermore, separated from guardianship; but no stranger can refuse to deal with him judicially or extrajudicially, alleging the lack curator.

### ARTICLE \* 338.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATIONS OF THE TUTOR. The guardian is obliged:

I.- To feed the disabled;

II.- To allocate preferably the resources of the disabled person to their physical and social reintegration;

III.- To form a solemn and detailed inventory of what constitutes the patrimony of the incapacitated, within the term that the Judge designates, with the intervention of the curator and the disabled if you have reached the age of sixteen.

The term to form the inventory may not be greater than six months;

IV.- To manage the wealth of the disabled.

The ownership, administration and usufruct of the assets that the ward has acquired with his work will correspond to it;

V.- To represent the disabled person in court and out of it in all civil acts, with the exception marriage, recognition or admission of children, the testament and others strictly personal; Y

VI.- To promptly request judicial authorization for all acts that legally cannot perform without it.

#### ARTICLE \* 339.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FOOD FIXATION TO

WARD. When the guardian enters the exercise of his position, the Judge will fix, with a hearing of the former, the amount to be invested in the minor's food, referred to in numeral 102 of this

Code, and the number and salaries of dependents necessary without prejudice to altering it, according to the increase or decrease of the patrimony and other circumstances. For the same reasons, the

Family Judge, alter the amount that the one who appointed guardian has indicated for said object.

#### ARTICLE \* 340.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALIMENTARY OBLIGATION REGARDING INDIGENT PEOPLE. If the wards were destitute or lacking

sufficient means for the expenses demanded by their food, the guardian will judicially demand the provision of these expenses to relatives who have a legal obligation to support the disabled. The expenses that arise will be covered by the food debtor. When the

The same guardian is the one obliged to give alimony by reason of his relationship with the ward, the curator will exercise the claim to which this article refers.

#### ARTICLE \* 341.- Repealed

##### NOTES

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Legal Counsel of the Executive Power of the State of Morelos.  
General Directorate of Legislation.  
Subdirectorate of Jurisematics.

Last Refurbishment: 03-08-2017

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROTECTION OF PUPILS INDIGENT WITHOUT FOOD DEBTORS. If homeless wards do not have people to are obliged to feed them or if having them they cannot do so, the tutor, with the authorization of the Family Judge, who will hear the opinion of the curator and the Local Guardianship Council, will put the ward in an establishment of Public or Private Charity where he can be assisted. Not For this reason, the guardian is exempted from his position and must continue to monitor the minor.

#### ARTICLE \* 342.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** STATE PROTECTION A THE INDIGENT DISABLED. The handicapped indigent who cannot be fed by the means provided in the previous articles, they will be at the expense of resources public of the State of Morelos; but if it were to become known that there are relatives of the incapacitated person who is legally obliged to provide him with food, the Public Ministry will deduct the corresponding claim so that the Government is reimbursed for the expenses that have done in compliance with the provisions of this article.

#### ARTICLE \* 343.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PERIODIC OBLIGATION OF THE TUTOR TO MAKE CERTIFY THE CONDITION OF THE SUBJECT TO INTERDICTION. The tutor of the disabled referred to in section II of article 63 of this Ordinance, is obliged to present to the Family Judge, in the month of January of each year, a certificate of two doctors who declare about the status of the individual subject to interdiction, to whom for this effect will be recognized in the presence of the curator. The judge will verify the state of the incapacitated and will take all the measures he deems appropriate to improve his condition. For the safety, relief and improvement of the people referred to in the previous paragraph, the guardian will adopt the measures it deems appropriate, prior to the judicial authorization that will be granted with curator audience. The measures that are very urgent may be executed by the tutor, who will immediately report to the Judge for due approval.

#### ARTICLE \* 344.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INVENTORY

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MANDATORY OF THE GUARDIAN. The obligation to make inventories cannot be waived even by those who have the right to appoint a testamentary guardian.

#### ARTICLE \* 345.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LIMITATION TO THE GUARDIAN PRIOR TO INVENTORY. As long as the inventory is not formed, the guardianship must be limited to acts of mere protection to the person and conservation of the property of the disabled person.

#### ARTICLE \* 346.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION OF THE GUARDIAN TO REGISTER YOUR CREDIT IN THE INVENTORY. The tutor is obliged to register in the inventory the credit you have against the disabled person; If you don't, you lose the right to collect it. The guardian will not be able to make payment of his credits against the incapacitated person without the consent of the curator and judicial approval.

#### ARTICLE \* 347.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMMEDIATE REGISTRATION BY THE TUTOR OF ASSETS ACQUIRED AFTER THE INVENTORY. The goods that the incapacitated person acquires after the formation of the inventory, they will be immediately included in it, with the same formalities prescribed in section III of article 338 of this Code.

#### ARTICLE \* 348.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NO ADMISSION OF TEST AGAINST THE INVENTORY MADE. The guardian is not allowed to offer evidence against the inventory already made to the detriment of the incapacitated person, neither before nor after the latter's Whether he is litigating on his own behalf or with the representation of the incapacitated person.

#### ARTICLE \* 349.- Repealed

##### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PETITION TO INCLUDE ASSETS OMITTED IN THE INVENTORY. If it has been omitted to list some goods in the inventory, the incapacitated person through a special guardian, before or after adulthood, and the curator or any relative, may occur to the judge asking that the omitted assets be listed; and the Judge, hearing the opinion of the tutor, will determine in accordance with the Law.

#### **ARTICLE \* 350.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NEED OF THE TUTOR TO JUSTIFY THE EXPENSES OF FOOD SALARIES OF DEPENDENTS. The willing in article 339 of this Code, does not release the tutor from justifying, when rendering his accounts, that these sums have indeed been spent on their respective objects.

#### **ARTICLE \* 351.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REGULATION OF CAPITALS TAXED. The tutor who does not make the impositions within the indicated deadlines in article 874 section II of the Civil Procedure Code, it will pay the revenues established by the Judge while that capitals are not taxes.  
While such impositions are made, the guardian will deposit the amounts received in the public establishment designated by the judge.

#### **ARTICLE \* 352.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF DISPOSAL OR TAX FOR THE GUARDIAN ASSETS OF THE DISABLED. Real estate, rights derived from them and the precious furniture, shares or securities, cannot be alienated or encumbered by the guardian, but because of absolute necessity or evident utility of the less. The acts of dominion or encumbrances that the tutor will carry out without the requirements of the previous paragraph will be void if they are not duly justified and after the agreement of the curator and judicial authorization.

#### **ARTICLE \* 353.- Repealed**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL DEADLINE FOR INVESTMENT PERMITTED TO THE GUARDIAN. When the alienation has been allowed to cover with its product a certain object, the Judge will indicate to the tutor a period within which he must prove that the proceeds of the sale were invested in that object. As long as the investment, the provisions of the final part of article 277 of this Code will be observed.

### **ARTICLE \* 354.-** Repealed

#### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITIONS FOR THE SALE OF ASSETS OF THE PUPIL. The sale of real estate of the incapacitated person is void if it is not made judicially in public auction. In the disposal of jewelery and precious furniture, the Judge will decide whether or not the auction is appropriate, being able to dispense it accredited the utility that results from less.  
Guardians may not sell securities, shares, fruits, products and livestock belonging to the incapacitated, due to a lower value than that which is quoted in the market on the day of the sale; nor give bail to name of your ward.

### **ARTICLE \* 355.-** Repealed

#### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALIENATION OR TAX WHEN THE INCAPABLE IS A CO-OWNER. When it comes to alienating or encumber, for consideration, assets that belong to the disabled person as co-owner, it will begin for ordering such goods to be appraised in order to fix with all precision their value and the part that in them represents the disabled person, so that the Judge can decide whether or not to divide materially said goods so that he receives his portion in full ownership: or if, by the On the contrary, the alienation or encumbrance is convenient, setting in this case the conditions and assurances with which they must be made, being able, if it deems it convenient, to dispense the auction, provided that the guardian and curator consent to it, and that the former has not promoted the alienation or encumbrance.

### **ARTICLE \* 356.-** Repealed

#### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL AUTHORIZATION FOR EXTRAORDINARY EXPENSES MADE BY THE GUARDIAN. For all expenses

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extraordinary events that are not conservation or repair, the tutor needs to be authorized by Judge.

**ARTICLE \* 357.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL LICENSE FOR SETTLING BUSINESS OF THE DISABLED. Family Judge approval is required to carry out transactions on matters of the incapacitated person.

For the guardian to compromise, when the object of the claim consists of real estate, precious furniture or in mercantile or industrial securities whose amount exceeds one hundred days on general minimum wage in force in the State requires the consent of the curator and the judicial approval granted with a hearing of the latter. Transactions made in contravention of the previous paragraph will be void.

**ARTICLE \* 358.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

COMMITMENT OR COMMITMENT IN ARBITRATORS HELD BY THE GUARDIAN. Will be Necessary judicial license so that the guardian can compromise the business of the disabled.

The commitment in arbitrators that it celebrates with respect to real estate, without said license, will be non-existent.

The appointment of arbitrators made by the tutor must be subject to the approval of the Judge.

CLAUSE

**ARTICLE \* 359.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF CELEBRATE CONTRACTS ON PUPIL ASSETS FOR THE GUARDIAN, THEIR FAMILY MEMBERS OR CONUGE. Neither with a judicial license, nor in auction or outside of it, can the guardian buy or lease the property of the disabled person, nor make any contract regarding them, nor accept, by title gratuitous or onerous, the assignment of any right or credit against the incapable for himself, his ancestors, their spouse, children or siblings by consanguinity or affinity. If I did, in addition of the nullity of the contract the act will be sufficient for it to be removed.

The prohibition of the previous paragraph ceases, regarding the sale of goods, in the event that the guardian, their relatives or spouse, are joint heirs, participants or partners of the disabled person.

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**ARTICLE \* 360.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF

LEASE MADE BY THE GUARDIAN FOR MORE THAN TWO YEARS. The tutor cannot give in lease the property of the disabled person for more than two years, except in case of need or utility, prior consent of the curator and judicial authorization, observing where appropriate the provided in article 352 of this Code.

The lease made in accordance with the previous paragraph will subsist for the agreed time, even when the guardianship ends, but any anticipation of rent or rentals for more than two years.

#### ARTICLE \* 361.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION TO THE GUARDIAN TO MAKE DONATIONS, GIVE BOND, OR RECEIVE LOANS RELATED TO TO THE PUPIL. The guardian may not make donations on behalf of the disabled person and in no case may post bond on behalf of your ward.

Without judicial authorization and prior consent of the curator and the Local Guardianship Council, you will not be able to the guardian receiving money loaned on behalf of the incapacitated person, whether or not it constitutes a guarantee in the contract.

#### ARTICLE \* 362.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FACULTY OF CORRECTION OBLIGATION OF GOOD EXAMPLE OF THE GUARDIAN. The tutor has, regarding the minor, the same powers granted to ascendants in article 265 of this Ordering.

#### ARTICLE \* 363.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION OF THE GUARDIAN TO ACCEPT DONATIONS ACTS BY CAUSE OF DEATH IN FAVOR OF THE INCAPABLE. The Guardian is obliged to admit simple donations, bequests and inheritances that are left to the disabled.

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#### ARTICLE \* 364.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONUGE TUTOR DEL ANOTHER INCAPABLE. When the guardian of an incapacitated person is the spouse, he or she will continue to exercise the marital rights, with the following modifications:

I.- In cases where the consent of the consort is required by law, the

this will be supplied by the Judge, with the hearing of the curator; Y

II.- In cases where the incapable spouse can complain about the other, denounce him, or sue him

To ensure your rights violated or threatened, you will be represented by an interim guardian that the

Judge will appoint you. It is the obligation of the curator to promote this appointment, and if he does not fulfill it, it will be

responsible for the damages that are followed to the incapacitated person. You can also promote that

appointment of the Local Guardianship Council.

### ARTICLE \* 365.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REMUNERATION OF THE GUARDIAN.

The guardian will have the right to compensation on the assets of the disabled person, which may be set by the testator, and failing that, as for legitimate and dative guardians, it will be set by the Judge.

Except in the case of the following article, the remuneration will not exceed ten percent of the income of these assets.

### ARTICLE \* 366.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INCREASE IN

REMUNERATION OF THE GUARDIAN. If the assets of the disabled person had an increase in their products,

Due mainly to the skill and diligence of the tutor, you will have the right to have your

remuneration up to twenty percent of liquid products. The rating of the increase is

it will be done by the Judge, with the hearing of the curator.

So that the extraordinary increase that allows the

previous paragraph, it will be an essential requirement that at least two consecutive years have

obtained the tutor the absolute approval of their accounts.

### ARTICLE \* 367.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOSS OF RIGHT TO

REMUNERATION OF THE GUARDIAN. The tutor will not be entitled to any remuneration and will restore what

for this concept he would have received, if he contravened the provisions of article 130 of this Code.

## CHAPTER XI OF THE GUARDIANSHIP ACCOUNTS

### ARTICLE \* 368.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ANNUAL SURRENDER OF ACCOUNTS BY THE GUARDIAN. The annual obligation to render administration accounts by the tutor, regulated by article 876 of the Civil Procedure Code, it will include not only the amounts in numerary that the guardian may have received as a result of the assets and the application that they have given, but in general all the operations that have been practiced, and will be accompanied by the supporting documents and a balance of the state of the goods.

### ARTICLE \* 369.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERVENTION OF CURATOR OF THE LOCAL GUARDIANSHIP COUNCIL IN THE PRESENTATION OF THE ACCOUNT OF THE TUTOR. When the tutor presents his annual account, the curator or the Local Guardianship Council must promote information on the survival and suitability of the guarantors given by him. Is Information may also be promoted at any time they deem appropriate. The The Public Ministry has the same power and, ex officio, the Judge can demand that information.

### ARTICLE \* 370.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RESPONSIBILITY OF THE TUTOR ON ACTIVE CREDITS. The tutor is responsible for the value of the active credits if within sixty days, counted from the expiration of your term, you have not obtained your payment or guarantee that ensures this, or has not judicially requested one or the other.

### ARTICLE \* 371.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RESPONSIBILITY OF THE GUARDIAN FOR NOT EXERCISING POSSESSIONAL CLAIMS. If the disabled person is not in possession of some property to which he is entitled, the guardian will be responsible for the loss of them, if within two months, counted from the time you heard about the right of the disabled person, do not file a name of this judicially conducive claims to recover.  
The provisions of the preceding paragraph are understood without prejudice to the responsibility that, after Once the claims have been attempted, they may result to the guardian due to fraud or fault in the performance of their guardianship.

### ARTICLE \* 372.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PLACE OF SURRENDER OF GUARDIANSHIP ACCOUNTS. The accounts will be rendered in the place of performance of the guardianship.

### ARTICLE \* 373.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PAYMENT OF DAMAGE EXPENSES TO THE GUARDIAN. All expenses duly and legally incurred must be paid to the guardian, although the have anticipated their own wealth and although they have not been useful to the minor, if this it has been without fault of the first.

No advance or credit against the disabled person will be paid to the guardian, if it exceeds half of the annual income of the assets of the former, unless for this purpose it has been authorized by the Judge with curator audience.

The guardian will also be compensated, according to the prudent discretion of the Judge, for the damage that suffered because of the guardianship and in the necessary performance of it, when it has not intervened in its party fault or negligence.

### ARTICLE \* 374.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF WAIVER FOR ACCOUNTABILITY. The obligation to give an account cannot be dispensed in contract or last will, not even by the incapacitated himself, and if that dispensation is put as a condition in any act, it will be considered not put.

### ARTICLE \* 375.- Repealed

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### ARTICLE \* 376.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEADLINE TO SURRENDER GENERAL ACCOUNTS BY THE GUARDIAN. The tutor, or in his absence whoever represents him, will render the general accounts of the guardianship within a period of three months, counted from the day the guardianship. The judge may extend it for up to three more months, if extraordinary circumstances so

require.

### ARTICLE \* 377.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CANCELLATION OF THE GUARDIAN GUARANTEE UNTIL APPROVAL OF ACCOUNTS. The guarantee given by the tutor it will not be canceled, but when the accounts have been approved.

### ARTICLE \* 378.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF AGREEMENT BETWEEN GUARDIAN AND DISABLED ON THE ADMINISTRATION OR YOUR ACCOUNT. Until last one month of accountability, any agreement between the guardian and the ward is void, whether older or emancipated, or free from the disability that affected him relative to the administration of guardianship or accounts themselves.

## CHAPTER XII DELIVERY OF THE GOODS

### ARTICLE \* 379.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITIONS FOR THE DELIVERY OF THE GOODS LIABILITY OF THE EXPENSES. After the guardianship, the guardian must deliver the goods in accordance with the provisions of article 878 of the Code Civil procedure.

### ARTICLE \* 380.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PERIOD FOR THE DELIVERY OF THE PROPERTY OF THE DISABLED. Delivery must be made during the month following termination of guardianship; when the goods are very large or are located in various places, the Judge may set an additional prudent period for its conclusion.

### ARTICLE \* 381.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DELIVERY OF GOODS BY REPLACEMENT OF THE GUARDIAN. The tutor who enters the position succeeding another, is obliged to demand the delivery of goods and accounts to the one who has preceded him. If you do not require it, you are responsible for all damages that due to its omission are followed to the incapacitated person.

### ARTICLE \* 382.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FIXATION OF INTERESTS ON THE BALANCE OF THE ACCOUNTABILITY DELIVERY OF GOODS. The balance that it is for or against the guardian, it will produce legal interest. In the first case it will run from prior delivery of the goods is made the legal requirement for payment, and in the second, from the accountability, if they had been given within the period designated by law, and if not, from that the same period expires.

### ARTICLE \* 383.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUBSISTENCE OF THE GUARANTEES CELEBRATED BY THE GUARDIAN DESPITE AGREEMENT GRANTING TERM.

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When the account has a balance against the guardian, even if by an arrangement with the incapacitated person or his representatives is granted a period of time to the person in charge to satisfy it, the mortgages or other guarantees given for the administration, until the payment is verified, unless it has been expressly agreed otherwise in the arrangement.

### ARTICLE \* 384.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REPORT TO THE GUARANTEE BY NEW TERM GRANTED TO THE GUARDIAN. If the surety is a surety, the agreement that grants new term to the guardian will be made known to the guarantor; If he consents, he will remain bound until the solution, if you do not consent, there will be no waiting, and immediate payment may be required for the subrogation of the guarantor for another equally suitable who accepts the agreement. If the agreement is not made known to the guarantor, said agreement and the wait will not take effect, and the credit it will be due immediately.

### ARTICLE \* 385.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRESCRIPTION OF THE

CLAIMS FOR FACTS RELATING TO GUARDIANSHIP. All claims for facts related to the administration of guardianship, which the disabled person may exercise against his or her guardian, or against the guarantors and guarantors thereof, shall be extinguished for a period of four years, counted from the day of adulthood, or from the moment the assets and guardianship account, or since the disability has ceased in other cases provided by law.

### CHAPTER XIII OF THE CURATELA

#### ARTICLE \* 386.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SIMULTANEITY OF CURATOR TUTOR. All individuals subject to guardianship, in addition to the guardian, will have a conservator, Except in the cases of guardianship referred to in articles 309, section VII and 317 of this Code.

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#### ARTICLE \* 387.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERIM CURATOR. On Any case in which the incapacitated person is appointed an interim guardian, he will be appointed curator with the character, if it does not have it definitive, or if having it is impeded. An interim curator will also be appointed in the case of opposition of interests referred to in the numeral 291 of this Code. Likewise, an interim curator will be appointed in cases of impediment, separation or excuse of the named, while the point is being decided; after it is decided, a new curator will be appointed as to right.

#### ARTICLE \* 388.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO CAN APPOINT THE CURATOR. Those who have the right to appoint a guardian also have the right to appoint curator. Those included in article 313 will designate by themselves the curator with judicial approval, and emancipated minors, in the case provided for in section II of article 117 of this Code. The conservator of all other individuals subject to guardianship will be appointed by the Judge.

**ARTICLE \* 389.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPEDIMENT OR EXCUSE FROM THE CURATOR. The provisions on impediments or excuses of the tutors will also govern regarding curators.

**ARTICLE \* 390.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATIONS OF THE CURATOR. The curator is obliged:  
I.- To defend the rights of the disabled person in court or out of it, exclusively in the case of that are in opposition to those of the tutor.

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II.- To monitor the conduct of the tutor and to inform the Judge of everything that he considers that it can be harmful to the disabled person;

III.- To notify the Judge so that the appointment of a guardian is made, when this is absent or I will abandon the guardianship; Y

IV.- To fulfill the other duties that the law indicates.

It is also the obligation of the curator and the Local Guardianship Council, to monitor the state of the farms mortgaged by the guardian or the goods pledged, giving notice to the Judge of the deterioration and impairment that may exist, so that, if the price decrease is noticeable, the require the guardian to secure the interests he administers with other assets.

The curator who does not comply with these duties will be responsible for the damages that result to the disabled.

**ARTICLE \* 391.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TERMINATION RELAY OF THE POSITION OF CURATOR. The functions of the conservator will cease when the incapacitated person leaves guardianship; but if only the persons of the tutors vary, the curator will continue in the curatorship. The curator has the right to be relieved of the conservatorship, ten years after he was commissioned her.

**ARTICLE \* 392.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FEES OF THE CURATOR. In the cases in which according to this Code the curator has to intervene, he will charge

the fee determined by the Judge. If you make expenses in the performance of your position, they will be paid.

## CHAPTER XIV FROM LOCAL GUARDIANSHIP COUNCILS

### ARTICLE \* 393.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTEGRATION OF LOCAL GUARDIANSHIP COUNCIL. In each municipality there will be a Local Guardianship Council composed of a president and two members, who will last one year in the exercise of their position and they may be re-elected. They will be appointed by the respective City Councils in the first session that they celebrate in the month of January of each year, ensuring that the appointments fall to

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people who are of conspicuous good manners and who have an interest in protecting the incapable unprotected.  
The members of the Council will not cease in their functions even when the term has elapsed for which they were appointed, until the persons who have been appointed take office for the next period.

### ARTICLE \* 394.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATIONS OF THE LOCAL COUNCIL OF GUARDIANS. The Local Guardianship Council is a body of vigilance and information, that in addition to the functions expressly assigned by the Law, it has the following following obligations:

- I.- Form and send to the Superior Court of Justice a list of the local people who their legal and moral attitude, they can carry out the guardianship, so that from among them the tutors and curators, in cases where these appointments correspond to the Judge;
- II.- Ensure that tutors fulfill their duties, especially with regard to the education of minors, giving notice to the Family Judge of the faults and omissions noted;
- III.- Notify the Family Judge when it becomes aware that the assets of the disabled person they are in danger, so that it dictates the corresponding measures;
- IV.- Investigate and inform the Family Judge which incapacitated persons lack a guardian, in order for the respective appointments to be made;
- V.- Take particular care that tutors comply with the obligation imposed by section II of the Article 338 of this Code;
- VI.- Monitor the registry of guardianships, so that it is properly carried out, in accordance with the provided by articles 873 and 874 of the Civil Procedure Code; Y
- VII.- In general, investigate, monitor and promote any protective measure of the behaviors of the incapable, not only before the Family Courts, but before any other public body or private to seek their comprehensive protection by also coordinating their activities for their own effect with the other related.

**CHAPTER XV  
OF THE STATE OF INTERDICTION**

**ARTICLE \* 395.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF ACTS

ADMINISTRATIVE EXECUTED CONTRACTS CELEBRATED BY INABILITIES

EMANCIPATED MINORS. All acts of administration executed are null and void.

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contracts entered into by the disabled, without the authorization of the guardian, except as provided in the section IV of article 338; Likewise, acts of administration and contracts are null. celebrated by emancipated minors, if they are contrary to the restrictions established by the Article 117 of this Code.

**ARTICLE \* 396.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO CAN

CLAIM THE NULLITY DUE TO ACTS OF THE INCAPABLE OR THE EMANCIPATED MINOR. The nullity to

referred to in the preceding article may only be alleged, either as a claim or as a defense,

by the incapacitated person through their legitimate representatives, but not by the people with whom

contracted, neither by the guarantors that have been given when the obligation was constituted, nor by the

pooled in them.

**TITLE SEVENTH  
OF THE ABSENCE OF THE PRESUMPTION OF DEATH**

**CHAPTER I  
OF THE PROVISIONAL MEASURES IN CASE OF ABSENCE**

**ARTICLE \* 397.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ABSENT WITH

REPRESENTATIVE. He who has been absent from the place of his ordinary residence and has

representative constituted before or after his departure, it will be taken as present for all

civil effects, and their business may be dealt with with the representative to the extent of the power.

**ARTICLE \* 398.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DESIGNATION OF DEPOSITARY, DEADLINE FOR APPEARANCE OF THE DISAPPEARED AND IGNORED. When a person has disappeared and the place where they are and who represents them is unknown, The Judge, at the request of a party or of the Public Ministry, will appoint a depositary of their assets, and the cite in accordance with the provisions of article 890 of the Civil Procedure Code.

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The obligations and powers of the depositary will be those that the Law assigns to the depositaries.  
judicial

### ARTICLE \* 399.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPOINTMENT OF TUTOR TO THE INCAPABLE CHILDREN OF THE MISSING AND IGNORED. If the missing e ignored has disabled children, who are under his parental authority, and there is no ascendant who should exercise it in accordance with the Law, neither testamentary nor legitimate guardian, the Public Ministry or the Council Local de Tutelas will ask to be named tutor, as provided in articles 313 and 314 of this Code.

### ARTICLE \* 400.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DESIGNATION OF REPRESENTATIVE AS THE CITED PERSON DOES NOT APPEAR AFTER THE DEADLINE. Yes once the term of the appeal has elapsed, the aforementioned does not appear by himself, or by a legitimate attorney, or Through a guardian or relative who can represent him, the appointment of representative. The same will be done when in the same circumstances it ceases to be valid or the object of the power conferred by the disappeared and ignored, or is insufficient for the case.

### ARTICLE \* 401.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE WITH PROCEDURAL CLAIM TO REQUEST THE APPOINTMENT OF DEPOSITARY OR OF REPRESENTATIVE. They have a claim to request the appointment of depositary or representative, the Public Ministry or anyone interested in dealing or litigating with the disappeared and ignored or defend the interests of it. In the appointment of depositary or representative, the order established in the Article 890 of the Civil Procedure Code.

**ARTICLE \* 402.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL APPOINTMENT OF DEPOSITARY OR REPRESENTATIVE IN THE LACK OF AGREEMENT BETWEEN THE SPOUSE THE CHILDREN OF THE DISAPPEARED OR PRESUMPTIVE HEIRS. If the absent spouse is married in second or subsequent nuptials, and there are children of the marriage or previous marriages The Judge will order that the present spouse and the children of the marriage or previous marriages, or their legitimate representatives, where appropriate, appoint the representative depositary by agreement; more If they are not satisfied, the Judge will appoint him freely, from among the persons listed in Article 890 of the Civil Procedure Code.

In the absence of a spouse, descendants and ascendants, the heir will be representative presumptive. If there are several with equal rights, they themselves will choose the one that should represent them. If they do not agree on the choice, the Judge will make it, preferring the one who has more interest in the conservation of the assets of the absent person.

**ARTICLE \* 403.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ATTRIBUTIONS OF THE REPRESENTATIVE OF THE DISAPPEARED. The representative of the disappeared person is the legitimate administrator of the latter's assets and has, with respect to them, the same obligations, powers and restrictions that guardians.

It will not enter the administration of the assets without previously forming an inventory and appraisal of them, and if within a period of one month he does not provide the corresponding guarantee, another representative.

The representative and the provisional and definitive holders, in their respective cases, have the legitimate procurement of the absent in court and out of it.

**ARTICLE \* 404.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPLICATION OF RULES CONDUCTING GUARDIANSHIP TO THE LEGAL STATUS OF THE REPRESENTATIVE OF THE DISAPPEARED. The representative of the disappeared and ignored will be Applicable rules on remuneration, impediments, excuses and removal of guardians.

**ARTICLE \* 405.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TERMINATION OF POSITION OF REPRESENTATIVE. The representative position ends:

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- I.- With the return of the disappeared and ignored;
- II.- With the presentation of the legitimate representative;
- III.- With the death of the absentee; Y
- IV.- With the provisional possession of the heirs.

#### ARTICLE \* 406.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION OF THE REPRESENTATIVE OF PROMOTING THE PUBLICATION OF EDICTS. The representative is obliged to promote the publication of the edicts in accordance with the provisions of article 890 of the Civil Procedure Code, for two months with intervals of fifteen days. Lack of compliance of this obligation makes the representative responsible for the damages and losses that follow the disappeared and ignored and is legitimate cause for removal.

## CHAPTER II OF THE DECLARATION OF ABSENCE

#### ARTICLE \* 407.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEADLINE TO REQUEST THE DECLARATION OF ABSENCE. In case the disappeared person has left or named general attorney for the administration of their assets, the declaration of absence regulated by article 891 of the Civil Procedure Code but after three years, which is will count from the disappearance of the ignored, if in this period there is no news yours, or from the date on which the last ones have been had. The provisions of the preceding paragraph shall be observed even when the power of attorney has been conferred for more than three years. Due to absence, the terms established by law for prescription are not suspended.

#### ARTICLE \* 408.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO CAN REQUEST A DECLARATION OF ABSENCE. They can request the declaration of absence:

- I.- The presumed heirs of the disappeared person;
- II.- Those who have any right or obligation that depends on the life, death or presence of the missing; Y

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### III.- The Public Ministry.

#### **ARTICLE \* 409.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GUARANTEE REQUEST OF THE REPRESENTATIVE. After two years, which will be counted in the manner established in the article 411 of this Code, the Public Ministry and the persons designated in the previous article may ask that the attorney-in-fact guarantee, in the same terms in which the representative must do so. If it does not do so, a representative will be appointed in accordance with the provisions of articles 401 and 402 of this Code.

#### **ARTICLE \* 410.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COURSE OF NO DECLARATION OF ABSENCE. Once the terms referred to in numeral 892 of the Civil Procedure Code. If there is some news and opposition, the Judge will not declare the absence without repeat the legal publications, and make the inquiry by the means that the opponent proposes and for those that the Judge himself deems appropriate.

#### **ARTICLE \* 411.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADVERTISING OF THE DECLARATION OF ABSENCE. The declaration of absence will be published as ordered by the Article 892 of the Civil Procedure Code, referring to the Consuls as provided regarding of the edicts. Both publications will be repeated every two years, until the declaration of presumption of death.

### **CHAPTER III OF THE EFFECTS OF THE ABSENCE DECLARATION**

#### **ARTICLE \* 412.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DECLARATION OF

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ABSENCE EFFECTS ACCORDING TO HAA OR NON-WILL. Declared absence if any testament will proceed in compliance with articles 893, 894 and 895 of the Civil Procedure Code. If there is no will, the declaration of absence will entitle the legitimate heirs to proceed under the terms of those procedural articles.

#### ARTICLE \* 413.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PLURALITY OF HEIRS DIVISION OF ASSETS. If there are several heirs and the assets admit comfortably division, each one will administer the respective part; in this case, each heir will give the guarantee that corresponds to the part of assets that it administers, except for the cases provided in section I of the Article 419 of this Code.

If one part of the property is easily divisible and another is not, with respect to this, the general administrator.

If the assets do not allow easy division, the heirs will choose from among themselves a general administrator, and if they do not agree, the judge will appoint him, choosing him from among the heirs themselves, in this case the general administrator will be the one who gives the legal guarantee.

#### ARTICLE \* 414.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPOINTMENT OF AUDITOR FOR NON-ADMINISTRATING HEIRS. The heirs who do not manage They will appoint an auditor, who will have the powers and obligations indicated to the curators. Their Fees will be what is set by those who appoint him and will be paid for these.

#### ARTICLE \* 415.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGAL SITUATION OF THE PROVISIONAL HOLDERS. The one who enters the provisional possession will have, with respect to the assets, the same obligations, powers and restrictions as guardians.

#### ARTICLE \* 416.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO CAN

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EXERCISE RIGHTS OVER ASSETS OF THE ABSENT GIVING A GUARANTEE. The legatees, donees and all those who have rights over the assets of the absent depend on the death or presence of the latter, they may exercise them, giving the guarantee that legally applicable.

**ARTICLE \* 417.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUSPENSION OF THE OBLIGATIONS DEPENDING ON THE DEATH OF THE ABSENT. Those who have a relationship to the absent, obligations that must cease upon the death of the latter, may suspend their fulfillment under the guarantee provided in the previous article.

**ARTICLE \* 418.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL DECREASE OF THE WARRANTY EFFECTS WHEREAS IS NOT GIVEN. If the foreseen guarantee cannot be given In the previous articles, the Judge, according to the circumstances of the people and the goods, will grant a term and may reduce the amount of the surety prudently. As long as the expressed guarantee is not given, the representative's administration will not cease.

**ARTICLE \* 419.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** WHO ARE NOT OBLIGED TO PROVIDE GUARANTEE. They are not obliged to give guarantees:  
I.- The spouse, descendants and ascendants who as heirs come into the possession of the assets of the absent person, for the part that corresponds to them;  
The spouse, descendants and ascendants if there are legatees, will not give the legal guarantee for the part of property that corresponds to the former, if there is a division and general administrator; Y  
II.- The ascendant who, in exercise of parental authority, administers assets that, as heirs of the absent correspond to their descendants.

**ARTICLE \* 420.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUEST FOR ACCOUNTS TO

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REPRESENTATIVE OF THE ABSENT FOR THOSE WHO ARE IN POSSESSION  
PROVISIONAL. Those who enter provisional possession have the right to demand an account from the representative of the absent person and he will deliver the goods and give the accounts in the terms provided in Chapters XI and XII of Title Six of this Book. The term indicated in the article 376 will be counted from the day the heir has been declared entitled to the aforementioned possession.

#### ARTICLE \* 421.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTINUATION OR APPOINTMENT OF A NEW REPRESENTATIVE DUE TO FAILURE TO APPEAR HEIRS. If the absence declaration has been made, no heirs of the absent person appear, the Public Ministry will request the continuation of the representative, or the election of another who on behalf of the Public Treasury enters into provisional possession, in accordance with the preceding articles.

#### ARTICLE \* 422.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUCCESSION IN CASE OF DEATH OF THE PROVISIONAL POSSESSOR. The one who has obtained provisional possession is dead, his heirs will succeed him in the part that has corresponded to him, under the same conditions and with equal guarantees.

#### ARTICLE \* 423.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOVERY OF THE CIVIL CONDITION OF THE RETURNING ABSENT. If the absentee shows up or his / her existence before the presumption of death is declared, he will recover his property. Those who have had provisional possession, they make their own all the industrial fruits that they have produced to those goods and half of the natural and civil fruits.

### CHAPTER IV OF THE ADMINISTRATION OF THE ASSETS OF THE ABSENT MARRIED

#### ARTICLE \* 424.- Repealed

##### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERRUPTION OF THE MARITAL SOCIETY WITH THE DECLARATION OF ABSENCE. The declaration of absence does not dissolves marriage, but does disrupt conjugal partnership, unless in the marriage contracts have been stipulated to continue.

#### **ARTICLE \* 425.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INVENTORY SEPARATION OF ASSETS OF THE ABSENT CONSORT. Once the absence has been declared, we will proceed with citation of the presumptive heirs, the inventory of the assets and the separation of those who must correspond to the absent spouse.

#### **ARTICLE \* 426.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FREE DISPOSAL OF ASSETS FOR THE PRESENT CONSORT. The present spouse will of course receive the goods that correspond to him, made the separation with respect to the assets of the absentee, until the day on which the declaration of absence has caused enforceability of which you can freely dispose.

#### **ARTICLE \* 427.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DELIVERY OF GOODS TO THE HEIRS OF THE ABSENT. The assets of the absent will be delivered to his heirs, being able to understand each other the spouse.

#### **ARTICLE \* 428.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FOOD LAW OF THE CONUGE OR PRESENT. If the present spouse is not an heir, nor does he have property own, will have the right to food, which will be covered by the patrimony of the absent.

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### ARTICLE \* 429.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RESTORATION OF THE CONJUGAL SOCIETY. When the absent spouse returns or its existence is proven, before from the presumption of death, the conjugal society will be restored.

## CHAPTER V OF THE PRESUMPTION OF DEATH OF THE ABSENT

### ARTICLE \* 430.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DECLARATION OF THE PRESUMPTION OF DEATH. When three years have elapsed since the declaration of absence, the Judge, at the request of the interested party, will declare the presumption of death. Regarding individuals who have disappeared by kidnapping, or by taking part in a war, or armed movement, or when there is an explosion, fire, earthquake, flood or other similar sinister; or due to an accident while on board a land, air or vehicle aquatic, it will be enough that a year has elapsed since his disappearance, so that he can make the declaration of presumption of death, without in those cases it being necessary that His absence is previously declared, but the provisional measures authorized by Chapter I of this Title. The sentence declaring the presumption of death dissolves the bond matrimonial.

### ARTICLE \* 431.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEFINITIVE POSSESSION OF THE INHERITED ASSETS. Declared the presumption of death, if it has not been proceeded in accordance with articles 893 and 895 of the Civil Procedure Code, the absentee's will will be opened; or Well, if applicable, the probate trial will continue. Provisional holders will account for its administration in the terms provided in article 420 of this Code, and the heirs and other interested parties will enter into definitive possession of the goods, without any guarantee. Which according to the Law, it will be canceled.

### ARTICLE \* 432.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEMONSTRATION OF THE DEATH OF THE ABSENT. When the death of the absentee is proven, it will be at provided by numeral 897 of the Civil Procedure Code.

### ARTICLE \* 433.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOVERY OF ASSETS DUE TO THE RETURN OF THE ABSENT AFTER POSSESSION IS DECLARED FINAL. If the absentee presents himself or his existence is proven after the definitive possession, he will recover his goods in the state in which they are, at the price of the alienated, or those that have been acquired with the same price, but you will not be able to claim fruits or rents.

The definitive holders will account for the absentee and their heirs. The legal term will run from the day the first appears by himself or by a legitimate attorney, from the day on which by sentence that causes enforceable the inheritance has been deferred.

### ARTICLE \* 434.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRESENTATION OF PRETENDERS TO HEIRS TO BE PREFERRED. When done the declaration of absence or the presumption of death of a person, their assets to which by testament or without it are held as heirs, and then present other suitors who should be preferred in the inheritance, and so it is declared by sentence that causes enforceable, the delivery of the goods will be made to them under the same terms in which, according to the Articles 423 and 433 of this Code should be made when absent if presented.

### ARTICLE \* 435.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TERMINATION OF THE FINAL POSSESSION. Final possession ends:

- I.- With the return of the absentee;
- II.- With the certain news of its existence, in this case, the definitive holders will be considered as provisional from the day on which certain news of the existence of the absent;

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III.- With the certainty of his death; Y

IV.- With the judgment that causes enforceability, in the case of article 434 of this Ordinance and in accordance with the provisions of articles 897 and 898 of the Civil Procedure Code.

**CHAPTER VI**  
**OF THE EFFECTS OF THE PRESUMPTION OF DEATH IN RELATION TO**  
**THE EVENTUAL RIGHTS OF THE ONE ON WHICH THE**  
**STATEMENT**

**ARTICLE \* 436.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BURDEN OF PROOF ON THE UNRECOGNIZED EXISTENCE OF A PERSON. Anyone claiming a right regarding a person whose existence is not recognized, will have the burden of proof that this person lived at the time his existence was necessary to acquire that right.

**ARTICLE \* 437.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUCCESSORS OF HEIR DECLARED ALLEGED DEAD. When an inheritance is opened to whatever called an individual for whom the declaration of presumption of death has been made, his heirs will succeed him, who must make an inventory of the assets that receive.

In the case of the previous paragraph, the heirs will be considered as definitive holders of the goods that by inheritance should correspond to the declared presumed dead, from the time in which the inheritance has been opened.

**ARTICLE \* 438.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CLAIMS OF THE DECLARED UNDER PRESUMPTION OF DEATH. The provisions of the previous article must be understood without prejudice to the claims of inheritance petition and other rights that may exercise the presumed dead, their representatives, creditors or legatees, and that They will not be extinguished except for the elapse of the time fixed for the prescription.

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Those who have entered the inheritance will make their own the fruits received in good faith, while the declared under presumption of death does not appear, and his claims are not exercised by his representatives, or by those who by contract or any other cause have relations with him legal.

## TITLE EIGHT OF THE FAMILY HERITAGE

### SINGLE CHAPTER COMMON PROVISIONS FOR FAMILY HERITAGE

#### ARTICLE \* 439.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBJECTS THAT INTEGRATE THE FAMILY HERITAGE. One or more of the assets of the family may be the object of the following goods:

- I.- The home of the family as well as the furniture of ordinary use that is not luxury;
- II.- A lot of arable land;
- III.- In the case of peasant families, seeds, machinery, instruments and animals own for agricultural cultivation;
- IV.- In the case of families of artisans, the work team, being considered as such, the useful instruments or apparatus necessary for art or craft;
- V.- In the case of steering wheel workers, the vehicle they own in which they provide the service public rental and the right to the concession or relative permit when it constitutes the only source of your income;
- VI.- The patrimonial rights of partner in cooperative and mutual societies; Y
- VII.- In the case of those who provide independent services, the work team, considering itself as such, the books, devices, instruments and tools of their own for their exercise or study.

#### ARTICLE \* 440.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTRANSMISSIBILITY OF FAMILY HERITAGE. The constitution of the family patrimony does not pass the property of the goods that remain attached to him, of the one that constitutes him to the members of the family beneficiary, which includes the constituent, their spouse and the people they have obligation to provide food. In the event of the death of the constituent, if there is a surviving spouse, descendants or ascendants, the aforementioned patrimony will continue with them without dividing, passing the

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property and possession of the assets to the heirs that are called by the Law, although in the the will of which it was constituted, if the contrary is provided, or other heirs are instituted,

who will not have any right to the assets that comprise it.  
This right is non-transferable, but the provisions of article 456 of this right must be taken into account.  
Code.

#### ARTICLE \* 441.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INALIENABILITY AND DEFENSE OF THE FAMILY HERITAGE. The assets assigned to the patrimony of the family are inalienable and are not subject to embargo or tax.

#### ARTICLE \* 442.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** UNICITY OF FAMILIAR PATRIMONY. Each family can only constitute one patrimony. Those that are constituted subsisting the first, they will be null.

#### ARTICLE \* 443.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOCATION OF FAMILY HERITAGE. Family assets can only be constituted with assets located in the municipality in which the constituent is domiciled.

#### ARTICLE \* 444.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REPRESENTATION OF FAMILIAR PATRIMONY. The beneficiaries of the assets assigned to the family assets will be represented in their relationships with third parties, in everything that refers to the patrimony, by which constituted, or by the one named by the majority in case of incapacity or absence of the declared judicially.  
The representative also have the administration of such property.

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#### ARTICLE \* 445.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** The maximum value of

assets assigned to the family patrimony will be the amount that results from multiplying by 17,000 the amount of the general daily minimum wage in force in the State, at the time the

heritage. The review and update of the family patrimony must be done in a term of three years.

The assets that have been assigned to the family patrimony will enjoy the privileges that establishes this chapter, even if they increase in value by the mere passage of time or by useful or necessary improvements.

**REFORM WITHOUT VALIDITY.-** Amended by Decree No. 542 published in the Official Newspaper No. 3964 of 1999/02/03. Validity: 1999/02/04.

### ARTICLE \* 446.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REGISTRATION OF FAMILY HERITAGE IN THE PUBLIC REGISTRY. Whichever family member it is owner of the assets destined to the family patrimony, will declare it in writing to the Court of their domicile, designating with all precision and in such a way that they can be entered in the Registry Public of the Property the goods that are going to be affected.

Additionally, you will check the following:

I.- That he is of legal age or that he is emancipated;

II.- That he is domiciled in the place where he wants to constitute the patrimony;

III.- The existence of the family in whose favor the patrimony is going to be constituted. Checking the family ties will be made with certified copies of the records of the Civil Registry;

IV.- That the assets intended for the patrimony are the property of the constituent and that they do not report liens outside easements; Y

V.- That the value of the goods that will constitute the patrimony does not exceed that established in article above, according to the appraisal made for this purpose.

The annotations and inscriptions made by the offices of the Public Registry of Property and Trade on the occasion of the family heritage will be made at no cost to those interested.

**REFORM WITHOUT EFFECT.-** Added the last paragraph by Decree No. 542 published in the Official Newspaper No. 3964 of 1999/02/03. Validity: 1999/02/04.

### ARTICLE \* 447.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL APPROVAL OF THE CONSTITUTION OF THE FAMILY HERITAGE. If the conditions required in the previous article, the Judge, after the legal procedures, will approve the constitution of the patrimony of the family and will order that the corresponding inscriptions be made in the Public Registry of the Property.

### ARTICLE \* 448.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ENLARGEMENT, OR DECREASE OF FAMILY HERITAGE. When the value of the assets assigned to the patrimony of the family is less than the maximum set in article 445 of this Code, the equity until reaching this value. The extension will be subject to the same procedure as for the constitution set by law.

The family patrimony can be reduced when it is demonstrated that its reduction is of great need or notoriously useful for the family.

The family patrimony may also be reduced, when the value of the assets that constitute, for subsequent causes, increases by more than one hundred percent the maximum value that orders number 445 of this Code.

#### **ARTICLE \* 449.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL PETITION FOR THE CONSTITUTION OF THE FAMILY HERITAGE. When there is danger that whoever has obligation to give maintenance lose their assets due to mismanagement, the obligee creditors and, if they are incapable, their guardians or the Public Ministry, have the right to demand judicially that the family patrimony is constituted up to the value set in article 445. In the constitution of this patrimony, the provisions of articles 446 and 451 of this Order.

#### **ARTICLE \* 450.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** MEASURES FOR FAVOR THE CONSTITUTION OF THE FAMILY HERITAGE. In order to promote formation of family patrimony, they will be sold to people who have legal capacity and patrimonial to establish it and who want to do so, the properties that are listed below express:

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I.- Those belonging to the State of Morelos or to the City Councils, which are not intended for a public service, nor are they of common use; Y

II.- Those that, through expropriation or by any other title, are acquired by the State Government or Municipalities to allocate them for this purpose.

The constitution of the patrimony referred to in this article will be subject to administrative processing established by the respective regulations. Once the constitution of the patrimony has been approved, the Judge will order that is registered in the Public Property Registry.

#### **ARTICLE \* 451.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF CONSTITUTE THE FAMILY ASSETS IN CREDITOR FRAUD. The constitution of Family estate cannot be made in fraud of creditors' rights.

### ARTICLE \* 452.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION TO USE THE FAMILY HERITAGE TO FULFILL ITS PURPOSE. Constituted the patrimony of the family, it is obliged to use the assets that comprise it by itself. Otherwise, the first municipal authority of the place where the patrimony is constituted may, by it or by another just cause, authorize that it be given in lease or sharecropping, up to one year.

### ARTICLE \* 453.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXTINCTION OF FAMILIAR PATRIMONY. The family assets are extinguished when:

- I.- All beneficiaries cease to have the right to receive alimony;
- II.- Without just cause, the family stops inhabiting the house that should serve as their dwelling for one year, to cultivate on its own and for two consecutive years the plot that is attached to it with the exception of the provisions of the final part of the previous article;
- III.- It is shown that there is a great need or notorious utility for the family, that the patrimony is extinguished;
- IV.- For reasons of public utility, the assets that comprise it are expropriated; Y
- V.- In the case of the patrimony formed with the goods sold by the aforementioned authorities in article 450 of this Code, the sale of those goods by said authorities.

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### ARTICLE \* 454.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL DECLARATION OF THE EXTINCTION OF THE FAMILY HERITAGE. The declaration that the patrimony will be done by the Family Judge, through the procedure established in the provisions respective, and will communicate it to the Public Property Registry so that the corresponding cancellations.

When the patrimony is extinguished for the cause provided in section IV of the preceding article, once the expropriation has been made, the patrimony is extinguished without the need for a judicial declaration, the cancellation that proceeds must be made at the Public Property Registry.

**ARTICLE \* 455.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** CONSEQUENCES OF DEPOSIT OF THE PRICE OF THE EXPROPRIATED FAMILY HERITAGE. The price of equity expropriated and the compensation from the insurance payment as a result of the loss suffered for the assets assigned to the family patrimony, they will be deposited in a credit institution, and not having it in the locality, in a trade house of notorious solvency, in order to dedicate them to the constitution of a new family patrimony. The price is unattachable for one year deposited and the amount of the insurance.

If the owner of the goods sold does not constitute it within the six-month period, the spouse and the other maintenance creditors have the right to demand judicially the constitution of the Familiar patrimony.

One year after the deposit was made, without the constitution having been promoted of the patrimony, the deposited amount will be delivered to the owner of the goods.

In cases of extreme need or of evident utility, the Judge may authorize the owner of the deposit to dispose of it before the end of the year.

**ARTICLE \* 456.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE EXTINCTION OF THE FAMILY HERITAGE. Extinguished the family patrimony, the assets that formed it, they return to the full domain of the one who constituted it, or they will pass to their heirs if the former has died.

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**ARTICLE \* 457.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERVENTION OF PUBLIC MINISTRY IN MATTERS RELATING TO FAMILY HERITAGE. The ministry The public will be heard in the constitution, application, extension, extinction and reduction of the patrimony of the family.

**TITLE NINE  
OF THE CIVIL REGISTRY**

**CHAPTER I  
GENERAL DISPOSITION**

**ARTICLE \* 458.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NATURE FUNCTION. The Civil Registry is the institution of a public nature and of social interest, through which the State registers and publishes the constitutive and modifying acts of the civil status and legal condition of people, and makes the inscriptions made in it, take effect against third parties and make full trial.

**ARTICLE \* 459.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** STRUCTURE OF CIVIL REGISTRATION. The Civil Registry will be made up of the Directorate of the Civil Registry, its Archive State and the Civil Registry Offices determined by the State Executive.

**ARTICLE \* 460.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PUBLIC FAITH OF OFFICIAL DIRECTOR OF THE CIVIL REGISTRY. The Director of the Civil Registry and the Holders called Officials of the Civil Registry, will have public faith in the performance of the tasks specific to your order.

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**ARTICLE \* 461.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE WHO INTERVENE IN THE RECEIPT OF RECORDS. In the settlement of the minutes of the Civil Registry will intervene: the Official of the Civil Registry that authorizes and vouches for, the individuals who request the service or their legal representatives in their case and the witnesses that corroborate the said of the individuals and witness the act, who must sign them in the corresponding space, at the the same as the other persons indicated therein. Likewise, the seal of the Official Office.  
The witnesses who intervene in the records of the Civil Registry must be of legal age and They will prefer relatives and those designated by the interested parties who reside in the place, settling in the minutes your general data.

**ARTICLE \* 462.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECORD MINUTES CIVIL. The records of the civil status will be recorded in special formats that will be called "Forms of the Civil Registry"; Entries will be made in triplicate, by typing or by electronic media. The forms will be authorized by the Director of the Civil Registry and will refer to:

I. Birth certificates;

II. Certificates of recognition or admission;

III. Adoption certificates;

IV. Marriage certificates;

V. Divorce certificates;

SAW. Death certificates; Y

VII. Acts relative to the enforceable actions that resolve on the guardianship, the absence, the presumption of death, or the ability to manage property or the person has been lost or limited.

In the records of the Civil Registry, the acts concerning the civil status and

They shall state the beginning, condition and extinction of the legal life of natural persons.

The infraction of this article will produce the nullity of the act.

## ARTICLE \* 463.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COPIES OF THE MINUTES OF THE CIVIL REGISTRY. The forms will be duly foliated and in groups of three hundred they will be

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bound to form books that will be classified according to the act of civil status try. In the event that on the thirty-first day of December of each year no three hundred minutes, with those settled up to that date, the book will be bound.

## ARTICLE \* 464.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOSS, DESTRUCTION OR DETERIORATION OF MINUTES OF THE CIVIL REGISTRY. If it is lost, destroyed or damaged any of the records of the Civil Registry, a detailed record will be drawn up with the intervention of the Director and if it will be lost once used, a copy of the other copy will be made immediately under the responsibility of the Officer, the Director and the person in charge of the State Archive of the Civil Registry, to whose effect, the official holder of the place where the loss occurs will notify others in the terms established by the Regulation.

## ARTICLE \* 465.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DISTRIBUTION OF THE COPIES OF THE MINUTES OF THE CIVIL REGISTRY. The Civil Registry Officials, once Once the minutes have been drawn up, they will send a copy of the forms of the Civil Registry to the State Archive of the

Civil Registry, they will deliver a copy to the interested party and the other will be kept in the file of the official office in which it has acted and, when three hundred forms of a single act, they will be sent to the address of the Civil Registry, which after being bound in books classified, will return them to the official office of origin.

### ARTICLE \* 466.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **It used to say:** APPENDIX TO THE ACT OF CIVIL REGISTRATION. For each record of the Registry, a file will be formed that contains the documentation corresponding to the civil act to be accredited, and it will be called "Appendix of the Minutes ", which will be part of it.

### ARTICLE \* 467.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUEST FOR COPIES OF

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THE MINUTES OF THE CIVIL REGISTRY. Anyone can request a certified copy of the minutes of the Civil Registry as well as the documents in the Appendix. The Officers, the Director and the Head of Archive are required to issue them.

### ARTICLE \* 468.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROBATORY VALUE OF THE MINUTES OF THE CIVIL REGISTRY. The marital status and legal status of persons is only proof with the corresponding certified copies of the records of the Civil Registry and the Appendix documents. No other means of proof is admissible to prove them, except the cases expressly excepted by law.

### ARTICLE \* 469.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **It used to say:** TEST SUCCESSFUL IN CASE OF NON-EXISTENCE, LOSS OR IMPAIRMENT OF RECORDS. When they have not existed records, lost, illegible, or missing sheets that can be assumed to be found the record, evidence of the act may be received by instruments or witnesses, but if only one of the The books have been rendered useless and there is another copy, the test must be taken from this, without admitting it of another kind.

**ARTICLE \* 470.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TRANSFER REQUEST OF THE OFFICIAL OF THE CIVIL REGISTRY OR APPEARANCE BY SPECIAL REPRESENTATIVE.

When the interested parties cannot appear personally before the Official of the Civil Registry by Justified cause, they will request that it go to the place where they are. They may also be represented by a special agent for the act. In the latter case, the mandate is granted by public deed.

**ARTICLE \* 471.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALLEGATION OF NULLITY

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OR FALSE CERTIFICATES OF THE CIVIL REGISTRY. The nullity of the registered act and the falsity of the records of the Civil Registry may only be judicially proven.

**ARTICLE \* 472.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CIVIL STATE OF MEXICANS ACQUIRED OUTSIDE THE REPUBLIC. To establish the acquired marital status by Mexicans outside the Republic, there will be enough evidence that the interested parties present of the relative acts, subject to the provisions of the Federal Code of Civil Procedures and provided that they are registered in the respective State office.

**ARTICLE \* 473.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ANNOTATIONS RELATED TO A PERSON IN DIFFERENT ACTS. In the records of the Civil Registry make the annotations that relate the act with the others that are registered in the Civil Registries of the same person and the others established by Law.

**ARTICLE \* 474.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF EVALUATION OF THE CIVIL STATUS OF THE OFFICIAL'S OWN

FAMILY. The acts and records of the civil status of the Civil Registry Officer, of his spouse, and of their ascendants and descendants, may not be authorized by the Official himself, they will be settled in the corresponding forms, and will be authorized by the Officer of the closest assignment.

#### ARTICLE \* 475.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALTERATION OF ACTS BY THE OFFICER OR OFFICIAL OF THE CIVIL REGISTRY. The falsification of the minutes and the insertion in them of illicit circumstances or statements, as well as the superposition of sheets or of minutes, and the destruction of the same or their disappearance, will be cause of dismissal of the Official or of the Civil Registry official who carries out or allows them, without prejudice to the penalty indicated for the corresponding crime, and compensation for damages.

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#### ARTICLE \* 476.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CORRECTIONS NO SUBSTANTIALS OF THE MINUTES OF THE CIVIL REGISTRY. The vices or defects that exist in the Minutes, subject the Civil Registry Officer to the corrections indicated by the respective Regulation, but when they are not substantial they will not produce the nullity of the act, unless judicially the falsity of this one is proven.

## CHAPTER II OF THE BIRTH CERTIFICATES

#### ARTICLE \* 477.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DECLARATIONS OF BIRTH OF AN INFANT. Birth declarations will be made by presenting the child live before the Civil Registry Officer or requesting the appearance of the same at the place where find that one. Regarding the first hypothesis provided by the second paragraph of paragraph 61 of this Ordinance, the Civil Registry Officer may only give credit to the declaration of birth upon presentation of medical proof that the product lived for at least twenty-four hours.

#### ARTICLE \* 478.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE OBLIGED TO DECLARE THE BIRTH. The father and mother are required to declare the birth, or any of them within one hundred and eighty days of the occurrence. Doctors, surgeons, midwives, or people who have attended the birth have an obligation to give notice of the birth to the Official of the Civil Registry, within a period of fifteen days. The same obligation has the health institution and the head of the family in whose house the delivery. Once the notice has been received, the Civil Registry Officer will take the necessary legal measures to that the birth certificate is drawn up in accordance with the relative provisions. People who, being obliged to declare the birth, do not do so within the established period, will be sanctioned with a fine of twenty times the general daily minimum wage in force in the

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region, which will be imposed by the municipal authority of the place where the declaration was made extemporaneous from birth.

#### ARTICLE \* 479.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION TO OFFICIALS OF THE CIVIL REGISTRY REGISTRATION OF THE BIRTH OF OVER SEVEN YEARS. It is forbidden for the Civil Registry Officials to record the births of people who are over seven years of age; in this case, express authorization issued by the Director of the State Civil Registry, who prior to its issuance and under his strict responsibility will ensure that the data provided by the person who intends register are true.

#### ARTICLE \* 480.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTENT OF THE ACT OF BIRTH. The birth certificate will contain: year, month, day, time and place of birth; sex and the digital impression of the presented; the name and surname that correspond, without reason some may be omitted, except in the case of the registration of a newborn of a father unknown, in which the first and second surnames of the mother will be put, the expression of if he is presented alive or dead; name, age, address and nationality of the parents; name, domicile and nationality of paternal and maternal grandparents; the name, age, address and nationality of witnesses; and if the presentation is made by a person other than the parents, You will write down your name, surname, age, address and relationship with the registered person, except for preventions contained in the following articles. If the child is presented as the child of unknown parents, the Civil Registry Officer will give him name and surname, stating this circumstance in a separate record that will be attached to the Appendix. It is forbidden to show this last act, unless there is a court order. Under his strict and personal responsibility, will report to the Public Ministry, if it does not have knowledge the fact; The Officer will immediately release for safekeeping the infant presented to a Family Assistance Institution.

**ARTICLE \* 481.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRESENTATION OF INFANTE BEFORE THE MUNICIPAL AUTHORITY. In populations where there is no Official of the

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Civil Registry, the child will be presented to the person who exercises municipal authority, and he will give the respective proof, which the interested parties will take to the corresponding Civil Registry Officer, for you to enter the minutes.

**ARTICLE \* 482.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BIRTH CERTIFICATE OF SON OF MARRIAGE. When when presenting the minor, a certified copy of the certificate of The marriage of their parents will be established as their parents, except in a court ruling in contrary.

**ARTICLE \* 483.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BIRTH CERTIFICATE OF CHILDREN OUT OF MARRIAGE. For the name to be recorded on the birth certificate of the father of a child who has been out of wedlock, it is necessary that he asks for it by himself or by special attorney-in-fact constituted in the manner established in article 470 of this Code, stating the request.

The mother has the obligation to admit her child, and the right to have his name appear on the certificate of birth. If when making the presentation a third party does not give the mother's name, this will be omitted. data in the record, but the maternity investigation may be carried out before the courts of in accordance with the relative provisions of this Code.

**ARTICLE \* 484.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF SETTING QUALIFICATIONS TO REGISTERED PERSONS. In the birth certificates, for no concept will settle words that qualify the registered person. In any act that contains said note, said words will be tested ex officio by whoever is in charge of it.

**ARTICLE \* 485.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROCESS FOR THE EXHIBIT REGISTRATION. Any person who finds a newborn or in whose house or

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property is exposed, must present it to the Civil Registry Officer with the dresses, values or any other objects found with it, and will declare the day, month, year and place where have found it, as well as the circumstances that in the case have concurred, giving intervention to the Public Ministry.

The heads, directors or administrators of the establishments have the same obligation.

penitentiaries and any community house, especially those in hospitals, maternity and nurseries, with respect to children born or exposed in them.

In the minutes that are drawn up in these cases, the circumstances that mentions this article, the apparent age of the child, the name and surname given to him and the name of the person or institution in charge of it, in accordance with what is ordered by the Article 480 of this Code.

**ARTICLE \* 486.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF INQUIRING ABOUT MATERNITY OR PATERNITY. The Civil Registry Officer and the witnesses who, according to article 461, second paragraph of this Code, must attend the event, make inquisition on paternity or maternity. In the minutes, only what must be declared by the people who present the child, even if they seem suspicious of falsehood, without prejudice to they are punished if they are found in accordance with the provisions of the Penal Code.

**ARTICLE \* 487.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BIRTH OCCURRED IN NATIONAL TRANSPORT WITHIN THE STATE OF MORELOS. If the birth occurs aboard a national transport and in Morelense territory, the interested parties will have a proof of the act, in which the circumstances referred to in articles 480 to the 484 of this Ordinance, if applicable, and will request that they be authorized by the captain or person in charge of the transport and two witnesses who are on board, expressing themselves if there are none. The interested parties will deliver the document mentioned in the previous paragraph to the Registry Officer Civil Morelense, so that the minutes can be agreed upon by it.

**ARTICLE \* 488.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BIRTH CERTIFICATES IN CASE OF MULTIPLE DELIVERY. In the case of multiple births, a record will be drawn up for each

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one of those born, in which in addition to the requirements indicated in article 480 of this Code, The particularities that distinguish them and the order in which their birth occurred will be recorded, according to the news provided by the doctor, surgeon, midwife or people who have assisted at the birth and, in addition, fingerprints or footprints of those presented will be printed. The Civil Registry judge will list the minutes.

#### **ARTICLE \* 489.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BIRTH CERTIFICATES DEATH OF THE NEWBORN. If when giving notice of a birth it is also communicated the death of the newborn, two certificates will be issued, one of birth attentive to the provisions of the Article 61 of this Code and another on death.

### **CHAPTER III OF THE RECORDS OF ADMISSION RECOGNITION**

#### **ARTICLE \* 490.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EFFECTS OF ADMISSION OR ACKNOWLEDGMENT DERIVED FROM THE BIRTH CERTIFICATE. If the father or mother of a child born out of wedlock, or both, are presented for registration of their birth, the Act will have all the effects of legal recognition for the father, and admission for the mother, or with respect to the appearing parent.

#### **ARTICLE \* 491.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADMISSION OR RECOGNITION AFTER BIRTH REGISTRATION. In recognition o admission of a child made after his birth registration, it is necessary to obtain his express consent if you are of legal age; If you are a minor but over fourteen years of age, requires your consent and that of the person in custody; if it is under fourteen years, only the consent of the custodian is required. The provisions of the preceding paragraph will also be observed when the presentation has been omitted. for the birth registration, or that presentation was made after the legal deadline.

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### ARTICLE \* 492.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS OF THE ACT OF ADMISSION OR RECOGNITION. The certificate of recognition or admission will contain: name, surname, date and place of birth, address and fingerprint of the recognized or admitted; name, surname, age, address and nationality of the person who admits or recognizes; names last names, nationality and domicile of the grandparents; names, surnames, nationality, address and relationship with the recognized or admitted, of the person or persons who grant their consent, in their case; and names, surnames, age, domicile and nationality of the witnesses. In the certificate of recognition or admission made after the birth certificate, the mention of this by putting in it the corresponding marginal annotation.

### ARTICLE \* 493.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ADMISSION OR RECOGNITION IN AN OFFICIAL DIFFERENT FROM THE BIRTH REGISTRY. If he recognition or admission is made in an official office other than the one in which the act of birth, the Civil Registry Officer who authorizes the recognition or admission certificate will send to that certified copy to make the annotation in the respective minutes.

### ARTICLE \* 494.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION MISCELLANEOUS FROM THE REGISTRY. If the recognition is made by any of the other means established in this Code, a certified copy shall be submitted within the following fifteen days of the document that proves it before the Official of the Civil Registry, so that the part of the same in the minutes, observing the other prescriptions contained in this Chapter, and in Chapter IV of the Fourth Title of this Book. The omission of the Registry in the case of the preceding paragraph does not remove the legal effects of the recognition or admission made in accordance with the provisions of this Code.

## CHAPTER IV OF THE MARRIAGE CERTIFICATES

### ARTICLE \* 495.- Repealed

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#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTENT OF THE APPLICATION FOR MARRIAGE. People who intend to marry

They will present a letter to the Official of the Civil Registry of the domicile of any of them, which states:

I.- The names, surnames, age, nationality, occupation and domicile of the suitors, as well as of their parents if they were known; when either or both of the suitors have been married, the name of the person with whom the previous marriage, the cause of its dissolution and its date;

II.- That they have no legal impediment to marry; Y

III.- That it is your free will to join in marriage.

This writing must be signed by the applicants and if any of them cannot or cannot write, it will print your fingerprint.

#### ARTICLE \* 496.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DOCUMENTS THAT THEY MUST ACCOMPANY THE MARRIAGE APPLICATION. To the writing to which the previous article will accompany:

I.- Certified copy of the birth certificate and personal identification document of each of the appliers;

II.- The proof that the persons referred to in article 125 of this Code, so that the marriage is celebrated;

III.- The statement of two witnesses capable of knowing the suitors and that they do not have any legal impediment to legally join. If there are not two witnesses who know both suitors, two witnesses must appear for each one of them;

IV.- A certificate signed by a legally qualified and registered doctor, under protest of saying true, in which it determines, that the applicants do not suffer from any of the diseases considered as impediment, established in article 127, sections X and XI of this Code;

V.- The agreement that the suitors must enter into in relation to their present assets and the that they acquire during the marriage. The agreement will clearly state whether the Marriage is contracted under the regime of conjugal partnership or under the separation of property. Yes the suitors are minors, the agreement must be approved by the persons whose Prior consent is required for the celebration of the marriage. In the agreement It will state to which regime the goods acquired before the marriage are subject.

If, in accordance with article 146 of this Body of Laws, it is necessary that the capitulations are recorded in a public deed, a testimony of said deed will be attached.

VI.- Certified copy of the death or divorce certificate if any of the claimants is a widower or divorced; o certified copy of the final judgment of marriage nullity in the event that one of the suitors declares to have been previously married; Y

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VII.- Copy of the exemption from impediment, if any.

In the event that the suitors, due to lack of knowledge, cannot draft the agreement to referred to in section V, the Civil Registry Officer will have the obligation to draft it, with the data that the same suitors provide.

#### ARTICLE \* 497.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COMPLAINT OF A POSSIBLE MARRIAGE IMPEDIMENT. The Civil Registry Officer who is aware that the suitors are prevented from marrying, will draw up a record before two witnesses, in which it will state the data that make you suppose that it exists. When there is a complaint will state in the record the name, age, occupation, marital status and address of the complainant, inserting the complaint in its entirety. The minutes will be signed by those who participated in it and sent to the corresponding Family Court, so that the qualification of the impediment.

Disability complaints can be made by anyone. Those that are false subject the complainant to the penalties established by law. Whenever it is declared not to have impediment, the complainant will be condemned to pay the costs, damages and losses. Anonymous complaints or made by any other means, if the complainant will only be admitted when they are proven. In this case, the Registry Officer Civil will report to the corresponding Family Court and suspend all proceedings until it's resolved.

#### ARTICLE \* 498.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTIFICATION PRIOR TO THE APPLICANTS TO THE SUBMISSION OF THE COMPLAINT OF THE POSSIBLE IMPEDIMENT MARRIAGE TO THE FAMILY COURT. The Civil Registry Officer before submitting the Act to the Family Court will inform the suitors of the denounced impediment even if is related only to one of them, refraining from processing any subsequent procedure until that the sentence is enforceable.

Once an impediment has been reported, the marriage may not be celebrated even if the complainant withdraws, As long as there is no judicial sentence declaring the nonexistence or a dispensation is obtained from it.

#### ARTICLE \* 499.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SANCTION TO THE OFFICIAL OF THE CIVIL REGISTRY AUTHORIZING A MARRIAGE KNOWING THE EXISTENCE OF IMPEDIMENT. The Civil Registry Officer who authorizes a marriage having knowledge of that there is a legal impediment, or that it has been reported, will be sanctioned as provided The criminal code.

#### ARTICLE \* 500.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRECAUTIONARY MEASURES FROM THE OFFICIAL OF THE CIVIL REGISTRY TO AVOID THE COMMISSION OF PROBABLE ACTS ILLICIT REGARDING THE MARRIAGE CERTIFICATE. Suitors who maliciously declare a false fact, witnesses who fraudulently affirm the accuracy of the statements of those or your identity and the doctors who behave falsely when issuing the certificate to which it refers Section IV of article 496 of this Code will be consigned to the Public Ministry. The same It will be done with people who falsely pose as parents or guardians of the suitors.

The Civil Registry Officer who receives a marriage request is fully authorized to demand from the suitors, under protest of telling the truth, all the declarations that he deems appropriate to ensure your identity and fitness to marry.

You may also demand a statement under protest, from the witnesses that the interested parties present, at the persons who appear as parents or guardians of the suitors, and to whom they subscribe the certificate required by section IV of article 496 of this Ordinance. You can also receive any other appropriate evidence.

#### ARTICLE \* 501.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RATIFICATION OF SIGNATURES STATEMENTS BEFORE THE CIVIL REGISTRY OFFICER. The Civil Registry Officer to whom a marriage application is submitted that meets the requirements listed in the articles above, will cause the suitors and the ascendants or guardians who must grant their consent to acknowledge before him and separately their signatures. The statements of the witnesses to referred to in article 496 in its section III of this Code, will be ratified, under protest of tell the truth before the same Civil Registry Officer. This, when deemed necessary, is will verify the authenticity of the signature that matches the medical certificate presented, requesting the ratification of the same before your presence.

#### ARTICLE \* 502.- Repealed

##### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CELEBRATION TERM MATRIMONIAL. The marriage will be celebrated within the following eight days in the place, day and time indicated by the Official of the Civil Registry, having to be present before him, the suitors or your special attorney constituted in the manner provided by article 470 of this Code and two witnesses for each of them, proving their identity. Continuous act, the Civil Registry Officer will read aloud the marriage request, the documents that have been attached to it and the procedures carried out, and will question the witnesses as to whether the suitors are the same people the application refers to. On If so, it will ask each of the suitors if it is their will to join in marriage and, if they are satisfied, he will declare them united in the name of the law and of society, directing them a exhortation on the purposes of marriage. In case of refusal of any of the applicants, the written submission will be discarded.

#### ARTICLE \* 503.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LIFTING CONTENT OF THE MARRIAGE CERTIFICATE. The marriage certificate will then be drawn up in which it will be stated:

- I.- The names, surnames, age, occupation, domicile, nationality and place of birth of the contracting parties;
- II.- If they are adults or minors;
- III.- The names, surnames, domicile and nationality of their parents;
- IV.- The consent of these, of the grandparents or guardians or of the authorities that must supply them if the contracting parties are minors;
- V.- That there was no legal impediment to the marriage, or where appropriate, that it was dispensed with;
- VI.- The declaration of the suitors that it is their will to join in marriage and that they have remain united, which will be done by the Civil Registry Officer on behalf of the Law and of society;
- VII.- The manifestation of the spouses that they marry under the partnership regime conjugal or separation of property;
- VIII.- The names, surnames, age, nationality and domicile of the witnesses, statement on whether they are or are not related to the spouses; Y
- IX.- That the solemnities required by the previous article were fulfilled.

The record will be signed by the Civil Registry Officer, the contracting parties, the witnesses and the others people who would have intervened if they knew and could do so, settling in their case, the reason why some of them did not sign the margin of the record, and they will print their fingerprints contracting parties.

#### ARTICLE \* 504.- Repealed

##### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SOLEMNITY IN COLLECTIVE MARRIAGE. The collective celebration of marriages does not exempt the Officer from Civil Registry, of strict compliance with the solemnity referred to in the previous articles.

#### **ARTICLE \* 505.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REFUSAL OF THE OFFICER OF THE CIVIL REGISTRY WHEN THE APPLICANTS LACK OF LEGAL FITNESS. The Officials of the Civil Registry may only refuse to authorize a marriage when by the terms of the application, and of the documents that must be attached to it, for the knowledge or appearance of the interested parties, or by formal complaint, he has news that any of the suitors, or both lack the legal capacity to celebrate the marriage.

#### **ARTICLE \* 506.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SANCTION TO THE OFFICIAL OF THE CIVIL REGISTRY FOR UNEXCUSED DELAY OF MARRIAGE. The Registry Officer Civil that without justified reason delays the celebration of a marriage, will be sanctioned by the the first time, with a fine of one hundred days of the general minimum wage in force in the region and in case of recidivism, with removal from office.

### **CHAPTER V OF THE DIVORCE CERTIFICATES**

#### **ARTICLE \* 507.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LIFTING SHIPPING OF THE DIVORCE CERTIFICATE. Once the divorce sentence has been executed, the Judge who has decreed it will send a certified copy of it to the corresponding Civil Registry Officer, so that he can raise the respective act, which will contain the requirements specified in article 508 of this Code.

#### **ARTICLE \* 508. -** Repealed

##### **NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTENT OF THE ACT OF DIVORCE. The divorce certificate will contain: the names, surnames, age, address and nationality of the divorced; the data of their birth and marriage certificates and the part resolution of the judicial sentence; date of the resolution, authority that issued it and date on which caused execution.

**ARTICLE \* 509.-** Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ANNOTATION OF THE MINUTES OF DIVORCE IN OTHER MINUTES. Once the divorce certificate has been extended, it will be recorded in the birth certificates and marriage of the divorced; and it will be filed with the same number as the divorce certificate.

## CHAPTER VI DEATH CERTIFICATES

**ARTICLE \* 510.-** Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERVENTION OF OFFICIAL OF THE CIVIL REGISTRY TO CARRY OUT INHUMATION OR CREMATION. None Burial or cremation will be done without written authorization from the Civil Registry Officer, who will ensure the death through a certificate issued by a doctor legally authorized. Burial or cremation will not take place until after twelve hours have elapsed and before forty-eight hours of death, except for the cases in which the contrary is ordered by the competent authority.

**REFORM WITHOUT VALIDITY.-** Before this article is amended by Decree No. 630 published in POEM 4195 dated 2002/07/10. Validity: 2002/07/11. **It said:** "ARTICLE 510.- INTERVENTION OF THE OFFICIAL OF THE CIVIL REGISTRY TO CARRY OUT INHUMATION OR CREMATION. No inhumation or cremation will be done without written authorization of the Official of the Civil Registry, who will ensure the death through a certificate issued by a doctor legally authorized. Burial or cremation will not take place until after twenty-four hours have elapsed since death, except in cases where otherwise ordered by competent authority. "

**ARTICLE \* 511.-** Repealed

**NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTENT OF THE ACT OF DECAY. In the death certificate the data that the Civil Registry Officer collects or the information of the declarant, which will be signed by two witnesses, preferring the relatives if there are, or the neighbors. One of the witnesses will be the person in whose home the death occurred, or some of the immediate neighbors.

It will also contain:

- I.- The name, surnames, age, occupation, domicile and nationality of the deceased;
- II.- The civil status of the latter; and if you were married or widowed, the name and surname of your spouse;
- III.- The names, surnames, age, nationality and domicile of the witnesses and if they are relatives of the deceased, the degree to which they are;
- IV.- The names and surnames of the parents of the deceased if they are known;
- V.- The causes that determined the death, the destination, the name and location of the pantheon or crematorium;
- VI.- The time, day, month, year and place of death and all the reports obtained in the event of violent death;
- VII.- The name, surname, age, nationality and address of the declarant and, where appropriate, degree of relationship with the deceased; Y
- VIII.- The name, surname, professional identification number and address of the doctor who certifies the death.

### ARTICLE \* 512.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEADLINE TO GIVE NOTICE OF DEATH. The inhabitants of the house in which the death occurs, the directors and administrators of prisons, hospitals, schools or any other house community, guests and managers of lodging establishments and houses of neighborhood, they are obliged to notify the Civil Registry Officer of the death within the twenty-four hours after death, and in case of non-compliance, a fine of one hundred times the general daily minimum wage in force in the region.

### ARTICLE \* 513.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** AUXILIARY OF THE MUNICIPAL AUTHORITY IN ABSENCE OF A CIVIL REGISTRY OFFICER. If he Death occurs in a place or town where there is no Civil Registry Office, the Municipal authority will issue the respective certificate, which will be sent to the Official of the Civil Registry that Corresponding, for the Minutes to be entered.

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**ARTICLE \* 514.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RISE OF MINUTES DEATH BY VIOLENT DEATH OR UNKNOWN PERSON. When the Officer of the Civil Registry suspects that the death was violent will report to the Public Ministry, communicating all the reports you have to proceed with the investigation in accordance with the law. When the Public Ministry find out the cause of death will report to the Civil Registry Officer to that he enters the respective minutes. If the name of the deceased is ignored, the signs of this, those of the clothes and objects that would have been found with him and in general, everything that may lead to the identification of the person; and whenever more data is acquired, they will communicate to the Official of the Civil Registry so that they write them down. In cases of explosion, flood, shipwreck, fire or any other accident in which it is not easy to recognize the corpse, the record will be formed with the data provided by those who found it, expressing, as far as possible, the signs of the same and the clothes and objects that he brought with him. If the body does not appear, but there is certainty that someone has succumbed in the place of the disaster, the record will contain the names of the people who have known it and the others data that can be collected about the event. In the case of death on board a transport, with the notice you receive and information you provide the competent authority, the Civil Registry Officer will draw up the minutes in the terms of article 511 of this Code as soon as possible. The head of any military post or detachment has the obligation to notify the Officer of the Civil Registry of deaths that have occurred in the campaign or in another act of service, specifying the affiliation of the deceased. The Civil Registry Officer will observe in this case what provided in the following article.

**ARTICLE \* 515.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REMISSION OF THE ACT OF DEATH TO THE OFFICER OF THE DECEASED'S ADDRESS. When someone dies instead of the place of your domicile, it will be sent to the corresponding Civil Registry Officer, certified copy of the death certificate, so that you can make the annotation on the birth certificate and the others that are related to it.

**ARTICLE \* 516.- Repealed****NOTES****Image 175 of 656**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF

REGISTER HARMFUL CIRCUMSTANCES IN THE DEATH CERTIFICATE. In the cases of death in prisons, no mention of this will be made in the records circumstance and the minutes will only contain the other requirements prescribed in article 511, Sections I and II of this Code.

## CHAPTER VII REGISTRATION IN MINUTES ON EXECUTORIES THAT DECLARE THE ADOPTION

### ARTICLE \* 517.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEADLINE TO SUBMIT CERTIFIED COPY OF ADOPTION JUDGMENT. Executed the judicial resolution authorizing an adoption, the adopter or adopters within a period of fifteen days They will present to the Official of the Civil Registry of their domicile, a certified copy of the same, for the purpose that the respective minutes are settled. The lack of registration of the adoption does not prevent it from producing its legal effects, but subject to the liable to a penalty equivalent to fifty times the current general daily minimum wage in the region.

### ARTICLE \* 518.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTENT OF THE ACT OF ADOPTION. The adoption certificate will contain: name, surname, age, date, place of birth and domicile of the adoptee; name, surname, marital status, address and nationality, of the adopter or adopters; names, surnames, address and nationality of the parents of the latter, and the data essentials of the judicial resolution, the date on which it was executed and the court that issued it. Once the adoption certificate is extended, it will be noted in the birth certificate of the adoptee and the copy will be filed. of the relative proceedings, putting the same number of the adoption certificate.

### ARTICLE \* 519.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OF THE INVALIDATION OF THE ADOPTION. The Court or Tribunal, when deciding that an adoption is without effect, will send within the period of eight days certified copy of its resolution to the Official of the Civil Registry, for to cancel the adoption certificate and make the appropriate annotation on the birth certificate.

**CHAPTER VIII**  
**REGISTRATION IN MINUTES ON EXECUTORIES THAT DECLARE THE**  
**GUARDIANSHIP**

**ARTICLE \* 520.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEADLINE FOR SENDING CERTIFIED COPY OF THE RESOLUTION ON DISCERNMENT OF GUARDIANSHIP.

Pronounced the resolution on discernment of guardianship in the terms of the Civil Procedure Code, the tutor within a period of fifteen days from the date of publication, will present a copy certificate of the aforementioned resolution to the Civil Registry Officer to draw up the minutes respective. The curator will take care of the fulfillment of what is ordered by this article.

The omission of the guardianship registration does not prevent the guardian from entering the exercise of his position, nor can alleged by any person as cause to stop dealing with him, but he holds the guardian and curator in the terms established in the second paragraph of article 517 of this Code.

**ARTICLE \* 521.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ELEMENTS THAT MUST INSERT INTO THE GUARDIANSHIP CERTIFICATE. The guardianship certificate will contain: name, surname and age of the disabled; the type of disability for which the guardianship was granted; the name and others general of the people who have had the disabled person under their parental authority before the discernment of guardianship; the name, surname, age, occupation and address of the guardian; the guarantee given by the guardian expressing the name, surname and other general names of the guarantor, if the guarantee It consists of a guarantee, or the location and other signs of the goods, if the guarantee consists of a mortgage, pledge or trust; the name of the judge who pronounced the judgment of discernment and the date this.

Once the guardianship certificate has been extended, the birth certificate of the disabled person will be noted, observing the provisions in article 493 of this Ordinance in the event that it does not exist in the same Official Office of the Civil Registry.

**ARTICLE \* 522.- Repealed**

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**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTIFICATION OF THE RECOVERY OF THE LEGAL CAPACITY OF THE PUPIL TO THE OFFICIAL OF THE CIVIL REGISTRY.

When legal capacity is recovered, notice will be given to the corresponding Civil Registry Officer through the interested party, by means of the certified copy of the judicial resolution that determine, for the purposes of canceling the registration or registrations referred to in the articles 520 and 521 of this Code.

**CHAPTER IX**  
**OF THE REGISTRATION IN MINUTES OF THE EXECUTORIES THAT DECLARE THE**  
**INABILITY TO MANAGE ASSETS, OF THE DECLARATION OF**  
**ABSENCE OF THE PRESUMPTION OF DEATH**

**ARTICLE \* 523.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COMMON DEADLINE FOR SEND A CERTIFIED COPY OF THE JUDGMENT TO THE CIVIL REGISTRY OFFICER EXECUTED. The judicial authorities that declare the legal incapacity of any person to administer property or his person, the absence or presumption of death, within the period of fifteen days will send to the corresponding Civil Registry Officer, a certified copy of the resolution respective execution.

**ARTICLE \* 524.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTENT OF THE MINUTE THAT IT RISES ON THE REASON OF THE EXECUTORIES THAT DECLARE THE DISABILITY TO MANAGE ASSETS OR YOUR PERSON; THE ABSENCE; OR THE PRESUMPTION OF DEATH. The act in which the executive order that declares the inability to administer goods or his person, will contain the name, surname, age, marital status and nationality of the person in question, the operative paragraphs of the sentence, the date of the sentence and the court dictated. The act in which the execution is established in which the absence or the presumption of death is declared It will contain the same requirements demanded in the previous paragraph.

**ARTICLE \* 525.- Repealed**

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**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CANCELLATION OF THE MINUTE WHEN THE DISABILITY CEASES, OR THE ABSENT OR THE ALLEGED PRESENT DEAD. When the legal capacity to manage property or your person is recovered, present the person declared absent or whose death was presumed, notice will be given to the Official of the Civil Registry by the corresponding authority, to cancel the act referred to in the previous article.

**OF THE RECTIFICATION CLARIFICATION OF THE MINUTES OF THE CIVIL REGISTRY****ARTICLE \* 526.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROCEDURE OF CLARIFICATION OF MINUTES OF THE CIVIL REGISTRY. The clarification of the records of the Civil Registry proceed when there are typing, handwritten, spelling or typing errors in the inscription. graphic reproduction, which does not affect the essential data of those, the correction before the corresponding civil registry offices of each municipality or before the Director of the Civil Registry of the State of Morelos, who will resolve the request and send, where appropriate, a copy certified of the resolution that falls to the corresponding Civil Registry Office for its due registration.

Otherwise, when affecting the essential data, it will be necessary to rectify the minutes of the Civil Registry, for whose processing the intervention of the Public Ministry will be required and the in accordance with the provisions of articles 849 to 854 of the Civil Procedure Code.

**REFORM WITHOUT VALIDITY.-** The first paragraph of this article has been amended by decree number 1062 published in POEM 4276 dated 2003/09/03.

**THIRD BOOK  
OF THE SUCCESSIONS  
CIVIL LEGAL EFFECTS AFTER DEATH**

**TITLE ONE  
PRELIMINARY PROVISIONS.**

**SINGLE CHAPTER  
GENERAL RULES**

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**ARTICLE \* 527.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCEPT OF INHERITANCE. The inheritance is the set of all the assets of the deceased and their rights and obligations that are not they are extinguished with death. It constitutes a universality that is transmitted in favor of the heirs, as of the day and time of the death of the author of the succession.

**ARTICLE \* 528.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ORIGIN CLASSES OF INHERITANCE. The inheritance becomes by the will of the testator or by provision of the Law. the first is called testamentary, and the second legitimate.

### ARTICLE \* 529.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DISPOSITION PATRIMONIAL BY THE WITNESS. The testator can dispose of all or part of his assets. The part that is not available will be governed by the precepts of legitimate succession.

### ARTICLE \* 530.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITION OF INHERITOR. The heir acquires a universal title and is responsible for the obligations of the inheritance as far as the amount of the assets he inherits reaches.

### ARTICLE \* 531.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITION OF LEGATEE. The legatee acquires on a private basis and has no more obligations than those

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expressly imposed by the testator, without prejudice to its subsidiary responsibility with the heirs.

When the entire estate is divided into legacies, the legatees will be considered as heirs.

### ARTICLE \* 532.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** UNCERTAINTY CHRONOLOGY ON THE DEATH OF THE AUTHOR OF THE INHERITANCE OR ITS LEGATARIES. If he author of the inheritance and his heirs or legatees perished without being able to ascertain with certain who died before, will all be considered dead at the same time, and there will be no between them to the transmission of the inheritance or legacy.

### ARTICLE \* 533.- Repealed

#### NOTES

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RIGHTS OF HEIRS PREVIOUS TO THE DIVISION. Upon the death of the author of the succession, the heirs acquire the right to the inheritance over a common patrimony, as long as the division.

#### **ARTICLE \* 534.- Repealed**

##### **NOTES**

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DISPOSITION OF HEREDITARY RIGHTS. Each heir can have the right he has in the estate hereditary, but can not dispose of the things that make up the succession, but according to the provisions of this Code.

#### **ARTICLE \* 535.- Repealed**

##### **NOTES**

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACQUISITION OF LEGATARY RIGHTS. The legatee acquires the right to the legacy pure and simple, as well as to the certain day, from the moment of the testator's death.

#### **ARTICLE \* 536.- Repealed**

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##### **NOTES**

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INEXISTENCE OF THE DISPOSAL OF HEREDITARY OR LEGATARY RIGHTS. The heir or legatee cannot alienate his part of the inheritance until after the death of the one to whom inherit. The violation of this provision will produce the non-existence of the act.

#### **ARTICLE \* 537.- Repealed**

##### **NOTES**

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTIFICATION TO PARTNERSHIPS WITH TANTO RIGHT. The heir of part of the assets he wants sell your inheritance right to a stranger, you must notify your joint heirs through a notary, judicially or by means of two witnesses, the bases or conditions in which the sale so that those, within a period of eight days, make use of the right of both; if the heirs make use of this right, the seller is obliged to consummate the sale in their favor, in accordance with the agreed bases. For the single passage of the period of eight days the right is lost of both. If the sale is made by omitting the notification prescribed in this article, it will be valid but the

Seller heir will be liable for damages.  
The right granted in the preceding paragraph ceases if the transfer is made to a joint heir.

### ARTICLE \* 538.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PREFERENCE IN USE OF THE LAW BETWEEN PARTNERSHIPS. If two or more joint heirs want to do use of the right of both, the one who represents the largest portion in the inheritance will be preferred, if the portions are equal, the joint heirs decide among themselves who will use the right and Only if a dispute arises will the competent court decide.

## SECOND TITLE OF THE TESTAMENTARY SUCCESSION

### CHAPTER I OF WILLS IN GENERAL

### ARTICLE \* 539.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTION OF WILL. Testament is a unilateral, highly personal, revocable and free legal act, by which a person capable disposes of his assets and rights in favor of his heirs or legatees, or declares and fulfills duties with legal interest after his death.

### ARTICLE \* 540.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF TESTING JOINTLY. Two or more people cannot testify in the same act, already for the benefit reciprocal, already in favor of a third party.

### ARTICLE \* 541.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF A THIRD TO USE YOUR FREE ARBITRARY IN WILL. Neither the subsistence of the appointment of the heirs or legatees, nor the designation of the amounts that they Correspondingly, they may be left to the discretion of a third party, even when the testator has provided for it.

**CHAPTER II**  
**OF THE ABILITY TO INHERIT BY WILL**

**ARTICLE \* 542.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GENERAL CAPACITY E SPECIFIC INABILITY TO INHERIT. All the inhabitants of the State of Morelos, of any age or condition, they have the ability to inherit and cannot be deprived of it from a absolute mode; but in relation to certain people and certain goods, they can lose it for any of the following causes:

I.- Due to lack of personality;

II.- For the commission of a crime or an illicit act;

III.- Presumption of contrary influence or pressure to the freedom of the testator, or to the truth or integrity of the testament;

IV.- For reasons of public order;

V.- Due to lack of international reciprocity;

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VI.- For public utility; Y

VII.- Due to unjustified resignation or removal of any position conferred in the will.

VIII. Relatives who, having an obligation to cover maintenance, abandon the creditors food and all that person who with or without kinship prostitutes or corrupts minors.

**REFORM WITHOUT EFFECT.-** Fraction VIII added by Article Two of Decree No. 1227 from 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

**ARTICLE \* 543.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO INHERITING BY LACK OF PERSONALITY. They are unable to acquire by will, because lack of personality, those who were not conceived at the time of the death of the author of the inheritance, or those conceived when they are not viable, in accordance with the provisions of article 61 of this Code.

**ARTICLE \* 544.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** VALIDITY OF TESTAMENTARY PROVISIONS. The provision made in favor of the children who They are born of certain and determined persons, during the life of the testator.

**ARTICLE \* 545.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO INHERITING BY THE COMMISSION OF A CRIME OR ILLICIT ACT. By reason of crime they are unable to acquire by will:

- I.- Whoever has been convicted of having given, commanded or attempted to kill the person of whose succession is in question, or to her parents, children, spouse, or siblings;
- II.- Whoever has filed against the author of the succession, his ascendants, descendants, siblings or spouse, an accusation of a crime that deserves a prison sentence even when it is founded, if it is his descendant, his ascendant, his spouse or his brother; unless that act was necessary for the accuser to save his life, his honor, or those of the people before indicated; as well as when the accusation is declared slanderous, although the author of the inheritance is not a descendant, ascendant, spouse, or brother of the accuser;

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- III.- The spouse who through trial has been declared adulterer, in the case of succeeding the spouse innocent;
- IV.- The co-author of the adulterous spouse, whether it is his or her succession or that of the spouse innocent;
- V.- Anyone who has been convicted of a crime worthy of imprisonment, committed against the author of the inheritance, his children, his spouse, his ancestors or his siblings;
- VI.- The father or the mother with respect to the child exposed by them;
- VII.- Parents who abandon or prostitute their children, or attack their modesty with respect to the offended;
- VIII.- The other relatives of the author of the inheritance who, having the obligation to give him alimony, do not they would have fulfilled it;
- IX.- The relatives of the author of the inheritance who, being unable to work and without resources, do not take care to collect it, or to have it received in a charity establishment;
- X.- Anyone who uses violence, fraud or fraud with a person who does, stops doing or revokes his will; Y
- XI.- Whoever, according to the Penal Code, is guilty of suppression, substitution or supposition of infant, provided that it is the inheritance that should have corresponded to him or to the persons those who have been harmed or tried to harm with those acts.

**ARTICLE \* 546.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOVERY OF THE CAPACITY TO INHERIT BY FORGIVENESS OF THE OFFENDED. When the aggrieved part of In any of the ways that the previous article expresses, I will forgive the offender, he will recover the right to succeed the offended, if the pardon is evidenced by an authentic statement or by facts indubitable.

**ARTICLE \* 547.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOVERY OF THE ABILITY TO INHERIT BY WILL. The ability to succeed by will, It is only recovered if after the offense is known, the offended person establishes the offender as heir or revalidates your previous institution, with the same formalities that are required to testify.

**ARTICLE \* 548.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAPACITY TO INHERIT IN CASE OF INTESTATE. In intestate cases, the descendants of the incapable to inherit according to article 542 will inherit the author of the succession, not being excluded due to the lack of his ancestor, but he cannot, in any case, have in the assets of the succession, usufruct or the administration that the Law grants to parents over the assets of their children.

**ARTICLE \* 549.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DISABILITY FOR PRESUMPTION OF INFLUENCE OR CONTRARY PRESSURE TO THE FREEDOM OF THE WITNESS OR INTEGRITY OF THE WILL. By presumption of influence or pressure contrary to freedom of the author of the inheritance, are unable to acquire by will of the minor, the guardians and curators, unless they are instituted before being appointed to the position or after the older than that, having already approved the accounts of the guardianship. The disability referred to in the preceding paragraph does not include ascendants or siblings of the minor, observing, where appropriate, the provisions of section IX of article 545 of this Code.

**ARTICLE \* 550.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO INHERIT YOUR FAMILY MEMBERS BY THE WILL OF THE DOCTORS. By presumption to the contrary to the freedom of the testator, they are unable to inherit by will, the doctor who has attended that one during his last illness, if then he made his testamentary disposition, as well as the spouse, ascendants, descendants and siblings of the physician, unless the heirs instituted are also legitimate heirs.

**ARTICLE \* 551.- Repealed**

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO INHERIT BY THE WILL OF THE NOTARIES. By presumption of influence or pressure contrary to the truth and integrity of the will, the notary and witnesses are unable to inherit who intervened in it, unless the latter are relatives of the testator as well as his spouses, descendants, ancestors or siblings.

**ARTICLE \* 552.-** Repealed

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**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO INHERIT TO THE MINISTERS OF CULT. The ministers of worship, their ancestors, descendants, siblings, spouses, as well as the religious associations to which those belong, they will be unable to inherit by will, of the people to whom the own ministers have led or helped spiritually and are not related within the fourth degree.

**ARTICLE \* 553.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SANCTION TO THE NOTARY BY UNDUE AUTHORIZATION OF WILL. The notary who knowingly authorizes a testament in contravening the provisions of the three previous articles will suffer the penalty of deprivation of office.

**ARTICLE \* 554.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO INHERITING FOR REASONS OF PUBLIC ORDER. Foreigners and legal persons are able to acquire property by will or intestate, but their ability is limited established in the Political Constitution of the United Mexican States and in the respective regulatory laws of constitutional articles.

**ARTICLE \* 555.-** Repealed**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO INHERITANCE DUE TO LACK OF INTERNATIONAL RECIPROCITY. For lack of reciprocity are unable to inherit by will or intestate of the inhabitants of the

State of Morelos, foreigners who, according to the laws of their country, cannot testify or leave for intestate their assets in favor of the Mexicans.

### ARTICLE \* 556.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO INHERITANCE BY RESIGNATION OR UNJUSTIFIED REFUSAL OR REMOVAL FROM POSITION. For resignation or removal of a position, are unable to inherit by will those who, named in he guardians, curators or executors, have refused, without just cause, the position, or due to misconduct have been judicially separated from their exercise.

The provisions of the first part of the preceding paragraph do not include those who, discarded by the Judge the excuse, they have served.

People called by law to exercise legitimate guardianship and who refuse without cause legitimate to perform it, they have no right to inherit from the incapable of those who should be tutors.

### ARTICLE \* 557.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TESTAMENT IN FAVOR OF CLASSES WITH UNDETERMINED MEMBERS. When the testator leaves as heirs or legatees to classes made up of an indeterminate number of individuals, such as the poor, the orphans, the blind, and other people of similar conditions, shall be governed by the provisions of the Social Assistance Laws. Testaments made in favor of churches, sects or institutions religious, will be subject to the provisions of articles 27 and 130 of the Federal Constitution and its regulatory laws.

### ARTICLE \* 558.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPRECISION TESTAMENTARY IN FAVOR OF THE TESTATOR'S RELATIVES. The arrangement made in vague terms in favor of the testator's relatives, shall be understood to refer to the relatives closest, according to the order of legitimate succession.

### ARTICLE \* 559.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE TESTAMENTARY PROVISIONS IN WHICH IT IS ERROR. The provisions made to

universal or particular title, have no effect when they are based on an express cause, which is wrong, if it has been the only one that determined the will of the testator.

## ARTICLE \* 560.- Repealed

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### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTERPRETATION OF THE TESTAMENTARY PROVISIONS. Any testamentary disposition must be understood in the literal meaning of the words, unless it is clearly evident that it was another will of the testator.

In case of doubt about the understanding or interpretation of a testamentary disposition, observe what seems more in accordance with the intention of the testator, according to the wording of the will and the auxiliary evidence that in this regard may be rendered by the interested parties.

## ARTICLE \* 561.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TIME CONDITIONS OF THE ABILITY TO INHERIT. For the heir to succeed, it is enough that he is able to time of the death of the author of the inheritance.

If the institution is conditional, it will be necessary, in addition, that the heir is capable at the time in the condition is met.

## ARTICLE \* 562.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EFFECTS OF DEATH OF THE HEIR. The heir by testament, who dies before the testator or before the fulfills the condition, the incapable of inheriting and the one who renounces the succession, will not be able to transmit no rights to his heirs.

In the cases of the previous paragraph, the inheritance belongs to the legitimate heirs of the testator, unless be that it has arranged otherwise.

## ARTICLE \* 563.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOADS CONDITIONS OF THE SUBSTITUTE HEIR. The one who inherits instead of the excluded, will have the same burdens and conditions that would have been legally imposed on it.

**ARTICLE \* 564.- Repealed**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** INQUIRY OF THE COUNTERPRETENSION OF DISABILITY TO THE DEBTORS. HEREDITARIES. Debtors hereditary that are sued and that do not have the character of heirs, they will not be able to oppose, to the one in possession of the right of heir or legatee, the defense of incapacity.

**ARTICLE \* 565.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CASES IN WHICH IT IS PRIVATE ALSO FROM FOOD TO THE HEIR. Except for the cases included in the Sections X and XI of article 545 of this Code, the inability to inherit referred to in that numeral, also deprives of the food that correspond by law.

**ARTICLE \* 566.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE JUDICIAL DECLARATION OF DISABILITY OF THE HEIR. Disability does not produce effect of depriving the incapable of what he has to perceive, except after the declaration of trial, at the request of an interested party, not being able to promote it by the ex officio judge.

**ARTICLE \* 567.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OPPORTUNITY TO FILE THE LAWSUIT FOR THE INABILITY OF THE HEIR. Cannot be deduced claim to declare incapacity, after three years since the incapacitated person is in possession inheritance or legacy, except in the case of disabilities established in view of the interest public, which at all times can be enforced.

**ARTICLE \* 568.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL DECLARATION OF INCAPACITY OF THE HEIR WHO HAS ENTERED IN POSSESSION OF THE INHERITANCE. If the one who came into possession of the inheritance and later loses it due to disability,

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has alienated or encumbered all or part of the assets before being summoned in the trial in which your disability is discussed, and the person with whom you hired has had good faith, the contract it will subsist; but the incapable heir will be obliged to indemnify the legitimate one, of all damages and damages.

The provisions of this article will also apply to the heir apparent when he is deprived of the inheritance, as well as with respect to the acts and contracts that it celebrates.

### CHAPTER III ABILITY TO TEST

#### ARTICLE \* 569.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** POSSIBILITY OF PROVIDE BY WILL. All those whom the Law does not prohibit can testify expressly exercise that right.

To judge the ability of the testator, special attention will be paid to the mental state in which he Find out when making the will.

The will made by a madman in a lucid interval is valid.

#### ARTICLE \* 570.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TESTAMENT BY INSANE. Whenever an insane man pretends to make a will in a lucid interval, the Guardian and, in the absence of this, the family of the former, will submit a request to the corresponding judge. The The judge will appoint two doctors, preferably specialists in the field, to examine the ill and rule on his mental state. The judge is obliged to attend the examination of the ill and may ask him as many questions as he deems appropriate, in order to make sure of his ability to test.

The result of the recognition shall be recorded in a formal record.

If this is favorable, the will of course will proceed before a notary public. public, with all the solemnities required for open public wills.

The minutes will be signed, in addition to the notary and the witnesses, the judge and the doctors who intervened to acknowledgment, standing at the foot of the will, express reason that during the entire act the patient preserved perfect lucidity of judgment and without this requirement and its constancy, the will.

To judge the capacity of the testator, the state in which the make the will

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### ARTICLE \* 571.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY TO TEST. They are unable to test:

- I.- Minors who have not reached sixteen years of age; Y
- II.- Those who constantly or accidentally do not enjoy their proper judgment.

## CHAPTER IV OF THE CONDITIONS, TERMS OR DEADLINES WHICH CAN BE ESTABLISHED IN THE WILLS.

### ARTICLE \* 572.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FREEDOM OF THE TESTATOR TO IMPOSE CONDITIONS OR TERMS. The testator is free to establish conditions or terms when disposing of their assets, with the limitations established in this chapter. The conditions imposed on the heirs and legatees, in what is not provided for in this Chapter, will be governed by the rules established for conditional obligations.

### ARTICLE \* 573.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NON-COMPLIANCE INJURIES THE HEIR OR LEGATORY. Lack of compliance with any condition imposed on the heir or legatee, will not harm them as long as they have used the necessary or possible means to fulfill it.

### ARTICLE \* 574.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INHERITANCE OF THE FATHER SON WITH THE BURDEN OF TRANSFERRING ASSETS IN FAVOR OF HIS CHILDREN. May father leave part or all of their assets to their children, with the burden of transferring them to the child or children that they have, until the death of the testator, taking into account the provisions of article 543, in which case the heir will be considered a usufructuary.

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The provision that authorizes the previous paragraph will be void when the transfer of the goods must become descendants of higher degrees.

#### ARTICLE \* 575.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITIONS

IMPOSSIBLE AND ILLEGAL WILLS. The physical or legally impossible condition to give or to do, imposed on the heir or legatee, is considered not placed, but if only because of the condition became the institution of heir or legatee, the institution itself will be void.

Illegal conditions, those prohibited by law or contrary to good customs, are for not being placed, or they cancel the institution.

If the condition that was impossible at the time of granting the will, it will cease to be on the death of the testator, it will be valid.

#### ARTICLE \* 576.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF TESTAMENTARY PROVISIONS OF THE HEIR OR LEGATORY IN FAVOR OF THE

TESTATOR. The institution made under the condition that the heir or legatee makes in your will, any provision in favor of the testator or another person.

#### ARTICLE \* 577.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE SUSPENSIVE CONDITION FOR THE EXECUTION OF THE WILL. The condition that

only suspends the execution of the will for a certain time, it will not prevent the heir or the legatee acquire the right to the inheritance or legacy or transmit it to their heirs.

#### ARTICLE \* 578.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TESTAMENTARY TERM FOR THE COMPLIANCE OF THE CONDITION. When the testator has set a deadline for the fulfillment of the condition, the thing bequeathed will remain in the power of the executor and when the partition will fully ensure the right of the legatee in the event of fulfilling the condition,

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observing, in addition, the provisions established to make the partition when any of the heirs are conditional.

#### ARTICLE \* 579.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE ALTERNATIVE CONDITION. If the condition is purely alternative of giving or doing something, and the one who has been taxed with it offers to fulfill it; but he in whose favor it was established refuses to accept the thing or the fact, the condition is considered fulfilled. The alternative condition will be considered fulfilled even when the heir or legatee has lent the thing or the fact before the will was granted, unless the provision, in which case it will not be mandatory except when the testator has had knowledge from the first.

In the final case of the preceding paragraph, it corresponds to the one who must pay the legacy the burden of the proof that the testator had knowledge of the first benefit.

#### ARTICLE \* 580.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITIONS HEREDITARIES THAT WILL BE TAKEN BY NO POSITIONS. They will be considered as not:  
I.- The condition of not giving or not doing;  
II.- The condition of not contesting the will or any of the provisions it contains, if penalty of losing the status of heir or legatee; Y  
III.- The condition imposed on the heir or legatee, to take or stop taking status. They may, however, be left to someone the use or room, a periodic alimony or the usufruct equivalent to this, for as long as he remains single or widowed. The pension Alimony will be fixed in accordance with the provisions of article 105 of this Code.

#### ARTICLE \* 581.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE MIXED CONDITION. When the condition is mixed, it will be enough to do it at any time, the testator alive or dead, if he has not arranged otherwise.

#### ARTICLE \* 582.- Repealed

##### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** KNOWLEDGE OR NOT OF TESTER OF COMPLIANCE WITH THE CONDITION. If the condition has been met by if the testament is made, ignoring it by the testator, they will be deemed to have been fulfilled; but if I knew, I just know it will be considered fulfilled if it can no longer exist or be fulfilled again.

#### **ARTICLE \* 583.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RETROACTIVE EFFECTS WHEN THE CONDITION IS FULFILLED. The condition that has been met, where the person exists who prevailed, goes back to the time of the testator's death, and since then they must pay the fruits of the inheritance or legacy, unless the testator has expressly provided another thing.

### **CHAPTER V OF THE TESTAMENTARY OBLIGATION TO PROVIDE HARMFUL TESTAMENT FOODS.**

#### **ARTICLE \* 584.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE TO WHOM THE TESTATOR MUST PROVIDE FOOD. The testator must leave food at people mentioned in the following fractions:

- I.- To minor descendants with respect to whom they have a legal obligation to provide food at the time of death;
- II.- Descendants who are unable to work, whatever their age, when there is the obligation referred to in the previous section;
- III.- To the surviving spouse when he / she is unable to work and does not have sufficient assets. Except another express provision of the testator, this right will subsist as long as he does not contract marriage and live honestly;
- IV.- To the ascendants;
- V.- To the person with whom the testator lived as if he were his spouse during the five years that immediately preceded his death or with whom he had children, provided both have remained free from marriage during cohabitation and that the survivor is disabled from work and do not have enough assets. This right will only subsist as long as the person from whom it is try not to remarry and observe good behavior. If there were several people with who the testator lived as if they were his spouse, neither of them will have the right to maintenance; Y

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VI.- To siblings and other collateral relatives within the fourth degree, if they are disabled or while they are not eighteen years old, if they do not have assets to meet their needs.

#### **ARTICLE \* 585.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CASES IN WHICH IT HAS NOT OBLIGATION TO LEAVE ALIMENTAL PENSION. The testator is not obliged to provide food, but:

I.- In the absence or impossibility of the closest relatives in degree; Y

II.- There will also be no obligation to give food to people who have assets, but if having them, their product does not equal the pension that should correspond to them, the obligation is it will reduce to what is missing to complete it.

#### **ARTICLE \* 586.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS FOR RECEIVE FOOD PENSION FROM THE TESTATOR. To have the right to be a maintenance creditor it is necessary to be at the time of the death of the testator in one of the cases established in the Article 584 of this Ordinance and that right ceases as soon as the interested party ceases to be under the conditions referred to in the same article, observe misconduct or acquire goods, applying in this case the provisions of the previous article.

#### **ARTICLE \* 587.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF WAIVER OR TRANSACTION TO ALIMENT SUPPORT. The right to receive maintenance does not it is waivable and cannot be the object of a transaction. Alimony will be fixed and insured in accordance with the provisions of articles 102 and 103 of this Code, and for no reason will exceed of the products of the portion that in case of intestate succession would correspond to the one that has right to said pension, nor will it lower than half of said products. If the testator had fixed the alimony, his designation will subsist, whatever it may be, as long as he does not lower than before settled down. With the exception of the articles cited in this Chapter, they are not applicable to the maintenance due by succession, the provisions of Chapter III, Second Title, Second Book of this Code.

#### **ARTICLE \* 588.- Repealed**

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- I.- The descendants and the surviving spouse will be ministered on a pro rata basis;
- II.- Once the pensions referred to in the previous section are covered, they will be administered pro rata to the ancestors;
- III.- Afterwards, they will also minister pro rata, to the brothers and to the concubine or concubine; Y
- IV.- Finally, the other collateral relatives within the fourth grade.

**ARTICLE \* 589.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TESTAMENT INOFFICIOUS. The will in which alimony is not left, as per the provisions, is ineffective. established in this Chapter.

**ARTICLE \* 590.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RIGHT OF THE PREFERRED TO THE ALIMENTARY PENSION. The outcast will only have the right to be given the corresponding pension, the will subsisting in everything that does not prejudice that right. However, the posthumous son will have the right to receive the entire portion that would correspond to him. as a legitimate heir if there is no testament, unless the testator has provided another thing.

**ARTICLE \* 591.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALIMENTARY PENSION AS LOAD OF THE HEREDITARY MASS. Alimony is the burden of the dough hereditary, except when the testator has encumbered with it one or some of the shareholders of the succession.

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## CHAPTER VI OF THE HEIR INSTITUTION

### ARTICLE \* 592.- Repealed

#### NOTES

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In the three cases indicated in the previous paragraph, the other provisions will be met. testamentary that were made in accordance with the law.

### ARTICLE \* 593.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INSTITUTION OF HEIR SUBJECT TO TERMINATION. The designation of the day on which the institution of heir, will produce the effect that in the meantime the suspensive term is fulfilled, the fruits and products of the goods object of the institution will correspond to the hereditary mass, or once the extinction term has been completed, the goods or rights will pass to the same hereditary estate object of the institution of heir.

### ARTICLE \* 594.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INHERITANCE TO PRORRATA. The heirs instituted without designation of the part that corresponds to each, will inherit by equal parts.

### ARTICLE \* 595.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** HEIR OF THING CERTAIN DETERMINED. The instituted heir of a certain and determined thing must be considered legatee.

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**ARTICLE \* 596.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPOINTMENT INDIVIDUAL COLLECTIVE OF HEIRS. Although the testator names some heirs of individually and collectively appointed others, shall be considered as if they were individually, unless it is clearly known that the will of the testator.

**ARTICLE \* 597.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INSTITUTION OF HEIRS TO THE BROTHERS TO OTHER COLLATERALS. If the testator institutes his siblings, and he has them only from father, only from mother, or from father and mother, they will divide the inheritance as in the case of intestacy.

**ARTICLE \* 598.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SIMULTANEOUS INSTITUTION OF HEIRS. If the testator calls a certain person and their children to the succession, they will be understood all instituted simultaneously and not successively.

**ARTICLE \* 599.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS FOR INSTITUTE HEIRS. The heir must be instituted by designating him by his name and surname, and if there are several that have the same name and surname, other names must be added and circumstances that distinguish the one to be named.

Even if the name of the heir has been omitted, if the testator designates him otherwise than It may be doubted who it is, the institution will be worth it.

If among several individuals of the same name and circumstances it cannot be known who he wanted designate the testator, no one will be heir.

**ARTICLE \* 600.- Repealed****NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CIRCUMSTANCIAL ERROR

IN THE INSTITUTION OF HEIR. The error in the name, surname or qualities of the heir, it does not vitiate the institution, if otherwise it is certainly known who is the named person.

#### ARTICLE \* 601.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF WILL FOR UNCERTAINTY IN THE PERSON OR IN THE THING. Any provision in favor of an uncertain person or something that cannot be identified will be void, unless for some event may turn out to be true.

### CHAPTER VII OF THE LEGACIES GENERAL DISPOSITION

#### ARTICLE \* 602.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTION OF LEGACY. I know by legacy is understood to be the free and private transmission made by the testator, in favor of the legatee, with respect to assets or rights determined or capable of being determined. When there are no special provisions, the legatees will be governed by the same rules as the heirs.

#### ARTICLE \* 603.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PURPOSE OF THE LEGACY. The Legacy may consist of the provision of things, the transfer of rights, or the execution of some fact or service.

#### ARTICLE \* 604.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LACK OF EFFECTS OF LEGACY. The legacy does not produce effect if by act of the testator the thing bequeathed loses the form and denomination that determined it.

#### ARTICLE \* 605.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSITION OF LEGACY TAXES. By virtue of the legacy, the testator may impose obligations on charge of the inheritance or of an heir. You can also tax with bequests to give or do not only to the heirs but to the legatees themselves.

#### ARTICLE \* 606.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DELIVERY, EXPENSES DEPOSIT OF THE LEGACY THING. The thing bequeathed must be delivered with all its accessories and in the state in which it is at the death of the testator.

The expenses necessary for the delivery of the thing bequeathed will be in charge of the legatee, except disposition of the testator to the contrary.

Meanwhile the thing bequeathed to the legatee, the debtor of the same, or the executor in his case is delivered, they will be depositaries of it.

#### ARTICLE \* 607.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACCEPTANCE REPUDIO

FROM A LEGACY. If the legatee dies before accepting a legacy and leaves several heirs, he can one of these to accept and another to repudiate the part that corresponds to him in the legacy.

#### ARTICLE \* 608.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACCEPTANCE REPUDIO

IN CASE OF TWO LEGACIES. If two legacies are left and one is onerous, the legatee may not renounce it and accept the one that is not. If both are expensive or free, it is free to accept them all or repudiate the one you want.

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#### ARTICLE \* 609.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** COEXISTENCE OF

LEGATARY HEIR. The heir who is at the same time legatee, can renounce the inheritance and accept the legacy or renounce it and accept it.

#### ARTICLE \* 610.- Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PREFERRED LEGATARY. The creditor whose credit is only evidenced by will, will be taken for legal purposes as the preferred legatee.

**ARTICLE \* 611.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONTENT OF THE LEGACY. When a thing is bequeathed with all that it understands, the documents will not be understood as legacies proof of ownership, or active credits, unless they have been mentioned specifically. If the person who bequeaths a property later adds new acquisitions, these will not be understood in the legacy, even if they are contiguous, if there is no new declaration from the testator. The declaration referred to in the preceding paragraph is not required with respect to improvements necessary, useful or voluntary done in the same property.

**ARTICLE \* 612.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY CONTENT HOUSEHOLD HOUSEHOLD. The legacy of household goods only includes movable property to referred to in article 949 of this Code.

**ARTICLE \* 613.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAUCION AL LEGATARIO.

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The legatee can demand that the heir grant surety in all cases in which he can demand it. the creditor.

**ARTICLE \* 614.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAUTION NECESSARY TO EXIST ONLY LEGATARIES. If there are only legatees, they may demand from each other the constitution of the necessary surety.

**ARTICLE \* 615.- Repealed**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF LEGATARY TO OCCUPY THE LEGACY THING. The legatee cannot occupy his own will the thing bequeathed, having to request its delivery and possession to the executor or the special executor. The legatees may not demand the payment of their legacies, until the inventory has been formed and approved within the terms of the Law. In case of omission attributable to the executor, the legatees may demand the delivery of their legacies, once the legal term for the formulation and approval of the inventory has elapsed, granting the surety that the judge fixes in each case.

**ARTICLE \* 616.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RETENTION OF THE THING LEGACY. If the thing bequeathed is in the possession of the legatee, he may retain it, without prejudice to return in case of reduction what corresponds according to law.

**ARTICLE \* 617.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEDUCTION OF THE CONTRIBUTIONS FROM THE LEGACY. The amount of the contributions corresponding to the legacy, it will be deducted from its value, unless the testator provides otherwise.

**ARTICLE \* 618.- Repealed**

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**ARTICLE \* 619.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INEFFICIENCY OF THE LEGACIES. The legacy is without effect if the thing bequeathed perishes while the testator lives, if it is lost due to eviction, outside the case provided for in article 649 of this Code, or if he perishes after the

death of the testator, through no fault of the heir.  
 If the property perishes after the death of the testator, the legatee has the right to receive the compensation when the thing has been insured.  
 The legacy is also without effect, if the testator alienates the thing bequeathed, but it is valid if he recovers it for a legal title.

#### ARTICLE \* 620.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PREFERENCE IN THE PAYMENT OF LEGACIES. If the assets of the inheritance are not enough to cover all the legacies, payment will be made in the following order:  
 I.- Remunerative legacies;  
 II.- Legacies that the testator or the Law have declared preferred;  
 III.- Legacies of a certain and determined thing;  
 IV.- Legacies of food or education; Y  
 V.- The others pro rata.

#### ARTICLE \* 621.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CLAIM OF THE LEGATORIES REGARDING THIRD PARTIES. The legatees have the right to claim from third the thing bequeathed, whether movable or root, provided it is true and determined, observing

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the provisions for acts and contracts entered into by those in the Public Property Registry appear with the right to do so, with third parties in good faith that register them.

#### ARTICLE \* 622.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** LEGACY EFFECTS PAID WHEN THE WILL IS DECLARED VOID. If the will is declared null after the legacy has been paid, the claim of the true heir to recover the thing bequeathed proceeds against the legatee and not against the other heir, unless the latter has done the partition.

#### ARTICLE \* 623.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROPORTIONALITY IN THE PAYMENT OF HEREDITARY OR LEGACY CHARGES. If the heir or legatee renounces the estate, the burden imposed on them will be paid only with the amount to which it has right the one who resigned.

#### ARTICLE \* 624.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LOAD OF THE HEIR OR LEGATARY TO MAKE A FACT. If the charge consists of the execution of an act, the heir or legatee who accepts the succession is obliged to lend it.

#### ARTICLE \* 625.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REDUCTION PROPORTIONAL OF THE LEGACY BY LIEN. If the legatee on whom any lien does not receive the entire legacy, the burden will be reduced proportionally, and if you suffer eviction, you will be able to repeat what you have paid.

#### ARTICLE \* 626.- Repealed

##### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ELECTION IN THE ALTERNATIVE LEGACIES. In alternative legacies the choice corresponds to the heir, if the testator does not expressly grant it to the legatee. If the heir has the choice, he can deliver the thing of lesser value; if the choice belongs to the legatee, he can demand the thing of greater value. In the cases in which the person who has the right to make the choice cannot make it, they will make it his / her legitimate representative or his heirs. The Judge, at the request of a legitimate party, will make the choice, if The person who has the right to do it will not do it within the period indicated. The legally made choice is irrevocable. In alternative bequests, the provisions for alternative obligations shall also be observed.

#### ARTICLE \* 627.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF THING OWN. When the legacy is of a specific and determined thing, proper to the testator, the legatee acquires his property from the time he dies and makes the pending and future fruits his own, unless be that the testator has arranged otherwise. The thing bequeathed in the case of the previous paragraph, will run from the same moment at the risk of

legatee; and regarding its subsequent loss, increase or deterioration, the provisions of the obligations to give, in the event that the certain thing that must be lost, deteriorated or increased surrender.

### ARTICLE \* 628.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PARTIAL LEGACY OF OWN THING. When the testator, the heir or the legatee only have a certain part or right in the thing bequeathed, and the first one will not declare in an express way that he knew that the thing Partially owned by another, and nevertheless bequeathed it entirely, the legacy will only be valid in the part that corresponds to the testator.

### ARTICLE \* 629.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE LEGACY OF OWN THING. The legacy that the testator makes of his own thing individually is null. determined, that at the time of his death it is not found in his inheritance.

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If the thing mentioned in the preceding paragraph exists in the inheritance, but not in the amount and designated number, the legatee will have whatever there is.

### ARTICLE \* 630.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY VALIDITY OF OUTSIDE THING. The legacy of someone else's property, if the testator knew it was, is valid and the heir is obliged to acquire it to deliver it to the legatee or to give the latter its price. The legacy is valid if the testator, after the will has been granted, acquires the thing that bestowing it was not his.

### ARTICLE \* 631.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE LEGACY OF OUTSIDE THING. If the testator was unaware that the thing bequeathed was someone else's, the legacy is void.

### ARTICLE \* 632.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** UNCERTAINTY OR

JUDICIAL SUBJECTION OF LEGACY PROPERTY. If the property of the thing  
 legacy was uncertain or doubtful or was subject to judgment, the legacy will be valid and if applicable  
 will proceed in the terms of article 630 of this Code.

### ARTICLE \* 633.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** VALIDITY OF THE LEGACY IN  
 ASSETS OF THE WITNESS. If the testator or a third party has any part in the thing bequeathed  
 knowing it, in what corresponds to them, the legacy is worth.

### ARTICLE \* 634.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
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EFFECTS OF THE LEGACY AFTER THE GRANT OF THE WILL. If the legatee acquires  
 the thing bequeathed after the will was granted, its price is understood to be bequeathed.

### ARTICLE \* 635.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** VALIDITY OF THE LEGACY IN  
 THIRD PARTY PLEASE ON PROPERTY OF THE HEIR OR LEGATORY. It is valid on  
 legacy made to a third party of property of the heir or a legatee, who, if they accept the  
 Succession must deliver the thing bequeathed or its price.

### ARTICLE \* 636.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE LEGACY  
 ON OWN THING OF THE HEIR OR LEGATORY. If the testator was unaware that the thing  
 was owned by the heir or legatee, the legacy will be void.

### ARTICLE \* 637.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXTINCTION BY LEGACY  
 OF THE GARMENT, MORTGAGE OR BOND. The legacy that consists of the return of the thing

received as a pledge, or in the title constituting a mortgage, only extinguishes the right to pledge or mortgage, but not debt, unless expressly prevented.

The provisions of the preceding paragraph will also be observed in the legacy of a surety, either made to the guarantor, and to the principal debtor.

## ARTICLE \* 638.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PERFORMANCE OR REDEMPTION OF THE PLEDGE OR MORTGAGE ON THE LEGACY THING. If the thing bequeathed is pledged or mortgaged, or after the will, performance or

Redemption will be in charge of the inheritance, unless the testator has expressly provided another thing.

If the legatee does so for not paying the obligor, in accordance with the previous paragraph, the legatee will remain subrogated in the place and rights of the creditor to claim against him.

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Any other charge that is found affects the thing bequeathed, passes with it to the legatee; but in both cases, the income and revenues accrued until the death of the testator are the burden of the inheritance.

## ARTICLE \* 639.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF DEBT. The legacy of a debt made to the same debtor extinguishes the obligation, and the one who must fulfill the The legacy is obliged, not only to give the debtor proof of payment, but also to perform the pledges, cancel the mortgages and bonds and release the legatee from all responsibility.

Legacy the title, whether public or private, of a debt, this is understood as a legacy, observing the provided in article 637 of this Code.

## ARTICLE \* 640.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY NO COMPENSATORY IN FAVOR OF THE CREDITOR. The legacy made to the creditor does not compensate credit, unless the testator expressly declares it.

## ARTICLE \* 641.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

LEGACY

COMPENSATORY IN FAVOR OF THE CREDITOR. In case of compensation, if the values are different, the creditor will have the right to collect the excess of the credit or that of the legacy.

### ARTICLE \* 642.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY FOR IMPROVEMENT OF THE DEBTOR'S CONDITION. By means of a bequest, the debtor can improve your condition with respect to your creditor, making pure conditional credit, mortgage the simple, or of course enforceable the one that is in term; but this improvement will not harm in way some the privileges of other creditors.

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### ARTICLE \* 643.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF CREDIT. The legacy made to a third party, of a credit in favor of the testator, only produces effect in the part of the credit that is unpaid at the time the estate is opened.

In the case of the previous paragraph, the one who must fulfill the legacy will deliver to the legatee the title of the credit and will assign all the claims that by virtue of it correspond to the testator, therefore, the one who must pay the legacy is entirely free from the obligation of reorganization and any other liability, whether it comes from the same title, or from the debtor's insolvency or of its guarantors, and of another cause.

### ARTICLE \* 644.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUBSISTENCE OF THE INTEREST IN LEGACY OF CREDIT DEBT. The legacies of which the articles speak 639 and 643 of this Ordinance, include the interests that for the credit or debt are due to the death of the testator.

Said legacies will survive even if the testator has sued the debtor, if the payment It is not performed.

### ARTICLE \* 645.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF LIBERATION DEBT. The generic legacy of liberation or forgiveness of debts, includes only the existing at the time of granting the will and not later.

**ARTICLE \* 646.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF ASSETS INDETERMINATE FURNITURE. The legacy of indeterminate personal property, but understood in determined gender, will be valid, even if there is no good of the gender to which the well legacy belong.

In the case of the previous paragraph, the choice is who must pay the legacy, who, if the goods exist, it complies with delivering one of medium quality, being able, otherwise, to buy one

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of the same quality or pay the legatee the corresponding price, prior agreement or at the discretion of experts.

**ARTICLE \* 647.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXPRESS ELECTION IN LEGATARY FAVOR ON CERTAIN GENDER ASSETS. If the testator grants expressly choosing the legatee, the latter may, if there are several assets of the specified kind, choose the best one, but if there are none, you can only demand one of medium quality or the price that you corresponds.

**ARTICLE \* 648.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY ABOUT GOOD UNDETERMINED PROPERTY. If the indeterminate asset is immovable, only the legacy will be worth existing in the inheritance several of the same gender, for the election the rules will be observed established in article 646 of this Regulation.

**ARTICLE \* 649.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EVICTION IN LEGACIES OF UNDETERMINED ASSETS. The person obliged to deliver the legacy will respond in case of eviction, if the asset is indeterminate and is indicated only by genus or species.

**ARTICLE \* 650.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF SPECIES. On

the legacy of species, the heir must deliver the same thing bequeathed, in case of loss  
It will observe the provisions for the obligations to give a determined thing.

## ARTICLE \* 651.- Repealed

### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF MONEY. The Legacies in money must be paid in that kind, and if there is none in the inheritance, with the product of the goods that are sold for this purpose.  
The legacy of thing or amount deposited in a designated place, will only subsist in the part that therein is found.

## ARTICLE \* 652.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TEMPORALITY OF FOOD LEGACY. The legacy of food lasts as long as the legatee lives, unless the testator has arranged that it last less.

## ARTICLE \* 653.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPLICATION OF FOOD RULES IN LEGACIES OF THE SAME SPECIES. If the testator does not indicate the amount of food, the provisions of Chapter III, Second Title of the Book will be observed Second of this Code.  
If the testator used to give the legatee a certain amount of money by way of food,  
The same amount will be understood to be bequeathed, if it does not result in a notable disproportion with the amount of the inheritance.

## ARTICLE \* 654.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DURATION TERMINATION OF THE LEGACY OF EDUCATION. The legacy of education lasts until the legatee leaves the younger age.  
The legacy of education also ceases, if the legatee, during the minor age, obtains a profession or office with which to subsist, or if he marries.

**ARTICLE \* 655.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF PENSION. The Pension legacy, whatever the amount, the object and the terms, runs from the death of the testator, is enforceable at the beginning of each period, and the legatee endorses the right to get paid, even if you die before the end of the period started.

**ARTICLE \* 656.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DURATION TERMINATION OF THE LEGACIES OF USE, USUFRUCT, ROOM OF SERVICE. The legacies of usufruct, use, habitation or easement, will subsist as long as the legatee lives, unless the testator will order that they last less.

The legacies referred to in the preceding paragraph will last twenty years, if they are left to someone corporation that has the capacity to acquire them.

If the thing bequeathed is subject to usufruct, use or habitation, the legatee must lend them until it is legally extinguished, without the heir having any kind of obligation.

**ARTICLE \* 657.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF DOING IN THIRD PARTY PLEASURE. The burden of doing something shall be considered as a legacy of doing in third party favor.

If no time has been set for the fulfillment of the cargo, nor is it due to its nature have, the rules of obligations to do will apply.

**ARTICLE \* 658.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGACY OF BENEFIT PERIODIC. If the legacy is of periodic benefit that must conclude on a day that is unsure if it will arrive or not, when the day comes, the legatee will have made his own all the benefits that correspond until that day; It will also make all the amounts due until the day indicated.

**ARTICLE \* 659.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BEGINNING OF TERM OF THE LEGACY. If the day the legacy is to begin is safe, whether it is known or not when it is to arrive, the one who is to deliver the thing bequeathed will have respect to it, the rights and the obligations of the usufructuary.  
In the case of the previous paragraph, if the legacy consists of a periodic benefit, the one who must pay it makes his own the corresponding to the intermission, and complies with making the provision starting the day indicated.

#### ARTICLE \* 660.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCLUSION OF LEGACY. When the legacy must conclude on a day that is sure to arrive, it will be delivered the thing or amount bequeathed to the legatee, who will be considered the beneficial owner of it.

### CHAPTER VIII OF SUBSTITUTIONS

#### ARTICLE \* 661.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** POSSIBILITY OF ASSISTANT TO SUBSTITUTE HEIRS. The testator can substitute one or more people to the heir or instituted heirs, in the event that they die before him, or that they cannot or do not want to accept the inheritance.

#### ARTICLE \* 662.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION OF TRUST SUBSTITUTIONS. Trustee substitutions and any other than those contained in the previous article, regardless of the way it is used. magazine.  
The nullity of the trustee substitution does not matter that of the institution of heir, nor that of the legacy, the trust clause being considered unwritten only.  
Trustees are considered and, consequently, prohibited, provisions that contain prohibitions to alienate, or to call a third party to what remains of the inheritance by death of the heir, or the order to lend more than one person successively a certain income or pension.

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The provision in which the testator leaves the property in whole or in part is not considered a trustee of its assets to one person and the usufruct to another; unless the owner or usufructuary are obliged to transfer the property or usufruct to a third party upon death.

#### ARTICLE \* 663.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RULES ABOUT SUBSTITUTION OF HEIRS. Substitutes may be appointed jointly or successively.

The substitute's substitute, lacking this one, is the substitute's heir.

#### ARTICLE \* 664.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITIONS OF

RECEIPT OF INHERITANCE OF SUBSTITUTES. The substitutes will receive the inheritance with the same encumbrances and conditions with which the heirs should receive it unless the testator has arranged otherwise, or that the encumbrances or conditions were merely personal of the heir.

If the heirs instituted in unequal parts are reciprocally substituted, in the substitution, they will have the same parts as in the institution; unless it clearly appears the will of the testator had been different.

#### ARTICLE \* 665.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION HEREDITARY TO INVEST IN BENEFICIAL WORKS. The obligation imposed on the heir investing certain amounts in charitable works, such as student pensions, for the poor or for any charitable establishment, is not included in the prohibition of Article 662 of this Code.

If the burden is imposed on real estate and is temporary, the heir or heirs may dispose of the taxed property, without ceasing the tax while the registration of this is not cancel.

If the burden is perpetual, the heir may capitalize it and impose the capital at interest with the first and enough mortgage.

The capitalization and taxation of capital will be done with the intervention of the corresponding authority, and with audience of the interested parties and the Public Ministry.

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## CHAPTER IX NON-EXISTENCE, NULLITY, REVOCATION, EXPIRY OF THE WILLS

### ARTICLE \* 666.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INEXISTENCE OF WILL. The testament will be non-existent when the solemnities are not observed required by law.

### ARTICLE \* 667.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF WILLS. The nullity that affects wills or certain provisions in particular, it can be absolute or relative. The nullity of the testament will be absolute, when it, in its entirety or in a certain provision, is contrary to the laws of public order, whether prohibitive or imperative; or at good manners. The nullity will be relative in cases of incapacity of the testator or defects in his declaration of Will. Said claim may be attempted by the legitimate heirs and is subject to prescription.

### ARTICLE \* 668.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF WILL ACHIEVED BY VIOLENCE. The will obtained by physical violence or moral, when physical force or threats that pose a danger have been used against the testator of his life, or imply an attack on his freedom, honor, dignity, health or a considerable part of his property or when such attacks or threats are directed against your spouse, ancestors, descendants or collateral relatives within the fourth degree. The judge who has news that someone is preventing another tester, will appear without delay at the house of the testator to ensure the exercise of his right, and will draw up a record stating the fact that has motivated their presence, the person or persons causing the violence and the media

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that for that purpose he has employed or attempted to employ, and if the person whose liberty of your right.

The testator who is in the previous case, after the violence ceases or enjoyment of freedom complete, you can revalidate your will, but within the conditions, solemnities or form required for the execution of a new testament. If these requirements are not met, the nullity, of which the revalidation will also be affected.

### ARTICLE \* 669.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF WILL FOR DOLO OR FRAUD. The will captured by fraud or fraud is void.

### ARTICLE \* 670.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF WILL FOR LACK OF VOLITIVE CLARITY OF THE WITNESS. The will in that the testator does not fully, precisely and clearly express his will, but only by signs or monosyllables in response to questions asked.

### ARTICLE \* 671.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF PROHIBITION BY THE TESTOR. The testator cannot prohibit the will from being challenged in cases where it must be void according to the Law.

### ARTICLE \* 672.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF RESIGNATIONS WILLS. The waiver of the right to testa, the waiver of the faculty of revoke the will and the clause in which someone is obliged not to use that right, except under certain conditions, whatever kind they may be.

### ARTICLE \* 673.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** END OF THE NULLITY CLAIM. The claim of nullity established in the previous articles, prescribes within ten years.

#### **ARTICLE \* 674.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE REVOCATION OF WILL. The previous testament is revoked by right by the perfect later, if the testator does not express in it his will that he subsist in all or in part.  
The revocation will take effect, even if the second will expires due to the incapacity or resignation of the heir or newly appointed legatees.  
The earlier testament will, however, regain its force, if the testator revoking the later one, declares to be his will that the first subsist.

#### **ARTICLE \* 675.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXPIRY IN THE WILLS ITS EFFECTS. The testamentary provisions expire and are without effect, Regarding the heirs and legatees:  
I.- If the heir or legatee dies before the testator or before the condition of that depends on the inheritance or legacy;  
II.- If the heir or legatee become incapacitated under the terms of articles 542 to 568 of this Code, to receive the inheritance or legacy;  
III.- If they renounce their respective rights; Y  
IV.- If the suspensive condition affecting the inheritance or legacy is not fulfilled, or even when it is fulfilled, if the heir or the legatee dies before its realization.

#### **ARTICLE \* 676.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LACK OF EXPIRY OF TESTAMENTARY PROVISION WITH PAST OR PRESENT EVENT CONDITION UNKNOWN BY THE TESTATOR. The testamentary disposition that contains the condition of past or present event unknown to the testator, does not expire even if the news of the fact is

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acquired after the death of the heir or legatee, whose rights will be transferred to their respective heirs.

### TITLE THREE OF THE FORM OF WILLS

#### CHAPTER I GENERAL DISPOSITION

#### ARTICLE \* 677.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FORM IN THE WILLS. The testament, in terms of its form, is ordinary and extraordinary.

#### ARTICLE \* 678.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TYPES OF WILL ORDINARY. The ordinary will can be:  
I.- Open public;  
II.- Closed public; Y  
III.- Holograph.

#### ARTICLE \* 679.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TYPES OF WILL EXTRAORDINARY. The extraordinary can be:  
I.- Private;  
II.- Military;  
III.- Maritime; Y  
IV.- Made in a foreign country.

#### ARTICLE \* 680.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** IMPOSSIBILITY TO BE WITNESS IN THE WILLS. They cannot be witnesses of the will:

- I.- The clerks of the Notary who authorizes it;
- II.- Minors under sixteen;
- III.- Those who are not in their right mind;
- IV.- The blind, deaf or mute;
- V.- Those who do not understand the language spoken by the testator;
- VI.- The heirs or legatees; your descendants, ascendants, spouse, or siblings. The contest as witnesses of one of the persons referred to in this fraction only produces as effect the nullity of the provision that benefits their aforementioned relatives; Y
- VII.- Those who have been convicted of the crime of falsehood.

### ARTICLE \* 681.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** KNOWLEDGE OF TESTIMONY BY THE NOTARY WITNESSES. Both the Notary and the witnesses involved in any testament they must know the testator or make sure in some way of his identity, and that he is in his right mind and free from any coercion.

### ARTICLE \* 682.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF IDENTITY OF THE WITNESS. If the identity of the testator cannot be verified, it will be declared this circumstance by the Notary or by the witnesses, where appropriate, adding one and the other all the signs that characterize the person of the former.

In the case of the preceding paragraph, the testament will not be valid until the testator identity.

### ARTICLE \* 683.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITION IN THE WRITING OF WILL. Notaries and any other people who have to draft final will provisions, leave blank pages and use abbreviations or figures, under the penalty of five hundred days of general minimum wage in force in the region in case of infringement to notaries and half to those who were not.

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**ARTICLE \* 684.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTARIAL NOTICE OF AUTHORIZATION OF THE WILL. The Notary who authorized the will, must give notice to the interested parties after he learns of the death of the testator. If you don't, you are responsible for the damages that the delay causes.

The provisions of the preceding paragraph will also be observed by anyone who has in his power of a will.

If the interested parties are absent or unknown, the notice will be given to the Judge.

## CHAPTER II OF THE OPEN PUBLIC TESTAMENT

**ARTICLE \* 685.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHARACTERISTICS OF OPEN PUBLIC WILL. Open public will is the one that is granted before a Notary and three suitable witnesses.

The testator will express his will clearly and definitively to the Notary Public and to the witnesses. The Notary public will draw up the clauses of the will in writing, strictly subject to the will of the testator, and he will read them aloud so that he can express his agreement. If it is, They will all sign the instrument, settling the place, year, month, day and hour in which it was granted.

**ARTICLE \* 686.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUPLENCE IN THE SIGNATURE OF THE WITNESSES. If the testator cannot or does not know how to write, another witness more, sign your request.

In the case of extreme urgency and not being able to be called another witness, one will sign by the testator of the instrumentals, stating this circumstance.

If any of the witnesses does not know how to write, another of them will sign for him, but at least, The entire signature of two witnesses must be included.

**ARTICLE \* 687.- Repealed**

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**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

NECESSARY

**UNDERSTANDING OF WILL FOR THE BLIND DEAF.** Whoever is entirely deaf, but who knows how to read, he must read his will, if he does not know or cannot do so, designate a person to read it for you.

When the testator is blind, the testament will be read twice; one by the notary, such as is prescribed in article 685 of this Code, and another in the same way by one of the witnesses or another person designated by the testator.

**ARTICLE \* 688.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TESTAMENT

**DRAWN UP IN A LANGUAGE OTHER THAN SPANISH.** When the testator ignores the language of the country, will write in his own hand his will that will be translated into Spanish by two interpreters appointed by the testator, with the attendance of the Notary and the witnesses. The translation is will be transcribed as a will in the respective protocol and the original will be filed in the appendix corresponding to the Notary who intervenes in the act.

If the testator cannot or does not know how to write, one of the interpreters will write the will that he dictates that, and read and approved by the testator, will be translated into Spanish by the two interpreters who must attend the act; Once the translation has been made, the procedure will be as provided in the previous paragraph.

If the testator cannot or cannot read, he will dictate the will to one of the interpreters in his language. Translated by the two interpreters, we will proceed as provided in the first paragraph of this article.

**ARTICLE \* 689.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SOLEMNITIES IN THE

**WILL.** The solemnities will be practiced continuously and the Notary will attest to have all been filled.

In the absence of any of the aforementioned, the will will be without effect, and the Notary will be responsible of the damages and will incur, in addition, in the loss of office.

### CHAPTER III OF THE CLOSED PUBLIC WILL

**ARTICLE \* 690.- Repealed****NOTES**

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Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHARACTERISTICS OF  
 CLOSED PUBLIC WILL. The closed public will can be written by the  
 testator or by another person at his request, and on common paper.

### ARTICLE \* 691.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INABILITY IN  
 CLOSED TESTAMENT. Those who do not know or cannot read are unskilled at doing  
 closed will.

### ARTICLE \* 692.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PUBLIC WILL  
 CLOSED OF THE DEAF-MUTE. The deaf-mute may make a closed public will provided that  
 all of it is written, dated and signed in his own hand, and that when presenting it to the Notary before  
 five witnesses, write in the presence of all on the cover that the document contains your  
 last will, and it is written and signed by him. The Notary Public will declare in the deed of the cover that the  
 The testator wrote it this way, observing, in addition, the provisions of articles 695, 696 and 697 of  
 this Code.  
 In the case of the previous paragraph, if the testator cannot sign the cover, the provisions will be observed  
 in article 697 of this Code, the Notary attesting to the choice that the testator makes of one  
 of the witnesses to sign for him.

### ARTICLE \* 693.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PUBLIC WILL  
 CLOSED ONLY DEAF OR ONLY MUDE. Whoever is only mute or only deaf, can do  
 Closed will as long as it is in your own handwriting, or if it has been written by someone else, write it down  
 thus the testator, and sign the note in his own handwriting, subjecting himself to the other solemnities  
 required for this kind of will.

### ARTICLE \* 694.- Repealed

#### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RUBRICAS DEL TESTADOR  
 IN THE CLOSED PUBLIC WILL. The testator must sign all the sheets and sign the

match of the will; but if he does not know or cannot do it, he may sign and sign another person at your request.

In the case of the preceding paragraph, the person who has initialed and signed by the testator He will attend the presentation of the closed sheet with him; and in that act, the testator will declare that that person initialed and signed in their name and this person will sign on the cover with the witnesses and the Notary.

#### **ARTICLE \* 695.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS OF CLOSED PUBLIC WILL. The paper on which the will is written or the one that it serves cover, must be closed and sealed, or the testator will close and seal it, in the act of grant, and will exhibit it to the Notary in the presence of three witnesses.

#### **ARTICLE \* 696.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROCEDURE FOR GRANTING OF THE CLOSED PUBLIC WILL. The testator, when making the presentation, he will declare that his last will is contained in that statement. The Notary will attest to the granting, stating the solemnities required in the articles previous; This record must be extended on the cover of the will, and must be signed by the testator, the witnesses and the Notary, who will also put his seal.

#### **ARTICLE \* 697.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RULES FOR HEADING OF THE WITNESSES. If any of the witnesses does not know how to sign, another will be called person to do so on your behalf and in your presence, so that there are always three signatures. If when presenting the will the testator cannot sign, another person will do so in his / her name, and in his presence, not having to do it any of the witnesses.

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Only in cases of extreme urgency may one of the witnesses sign, either for the one who does not know do it, already by the testator. The Notary will expressly state this circumstance, under penalty of of suspension of office for three years.

#### **ARTICLE \* 698.- Repealed**

##### **NOTES**

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EFFECTS OF LACK OF SOLEMNITY. The closed will that lacks any of the prescribed solemnities, will be without effect, and the Notary will be responsible in the terms of article 689 of this Ordering.

### ARTICLE \* 699.- Repealed

#### NOTES

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DELIVERY OF WILL TO THE TESTATOR. Once the will has been closed and authorized, it will be delivered to the testator, and the Notary will put reason in the protocol, of the place, hour, day, month and year in which the will was authorized and delivered.  
For the aforementioned infraction, the will will not be annulled, but the Notary will incur the penalty of suspension for six months.

### ARTICLE \* 700.- Repealed

#### NOTES

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONSERVATION OR DEPOSIT OF WILL. The testator may keep the will in his possession, or give it in save a person you trust, or deposit it in the Judicial File.  
The testator who wants to deposit his will in the Archive, will appear with him before the in charge of it, who will enter in the book that must be kept for that purpose, a reason for the deposit or delivery, which will be signed by said official and the testator, who will be given a copy authorized.  
The presentation and deposit can be made by proxy, and in this case the power will remain united to the will.

### ARTICLE \* 701.- Repealed

#### NOTES

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** WITHDRAWAL OF THE WILL PUBLIC CLOSED. The testator may withdraw his will, when he sees fit, but the Return will be made with the same solemnities as the delivery.  
The power of attorney for the delivery and extraction of the will must be granted in a public deed, and this circumstance will be recorded in the respective note.

### ARTICLE \* 702.- Repealed

#### NOTES

**CURRENT REFORM.**- Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECEPTION OF

WILL BY THE JUDGE. After the Judge receives a closed will, he will make an appearance  
to the Notary Public and the witnesses that occurred at its granting.

### ARTICLE \* 703.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS FOR  
OPENING OF THE WILL. The closed will cannot be opened until after  
the Notary Public and the instrumental witnesses have recognized their signatures and those of the testator before the Judge  
or that of the person who signed it, and have declared if in their opinion it is closed  
and sealed as it was in the act of delivery.

### ARTICLE \* 704.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**

APPEARANCE OF THE NOTARY WITNESSES INVOLVED IN THE WILL. But  
all witnesses may appear due to death, illness or absence, the  
recognition of the majority and the Notary Public.

If, for the same reasons, the Notary, most of the witnesses or none can appear  
of them, the Judge will record it for information, as well as the legitimacy of the signatures and  
that on the date of the will, those were found in the place where it was executed.

In any case, those who appear will recognize their signatures.

LACK OF

### ARTICLE \* 705.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROTOCOLIZATION

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PUBLICATION OF THE WILL BY THE JUDGE. Compliance with the provisions of the articles  
above, the Judge will order the publication and notarization of the will.

### ARTICLE 706.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE  
ALTERATION OF THE CLOSED PUBLIC WILL. The closed will will be left without  
effect whenever the inner sheet is broken or the one that forms the cover is open, or  
erased, scraped and amended the signatures that authorize it, even if the content is not  
altered.

**ARTICLE \* 707.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PENALTIES FOR FOUL OF PRESENTATION OR BY ABDUCTION OF THE CLOSED PUBLIC WILL. All person who has in his possession a closed will and does not present it, as provided in Article 684 of this Code, or fraudulently steals it from the decedent's assets, will incur the penalty, if he is an intestate heir, of loss of the right that he may have, without prejudice to the that corresponds to him according to the Penal Code.

**CHAPTER IV  
OF THE TESTAMENT OLOGRAPHER**

**ARTICLE \* 708.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTION OF WILL OLOGRAPHER. The holographic will is called the handwriting of the testator.

**ARTICLE \* 709.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SPECIAL REQUIREMENTS FOR THE VALIDITY OF THE OLOGRAPHIC WILL. This testament can only be granted

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by persons of legal age, and to be valid, it must be fully written by the testator and signed by him stating the day, month and year in which it is granted. Foreigners may execute a holographic will in their own language.

If there are words crossed out, amended or between lines, the testator will save them under his firm.

The omission of this formality by the testator only affects the validity of the crossed out words, amended or between lines, but not to the will itself.

**ARTICLE \* 710.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DUPLICATE OF OLOGRAPHIC WILL ITS DEPOSIT IN THE PUBLIC REGISTRY OF THE PROPERTY. The testator shall make his holographic will in duplicate and print his fingerprint on each copy.

digital. The original, inside a closed and sealed envelope, will be deposited in the section corresponding to the Public Property Registry, and the duplicate, also enclosed in a sealed and with the note on the cover, it will be returned to the testator. This can put in the envelopes containing the wills, the stamps, signs or marks that it deems necessary to avoid violations.

### ARTICLE \* 711.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS FOR DEPOSIT OF THE OLOGRAPHIC WILL IN THE PUBLIC REGISTRY OF THE PROPERTY. The deposit in the Public Property Registry will be made personally by the testator, who, if The person in charge of the office is not known, he must present two witnesses to identify him. In the on which contains the original testament, the testator, in his own handwriting, will put the following constancy: "Inside this envelope is my will." The following will be expressed place and date the deposit is made. The certificate will be signed by the testator and by the office manager. In the event that identification witnesses are involved, they will also sign. When the testator is unable to personally deliver his will in the offices of the Public Property Registry, the person in charge of them must go to the place where that one will be, to fulfill the solemnities of the deposit.

### ARTICLE \* 712.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONSTANCIA IN FAVOR

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FROM THE OLOGRAPHER TESTATOR. In the sealed envelope containing the duplicate of the will The holographer will put the following certificate issued by the person in charge of the office: "I received the closed statement that the gentleman ... affirms contains his original holographic will, of which, according to affirmation of the same gentleman, exists within this on a duplicate ". The place and the date on which the certificate is issued, which will be signed by the person in charge of the office, also putting the signature of the testator and the identification witnesses at the bottom, when intervene.

### ARTICLE \* 713.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SEAT OF OLOGRAPHIC WILL. Made the deposit, the person in charge of the Public Property Registry take account of it in the respective book so that the will can be identified, and will keep the original under its direct responsibility until it is delivered to the same testator or the competent judge.

**ARTICLE \* 714.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** WITHDRAWAL OF THE WILL OLOGRAPHER. At any time the testator will have the right to withdraw from the file, personally or by means of an agent with sufficient power of attorney, the deposited testament, stating the delivery in a certificate to be signed by the interested party and the person in charge of the office.

**ARTICLE \* 715.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL APPLICATION ON THE EXISTENCE OF OLOGRAPHIC WILL. The Judge before whom a inheritance trial will request a report from the person in charge of the Public Property Registry of the place, about whether a holographic will of the author of the succession has been deposited in his office so that In the event that this is the case, the will is sent to you.

**ARTICLE \* 716.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION TO GIVE

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NOTICE OF THE EXISTENCE OF OLOGRAPHIC WILL. Whoever keeps the duplicate of a will or anyone who knows that the author of a succession has deposited a holographic will, will communicate it to the competent judge, who will ask the in charge of the Public Property Registry office where the will is located, to forward it to you.

**ARTICLE \* 717.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL EXAMINATION OF OLOGRAPHIC WILL. Once the will is received, the Judge will examine the cover that contains it. to make sure that she has not been raped, she will have the identification witnesses residing in place, recognize their signatures and that of the testator, and in the presence of the Public Ministry, of those who have presented themselves as interested parties and the aforementioned witnesses, open the envelope containing the testament. If it meets the requirements mentioned in article 709 of this Code, and it remains Once it is verified that it is the same as the one deposited by the testator, the testator's will will be declared formal.

**ARTICLE \* 718.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** SUPLENCE OF OLOGRAPHIC WILL. Only when the deposited original has been destroyed or stolen, will it be will have the duplicate as a formal will, proceeding to open it as provided in the preceding article.

#### ARTICLE \* 719.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LACK OF EFFECTS OF ORIGINAL OR DUPLICATED WILL. The holographic will shall be void when the original or the envelope that it covers will be open, or the signatures that authorize them appear erased, scraped or amended, even if the content of the will is not vicious.

#### ARTICLE \* 720.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** PEOPLE WHO ARE YOU CAN REPORT THE EXISTENCE OF A WILLIAM OLOGRAPHER. The manager of the

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Public Registry of Property will not provide reports about the holographic will deposited in his office, but to the same testator or to the competent judges who officially ask them.

## CHAPTER V OF THE PRIVATE TESTAMENT

#### ARTICLE \* 721.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** HYPOTHESIS IN WHICH THE PRIVATE WILL CAN BE VERIFIED. The private will is allowed in the following cases:

- I.- When the testator is attacked by an illness so violent and serious that there is no time to who attends before a Notary to make the will;
- II.- When there is no Notary Public in the town, or Judge who acts as receivership; Y
- III.- When, although there is a Notary or Judge in the town, it is impossible, or at least very difficult, that concur to the execution of the will.

So that in the cases listed in the preceding paragraph, a private will can be granted, it is necessary that the testator is not able to make a holographic will.

#### ARTICLE \* 722.- Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS FOR REALIZATION OF THE PRIVATE WILL. The testator found in the case of making private testament, he will declare in the presence of five suitable witnesses his last will, that one of them he will write in writing, if the testator cannot write. It will not be necessary to write the will, when none of the witnesses can write and in cases of extreme urgency. In cases of extreme urgency, three suitable witnesses will suffice.

**ARTICLE \* 723.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RULES SUBSTITUTE FROM THE PUBLIC WILL OPEN TO THE PRIVATE. When the private will is granted, If applicable, they will observe the provisions contained in the articles of the 685 second paragraph to the 689 first paragraph of this Code.

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**ARTICLE \* 724.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** ASSUMPTIONS FOR SURTA EFFECTS THE PRIVATE WILL. The private will will only take effect if the testator dies of the disease or in the danger in which he was or within a month of disappeared the cause that motivated him to do it.

**ARTICLE \* 725.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SPECIAL REQUIREMENTS FOR THE VALIDITY OF THE WILL. The private will also needs, for its validity, that the declaration referred to in article 727 be made taking into account the declarations of the witnesses who formed and heard, where appropriate, the will of the testator. The statement referred to in the preceding paragraph will be requested by the interested parties, immediately after they know the death of the testator and the manner of his disposition.

**ARTICLE \* 726.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CIRCUMSTANCES THAT WITNESSES MUST DECLARE IN THE PRIVATE WILL. The witnesses who

concur to a private will must declare circumstantially:

- I.- The place, time, day, month and year in which the will was granted;
- II.- If they recognized, saw and heard the testator clearly;
- III.- The tenor of the provision;
- IV.- If the testator was in his right mind and free from any coercion;
- V.- The reason why the private will was granted; Y
- VI.- If they know that the testator died or not of the disease or in the danger in which he was.

#### ARTICLE \* 727.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL EFFECTS OF THE TESTIMONIAL STATEMENTS IN THE PRIVATE WILL. If the witnesses were suitable and compliant in each and every one of the circumstances listed in the

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article that precedes, the judge will declare that his sayings are the formal testament of the person of whoever it is.

Knowing where the witnesses are, they will be examined by exhortation.

#### ARTICLE \* 728.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEATH OR ABSENCE OF SOME WITNESS. If after the death of the testator any of the witnesses dies, the declaration with the rest, provided they are not less than three, manifestly capable and answer.

The provisions of the preceding paragraph shall also be observed in the event of the absence of any or some of the witnesses, provided that there was no fraud in the absence of the witness.

### CHAPTER VI OF THE MILITARY TESTAMENT

#### ARTICLE \* 729.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS FOR GRANTING OF THE MILITARY WILL. If the military or assimilated person in the Army makes his disposition at the time of entering into action of war, or being wounded on the field of battle, it will be enough for you to declare your will before two witnesses, or to deliver the closed containing your last disposition, signed in your own handwriting.

The provisions of the preceding paragraph shall be observed, where appropriate, with respect to prisoners of war.

**ARTICLE \* 730.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DELIVERY OF MILITARY WILL. Wills granted in writing, in accordance with this chapter, They must be delivered after the testator dies, by the one in whose power they have remained, to the head of the corporation, who will forward it to the Secretary of National Defense and the latter to the authority competent court.

**ARTICLE \* 731.- Repealed****NOTES**

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** MILITARY WILL ORAL. If the testament has been granted orally, the witnesses will instruct from it of course to the head of the corporation, who will report the act to the Secretary of National Defense, and the latter to the competent judicial authority, in order to proceed, taking into account the provisions of the Articles 724 to 728 of this Code.

## CHAPTER VII OF THE MARITIME TESTAMENT

**ARTICLE \* 732.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CIRCUMSTANCES FOR THOSE THAT CAN BE MADE MARITIME WILL. Those who are on the high seas, On board national navy ships, be they war or merchant, they can make their will that will take effect in the State, if it is done subject to the prescriptions of this Chapter.

**ARTICLE \* 733.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS OF MARITIME WILL. The maritime will will be written in the presence of two witnesses and the captain of the ship; and it will be read, dated and signed, as said in articles 685 second paragraph to the 689 first paragraph of this Code, but in any case the captain and the two witnesses.

The maritime will will be made in duplicate, and will be kept among the most important papers of the boat and it will be mentioned in your diary.

**ARTICLE \* 734.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** MARITIME WILL OF THE CAPTAIN. If the captain makes his will, the one who should succeed him will act in his place. in command.

**ARTICLE \* 735.- Repealed**

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**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DEPOSIT BY CAPTAIN OF THE MARITIME WILL BEFORE DIPLOMATIC OR CONSULAR AGENTS. If the vessel arrives at a port where there is a Mexican diplomatic agent, consul or vice-consul, the Captain shall deposit in his possession one of the copies of the will, dated and stamped, with a copy of the note that must appear in the vessel's log. If the testator disembarks in a place where there is no diplomatic or consular agent, and it is not known if he has died, nor the date of death, the procedure will be in accordance with the provisions of Title Seventh of the Second Book of this Code.

**ARTICLE \* 736.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DELIVERY OF MARITIME WILL TO THE MEXICAN AUTHORITY. Arriving in Mexican territory, deliver the other copy, or both, if one was not left elsewhere, to the maritime authority of the place, in the manner indicated in the previous article.

**ARTICLE \* 737.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONSTANCY OF DELIVERY OF THE MARITIME WILL. In any of the cases mentioned in the two preceding articles, the captain of the vessel will demand receipt of the delivery and will quote it by note In the diary.

**ARTICLE \* 738.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUPPLEMENTARY APPLICATION OF THE CIVIL CODE OF THE FEDERAL DISTRICT IN THE TESTAMENT PROCEDURE

MARITIME. Diplomatic agents, consuls, or maritime authorities will proceed in the terms established by the Civil Code for the Federal District for this matter.

## ARTICLE \* 739.- Repealed

### NOTES

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## CHAPTER VIII

### OF THE WILL MADE IN A FOREIGN COUNTRY OR OUT OF THE STATE

## ARTICLE \* 740.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS FOR WILL HAVE EFFECTS MADE IN A FOREIGN COUNTRY OR OUTSIDE STATE OF MORELOS. Wills made in a foreign country or outside the State of Morelos, will produce effect in it when they have been formulated in accordance with the laws of the country in which they were awarded.

## ARTICLE \* 741.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTARIAL FUNCTIONS OF CONSULAR DIPLOMATIC AGENTS IN THE GRANTING OF WILLS OF MORELOS ABROAD. Legation secretaries, Consuls and Mexican vice-consuls may act as notaries or those in charge of the Registration, in the granting of the wills of the people of Morelos abroad, in the cases in which the testamentary dispositions must have their execution in the State of Morelos. The aforementioned officials will send an authorized copy of the wills that are presented to them. have granted, to the Ministry of Foreign Relations, for the purposes foreseen in the Civil Code for the Federal District.

## ARTICLE \* 742.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OLOGRAPHIC TESTAMENT

GRANTED ABROAD BY MORELENSES. If the will is holographic, the  
The official involved in your deposit will send it through the Secretary of Relations

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Foreign in a term of ten days, to the person in charge of the Public Registry of Property of the address indicated by the testator within the State of Morelos.

#### ARTICLE \* 743.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS RECEIPT OF DELIVERY OF WILLS MADE ABROAD. If the will is entrusted to the guardian of the legation secretary, consul or vice-consul, will mention that circumstance and give receipt of delivery.  
The role in which wills executed before diplomatic agents or consular offices, it will bear the stamp of the respective legation or consulate.

## TITLE FOUR OF THE LEGITIMATE SUCCESSION

### CHAPTER I GENERAL DISPOSITION

#### ARTICLE \* 744.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ASSUMPTIONS FOR THE OPENING OF THE LEGITIMATE INHERITANCE. The legitimate inheritance opens:  
I.- When there is no will, or it is non-existent;  
II.- When the will is null. In cases of both absolute and relative nullity, it is necessary that this be declared by sentence;  
III.- When the will has been revoked, without having been substituted by another;  
IV.- When a certain testamentary disposition has expired in relation to the heir or legatee, or when the expiration of all testamentary provisions. In the first case, the legitimate succession will be opened in terms of the assets corresponding to a portion hereditary or a legacy, insofar as the testamentary provisions relating thereto have expired with respect to the heir or legatee, or where appropriate are affected by non-existence, or have been declared void.  
In the second case, the legitimate succession will be opened with respect to all the assets of the inheritance;  
V.- When the testator has only part of his assets, as regards the part not willing.

#### ARTICLE \* 745.- Repealed

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#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INSUBSISTENCE OF THE HEIR INSTITUTION, THE WILL BEING VALID. When the valid testament should not subsist the institution of heir, will subsist, however, the other provisions made in it, and the legitimate succession will only include the assets that were owed correspond to the instituted heir.

#### ARTICLE \* 746.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CORRESPONDENCE OF ASSETS IN THE LEGITIMATE SUCCESSION. If the testator legally has only part of his assets, the rest of them form the legitimate succession. If the intestacy is not absolute, the part that legally has arranged by the testator, and the remainder will be divided in the manner provided for in the following articles.

#### ARTICLE \* 747.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE WITH RIGHT TO INHERIT. They have the right to inherit by legitimate succession:  
I. Descendants, spouses, ascendants, collateral relatives within the fourth degree, except Those whose conduct is included in accordance with the provisions of section VIII of the Article 542 of this Code; Y  
III.- In the absence of the above, the State of Morelos.  
**REFORMS IN EFFECT.-** Section I amended by Article One of Decree No. 1227 of 2000/08/30. POEM No. 4074 Section One of 2000/09/06. Validity: 2000/10/07.

#### ARTICLE \* 748.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF INHERITATION BY AFFINITY RELATIONSHIP. The kinship of affinity does not give the right to inherit.

#### ARTICLE \* 749.- Repealed

##### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXCLUSION OF REMOTE RELATIVES FOR THE NEIGHBORS. The closest relatives exclude the most remote in all cases of succession of descendants, ascendants, and collaterals, excepting only the cases of concurrence expressly indicated by the Law and the included in articles 754 and 773 of this Code.

#### **ARTICLE \* 750.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INHERITANCE TO PRORRATA OF RELATIVES OF THE SAME GRADE. Relatives who are in the same grade, they will inherit equally.

#### **ARTICLE \* 751.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPLICATION OF RULES OF RELATIONSHIP IN LEGITIMATE SUCCESSION. The lines and degrees of kinship are will be arranged by the provisions contained in Chapter II, Second Title, Second Book of this Code.

## **CHAPTER II OF THE SUCCESSION OF THE DESCENDANTS**

#### **ARTICLE \* 752.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EQUALITY OF CHILDREN BEFORE THE INHERITANCE TO THE DEATH OF THE PARENTS. If at the death of the parents they remain Only children in marriage, the inheritance will be divided between all equally.

#### **ARTICLE \* 753.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHILDREN'S COMPETITION

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CONUGE IN HERITAGE. When there are descendants with the surviving spouse, the latter the portion of a child will correspond to him, in accordance with the provisions of article 766 of this Code.

#### ARTICLE \* 754.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INHERITANCE COEXISTING CHILDREN OR DESCENDANTS OF HIGHER GRADE. If there are children and descendants of a later degree, the first will inherit by head and the second by lineage. The same will be observed in the case of descendants of pre-dead children, unable to inherit or who have waived inheritance.

#### ARTICLE \* 755.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INHERITANCE EXISTING ONLY HIGHEST GRADE DESCENDANTS. If only descendants of a later degree, the inheritance will be divided by lineage, and if in any of these there are several heirs, the portion that corresponds to it will be divided equally. In the event that a descendant of a subsequent degree has died leaving several heirs, the portion that corresponds to it will be divided between them in equal parts. Descendants of the third or subsequent degree will not have the right to inherit, when their immediate ascendant survives the author of the succession. In this case it will correspond to said Ascendant inherit exclusively the part that is legally attributed to him.

#### ARTICLE \* 756.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHILDREN'S COMPETITION WITH ASCENDANTS. Concurring children with ancestors, the latter will only have the right to food, which in no case may exceed the portion of one of the children.

#### ARTICLE \* 757.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INHERITANCE OF

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ADOPTED. The adoptee inherits as a child, but there is no right to succeed between the adoptee and the relatives of the adopter.

Participating adopting parents and descendants of the adoptee, the former will only have the right to food.

### CHAPTER III OF THE SUCCESSION OF THE ASCENDANTS

#### ARTICLE \* 758.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUCCESSION OF BOTH ASCENDANTS. In the absence of descendants and surviving spouse, the father and the mother in equal parts.

#### ARTICLE \* 759.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUCCESSION OF A ASCENDANCY. If there is only a father or mother, the one who lives will succeed the child in the entire inheritance.

#### ARTICLE \* 760.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUCCESSION OF ASCENDANTS DUE TO ABSENCE OF PARENTS. In the absence of father and mother, the closest ascendants in degree. If there are only ascendants of the same degree in a line, the inheritance will be divided equally; if there are of both lines, but of equal degree, half It will correspond to the paternal ascendants and the other half to the maternal ones. In each line the division will be made by heads, applying equal parts to the ascendants that form it.

#### ARTICLE \* 761.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE OF ASCENDING BY ONE OR BOTH LINES. If there are ascendants for both lines, the

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inheritance will be divided into two equal parts, and one will be applied to the ancestors of the paternal line and another to the mother's.  
The members of each line will divide among themselves, in equal parts, the portion that corresponds to them.

#### ARTICLE \* 762.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE OF ADOPTORS WITH PARENTS OF THE ADOPTATE. Participating adopters with ascendants of the adoptee, the inheritance of the latter will be divided equally between the adopters and the ancestors. The part of the ascendants will be applied between them, according to the previous rules.

#### ARTICLE \* 763.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE OF CONUGUE OF THE ADOPTED WITH THE ADOPTORS. If the spouse of the adoptee concurs exclusively with the adopters, two-thirds of the inheritance will correspond to the spouse, and the other third party to those who made the adoption.

#### ARTICLE \* 764.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RIGHT OF ASCENDANTS TO INHERIT THEIR DESCENDANTS. Ascendants, even when not are by marriage, they have the right to inherit their descendants, as long as duly verify recognition or admission.

#### ARTICLE \* 765.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION OF PARENT OR CHILD QUALITY FOR INHERITANCE. The simple recognition of author of the inheritance, considering someone as his father, entitles those who have legitimate interest in the succession, to challenge such act, being in charge of the evidence to the contrary of parenthood. As long as this is not proven, the recognized will have the right to inherit. When a child is recognized or admitted after he has acquired property whose amount, taking into account the personal circumstances of the person who recognizes or admits, make

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to reasonably suppose that it was such a fact that motivated the recognition or admission, it will be need to prove paternity or maternity by which he recognized, or admitted, or failing that by their heirs, so that the right to inheritance exists in the terms of the first part of this article.

In any case of recognition or admission of a descendant before his death, despite the challenge from a legitimate party, the one who recognizes or admits will have at least the right to maintenance, in the event that the recognition or admission has been made when the recognized or admitted he also had the right to receive them.

## CHAPTER IV OF THE SUCCESSION OF THE SPOUSE SUPERSTITE

### ARTICLE \* 766.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE HEREDITARY OF THE SPOUSE SUPERSTITE WITH DESCENDANTS. The surviving spouse, concurring with descendants, you will have the right of a child, even if you have assets. It The same will be observed if he concurs with adoptive children of the author of the inheritance. Only in the event that the surviving spouse has assets equal to or greater than those make up the hereditary liquid assets, you will not have the right to receive the part referred to in the paragraph previous.

### ARTICLE \* 767.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE HEREDITARY OF THE SPOUSE SUPERSTITE WITH ASCENDANTS. If the surviving spouse concurs with ascendants, the inheritance will be divided into two equal parts, of which one will be will apply to the spouse and the other to the ascendants.

### ARTICLE \* 768.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE HEREDITARY OF THE SPOUSE WITH BROTHERS OF THE AUTHOR OF THE SUCCESSION. Concurring the spouse with one or more siblings of the author of the succession, will have two thirds of the inheritance, and the remaining third will be applied to the sibling or divided equally among the siblings.

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**ARTICLE \* 769.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RIGHT OF THE DRIVER TO INHERIT EVEN HAVING OWN ASSETS. The spouse will receive the portions correspond according to the two previous articles, even if they have their own assets.

**ARTICLE \* 770.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TOTAL SUCCESSION OF CONUGE. In the absence of descendants, ascendants and siblings, the spouse will succeed in all goods.

## CHAPTER V OF THE SUCCESSION OF COLLATERALS

**ARTICLE \* 771.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRO-RATE SUCCESSION OF BROTHERS. In the absence of descendants and ascendants, if there are only siblings on both lines, they will happen in equal parts.

**ARTICLE \* 772.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE HEREDITARY OF HALF BROTHERS. If siblings with media concur brothers, those will inherit double portion than these.

**ARTICLE \* 773.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE OF

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SIBLINGS WITH COLLATERAL OR RELATIVES OF A LOWER GRADE. If siblings concur with nephews, children of siblings or pre-dead half-siblings, who are unable to inherit or who have renounced the inheritance, the former will inherit per head and the latter by lineage, taking into account the provisions of the previous article.

#### **ARTICLE \* 774.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUCCESSION OF THE CHILDREN OF THE BROTHERS IN LACK OF THESE. In the absence of brothers, his sons will succeed, dividing the inheritance by lineage, and the portion of each lineage by heads.

#### **ARTICLE \* 775.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUCCESSION OF THE CLOSEST RELATIVES DUE TO THE ABSENCE OF ALL THE PREVIOUS. In the absence of called in the previous articles, the next of kin will succeed within the fourth degree, without distinction of line, or consideration of the double bond, and they will inherit in equal parts.

### **CHAPTER VI OF THE SUCCESSION OF THE CONCUBINES**

#### **ARTICLE \* 776.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUCCESSION OF THE CONCUBINOS. The concubine and the concubine have the right to inherit each other, applying the provisions relating to the succession of the spouse, provided they have lived as if they were spouses during the five years immediately preceding their death or when have had children in common and provided that both have remained free from marriage during the concubinage.

If upon the death of the author of the inheritance several concubines or concubines survive him under the conditions mentioned at the beginning of this article, none of them will inherit.

### **CHAPTER VI OF THE SUCCESSION OF THE STATE**

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**ARTICLE \* 777.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITIONS OF THE SUCCESSION OF THE STATE. In the absence of the heirs designated in the previous chapters, will inherit the State, which will assign a third part of the inheritance to institutions of charity, instruction, social or professional action, whether of a public or private nature, established in the municipality of the deceased's domicile; another third part will apply to institutions of the same nature, but of general interest to the entire State; and the remaining third is it will apply to the latter for its public expenses.

Only in the event that the aforementioned institutions do not exist, a third part will be applied to the municipality that corresponds to the domicile of the deceased, for his public expenses and the two thirds remaining parts to the State, for the same purpose.

**TITLE FIVE  
PROVISIONS COMMON TO SUCCESSIONS  
LEGITIMATE TESTAMENTARY**

**CHAPTER I  
OF THE PRECAUTIONS TO BE TAKEN WHEN THE WIDOW  
REMAINS TAPE**

**ARTICLE \* 778.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL KNOWLEDGE OF THE PREGNANCY OF THE WIDOW. When the widow believes that after her husband's death she pregnant, will inform the Judge who knows of the succession, within the term of forty days, to notify those who have a right of such nature to the inheritance that must disappear or diminish by the posthumous birth.

**ARTICLE \* 779.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUEST TO THE JUDGE TO AVOID ASSUMPTION OF PART, INFANT OR VIABILITY. Those interested in referred to in the preceding article, they can ask the Judge to issue the appropriate measures to

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which is not.  
The Judge will take care that the measures that he dictates do not attack the modesty or the freedom of the widow.

### ARTICLE \* 780.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **It used to say:** NOTICE TO THE JUDGE ABOUT THE REALITY OF BIRTH. Whether or not the notice referred to in article 778 is given, to the time of childbirth is approaching, the widow must inform the Judge, so that let stakeholders know. They have the right to ask the judge to appoint a person who make sure of the reality of the delivery; the appointment should fall precisely on a doctor or a midwife.

### ARTICLE \* 781.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION OF PREGNANCY BY HUSBAND. If the husband acknowledged in a public or private instrument the certainty of the pregnancy of her consort will be exempt from giving the notice referred to in article 778 of this Code, but will be subject to complying with the provisions of the previous article.

### ARTICLE \* 782.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NO AFFECTION OF THE LEGITIMACY OF THE CHILD. The omission of the mother does not harm the legitimacy of the child, if by others legal means can be credited.

### ARTICLE \* 783.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FOODS OF THE WIDOW. A widow who becomes pregnant, even if she has property, must be provided with food with charge to the estate.

### ARTICLE \* 784.- Repealed

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#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FOOD REFUSAL

TO THE WIDOW FOR LACK OF JUDICIAL NOTICE. When the widow does not comply with the provisions of Articles 778 and 780 of this Code, the interested parties may deny them food when they have goods; but if the pregnancy is found to be true by subsequent inquiries, the food that stopped being paid.

#### ARTICLE \* 785.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NO RETURN OF FOOD BY THE WIDOW. The widow is not obliged to return the food received even when there has been an abortion or the pregnancy is not certain, except in the case that it has been contradicted by expert opinion.

#### ARTICLE \* 786.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL RESOLUTION ABOUT FOOD. The Judge will decide flat all matters relating to food in accordance with the previous articles, resolving in doubtful case in favor of the widow.

#### ARTICLE \* 787.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTIFICATION OF JUDICIAL DILIGENCES TO THE WIDOW. For any of the procedures carried out in accordance with the provisions of this Chapter, the widow must be heard.

#### ARTICLE \* 788.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUSPENSION OF THE DIVISION OF INHERITANCE. The division of the inheritance will be suspended until the delivery or until the maximum term of pregnancy elapses, but creditors may be paid by court order.

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## CHAPTER II OF THE OPENING OF THE INHERITANCE

#### ARTICLE \* 789.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OPENING OF THE INHERITANCE. The succession opens on the day and time of the death of the author of the inheritance. In the In cases of absence, the provisions of articles 890 to 895 of the Civil Procedure Code will be followed. If the absentee appears, the opening of the inheritance that has been made will be without effect and, if the day and time of his death will be fully verified, the effects resulting from the opening of the inheritance that has been made in a previous time, will be referred from the moment of the death.

#### **ARTICLE \* 790.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE INHERITANCE OPENING. At the time of the opening of the inheritance, all the legal effects related to the filing of the succession trial, the declaration of heirs and legatees, and the acquisition of property and possession of property and hereditary rights.

#### **ARTICLE \* 791.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACQUISITION OF PROPERTY POSSESSION OF THE PROPERTY INHERITED OR LEGACY BY OPENING THE INHERITANCE. From the opening of the inheritance, the heirs and legatees acquire the property and possession of the goods object of the inheritance or legacy, except what is provided for the legacies of indeterminate, but determinable thing, in which case the legatee will acquire the property and possession until the thing is determined, by the corresponding election. The heirs will acquire the assets and hereditary rights, always responding to the benefit of inventory, of the liability of the inheritance, for which purpose the aforementioned assets and rights will report a mortgage necessary in favor of creditors, as determined in the respective Chapter.

#### **ARTICLE \* 792.- Repealed**

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECOGNITION OF HEIRS OR LEGATORS. The Judge, when recognizing heirs or legatees, You must determine if they survived the author of the inheritance. Otherwise, you will declare that your rights to the inheritance or bequest have expired.

#### **ARTICLE \* 793.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CLAIM OF INHERITANCE. Not having appointed executor, each of the heirs can exercise, by the all of them and for the common benefit, the claim of inheritance, without being he may oppose the defense that the inheritance does not belong entirely to him. Having executor appointed, he must claim the inheritance, and, being delinquent in doing so, the heirs, after have required it judicially or before a notary, to claim it, they can directly try the claim, jointly or separately.

#### ARTICLE \* 794.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHARACTERISTICS OF THE INHERITANCE CLAIM. The right to claim the inheritance is transferable, hereditarily. This right prescribes within ten years, but it will be considered the prescription is interrupted when the heir is in possession of the hereditary assets, there is executed acts showing himself as such or has denounced the succession. The same will apply to legatees.

#### ARTICLE \* 795.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACCEPTANCE OF INHERITANCE OR LEGACY. The express or tacit acceptance of the inheritance or legacy interrupts the statute of limitations to claim the inheritance.

### CHAPTER III OF THE ACCEPTANCE OF THE REPUDIATION OF INHERITANCE

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#### ARTICLE \* 796.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO CAN ACCEPT OR REPUDIATE THE INHERITANCE. They can accept or repudiate the inheritance all who they have the free disposal of their goods.

The inheritance left to minors and other disabled people will be accepted by their representatives legal entities, who may repudiate it with judicial authorization, after hearing from the Public Ministry.

#### ARTICLE \* 797.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACCEPTANCE OR  
 REPUDIATION OF INHERITANCE BY MARRIED WOMAN. The married woman does not need  
 authorization of the husband to accept or repudiate the inheritance that corresponds to him. The common inheritance  
 it will be accepted or repudiated by the two spouses and in case of discrepancy, the judge will decide.

### ARTICLE \* 798.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FORMS OF ACCEPTANCE  
 OF THE INHERITANCE. Acceptance can be express or tacit. Acceptance is express if the  
 heir accepts with final words, and tacitly if he executes some deeds of which he  
 necessarily deduce the intention to accept, or those that he could not execute except with his  
 quality of heir.  
 Acceptance in no case causes confusion of the assets of the author of the inheritance and of the  
 heirs. All inheritance is understood to be accepted for the benefit of inventory, even if it is not stated.

### ARTICLE \* 799.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TYPES OF REPUDIATION  
 OF THE INHERITANCE. The repudiation must be express and made in writing before the Judge, or by  
 means of public instrument granted before a notary, when the heir is not in the  
 place of judgment.  
 The repudiation does not deprive the person who does it, if he is not the executor heir, of the right to claim the  
 legacies left to him.

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### ARTICLE \* 800.- Repealed

#### NOTES

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 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONDITIONS OF THE  
 ACCEPTANCE OR REPUDIATION OF THE INHERITANCE. No one can accept or repudiate without being  
 certain of the death of the one whose inheritance is concerned.  
 No one can accept or repudiate the inheritance in part, with term or conditionally.  
 If the heirs do not agree on the acceptance or repudiation, they may accept some and  
 repudiate others.  
 If the heir dies without accepting or repudiating the inheritance, the right to do so is transferred to his  
 successors.

### ARTICLE \* 801.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE  
 ACCEPTANCE OR REPUDIATION OF INHERITANCE. The effects of the acceptance or rejection of the  
 inheritance always goes back to the date of the death of the person from whom it is inherited.

### ARTICLE \* 802.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRESUMPTION OF  
 REPUDIATION OF INHERITANCE. He who is called to the same inheritance by will and by  
 legitimate succession, and repudiates it by the first title, it is understood to have repudiated it by both of them.

### ARTICLE \* 803.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACCEPTANCE OF  
 INHERITANCE BY TESTAMENTARY KNOWLEDGE. He who repudiates the right to succeed by  
 intestate without having notice of his testamentary title, he can, by virtue of this, accept the inheritance.

### ARTICLE \* 804.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
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 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF

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ALIENATION WAIVER ON LIVING PERSON SUCCESSION. No one can give up  
 the succession of a living person, or alienate the rights that may eventually have to his  
 inheritance.

### ARTICLE \* 805.- Repealed

#### NOTES

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 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GIVE UP INHERITANCE  
 CONDITIONED. Once the death of the one from whom it is inherited is known, the  
 inheritance left under condition, even if it has not been fulfilled.

### ARTICLE \* 806.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the  
 Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACCEPTANCE OR  
 REPUDIATION OF LEGACY INHERITANCES OF MORAL PEOPLE. People

moral capable of acquiring may, through their legitimate representatives, accept or repudiate inheritances, or legacies, but in the case of corporations of an official nature or private charities cannot repudiate inheritance, the former without approval judicial, after a hearing by the Public Ministry, and the second without being subject to the provisions Relatives of the Laws of Social Assistance.  
Public establishments cannot accept or repudiate inheritances without the approval of the superior administrative authority on whom they depend.

### ARTICLE \* 807.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INTEREST SO THAT THE HEIR ACCEPT OR REPUDI THE INHERITANCE. When someone has an interest in the heir declares whether he accepts or repudiates the inheritance, he may request, nine days after the opening of this, that the Judge fixes the heir a term that will not exceed one month, so that within it make your declaration, aware that, if you do not do so, the inheritance will be considered accepted.

### ARTICLE \* 808.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IRREVOCABILITY E

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UNIMPUGNABILITY OF ACCEPTANCE OR REPUDIATION. Acceptance and repudiation, a Once made, they are irrevocable, and cannot be challenged except in cases of fraud or violence.

### ARTICLE \* 809.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REVOCATION OF THE ACCEPTANCE OR REPUDIATION. The heir can revoke the acceptance or repudiation, when by an unknown will, at the time of making it, the quantity or quality of the inheritance.

In the case of the previous paragraph, if the heir revokes the acceptance, he will return all that may be received from the inheritance, observing with respect to the fruits, the rules relative to the holders.

### ARTICLE \* 810.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REMOVAL OF INHERITANCE TO THE DAMAGE OF CREDITORS. If the heir repudiates the inheritance to the detriment of his Creditors can ask the Judge to authorize them to accept on their behalf.

In the case of the previous paragraph, the acceptance will only take advantage of the creditors for the payment of their credits, but if the inheritance exceeds the amount of these, the excess will belong to whoever call the Law, and in no case the one who made the resignation.

Creditors whose credits were subsequent to the repudiation, cannot exercise the right granted by the first paragraph.

#### **ARTICLE \* 811.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** POSSIBILITY OF PREVENTING THE ACCEPTANCE OF CREDITORS OF THE REPUDOED INHERITANCE. The one who by repudiation of the inheritance must enter it, you can prevent creditors from accepting it, paying them the credits they have against the one who repudiated it.

#### **ARTICLE \* 812.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DECLARED HEIR

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FROM LEGATARY OR HEREDITARY CREDITOR. The one who at the behest of a legatee or hereditary creditor has been declared heir, it will be considered as such by the others, without the need for a new trial.

### **CHAPTER IV OF THE ALBACEAS**

#### **ARTICLE \* 813.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHARACTERISTICS OF EXECUTOR. The executors are the representative bodies of the hereditary joint ownership to act in the name and on behalf of the heirs or legatees in all matters relating to the defense and administration of hereditary assets. It also has the function of executing the provisions testamentary and represent the succession in court and out of it.

#### **ARTICLE \* 814.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO DO NOT THEY MAY WORK THE OFFICE OF ALBACEA. They cannot be executors, except in the case to be sole heirs:

- I.- The Magistrates and Judges who are exercising jurisdiction in the place where the succession;
- II.- Those who by sentence have been removed again from the position of executor;
- III.- Those who have been convicted of crimes against property;
- IV.- Those who do not have an honest way of living;
- V.- Those who do not have the free disposal of their property; Y
- VI.- Those who suffer any restriction in their ability to enjoy or exercise, which disables them totally or partially to carry out the position.

### ARTICLE \* 815.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** UNICITY OR PLURALITY OF ALBACEAS. The testator may name one or more executors.

### ARTICLE \* 816.- Repealed

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#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCEPT OF THE MAJORITY. The majority, in all the cases mentioned in this Chapter, and those related to inventory and partitions, will be calculated by the amount of the portions and not by the number of people. When the largest portion is represented by less than a quarter of the heirs for that there is a majority, it is necessary that the heirs that are necessary to form, vote with it, at least a quarter of the total number.

### ARTICLE \* 817.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHOICE OF ALBACEA. When the testator has not appointed executor or the appointed does not carry out the position, for the minor heirs will vote their legitimate representatives. If there is no majority, the executor will be appointed by the Judge, from among those proposed.

### ARTICLE \* 818.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPLICATION OF MAJORITY HYPOTHESIS TO THE TESTAMENTARY SUCCESSION. What is arranged in the two preceding articles will be observed also in intestacy cases and when the executor named is absent, for whatever reason.

**ARTICLE \* 819.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** UNIQUE HEIR AS EXECUTOR. The sole heir shall be the executor, if another has not been appointed in the will. If he is incapable, his guardian or the person exercising the fatherland will carry out the position power.

**ARTICLE \* 820.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** JUDICIAL APPOINTMENT

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FROM THE ALBACEA. When there is no heir or the appointee does not enter the inheritance, the Judge will appoint the executor, if there is no legatee.

In the case of the previous paragraph, if there are legatees, the executor will be appointed by them.

The executor appointed in accordance with the two preceding paragraphs will remain in his position for as long as that declared the legitimate heirs, they make the choice of executor.

**ARTICLE \* 821.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **It used to say:** ALBACEA NAMED BY THE LEGATARIES. When the entire estate is divided into legacies, the legatees They will appoint the executor.

**ARTICLE \* 822.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALBACEA CLASSES. The executor may be universal or special.

**ARTICLE \* 823.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ORDER IN THE EXERCISE OF THE ALBACEAZGO. When there are several appointed executors, the executor will be exercised for each of them, in the order in which they have been appointed, unless the testator has expressly provided that it be exercised by common agreement by all those named, since in this case they will be considered jointly.

**ARTICLE \* 824.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ALBACEAZGO JOINT. When the executors are jointly, only what they all do in consuno; what one of them does, legally authorized by the others, or what, in case of dissent, agree to the largest number. If there is no majority, the judge will decide. In cases of extreme urgency, one of the joint executors may practice, under his / her personal responsibility, acts that are necessary, giving immediate account to others.

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**ARTICLE \* 825.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ACCEPTANCE OF THE POSITION OF ALBACEA. The position of executor is voluntary; but whoever accepts it becomes the obligation to perform it.

**ARTICLE \* 826.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE WAIVER OF ALBACEA. The executor who resigns without just cause will lose what he has left the testator. The same will happen when the resignation is for just cause, if what is left to Executor is for the exclusive purpose of remunerating him for the performance of the position.

**ARTICLE \* 827.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXCUSES OF THE ALBACEA. The executor who presents excuses, must do so within six days following that in who had news of the testator's death. If you make your excuses after the deadline, It will be liable for the damages it causes. The executor who is present while deciding on his excuse, must perform the position under the penalty established in the previous article.

**ARTICLE \* 828.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO CAN

EXCUSING YOURSELF FROM ALBACEA CHARGE. They can excuse themselves from being executors:

- I.- Public servants;
- II.- The military in active service;
- III.- Those who are so poor that they cannot attend the executor without prejudice to their subsistence;
- IV.- Those who, due to poor health, or not knowing how to read or write, cannot attend duly the executor;
- V.- Those who are sixty years old; Y
- VI.- Those who are in charge of another executor.

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### ARTICLE \* 829.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF DELEGATE OR TRANSMIT THE OFFICE OF ALBACEA. The executor may not delegate the position that he has received, nor does it pass to his heirs by his death, but he is not obliged to act personally; may do so by agents acting under their orders, responding to the acts of these.

### ARTICLE \* 830.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION OF THE GENERAL ALBACEA TO DELIVER NECESSARY MEANS TO THE SPECIAL EXECUTOR. The General executor is obliged to deliver the necessary amounts or assets to the special executor so that he fulfills the part of the testament that is in his charge.

### ARTICLE \* 831.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NO ACCEPTANCE OF THE GOOD OR AMOUNT BY THE GENERAL EXECUTOR. If the fulfillment of the legacy depends on the term or of any suspensive condition, the general executor may resist the delivery of the good or quantity, giving guarantee to the satisfaction of the legatee or the special executor, that the delivery will be made in his due time.

### ARTICLE \* 832.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONSTITUTION OF MORTGAGE BY THE SPECIAL EXECUTOR. The special executor may also, on behalf of the

legatee, demand the constitution of the necessary mortgage.

## ARTICLE \* 833.- Repealed

### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE TO WHOM CORRESPONDS THE TRANSMISSION OF POSSESSION OF HEREDITARY ASSETS. The right the possession of hereditary assets is transmitted, by operation of the Law, to the heirs and the universal executors, from the moment of the death of the author of the inheritance, except as provided in article 158 of this Ordinance.

## ARTICLE \* 834.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATIONS OF THE GENERAL ALBACEA. The general executor's obligations are:

- I.- The presentation of the will;
- II.- The assurance of the inheritance assets;
- III.- The formation of inventories;
- IV.- The administration of the assets and the rendering of accounts of the executor;
- V.- The payment of mortuary, hereditary and testamentary debts;
- VI.- The partition and adjudication of the assets between the heirs and legatees;
- VII.- Deduct all claims that belong to the inheritance;
- VIII.- The defense, in court and out of it, as well as the inheritance and the validity of the will;
- IX.- The one to represent the succession in all the trials that have to be promoted in its name or that they are promoted against her; Y
- X.- The others imposed by the Law.

## ARTICLE \* 835.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DISTRIBUTION PROVISIONAL OF THE PRODUCTS OF HEREDITARY ASSETS. The executors, within the thirty days following the acceptance of the position, they will propose to the Judge the provisional distribution of the products of the hereditary assets, indicating the part of them that must be delivered to the heirs or legatees. For this provisional application, it is not necessary to formulate or approve the inventory.

The Judge, in a single hearing that must be summoned within the third day of presenting the proposal made by the executor, will approve or modify it, as appropriate, ordering immediate delivery to the interested parties of the products that correspond to them, without prejudice to the fiscal interest, according to what

determined by the relative Laws, or after it is insured.

## ARTICLE \* 836.- Repealed

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION OF THE ALBACEA A MONTHLY PRESENTATION OF THE PROVISIONAL DISTRIBUTION. The executor who does not present each month the provisional distribution of the products obtained in the same period, to as of the acceptance of your order, or that you do not deliver the products to the heirs and legatees that correspond to them, within the following ten days, are products obtained each month or at the end of other previous periods, he will be immediately dismissed from his position, at the request of any interested party or the Public Ministry, the Judge having to resolve their dismissal outright, in a hearing to which he will summon within the third day.

## ARTICLE \* 837.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GUARANTEE OF THE POSITION OF EXECUTOR. The executor is obliged, within the month following the acceptance of his order, to guarantee their handling with surety from a surety institution legally authorized to grant it, mortgage or pledge, or other sufficient guarantee, at the discretion of the Judge, in accordance with the following bases:

- I.- For the amount of real estate income in the last year and for the income of the capitals imposed during that same time;
- II.- For the value of movable property;
- III.- For the products of rustic farms in a year, calculated by experts, or for the term half a five-year period, at the discretion of the judge; Y
- IV.- In commercial and industrial negotiations for twenty percent of the amount of the merchandise and other movable effects, calculated by the books if they are kept in due form or in the opinion of experts.

## ARTICLE \* 838.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** GUARANTEE OF THE ALBACEA COHEREDERO. When the executor is also a joint heir and his portion is sufficient to guarantee, In accordance with the provisions of the preceding article, you will not be obliged to provide a special guarantee, as long as you retain your inheritance rights. If your portion is not enough to provide the guarantee in question, will be obliged to give a guarantee, mortgage or pledge for what is missing for complete that warranty.

## ARTICLE \* 839.- Repealed

### NOTES

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DISPENSE OF GUARANTEE FROM THE ALBACEA. The testator cannot release the executor from the obligation to guarantee its management; but the heirs, be they testamentary or legitimate, have the right to exempt the executor of the fulfillment of that obligation.

#### **ARTICLE \* 840.-** Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** TESTAMENTARY. If the executor has been named in a will and is in his possession, he must present it within eight days of the testator's death.

EXECUTOR

#### **ARTICLE \* 841.-** Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** I END THE ALBACEA TO FORMULATE INVENTORY. The executor must form an inventory within thirty days. If the position is accepted, if it does not do so, it will be removed.

#### **ARTICLE \* 842.-** Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION OF THE ALBACEA TO PREVENT EXTRACTION OF HEREDITARY ASSETS. The executor, before forming the inventory, will not allow the extraction of any good, if it is not that the property of others is the same will, by public instrument or by books kept in due form, if the author of the inheritance he would have been a merchant.

When the ownership of the property of another is established by means other than those listed in paragraph above, the executor shall limit himself to placing a note on the margin of the respective items that indicate the ownership of the property so that the property is discussed in the corresponding lawsuit. Violation of the two previous paragraphs will make the executor responsible for damages.

#### **ARTICLE \* 843.-** Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** FIXATION OF EXPENSES OF

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ADMINISTRATION. The executor, within thirty days of exercising his position, will fix, in agreement with the heirs, the amount to be used for the expenses of the administration and the number and salaries of dependents.

#### **ARTICLE \* 844.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SALE OF GOODS FOR THE ALBACEA DUE TO URGENT EXPENSES. If for the payment of a debt or other urgent expense If it is necessary to sell some assets, the executor must do so, in agreement with the heirs, and if this is not possible, with judicial approval.

#### **ARTICLE \* 845.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPLICATION OF PROHIBITIONS IMPOSED ON GUARDIANS FOR ALBACEAS. The provisions of the article 359 of this Code, with respect to guardians, will also be observed with respect to executors.

#### **ARTICLE 846.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROHIBITIONS GENERAL TO ALBACEA ON HEREDITARY ASSETS. The executor cannot alienate, encumber or mortgage the assets of the succession, compromise or compromise in arbitrators the inheritance business, or compel the succession through contracts, documents or titles of credit, without the consent of the heirs or legatees, where appropriate, representing a majority of interests, more judicial approval. The alienation, encumbrance, transaction or commitment in arbitrators will be non-existent without fulfilling these requirements. So will the obligations, contracts, documents or credit titles granted by the succession.

#### **ARTICLE \* 847.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DISPOSITION WILL ON POSSESSION LIQUIDATION OF HEREDITARY ASSETS BY THE EXECUTOR. The testator can order the executor to take possession of the hereditary assets and liquidates them to the extent necessary for the execution of the will and the payment of debts and

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hereditary charges. The alienation or lien made by the executor for this purpose, in compliance with the will of the testator, do not require the consent of the heirs or legatees in their case, nor the judicial approval.

#### ARTICLE \* 848.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEASE OF ASSETS OF THE SUCCESSION. The executor can only lease for up to one year the inheritance assets. To rent for a longer time you need the consent of the majority of the heirs or legatees as the case may be. The lack of consent of the majority of heirs or legatees, will cause the nullity of the contract.

#### ARTICLE \* 849.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PEOPLE TO WHOM POSSESSION OF HEREDITARY ASSETS CORRESPONDS. Possession of property It corresponds to the heirs or legatees where appropriate, unless otherwise provided by the testator; but the portion of assets necessary to fulfill the will and pay hereditary charges and debts, plus other responsibilities that would have been borne by the testator.

#### ARTICLE \* 850.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXECUTION OF LOADS HEREDITARIES IN FAVOR OF THE LEGATORY. The executor can sue the heirs or legatees for the execution of the charges that the testator may have imposed on them in favor of a legatee. This can also try the corresponding claim.

#### ARTICLE \* 851.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXERCISE OF CLAIMS OR RIGHTS RELATED TO THE INHERITANCE BY THE HEIRS OR LEGATORS. The heirs or legatees can try all claims or rights

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related to hereditary or legacy assets, which have not been expressly reserved to the executor by law or by the testator.

#### **ARTICLE \* 852.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBLIGATION OF THE ALBACEA OF DELIVERING ASSETS TO LEGATORY HEIRS. Whatever the disposition of the testator on the powers of the executor, or independently of the powers that correspond to him by law, must deliver to the heir or legatee who has the right and thus requests it, the assets of the estate, which are not evidently necessary for the fulfillment of its functions. The delivery terminates your right of administration with respect to those goods. On In this case, the heirs or legatees will not be able to dispose of the assets they receive, before credits or bequests are covered. The alienation carried out in contravention of This article will be subject to absolute nullity.

#### **ARTICLE \* 853.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXCLUSIVE MANAGEMENT OF EXECUTOR. The management of the rights of the estate whose administration has the executor, corresponds exclusively to the latter, without prejudice to the rights of the heirs or legatees to intervene in case of litigation.

#### **ARTICLE \* 854.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BIMESTRAL YIELD OF ACCOUNTS FOR THE ALBACEA. The executor is obliged to render an account of his executor. You will not be able to be reappointed, without your account having been approved. bimonthly. In addition, it will render the general executor account. You will also account for your administration, when for any reason ceases to be executor.

#### **ARTICLE \* 855.- Repealed**

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TRANSMISSION

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HEREDITARY TO ACCOUNTABILITY. The obligation that the executor has to give accounts, passes to his heirs.

#### ARTICLE \* 856.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE TESTAMENTARY CLAUSES THAT EXEMPT ALBACEA FROM FORMULATING INVENTORY OR TO BE ACCOUNTABLE. The provisions by which the testator exempts the executor from the obligation to take inventory or render accounts.

#### ARTICLE \* 857.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPROVAL DISSENT ON ALBACEA ACCOUNTS. Admin account must be approved for all heirs; whoever disagrees may follow the incident at his own expense, in the terms established in article 990, section VIII of the Civil Procedure Code.

#### ARTICLE \* 858.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PARTICIPATION OF PUBLIC MINISTRY IN THE APPROVAL OF ACCOUNTS. When the Public Charity or the heirs are incapable, the Public Ministry will intervene in the approval of the accounts.

#### ARTICLE \* 859.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE APPROVAL OF ACCOUNTS. Once the accounts are approved, the interested parties can celebrate their result, the agreements they want.

#### ARTICLE \* 860.- Repealed

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPOINTMENT FUNCTIONS OF THE CONTROLLER. The heir or heirs who have not been satisfied with the appointment of executor made by the majority, they have the right to appoint an auditor to watch over the executor.

If the dissatisfied minority is made up of several heirs, the appointment of controller will be made by majority of votes; and if a majority is not obtained, the appointment will be made by the Judge, choosing the controller of the persons proposed by the heirs of the minority.

The functions of this auditor shall be governed, as appropriate, by the provisions of article 988 of the Civil Procedure Code.

#### **ARTICLE \* 861.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ASSUMPTIONS OF APPOINTMENT OF THE CONTROLLER. An auditor must be appointed precisely:

- I.- Whenever the heir is absent or unknown;
- II.- When the amount of the legacies equals or exceeds the portion of the executor heir; Y
- III.- When bequests are made for objects or establishments of Public Charity.

#### **ARTICLE \* 862.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS TO BE CONTROLLER. The auditors must be of legal age and capable of binding themselves.

#### **ARTICLE \* 863.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DURATION OF THE POSITION OF CONTROLLER. The auditors will last as long as their appointment is not revoked.

#### **ARTICLE \* 864.-** Repealed

##### **NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REMUNERATION OF CONTROLLER. The auditors will have the remuneration that they agree with the heirs that

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appoint or, failing that or in case they are appointed by the Judge, the one indicated by the fraction V of article 988 of the Civil Procedure Code.

### ARTICLE \* 865.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TIME TO DEMAND PAYMENT OF HEREDITARY LEGACY CREDITS. Creditors and legatees may not demand the payment of your credits and legacies, until the inventory has been formed and approved, provided that it is formed and approved within the terms indicated by the Law; except in the cases prescribed in articles 880 and 881 of this Code, and those debts on which there is pending judgment when opening the succession.

### ARTICLE \* 866.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHARGE OF EXPENSES MADE BY THE ALBACEA. The expenses made by the executor in the fulfillment of his position, including attorney's fees, will be paid from the estate of the inheritance.

### ARTICLE \* 867.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DURATION OF THE POSITION OF EXECUTOR. The executor must fulfill his commission within one year, counted from its acceptance, or from the end of the litigation that is promoted on the validity or nullity of the will.

### ARTICLE \* 868.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXTENSION OF OFFICE OF ALBACEA. Only for just cause can the heirs extend the term to the executor indicated in the previous article, and the extension will not exceed one year. To extend the term of the executor, it is essential that the annual account has been approved executor, and that the extension is agreed by a majority representing two-thirds of the inheritance.

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**ARTICLE \* 869.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REMUNERATION TESTAMENTARY OF THE OFFICE OF ALBACEA. The testator can indicate to the executor the remuneration that it deems appropriate, without prejudice to creditors and those who have the right to maintenance.

**ARTICLE \* 870.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LEGAL REMUNERATION TO ALBACEA CHARGE. If the testator does not designate the remuneration, the executor will receive the fees established by article 988 section V of the Civil Procedure Code, and five percent on the industrial fruits of hereditary assets.

**ARTICLE \* 871.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CHOICE OF THE ALBACEA FOR THE PERFORMANCE OF YOUR COMMISSION. The executor has the right to choose between what the testator for the performance of the position and what the Law grants him for the same reason. If there are several and joint executors, the remuneration will be distributed among all of them; but are jointly distributed, the distribution will be made in proportion to the time that each has administered and the work he had had in the administration. If the testator jointly bequeathed to the executors something for the performance of his office, the part of those who do not admit this will be added to those who exercise it.

**ARTICLE \* 872.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAUSES OF TERMINATION OF THE CHARGES OF ALBACEA AND AUDITOR. The charges of executor and auditor end:

- I.- For the natural term of the order;
- II.- Due to the death of the executor or the controller;
- III.- Due to legally declared incapacity, including bankruptcy cases or contest of the executor or auditor;
- IV.- Due to illness or physical impossibility that the Judge qualifies as a sufficient impediment, taking into account the damage that the heirs or legatees may suffer;

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V.- Due to a declared absence, or when the whereabouts of the executor or controller are ignored, or are absent from the Republic for more than six months;

VI.- For an excuse that the Judge qualifies as legitimate, with a hearing of the interested parties;

VII.- Due to the expiration of the period indicated by law and the extensions granted to carry out the position;

VIII.- By revocation of their appointments, made by the majority of the heirs, or the legatees in the event that the value of the bequeathed goods is higher than that of the goods left in inheritance. Most will be computed by people and interests at the same time; Y

IX.- By removal.

In all these cases, as long as the appointment of executor is not provided, the succession will be represented by the unit of heirs or legatees, in terms of legal acts of ownership, or by the majority of people and interests, for acts of administration. In the case of trial said majority will represent the succession.

### ARTICLE \* 873.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TIME FOR

REVOCATION OF THE OFFICE OF ALBACEA OR AUDITOR. The revocation of the charges of executor or auditor can be done at any time.

### ARTICLE \* 874.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REVOCATION

UNJUSTIFIED OF THE ALBACEA. If the revocation is made without just cause, the executor removed has the right to receive what the testator has left him for the performance of the position or the percentage that corresponds to it according to article 870, taking into account the provisions in article 871, both of this Code.

### ARTICLE \* 875.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SPECIAL EXECUTION OF

ALBACEA BY TESTAMENTARY DISPOSITION. When the executor has received from the testator any special commission, in addition to following the probate trial to deliver the goods to the heirs, he will not be deprived of that commission by the revocation of the appointment of executor made by the heirs. In this case, it will be considered as a special executor and the provisions of article 830 of this Code.

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**ARTICLE \* 876.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUIREMENTS FOR REMOVAL OF THE OFFICE OF THE ALBACEA OR AUDITOR. The removal of the charges of executor or auditor, must be done after hearing, and the judge must designate the substitute That the majority of people and interests agree, in the same act. If not possible, the succession will be represented in the terms of the final paragraph of article 872 of this Order. The causes of mandatory removal of the executor shall be governed by the provisions of section IV of the Article 987 of the Civil Procedure Code.

**CHAPTER V****OF THE INVENTORY, YOUR FORMATION OF THE LIQUIDATION OF THE INHERITANCE****ARTICLE \* 877.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PROMOTION TRAINING OF THE INVENTORY. The final executor, within the term and form established by the Civil Procedure Code, will promote inventory formation. If the executor does not comply with the provisions of the previous paragraph, he will be removed and may promote the inventory formation any heir.

**ARTICLE \* 878.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** LIQUIDATION OF THE INHERITANCE. Once the inventory has been concluded and judicially approved, the executor will proceed to the liquidation of inheritance.

**ARTICLE \* 879.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NOTION OF DEBT HEREDITARY. Hereditary debts are those contracted by the author of the inheritance regardless of its final disposition and for which it is responsible with its assets.

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**ARTICLE \* 880.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the

Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PREFERENCE PAYMENT OF

DEBTS. In the first place, the mortuary debts will be paid, if they were not already, then they can be paid before inventory formation.

They are called mortuary debts, the funeral expenses and those that have been caused in the last disease of the author of inheritance.

Mortuary debts will be paid from the body of the inheritance.

### ARTICLE \* 881.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PREFERENCE IN THE PAYMENT OF INHERITANCE CONSERVATION EXPENSES. Afterwards, the expenses of rigorous conservation and administration of the inheritance, as well as alimony credits, which they can also be covered prior to inventory formation.

### ARTICLE \* 882.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SALE OF GOODS FOR THE PAYMENT OF PREFERENTIAL INHERITANCE DEBTS. If to make the payments of what speak the previous articles there is no money in the inheritance, the executor will promote the sale of movable property and even real estate, with the formalities that are respectively require.

### ARTICLE \* 883.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PAYMENT OF DEBTS DEMANDABLE. The hereditary debts that are due will be paid immediately.

### ARTICLE \* 884.- Repealed

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**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ORDER IN THE PAYMENT OF HEREDITARY DEBTS EXISTING OR NOT PENDING CONTEST. If there is pending any contest, the executor will not have to pay except in accordance with the graduation sentence of creditors.

Creditors, when there is no contest, will be paid in the order they are presented; but yes

Among those not presented there are some preferred ones, those who are paid will be required to

better right creditor surety.

#### ARTICLE \* 885.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PAYMENT OF LEGACIES. The Executor, once the inventory is concluded, will not be able to pay the legacies, without having covered or assigned assets enough to pay the debts, keeping the liens on the respective assets special they have.

#### ARTICLE \* 886.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CREDITORS PREFERRED. Creditors that appear after the legatees have been paid, only They will have a claim against them when there are not enough assets in the inheritance to cover your credits.

#### ARTICLE \* 887.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPLICATION REQUIREMENTS FOR THE SALE OF HEREDITARY ASSETS. The sale of hereditary assets for the payment of debts and legacies, will be made in public auction; unless the majority of stakeholders agree another thing.

The majority of the interested parties, or the judicial authority where appropriate, will determine the application that must be given at the price of the things sold.

## CHAPTER VI OF THE RIGHTS OBLIGATIONS OF THE HEIR

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#### ARTICLE \* 888.- Repealed

##### NOTES

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ORIGINAL POSSESSION OF HEIRS DERIVED FROM THE ALBACEA. Corresponds to the heirs the original possession of hereditary assets and rights. The executor will have derivative possession on behalf of those.

#### ARTICLE \* 889.- Repealed

**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** MOMENT WHEN THE HEIRS ENTER POSSESSION. The heirs come into possession of the property hereditary, for all legal purposes, from the day and time of the death of the author of the inheritance, even when they do not materially hold the assets or rights and ignore the opening of the succession, or their calling or recognition as heirs.

**ARTICLE \* 890.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BUDGET FOR EXERCISE OF PROCEDURAL CLAIMS BY THE HEIRS. In order to that the heirs can exercise the corresponding claims in defense of the assets hereditary or inheritance in general, when there is no executor, or he refuses to do so, it is necessary that said heirs have been judicially recognized.

**ARTICLE \* 891.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EQUIVALENCE OF THE HEREDITARY MASS TO THE CO-OWNERSHIP REGIME. The heirs will have respect to the hereditary estate the same rights and obligations that correspond to the co-owners and that establishes this Code.

**ARTICLE \* 892.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAUSEHABIENCE OF HEREDITARY MASS TO THE CO-OWNERSHIP REGIME. The heir, as successor to Universal title of the entire inheritance, when it is unique, or of an aliquot part of it, if they exist several, will be the owner, possessor, creditor or debtor of everything that the author of the succession was owner, holder, creditor or debtor, with the exception of those rights and obligations that they are extinguished with death.  
The fruits and products of the inheritance correspond fully to the heirs, and also  
The eventual rights that may correspond to the author thereof are transferred to them.

**ARTICLE \* 893.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** BUDGET FOR THE HEIR TRANSMITS HIS RIGHTS TO HIS HEIRS. The surviving heir

a single instant to the author of the inheritance, he transmits his rights to his own heirs, who like him, they have the power to accept or repudiate.

#### ARTICLE \* 894.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REQUEST OF PETITION OF INHERITANCE. The heir has a claim to claim the assets of the inheritance that are in the power of whoever has them as successor of the deceased, without sufficient right, although it has not been judicially declared. The claim proceeds, in the same case, against the heir who refuses to recognize the plaintiff as a joint heir, or against whoever claims to be so in concurrence with him.

This claim is called an inheritance petition.

#### ARTICLE \* 895.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** PEOPLE WHO CAN DEDUCT THE CLAIM FOR INHERITANCE REQUEST. The inheritance petition will be deducted by the testamentary or intestate heir, or by the one who takes his place in the provision estate; and it is also given against the executor or against the possessor of the hereditary things with the character of heir, or assignee of the latter and against whom no title claims possession of the hereditary asset, or intentionally ceased to possess it.

#### ARTICLE \* 896.- Repealed

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##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OBJECTIVE OF THE CLAIM FOR INHERITANCE REQUEST. The inheritance petition will be exercised so that it is declared heir the plaintiff, he is delivered of the hereditary assets with all that in fact and by right it corresponds, be compensated and be held accountable.

#### ARTICLE \* 897.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** PEOPLE AGAINST THAT THE INHERITANCE REQUEST IS ADDRESSED. The claim of inheritance petition against the one who has been declared heir, to exclude him fully, or to be recognized as a joint heir, as well as against the acquirer free of charge

of assets of the succession by acts celebrated with the apparent heir, and against any acquirer that cannot properly justify their right.

The claim for an inheritance petition also proceeds against the owner of assets that were in the possession of the deceased at the time of his death, if he does not have an acquisition title, and against who stole them from the inheritance or seized them without right.

### ARTICLE \* 898.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** APPLICATION OF RULES OF THE REVINDICATORY CLAIM TO THE INHERITANCE PETITION. I know apply to the inheritance petition the rules of the claim on the obligations of the holder of good or bad faith, expenses, improvements, restitution of fruits, responsibility for losses, and in general, all those that are not modified by this Chapter. It is considered for the effects declared here as possessor of bad faith, who knows, or should know that there are preferred heirs, co-heirs or legatees who have not been summoned so that they concur to deduct their rights.

### ARTICLE \* 899.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** POSSESSIONAL CLAIM OF THE HEIR. The heir also has a claim to possession to be maintained or reinstated in the possession of the inheritance or the assets that depend on it.

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As an acquirer with fair title and good faith, you have a claim so that, even when there is no prescribed, the thing with its fruits and accessions shall be restored by the possessor in bad faith; or the one having title of equal quality has been held for less time than the heir. This claim does not apply in cases where both possessions were doubtful, or the defendant had his title registered and the author of the inheritance not, as well as against the legitimate owner.

### ARTICLE \* 900.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** AGREEMENTS OF THE HEIRS ON INHERITANCE ADMINISTRATION. Even though the executor is finds in the possession and administration of the assets, at all times, the heirs who make up the majority of interests and people, or the legatees where appropriate, can agree on all the measures that they deem convenient for said administration of the inheritance, being empowered to execute them directly through the heir or legatee designated for this purpose.

### ARTICLE \* 901.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE ACCEPTANCE OF THE INHERITANCE. By virtue of the acceptance of the inheritance, a separation between the personal assets of the heir and the hereditary assets. The relationships The personal legal relationships of the heir will be different from the active and passive legal relationships of the inheritance, as regards the credits, obligations and charges thereof.

#### ARTICLE \* 902.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE OF THE HEIRS TO THE HEARING ON ADMINISTRATION CONSERVATION OF ASSETS HEREDITARIES. The heirs are obliged at the request of either of them or of the executor, to attend a hearing indicated by the Judge of the succession, in order to discuss the measures that are convenient for the administration and conservation of hereditary assets. At this hearing, all necessary agreements can be made for the conservation of the inheritance rights and the corresponding claims, and the Judge will authorize the executor or the representative appointed by the majority of interests and people, to carry out the agreed measures.

#### ARTICLE \* 903.- Repealed

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##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CONCURRENCE OF HEIRS FOR POSSIBLE FRAUD OR INJURY OF CREDITORS BY THE EXECUTOR. At the request of any creditor whose right is duly established, the Judge may summon the heirs, when there is a well-founded fear that they or the executor will execute any act of fraud or damage to creditors. At said hearing, according to the solvency status or insolvency of the succession and the danger of fraud to creditors, the Judge may authorize or deny the celebration of the act or acts to which the creditor's complaint refers. In any case, the succession to enter into the act or contract, if it guarantees with surety, pledge or mortgage the rights of the creditor or creditors that may be harmed.

#### ARTICLE \* 904.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** OPPOSITION OF HEREDITARY CREDITORS TO THE PAYMENT OF A HEIR WITH ASSETS OF THE INHERITANCE FOR PERSONAL DEBTS. The creditors of the inheritance can validly oppose the payment that an heir intends to make or that an heir has made, with the assets of the estate, for pay off your personal debts. If for this purpose he requests that a hearing be summoned under the terms of the

previous article and the payment is not made, the Judge will deny the authorization for  
 it. If the payment has been made, at the request of any creditor or legatee who  
 is harmed, the nullity of the incident will be declared prior to the respective incident. The quoted  
 Incident will be processed before the Judge of the succession and in relation to the hereditary trial.

### ARTICLE \* 905.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RESPECT FOR ACTS OF ADMINISTRATION OF THE POSSESSOR OF THE INHERITANCE IN FAVOR OF THIRD PARTY. The heir is obliged to respect the acts of administration that the holder of the inheritance in favor of a third party, as long as there is good faith on the part of both. I know considers that the holder of the inheritance is in good faith, when by mistake of fact or law he is believed to be the legitimate successor of the assets of the succession in question and whose possession he has. The third party will be considered in good faith when it ignores that the owner of the inheritance lacks rights in relation to it.

The acts of alienation of assets for consideration made by the owner of the inheritance, in favor of a third party, will be valid with respect to the heir or heirs, unless said third party has acted in bad faith. The acts of alienation free of charge, will be null even when there has been good faith in the third party and in the transferor.

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## CHAPTER VII OF THE PARTITION

### ARTICLE \* 906.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PARTITION PROECT OF INHERITANCE. Approved the inventory, and once the hereditary liability is settled, the executor must make the partition of the inheritance immediately. Any of the heirs can also demand to proceed to the partition; to which the Judge must agree, setting a prudent term so that formulate it, and warning him that if he does not do so, any of the heirs will present the respective project.

By unanimous agreement of all the heirs, legatees and creditors of the inheritance, you can make the partition of the same before the inventory is legally formulated and liquidated the liability, but in this case the heir or heirs will have to grant a guarantee quite at the discretion of the Judge, given the value of the hereditary assets, to respond in the event that there is disregarded creditors.

### ARTICLE \* 907.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** IMPOSSIBILITY OF FORCING THE INDIVISION TO THE HEIRS. No heir may be obligated to remain in the undivided property, not even by express prevention of the testator.

### ARTICLE \* 908.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** SUSPENSION OF THE PARTITION. The partition may be suspended by virtue of the express agreement of the interested parties. Having incapacitated among them, the guardian and the Public Ministry must be heard, and the order in which approve the inventory, you will determine how long the indivision should last.

### ARTICLE \* 909.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** DELIVERY OF GOODS BY TESTAMENTARY DISPOSITION. If the author of the inheritance provides in his will that someone heir or legatee are given certain assets, the executor, approved the inventory, them will deliver those goods, provided that they guarantee sufficient responsibility for the expenses and charges general inheritance, in the proportion that corresponds to them.

### ARTICLE \* 910.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PARTITION OF THE AUTHOR OF THE HERITAGE. If the author of the inheritance makes the partition of the assets in his will to her must be, except third party right.

### ARTICLE \* 911.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** ABSENCE OF PARTITION FROM THE AUTHOR OF THE INHERITANCE. If the author of the succession did not determine how they should be distributed your goods and it is a negotiation that forms an agricultural, industrial or commercial unit, if there are farmers, industrialists or merchants among the heirs, the negotiation, provided that they can give the other joint heirs in money the part that they corresponds. The trading price will be fixed by experts. The provisions of this article do not prevent the joint heirs from entering into the agreements they deem relevant.

**ARTICLE \* 912.- Repealed**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** RECIPROCAL FERTILIZERS OF FRUIT INCOME BETWEEN COHEREDEROS. Co-heirs must pay each other the income and fruits that each one has received from the hereditary assets, the useful expenses and necessary and damages caused by malice or negligence.

**ARTICLE \* 913.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PENSION PAYMENT DERIVED FROM INHERITANCE. If the testator has bequeathed any pension or life annuity, without

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tax with it in particular an heir or legatee, it will be capitalized at nine percent per year, and a capital or fund of equal value will be set aside, which will be delivered to the person who should receive the pension or rent, who will have all the obligations of mere usufructuary. The same i know will observe when it comes to alimony referred to in article 584 of this Code.

In the partition project, the part of the capital or fund assigned to the pension will be expressed, corresponds to each of the heirs after it expires.

**ARTICLE \* 914.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TERMINATION OF THE INHERITANCE BY AGREEMENT. When all the heirs are older, and the interest of the Treasury, if any, is covered, the interested parties may separate from the prosecution of the trial and adopt the agreements they deem convenient for the arrangement or termination of the will or intestate.

**ARTICLE \* 915.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PARTITION ON USE OR ENJOY HEREDITARY ASSETS. Interested parties can agree on the partition regarding the enjoyment or use of hereditary assets, leaving the undivided ownership to subsist.

**ARTICLE \* 916.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE

PARTITION FOR LACK OF JUDICIAL INTERVENTION. The partition will be judicial, under penalty of nullity:

I.- When there are incapacitated, or emancipated minors interested;

II.- When the deceased was declared absent and definitive possession of his property was given to the heirs;

III.- When there are absent heirs or legatees. For the purposes of this fraction, they consider those who are not present to be absent, although their existence is not doubtful;

IV.- When third parties, based on a legal interest, judicially oppose it being done private partition; Y

V.- When capable heirs do not agree on a private partition.

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Capable heirs may at all times be separated from the judicial partition by resolution unanimous.

#### ARTICLE \* 917.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PARTITION WITH EXISTENCE OF DISABLED. When there are incapacitated, the Judge will approve or deny the agreement partition, hearing the Public Ministry. If the incapacitated are duly represented and the Public Ministry gives its consent, the Judge will approve the partition agreement.

#### ARTICLE \* 918.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EXPENSES FORMALITIES OF THE PARTITION. The partition will be recorded in a public deed, provided that the inheritance has goods whose disposal must be done with this formality. The expenses of the partition will be deducted from the common fund; those made for the particular interest of any of the heirs or legatees, will be imputed to his credit.

### CHAPTER VIII OF THE EFFECTS OF PARTITION

#### ARTICLE \* 919.- Repealed

##### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before I said:** GENERAL EFFECTS OF THE PARTITION. The legally made partition fixes the portion of hereditary assets that corresponds to each of the heirs, ending the joint ownership that originates the inheritance. The effect of the partition is declarative regarding the transfer of the domain in favor of the

heirs and with respect to the assets in general as an undivided mass, and attributive of property in as to the specific assets of the inheritance that in each case apply to the heirs.

### ARTICLE \* 920.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INDEMNIFICATIONS

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RECIPROCAS. When, for reasons prior to the partition, any of the joint heirs were deprived of all or part of his assets, the other joint heirs are obliged to indemnify him that loss, in proportion to their hereditary rights.

The portion that must be paid to the person who loses his part will not be the one represented by his credit primitive, but that which corresponds to it, deducting the lost part from the total inheritance.

### ARTICLE \* 921.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CESSATION OF THE RECIPROCAL INDEMNIFICATIONS. The obligation referred to in article 920 will only cease in the following cases:

- I.- When individually determined assets have been left to the heir, of which it is private;
- II.- When when the partition is made, the joint heirs expressly renounce the right to be indemnified; Y
- III.- When the loss is caused by the fault of the heir who suffers it.

### ARTICLE \* 922.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** INSOLVENCY OF INHERITOR. If any of the joint heirs is insolvent, the quota with which he had to contribute It will be shared among the others, even the one who lost his share. Those who pay for the insolvent will keep their claim against him, for when his fortune.

### ARTICLE \* 923.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:** EFFECTS OF THE ALLOCATION OF RECEIVABLE CREDITS. If a credit is awarded as collectible, the heirs are not liable for the subsequent insolvency of the hereditary debtor, and are only responsible for their solvency at the time of the partition.

**ARTICLE \* 924.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481

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Second Section of 2006/09/06. Valid 2006/10/01. **I used to say:**  
LIABILITY FOR BAD CREDITS. For bad debts there is no  
responsibility.

LACK OF

**ARTICLE \* 925.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** POSSIBILITY OF  
HEIR TO REQUEST THE BENEFIT OF THE OTHERS. The heir  
whose hereditary assets are seized, or against whom a sentence is pronounced in court  
because of them, he has the right to ask his joint heirs to guarantee the responsibility that  
It may result in them and, if not, that they are prohibited from alienating the goods they received.

**ARTICLE \* 926.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481  
Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** REGISTRATION OF THE  
PARTITION. The partition must be registered in relation to each property included in it, and,  
Meanwhile it is not done, it will not produce effects to the detriment of a third party, and creditors and  
legatees enforce their rights over the hereditary assets as if it had not existed  
partition.

**ARTICLE \* 927.- Repealed****NOTES**

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Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** PRETENSION OF  
LEGATORY CREDITORS AFTER THE PARTITION IS MADE. Creditors and  
legatees who appear after the partition has been made, will have claim, for the whole,  
on the assets of the inheritance that are in the power of the heirs, as if there were no  
there has been partition, except for the rights constituted in favor of third parties after registration.  
The creditors will have, in the same case, a claim against the legatees, in the part that does not  
their credits are covered with the assets of the inheritance. In all the above cases,  
the claim of undue enrichment proceeds.

**CHAPTER IX  
OF THE TERMINATION NULLITY OF PARTITIONS.**

**ARTICLE \* 928.- Repealed**

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**NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** CAUSES OF TERMINATION OR NULLITY OF PARTITIONS. Partitions can be terminated or bypassed by the same causes as obligations and contracts.

**ARTICLE \* 929.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE PARTITION REQUESTED BY THE PREFERRED HEIR. The bypassed heir has the right to request the nullity of the partition. Once this has been decreed, a new partition will be made so that it perceives the part that corresponds to him.

**ARTICLE \* 930.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE PARTITION DUE TO THE EXISTENCE OF A FALSE HEIR. The partition made with a false heir is void as soon as it is related to him, and the part that was applied to him will be distributed among the heirs.

**ARTICLE \* 931.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** EFFECTS OF OMISSION OF GOODS ONCE THE PARTITION IS MADE. If the partition was made, some goods omitted in it, a supplementary division will be made, in which the provisions contained in this Title.

**ARTICLE \* 932.- Repealed****NOTES**

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** NULLITY OF THE PARTITION DUE TO THE ABSENCE OF INTERVENTION OF ALL THE HEIRS. The partition in which not all the heirs have participated.

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The final partition that has not been made before the Judge in the cases previously indicated, or in violation of the prescribed forms, will be void; but it can be used as a partition provisional regarding the use of the goods.

The invalidity due to non-observance of the form can be validated by ratification in which note the omitted formalities.

The latter will be relative and the general provisions will be applicable to it. contained in this Code for invalidity of this class.

The nullity that affects the partition that has not been made before the Judge in the cases provided for in article 916 of this Regulation.

## CHAPTER X OF THE HEREDITARY TRANSMISSION OF RIGHTS NO HERITAGE.

### ARTICLE \* 933.- Repealed

#### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** AUTHOR'S DISPOSITION OF THE INHERITANCE ON ITS FUNERIES SEPULCRO. The author of the inheritance may have by will, or by writing signed by him, the manner and circumstances of his funeral. He can also order the erection of his grave for himself or for family burial. In the absence of express provisions of the testator or author of the inheritance, the rules will be observed following:

I.- The burial of the deceased in the grave of his family is the burden of the hereditary mass, and in default of this, in the tomb that will be built according to the circumstances and capacities of the inheritance, the Judge determining what is conducive in case of disagreement between the heirs or legatees;

II.- The grave that is made, or that already exists at the death of the deceased, may not be subject to alienation or assignment, for onerous or gratuitous title;

III.- The heirs do not have the right to authorize the burial of any person who is not a spouse, blood relative or by adoption of the originator of the inheritance;

IV.- Nor will the heirs have the right to proceed with the exhumation of the corpses buried, unless it had been in violation of the previous rule;

V.- Burial concessions and exhumation will be governed by the provisions conducive administrative;

VI.- Graves cannot be divided between heirs or legatees, nor are they seizure; Y

VII.- Objects that constitute family memories, trophies and decorations personal, papers and correspondence of the deceased, will not be a matter of hereditary division and They must remain in the deposit of the heir who is determined by unanimous agreement. Failing that, It will be appointed by the Judge.

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## ARTICLE \* 934.- Repealed

### NOTES

**CURRENT REFORM.-** Repealed by Fifth Transitory Article of the Family Code for the Free and Sovereign State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4481 Second Section of 2006/09/06. Valid 2006/10/01. **Before it said:** TRANSMISSION HEREDITARY OF NON-PATRIMONIAL RIGHTS. They will be the object of hereditary transmission personal rights of non-patrimonial content that do not suppose skills or qualities exclusive to the author of the inheritance. In the same sense, the objects of hereditary transmission will be personal obligations of non-patrimonial content, that do not imply qualities or aptitudes exclusive of the deceased.

Power rights are hereditarily transferable through the appointment of a guardian testamentary. The same rights are transmitted, in the event that a guardian is not named testamentary, in favor of the grandparents, in the terms prescribed by article 259 of this Code.

Civil status rights are transferable by inheritance to legitimate heirs, in cases referred to in articles 212 second and third paragraphs, 220 and 221 of this Code.

## BOOK FOUR OF THE GOODS OF REAL RIGHTS

### TITLE ONE GENERAL DISPOSITION

#### SINGLE CHAPTER OF PROPERTY REAL RIGHTS

**ARTICLE \* 935.-** OBJECT OF THE PROPERTY. They can be subject to appropriation all things that are not excluded from trade.

Things may be out of trade by their nature or by disposition of the law.

They are out of commerce by their nature those that cannot be owned by any individual exclusively, and by provision of the Law those that she declares irreducible to private property.

**ARTICLE 936.-** CONCEPT OF EQUITY . Heritage is the set of goods, obligations and rights appreciable in money that constitute a legal universality.

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Subjective rights are considered assets when they are susceptible to pecuniary appreciation, including as such real rights and personal or credit.

**ARTICLE 937.- NOTION OPPOSITION OF REAL RIGHTS.** The real law is a legal power that is directly and immediately exercised over a good for its total or partial use or in guarantee functions, being This power can be enforced against third parties by virtue of a legal relationship that is established between the latter and the owner of the right. In real rights other than the property and privileges of the author, the aforementioned legal power is also opposable to the owner of the property subject to the lien, who as a taxpayer certain reports real obligations of a patrimonial nature, positive or negative.

**ARTICLE 938.- TYPES OF ASSETS.** The goods are movable or immovable and of the domain of the Public Power or individuals.

## SECOND TITLE OF THE DIFFERENT TYPES OF GOODS

### CHAPTER I OF REAL ESTATE

**ARTICLE 939.- CLASSES OF REAL ESTATE.** The goods are immovable by its nature, by its destiny, by the object on which the right rests and by determination of the Law.

**ARTICLE 940.- LISTING OF REAL ESTATE.** They are goods estate:

- I.- The soil and the constructions attached to it;
- II.- The plants and trees, as long as they are attached to the earth, and the fruits slopes of the same trees and plants as long as they are not separated from them by harvests or regular cuts;

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- III.- Everything that is attached to a property in a fixed way, so that it does not can be separated without deterioration of the same property or of the object attached to it;
- IV.- Statues, reliefs, paintings or other ornamentation objects, placed in buildings or estates by the owner of the property, in such a way that reveal the purpose of permanently joining them to the estate;
- V.- Lofts, beehives, fish ponds or similar hatcheries, when the owner keeps them for the purpose of keeping them attached to the farm and forming part of it permanently;
- VI.- The machines, glasses, instruments or utensils intended by the owner of the farm directly and exclusively to the industry or exploitation of the herself;
- VII.- The fertilizers destined to the cultivation of an inheritance, that are in the lands where they are to be used, and the seeds necessary for the cultivation of the farm;
- VIII.- Electrical devices and accessories attached to the ground or buildings by the owner of these, unless otherwise agreed;
- IX.- The springs, ponds, reservoirs and water currents, as well as the aqueducts and pipes of any kind that serve to conduct the liquids or gases to a farm, or to extract them from it;
- X.- The animals that form the foot of the breeding in the rustic properties destined totally or partially to the livestock industry, as well as the work animals indispensable for the cultivation of the farm, while they are destined to that object;
- XI.- Dams and constructions that, even when floating, are destined by their object and conditions to remain in a fixed point of a river or lake;
- XII.- Real rights over real estate; Y
- XIII.- The rolling stock of the railways, telephone and telegraphic lines and fixed radiotelegraph or television stations.

**ARTICLE 941.- RECONVERSION OF MOVABLE ASSETS.** The goods that are movable by their nature, but which have been considered immovable in accordance with the provisions of the previous article, they will once again be considered as furniture when the owner himself separates them from the building or property; except in the case that in the value of these, that of the former has been computed, to constitute some real right in favor of a third party. In this case, said third party will have the real claims of persecution, sale and preference in the payment that conforms

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to law correspond according to the nature of the tax that has been constituted.

## CHAPTER II OF MOVABLE PROPERTY

**ARTICLE 942.- GENRES OF MOVABLE PROPERTY.** The goods are movable by its nature, by provision of the Law, in advance, or by the object on the which is the right.

**ARTICLE 943.- MOVABLE PROPERTY BY ITS NATURE.** They are furniture by their nature, the bodies that can be moved from one place to another, move by themselves, already by the effect of an external force.

**ARTICLE 944.- MOVABLE PROPERTY BY THE MINISTRY OF LE.** They are goods furniture by provision of the Law personal or credit rights, and the procedural claims relating to them, as well as real rights on movable things and the corresponding procedural claims; furthermore, the Nullity and termination claims that can be valued in cash.

The shares that each partner has in the associations or societies, even if they belong to some assets estate.

Copyright is considered movable property.

In general, all other assets are not considered by the Law as real estate.

**ARTICLE 945.- MOVABLE PROPERTY BY ADVANCE.** They are movable property in advance those who have been employed in a construction or building, when it is already in the process of being demolished, for legal purposes subsequent events that are related to the acts or contracts that are celebrated for this purpose.

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They are also considered as furniture in advance, for the purposes of the pledge contract, the fruits that, having to be collected in a specified time, pending real estate.

**ARTICLE 946.-** MOVABLE PROPERTY FOR THE PURPOSE ON WHICH RECAE THE RIGHT. They are movable property due to their object, obligations and rights or claims that have as object movable things or quantities enforceable by virtue of personal claim.

**ARTICLE 947.-** TYPES OF MOVABLE PROPERTY. The boats around gender are movable property.

The materials from the demolition of a building, and those that have been stockpiled to repair it or to build a new one, they will be furniture as long as they are not have been used in manufacturing.

**ARTICLE 948.-** LEGAL USE, CONTRACTUAL IN ACTS, OF THE NAME OF MOVABLE PROPERTY. When in a provision of the Law or in acts and contracts use the words movable property, they will be understood under that denomination those listed in the previous articles.

**ARTICLE 949.-** MOVABLE PROPERTY IN ROOM HOUSE. When used the words movable or movable property of a house, those that form the trousseau and utensils of this and that serve exclusively and properly for the use and ordinary treatment of a family, according to the circumstances of the people who integrate it. Consequently, they will not be understood: money, documents and papers, scientific and artistic collections, books and their shelves, medals, weapons not prohibited by the laws of the matter, instruments of arts and crafts, jewelry, any kind of clothing of use, grains, broths, merchandise and other similar things.

**ARTICLE 950.-** MOVABLE PROPERTY BY WILL OR PROVISION BY AGREEMENT. When the drafting of a will or an agreement is find out that the testator or the contracting parties have given the words movable or movable property a meaning other than that set in the articles above, the provisions of the will or agreement will be followed.

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**ARTICLE 951.- FUNGIBLE NON- FUNGIBLE MOVABLE ASSETS.** The goods they are expendable or non-expendable. Those who can be replaced by others of the same species, quality and quantity, in relation to a payment, contract or legal act.

Non-expendable items are those that cannot be replaced, in the same conditions, by others of the same species, quality and quantity.

### **CHAPTER III OF THE ASSETS CONSIDERED ACCORDING TO THE PEOPLE TO WHOM THEY BELONG**

**ARTICLE 952.- PRIVATE PUBLIC ASSETS.** The goods are the domain of the Public Power or property of individuals.

**ARTICLE 953.- GENRES OF PUBLIC ASSETS.** They are property of the domain Public Power those that belong to the Federation, the States or the Municipalities.

Assets owned by the Public Power are governed by Administrative Laws on the matter and, in matters not provided for in them, by this Code.

The assets belonging to the State of Morelos will be governed by the provisions of this Code insofar as it is not determined by special laws.

**ARTICLE 954.- PROPERTY OF PRIVATE DOMAIN.** They are property assets of individuals all things whose domain legally belongs to them, and of those that cannot be taken advantage of without the consent of the owner or authorization of the Law.

### **CHAPTER IV OF THE ASSETS SHOWN**

**ARTICLE 955.- NOTION OF ASSETS SHOWN.** They are mostrencos goods abandoned furniture and lost furniture whose owner is ignored.

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**ARTICLE 956.- DELIVERY OF THE LOST OR ABANDONED THING.** The fact that If you find a lost or abandoned thing, you must deliver it within three days to the municipal authority of the place or the closest one, if the finding is verified in deserted.

**ARTICLE 957.- DEPOSIT, ANNOUNCEMENT AUCTION OF LOST ASSETS WITHOUT ATTENDING THE CLAIMANT.** The authority will of course order that the thing found is appraised by experts, and will deposit it demanding formal and detailed receipt.

Whatever the value of the thing, notices will be posted for a month, ten in ten days, in public places at the head of the municipality, announcing that at the expiration of the term, the thing will be auctioned if the claimant does not appear.

If the thing found is one of those that cannot be preserved, the authority will dispose of course its sale and will have the price deposited. The same will be done when the conservation of the thing may cause expenses that are not related to its value.

**ARTICLE 958.- CLAIM OF THE LOST OR ABANDONED THING WITHIN THE LEGAL PERIOD.** If during the designated period I present anyone claiming the thing, the municipal authority will send all the data of the case to the competent Judge, according to the value of the thing, before whom the claimant it will prove its claim, intervening as a defendant the Public Ministry.

**ARTICLE 959.- JUDICIAL DECLARATION OF OWNER DELIVERY OF THE LOST THING.** If the claimant is declared the owner, the thing or its price, in the case of article 957 third paragraph of this Code, with deduction expenses.

**ARTICLE 960.- REWARD WHO I FIND I KEEP THE THING.** If he claimant is not declared owner, or if after a period of one month, counted from the first publication of the notices, no one claims ownership of the thing, This will be sold, giving you a quarter of the price at which you found it and the other three-quarters being destined to the charitable establishment that

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designate the Government. The expenses will be distributed among the successful bidders in proportion to the part they receive.

When for any special circumstance it is necessary, in the opinion of the authority, the preservation of the thing, the one who found it will receive a quarter of the price. The sale will always be made at a public auction.

## CHAPTER V OF THE VACANCY ASSETS

**ARTICLE 961.-** CONCEPT OF VACANT ASSETS. Are vacant assets properties that do not have a certain and known owner.

**ARTICLE 962.-** COMPLAINT OF VACANT ASSETS. Whoever has news of the existence of vacant assets in the State of Morelos, and would like to acquire the part that the Law gives to the discoverer, will make the complaint of them before the Public Ministry of the place of the location of the goods.

**ARTICLE 963.-** INTERVENTION OF THE PUBLIC MINISTRY OF THE JUDGE COMPETENT FOR ALLOCATION OF VACANCY ASSETS. The ministry The public, if it deems appropriate, will deduct before a competent judge, according to the value of the assets, the corresponding claim, so that declared vacant, the awarded to the State. The person who made the complaint will be considered a third party adjuvant.

The complainant will receive a quarter of the cadastral value of the assets that report; observing the provisions of the final part of article 960 of this Code.

**ARTICLE 964.-** SANCTION FOR ILLEGAL SEIZURE. The one that seizes of a vacant property without complying with the provisions of this chapter, will pay a fine up to three hundred times the general daily minimum wage in force in the region, without prejudice to the penalties indicated by the respective Law.

## TITLE THREE OF POSSESSION

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**ARTICLE 965.- NOTION OF POSSESSION.** Possession of a thing is a might in fact by virtue of which a person retains it and performs acts on it harvesting or custodial materials.

Possession arises as a consequence of the constitution of a right or without any right; In the first case, you are a holder of the right, in the second, of done.

**ARTICLE 966.- ORIGINAL DERIVED POSSESSION.** When under a legal act the owner delivers something to another, granting him the right to retain it temporarily in their power as usufructuary, lessee, pledge creditor, depositary or other similar title, both are holders of the thing. The one who owns it as owner has an original possession; the another, a derivative possession. The owner, like the owner, keeps the right to claim possession against acts of third parties.

The holders referred to in the preceding paragraph shall be governed by the provisions that regulate legal acts, by virtue of which they are holders, in everything related to fruits, payments of expenses and responsibility for loss or impairment of the thing owned.

The original holders may acquire the goods or rights by prescription positive.

**ARTICLE 967.- POSSESSION CLAIM IN CASE OF DISPOSSESSION.** In case of dispossession, the one who has the original possession has the right to request that it be restituted the one who had the derivative possession, and if he cannot or does not want to recover it, the original possessor may request that possession be given to himself.

**ARTICLE 968.- INTRANSMISSION OF THE OWNER'S POSSESSION TO THE DEPENDENT.** The owner does not convey possession when he delivers a thing for another person to retain it for the benefit of the owner and in compliance with the orders and instructions received from him, the one who retains it is not considered possessor, but subordinate holder.

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**ARTICLE 969.- ASSETS OBJECT OF POSSESSION.** They can only be possessed by individuals the goods and rights that are in the trade, which are susceptible of appropriation.

**ARTICLE 970.- ACQUISITION OF POSSESSION THROUGH REPRESENTATIVE OR THIRD PARTY.** Possession can be acquired by same person who is going to enjoy it, by his legal representative, by his agent or by a third party without any mandate; but in the latter case it will not be understood acquired possession until the person in whose name the act of possession ratifies it.

**ARTICLE 971.- COPOSESSION.** When several people own one thing undivided, each one of them may exercise possessory acts over the common thing, provided it does not exclude the possessory acts of the other co-owners.

It is understood that each of the participants of a thing that is owned in common, has owned exclusively, for the duration of the indivision, the part that when divided I will touch him.

**ARTICLE 972.- PRESUMPTION OF OWNERSHIP BY POSSESSION ORIGINAL.** Original possession establishes the presumption of ownership in favor of who has it for all legal purposes. It is not set the same presumption in favor of whoever possesses by virtue of a personal right, or of a real law other than domain; but if you are in good faith, you have the presumption of having obtained possession of the owner of the thing or right possessed.

All possession is presumed original, unless proven otherwise by the opponent.

**ARTICLE 973.- RECOVERY OF LOST OR STOLEN FURNITURE.** The owner of a personal property that has been lost or stolen may not recover it from a bona fide third party who acquired it at auction or from a merchant who in the public market is dedicated to the sale of objects of the same

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species, without reimbursing the owner the price he had paid for the thing. The recoverer has the right to repeat against the seller.

**ARTICLE 974.- IMPOSSIBILITY OF CLAIMING CURRENCY SECURITIES TO CARRIER.** The currency and bearer securities cannot be claimed from the acquirer in good faith, even if the possessor has been dispossessed of them against his will.

**ARTICLE 975.- PRESUMPTION IN FAVOR OF CURRENT POSSESSOR.** The current possessor who proves to have possessed in a previous time, has in his favor the presumption of having owned in the interim.

**ARTICLE 976.- PRESUMPTION IN FAVOR OF OWNER OF PROPERTY PROPERTY.** Possession of a property presumes that of movable property that are in it.

**ARTICLE 977.- OWNERSHIP QUALITIES.** Every possessor must be kept or restored in possession against those who have no better right to possess.

Possession based on just title is better, and when it comes to real estate the that is registered. In the absence of a title or the titles being the same, the oldest.

If the possessions are doubtful, the thing will be put in deposit until it is figure out who owns the possession.

**ARTICLE 978.- TERM FOR THE INTERDICT TO RECOVER POSSESSION.** For the holder to have the right to the injunction to recover the possession is required that not one year has passed since the dispossession.

**ARTICLE 979.- EFFECTS OF JUDICIAL MAINTENANCE OR RESTITUTION IN POSSESSION.** It is reputed as never disturbed or deprived, the one who it was judicially kept or restored in possession.

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**ARTICLE 980.- POSSESSION OF GOOD BAD FAITH.** Is the holder in good faith the who comes into possession by virtue of a title sufficient to give him the right to own. He is also the one who ignores the vices of his title that prevent him from possessing with right.

A possessor in bad faith is the one who enters into possession without any title to possess; it same as he who knows the vices of his title that prevent him from possessing with right.

Title is understood as the generating cause of possession.

**ARTICLE 981.- PRESUMPTION OF GOOD FAITH.** The good faith is presumed forever; whoever asserts the bad faith of the possessor shall bear the burden of the proof.

Possession acquired in good faith does not lose that character except in the case and from the moment there are acts that prove that the holder is not unaware that owns the thing improperly.

**ARTICLE 982.- RIGHTS OF THE ORIGINATING POSSESSOR OF GOOD FAITH.** The possessor in good faith who has acquired possession by transferring title of domain, you have the following rights:

- I.- That of making the perceived fruits their own, while their good faith is not interrupted;
- II.- The one that all the necessary expenses are paid, as well as the useful ones, having the right to retain the thing owned until payment is made;
- III.- The one to withdraw the voluntary improvements if no damage is caused to the thing improved or repairing the one caused by removing them; Y
- IV.- That the expenses made by him for the production of the natural and industrial fruits that he does not make his own because he is aware of time of interruption of possession, having the right to legal or conventional interest on the amount of these expenses from the day you have made them.

The possessor in good faith is not liable for the deterioration or loss of the thing possessed, even if it happened by own fact, but it does respond to the utility that it has obtained from the loss or deterioration.

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**ARTICLE 983.- OBLIGATIONS OF THE POSSESSOR TO TRANSLATION OF DOMAIN WITH BAD FAITH.** The one that owns for less than one year, on a translational basis domain and in bad faith, provided that he has not obtained possession by a means criminal, you are obliged:

- I.- To restore the fruits received; Y
- II.- To be liable for the loss or deterioration of the thing caused by their fault or due to unforeseeable circumstances or force majeure, unless it proves that these would have caused even if the thing had been owned by its owner. Does not answer for the loss that occurs naturally and inevitably by the mere course of the weather.

You have the right to be reimbursed for necessary expenses.

**ARTICLE 984.- RIGHT OF POSSESSORS OF GOOD OR BAD FAITH TO OWNER'S TITLE FOR MORE THAN ONE YEAR.** The one who owns as owner for more than a year, peacefully, continuously and publicly, whether in good faith or in bad faith, As long as the possession is not criminal, you have the right:

I.- Two-thirds of the industrial fruits that the company produces thing owned, the other third party belonging to the owner, if he claims the thing before it prescribes; Y

II.- To be paid the necessary expenses and to withdraw the useful improvements, if it is possible to separate them without detriment to the improved thing.

You do not have the right to the natural and civil fruits produced by the thing you own, and Responsible for the loss or deterioration of the thing caused by his fault.

**ARTICLE 985.- POSSESSION FROM A CRIMINAL EVENT.** The possessor who has acquired possession due to a criminal act, is obliged to restore all the fruits that the thing has produced and those that stopped producing by default. It also has the obligation imposed by the Section II of article 983 of this Code.

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**ARTICLE 986.- VOLUNTARY IMPROVEMENTS IN POSSESSION.** The best voluntary are not payable to any holder, but the one in good faith can withdraw those improvements in accordance with the provisions of section III of article 982 of this Ordering.

**ARTICLE 987.- NATURAL FRUITS, CIVIL INDUSTRIAL.** They understand perceived natural or industrial fruits since they are raised or separated. The Civil fruits are produced day by day, and belong to the possessor in this proportion, then that they are due, even if you have not received them.

**ARTICLE 988.- NECESSARY EXPENSES, VOLUNTARY UTILITIES.** They are expenses necessary those that are prescribed by the Law, and those without which the thing is loses or deteriorates.

Useful expenses are those that, without being necessary, increase the price or product of the thing.

Voluntary expenses are those that serve only the decoration of the thing, or the pleasure or owner's comfort.

**ARTICLE 989.- JUSTIFICATION OF EXPENSES BY THE OWNER.** The holder must justify the amount of expenses to which he is entitled, in case of those will undoubtedly be appraised by experts.

**ARTICLE 990.- COMPENSATION TO THE OWNER FOR EXPENSES.** When the holder has to be compensated for expenses and has received some fruits to who was not entitled, there will be room for compensation.

**ARTICLE 991.- NATURAL OR TEMPORARY IMPROVEMENTS IN POSSESSION.** Improvements from nature or time always yield in benefit of the one who has expired in possession.

**ARTICLE 992.- NOTION OF PEACEFUL POSSESSION.** Peaceful possession is what it is acquired without violence. If after the acquisition the holder resorts to violence to maintain the use or enjoyment of the thing, will not be considered corrupted said possession.

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**ARTICLE 993.- CONCEPT OF CONTINUOUS POSSESSION.** Continuous possession is which has not been interrupted by any of the means listed in the Articles 1251 to 1254 of this Code. Despite the material continuity in the fact of possession, it will be considered interrupted if they have used any of the aforementioned means, and it will be considered continuous, despite the material discontinuity of the possessions, if the means of interruption established by law.

**ARTICLE 994.- NOTION OF PUBLIC POSSESSION.** Public possession is what it is enjoyed in a way that it can be known by all those who have interest in interrupting her. So is the one that is registered in the Public Registry of the property.

**ARTICLE 995.- CONCEPT OF CERTAIN WRONG POSSESSION.** Possession true is the one that is taken for a title that does not give rise to doubts regarding the concept originating or derived from the same possession.

Mistaken possession is that which is held by a title deed or legal act that gives place to doubt, regarding the original concept or derived from the same possession.

**ARTICLE 996.- POSSESSION PRODUCED BY THE PRESCRIPTION.** Only the possession that is acquired and enjoyed as the owner of the thing possessed can produce the prescription.

**ARTICLE 997.- PERMANENCE OF THE ACQUIRED POSSESSION.** It is presumed that the possession continues to be enjoyed in the same concept in which it was acquired from unless it is proven that the cause of possession has changed.

**ARTICLE 998.- LOSS OF POSSESSION.** Possession is lost:

- I.- By abandonment;
- II.- By transfer for consideration or free of charge;
- III.- Due to the destruction or loss of the thing or because it is out of the Commerce;
- IV.- By judicial resolution;

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- V.- By dispossession, if the dispossession's possession lasts more than one year;
- VI.- By claim of the owner; Y
- VII.- Due to expropriation due to public utility.

Possession of rights is lost when it is impossible to exercise them or when they are not exercised for the time sufficient for them to remain prescribed.

## TITLE FOUR OF THE PROPERTY

### CHAPTER I GENERAL DISPOSITION

**ARTICLE 999.- NOTION OF PROPERTY.** Property is the real right of use, enjoy and dispose of the goods, with the limitations required by the interest public and in accordance with the modalities established by law.

**ARTICLE 1000.- SOCIAL FUNCTION OF THE PROPERTY.** The property has a social function and therefore the owner must exercise his rights when for

Failure to exercise them causes any damage or harm to a third party, or to the community. The State may impose the modalities or forms of exercise to the property rights that the public interest claims, when the goods remain idle or unproductive, or when the owner exercises his rights in a way that is notoriously discordant or contrary to nature or destiny of the goods.

**ARTICLE 1001.- CONSTITUTIONAL LIMITATION ON PROPERTY.** Not belong to the owner of the property the minerals or substances mentioned in the fourth paragraph of article 27 of the Political Constitution of the United States Mexicans, nor the waters that the fifth paragraph of the same article provides to be owned by the Nation.

**ARTICLE 1002.- ILLICIT IN THE EXERCISE OF THE PROPERTY.** It is not lawful exercise the property right in such a way that its exercise does not give any other result that cause damage to a third party, without utility for the owner.

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On a property, it is not legal to carry out excavations or constructions that cause loss the necessary support to the land or buildings of neighboring properties, or that involve damage to them; Unless the works of consolidation or provision essential to avoid any damage.

**ARTICLE 1003.- LIABILITY OF THE OWNER FOR DAMAGES.** The owner is liable for damages resulting from property subject to property, even if they are not themselves dangerous, except when the damage is caused by acts of God or by fault or negligence of the victim.

**ARTICLE 1004.- EXERCISE OF CLAIMS BY THE OWNER OR TENANT OF A PROPERTY.** The owner or tenant of a property has the right to exercise the claims that proceed to prevent, due to the misuse of the neighbor's property, safety, peace of mind are impaired or the health of those who inhabit the property.

**ARTICLE 1005.- LIMITATIONS ON OWNERSHIP OF ASSETS WITH CHARACTERISTICS OF NATIONAL OR REGIONAL CULTURE.** They wont be able exercise the property rights over the goods that are considered as notable and characteristic manifestations of national or regional culture characteristic of the State of Morelos, nor alter those in such a way that they lose their characteristics, without prior written authorization from the State Executive. East

will fulfill its duty to ensure the conservation of all property, in accordance with the legal provisions.

**ARTICLE 1006.- EXPROPRIATION DUE TO PUBLIC UTILITY.** The owner of a property may be deprived of his right against his will only for reasons of public utility and through compensation.

**ARTICLE 1007.- PUBLIC UTILITY FOR THE CONSTITUTION OF THE FAMILY HERITAGE OR CONSTRUCTION OF ROOM HOUSES.** What's more of the cases indicated in the respective Laws, the public utility is declared acquisition by the State or the Municipalities of appropriate land, in order to sell them for the constitution of the family patrimony or to be built rooms that are sold or rented at reasonable prices, to families with few resources.

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**ARTICLE 1008.- EXPROPRIATION FOR SECURITY OR PROFIT COLLECTIVE.** The authority may, through compensation, occupy the property damage it and even destroy it, if this is essential to prevent or remedy a public calamity, to save an imminent danger from population, to carry out works of evident collective benefit or to carry out of general interest.

## CHAPTER II LEGAL RELATIONS FOR THE NEIGHBORHOOD, DELETE RESTRICTIONS BY ADJUSTMENT

**ARTICLE 1009.- RIGHT OF THE OWNER TO DEFINITION, HOUSING FENCE CLOSURE OF YOUR PROPERTY.** All owner You have the right to demarcate your property and make or demand the marking of the herself.

You also have the right, and where appropriate, the obligation, to close or fence your ownership, in whole or in part, in the way it deems appropriate or as provided Laws or regulations, without prejudice to the easements reported by the property.

**ARTICLE 1010.- PROHIBITION FOR PLANTATION BUILDING.** No one can build or plant near squares, forts, fortresses and buildings

public, but subject to the conditions required in the regulations  
special subjects.

**ARTICLE 1011.- LEGAL REGULATORY SETTING OF EASTS.**

Easements established for public or communal utility, to maintain expedite river navigation, construction or repair of roads public works, and other communal works of this kind, shall be established by the laws and special regulations, and in the absence of these by the provisions of this Code.

**ARTICLE 1012.- PROHIBITION OF CARRYING OUT DANGEROUS WORK.** No one

You can build near another's or co-owned wall, ditches, sewers, aqueducts, furnaces, forges, chimneys, stables; nor install deposits of

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corrosive materials, steam engines or factories destined for uses that may be dangerous or harmful, without keeping the distances prescribed by the regulations, or without building the necessary protection works subject to what they prevent the same regulations or in the absence of them, to what is determined by expert judgment.

**ARTICLE 1013.- PROHIBITION OF PLANTING TREES NEAR THE PROPERTY**

ALIEN. No one can plant trees near someone else's inheritance, except at the distance of two meters from the dividing line if the plantation is made of trees large, or one meter, if the plantation is made of shrubs or small trees.

**ARTICLE 1014.- STARTING OF TREES.** The landlord can ask to be uproot the trees planted at less distance from your property than that indicated in the preceding article, and even when it is greater, if the damage that the trees cause you.

**ARTICLE 1015.- CUTTING OF ROOT BRANCHES .** If the branches of the trees extend over neighboring estates, gardens or patios, the owner of these will have the right to have them cut off as soon as they spread over your property; and if they were the roots of the trees those that extend in the ground of another, this one will be able to have them cut by himself within his estate, but with prior notice to the neighbour.

**ARTICLE 1016.- RECIPROCITY OF OPENING IN CONTIGUOUS WALL OR OWN TO RECEIVE OR COVER LIGHT.** The owner of a wall other than co-ownership, adjacent to someone else's farm, you can open windows or holes in it to receive lights, at a height such that the bottom of the window is off the floor of the neighboring property at least three meters, and in any case with an iron fence

tucked into the wall and with a wire net whose meshes are three centimeters at most.

Without observing the provisions of the preceding paragraph, the owner of the farm or property adjacent to the wall where the windows or holes were open, you can build a wall adjacent to it, or if you acquire co-ownership, lean on the same wall, although in one way or another it covers the holes or windows.

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**ARTICLE 1017.- PROHIBITION OF HAVING WINDOWS ON THE NEIGHBOR'S PROPERTY.** You can't have windows to look out, or balconies or other similar overhangs, on the neighbor's property, extending beyond the limit that separates the estates.

Nor can you have side or oblique views on the same property, if there is not a meter away.

The mentioned distance is measured from the line of separation of the two properties.

The owner of a building is obliged to construct its roofs and roofs in such a way so that rainwater does not fall on the ground or neighboring building.

### CHAPTER III MEANS OF ACQUIRING PROPERTY

**ARTICLE 1018.- MEANS OF ACQUISITION OF THE PROPERTY.**

They are recognized in this Code as means of acquiring the property, the following:

- I.- The occupation, in its different forms of acquisition by hunting and fishing, appropriation of other animals, discovery of treasures and catchment of water. Occupation is understood to be the permanent taking over of things without owner or whose legitimate origin is ignored, with the intention of taking over they;
- II.- The accession and acquisition of fruits and products;
- III.- The acquisitive prescription;
- IV.- The award;

V.- The inheritance;  
 VI.- The contract; Y  
 VII.- The Law.

**ARTICLE 1019.- WAYS TO ACQUIRE.** The ways of acquiring the property  
 They may be:

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**I.- Primitives or derivatives.**

In the primitive the thing has not been in the patrimony of a certain person, so that the purchaser of the same does not receive it from a previous owner, taking over it by occupation or by accession in some cases.

Derivative forms suppose a transmission from one patrimony to another, for contract, inheritance, prescription, award, certain forms of accession and by law.

**II.- Onerous or gratuitous title.**

In the former, the purchaser pays a certain value or benefit in money, goods or services, in exchange for the good that is received.

In the latter, the transfer of ownership is carried out without the acquirer give in exchange for the property you receive some compensation or value. Transfers for consideration recognized by this Code are always to particular title and are executed through the contract, the accession, the adjudication and the Law.

Transmissions for free may be universal in nature in the institution of heir; or by private title in the legacy, in the contract, or in the unilateral declaration of will.

**III.- By act between the living and by cause of death.**

The transmissions by acts between living are carried out by virtue of the contract and by unilateral legal act in the cases specially recognized in this Code, as well as in the acquisitive prescription, adjudication, accession and in the Law.

Transmissions due to death can take two forms: inheritance legitimate or testamentary, and transmission by legacy in the same succession by will.

**IV.- A universal title and a private title.**

The transfer is universal when it refers to the transfer of the heritage as a set of assets, rights and obligations appreciable in money, or an aliquot part of it. This transmission is only recognized in this Code in the testamentary or legitimate inheritance.

The transmission is on a private basis when it falls on goods or rights determined and can be carried out by the contract, by the will in the institution of the legacy, the unilateral legal act, the accession, the adjudication, the acquisitive prescription, adjudication and the Law.

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**ARTICLE 1020.- APPROPRIATION OF ANIMALS WITHOUT BRAND, IN PROPERTIES OF ONE OWNER.** Unmarked animals found in the properties, they are presumed to belong to the owner of these as long as the Otherwise, unless the owner has no offspring of the breed to which the animals belong.

**ARTICLE 1021.- APPROPRIATION OF ANIMALS WITHOUT BRAND IN PROPERTIES OF COMMON EXPLOITATION.** Unmarked animals found in the lands of private property exploited in common by several, they are presumed to be the owner of the breeding of the same species and of the same breed established in them, as long as prove otherwise. If two or more are owners of the same species or race, as long as there is no proof that the animals belong to any of them, they will be considered common property.

**ARTICLE 1022.- APPLICATION OF THE SPECIAL REGULATION ON HUNTING.** The right to hunt and to appropriate its products on the ground public, will be subject to the respective laws and regulations.

**ARTICLE 1023.- PROHIBITION OF HUNTING IN PARTICULAR LAND.** On privately owned land cannot exercise the right referred to in the previous article, either starting the hunt in it, and continuing the started on public land, without permission of the owner. Salaried peasants and sharecroppers have the right to hunt on the farms where they work, as soon as apply to meet your needs and those of your families.

**ARTICLE 1024.- REGULATION OF THE EXERCISE OF HUNTING RIGHT.** The Exercise of hunting rights will be governed by administrative regulations and by the following bases:

- I.- The hunter becomes the owner of the animal he hunts, by the act of seizing him, observing the provisions of section III;
- II.- The animal that has been killed by the hunter during the venatorio act, and also the one who is imprisoned in networks;

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III.- If the injured piece dies on other people's land, the owner of these, or who represents him, must deliver it to the hunter or allow him to enter look for it;

IV.- The owner who violates the previous section will pay the value of the piece, and the hunter will lose it if he enters to look for it without his permission;

V.- The fact that hunting dogs enter someone else's land without the will of the hunter, only obliges him to repair the damage caused;

VI.- The claim to request reparation prescribes after thirty days counted from the date the damage was caused;

VII.- It is lawful for farmers to destroy wild animals at any time or hills that damage their crops or plantations;

VIII.- They have the same right with respect to domestic birds in the fields in which there are lands sown with cereals and other pending fruits, to the that could harm those birds; Y

IX.- It is absolutely forbidden to destroy nests, eggs and young birds of any species.

**ARTICLE 1025.- APPROPRIATION BY FISHING DIVING IN WATERS OF THE PRIVATE PUBLIC DOMAIN.** Fishing and diving for goods in the waters of the domain of public power, which are of common use, will be governed by what provided by the respective laws and regulations.

The right to fish in private waters belongs to the owners of the properties in which they are, subject to the laws and regulations of the matter.

**ARTICLE 1026.- APPROPRIATION OF OTHER ANIMALS.** It is lawful to any person appropriating:

I.- Wild animals, in accordance with the respective regulations;

II.- Swarms that have not been enclosed in a hive or when they have abandoned if their owner does not pursue them by bringing them into view; Y

III.- The ferocious animals that escape from the confinement in which their owners. In this case you can choose to destroy them.

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In the event that they have been captured, their owners can recover them prior the payment of damages that may have been caused.

**SECTION 1027.- APPROPRIATION OF DOMESTIC ANIMALS.** Appropriation of domestic animals is governed by the provisions contained in Title of the goods shown.

#### **CHAPTER IV OF THE OCCUPATION OF TREASURES**

**ARTICLE 1028.- NOTION OF TREASURE.** For the purposes of the articles that follow, by treasure, the hidden deposit of money, jewelry or other objects precious whose legitimate origin is ignored. Never a treasure is considered as the fruit of a farm.

**ARTICLE 1029.- PROPERTY OF HIDDEN TREASURE.** The hidden treasure It belongs to the one who discovers it on the site of his property.

**ARTICLE 1030.- PROPERTY OF HIDDEN TREASURE OCCUPIED IN ASSETS FROM THE STATE OR PARTICULAR OTHER THAN THE DISCOVERER.** If the site is the domain of the public power or belongs to a private person who is not the same discoverer, one half of the treasure will be applied to him and the other half to the site owner.

So that whoever discovers a treasure in someone else's soil enjoys the right now declared, it is necessary that the discovery be accidental.

**ARTICLE 1031.- PROHIBITION OF SEARCHING FOR TREASURES ON THE GROUND OR OUTSIDE BUILDING.** On their own authority, no one can on someone else's land or building, do excavation, drilling or any work to look for a treasure.

**ARTICLE 1032.- EFFECTS OF THE DISCOVERY OF TREASURES IN OWNERSHIP ASSETS WITHOUT THE OWNER'S CONSENT.** The treasure discovered on someone else's land, for works carried out without the consent of his owner, belongs entirely to him.

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Anyone who, without the consent of the owner, does works to discover a treasure, will be obliged in any case to pay damages and, in addition, to pay for the replacement of things to their first state; will also lose the right of tenancy if you have it in the farm, even if the term is not expired of the lease, when so requested by the owner.

**ARTICLE 1033.- SEARCH FOR TREASURES WITH THE CONSENT OF THE OWNER.** If the treasure is sought with the consent of the owner of the estate, the stipulations that have been made for the distribution will be observed; what if there are none, the expenses and the discoveries will be distributed in half.

**ARTICLE 1034.- EFFECTS OF TREASURE DISCOVERY REGARDING THE OWNER THE FRUIT USER.** When one had the property and the other the usufruct of a farm where the treasure was found, If the one who found it was the same usufructuary, the part that corresponds to him will be determined according to the rules that are established for the discoverer strange. If the discoverer is neither the owner nor the usufructuary, the treasure will be distributed between the owner and the discoverer, excluding the usufructuary, observing in In this case, the provisions of articles 1032 and 1033 of this Ordinance.

If the owner finds the treasure on the farm or land whose usufruct belongs to another person, he will not have any part in the treasure, but he will have the right to demand from the owner compensation for damages caused by the interruption of usufruct in the occupied or demolished part to search for the treasure; the Compensation will be paid even when the treasure is not found.

**ARTICLE 1035.- DISCOVERY OF GOODS OF NATIONAL INTEREST.** When the discovered objects are interesting for science or for arts, will be applied in favor of the nation for its just price, which will be distributed in accordance with the provisions of article 1030 of this Code.

## CHAPTER V OF THE OCCUPATION OF THE WATERS

**ARTICLE 1036.- PROVISION OF OWNERSHIP OF THE WATERS BY THE OWNER OF THE PREMISES.** The owner of the property in which there is a natural source, or that

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drilled a sprouting well, made groundwater harvesting works or built reservoirs or dams to capture rainwater, you have the right to dispose of those waters; but if they pass from one farm to another, their use will be considered of public utility and will be subject to the special provisions that are issued on the matter.

The domain of the owner of a property over the waters dealt with in this article, does not harm the rights that they may have legitimately acquired from their use those of the lower estates.

**ARTICLE 1037.- AFFECTION BY WATER COLLECTION .** If any drills a well or works to collect groundwater in its property, although this reduces the water of the open on someone else's property, it is not obliged to compensate, but the provisions of article 1002 of this Code.

**ARTICLE 1038.- PROHIBITION OF DIVERSION OF WATER COURSE.** The owner of the waters may not deviate its course in such a way as to cause damage to a third.

**ARTICLE 1039.- COOPERATION OF SURROUNDING OWNERS TO WATER SUPPLY IN FAVOR OF THE PROPERTY OWNER.**  
The owner of a property that only with very expensive jobs can be provided of water you need to conveniently use that property, you have the right to demand from the owners of neighboring properties that they have surplus water, that they provide the necessary, by paying an indemnity set by experts.

**ARTICLE 1040.- USE OF DOMAIN WATER PUBLIC.** The use and exploitation of public domain waters will be governed by the respective special law.

## CHAPTER VI OF THE RIGHT OF ACCESSION OF THE ACQUISITION OF THE FRUITS.

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**ARTICLE 1041.- NOTION PRINCIPLES OF ACCESSION.** The accession is a means of acquiring property, through the union or incorporation of a thing that it is considered an accessory to another that is called the main one. By virtue of it, the ownership of the goods gives the right to acquire everything that joins or incorporates them, naturally or artificially, according to the following principles:

- I.- The accessory follows the fate of the main; Y
- II.- No one can get rich at the expense of another.

**ARTICLE 1042.- ACQUISITION OF KINDS OF FRUIT.** Independently of the right to acquire by accession, the owner of a thing is the owner of the natural, industrial and civil fruits that correspond to it.

**ARTICLE 1043.- NATURAL FRUITS.** The productions are natural fruits spontaneous of the earth, the young and other products of the animals.

The offspring of the animals belong to the owner of the mother and not that of the father, except previous agreement to the contrary.

**ARTICLE 1044.- INDUSTRIAL FRUITS.** Industrial fruits are those that produce the estates or farms of any species, through the cultivation or job.

**ARTICLE 1045.- REQUIREMENTS FOR ANIMALS TO BE CONSIDERED AS FRUIT.** For animals to be considered fruits, it is enough that they are in the womb of the mother, even if they were not born.

**ARTICLE 1046.- HYPOTHESIS IN WHICH FRUITS ARE NOT CONSIDERED NATURAL OR INDUSTRIAL.** There are no natural or industrial fruits but since they are manifest or born.

**ARTICLE 1047.- CIVIL FRUITS.** They are civil fruits, the rents of the personal property, income from real estate, income from capital and all those that are not produced by the same thing directly, come from it by contract, by last will or by law.

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**ARTICLE 1048.- OBLIGATION OF THE ONE WHO RECEIVES FRUITS.** The one who perceives the fruits have the obligation to pay the expenses made by a third party for their production, collection and conservation.

**ARTICLE 1049.- BUILDING, PLANTATION, PLANTING IN PROPERTY AJENA.** Everything that is joined or incorporated into a thing, or built, planted and sown, and repaired or improved on land or farm owned by others, belongs to the owner of the land or farm, subject to what is provided in the following articles.

**ARTICLE 1050.- PRESUMPTION IN THE BUILDING, PLANTING SOWING.** All the works, plantings and plantations, as well as the improvements and repairs carried out on a plot of land are presumed to have been made by the owner already its coast, as long as the contrary is not proven.

**ARTICLE 1051.- BUILDING, PLANTING , PLANTING IN THE GROUND OWN WITH EXTERNAL MATERIALS.** Whoever sows, plants or builds on a farm own, with seeds, plants or foreign materials, acquires the property of some and others, but with the obligation to pay them in any case and to compensate damages and damages if you have acted in bad faith.

The owner of the seeds, plants or materials will never have the right to request that they are returned to him, destroying the work or plantation; but if the plants have not rooted and can be pulled out, the owner of them has the right to request that so be it.

When the seeds or materials are not yet applied to your object or confused with others, they can be claimed by the owner.

**ARTICLE 1052.- BUILDING, PLANTATION SOWING OF GOOD FAITH IN OUTSIDE LAND.** The owner of the land on which it is built, sown or planted good faith, you will have the right to endorse the work, sowing or planting, after compensation prescribed in the previous article, first paragraph, or to oblige the He built or planted to pay the price of the land, and to whom he planted only his rent. If the owner of the land has acted in bad faith, he will only have the right to

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to be paid the value of the rent or the price of the land, in their respective cases.

**ARTICLE 1053.- BUILDING, PLANTING PLANTING OF BAD FAITH BY THE NON-OWNER.** He who builds, plants or sows in bad faith on the ground someone else loses what has been built, planted or sown, without having the right to claim any compensation from the owner of the land, or retain the thing.

The owner of the land on which it has been built in bad faith, may request the demolition of the work and the restoration of things to their primitive state at the cost of builder.

**ARTICLE 1054.- BAD FAITH OF THE OWNER OF THE BUILDING.** When there is bad faith, not only on the part of the builder, but on the part of the owner, will understand that this circumstance has been compensated and the rights of one and another, according to what was resolved in the case of having proceeded in good faith.

**ARTICLE 1055.- ASSUMPTIONS OF BAD FAITH OF THE BUILDER, PLANTER, SOWER OR OWNER.** It is understood that there is bad faith on the part of the builder, planter or sower, when he does the building, planting or sowing or allows, without claiming, that with his material, someone else can make them on land that he knows is alien, not previously asking the owner for their written consent.

It is understood to have bad faith on the part of the owner, provided that in his view, and without his opposition is made the building, the sowing or the plantation.

**ARTICLE 1056.- SUBSIDIARY LIABILITY OF THE THIRD PARTY OF MALA FAITH.** If the materials, plants or seeds belong to a third party who has not proceeded in bad faith, the owner of the land is vicariously liable for the value of those objects, provided that the two circumstances concur following:

- I.- That the one who in bad faith used materials, plants or seeds, does not have property with what to answer for its value; Y
- II.- That what is built, planted or sown benefits the owner;

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The provisions in the previous paragraph will not take place if the owner uses the right granted by article 1053 of this Ordinance.

**ARTICLE 1057.- ALUVION.** The increase that the alluvium receives estates bordering streams, belong to the owners of the banks on which the alluvium is deposited.

The owners of the properties bordering the lagoons or ponds do not acquire the land discovered by the natural decrease of the waters, nor they lose that they flood with extraordinary floods.

**ARTICLE 1058.- AVULSION.** When the force of the river tears away a portion considerable and recognizable field of a riparian field and takes it to a lower one, or to the opposite bank, the owner of the torn portion can claim his property, doing so within one year from the occurrence; past this period you will lose your property rights, unless the owner of the field to which the torn-off portion joined has not yet taken possession of it.

The trees uprooted and carried by the current of the waters belong to the owner of the land where they are going to stop, if they do not claim them within two months old owners. If they claim them, they must pay the expenses caused by picking them up or putting them in a safe place.

**ARTICLE 1059.- RULES EFFECTS ON THE BIRTH OF ISLANDS.** The islands that are formed in waters of private property, will belong to the owner of these.

If the island is formed in privately owned waters that serve as a boundary between two properties, and therefore, belong undividedly to their owners, the following rules will be observed:

- I.- If the island was formed by alluvium, the owners of the neighboring properties They will have the right to the portion of the island that corresponds to them when dividing it according to an imaginary line that is drawn in the middle of the alveo;
- II.- If the island was formed by avulsion, the provisions of article 1058 will be followed of this Code; but if after a period of one year, neither the owner of the

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portion torn away by the current of the river, nor the owner of the property in front of place said portion, they execute possessory acts with respect to the island formed, this will be divided in the terms of the previous fraction, and will belong in that proportion to the owners of the properties between which the island is located; Y III.- If the island was formed because the current of the river owned by particular, opened in two arms or branches, will belong entirely to the owner of the waters, if they were not bordering between properties, or if they did not invade lands of another. In these last two cases, the portions of land that are surrounded by the waters will continue to belong to their former owners, according to pre-existing limits. If the same piece of land constitutes an island that according to such limits must belong to more than one person, the corresponding divisions will be made according to the boundaries previously established, despite being covered by the waters.

In the event that the island is formed in waters owned by the Nation or by Federal jurisdiction, the provisions of the Law on the matter will be followed.

**ARTICLE 1060.- MUTATION IN THE STREAM OF A RIVER.** When the river I will change the channel, in the case of private property waters, the owners of the properties through which the new channel is established, will acquire the waters.

If the waters are federal property, the provisions of the Law will be followed respective.

**ARTICLE 1061.- ABANDONED STREAMS.** The channels abandoned by Streams of water that are not of the Federation, belong to the owners of the lands where those waters flowed. If the current was bordering on several properties, the abandoned riverbed belongs to the owners of both banks proportionally to the extension of the front of each estate, along the current, pulling a dividing line through the middle of the alveo.

**ARTICLE 1062.- DIVISION OF THE CURRENT OF A RIVER.** When the The current of the river splits into two branches or branches, leaving isolated an inheritance or part of it, the owner does not lose his property except in the part occupied by the

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waters, except what the Law on waters of federal jurisdiction.

**SECTION 1063.- INCORPORATION.** When two personal property that belong to two different owners, they are united in such a way that they come to form only one, without bad faith, the owner of the principal acquires the accessory paying its value.

**ARTICLE 1064.- NOTION OF MAIN PROPERTY FOR THE PURPOSES OF THE INCORPORATION.** It is considered main, between two incorporated goods that of higher value.

If the qualification cannot be made in accordance with the rule established in paragraph that precedes, the object whose use, perfection or adornment has been achieved by the union of the other.

**ARTICLE 1065.- CONCEPT OF ACCESSORY GOODS FOR THE INCORPORATION.** In painting, sculpture and embroidery, in writing, printing, etchings, lithographs, photo-etchings, oleographs, chromolithographies and other obtained by other modern procedures analogous to the previous ones, it is estimated accessory the board, metal, stone, canvas, paper or parchment.

**ARTICLE 1066.- HYPOTHESIS FOR THE SEPARATION OF ASSETS INCORPORATED.** When the joined goods can be separated without detriment and subsist independently, the respective owners may demand separation.

But, when the united goods cannot be separated without the one that is said accessory suffers deterioration, the owner of the principal shall also have the right to request the separation; but he will be obliged to indemnify the owner of the accessory, always that it has acted in good faith.

**ARTICLE 1067.- INCORPORATION MADE IN BAD FAITH.** When the owner of the accessory good is the one that has made the incorporation, loses it if acted in bad faith; and is, in addition, obliged to indemnify the owner of the damages that have been followed because of the incorporation.

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If the owner of the main asset is the one who has acted in bad faith, the owner of the accessory will have the right to be paid for its value and compensated by the

damages; or that the good of his belonging be separated, although for this the main one is to be destroyed.

**ARTICLE 1068.- INCORPORATION BY THE MAIN OWNER OR ACCESSORY.** If the incorporation is made by any of the owners in view of the another, and without it being opposed, the respective rights will be arranged in accordance with the provisions of articles 1063 to 1065 of this Code.

**ARTICLE 1069.- INDEMNIFICATION OF THE PROPERTY OWNER EMPLOYEE.** Whenever the owner of the material used without his consent, has the right to compensation, may demand that it consist of the delivery of a well equal in kind, in value and in all its circumstances to the employee; O well in the price of it fixed by experts.

**ARTICLE 1070.- VOLUNTARY OR ACCIDENTAL MIXING OF ASSETS OF DIFFERENT SPECIES.** If goods of the same or different species are mixed, for will of their owners or by chance, and in the latter case they are not separable without detriment, each owner will acquire a right proportional to the corresponding part, taking into account the value of the mixed goods or confused.

**ARTICLE 1071.- INDEMNIFICATION FOR MIXING OR CONFUSION.** If for will of only one, but with good faith, goods of equal value are mixed or confused or different species, the rights of the owners will be arranged by the provisions in the previous article; unless the owner of the mixed or confused good without your consent, prefer compensation for damages.

**ARTICLE 1072.- MIXING OR CONFUSION OF BAD FAITH YOUR QUALIFICATION.** He who in bad faith mixes or mixes up, loses the good mixed or confused that it belongs to him, and he is also obliged to compensation for damages caused to the owner of the property or property with which the made the mix.

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Bad faith in cases of mixture or confusion will be qualified according to provided in article 1055 of this Code.

**ARTICLE 1073.- SPECIFICATION.** The one who in good faith used foreign matter

in whole or in part, to form a thing of a new species, he will make the work his, provided that the artistic merit of his exceeds in price the material, whose value indemnify the owner.

When the artistic merit of the work is lower in price than the material, the owner of this will make the new species his, and will have the right, in addition, to claim compensation for damages; discounting the amount of these the value from the work to appraisal of experts.

**ARTICLE 1074.- SPECIFICATION OF BAD FAITH.** If the specification was made in bad faith, the owner of the material used has the right to keep the work without paying anything to the one who made it, or require him to pay the value of the matter and be compensated for the damages that have been followed.

## CHAPTER VII OF THE CO-OWNERSHIP

**ARTICLE 1075.- NOTION OF CO-OWNERSHIP.** There is co-ownership when a either, a right or a universality of goods, rights and obligations appreciable in money, they belong undividedly to two or more people.

**ARTICLE 1076.- RIGHT OF DIVISION OF SALE.** Those who by any title they have the legal domain of an asset, they cannot be forced to keep it undivided, but in cases where by the very nature of goods or by determination of the Law, the domain is indivisible.

**ARTICLE 1077.- INDIVISIBILITY OF THE DOMAIN OR IN THE CO-OWNERSHIP.** If the domain is not divisible, or the thing does not admit comfortable division and the participants do not agree that it will be awarded to any of them, will proceed to its sale and the distribution of its price among the interested parties.

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**ARTICLE 1078.- SUPPLEMENTARY PROVISIONS ON CO-OWNERSHIP.** TO lack of contract or special provision, co-ownership will be governed by the following provisions.

**ARTICLE 1079.- PROPORTIONALITY OF THE CO-PARTICIPANTS.** The contest of the participants, both in the benefits and in the charges, will be proportional to their respective portions.

They will be presumed the same, as long as the opposite is not proven, the portions corresponding to the participants in the community.

**ARTICLE 1080.- USE OF COMMON ASSETS BY THE CO-PARTICIPANTS.**

Each participant may use the common goods, provided that they have them according to their destiny and in a way that does not harm the interest of the community, or prevent the co-owners from using them according to their right.

**ARTICLE 1081.- PROPORTIONAL CONTRIBUTION OF THE CO-PARTICIPANTS TO THE COSTS OF CONSERVATION OF THE PROPERTY.** Every co-owner has right to oblige participants to contribute proportionally to expenses conservation of the common property or right. You can only exempt yourself from this obligation who renounces the part that belongs to him in the domain.

**ARTICLE 1082.- PROHIBITION TO THE CO-OWNERS TO CARRY OUT MODIFICATIONS IN THE COMMON GOOD.** None of the co-owners will be able, without him consent of others, make alterations in the common good, even if they could be advantages for all, nor perform acts of domination with respect to the same.

**ARTICLE 1083.- ADMINISTRATION OF THE COMMON GOOD BY AGREEMENT CONTROLLING.** For the administration of the common good, all the agreements of the majority of the participants.

For there to be a majority, the majority of co-owners and the majority of interests.

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**ARTICLE 1084.- ABSENCE OF A MAJORITY IN THE ADMINISTRATION OF THE COMMON BENEFIT.** If there is no majority, the Judge, hearing the interested parties, will resolve what should be done within what is proposed by them.

When part of the property belongs exclusively to a co-owner or to some of them, and another is common, only to this one will be applicable the previous paragraph.

**ARTICLE 1085.- RIGHTS OVER THE ALIQUOT PART.** All co-owner has full ownership of the aliquot part that corresponds to it and its fruits and profits, being able, consequently, to alienate it, assign it or mortgage it, and even

substitute another in its use, except in the case of personal law.

But the effect of the alienation or the mortgage in relation to the co-owners, shall be limited to the portion allotted to it in the division upon termination of the community. The co-owners enjoy the same right.

**ARTICLE 1086.-** MEDIANERIA. When there is evidence to show who he made the wall that divides the properties, the one who paid for it is the exclusive owner of it; If it is established that it was manufactured by the neighbors or it is not stated who manufactured it, it is common property.

**ARTICLE 1087.-** PRESUMPTION OF CO-OWNERSHIP. It is presumed the co-ownership as long as there is no exterior sign that proves otherwise:

- I.- On the dividing walls of the adjoining buildings, up to the common point of elevation;
- II.- On the dividing walls of the gardens or corrals, located in a town or in the countryside;
- III.- In the fences, fences and living hedges that divide the rustic properties. If the constructions do not have the same height, there is only presumption of co-ownership up to the height of the lowest building; Y
- IV.- The ditches or ditches open between the estates are also presumed of co-ownership if there is no title or sign that proves otherwise.

**ARTICLE 1088.-** ASSUMPTIONS CONTRARY TO CO-OWNERSHIP. There is sign contrary to co-ownership:

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- I.- When there are windows or open holes in the dividing wall of the buildings;
- II.- When the entire wall, fence, fence or hedge is visibly built on the land of one of the farms and not halfway between one and the other of the two contiguous;
- III.- When the wall supports the loads and runs, steps and reinforcements of a of the possessions and not of the contiguous one;
- IV.- When the dividing wall between patios, gardens, and other estates is constructed so that the coping falls onto only one of the properties;
- V.- When the dividing wall built of masonry has stones called passageways, which from distance to distance come out of the surface only on one side of the wall, and not on the other;
- VI.- When the wall is dividing between a building of which it is part, and a

garden, field, corral or site without a building;

VII.- When an estate is closed or defended by fences, fences or living hedges and the adjoining ones are not;

VIII.- When the fence that completely encloses an inheritance is of different species of the one that the neighbor has on its sides contiguous to the first;

IX.- When the earth or brush removed from the ditch or ditch to open it or clean it, it is only on one side; in this case, it is presumed that the property of the ditch or acequia is exclusively owned by the owner of the estate who has his please this outside sign. The presumption established by this fraction ceases when the inclination of the terrain forces the earth to be thrown from only one side; Y

X.- In general, it is presumed that in the cases indicated in the sections above, ownership of walls, fences, fences or hedges belongs to exclusively to the owner of the farm or estate who has these signs in his favor exteriors.

**ARTICLE 1089.- OBLIGATION OF THE PARTNERS TO MAINTENANCE OF THE COMMON PROPERTY.** The owners of the properties are obliged to take care that the common property wall, ditch or hedge does not deteriorate; and if for him fact that any of your dependents or animals, or for any other cause that depends on them, they deteriorate, they must replace them, paying the damages and damages that may have been caused.

**ARTICLE 1090.- OBLIGATION OF OWNERS TO REPAIR RECONSTRUCTION OF WALLS OBJECTS OF COMMON PROPERTY.** The

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repair and reconstruction of common property walls and the maintenance of fences, hedges, ditches, ditches, also common, will be paid proportionally by all owners who have in their favor the co-ownership.

The owner who wants to get rid of the obligations imposed by the paragraph above, you can do so by renouncing co-ownership, except in the case where the common wall support a building of yours.

**ARTICLE 1091.- RESIGNATION OR LACK OF THIS BY THE OWNER OF A PROPERTY THAT LIES ON A COMMON WALL.** The owner of a building that leans on a common wall, may, by knocking it down, renounce or not the co-ownership. In the first case, all the necessary expenses will be on your account to prevent or repair damage caused by demolition. In the second, in addition of this obligation, is subject to those imposed by articles 1089 and 1090 of

this Code.

**ARTICLE 1092.-** COMMUNITY BY DIVIDING WALL CONTRACT NO COMMON. The owner of a farm adjoining a dividing wall other than common, can only give this character in whole or in part, by contract with the owner of it.

**ARTICLE 1093.-** POSSIBILITY OF RAISING COMMON WALL COMPENSATION FOR WORKS. Any owner can raise the wall of common property, doing so at their expense and indemnifying for damages that are caused by the work, even if they are temporary.

All the conservation works of the wall in the part in which it has increased in height or thickness, and those in the part are necessary, provided that the deterioration comes from the greater height or thickness that has been given to the wall.

In the cases noted above, the wall remains the property common up to the height in which it was formerly, even when it has been built again or at the expense of only one, and from the point where the greatest height, is the property of the one who built it.

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**ARTICLE 1094.-** ACQUISITION OF CO-OWNERSHIP RIGHTS OVER MEDIUM WALL. The other owners who have not contributed to giving more elevation or thickness to the wall, they may, however, acquire in the part new elevated co-ownership rights, paying proportionally the value of the work and half of the value of the land on which the highest thickness.

**ARTICLE 1095.-** RECONSTRUCTION OF THE COMMON WALL. If the wall of common property can not resist elevation, the owner who wants lift it, he will have the obligation to rebuild it at his own expense; and if necessary Give it greater thickness, you must give it from your soil and money.

**ARTICLE 1096.-** PROPORTIONALITY IN THE USE OF THE COMMON WALL. Each owner of a common wall may use it in proportion to the right that you have in the community; may, therefore, build, supporting his work in the common wall or inserting beams up to half its thickness, but without preventing

the common and respective use of the other co-owners. In case of resistance of the other owners, the conditions will be arranged through an expert necessary so that the new work does not harm the rights of those.

**ARTICLE 1097.- PROHIBITION OF CUTTING TREES CO-OWNED.**

The existing trees in the co-ownership fence, or that indicate a boundary, are also jointly owned and may not be cut or replaced by others without the common consent of the co-owners, or by judicial decision pronounced in Contradictory judgment, in case of disagreement between them.

**ARTICLE 1098.- DISTRIBUTION OF FRUITS FROM EXPENSES OF TREES IN CO-OWNERSHIP.** The fruits of common trees or shrubs and the expenses of their cultivation, will be distributed proportionally among the co-owners.

**ARTICLE 1099.- PROHIBITION OF OPENING WINDOWS ON A COMMON WALL.**

No co-owner may, without the consent of the other, build a window or open any hole in common wall.

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**ARTICLE 1100.- RIGHT OF BOTH BETWEEN CO-OWNERS.** The owners of undivided things may not alienate their aliquot part to strangers respective, if the partner wants to make use of the right of both. For this purpose The co-owner will notify the others, by means of a notary or judicially, the sale that has been agreed, so that within the next eight days they make use of the right of both.

After eight days, without the right being exercised, it is lost. While notification has not been made, the sale will not produce any legal effect.

**ARTICLE 1101.- PREFERENCE IN THE USE OF THE RIGHT OF THE BOTH.** Yes several co-owners make use of the right of both, it will be preferred that represent most; and the one designated by the Judge being equal.

**ARTICLE 1102.- EXTINCTION OF CO-OWNERSHIP.** Co-ownership ceases:

- I.- By the division of the common thing;
- II.- For the destruction or loss of the common thing; Y
- III.- For the sale, consolidation or meeting of all the quotas in a single co-owner.

**ARTICLE 1103.- EFFECTS OF THE DIVISION OF A COMMON THING.** The division of a common thing does not harm a third party, the one who retains the real rights that belong before the partition is made, observing where appropriate, the provisions for mortgages.

**ARTICLE 1104.- NULLITY OF DIVISION OF REAL ESTATE.** The division of real estate is null if it is not done with the same formalities as the Law requires for sale.

**ARTICLE 1105.- APPLICATION OF DIVISION OF INHERITANCES TO DIVISION AMONG PARTICIPANTS.** The rules apply to the division between participants concerning the division of inheritances.

## CHAPTER VIII OF THE CONDOMINIUM REGIME

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**ARTICLE 1106.- NOTION OF CONDOMINIUM.** For all purposes of the law condominium is called the legal regime in which they coexist:

- I.- A singular and exclusive property right over each of the units into which a property is divided, susceptible to use individual, because it has its own exit to the public highway or to a common element of the property; Y
- II.- A proportional right of compulsory and indivisible co-ownership over the elements and common parts of the property, necessary for the proper use and enjoy unique and exclusive property units.

**ARTICLE 1107.- INSEPARABILITY AND INDIVISIBILITY.** Each owner may dispose of, mortgage, or encumber in any other way its own unit, without Need for the consent of the other owners. In alienation, lien or seizure of a singular and exclusive property unit, it is will understand, invariably, the rights over property common that in the respective proportion are annexes.

The right of co-ownership over the common elements of the property will only be alienable, taxable or attachable, together with the property unit singular and exclusive with respect to which an inseparable annex is considered. The

co-ownership of the common elements of the property is not susceptible to division.

**ARTICLE 1108.- FORMAL REQUIREMENTS.** The constitution of the regime condominium will be made by the owner or owners of the property complying with the requirements and formalities established by the Condominium Regime Law of Real Estate for the State of Morelos, which, in addition, will regulate the modification and extinction of the regime, as well as the operation and administration of the assets subject to the condominium.

**ARTICLE 1109.- LEGAL FRAMEWORK.** The rights and obligations of condominium owners will be governed by the articles of incorporation of the regime; by those of corresponding sale; by the regulation of the condominium; by the law

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On the Real Estate Condominium Regime for the State of Morelos; by provisions of this Code and by other applicable laws.

## TITLE FIVE OF THE USUFRUCT, OF THE USE OF THE ROOM

### CHAPTER I OF THE USUFRUCT IN GENERAL

**ARTICLE 1110.- NOTION OF USUFRUCT.** The usufruct is a real right, temporary, life by nature, to use and enjoy the property of others without alter its form or substance.

**ARTICLE 1111.- FORMS OF CONSTITUTION OF THE USUFRUCT.** The usufruct may be constituted by law, by unilateral or plurilateral legal act, or by prescription.

The usufruct can also be constituted in favor of one or more people, simultaneously or successively.

**ARTICLE 1112.- CONSTITUTION OF SIMULTANEOUS USUFRUCT OR SUCCESSIVE.** If the usufruct is constituted in favor of several people simultaneously, either by inheritance or by contract, ceasing the right to a of the people, it will pass to the owner, except that when the usufruct is constituted had arranged that it accrue to the other usufructuaries.

If it is constituted successively, the usufruct will not take place except in favor of the existing persons, at the time of beginning the right of the first usufructuary.

**ARTICLE 1113.- MODALITIES OF THE USUFRUCT.** The usufruct may be constituted from or until a certain day, purely and under condition.

**ARTICLE 1114.- PRESUMPTION OF LIFETIME USUFRUCT.** The usufruct if the constitutional title does not state otherwise.

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**ARTICLE 1115.- INABILITY TO BE SUBJECT OF USUFRUCT.** The corporations that cannot acquire, own or manage real estate, neither can they have usufruct constituted on goods of this kind.

**ARTICLE 1116.- CAPACITY TO GIVE INTO USUFRUCT.** Can only give in usufruct which can alienate and can only be given in usufruct the disposable assets.

## CHAPTER II OF THE RIGHTS OF THE FRUIT USER, FRUIT ACQUISITION CLAIMS

**ARTICLE 1117.- EFFECTS DERIVED FROM THE CONSTITUTIVE TITLE OF THE USUFRUCT.** The rights and obligations of the usufructuary and the owner are arranged, in any case, by the constitutive title of the usufruct.

**ARTICLE 1118.- DEFENSE CLAIMS OF THE FRUIT USER.** The usufructuary has the right to exercise all real claims and defenses, personal or possessory, and to be considered as a party to any litigation, even if be followed by the owner, provided that he is interested in the usufruct.

**ARTICLE 1119.- RIGHT OF THE FRUIT USER TO PERCEIVE FRUIT.** The usufructuary has the right to receive all the fruits, be they natural, industrial or civil.

The natural or industrial fruits pending at the time of beginning the usufruct, will belong to the usufructuary. The pending at the time of extinction

usufruct, belong to the owner. Neither this nor the usufructuary has to be done Any payment for labor, seeds or other similar expenses. It provided in this paragraph harms sharecroppers or tenants who have right to receive some portion of fruits, at the time of beginning to be extinguished the usufruct.

Civil fruits belong to the usufructuary in proportion to the duration of the usufruct, even when they are not collected.

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**ARTICLE 1120.- USUFRUCT ON ASSETS SUSCEPTIBLE OF DETERIORATION.** If the usufruct includes goods that deteriorate due to use, the usufructuary shall have the right to use them, using them according to his destination, and will be obliged to restore them, at the end of the usufruct, in the state in that are found, but has an obligation to compensate the owner of the deterioration who have suffered through intent or fault.

**ARTICLE 1121.- USUFRUCT ON NON-CONSUMABLE GOODS.** Also the usufruct will be constituted in the case of things that cannot be used without be consumed, in which case the usufructuary will have the right to consume them, but with the obligation to restore them at the end of the same, in the same gender, quantity and quality. Not being possible to make the restitution, you will be obliged to pay their value if they had been estimated or if they were not their current price at the time of cease the usufruct.

**ARTICLE 1122.- USUFRUCT OF CAPITAL.** If the usufruct is constituted on capital taxes on income, the usufructuary only makes these his own and does not those; but so that the capital is redeemed in advance, so that novation of the original obligation, so that the person of the debtor is replaced if These are not rights guaranteed with real lien, as well as so that the redeemed capital is reimposed, the consent of the usufructuary.

**ARTICLE 1123.- USUFRUCTUARIO DE MONTES.** The usufructuary of a mountain enjoy all the products that come from it according to its nature.

**ARTICLE 1124.- USUFRUCT OF LOGGING OR OF WOODS BUILDING.** If the forest is cut down or used for construction timber, the usufructuary to make in it the ordinary cuts or cuts that the owner would make, accommodating in the manner, portion or time to the special laws or to the

customs of the place.

In all other cases, the usufructuary may not cut trees by the foot, as not either to replace or repair some of the things used; and in this case The owner will be previously credited with the need for the work.

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**ARTICLE 1125.- USE OF NURSERIES BY THE FRUIT USER .** The usufructuary may use the nurseries, without prejudice to their conservation and according to the customs of the place and the provisions of the respective Laws.

**ARTICLE 1126.- INCREASES BY ACCESSING ENJOYMENT OF EASTS IN FAVOR OF THE USUFRUCTUARIO.** The usufructuary corresponds to the fruit of the increases that things receive by accession and the enjoyment of the easements that have it going for you.

**ARTICLE 1127.- USUFRUCT OF MINES.** They do not correspond to the usufructuary the products of the mines that are exploited on land given in usufruct, unless that are expressly granted in the title constituting the usufruct or that it be universal; but the usufructuary must be compensated for damages that arise from the interruption of the usufruct as a result of the works that are practiced for the working of mines.

**ARTICLE 1128.- DISPOSAL , LEGAL LEASE OF THE USUFRUCT.** The usufructuary can enjoy by himself the thing usufruct. You can sell, lease and encumber your right of usufruct, but all contracts that you enter into as a usufructuary will end with the usufruct.

The usufructuary is responsible for the impairment that the assets have through fault or negligence of the person who replaces you.

**ARTICLE 1129.- IMPROVEMENTS OF THE USUFRUCTUARIO.** The usufructuary can make useful or purely voluntary improvements; but you have no right to claim your payment, although you can withdraw them, as long as it is possible to do so without detriment of the thing in which the usufruct is constituted.

**ARTICLE 1130.- DISPOSAL OF ASSETS WITH CONSERVATION OF THE USUFRUCT.** The owner of property in which another has the usufruct may alienate them, on the condition that the usufruct is preserved.

**ARTICLE 1131.- RIGHT OF THE BOTH OF THE FRUIT USER .** The usufructuary has the right of both. The provisions of article are applicable

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1100 of this Code, as regards the way to give notice of alienation and time to make use of the right of both.

### **CHAPTER III OF THE OBLIGATIONS OF THE FRUIT USER**

**ARTICLE 1132.- OBLIGATIONS OF THE USUFRUCTUARY PRIOR TO THE DELIVERY OF THE GOODS.** The usufructuary before entering into the enjoyment of the goods, you are obliged:

- I.- To form an inventory of all them, having the furniture appraised and the state in which the estate; Y,
- II.- To give the corresponding guarantee that you will enjoy things with moderation, and will return them to the owner with their accessions, upon termination of the usufruct, not worsened or impaired by their negligence, except as provided in article 273 of this Code.

**ARTICLE 1133.- USUFRUCT OF THE DONOR.** The donor who keeps the usufruct of the donated goods is exempt from giving the aforementioned surety, if not has expressly obliged to do so.

**ARTICLE 1134.- WAIVER OF GUARANTEE OF THE USUFRUCTUARY.** Which reserves the property, can release the usufructuary from the obligation of bail.

If the usufruct is constituted by contract and the one who contracted will remain owner and does not require the guarantee in the contract, the usufructuary to give it; but if a third party remains the owner, you can request it even if it has not been stipulated in the contract.

**ARTICLE 1135.- ONEROUS USUFRUCT WITHOUT PAYMENT OF CAUTION.** If the usufruct is constituted by onerous title and the usufructuary does not provide the corresponding security, the owner has the right to intervene the administration of the assets, to ensure their conservation, subject to the

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conditions prescribed in article 1158 last paragraph and receiving the retribution that is granted in it.

When the usufruct is gratuitous and the usufructuary does not grant the guarantee, the usufruct is extinguished under the terms of article 1151, section IX of this Ordering.

**ARTICLE 1136.- OBLIGATIONS OF THE USUFRUCTUARY DURING THE ENJOYMENT.** The usufructuary, given the surety, will have the right to all the fruits of the thing, from the day on which, according to the constitutive title of the usufruct, it should have begun to perceive them.

**ARTICLE 1137.- USUFRUCT OF LIVESTOCK .** If the usufruct is constituted on cattle, the usufructuary is obliged to replace with the offspring the heads missing for whatever reason.

If the livestock in which the usufruct was constituted perishes through no fault of the usufructuary, as a result of an epizootic or some other unusual event, the usufructuary complies with delivering to the owner the spoils that have been saved from that calamity.

If the herd perishes in part, and through no fault of the usufructuary, the usufruct continues in the part that remains.

**ARTICLE 1138.- USUFRUCT OF TREES.** The usufructuary of trees Fruit trees is obliged to replant the dead feet naturally.

**ARTICLE 1139.- OBLIGATION OF THE USUFRUCTUARIO FREE OF CHARGE TO MAKE REPAIRS.** If the usufruct has been constituted by title free, the usufructuary is obliged to make the necessary repairs to keep the thing in the condition it was in when you received it.

If the usufructuary wants to make the referred repairs, he must first obtain the consent of the owner, and in no case has the right to demand compensation of any kind.

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**ARTICLE 1140.- LACK OF OBLIGATION OF THE USUFRUCTUARY TO TITLE FREE TO MAKE REPAIRS.** The usufructuary is not obliged to make such repairs, if the need for them comes from old age, vice intrinsic or serious deterioration of the thing prior to the constitution of the usufruct.

The owner, in the case of the previous paragraph, is not obliged to make the repairs, and if you make them you have no right to demand compensation.

**ARTICLE 1141.- OBLIGATION TO MAKE REPAIRS FOR THE USUFRUCTUARIO A TITLE ONEROSO.** If the usufruct has been constituted by title burdensome, owner is obligated to make all repairs convenient so that the thing, during the time stipulated in the agreement, can produce the fruits that were ordinarily obtained from it at the time of delivery.

If the usufructuary wants to make the repairs in this case, he must notify the owner, and subject to this requirement, will have the right to collect the amount at the end of the usufruct.

The omission of the notice to the owner makes the usufructuary responsible for the destruction, loss or impairment of the thing due to lack of repairs, and It deprives him of the right to request compensation if he does so.

**ARTICLE 1142.- ORDINARY USUFRUCTUARY CHARGES.** All decrease in the fruits that come from the imposition of taxes, or charges Ordinary matters on the property or usufruct thing, it is for the account of the usufructuary.

**ARTICLE 1143.- DECREASE OF USED PROPERTY .** The reduction that for their own causes is verified, not in the fruits, but in the same farm or well used, it will be at the owner's expense; and if this one, to conserve the property in full, makes the payment, has the right to be paid the interest of the amount paid, for as long as the usufructuary continues to enjoy the well.

If the usufructuary makes the payment of the amount, he does not have the right to collect interests, these being compensated with the fruits that it receives.

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**ARTICLE 1144.- OBLIGATIONS OF THE UNIVERSAL USUFRUCTUARIO.** The fact that by succession he acquires the universal usufruct, he is obliged to pay in full the legacy life annuity or alimony.

He who by the same title acquires a part of the universal usufruct, will pay the bequest or pension, in proportion to your quota.

**ARTICLE 1145.- USUFRUCT OF MORTGAGED ASSET .** The usufructuary individual of a mortgaged property is not obliged to pay the debts for which security the mortgage was constituted.

**ARTICLE 1146.- USUFRUCT OF GOOD SOLD OR EMBARGOED JUDICIALLY.** If the farm is seized or sold judicially for payment of the debt, the owner responds to the usufructuary for what he loses for this reason, if nothing else has been provided, when establishing the usufruct.

**ARTICLE 1147.- USUFRUCT TOTAL OR PARTIAL INHERITANCE.** If he usufruct is of all the assets of an inheritance or of a part of them, the usufructuary may anticipate the sums that for the payment of debts hereditary assets correspond to the usufruct assets, and will have the right to demand restitution of the owner, without interest, upon termination of the usufruct.

If the usufructuary refuses to anticipate what the paragraph that above, the owner may have the part of the property sold that is sufficient for the payment of the amount that he had to satisfy, according to the established rule in that paragraph.

If the owner makes the advance on his own, the usufructuary will pay the money interest, according to the rule established in article 1143 of this Code.

**ARTICLE 1148.- OBLIGATION OF THE FRUIT USER TO NOTIFY THE OWNER WHEN THE RIGHTS OF THIS IS DAMAGED.** If the rights of the owner are disturbed by a third party, be it in the way and for the reason that Whatever, the usufructuary is obliged to make it known to him; and if not does, is responsible for the resulting damages, as if they had been caused by your fault.

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**ARTICLE 1149.- EXPENSES OF JUDICIAL COSTS ON USUFRUCT.** The expenses, costs and sentences of the lawsuits held over the usufruct are for owner's account if the usufruct has been constituted by onerous title, and the usufructuary, if it has been established by gratuitous title.

If the lawsuit interests the owner and the usufructuary at the same time, they will contribute to the expenses in proportion to their respective rights, if the usufruct was constituted free title, but the usufructuary, in no case is obliged to answer for more than the usufruct produces.

**ARTICLE 1150.- EFFECTS OF THE JUDGMENT ON USUFRUCTO WITHOUT NOTIFICATION TO THE OWNER OR THE USER.** If the usufructuary, without a summons from the owner, or the latter without that of the former, has followed a lawsuit, the Favorable judgment takes advantage of the non-cited, and the adverse does not harm him.

#### CHAPTER IV OF THE WAYS OF EXTINGUISHING THE USUFRUCT

**ARTICLE 1151.- WAYS BY WHICH THE USUFRUCT ENDS.** The usufruct is extinguished:

- I.- Due to the death of the usufructuary;
- II.- Due to the expiration of the term for which it was established;
- III.- Due to the fulfillment of the condition imposed in the constitutive title for the cessation of this right;
- IV.- By the meeting of the usufruct and the property in the same person; more  
If the meeting is verified in a single thing or part of the usufruct, in what the rest will subsist the usufruct;
- V.- By negative prescription in accordance with the provisions regarding rights real;
- VI.- Due to the express resignation of the usufructuary, except for the provisions regarding the waivers made in fraud of creditors;
- VII.- For the total loss of the thing that was the object of the usufruct. If the destruction is not total, the right continues on what of the thing has left;

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VIII.- Due to the cessation of the right of the one who constituted the usufruct, when having a revocable domain comes the case of revocation; Y

IX.- For not giving a guarantee by the usufructuary for free, if the owner has not exempted from that obligation.

**ARTICLE 1152.- CONSERVATION OF THE SUCCESSIVE USUFRUCT.** Death the usufructuary does not extinguish the usufruct, when it has been constituted in favor of several people successively, because in such a case the enjoyment of the same appropriate person.

**ARTICLE 1153.- DURATION OF USUFRUCT IN FAVOR OF PEOPLE MORALES.** The usufruct constituted in favor of legal entities that can acquire and manage real estate, it will only last twenty years, ceasing earlier in the in the event that such persons cease to exist.

**ARTICLE 1154.- SUBSISTENCE OF THE USUFRUCT FOR TIME GRANTED ACCORDING TO THE AGE OF A THIRD PARTY.** The usufruct granted for the time it takes for a third to reach a certain age, it lasts for the number of years prefixed, even if the third dies before.

**ARTICLE 1155.- USUFRUCT ON BUILDING.** If the usufruct is constituted on a building, and it is ruined in a fire, by old age or by some other accident, the usufructuary does not have the right to enjoy the lot or the materials; but if it is constituted on a hacienda, fifth or ranch of that only the ruined building is part, the usufructuary may continue taking advantage of the site and the materials.

**ARTICLE 1156.- SUBSTITUTION OR INDEMNIFICATION TO THE FRUIT USER BY EXPROPRIATION OF THE PROPERTY.** If the usufruct property is expropriated by cause of public utility, the owner is obliged to replace it with another of equal value and similar conditions, or to pay the usufructuary the legal interest of the Amount of compensation for the entire time that the usufruct should last. If he The owner will opt for the latter, he must guarantee the payment of the revenues.

**ARTICLE 1157.- APPLICATION OF RULES ON REPAIRS IN THE USUFRUCT.** If the building is rebuilt by the owner or the beneficial owner, it will be

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will be subject to the provisions of articles 1139, second paragraph, 1140, second paragraph and 1141, first and second paragraphs of this Code.

**ARTICLE 1158.- NON- EXTINCTION OF THE USUFRUCT.** The temporary impediment due to unforeseeable circumstances or force majeure, it does not extinguish the usufruct, nor does it give the right to demand owner's compensation.

The time of the impediment will be run for the usufructuary, of whom they will be the fruits that the thing can produce during it.

The usufruct is not extinguished by the misuse that the usufructuary makes of the thing usufruct; but if the abuse is serious, the landlord can ask for it to be in possession of the goods, being obliged, under surety, to pay annually to the usufructuary the liquid product thereof, for the duration of the usufruct, deducting the amount agreed by the Judge by the administration.

**ARTICLE 1159.- EFFECTS OF THE TERMINATION OF THE USUFRUCT.**

Once the usufruct has ended, the contracts entered into by the usufructuary do not oblige the owner and he will come into possession of the thing, without that those who contracted with the usufructuary have the right to ask him compensation for the dissolution of their contracts, nor for the stipulations of these; that can only be enforced against the usufructuary and his heirs, except the provisions of article 1119 second paragraph of this Code.

## CHAPTER V OF THE USE OF THE ROOM

**ARTICLE 1160.- NOTION OF USE.** The use is a real, temporary right, life by nature, to use a foreign thing without altering its shape or substance. The user will also have the right to receive the fruits of the itself, but only to the extent that it meets your needs and those of your family, even if it increases.

**ARTICLE 1161.- NOTION OF ROOM.** The room is a royal right, temporary, for life by nature, to occupy free of charge, in someone else's house, the necessary pieces for the inhabitant and the people of his family.

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**ARTICLE 1162.- APPLICATION OF PROVISIONS ON OBLIGATIONS**

**GENERIC RIGHTS IN ROOM USE.** The rights and Obligations of the user and of the one who has the enjoyment of the room will be arranged by the respective titles and, failing that, by the following provisions.

The provisions established for usufruct are applicable to the rights of use and room, as long as they do not oppose what is ordered in the present Chapter.

**ARTICLE 1163.- FORMS OF CONSTITUTION OF ROOM USE.** The rights of use and habitation may be established by law, by legal act unilateral or plurilateral, or by prescription.

The unilateral legal act can have its effects during the life of the constituent, or as of his death, when the aforementioned rights are constituted by will. In the first case, the act will be irrevocable once granted, regardless of the acceptance of the user or inhabitant.

The previous rules also apply to usufruct and easements.

**ARTICLE 1164.- LIMITATIONS ON ROOM USE.** The user and the one have the right of room in a building cannot alienate, encumber or lease in whole or in part your right to another, nor these rights can be seized by your creditors.

**ARTICLE 1165.- USE ON LIVESTOCK.** The one who has the right to use a cattle, he can take advantage of the young, milk and wool as long as it is enough for his consumption and that of his family.

**ARTICLE 1166.- CONTRIBUTIONS OF THE USER OF THE ONE WHO HAS ROOM RIGHT.** If the user consumes all the fruits of the property, or the one who has the right of habitation occupies all the parts of the house, are liable for all costs of cultivation, repairs and payment of contributions, the same as the usufructuary; but if the first only consumes part of the fruits, or the second, only occupies part of the house, they should not contribute

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in nothing, as long as the owner has a part of the fruits or  
 Enough uses to cover expenses and charges.

If the fruits that remain to the owner do not cover the expenses and charges, the  
 The missing part will be covered by the user, or by the one who has the right to  
 bedroom.

**TITLE SIX  
 OF THE EASTS  
 CHAPTER I  
 GENERAL DISPOSITION**

**ARTICLE 1167.- NOTION OF SERVICE.** Servitude is a right  
 real tax on a property for the benefit of another belonging to a different owner,  
 to partially use the former, in the terms in which the Law provides for each  
 case, or is stipulated in the legal act that gave rise to it.

The one that reports the lien or real right is called servant property and the one in  
 The benefit of which is constituted is called the dominant property.

Easements give rise to legal relationships between the owners or holders of  
 the aforementioned properties, the owner or possessor being an active subject  
 of the dominant property and taxable person the owner or possessor of the servant property.

**ARTICLE 1168.- PURPOSE OF THE SERVICE.** The easement consists of  
 not doing or tolerating. So that the owner of the servant property may be required  
 execution of an act must be expressly determined by the  
 Law, or in the act in which the easement was constituted.

**ARTICLE 1169.- CLASSES OF EASE.** Easements are  
 continuous or discontinuous; apparent or not apparent.

Those whose use is or can be incessant without the intervention of  
 no fact of man.

Those whose use requires some actual act of man are discontinuous.

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Those that are advertised by external works or signs, arranged for its use and exploitation.

They are not apparent, those that do not present an external sign of their existence.

**ARTICLE 1170.- CHARACTERISTICS OF THE EASTS.** The easements are indivisible. If the servant property is divided among several owners, servitude is not modified, and each of them has to tolerate it in the part that corresponds to him. If it is the dominant property that is divided among several, each portioner can use the entire servitude, not varying the place of his use or otherwise aggravate it. But if the servitude had been established in favor of only one of the parts of the dominant property, only its owner you can continue to enjoy it.

Easements are inseparable from the property to which it actively or passively they belong.

If the properties change ownership, the easement continues, already active, already passively, in the property or object in which it was constituted, until legally extinguished.

**ARTICLE 1171.- FORMS OF CONSTITUTION OF EASTS.** The Easements may be constituted by law, by unilateral legal act or by plurilateral and by prescription. The easements established by the Law are called legal, the others are called voluntary.

## CHAPTER II OF LEGAL EASTS

**ARTICLE 1172.- NOTION OF LEGAL SERVICE.** Legal servitude is the established by Law, taking into account the situation of the properties and in view of the public and private utility jointly.

**ARTICLE 1173.- APPLICATION TO THE SERVANTS OF LEES REGULATIONS RELATING TO PUBLIC OR COMMUNAL UTILITY.** All the

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concerning the easements established for the public or communal utility, It will be governed by applicable laws and regulations and, failing that, by the provisions of this Title.

**ARTICLE 1174.- APPLICABILITY OF RIGHTS OBLIGATIONS OF PROPERTIES WITH VOLUNTARY EASMENTS TO EASMENTS LEGAL.** The provisions of articles from 1209 to 1215 of this Code.

**CHAPTER III  
OF THE LEGAL DRAINAGE SERVICE**

**ARTICLE 1175.- TOLERANCE OF THE SERVANT PREMISES FOR RECEIVE WATER.** The lower estates are subject to receiving the waters that naturally, or as a consequence of agricultural or industrial improvements do, fall from the superiors, as well as the stone or earth that they drag in their course.

When the lower estates receive the waters of the higher ones as a result of agricultural or industrial improvements made to them, the owners of the properties servants have the right to be compensated.

**ARTICLE 1176.- DOMINANT PROPERTY INTERLOCKED IN OTHERS.** When a rustic or urban property is located among others, the owners of the surrounding properties to allow the drainage of the plant. The dimensions and direction of the drainpipe, if the interested parties, will be set by the Judge, prior report of experts and hearing of the interested parties, observing, as far as possible, the rules given for the right of way.

**ARTICLE 1177.- OPTION OF THE AFFECTED PROPERTY OWNER TO DO OR ALLOW REPAIRS.** The owner of a property where there are works defensive to contain the water, or in that by the variation of the course of this is necessary to build new ones, he is obliged, at his choice, or to make the repairs or constructions, or to tolerate them being made without prejudice by property owners who experience or are imminently exposed to

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experience the harm, unless special laws or regulations impose the obligation to do the works.

The provisions of the preceding paragraph are applicable to the case in which it is necessary clear any property of the materials whose accumulation or fall prevents the water course with damage or danger from a third party.

All owners who participate in the benefit from the works of dealt with in the preceding paragraphs, are obliged to contribute to the expense of their execution in proportion to their interest and the judgment of experts. Those who because of him have caused the damage, they will be responsible for the expenses.

**ARTICLE 1178.- UNHEALTHY WATERS IN SERVANT PROPERTIES.** If the waters that pass to the servant property have become unhealthy due to the uses domestic or industrial that have been made of them, should become harmless at the expense of the owner of the dominant property.

#### CHAPTER IV OF THE LEGAL SERVICE OF AQUEDUCT

**ARTICLE 1179.- REQUIREMENTS FOR THE SERVICE OF AQUEDUCT.** The who wants to use available water, has the right to pass it through intermediate farms, with an obligation to compensate their owners, as well as the of the lower properties on which the waters seep or fall.

The buildings, their patios, gardens and others are excepted from this easement. dependencies.

**ARTICLE 1180.- PREREQUISITES FOR THE EXERCISE OF THE AQUEDUCT EASE.** The one who intends to use the right consigned in the previous article, you must previously:

- I.- Justify that you can have the water you intend to drive;
- II.- Prove that the step requested is the most convenient for the use to which destines the water;

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- III.- Prove that said step is the least onerous for the properties where the water must pass;
- IV.- Pay the value of the land that the canal occupies, according to an estimate of experts, and ten percent more; Y
- V.- Compensate immediate damages, including that resulting from being divided into

two or more parts, the servant property, and any other deterioration.

**ARTICLE 1181.- OBLIGATION OF THE BENEFICIARY TO BUILD CHANNELS NECESSARY FOR THE PASSAGE OF WATER.** The one who exercises the right of passing the waters referred to in article 1179 of this Ordinance is forced to build the necessary canal in the intermediate estates, even if there is they canals for the use of other waters.

**ARTICLE 1182.- POSSIBILITY TO PREVENT THE OPENING OF A NEW CHANNEL FOR WHO HAS IT.** The one who has a channel on his property for the course of waters that belong to it, can prevent the opening of a new one, offering give way through it, as long as it does not cause harm to the owner of the property dominant.

In the case referred to in the preceding paragraph, the one who intends the passage of water must pay, in proportion to the amount thereof, the value of the land occupied by the channel in which they are introduced and the expenses necessary for their conservation, without prejudice to the compensation due for the land that is necessary to occupy new and for the other expenses caused by the step that is granted.

**ARTICLE 1183.- USE OF CONDITIONS FOR THE PASSAGE OF WATERS.** The passage of the waters through the canals and aqueducts in the most convenient way, provided that the course of the waters that are conducted through these and their volume, does not suffer alteration, both aqueducts mix.

**ARTICLE 1184.- NEED TO OBTAIN PERMISSION TO PASS WATER PUBLIC.** In the case of article 1179 of this Code, if necessary to do passing the aqueduct by a road, river or public torrent, must, indispensable and previously, obtain permission from the authority under whose inspection the road, river or stream.

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The authority will only grant permission fully subject to the regulations respective, and forcing the owner of the water to make it pass without the aqueduct impede, narrow or deteriorate the road or impede or hinder the course of the river or torrent.

Whoever without prior permission passes the water or spills it on the road,

will be obliged to restore things to their old state and to compensate for the damage that is caused to anyone, without prejudice to the penalties imposed by the corresponding regulations.

**ARTICLE 1185.- LIMITATIONS ON THE PASSAGE OF WATER.** The amount of water that can impregnate an aqueduct established on someone else's property, will not have other limitation than that resulting from the capacity than from the dimensions agreed upon has been attached to the same aqueduct.

**ARTICLE 1186.- EXTENSION BY WHICH THE AQUEDUCT ENJOYS.** Yes Whoever enjoys the aqueduct will need to expand it, must pay for the works necessary and pay for the land that it occupies again and the damages it causes, in accordance with the provisions of sections IV and V of article 1180 of this Code.

**ARTICLE 1187.- EFFECTS DERIVED FROM THE SERVICE OF AQUEDUCT.** The legal easement established by article 1179 brings with it the right of transit for people and animals, and that of driving materials necessary for the use and repair of the aqueduct, as well as for the care of the water that is conducted through it, observing the provisions of the Articles 1194 to 1198, inclusive, of this Code.

**ARTICLE 1188.- APPLICATION OF PROVISIONS ON THE PASSAGE OF WATERS.** The provisions concerning the passage of waters are applicable to the case in which the possessor of a marshy land wants to drain it or give way through channels to stagnant waters,

**ARTICLE 1189.- CONSERVATION OF THE AQUEDUCT ITS ACCESSORIES.** Anyone who takes advantage of an aqueduct, whether through their own land, or through

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alien, must build and conserve bridges, canals, aqueducts, subways and other necessary works so that the right of another is not harmed.

If those who take advantage are several, the obligation will fall on all in proportion of its use, if there is no prescription or agreement in contrary.

The provisions of the two previous paragraphs include cleaning, construction and repairs, so that the water course is not interrupted.

**ARTICLE 1190.- FENCE CLOSURE BY THE SERVANT PROPERTY OWNER EXISTING AQUEDUCT SERVICE.** The aqueduct easement

It does not prevent the owner of the servant property from being able to close it and fence it, as well as build on the same aqueduct so that it does not experience damage or necessary repairs and cleaning are impossible.

**ARTICLE 1191.- CONSTRUCTION OF THE DAM STEP.** When for him better use of the water available to you, regardless of It is necessary to build a dam and whoever has to do it does not own the land in which support is needed, you can request that the easement of a abutment of dam, after the corresponding compensation.

**CHAPTER V  
OF THE LEGAL SERVICE OF STEP**

**ARTICLE 1192.- ASSUMPTION OF THE LEGAL SERVICE OF STEP.** The owner of a farm or estate nestled among others with no exit to the road public, has the right to demand passage, for the use of that, through the neighboring estates, without their respective owners being able to claim another provision that compensation equivalent to the damage caused by this assessment.

**ARTICLE 1193.- PRESCRIPTION OF THE INDEMNIFICATION CLAIM.** The claim to claim this compensation is prescribable, but although prescribe, the step obtained does not cease for this reason.

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**ARTICLE 1194.- FACULTY OF THE OWNER OF THE SERVING PROPERTY TO SIGNAL THE PASSAGE SERVICE.** The owner of the servant estate has right to designate the convenient place where the right of way.

**ARTICLE 1195.- JUDICIAL QUALIFICATION OF THE SERVICE OF STEP.** If the judge qualifies the designated place as impracticable or very burdensome to the property dominant, the owner of the servant must designate another.

If this place is qualified in the same way as the first, the Judge will mark the that it deems more convenient, trying to reconcile the interests of the two owners.

**ARTICLE 1196.- PLURALITY OF PROPERTIES FOR ACCESS TO PUBLIC VIA.** If there are several properties through which the passage to the public highway can be forced to servitude will be the one where the distance is shortest as long as it is not uncomfortable and expensive to pass through that place. If the distance is the same, the Judge will designate which of the two properties has to take the step.

**ARTICLE 1197.- PASSAGE WIDTH TO DETERMINE THE EASTS.** In the right-of-way, the width of the right-of-way will be that which is sufficient to the needs of the dominant property, at the discretion of the Judge.

**ARTICLE 1198.- EFFECTS OF PREVIOUS COMMUNICATION FOR THE STEP TO PUBLIC VIA.** In the event that there has been prior communication between the estate or inheritance and any public road, the passage may only be required of the inheritance or farm where there was lately.

**ARTICLE 1199.- EFFECTS FOR THE STEP OF LIVESTOCK REGARDING RUSTIC PROPERTY.** The owner of a rustic property has the right, through the corresponding compensation, to demand that he be allowed the passage of his won by neighboring properties, to lead them to a trough that can provide.

**ARTICLE 1200.- RIGHT TO COLLECT FRUITS ON THE PROPERTY ALIEN.** The owner of a tree or shrub adjoining the property of another has the right to demand from him to allow him to collect the fruits that are not

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can pick up from your side, as long as the right has not been used or is not used granted by articles 1014 and 1015 of this Code, but the owner of the tree or bush is responsible for any damage caused by harvesting.

**ARTICLE 1201.- STEP THROUGH CONSTRUCTION OR REPAIR OF WORK.** Yes it is essential to construct or repair a building to pass materials through someone else's property or place scaffolding or other objects on it for the work, the owner of this property will be obliged to consent to it, receiving compensation corresponding to the damage incurred.

**ARTICLE 1202.- PASSAGE EFFECTS FOR TELEPHONE ROADS OR ELECTRICAL EMERGENCY.** When to establish telephone communications individuals between two or more farms, or to conduct electricity to a farm, it is necessary to place poles and lay wires on the land of a foreign farm, the owner of this has the obligation to allow it, by means of compensation

correspondent. This service brings with it the right of transit of people and that of conducting the materials necessary for construction and surveillance, of the line.

## CHAPTER VI OF THE VOLUNTARY EASTS

**ARTICLE 1203.- ESTABLISHMENT OF VOLUNTARY EASE.** The owner of a farm or estate can establish in it how many easements consider it convenient and in the way and form that seems best to you, as long as you do not contravenes the laws or harms the rights of third parties.

**ARTICLE 1204.- CAPACITY OF ACQUISITION OF EASTS VOLUNTEERS.** Only persons who have right to sell; those that cannot dispose of real estate except in certain solemnities or conditions, cannot, without them, impose servitude on the themselves.

If there are several owners of a property, easements may not be imposed but with the consent of all.

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If there are several owners, only one of them acquires an easement on another property, in favor of the common, all the owners, being obliged to the natural taxes that it brings with it and to the agreements with which it has been acquired.

**ARTICLE 1205.- ACQUISITION OF CONTINUOUS EASE NO APPARENTS OF THE DISCONTINUES.** Continuous and apparent easements They are acquired by any legal title, including prescription.

Non-apparent continuous easements, and discontinuous ones, whether or not they are Apparent, they cannot be acquired by prescription.

**ARTICLE 1206.- BURDEN OF PROOF OF SERVICE.** To what claims to have the right to an easement, it is the burden of proving, even if in possession of it, the title by virtue of which he enjoys it.

**ARTICLE 1207.- EFFECTS OF THE APPEARANCE OF THE SERVICE.** The

existence of an apparent sign of easement between two farms, established or kept by the owner of both, it is considered, if they are disposed of, as title for the easement to continue, unless, at the time of dividing the property of the two farms, the opposite is expressed in the title of alienation of any of them.

**ARTICLE 1208.-** CONTENT OF THE SERVICE. When a easement is understood to have been granted all the necessary means for its use, and once it is extinguished, these accessory rights also cease.

**CHAPTER VII**  
**RIGHTS OBLIGATIONS OF THE PROPERTY OWNERS**  
**AMONG THOSE WHO IS CONSTITUTED SOME EASION**  
**VOLUNTEER**

**ARTICLE 1209.-** EFFECTS OF THE TITLE THAT ORIGINATES THE SERVICE VOLUNTEER. The use and existence of the easements established by the will of the owner, they will be arranged by the terms of the title in which they have their origin and, failing that, by the following provisions.

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**ARTICLE 1210.-** EXPENSES NECESSARY FOR THE USE OF CONSERVATION OF THE SERVICE. It is the responsibility of the owner of the dominant property to do at his expense all the works necessary for the use and conservation of the easement.

He is obliged to do the necessary works at his own expense, so that the owner of the servant property is not caused, by the easement, more encumbrances that the consequent to it, and if due to its carelessness or omission other damage, you will be obliged to compensation.

**ARTICLE 1211.-** EFFECTS OF ABANDONMENT OF THE SERVANT PROPERTY. If he owner of the servient estate has been bound by the constitutive title of the servitude to do something or to pay for a work, he will get rid of this obligation by abandoning their property to the owner of the dominant.

**ARTICLE 1212.-** RESPECT OF THE SERVANTS BY THE OWNER OF THE SERVANT PROPERTY. The owner of the servant property may not undermine so some the easement constituted on it.

**ARTICLE 1213.-** CHANGE OF PLACE OF SERVICE. The owner of the

Servant property may offer another that is comfortable to the owner of the dominant property, if the place originally designated for the use of the easement were to present serious inconvenience to you. The owner of the dominant property may not refuse it if it does not harm you.

**ARTICLE 1214.- PERFORMANCE CONSERVATION OF WORKS BY THE PROPERTY OWNER SERVANT.** The owner of the servant estate can execute the works that make the easement less burdensome, if no damage results from them some to the dominant property.

If any damage to the property follows from the conservation of said works dominant, the servant's owner is obliged to restore things to his old state already compensate for damages.

If the owner of the dominant property opposes the works referred to in the paragraph first of this article, the judge will decide after an expert report.

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**ARTICLE 1215.- DOUBTS ABOUT THE USE OF THE EXTINCTION OF THE SERVICE.** Any doubt about the use and termination of the easement will be decided in the sense less burdensome for the servant property, without making it impossible or difficult to use the servitude.

### CHAPTER VIII OF THE EXTINCTION OF EASTS

**ARTICLE 1216.- FORMS OF EXTINCTION OF EASTS.** The easements are extinguished:

I.- For non-use;

When the easement is continuous and apparent, for the non-use of three years, counted from the day the apparent sign of the servitude.

When it is discontinuous or not apparent, due to non-use for five years, counted from the day it ceased to be used because the owner of the estate had executed servant act contrary to servitude, or for having prohibited the use of her. If there was no contrary act or prohibition, even if the servitude, or if there were such acts, but the use persists, the time of the prescription;

- II.- When the properties arrive without fault of the owner of the servant property to such unusable state of easement. If from now on the properties are established in such a way that the servitude can be used, it will revive it, Unless since the day it could be used again, the enough time for the prescription;
- III.- For the free or onerous referral made by the owner of the dominant property;
- IV.- When constituted by virtue of a revocable right, the term expires, the condition is met or the circumstance that should put an end to that; Y
- V.- When it stops providing utility.

**ARTICLE 1217.- RESTITUTION OF SERVICE.** If the properties between that a legal easement is constituted pass into the power of the same owner,

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servitude ceases to exist, but properties once again separated, revive it, even when no apparent signs have been preserved.

**ARTICLE 1218.- EXTINCTION OF LEGAL SERVICE CONSIDERED OF PUBLIC OR COMMUNAL UTILITY.** Easements legal established as of public or communal utility are lost due to non-use of five years, if it is proven that during this time it has been acquired, whereby he enjoyed those, another servitude of the same nature, in a different place.

**ARTICLE 1219.- CONVENTIONAL RELEASE OF LEGAL SERVICE.** The owner of a property subject to a legal easement may, by means of agreement, get rid of it, with the following restrictions:

- I.- If the easement is constituted in favor of a Municipality or population, it does not The agreement will have any effect on the entire community, if it has not been held with the City Council intervening on its behalf, but yes will produce a claim against each of the individuals who have renounced said servitude;
- II.- If the easement is for public use, the agreement is void in any case;
- III.- If the easement is through or drainage, the agreement will be understood held with the condition that the property owners approve it five neighbors, or at least the owner of the property through which he constitute the easement; Y
- IV.- The waiver of the legal drainage easement will only be valid when there is no opposes the respective regulations.

**ARTICLE 1220.- IMPEDIMENT OF PRESCRIPTION ON PROPERTY DOMINANT IN CO-OWNERSHIP.** If the dominant property belongs to several undivided owners, the use made by one of them takes advantage of the others to prevent the prescription.

**ARTICLE 1221.- BENEFIT FROM NON-PRESCRIPTION FOR LACK OF LEGAL APPLICATION TO A LANDLORD.** If among the owners there is anyone against whom by provision of the Law the prescription cannot run, this will not run against others.

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**ARTICLE 1222.- PRESCRIPTION OF THE USE OF SERVICE.** The mode of use of easement may be prescribed in time and in the manner that the servitude itself.

**TITLE SEVENTH  
OF THE PRESCRIPTION  
CHAPTER I  
GENERAL DISPOSITION**

**ARTICLE 1223.- NOTION OF THE PRESCRIPTION.** Prescription is a means of acquire property or rights, or lose the latter, as well as freedom from obligations, over the course of a certain time and under the conditions established by law.

**ARTICLE 1224.- CLASSES OF PRESCRIPTION.** It's called a positive prescription or usucapion the form of acquiring property or rights through possession in concept of owner or holder of a real right, exercised peacefully, continuous, public and certain, for the time established by law. In the case of rights real guarantee, may not be purchased by prescription.

Negative prescription is called the way to free oneself from obligations, for not enforce compliance, or lose real rights by not exercising them, within of the term that the Law fixes in each case or by general provisions.

**ARTICLE 1225.- OBJECT OF THE PRESCRIPTION.** They can only be subject to prescription of goods, rights and obligations that are in the trade, except the exceptions established by law.

**ARTICLE 1226.- CAPACITY TO USUCAPIR.** They can usucapir all that they are capable of acquiring by any other title, minors and others. The disabled can do so through their legitimate representatives.

**ARTICLE 1227.- CHANGE OF THE CAUSE OF POSSESSION FOR EFFECTS OF THE PRESCRIPTION.** For the purposes of articles 996 and 997 of this Code, the cause of possession is considered legally changed when the possessor who did not possess as owner begins to possess with this character, and

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In this case, the prescription does not run until the day the prescription was changed. cause of possession.

**ARTICLE 1228.- GENERALITY OF THE NEGATIVE PRESCRIPTION.** The Negative prescription benefits everyone, even those who cannot by themselves be bound.

**ARTICLE 1229.- KINDS OF WAIVER OF THE PRESCRIPTION.** Resignation of the prescription is express or tacit, the latter being the one that results from a fact that the abandonment of the acquired right matters.

**ARTICLE 1230.- PEOPLE ABLE TO RESIGN THE PRESCRIPTION OBTAINED.** People with the capacity to sell, can waive the prescription earned, but not the right to prescribe for what successive.

**ARTICLE 1231.- INTERESTED PERSONS IN WHICH THE PRESCRIPTION SUBSISTENT.** Creditors and all those who have a legitimate interest in the prescription subsists, you can enforce it even if the debtor or the owner have waived the rights in that virtue acquired.

**ARTICLE 1232.- RULES TO PRESCRIBE BY THE CO-OWNERS OR BY CO-OWNERS.** If several people have something in common, no none of them can prescribe against their co-owners or co-owners; but Yes, he can prescribe against a stranger, and in this case the prescription takes advantage of all participants.

**ARTICLE 1233.- THE PRESCRIPTION ACQUIRED REACHES GUARANTEES.** The prescription acquired by the principal debtor always takes advantage of their guarantors.

**ARTICLE 1234.- CHARACTER OF INDIVIDUALS TO PUBLIC ENTITIES TO PRESCRIBE.** The Nation and the Federative Entities, in their cases, as well such as municipalities and other public legal entities, will be considered as individuals for the prescription of their assets, rights and claims that are susceptible to private property.

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**ARTICLE 1235.- TEMPORARY POSSESSION SUPPLEMENTATION FOR PRESCRIBE.** The prescriber may complete the term necessary for his prescription gathering the time that he has possessed, the time that he possessed the person who transmitted the thing to him, as long as both possessions satisfy the legal requirements.

**ARTICLE 1236.- LEGAL ASSUMPTIONS IN WHICH THE PROVISIONS OF THIS TITLE.** The provisions of this Title, relative to time and other requirements necessary for the prescription, will only stop be observed in cases where the Law expressly provides otherwise.

## CHAPTER II OF THE POSITIVE PRESCRIPTION

**ARTICLE 1237.- REQUIREMENTS FOR POSITIVE PRESCRIPTION.** The Possession necessary to acquire property or real rights, must be:

- I.- As owner, in the case of acquiring goods, or as owner of a real right, if it is about acquiring this right;
- II.- Peaceful;
- III.- Continuous;
- IV.- Public; Y
- V.- True.

**ARTICLE \* 1238.- ACQUISITIVE PRESCRIPTION ON ASSETS REAL ESTATE PROPERTY RIGHTS.** Real estate and the real rights over real estate, susceptible of positive prescription, are acquired with the aforementioned requirements and those established below:

- I.- In five years, when they are owned as the owner or holder of the real law, in good faith, and in a peaceful, continuous, certain and public manner;
- II.- In five years, when real estate or real rights have been subject to

of an inscription;

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III. In ten years, when they are possessed in bad faith, if the possession is in concept owner or holder of the right and is exercised in a peaceful, continuous, publicly and in a certain way; Y

IV.- The time indicated in sections I and

II, if it is shown, by whoever has a legal interest in it, that the holder of the rustic farm has not been cultivated for more than three years, or that due to not having made the urban property owner the necessary repairs, it has remained uninhabited most of the time it has been in their possession.

**NOTES:**

**CURRENT REFORM.- Section III amended** , by sole article of Decree No. 1582 published in the Official Newspaper "Tierra y Libertad" No. 5479 dated 2017/03/08. Valid 2017/03/09.

**Before it said:** III.- In twenty years, when they are possessed in bad faith, if the possession is in respect of owner or owner of the right and it is exercised in a peaceful, continuous, public way, and in a true; Y,

**ARTICLE 1239.- ACQUISITIVE PRESCRIPTION ON FURNITURE REAL RIGHTS OVER THOSE ASSETS.** Movable property and real rights over those assets, susceptible to positive prescription, are acquired in three years when they are owned as the owner or holder of the right, in good faith, and in a peaceful, continuous, public and certain manner. Missing good faith will be prescribed in ten years.

**ARTICLE 1240.- TERM FOR THE PRESCRIPTION WHEN IT MEDIEVES VIOLENCE.** When possession is acquired through violence, even if it cessation and possession continue peacefully, the term for the prescription will be twenty years for real estate and ten for furniture, counted from when violence ceases.

**ARTICLE 1241.- POSITIVE PRESCRIPTION IN CASE OF CRIME.** The Possession acquired through a crime will be taken into account for the prescription, as of the date on which the sentence or criminal action prescribed, considering possession as in bad faith.

**ARTICLE \* 1242.- PROMOTION OF TRIAL BY THE POSSESSOR WITH ENCOURAGEMENT TO PRESCRIBE.** Whoever has owned real estate for time and with the conditions required by this Code to acquire them by prescription, you can

bring a lawsuit against whoever appears as the owner of those assets in the

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Public Registry of Property, in order to declare that the prescription has been consummated and that it has, therefore, acquired the property. In case the possessor is aware that the real owner of the property is a person different from that indicated in the Public Property Registry, you must also, promote judgment against it. In any case, for the exercise of this claim, the promoter of the trial must reveal the cause that generated his possession.

**NOTES:**

**CURRENT REFORM.- Amended** by sole article of Decree No. 1582 published in the Official Newspaper "Tierra y Libertad" No. 5479 dated 2017/03/08. Valid 2017/03/09. **Before said:** PROMOTION OF TRIAL BY THE POSSESSOR IN ANIMAL TO PRESCRIBE IN AGAINST THE REGISTRY HOLDER. Whoever has owned real estate for the time and with the conditions required by this Code to acquire them by prescription, you can promote judgment against the one who appears as the owner of those assets in the Public Registry of the Property, in order to declare that the prescription has been consummated and that it has acquired, for hence, the property. In any case, for the exercise of this claim, the plaintiff of the trial must reveal the generating cause of its possession.

**ARTICLE 1243.- REGISTRATION OF JUDGMENT DECLARING THE PRESCRIPTION.** The final judgment that declares the claim of prescription will be registered in the Public Property Registry and will serve as title of property to the holder.

### CHAPTER III OF THE NEGATIVE PRESCRIPTION

**ARTICLE 1244.- ASSUMPTION OF NEGATIVE PRESCRIPTION.** The Negative prescription is verified for only the lapse of ten years, counted since an obligation could be extinguished, or a right exercised, so that the obligation or the right is extinguished, when one or the other is not made to worth. The Law will indicate the cases of exception to this rule.

**ARTICLE 1245.- IMPRESCRIPTIBILITY OF GIVING FOOD.** The duty to give food is imprescriptible.

**ARTICLE 1246.- RIGHTS ACTS SUBJECT TO A TERM OF TWO YEARS TO PRESCRIBE.** They prescribe in two years:

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I.- The fees, salaries, wages, wages or other remuneration for the provision of any service. The prescription starts to run from the date the services ceased to be provided;

II.- The claim of any merchant to collect the price of objects sold to non-resellers.

The prescription runs from the day the objects were delivered, if the sale was not made on time;

III.- The claim of the owners of hotels and guest houses to charge the amount of the accommodation; and that of these and the innkeepers to collect the price of the foods they minister.

The prescription runs from the day the accommodation should have been paid, or from the one in which the food was ministered;

IV.- Civil liability for insults, whether done orally or by written, and the one that arises from the damage caused by people or animals and that the Law imposes on the representative of those or the owner of these.

The prescription begins to run from the day it was received or known the injury or from the one in which the damage was caused; Y

V.- Civil liability arising from illegal acts that do not constitute crimes.

The prescription runs from the day the acts were verified.

**ARTICLE 1247.- RIGHTS ACTS WHEN I END TO PRESCRIBE IS THREE YEARS.** They prescribe in three years and, consequently, the real rights of usufruct and use constituted on movable property, when the themselves are not exercised during all that time, counting the term to from the last exercise date.

The real pledge right shall prescribe in the same terms as the obligation main guarantee.

**ARTICLE 1248.- ACTS RIGHTS SUBJECT TO TERM OF FIVE YEARS TO PRESCRIBE.** They prescribe in five years and, therefore extinguish:

I.- The real rights of usufruct and use constituted on real estate, as well as the right of habitation, when they are not exercised

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during all that time, counting the period from the last date of exercise.

Regarding easements, the provisions of articles 1216 and 1218 of this Code;

II.- Pensions, income, rents and any other benefits

Periodic periods not collected at maturity will be prescribed counted from the expiration of each one, and the collection is made by virtue of real claim or personal;

III.- The obligation to give accounts;

IV.- The liquid obligations resulting from the rendering of accounts.

In the case of section III, the prescription begins to run from the day on which the obligor terminates his administration; and, in the case of section IV of this article from the day the settlement is approved by the interested parties or by sentence that causes enforceability.

**ARTICLE 1249.- PRESCRIPTION OF OBLIGATIONS WITH RENT OR RENT.** Regarding the obligations with pension or income, the time of the Prescription of the capital begins to run from the day of the last payment, if it has not been fixed term for the return, otherwise, from the expiration of the term.

#### CHAPTER IV SUSPENSION OF THE PRESCRIPTION

**ARTICLE 1250.- THE PRESCRIPTION BEGINS RUNS AGAINST ALL PERSON CASES OF EXCEPTION.** Prescription can start and run against any person, except for the following exceptions in which the prescription cannot start or run:

I.- Against the disabled, except when their guardianship has been discerned in accordance with to the laws. The disabled will have the right to demand responsibility from their tutors when the prescription has not been interrupted due to their fault;

II.- Between ascendants and descendants, during parental authority, regarding the goods to which the latter are entitled according to the law;

III.- Between the consorts;

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- IV.- Between the disabled and their guardians or curators, while the guardianship lasts;  
 V.- Between co-owners or co-owners, with respect to the common good;  
 VI.- Against those absent from the State of Morelos who are in service public; Y  
 VII.- Against the military in active service in time of war, both outside as within the State of Morelos.

## CHAPTER V OF THE INTERRUPTION OF THE PRESCRIPTION

**ARTICLE 1251.-** CASES OF THE INTERRUPTION OF THE PRESCRIPTION. The prescription is discontinued:

- I.- If the possessor is deprived of possession of the property or of the enjoyment of the right by more than a year, in cases of positive prescription;  
 II.- By demand or any other kind of interpellation notified to the holder or the debtor in your case. The prescription will be considered as uninterrupted by judicial interpellation, if the plaintiff desisted from his claim or it was dismissed. When the claim has been processed before the Court incompetent, the prescription will be considered interrupted for the entire time of the trial, until the resolution or sentence that concludes them is enforceable;  
 III.- For the new exercise of real right, when due to its non-use there is the negative prescription started to run; Y,  
 IV.- Because the person in whose favor the prescription runs recognizes expressly, verbally or in writing, or tacitly by undoubted facts, the right of the person against whom it prescribes.

The new term of the prescription will begin to be counted in case of recognition of obligations, from the day it is made by the debtor, and, in the case of new exercise of real rights, from the date on which stop exercising again.

If the document is renewed, from the date of the new title and if any extended the term of compliance with the obligation, since it has defeated.

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**ARTICLE 1252.- INTERRUPTION OF PRESCRIPTION REGARDING SOLIDARITY DEBTORS.** The causes that interrupt the prescription regarding of one of the joint and several debtors, they also interrupt it with respect to the others.

If the creditor, consenting to the division of the debt with respect to one of the joint and several debtors, he only demands from him the part that corresponds to him, there will be no for interrupted the prescription with respect to the others.

The provisions of the preceding paragraphs are applicable to the debtor's heirs.

The interruption of the prescription in favor of any of the joint creditors, take advantage of all.

**ARTICLE 1253.- REQUIREMENTS FOR THE INTERRUPTION OF THE PRESCRIPTION OF NON-SOLIDARY OBLIGATIONS.** For the prescription of an obligation is interrupted with respect to all non-joint debtors, requires the acknowledgment or citation of all.

**ARTICLE 1254.- EFFECTS OF THE INTERRUPTION OF THE PRESCRIPTION.** The interruption of the prescription produces the following effects:

- I.- Disable all the time elapsed before it; Y
- II.- Against the guarantor, the same as for the main debtor.

## **CHAPTER VI ON THE WAY OF COUNTING THE TIME FOR THE PRESCRIPTION**

**ARTICLE 1255.- COMPUTING OF THE PRESCRIPTION.** The time for the prescription is counted by years and not from moment to moment, except in the cases in which the Law expressly determines it.

The months will be regulated with the number of days that correspond to them.

When the prescription is counted by days, they shall be understood to be twenty-four calendar hours, counted from twenty-four to twenty-four.

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General Directorate of Legislation.  
Subdirectorate of Jurisematics.

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The day the prescription begins is always counted in full, although not whatever, but the one in which the prescription ends, must be complete.

When the last day is a holiday, the prescription will not be considered complete, but fulfilled the first one that follows, if it is skillful.

## **BOOK FIFTH OF THE OBLIGATIONS**

### **PRELIMINARY TITLE GENERAL DISPOSITION**

**ARTICLE 1256.- NOTION OF OBLIGATION.** Obligation is a relationship law that imposes on a person the duty to lend to another a fact or abstention, or giving one thing.

**ARTICLE 1257.- FORM OF COMPLIANCE OF THE DEBTOR.** The debtor owes fulfill its obligation taking into account not only what is expressly determined in the Law or the legal act that serves as a source, but also everything that is in accordance with the nature of the debt contracted, in good faith, with the uses and customs and equity.

**ARTICLE 1258.- OPTION OF THE CREDITOR FOR BREACH VOLUNTEER OF THE OBLIGATION.** The creditor can choose, when the obligation is not voluntarily satisfied, between demanding compliance executive, through the coercive intervention of the State, when possible, or demand payment of damages for compensation compensatory and moratorium as provided in this Code.

In reciprocal obligations, neither party is in default if the other does not fulfills or agrees to fulfill the obligation that is in his charge.

When the creditor demands compliance with the obligation, he can sue also for the payment of default damages.

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**ARTICLE 1259.- NOTION OF PERSONAL OBLIGATION.** Personal obligation it is the one that only binds those who contract it and their heirs. The latter only will be bound in cases where the legal relationship is transferable by inheritance.

**ARTICLE 1260.- NOTION OF REAL OBLIGATION.** Real obligation is what affects a subject in his capacity as owner or possessor of a thing as long as has such a character and is constituted in favor of the one who has a real right on the same property so that it can exercise its faculty throughout the extension and degree that the Law establishes. This obligation passes to the new acquirer or possessor of the property, following it and acting accordingly, against the one who has it as original holder.

The real obligations are extinguished by the abandonment of the thing in the possession of the subject who has a real right over it.

## TITLE ONE SOURCES OF OBLIGATIONS

### CHAPTER I OF THE VARIOUS KINDS OF SOURCES OF OBLIGATIONS

**ARTICLE 1261.- FACTS LEGAL ACTS AS SOURCES OF OBLIGATIONS.** They are general sources of the obligations, facts and acts to those that the Law gives legal character and which are generally regulated by this Code.

**ARTICLE 1262.- NATURAL FACTS THAT ARE SOURCE OF OBLIGATIONS.** For the purposes of this Code, it is enunciatively consider as simply natural legal facts that are sources of obligations, mixing, confusion and incorporation of things operated coincidentally and that are regulated in articles 1058, second paragraph, 1063 and other relative of this Code that govern the natural accession that occurs without the intervention of man, with respect to movable property.

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**ARTICLE 1263.-** LEGAL VOLUNTARY LEGAL FACTS WHICH ARE SOURCE OF OBLIGATIONS. They are recognized in this Code by way of example. as sources of obligations the following lawful voluntary acts:

- I.- Business management;
- II.- The enrichment without cause, when there is no reception in bad faith of the improper;
- III.- The common-law partner, in the terms of article 776 of this Code; Y
- IV.- Strict liability for the lawful use of dangerous mechanisms that they cause harm.

**ARTICLE 1264.-** ILLICIT VOLUNTARY LEGAL ACTS SUCH AS SOURCES OF OBLIGATIONS. They are recognized as a source of obligations the following illicit voluntary acts: Crimes and quasi-crimes, fraudulent and culpable acts, abuse of rights, simulated acts and that are executed in creditor fraud, the default of debts, the fault in the conservation of the goods, the fraudulent reception of the undue, the bad faith possession and incorporation, specification, mixing confusion, building, planting and planting carried out in bad faith.

**ARTICLE 1265.-** LEGAL ACTS THAT GENERATE OBLIGATIONS. They are enunciatively recognized in this Code as legal acts that are the source of obligations which are expressed below:

- I.- As private acts, the contract, the unilateral declaration of will, the testament in the institution of the legacy and the acquisition to the detriment of creditors, free of charge and in good faith;
- II.- As acts of authority, the sentence, the kidnapping, the adjudication of assets or rights, the auction and administrative resolutions; Y
- III.- As mixed acts, the combination of acts of authority and private, for By virtue of which a person is permanently applied a determined legal status, originating rights and obligations. These acts are also called, legal acts, condition of private law.

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**ARTICLE 1266.- WILL AS A SOURCE OF OBLIGATIONS.** The testament is a source of obligations when legacies of giving or of make.

The institution of legacies to give individually determined goods, obliges who has been encumbered with the legacy, upon delivery of the property to the legatee and the conservation and custody of the same in the terms established for the obligations to give in this Code.

**ARTICLE 1267.- LEGACIES OF GIVING ASSETS NOT DETERMINED BUT DETERMINABLE AS A SOURCE OF OBLIGATIONS.** The institution of legacies of giving undetermined, but determinable goods, obliges the one who has been taxed with the legacy, to deliver to the legatee the thing that ultimately is chosen, in accordance with the rules of this Code, responding for its loss or impairment in cases of fault or fortuitous event, according to the rules established for the obligations to give something not determined individually. The legatee will be, for all legal purposes, the creditor of the provision subject of the legacy.

**ARTICLE 1268.- LEGACIES TO BE MADE AS A MANDATORY SOURCE.** The institution of legacies to do obliges the one who has been encumbered with the legacy, in the terms established by this Code for the obligations to do.

**ARTICLE 1269.- THE EXECUTORY JUDGMENT CONSTITUTES A SOURCE OF OBLIGATIONS.** Merits judgments passed in res judicata authority, They are the source of the obligations established therein. Its execution and Compliance will conform to the rules established by the Civil Procedure Code.

**ARTICLE 1270.- ADMINISTRATIVE RESOLUTIONS AS A SOURCE OF OBLIGATIONS.** Administrative resolutions that cause status, by not admit no legal recourse, they will be a source of obligations when they establish a provision of giving, doing or not doing in favor of a certain person.

**ARTICLE 1271.- OBLIGATIONS DERIVED FROM THE JUDICIAL AUCTION OR ADMINISTRATIVE.** The rights and obligations arising from the auction or sale judicial or administrative, will adjust to the provisions for the contract of

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sale and related to judicial sales, having to carry out said acts in accordance with the Civil Procedure Code, or where appropriate, in accordance with the rules of administrative law.

In what is conducive, the rules shall apply to judicial or administrative adjudication. established in this article for the auction.

**ARTICLE 1272.- OBLIGATIONS ARISING FROM LEGAL ACTS CONDITION OF OTHER ACTS.** For the purposes of this Code, it is recognized as obligations that have their source in a legal act condition, those that are born of guardianship, executor, absence, adoption, marriage and contest, In the latter case, including those established by the debtor bankrupt and the trustee thereof.

Acquisition made by a third party, to the detriment of creditors, free of charge and in good faith, obliges said third party to restore the property or right acquired, in accordance with the rules established in the Chapter relative to the acts celebrated in creditor fraud. In this case, the obligation of restitution by the third party has as its source the free legal act and in good faith, of a lawful nature, executed by the debtor to the detriment of his creditors.

**ARTICLE 1273.- CONTRACTS AS A SOURCE OF OBLIGATIONS.** The contracts constitute a source of obligations, and shall be governed by the provisions of the Sixth Book of this Order.

## CHAPTER II OF THE UNILATERAL DECLARATION OF WILL

**ARTICLE 1274.- UNILATERAL DECLARATION OF WILL AS AUTONOMOUS SOURCE OF OBLIGATIONS.** The unilateral declaration of will is recognized by this Code as an autonomous source of obligations, outside the cases expressly excepted in this Chapter. Consequently, all A capable person can be bound by his simple declaration of will, as long as when it is a matter of lawful and possible obligation.

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**ARTICLE 1275.- APPLICATION OF PROVISIONS ON LEGAL ACT CONTRACTS TO THE UNILATERAL DECLARATION OF WILL.** They are applicable to the unilateral declaration of will the rules established by this

Code for legal acts in general and for contracts, except for cases expressly declared in this Chapter.

**ARTICLE 1276.- FORMS OF UNILATERAL DECLARATION OF WILL.**

They are recognized as general forms of unilateral declaration of will, the device act for free, the free offer to an undetermined person and the abstract promise of debt.

**ARTICLE 1277.- ASSUMPTION OF THE PROVISIONAL ACT.** There is act device to free title when a person, during his life, transmits to another, things or values, through the execution of an act of delivery of the same, without waiting for the agreement of the beneficiary, or any compensation. The act, once executed, it will be irrevocable.

**ARTICLE 1278.- NULLITY DUE TO ERROR IN THE PROVISIONAL ACT.** Only in cases of error of fact or law, if such error was the sole reason and determinant of the unilateral declaration of will, of the author of the act device, you may request the invalidity of it.

**ARTICLE 1279.- EFFECTS OF THE LACK OF EXECUTION OF THE ACT DEVICE.** The lack of cause or motive that justifies the execution of the act device, it does not affect its validity, nor can it be a reason of revocation of the same.

**ARTICLE 1280.- EFFECTS OF THE PROVISIONAL ACT ORIGINATED IN THE ACT PRIOR ILLICIT.** If the perpetrator of the device act demonstrates that it was intended to origin or reason for being a previous illegal act, or the fulfillment of an obligation preexisting illicit, what has been delivered by virtue of said device, not it will remain in the power of the recipient. Fifty percent will go to the Public Charity of the State, and the other fifty percent will be returned to who delivered it.

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The same should be observed when what has been delivered, is for the realization of an illicit purpose or contrary to good customs.

**ARTICLE 1281.- EFFECTS OF THE LACK OF ACCEPTANCE OF THE BENEFICIARY OF THE GOODS OBJECT OF THE PROVISIONAL ACT.** Lack of

acceptance by the beneficiary regarding the receipt of the goods or values that are the object of the device act, does not impair its validity. Just in case the beneficiary opposes the performance of the act, or returns the things or delivered values, the operative act will remain without legal validity in terms of its existence and effects.

When the opposition or return referred to in the previous paragraph, is made in detriment of creditors, they may attempt the claims and rights that establishes article 810 of this Code. The beneficiary may also prevent that the creditors accept the goods or securities that are the object of the device act, paying them the credits they have against them.

**ARTICLE 1282.- OFFER TO AN UNDETERMINED PERSON.** The offer made by capable person by unilateral declaration to an indeterminate person, to be bound in your favor, it is recognized as valid by this Code, as long as when it has a lawful and possible object.

**ARTICLE 1283.- SPECIFIC REQUIREMENTS FOR THE VALIDITY OF THE OFFER TO UNDETERMINED PERSON.** For this offer to be valid you must determine the nature of the obligation specifying all its elements essential, the object thereof, be limited to a certain time and be in writing.

The rules established in articles 1674 to 1681 of this Code, insofar as they are not contrary to the provisions of this Chapter.

**ARTICLE 1284.- REQUIREMENTS OF THE OFFER FOR THE VERIFICATION OF A CONTRACT.** The free offer to an undetermined person is valid to arrange any contract, as long as the offeror has the necessary capacity to grant it. Said offer only engenders obligations to make, consisting of award the proposed contract in accordance with what was offered. It will be applied to the case provided by article 1726 of this ordinance.

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When the offer refers to the conclusion of a contract, they must be indicated, for its validity, its nature, its essential elements and all the other requirements necessary for its proper characterization.

**ARTICLE 1285.- ACCEPTANCE OF THE OFFER TO CELEBRATE CONTRACT.** The one who accepts the aforementioned offer, may demand that the proposed contract, if you have the legal capacity to enter into it and meet the

Necessary requirements to fulfill the provision or abstention object of the offer.

When it refers to an obligation imposed on the offeror, Regardless of the contract, the acceptor who meets the requirements and conditions of the offer, may demand that the obligation object of the herself.

In the event that several people are in the hypothesis provided in the previous paragraph, it will be determined by lot which of them will enter into the contract or will be the creditor of the benefit. The result of the draw is mandatory for both the Bidder how much for which is chosen by said procedure.

**ARTICLE 1286.-** OFFER TO UNDETERMINED PERSON WITH PUBLIC KNOWLEDGE. When the free offer to an undetermined person is makes public knowledge, by any means of publicity, the writing that the contains, must be deposited at the offices of the advertising company, duly signed by the offeror, and if he cannot or does not know how to do it, another will at your request and your fingerprint will be printed on the document. The lack of such writing gives rise to a joint responsibility between the bidder and the company advertising, in favor of the acceptor.

**ARTICLE 1287.-** REVOCATION OF THE FREE OFFER TO PERSON INDETERMINATE. For the revocation of the free offer to an undetermined person The provisions of article 1300 of this Code shall apply.

**ARTICLE 1288.-** ABSTRACT DEBT PROMISE. The promise is valid abstract of debt by unilateral will and, once formulated, it will be irrevocable.

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**ARTICLE 1289.-** FORMALITY OF THE PROMISE DEBT ABSTRACT. The abstract promise of debt must be formulated by writing, determining the kind of obligation imposed by the promisor. In the cases in which the nature of the obligation requires a time limit, you must be pointed out. If the promisor cannot or does not know how to sign, someone else will do so at his request. Before two witnesses and that one will stamp his fingerprint.

**ARTICLE 1290.-** PEOPLE IN FAVOR THE ABSTRACT DEBT PROMISE. The abstract promise of debt can be formulated in favor of a specific or indeterminate person, when the

nature of the legal obligation allows it.

**ARTICLE 1291.- RECOGNITION OF PRE-EXISTING OBLIGATION BY ABSTRACT DEBT PROMISE.** By virtue of the abstract promise of debt, a pre-existing obligation can be recognized, without stating its cause or origin, or declare the promisor debtor of another without specifying the source of your obligation, nor the motives or reasons you had to do so or that justify the debt.

**ARTICLE 1292.- SPECIFIC REQUIREMENTS FOR THE VALIDITY OF THE ABSTRACT DEBT PROMISE.** For the validity of the abstract promise of debt, the obligation established therein must be lawful and possible and The rules contained in articles 1278 to 1291 of this Code.

It is also required, for the validity of the abstract promise of debt, that the promisor has legal capacity to be bound by the terms of his promise and that the creditor can legally demand it, since there is no impediment in said meaning, either in relation to your person or the nature of the service.

**ARTICLE 1293.- NULLITY OF THE ABSTRACT DEBT PROMISE FOR DETERMINING ERROR IN WILL.** The nullity of the abstract promise of debt, when it is shown that in formulating it there was a determining error of the will, with respect to the person of the creditor, the nature of the debt or the person of the debtor, and that said error was the only that determined the promise.

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**SECTION 1294.- ERROR IN THE PERSON OF THE CREDITOR.** The mistake about person of the creditor will exist when the promisor, when declaring himself a debtor, does so in favor of a certain person, believing that he is his creditor, when in actually it has not been.

**ARTICLE 1295.- ERROR IN THE NATURE OF THE DEBT.** The error in the nature of the debt will exist when the promisor, by declaring himself a debtor of a person mistakenly considers that a legal norm imposes such an obligation on him, when in reality it does not exist, either due to a false interpretation of the Law, or it is because there is no norm.

**ARTICLE 1296.- ERROR IN THE PERSON OF THE DEBTOR.** There will be an error about

the person of the debtor when the promisor, by declaring himself liable in favor of another, do so in response to a pre-existing debt that he believed was in his charge, but that in reality according to law turns out to be in charge of another person.

**ARTICLE 1297.- APPLICATION OF CONTRACTUAL RULES ON CONSENT TO THE OFFER TO A CERTAIN PERSON.** They recognize as obligations arising from a unilateral declaration of will, the regulated by this Code in the articles on consent in the contracts and that derive from the offer made to a specific person. Between As long as the offer is not accepted, the obligations imposed by said precepts to the offeror, only his unilateral declaration of will is recognized as a source. On In your case, the established rules will apply, with the consequent modifications for legal acts, those of this Chapter and those of contracts, if in accordance with the former there is no express solution.

**SECTION 1298.- OFFER OF SALE.** The fact of offering objects to the public in A certain price forces the owner to sustain his offer. It also remains obliged the one who publicly offers to acquire certain goods or rights of a certain value, which can be in money or of another kind.

**SECTION 1299.- PROMISE OF REWARD.** The one that by ads u offers made to the public commits himself to some benefit in favor of

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who fulfills a certain condition or performs a certain service, contracts the obligation to fulfill what was promised.

The one who in the terms of the previous paragraph will execute the requested service or fill the indicated condition, may demand the payment or the reward offered.

It may also be done by the person who, prior to the reward promise, I will already find in the terms or conditions of the same, unless It is expressly declared in the promise that it will only benefit those who from the same they execute the requested service or fill the indicated condition. I know will apply the provisions of this second part to the cases provided for by articles 1301 and 1302 of this Code.

**ARTICLE 1300.- REVOCATION OF THE OFFER .** Before I'm rendered the service, fulfilled the condition or accepted in its case the offer that is

has made an indeterminate person, the promisor may revoke his offer, provided that the revocation is made with the same advertising as that.

In this case, the one who proves that he has made expenditures to provide the service, meet the condition or accept the offer, you are entitled to a refund and at the payment of damages. If such expenditures already imply a clear principle and direct execution regarding the provision of the service, compliance with the condition or acceptance of the offer, the promisor may no longer revoke its offering. In the case of the offer, the provisions shall apply accordingly. by article 1299 of this Code.

If a period has been set for the execution of the work, you may not revoke the promisor your offer while the term is not expired.

**ARTICLE 1301.- EXECUTION BY PLURALITY OF PEOPLE OF THE ACT APPOINTED BY THE PROMISING ONE.** If the act indicated by the promisor is executed by more than one individual, will be entitled to the reward:

I.- Whoever first executes the work or fulfills the condition;

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II.- If the execution is simultaneous, or several fulfill the condition at the same time, the reward will be shared equally; Y

III.- If the reward is not divisible, it will be raffled among the interested parties.

**ARTICLE 1302.- NECESSARY FIXING OF TERM IN CONTESTS WITH PROMISE OF REWARD.** In contests where there is a promise of reward for those who meet certain conditions, it is an essential requirement that set a deadline.

**ARTICLE 1303.- DESIGNATION BY THE PROMISING PERSON WHO DECIDE ON THE GRANTING OF A REWARD.** The promisor has right to designate the non-interested person who must decide who or Who of the contestants is awarded the reward.

**ARTICLE 1304.- OBLIGATION FOR GRANTING OF DOCUMENTS CIVILIANS TO ORDER OR TO THE CARRIER.** Can one person, by declaration unilateral of will, be bound in favor of another, by granting civil documents in which are determined individually by the person of the creditor, or in favor of

indeterminate person using clause to order, bearer or other equivalent.

No literal terms or statements are required for the validity of the obligation, or express, the debtor being able to freely bind himself, in the form and terms that appear, and regarding the clauses to the order or to the bearer, you can also use any form that allows the subsequent determination of the creditor, even when you don't do it individually.

**ARTICLE 1305.- ASSIGNMENT OF THE CREDIT RIGHT CONSIGNED IN CIVIL DOCUMENTS.** The right of credit consigned in the documents to referred to in article 1304, can be assigned through the ordinary forms recognized by this Code, or by endorsement when the clause to the order, or by the delivery of the document, when it goes to the bearer.

The endorsement referred to in the preceding paragraph will simply express the will to assign the credit, using any formula, but it must be recorded in the same document and state the place and date in which it is made, the name of the

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assignee and his signature. To exercise the rights derived from it, The aforementioned requirements must be met by the transferee.

**ARTICLE 1306.- EFFECTS OF THE ENDORSEMENT OF CIVIL DOCUMENTS TO THE ORDER OR CARRIER.** Unless otherwise agreed, the endorsement makes responsible jointly and severally from the assignors to the assignee, and in the case of various endorsements, there will also be solidarity between the various endorsers in favor of the last assignee. The endorsement can be made without the joint and several liability of the endorser, provided that this is expressly stated.

**ARTICLE 1307.- EFFECTS OF THE LOSS, THEFT OR LOSS OF CIVIL DOCUMENTS TO THE ORDER OR TO THE CARRIER.** Documents civil issued by unilateral declaration of will, referred to in article 1304 of this Code, they are not necessary documents to enforce the right in them consigned. Consequently, in cases of loss, theft or destruction, the right may be accredited by all legal means of proof. In the case of theft or loss, if it is a bearer document, and the obliged to oppose the defense that the document was improperly passed to the possessor of the same, he will have to justify the way in which he acquired it, in order to be able to receive the benefit established therein.

**ARTICLE 1308.- PAYMENT OBLIGATION BY THE DEBTOR TO WHOM PRESENT THE CIVIL DOCUMENT TO THE CARRIER.** The debtor is obliged to pay anyone who presents and delivers the document to the bearer, unless that it has received a court order not to do so, that it is justified fully by the original beneficiary of the same, that said document was stolen, or that any defense of those consigned in the article previous.

**ARTICLE 1309.- EVENT OF LACK OF OBLIGATION OF THE DOCUMENT CIVIL CARRIER.** The obligation consigned in the document disappears issued to the bearer, if the issuer proves that the title entered circulation against your will, that you have an illicit source, or that there was an error of fact or right determining your will, as the sole cause or reason for the issuance of the document.

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**ARTICLE 1310.- OPPOSITION OF DEFENSES OF THE SUBSCRIBER OF CIVIL DOCUMENTS.** The person who has been dispossessed unjustifiably of bearer documents, can, with a court order, prevent that they be paid to the holder who presents them for collection. It can also justify the debtor the fact of unjustified dispossession, to prevent the debtor from pay. If, notwithstanding the evident evidence of the aforementioned unjustified dispossession, The debtor will pay the one who presents the document, will be exposed to double payment, in the event that in the judgment promoted by the dispossessed creditor, he justifies fully that he was a victim of theft or undue dispossession of the aforementioned documents, and that he duly notified and verified such facts to the debtor.

**ARTICLE 1311.- EFFECTS OF THE UNJUSTIFIED DISPOSITION OF DOCUMENTS TO THE CARRIER.** For the purposes of this Code, it is declared that Civil documents, to the order or to the bearer that the same recognizes, are not literal documents. Consequently they are not necessary to enforce the right set forth therein, which recognizes as its source an act civil legal. If it is shown that the source of the obligation is an act of commerce, the rules established by this ordinance and will be subject to the respective Laws.

### CHAPTER III OF ENRICHMENT WITHOUT A CAUSE

**ARTICLE 1312.- NOTION OF ENRICHMENT WITHOUT A CAUSE.** It is understood that there is enrichment without cause, when the increase of a patrimony to the detriment of another, without there being a legal source of obligations or rights through which said increase can be founded.

There must be a cause-and-effect relationship between impoverishment and enrichment.

**ARTICLE 1313.- CONSEQUENCES OF ENRICHMENT WITHOUT CAUSE.** The who without cause enriches himself to the detriment of another, is obliged to indemnify him its impoverishment, in the following terms:

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I.- If the enrichment is equal to the impoverishment, the compensation will be in the measure of both;

II.- If the enrichment is less than the impoverishment, the compensation It will be in the measure of the first; Y

III.- If the enrichment is greater than the impoverishment, the compensation it will be to the extent of the latter.

**ARTICLE 1314.- BUDGETS FOR THE ENRICHMENT WITHOUT CAUSE.** The poverty and enrichment must be of a patrimonial nature, that is, estimable in money directly or indirectly.

There is enrichment without cause, not only in cases where the patrimony of one person to the detriment of another, but also when without a source or legitimate cause, someone is released from an obligation.

Regarding the injured party, impoverishment will not only exist when there is a loss or impairment in your assets, but also when you stop perceiving everything what he would legitimately be entitled to.

There will be enrichment without cause, in cases where, having mediated a cause or legal source of impoverishment and correlative enrichment, said cause disappears later.

**ARTICLE 1315.- HYPOTHESIS IN WHICH NO ENRICHMENT IS PRESENT CAUSELESS.** They are not considered as obligations arising from an enrichment

causeless:

- I.- Those that have their source in an abstract promise of debt; Y
- II.- Those that have their origin in the documents referred to in the article 1304 of this Code.

**ARTICLE 1316.- ENRICHMENT WITHOUT CAUSE OF THE DISABLED.** On the cases in which an incapacitated person is enriched by acts carried out by a capable person, without incurring an error of fact or law and with knowledge of the impoverishment that he experiences or may suffer, there will be no place to demand any compensation.

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**ARTICLE 1317.- ENRICHMENT WITHOUT CAUSE ON PROPERTIES OR POSSESSIONS.** When by acts of a person they benefit in terms other and others, for increasing the value of their properties or possessions, and said benefit is a consequence of the one also experienced by the person who perform such acts, there will be no place to demand any compensation, notwithstanding the expenditures or work that the first has executed.

**ARTICLE 1318.- PAYMENT OF THE UNDUE ITS CONSEQUENCES.** When something is received that you did not have the right to demand and that by mistake has been unduly paid, you have an obligation to restore it.

If the undue thing consists of a performance performed, when the recipient proceeds in bad faith, you must pay the current price of that benefit; if applicable in good faith, you should only pay the equivalent of the enrichment received.

**ARTICLE 1319.- ERROR IN THE PAYMENT OF WHAT IS UNDUE.** The error I know referred to in the previous article may be in fact or in law and fall on the person of the creditor or debtor, or regarding the existence of the debt.

There will be an error on the person of the creditor, when the payment is executed to someone who does not have such a character, under the false concept that it does.

There will be an error about the person of the debtor, when the payment is executed by someone that is falsely considered a debtor.

There will be an error about the existence of the debt, when an obligation that has not existed or that legally should be classified as non-existent. It equates

the case of error about the existence of the debt, the payment made with respect to a null obligation in an absolute or relative way, ignoring the vice or reason for nullity. In this case, there will be a repetition of what was unduly paid.

**ARTICLE 1320.- BAD FAITH OF THE ONE WHO RECEIVED THE UNDUE PAYMENT.** The fact that accepts an undue payment, if he has proceeded in bad faith, he must pay the legal interest in the case of capital or the fruits received and those left perceive, of the things that produce them.

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In addition, it will be liable for the damage that the property has suffered due to any cause, and the damages incurred to the one who gave it, until he recovers it. It will not respond to the fortuitous event when it could have affected the same mode to the goods being in the power of the one who delivered them.

**ARTICLE 1321.- BAD FAITH OF THE ONE WHO RECEIVED THE GOOD WRONG.** Yes the one who received the good in bad faith, has alienated it to a third party who has also bad faith, the owner may claim it and collect from one and the other the damages and damages.

If the third party to whom the thing is disposed of acquires it in good faith, it may only be vindicated if the sale was made free of charge.

**ARTICLE 1322.- UNDUE PAYMENT RECEIVED IN GOOD FAITH ON GOOD DETERMINED TRUE.** Anyone who in good faith has accepted an improper payment of certain and determined good, will only be liable for the impairments or loss of the latter and its accessions, insofar as it has been enriched by them. If it has alienated, will restore the price or assign the claim to make it effective.

**ARTICLE 1323.- RECEPTION OF GOOD FAITH OF UNDUE GOOD MAKING DONATION.** If the one who received in good faith an asset given in payment improperly donated it, the donation will not subsist and the donee will be provided in the previous article.

**ARTICLE 1324.- CONSEQUENCES OF THE PAYMENT OF THE UNDUE OF GOOD FAITH.** Anyone who in good faith has accepted an improper payment, has the right to have the necessary expenses are paid to him and to withdraw the useful improvements, if with the separation is not detrimental to the thing given in payment. If you suffer, you have the right to be paid an amount equal to the increase in value the thing received

with the improvement made.

He is free from the obligation to restore the one who, believing in good faith that payment on behalf of a legitimate and subsisting credit would have rendered the title unusable, allowing the claim to prescribe, abandoning the garments or canceling the guarantees of your right. The one who unduly pays may only be directed against the

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true debtor, or guarantors, with respect to whom the claim is not current.

**ARTICLE 1325.- CHARGE OF PROOF OF PAYMENT.** The burden of proof of the payment is up to the one who claims to have made it. He is also responsible for the error with which he made it, unless the defendant denies having received the thing that is claimed.

In this case, justifying the delivery by the plaintiff, he is relieved of all another test. This does not limit the right of the defendant to prove that it was because of what you received.

**ARTICLE 1326.- PRESUMPTION OF ERROR IN PAYMENT.** It is presumed that there was an error in the payment, when something was delivered that was not due or that was already paid, but the one from whom the return is requested can prove that the delivery was made by way of liberality or for any other just cause.

**ARTICLE 1327.- EFFECTS OF THE PRESCRIBED DEBT PAYMENT NATURAL OBLIGATION.** He who has paid to meet a prescribed debt or a natural obligation, it has no right to repeat.

**ARTICLE 1328.- UNDUE DELIVERY OF A GOOD FOR ILLICIT PURPOSE.** What It has been delivered for the realization of a purpose that is illegal or contrary to the good manners, it will not remain in the power of the recipient. Fifty percent One hundred will go to the Public Charity of the State, and the other fifty for cent will be recoverable by the one who delivered it.

**ARTICLE 1329.- PRESCRIPTION OF THE PRETENSION TO REPEAT THE WRONGLY PAID.** The claim to repeat what was unduly paid prescribes in one year, counted from when the error that originated the payment was known. The mere passage of five years, counted from the improper payment, makes you lose the right to claim your return.

**CHAPTER IV  
OF BUSINESS MANAGEMENT**

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**ARTICLE 1330.- BUSINESS MANAGEMENT REQUIREMENTS.** The one without mandate and without being obliged to do so, he takes care of a matter of another, which is absent or unable to assist you, you must do so in accordance with the interests of the business owner, if he knows them, or according to his presumed will, taking into account always count what is most convenient to the nature of the matter.

No one should interfere in the affairs of another, but in cases where the latter, By being disabled or absent, you may be harmed or deprived of a notorious benefit, a third party is authorized to intervene in their affairs, to act in the terms of the previous paragraph, only that it will be obliged to notify the owner, for the purposes of article 1336 of this Code.

**ARTICLE 1331.- PERFORMANCE OF BUSINESS MANAGEMENT.** Manager you must carry out your assignment with all the diligence you use in your business own, and will compensate the damages that due to their fault or negligence are Irrogate the owner of the goods or businesses that he manages.

**ARTICLE 1332.- MANAGEMENT TO AVOID IMMINENT DAMAGE TO THE OWNER.** If the management aims to avoid imminent harm to the owner, the manager does not respond more than his intent or his grave guilt.

**ARTICLE 1333.- MANAGEMENT CONTRARY TO THE WILL OF THE OWNER.** If the management is executed against the real or presumed will of the owner, the manager must repair the damages and losses that result to him, even if he has not incurred lack.

The contrary will of the business owner will not be taken into account for the legitimacy of the management, when it comes to fulfilling duties of public interest, of maintenance and obligations derived from taxes or other rights of the State. Nor will it be taken into consideration when the heirs of relatives of a deceased refuse to pay funeral expenses.

In the cases referred to in this paragraph, the provisions of articles 1337, second paragraph, and 1341 of this Order.

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**ARTICLE 1334.- RESPONSIBILITY OF THE MANAGER BY CASE.**

The manager responds even to the fortuitous event if he has made risky operations, even if the business owner has a habit of doing them; or if he had acted more in self-interest than in the interest of the business owner.

**ARTICLE 1335.- DELEGATED BUSINESS MANAGEMENT.** If the manager delegates in another person all or some of the duties of his position, he will be responsible for the acts of the delegate, without prejudice to his direct obligation to the business owner.

The responsibility of the managers, when there are two or more, will be joint and several.

**ARTICLE 1336.- NOTICE OF THE MANAGEMENT TO THE OWNER.** The manager, so soon as possible, you should give notice of your management to the owner and await his decision, unless there is danger in delay. If it is not possible to give this notice, the manager he must continue his management until the matter is concluded.

**ARTICLE 1337.- OBLIGATIONS OF THE OWNER.** The owner of a matter that has been usefully managed, it must comply with the obligations that the manager has contracted in his name and pay the expenses in accordance with the provisions of the following articles.

The manager must be paid the necessary expenses that he has made in the year of your position and the corresponding legal interests, but you do not have the right to collect remuneration for the performance of management.

**ARTICLE 1338.- EFFECTS OF THE MANAGEMENT UNFAVORABLE TO THE OWNER.**

When the result of the management is not favorable to the business owner, he will not be obliged to pay in the terms of article 1337 second paragraph of this Code but if it ratifies the management, it will have the obligations of the principal.

In cases where the purpose of the management has been to avoid an imminent danger to the owner of the business, and despite the good diligence of the manager, the damage is cause, the owner must compensate him to the extent of the expenses that may have executed, as long as it was absolutely necessary and the amount is fair and duly verified.

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**ARTICLE 1339.- RATIFICATION OF THE OWNER REGARDING THE MANAGEMENT OF BUSINESS.** The outright ratification of the business owner produces all the effects of a mandate. The ratification is retroactive to the date on that the management began.

**ARTICLE 1340.- EFFECTS OF THE LACK OF RATIFICATION OF THE OWNER REGARDING BUSINESS MANAGEMENT.** When the business owner doesn't ratify the management, it will only be liable for the expenses it originated, until the concurrence of the advantages obtained from the business.

**ARTICLE 1341.- CASES RELATED TO BUSINESS MANAGEMENT.** When without the consent of the person obliged to provide maintenance, a stranger gives it, The latter shall have the right to claim its amount from the former, unless it is established that the gave with the intention of doing a charity act.

Funeral expenses proportionate to the condition of the person and the uses of the locality, they must be satisfied to the one who makes them, even if the deceased has not left goods, by those who have had the obligation to feed it in lifetime.

#### **CHAPTER V OF THE OBLIGATIONS ARISING FROM THE ILLEGAL ACTS**

**ARTICLE 1342.- REQUIREMENTS OF THE OBLIGATIONS ARISING FROM ILLEGAL ACTS.** All made of man, executed with intent, guilt, negligence, lack of foresight or care, causing harm to another, obliges their author to repair said damage.

For the purposes of this article, it is considered that the one who proceeds is at fault against the law or good customs, causing harm to another.

There will be no obligation to repair the damage, when it is shown that it is produced as a consequence of the inexcusable fault or negligence of the victim.

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**ARTICLE 1343.- LIABILITY OF THE INCAPABLE ON REPAIR OF THE DAMAGE.** The incapacitated person who causes damage must repair it, unless the responsibility falls on the people in charge of him, in accordance with the provisions in articles 1353 and 1354 of this Order.

**ARTICLE 1344.- ABUSE IN THE EXERCISE OF THE RIGHT.** When the exercise a right causes damage to another, there is an obligation to compensate him if shows that the right was only exercised in order to cause the damage, without utility for the right holder.

**ARTICLE 1345.- LIABILITY BY OWN FACT.** The responsibility established in article 1342 of this Code may exist for own or someone else's fact; the latter, when caused by people who are under the power, direction, dependence or custody of another.

When damage is caused by the state or nature of things, you must  
The one who uses them will be liable for the same, either as the owner or as derivative holder. The case of damage caused by the state or ruin is excepted of the real estate, hypothesis in which the owner or possessor will respond originating from them.

**ARTICLE 1346.- LIABILITY FOR A FOREIGN EVENT.** There is liability for an act of another in the cases mentioned in the previous article, the same when there is guilt due to lack of vigilance of the people who are under the power, direction or custody of another, that when due to fault of clumsiness in the choice of people who contractually depend on another in the provision of services.

**ARTICLE 1347.- QUANTIFICATION OF DAMAGE REPAIR.** The repair of the damage must consist in the reestablishment of the situation prior to him, and when it is impossible, in the full payment of the damages of order patrimonial and moral.

The assessment of such damages will be made by the Judge, condemning the payment of a total repair in cases of damage to things.

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When the damage is caused to people and causes death or disability total, partial or temporary for work, compensation of patrimonial order It will consist of the payment of a monthly pension, which will be calculated in the following terms:

- I.- If the damage causes the death of the victim, the monthly pension will be equivalent to the salary or profit you were receiving in the last year, according to the resulting average. They will be entitled to this pension heirs of the victim, except the State; in the absence of them, who would have financially dependent on the victim; failing that, those of whom she depended economically, or with whom she lived with her family;
- II.- If it is not possible to determine said salary or profit, it will be calculated by expert taking into account the capabilities and aptitudes of the victim in relation to with their profession, trade, work or nature of the activity to which they are normally had dedicated. If the experts lack sufficient bases to establish their opinion, the same as in the case that the victim does not enjoy salary, salary or develop any activity, the pension will be calculated on the basis of salary legal minimum;
- III.- If the damage causes a permanent total incapacity for work, a the above rules will apply to compensate the victim with a pension lifetime, which will be covered by monthly benefits whose amount will be regulated in the terms of sections I and II of this article;
- IV.- Those interested in the death of the victim, will receive the pension monthly indicated in sections I and II of this article, during the term probable life that would have corresponded to the aforementioned victim, according to his age and that will be determined by the Judge. In the event that all beneficiaries die Before said term, the pension will be extinguished with the death of the last. It will correspond to the succession, represented by the executor, to demand and receive the compensation mentioned, or to the beneficiaries if there is no executor; Yes If there is, he will refuse to try the claim, or the probate trial; Y
- V.- If the damage originates a temporary disability, either total or partial, the compensation will be regulated according to the rules specified in the Sections I, II and III of this precept, having to be determined by experts the time of the disability and the degree of it, so that the Judge

establish the duration of the pension and the amount of it, depending on the disability was total or partial.

**ARTICLE \* 1348.- MORAL DAMAGE.- Non-** pecuniary damage is understood as the affectation that a person suffers in their feelings, affections, beliefs, decorum, honor, reputation, privacy, configuration and physical appearance, or in the consideration that others have of itself.- It will be presumed that there was moral damage when violates or unlawfully impairs the freedom or physical or mental integrity of person.

**NOTES**

**CURRENT REFORM.- Amended** by Article Four of Decree No. 354 published in the Official Newspaper "Tierra y Libertad" No. 4542 of 2007/06/28. Validity: 2007/06/29. **I used to say:**

**MORAL DAMAGE.** Compensation for non-pecuniary damage to which the victim or their beneficiaries will be determined by the Judge in a discretionary and prudent manner, taking into account injured spiritual values and which may consist of affection, honor, prestige, esteem of things or integrity of people. In the latter case, when the damage causes an injury the victim, who does not totally or partially prevent her from working, the judge will set the amount of the non-pecuniary damage, taking into account whether or not the injured party is visible, as well as sex, age and conditions of the person.

The compensation for moral damage is independent of the patrimonial and will be decreed even when it does not exist.

**ARTICLE \* 1348 BIS.-** When an action or omission that constitutes a fact illicit produce moral damage, the person responsible for it will have the obligation to repair it by means of a monetary compensation, regardless of whether it is has caused material damage, both in contractual liability, as well as tort. The same obligation to repair the moral damage will have whoever incurs strict liability pursuant to Article 1366, as well as the State and its officials in accordance with article 1360, both provisions of this Code.

The reparation action is not transferable to third parties by act between living and only passes to the heirs of the victim when he has tried the action while alive.

The amount of compensation will be determined prudently by the Judge, taking into account account the following situations:

- to). The injured rights,
- b). The degree of responsibility,

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- c). The economic situation of the person responsible, and that of the victim, and
- d). The other circumstances of each case.

When the moral damage has affected the victim in his decorum, honor, reputation or consideration, the Judge will order, at the request of the latter and at the expense of the person responsible, the publication of an extract of the judgment that adequately reflects the nature and scope of it, through the news media that consider convenient. In cases where the damage derives from an act that has been disseminated in the news media, the Judge will order that they give publicity to the extract of the sentence, with the same relevance that it would have had the original broadcast.

Whoever exercises their rights to opinion, criticism, expression and information, in the terms and with the limitations of Articles 6 and 7 of the Constitution of the United Mexican States. Throughout case, who demands the reparation of moral damage due to contractual liability or extra-contractual must fully prove the legality of the conduct of the defendant and the damage directly caused by such conduct.

In no case will opinions be considered offenses to honor and prestige. unfavorable from literary, artistic, historical, scientific or professional criticism. Unfavorable opinions made in fulfillment of a duty or exercising a right when the way of proceeding or lack of reserve does not serve an offensive purpose.

#### NOTES

**CURRENT REFORM.-** Added by Article Four of Decree No. 354 published in the Official Newspaper "Tierra y Libertad" No. 4542 of 2007/06/28. Validity: 2007/06/29.

**ARTICLE \* 1348 TER.-** They will be subject to the reparation of the moral damage of in accordance with the provisions of this ordinance and, therefore, the conduct described will be considered as illegal acts:

- I. Whoever communicates to one or more people the imputation that is made to another natural or legal person, of a true or false fact, determined or indeterminate, that may cause you disgrace, discredit, damage, or expose you to the contempt of someone;
- II. Anyone who imputes to another a certain fact and qualified as a crime by the

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Law, if it is done, it is false, or the person to whom it is accused is innocent;  
 III. Anyone who files slanderous complaints or complaints, meaning such those in which his honor imputes a crime to a specific person knowing that this is innocent or that it has not been committed, and  
 IV. Whoever offends the honor, attacks the private life or the self-image of a person.

The reparation of the moral damage in relation to the paragraph and previous subsections must contain the obligation to rectify or reply to the information disseminated in the same medium where it was published and with the same space and the same circulation or audience to which the original information was directed, this without impairment of what is established in the fifth paragraph of this article.

The faithful reproduction of information does not give rise to moral damage, even in cases where that the information reproduced is not correct and may damage the honor of any person, as it does not constitute a responsibility for the person who disseminates said information, as long as the source from which it was obtained is cited.

**NOTES**

**CURRENT REFORM.-** Added by Article Four of Decree No. 354 published in the Official Newspaper "Tierra y Libertad" No. 4542 of 2007/06/28. Validity: 2007/06/29.

**ARTICLE 1349.- SWITCHING OF LIVING PENSION FOR TEMPORARY, DERIVED FROM INDEMNIFICATION FOR MORAL PROPERTY DAMAGE.** Adding up compensation for property damage and non-pecuniary damage, when the risk does not causes death, but does cause injuries that cause total or partial disability permanent pension, the judge may change the life pension into a temporary pension for the period that it deems prudent and without exceeding the possible amount of the lifetime, in order to re-educate or readjust the victim to forms of work appropriate to the defects that would have caused the risk suffered. Compliance with this precept, in the case of minors.

**ARTICLE 1350.- EXECUTION OF JUDGMENTS FOR DAMAGE TO PEOPLE.**

The judgments that are issued for damage to people, will be executed by the capital necessary to cover pensions and that will be deposited in a trust institution legally authorized to operate; but the debtor may offer real guarantees of the fulfillment of his obligation, in case his economic capacity does not allow to constitute some capital in trust.

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The financial inability of the debtor to constitute any capital in trust or to grant security interests, does not release you from these obligations in the future and in as long as he can comply with them, the pensions will be demanded in the way of constraint monthly, up to the amount tolerated by your financial solvency and determined by periodically the judge of knowledge.

**ARTICLE 1351.- SOLIDARY LIABILITY FOR COMMON DAMAGE.** The people who have caused harm in common are jointly and severally liable towards the victim for the reparation to which they are obliged in accordance with the provisions of this Chapter.

**ARTICLE 1352.- LIABILITY OF MEMBERS OF PEOPLE COLLECTIVE.** Legal entities are responsible for damages caused by their legal representatives in the exercise of their functions.

**ARTICLE 1353.- RESPONSIBILITY OF THE PEOPLE WHO EXERCISE THE CUSTODY.** Those who exercise parental authority have an obligation to liable for damages caused by the acts of minors who be under their power and dwell with them.

The responsibility referred to in the previous paragraph ceases, when minors carry out the acts that give rise to it, being under the surveillance and authority of others, such as directors of schools, workshops, or analogous institutions, since then those people will assume the responsibility  
What is it about.

The provisions of the two previous paragraphs are applicable to tutors, with respect to the disabled in their care.

**ARTICLE 1354.- LACK OF RESPONSIBILITY OF PARENTS OR GUARDIANS.** Neither parents or guardians are not obliged to answer for damages caused by the disabled subject to their care and surveillance, if they prove that they it has been impossible to avoid them. This impossibility does not result from mere circumstance had the event occurred outside their presence, if it appears that they have not exercised sufficient vigilance over the disabled.

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**ARTICLE 1355.- LIABILITY OF CRAFTSMEN .** Teachers artisans are responsible for damages caused by their operators in the execution of the work entrusted to them. In this case it applies also the provisions of the previous article.

**ARTICLE 1356.- LIABILITY OF OWNERS OF EMPLOYEES.** The patterns and the owners of public service establishments are obliged to liable for damages and losses caused by their workers or dependents in the exercise of their functions. This responsibility ceases if they show that in the Commission of the damage can not be imputed any fault or fraud.

**ARTICLE 1357.- RESPONSIBILITY OF HEADS OF CASA HOTELS.** The Heads of house or owners of hotels or lodging houses are obliged to liable for damages and losses caused by their servants in the exercise of your order.

**ARTICLE 1358.- REQUIREMENT OF REPAIR DIRECTLY TO THE RESPONSABLE.** In the cases provided for by articles 1355 to 1357 of this Code, the one who suffers the damage may demand reparation directly from the responsible, in the terms of this Chapter.

**ARTICLE 1359.- POSSIBILITY OF REPEATING BY WHO HAS PAID THE DAMAGE CAUSED.** He who pays the damage caused by his servants, employees or operators, you can repeat from them what you have paid.

**ARTICLE 1360.- LIABILITY OF STATE OFFICIALS.** The State has an obligation to answer for the damages caused by its officials or employees in the exercise of the functions entrusted to them, as long as there is guilt in their choice or lack of vigilance of the hierarchical superior.

This responsibility is subsidiary and can only be enforced against the State, when the officer or employee directly responsible does not have assets, or those you have are not enough to repair the damage caused.

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**ARTICLE 1361.- LIABILITY OF THE OWNER OF ANIMALS.** The owner

of an animal will pay the damage caused by it, if it does not prove any of these circumstances:

- I.- That he kept and watched over it with the necessary care;
- II.- That the animal was provoked;
- III.- That there was recklessness on the part of the offended; Y
- IV.- That the event results from a fortuitous event or force majeure.

If the animal that caused the damage was caused by a third party, the responsibility is his and not the owner of the animal.

**ARTICLE 1362.- LIABILITY OF THE OWNER OF A BUILDING.** The owner of a building is liable for damages resulting from the ruin of all or part of it, if it occurs due to lack of necessary repairs or due to construction vices. You are also responsible for any damages you cause to contiguous properties, due to construction defects or lack of solidity of the land, not Regardless of whether they are new buildings or in which there is no ruin or deterioration for lack of repairs. Damage caused by the lack of solidity of the ground will be repaired even when there are no construction defects or a defect in foundation.

**ARTICLE 1363.- LIABILITY OF THE OWNER FOR THE STATE OR NATURE OF THE ASSETS.** The owners of the damage caused by the state or nature of the property they own or original possession and that are due to lack of vigilance, care, foresight or fault in general.

In the case of movable property, the use of which is made by a holder derivative, usufruct, use, lease, loan, deposit, mandate, pledge or other similar title, it will be said possessor who is liable for the damages caused by the aforementioned goods, as long as there is fault or negligence of their part. If the damage involves fraud or fault of the original owner or possessor, the latter will be responsible.

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**ARTICLE 1364.- LIABILITY OF HOMEOWNERS**  
**ROOM FOR DROP OR FALLING OBJECTS.** The heads of families who inhabit a house or part of it will be responsible for damages caused by

the things that are thrown or fall from it, even when there is no intent or fault on his part, careless in choosing or watching over his servants, or in the very fall of objects. Except in the case that it is due to force majeure, third party event or fortuitous event.

**ARTICLE 1365.- PRESCRIPTION OF THE PRETENSION TO DEMAND DAMAGE REPAIR.** The claim to demand compensation for the damages caused in the terms of this Chapter, prescribes in two years counted from from the day they are caused.

## **CHAPTER VI OF OBJECTIVE LIABILITY OR CREATED RISK**

**ARTICLE 1366.- BUDGETS OF OBJECTIVE RESPONSIBILITY.**

When a person uses original, derivative or simple possessor holder, mechanisms, instruments, devices, things or substances, dangerous by themselves, by the speed they develop, by their explosive nature or flammable, by the energy of the electric current they conduct or by other analogous causes, it is obliged to answer for the damage it causes, even if it does not act unlawfully or there is no fault on your part, unless you show that such damage It was produced by intent or inexcusable fault of the victim.

The responsibility established in the previous paragraph will exist even when the damage It has been caused by acts of God or force majeure. If the damage was due to fault of a third party, this will be responsible.

There must be a cause-and-effect relationship between the event and the damage.

**ARTICLE 1367.- LIABILITY FOR RISK CREATED BY THE OWNERS OR POSSESSORS OF ASSETS.** The owners or holders of movable or immovable property, will be liable for damages caused by:

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- I.- By the explosion of machines, or by the ignition of nuclear substances or explosive, or by infiltration of corrosive materials, even when there is no fault or is due to acts of God or force majeure;
- II.- Due to smoke or gases that are harmful to people or property;
- III.- By the fall of its trees;
- IV.- Due to sewage emanations, expulsion of industrial waste or

deposits of infectious materials;

V.- By the water deposits that moisten the neighbor's wall or spill on the property of the latter; Y

VI.- Due to the weight or movement of the machines, due to the agglomerations of materials or animals harmful to health or by any other cause that originates some damage, even when there is no fault or it is due to acts of God.

The responsibility established in sections II to V, will exist even when not fault or is due to ordinary acts of God. In fortuitous cases extraordinary there will be no such responsibility. Enumeration is applicable contained in article 1922 of this Code, to determine which are the extraordinary fortuitous cases, the other cases will be considered as ordinary.

**ARTICLE 1368.- SETTING OF THE AMOUNT FOR DAMAGE REPAIR.** The amount of compensation for damage in the cases referred to in the articles of this Chapter shall be set at two-thirds of the amount resulting applying the bases established in article 1347 of this Code. When the damage is caused by utility companies the amount of the repair of the damage will be half that which is fixed in the mentioned article.

**ARTICLE 1369.- PEOPLE TO WHOM THE PAYMENT MUST BE MADE BY DEATH, DERIVED FROM OBJECTIVE LIABILITY.** In the cases of strict liability, if the victim dies, compensation will be paid to the persons mentioned in article 1347, section I of this Ordinance.

**ARTICLE 1370.- PRESCRIPTION OF THE CLAIM TO DEMAND DAMAGES FOR OBJECTIVE LIABILITY.** The claim to demand the reparation of the damages caused, in the terms of this Chapter, prescribes in two years counted from the day it was caused.

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## SECOND TITLE MODALITIES AND COMPLEXITY OF OBLIGATIONS

### CHAPTER I OF CONDITIONAL OBLIGATIONS

**ARTICLE 1371.- CHARACTERISTICS OF THE CONDITIONAL OBLIGATION.** The Obligation is conditional when its existence or its resolution depend on a

future or uncertain event.

**ARTICLE 1372.- SUSPENSIVE CONDITION.** The condition is suspensive when the existence of the obligation depends on its fulfillment.

**ARTICLE 1373.- RESOLUTIONARY CONDITION.** The condition is decisive when fulfilled resolves the obligation, returning things to the state they had, as if that obligation would not have existed.

**ARTICLE 1374.- EFFECTS OF THE CONDITION.** Once the condition is fulfilled, goes back to the time the obligation was formed, unless the effects of the obligation or its resolution, by the will of the parties or by the nature of the act must be referred to a different date.

As long as the condition is not met, the debtor must refrain from any act that prevents the obligation from being fulfilled in due course.

The creditor can, before the condition is met, exercise all the acts conservatories of their law.

**ARTICLE 1375.- EFFECTS OF IMPOSSIBLE CONDITIONS.** The conditions impossible to give or do, give rise to the non-existence of the obligation that depends on them.

**ARTICLE 1376.- PRESUMPTION OF COMPLIANCE WITH CONDITIONS.** I know will consider the condition fulfilled when the obligor voluntarily prevents its compliance.

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**ARTICLE 1377.- FULFILLMENT OF THE CONDITION DEPENDING ON THE WILL OF THE DEBTOR.** When the fulfillment of the condition depends on the exclusive will of the debtor, the conditional obligation will be void.

**ARTICLE 1378.- EXPIRATION OF THE CONDITIONAL OBLIGATION OF VERIFICATION OF CERTAIN EVENT IN FIXED TIME.** The obligation contracted under the condition that an event occurs in a fixed time, expires if the term passes without being realized, or as long as it is undoubted that the condition cannot be met.

**ARTICLE 1379.- ENFORCEMENT OF THE CONDITIONAL OBLIGATION IF NO**

VERIFY CERTAIN EVENT IN FIXED TIME. The duty contracted under the condition that an event does not take place in a time fixed, it will be required if time passes without being verified.

If there is no set time, the condition must be deemed fulfilled after the that he would have probably wanted to point out, attentive to the nature of the obligation.

**ARTICLE 1380.- EFFECTS OF THE FAILURE TO CARRY OUT THE SUSPENSIVE CONDITION IS DETERIORATED, LOST OR IMPROVED.**

When the obligations have been contracted under suspensive condition and pending to be carried out, the good will be lost, deteriorated or improved that was the object of the act, the following provisions shall be observed:

I.- If the property is lost through no fault of the purchaser, the obligation, and the owner will suffer the loss;

II.- If the asset is lost due to the fault of the debtor, the debtor is obliged to compensation for damages.

It is understood that the thing is lost when it is found in one of the cases mentioned in article 1435 of this Code.

III.- When the property deteriorates through no fault of the debtor, he fulfills his obligation delivering the good to the creditor in the state in which it is when the condition;

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IV.- Deterioration due to the fault of the debtor, the creditor may choose between the resolution of the obligation or its fulfillment, with compensation for damages and damages in both cases;

V.- If the good is improved by its nature, or by time, the improvements yield in favor of the creditor; Y

VI.- If it is improved at the expense of the debtor, he will not have any other right than the granted to the usufructuary.

**ARTICLE 1381.- TACITA RESOLUTIONARY CONDITION.** The power to resolve Obligations are implicitly understood to be reciprocal, in the event that one of the the obliged do not comply with what is incumbent upon him.

The injured party may choose between demanding compliance or resolution of the

obligation, with compensation for damages in both cases. Also may request the resolution even after having opted for compliance, when this is impossible.

## CHAPTER II OF TERM OBLIGATIONS

**ARTICLE 1382.- NOTION OF OBLIGATION SUBJECT TO TERM.** It is obligation to term that for whose fulfillment a certain day has been designated.

A certain day is understood to be the one that must necessarily arrive.

If the uncertainty consists of whether or not the day will arrive, the obligation will be conditional and will be governed by the rules contained in the preceding Chapter.

**ARTICLE 1383.- COMPUTATION OF THE TERM.** The term in the obligations is It will count in the manner provided for in article 1255 of this Ordinance.

**ARTICLE 1384.- IMPOSSIBILITY TO REPEAT FOR EARLY PAYMENT.** It that has been paid in advance cannot be repeated.

If the payer was unaware, when he did, the existence of the term, he will have the right to claim from the creditor the interest or the fruits that he has received from the thing.

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**ARTICLE 1385.- PRESUMPTION OF TERM IN FAVOR OF THE DEBTOR.** The term is presumed established in favor of the debtor, unless it results from the stipulation or circumstances, which has been established in favor of the creditor or both parties.

**ARTICLE 1386.- EXPIRY OF THE TERM.** The debtor will lose all right to use the term:

- I.- When after the obligation is contracted, it becomes insolvent, unless guarantee the debt;
- II.- When it does not grant the creditor the guarantees to which it was committed;
- Y
- III.- When those guarantees have been reduced by their own actions after established, and when by chance they disappear, unless they are immediately replaced by others equally safe.

If there are several joint and several debtors, the provisions of the previous sections  
It will only include the person found in one of the cases designated therein.

### CHAPTER III OF THE ALTERNATIVE JOINT OBLIGATIONS

**ARTICLE 1387.-** NOTION OF JOINT OBLIGATIONS. The one who has bound to various things or facts, together, must give all the first and foremost  
lend every second.

**ARTICLE 1388.-** CONCEPT OF ALTERNATIVE OBLIGATIONS. If he debtor has bound himself to one of two facts, or to one of two things, or to a fact, or to one thing, complies by lending any of those facts or things, but not may, against the will of the creditor, lend part of one thing and part of another, or partially execute a fact.

**ARTICLE 1389.-** ELECTION OF THE DEBTOR. In alternative obligations the choice corresponds to the debtor, if nothing else has been agreed.

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**ARTICLE 1390.-** EFFECTS OF THE ELECTION. The choice will have no effect but since it was notified.

**ARTICLE 1391.-** LOSS OF THE DEBTOR TO CHOOSE. The debtor will lose the right of choice when the benefits to which alternatively it is required, only one is feasible.

**ARTICLE 1392.-** LOSS OF A **PROPERTY** IN THE **CHOICE** OF THE DEBTOR. Yes the choice is up to the debtor and some of the property is lost through his fault or fortuitous event, the creditor is obliged to receive the remainder.

**ARTICLE 1393.-** LOSS OF ASSETS IN THE **CHOICE** OF THE DEBTOR. If two assets have been lost and one has been lost because of the debtor, the debtor must pay the price of the last one that was lost. The same will be observed if the two goods have been lost because of the debtor, but the debtor will pay the damages corresponding.

If the two assets have been lost by fortuitous event, the debtor is released from the

obligation.

**ARTICLE 1394.- LOSS OF A PROPERTY IN THE ELECTION OF THE CREDITOR.**

If the choice belongs to the creditor and one of the two assets is lost due to the debtor, can the first choose the good that has remained or the value of the lost, with payment of damages.

If the property is lost through no fault of the debtor, the creditor will be obliged to receive the that has remained.

**ARTICLE 1395.- LOSS OF THE ASSETS DUE TO THE DEBTOR'S FAULT. Yes**

both assets are lost because of the debtor, the creditor may demand the value of any of them, with the damages and the termination of the contract.

**ARTICLE 1396.- LOSS OF THE TWO ASSETS WITHOUT FAULT OF THE DEBTOR.**

If both assets are lost through no fault of the debtor, the distinction will be made following:

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I.- If the choice or designation of the thing has been made, the loss will be for creditor account; Y

II.- If the choice has not been made, the contract will be without effect.

**ARTICLE 1397.- ELECTION OF THE LOST DEBTOR OF ONE OF THE ASSETS BECAUSE OF THE CREDITOR.** If the choice is made by the debtor and one of the property is lost because of the creditor, the first may request that he be released from the obligation or the contract is terminated, with compensation for damages and damages.

In the case of the previous paragraph, if the choice is made by the creditor, with the lost property the obligation will be satisfied.

**ARTICLE 1398.- ELECTION OF THE LOST CREDITOR OF THE TWO GOODS FOR YOUR FAULT.** If the two assets are lost due to the creditor's fault and it is of this the choice, it will be at his discretion to return the price of one of the goods.

In the case of the previous paragraph, if the choice is made by the debtor, he will designate the asset whose price you must pay, and this price will be proven in accordance with the law in case of disagreement.

In the cases of the two preceding paragraphs, the creditor is obliged to pay of damages.

**ARTICLE 1399.- ELECTION OF THE CREDITOR OR DEBTOR ON PROVISION OF A GOOD OR PERFORMANCE OF AN EVENT BY THE DEBTOR.** If the person obliged to lend an asset or perform a deed refuses to do the second and the choice is up to the creditor, he may demand the good or the execution of the act by a third party, in the terms of article 1441 of this Code. If the choice is made by the debtor, he complies by handing over the property.

**ARTICLE 1400.- ELECTION OF THE LOST CREDITOR OF THE PROPERTY ATTRIBUTABLE TO THE DEBTOR.** If the property is lost because of the debtor and the choice is the creditor, he may demand the price of the property, the performance of the event or the termination of the contract.

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In the case of the preceding paragraph, if the property is lost through no fault of the debtor, the The creditor is obliged to receive the benefit of the fact.

**ARTICLE 1401.- ELECTION OF THE LOST DEBTOR OF THE PROPERTY . Is** There was or no fault in the loss of the property by the debtor, if the choice is yours, the creditor is obliged to receive the provision of the fact.

If the asset is lost or the fact ceases to be provided due to the creditor's fault, there is for complying with the obligation.

**ARTICLE 1402.- LACK OF PROVISION OF THE FACT.** Lack of provision The fact will be governed by the provisions of article 1441 of this Ordinance.

#### CHAPTER IV OF THE JOINT OBLIGATIONS

**ARTICLE 1403.- BUDGET OF THE COMMUNITY.** When there is plurality of debtors or creditors, in the case of the same obligation, the commonwealth exists.

**ARTICLE 1404.- SIMPLE JOINT COMMUNITY .** The simple commonwealth of debtors or creditors does not require each of the former to comply the obligation in its entirety, nor does it entitle each of the seconds to demand

full compliance with it. In this case the credit or debt is considered divided into as many parts as there are debtors or creditors and each part constitutes a debt or a credit different from each other.

**ARTICLE 1405.- EQUALITY OF THE JOINTED PARTIES.** The parts are presumed equal, unless otherwise agreed or the Law provides otherwise. contrary.

**ARTICLE 1406.- JOINT OBLIGATIONS WITH CLAUSE PENAL.** In joint obligations with a criminal clause, the Contravention of one of the debtor's heirs to incur the penalty.

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In the case of the preceding paragraph, each of the heirs will be liable for the part of the penalty that corresponds to him, in proportion to his hereditary quota.

**ARTICLE 1407.- ACTIVE PASSIVE SOLIDARITY.** Besides the Commonwealth, there will be active solidarity when two or more creditors have the right to demand, each one of them, full compliance with the obligation, and passive solidarity when two or more debtors report the obligation to pay, each one in its entirety, the benefit due.

**ARTICLE 1408.- IMPOSSIBILITY OF PRESUMPTION OF SOLIDARITY.** The Solidarity is not presumed, it results from the Law or the will of the parties.

**ARTICLE 1409.- ENFORCEMENT OF THE SOLIDARITY OBLIGATION.** Each one of The creditors or all together can demand from all the joint debtors, or from any of them, the total or partial payment of the debt. If they claim all of one debtors and becomes insolvent, they can claim it from others or from any of them. If they had claimed only part, or otherwise had consented to in the division of the debt, with respect to one or more of the debtors, may claim the whole of the other obligated parties, with deduction of the part of the debtor or debtors released from solidarity.

**ARTICLE 1410.- PAYMENT OF THE SOLIDARITY OBLIGATION.** Payment made to one of the joint creditors completely extinguishes the debt.

**ARTICLE 1411.- EXTINCTION OF THE SOLIDARY OBLIGATION.** The novation, the compensation, payment or remittance made by any of the creditors

solidarity, with any of the debtors of the same class, extinguishes the obligation, without prejudice to the provisions of article 1417 of this Code, to that the reimbursement to which it refers to proceed.

The creditor who had received all or part of the debt, or who had made removes or remission of it, the other creditors are responsible for the part that to these it corresponds, dividing the credit between them. The same will happen in other cases referred to in the preceding paragraph.

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**ARTICLE 1412.- DEATH OF THE SOLIDARY CREDITOR TRANSMISSION EFFECTS OF YOUR RIGHT.** If one of the joint creditors dies leaving more than one heir, each of the joint heirs will only have the right to demand or receive the part of the credit that corresponds to him in proportion to his credit hereditary, unless the obligation is indivisible.

**ARTICLE 1413.- RELEASE OF THE DEBTOR FROM SEVERAL CREDITORS SOLIDARITY.** The debtor of several joint and several creditors is released by paying any of these, unless it has been legally required by any of the them, in which case you must make the payment to the plaintiff.

**ARTICLE 1414.- DEFENSES OF THE SOLIDARY DEBTOR.** The joint debtor You can only use against the claims of the creditor, the defenses that are derive from the nature of the obligation and those that are personal.

The joint debtor is liable to his co-obligated parties if he does not enforce the defenses that are common to all.

**ARTICLE 1415.- PERIOD OF THE PROPERTY WITH OR WITHOUT FAULT OF THE SOLIDARITY DEBTORS.** If the property has perished, or the benefit has been made impossible without fault of the joint debtors, the obligation will remain extinct.

If there is fault on the part of any of them, all will be liable for the price and compensation for damages, not having the right to guilty of directing their claim against the guilty.

**ARTICLE 1416.- DEATH OF THE SOLIDARY DEBTOR LEAVING**

**PLURALITY OF HEIRS.** If one of the joint debtors dies leaving several heirs, each of them is obliged to pay the amount that he corresponds in proportion to his hereditary assets, unless the obligation is indivisible, but all joint heirs will be considered as a single debtor jointly and severally, in relation to the other debtors.

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**ARTICLE 1417.- TOTAL PAYMENT OF A SOLIDARY DEBTOR.** The debtor solidarity that pays the debt in full, has the right to demand from others co-debtors the part that corresponds to them.

Unless otherwise agreed, joint and several debtors are bound to each other by equal parts.

If the part that corresponds to a joint and several debtor cannot be obtained from him, the deficit must be distributed among the other joint and several debtors, even among those who the creditor has released from solidarity.

To the extent that a joint debtor satisfies the debt, it is subrogated in the creditor rights.

**ARTICLE 1418.- SOLIDARY DEBT WITH INTEREST OF A SINGLE DEBTOR.**

If the business for which the debt was jointly and severally contracted, it is only of interest to one of the joint debtors, he will be responsible for all of it against the other co-debtors.

**ARTICLE 1419.- PRESCRIPTION IN THE SOLIDARITY DEBT.** Any act that interrupts the prescription in favor of one of the creditors or against one of the debtors, takes advantage of or harms the others.

**ARTICLE 1420.- DAMAGES IN THE SOLIDARY OBLIGATION.**

When damages are demanded for non-compliance with the obligation, each of the joint and several debtors will be fully liable for them.

**ARTICLE 1421.- NOTION OF SEVERABLE AND INDIVISIBLE OBLIGATIONS.**

Obligations are divisible when their object is susceptible benefits to be partially fulfilled. They are indivisible if the benefits could not be fulfilled if not entirely.

The stipulated solidarity does not give the obligation the character of indivisible, nor the  
The indivisibility of the obligation makes it joint and several.

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**ARTICLE 1422.- PLURAL DIVISIBLE OBLIGATIONS.** Obligations divisible in which there is more than one debtor or creditor shall be governed by the rules common obligations; indivisible in which there is more than one debtor or creditor shall be subject to the following provisions.

**ARTICLE 1423.- TOTAL OBLIGATION OF THE DEBTOR DUE TO DEBT INDIVISIBLE.** Each of those who have jointly incurred a debt indivisible, it is bound by the whole, even if solidarity has not been stipulated.

The same applies to the heirs of the person who has contracted a indivisible obligation.

**ARTICLE 1424.- TOTAL EXECUTION OF THE INDIVISIBLE DEBT.** Each of the creditor's heirs can demand full indivisible execution committing itself to give sufficient guarantee for the indemnification of the others joint heirs, but cannot alone forgive the full debit, nor receive the value instead of the thing.

If only one of the heirs has forgiven the debt or received the value of the property, the The co-heir cannot ask for the indivisible good except by returning the portion of the heir who has forgiven or who has received the value.

**ARTICLE 1425.- REMISSION OR REMOVAL OF THE INDIVISIBLE OBLIGATION.** Alone by the consent of all creditors the obligation can be remitted indivisible or take a take off of it.

**ARTICLE 1426.- TOTALITY OF THE OBLIGATION REGARDING A HEIR DEBTOR.** The debtor's heir, compelled by the entirety of the obligation, you can ask for a deadline to make your joint heirs attend, always that the debt is not of such a nature that it can only be satisfied by the heir defendant, who can then be convicted, safeguarding his rights compensation against his joint heirs.

**ARTICLE 1427.- TERMINATION OF INDIVISIBILITY.** Loses the quality of indivisible, the obligation that is resolved in the payment of damages and, then, the following rules will be observed:

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- I.- If for that conversion to take place there was guilt on the part of all debtors, all will be liable for damages proportionally to the interest they represent in the obligation; Y
- II.- If only some were guilty, only they will answer for the damages.

## CHAPTER V OF THE OBLIGATIONS TO GIVE

**ARTICLE 1428.- OBJECT OF THE OBLIGATIONS TO GIVE OR ASSETS BENEFITS.** Obligations to give or benefits of goods may consist of:

- I.- In the transfer of the domain;
- II.- In the temporary alienation of the use or enjoyment of the goods by real right or personal; Y
- III.- In the restitution of the property of others or payment of things owed.

**ARTICLE 1429.- OBJECT EFFECTS OF THE OBLIGATION TO GIVE WELL CERTAIN.** The creditor of certain property cannot be obliged to receive another even when it is of greater value.

The obligation to give true good also includes the obligation to deliver their accessories, Unless the contrary results from the title of the obligation or the circumstances of the case.

**ARTICLE 1430.- OBLIGATIONAL EFFECTS OF DISPOSALS OF CERTAIN ASSETS CERTAIN.** In the sale of certain assets and determined, the transfer of ownership is verified between the contracting parties, for mere effect of the contract, without dependence on tradition, whether natural or symbolic, taking into account the relative provisions of the Registry Public of the Property.

**ARTICLE 1431.- OBLIGATIONAL EFFECTS OF DISPOSALS OF INDETERMINATE SPECIES.** In alienations of some kind

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indeterminate, the property will not be transferred until such time as the good becomes true and determined with the knowledge of the creditor, either by delivery real, legal, virtual or fictional, as provided for in article 1765 of this Code.

If the quality of the asset is not designated, the debtor complies by delivering a medium quality.

**ARTICLE 1432.- APPLICABLE RULES IN CASE OF LOSS OF THE PROPERTY TRUE SUBJECT TO DISPOSAL.** In cases where the obligation to give good true, import the transfer of ownership of that good, and lose or deteriorates in the possession of the debtor, the following rules will be observed:

- I.- If the loss was the fault of the debtor, the debtor will answer to the creditor for the value of the thing and for damages;
- II.- If the property deteriorates due to the debtor's fault, the creditor may choose the termination of the contract and payment of damages, or by receiving the good in the state in which it is found and demand the reduction of the price and the payment of damages and damages;
- III.- If the property is lost due to the creditor's fault, the debtor will be released from the obligation;
- IV.- If it deteriorates due to the creditor's fault, the creditor will have the obligation to receive the good in the state that it is;
- V.- In general and unless proven otherwise, it is presumed that the property is lost because of whoever actually owns it; Y
- VI.- If the thing is lost due to unforeseeable circumstances or force majeure, the owner will suffer the loss, unless there is a stipulation to the contrary, in the case of pure and simple disposals. If they were with reservation of domain or under suspensive condition, the acquirer will suffer the risk, if it is in possession of the thing.

**ARTICLE 1433.- NOTION EFFECTS OF THE CASE FORCE HIGHER.** No one is obliged to fortuitous events or force majeure, except when they have given cause or contributed to them, when you have expressly accepted that responsibility, or when the Law imposes it.

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A fortuitous event is understood to be any natural, foreseeable or unforeseeable event, but inevitable, by virtue of which the good is lost or the fulfillment of the obligation.

Force majeure is understood to be any foreseeable or unforeseeable event, but unavoidable, from one or more third parties determined or undetermined by virtue of the which the property is lost or the fulfillment of the obligation is impossible.

If fortuitous events or force majeure do not totally make it impossible to fulfillment of the obligation contracted or does not constitute an insurmountable obstacle for a careful debtor in good faith, to whom it is not attributable, fraud or fault, the fulfillment of the obligation will simply be delayed and it will be diminished to the limit where the insurmountable obstacle arises, even when the delayed or partial fulfillment of the obligation is more onerous for the debtor.

**ARTICLE 1434.- DEBT OF CERTAIN ASSET DETERMINED FROM OF MISS OR CRIME.** When the debt of a certain and determined good If it comes from a crime or misdemeanor, the debtor will not be exempted from paying the price, whatever may have been the reason for the loss, unless, having offered the asset to which it should have received it, it has been constituted in default.

The debtor of a lost or damaged property through no fault of his own, is obliged to assign the creditor how many rights and claims he has to claim compensation to whoever is responsible.

**ARTICLE 1435.- ASSUMPTIONS OF THE LOSS OF THE PROPERTY .** Loss of good can be verified:

- I.- Perishing the good or being out of business; Y
- II.- Disappearing so that there is no news of him, or that although he have any, the good cannot be recovered.

**ARTICLE 1436.- OBLIGATION TO GIVE GENERIC GOOD.** When the obligation to give has as its object a good designated only by its gender and amount, after the thing is individualized by the choice of the debtor or the

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creditor, the rules established in  
Article 1432 of this Order.

**ARTICLE 1437.- RULES FOR DISPOSALS WITH RESERVATION OF POSSESSION, USE OR ENJOYMENT OF THE GOOD FOR A CERTAIN TIME.** In the cases of alienation with reservation of possession, use or enjoyment of the property up to a certain time, the following rules will be observed:

- I.- If there is an express agreement, it will be as stipulated;
- II.- If the loss is due to the fault of any of the contracting parties, the amount will be of the responsibility of this;
- III.- In the absence of an agreement or fault, each interested party will suffer the loss that corresponds, in all, if the good perishes totally, or in part, if the loss is only partial; Y
- IV.- In the case of the preceding fraction, if the loss is partial and the parties do not agree on the reduction of their respective rights, appoint an expert to determine it.

**ARTICLE 1438.- RULES FOR THE LOSS OF THE THING.** In contracts in which the provision of the thing does not matter the transfer of the property, the risk It will always be at the owner's expense, unless intent or fault of the owner intervenes. other part.

In the case of goods that are not determined individually, but only by its quantity, quality, weight and measure, or genus and species if it is animals, or by any other data that makes the subsequent determination possible, if the thing is lost in the possession of the debtor, notwithstanding the alienation of the same, the The creditor will not suffer the loss, the debtor having to deliver equivalent assets.

In addition to the cases specially regulated in this chapter, in general the thing perishes for its owner, it being understood that the goods and expendable goods, they never perish.

**ARTICLE 1439.- ASSUMPTIONS OF GUILT .** There is guilt when the obligated executes acts contrary to the conservation of the thing or stops executing those that they are necessary for her.

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There will be serious fault when the person obliged to keep or guard a foreign property, does not observe the minimal diligence any man would have in caring for his things.

There will be slight fault, when said obligee does not observe the average diligence that good parents tend to take care of their property.

There will be very slight guilt, when the aforementioned debtor does not observe the maximum diligence that only the most diligent parents tend to have in the care of your assets.

**ARTICLE 1440.- PLURALITY OF OBLIGED TO PROVIDE AN ASSET.** Yes where several are obliged to provide the same good, each of them will respond, proportionally, excepting the following cases:

- I.- When each one of them has been jointly and severally bound;
- II.- When the benefit consists of a certain and determined good that is found in the power of one of them, or when it depends in fact that only one of the obliged can lend;
- III.- When the obligation is indivisible; Y
- IV.- When another good has been determined by contract.

## CHAPTER VI OF THE OBLIGATIONS TO DO OR NOT DO

**ARTICLE 1441.- LIABILITIES DERIVED FROM NON- COMPLIANCE OF OBLIGATIONS TO DO NOT DO.** If the person obliged to render a fact does not do so, the creditor has the right to request that at his expense be executed by another, when the substitution is possible.

The same will be observed if you do not do it in the agreed manner. In this case the creditor may ask for the wrongdoing to be undone.

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Anyone who is obliged not to do something will be subject to the payment of damages in case of contravention, if there is material work, it may demand the creditor that is destroyed at the expense of the obligee.

## CHAPTER VII OF THE NATURAL OBLIGATIONS

**ARTICLE 1442.- EFFECTS OF NATURAL OBLIGATIONS.** The Natural obligations do not confer the right to demand its fulfillment; but voluntarily fulfilled authorize to retain what has been given or paid in reason for them.

**ARTICLE 1443.- CHARACTERISTICS OF NATURAL OBLIGATIONS.** The obligations referred to in the previous article are:

- I.- Civil obligations that after prescribed have been fulfilled by the debtor; Y
- II.- Those that, demanding their compliance in court, were not recognized by lack of proof or by mistake or malice of the judge, if the debtor agrees to comply with them after sentencing.

**ARTICLE 1444.- EFFECTS OF PARTIAL FULFILLMENT OF THE NATURAL OBLIGATION.** Once the natural obligation has been partially fulfilled, it has no right the creditor to demand its full compliance.

**ARTICLE 1445.- VOLUNTARY FULFILLMENT OF THE OBLIGATION NATURAL.** Voluntary compliance with moral duties does not empower whoever do it to demand the return of what has been delivered; but if shows that he did so by a single determining error of his will, estimating that it was a legally enforceable debt, it will have a claim to demand the return of what was paid.

## TITLE THREE OF THE TRANSMISSION OF OBLIGATIONS

### CHAPTER I

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## OF THE TRANSMISSION OF THE REAL PERSONAL RIGHTS

**ARTICLE 1446.- APPLICABLE PROVISIONS FOR THE TRANSMISSION OF REAL PERSONAL RIGHTS POSSIBILITY OF THEIR ASSIGNMENT.** The transmission of personal rights will be subject to the provisions of this Chapter. For real rights, the rules of the same will apply as conducive, unless expressly provided otherwise, or that such thing is detached of the nature of real rights.

As a general rule, the creditor may assign his rights, except as provided in contrary.

Except for the real rights of use and habitation, the others can be assigned onerous or gratuitous title, but in the easements, as they are inseparable from the dominant property, the transfer of the same can only be made when it is disposed of the property.

**ARTICLE 1447.- HYPOTHESIS OF ASSIGNMENT OF CREDITS OR RIGHTS PERSONAL.** There will be assignment of credits or personal rights, when the Creditor transfers to a third party those he has against his debtor.

The creditor can assign his right to a third party without the consent of the debtor, Unless the transfer is prohibited by law, it has been agreed not to do so or the nature of the law does not allow it. The debtor may not argue against the third, that the right could not be assigned, because it had been so agreed, when that agreement does not appear in the constitutive title of the right.

In the assignment of credits, the provisions relating to the legal act will be observed that gives rise to it, in which they were not modified in this Chapter.

**ARTICLE 1448.- ASSIGNMENT OF REAL RIGHTS.** Real rights They can be assigned without the consent of the owner or possessor of the encumbered thing with them, admitting the exceptions established in the previous article.

For the assignment to be enforceable against a third party, it must be registered in the Registry Public of the Property, in the case of real estate or real rights

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subject to registration, and regarding the formalities of the legal act and other Validity elements, the provisions of the final part of the previous article will be followed.

**ARTICLE 1449.- UNDERSTANDING A ASSIGNED CREDIT.** The assignment of a credit includes that of all accessory rights, except those that are inseparable from the person of the transferor.

Interest due is presumed to have been assigned with the principal loan.

**ARTICLE 1450.- FORMALITIES IN THE ASSIGNMENT OF CIVIL CREDITS.** The Assignment of civil credits that are not to the order or to the bearer can be made in private writing to be signed by the assignor, assignee and two witnesses. Only when the Law requires that the title of the assigned credit be recorded in a public deed, the assignment it should be done in this class of documents.

**ARTICLE 1451.- REQUIREMENTS FOR THE ASSIGNMENT OF CREDITS PRODUCE THIRD PARTY EFFECTS.** The assignment of credits other than to the order or the bearer, does not produce effects against a third party until its date must be taken as true, in accordance with the following rules:

- I.- If it is intended for a credit that must be registered, from the date of its registration in the Public Property Registry;
- II.- If it is done in a public deed, from the date of its granting; Y
- III.- If it is a private document, from the day it is incorporated or register in the Public Property Registry; since the death of anyone of those who sign it, or from the date it is delivered to an official public by reason of his office.

**ARTICLE 1452.- OPPOSITIONS OF EXCEPTIONS OF THE DEBTOR TO ASSIGNEE.** The debtor can oppose the assignee the defenses that could oppose the assignor at the time of the assignment. If you have against the assignor a credit not yet due when the assignment is made, you may invoke the compensation, provided your credit is no longer due after the yielded.

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In the real rights, the owner or possessor of the encumbered thing may oppose the assignee all the defenses that by virtue of the nature of the property or the right real were appropriate, as well as those that could have opposed the transferor.

**ARTICLE 1453.- EFFECTS OF THE NOTIFICATION OF THE ASSIGNEE TO THE DEBTOR.** In the cases referred to in article 1450 of this Code, so that the assignee can exercise his rights against the debtor, he must make the debtor notification of the assignment, either judicially or extrajudicially, before two witnesses or notary.

In the case of real rights, it will be enough to register them in the Public Property Registry, in the case of real estate or susceptible rights of registration, or with the taking of possession of the furniture, so that in both If the rights are exercised and are enforceable against a third party, where appropriate try the claims of persecution or preference.

**ARTICLE 1454.- RIGHT OF THE CREDITOR TO CARRY OUT THE NOTIFICATION PRESUMPTION OF NOTICE.** You only have the right to request or make the notification, the creditor who presents the supporting title of the credit, or that of the assignment, when that is not necessary.

If the debtor is present at the assignment and does not oppose it, or if the has accepted, and this is proven, the notification will be taken for granted.

**ARTICLE 1455.- PREFERENCE FOR MAKING THE NOTICE THERE IS SEVERAL ASSIGNMENTS.** If the credit has been assigned to several Assignees, the one who first notified the debtor of the assignment will have preference, Except as provided for titles that must be registered.

Regarding real rights, the right will have priority first registered, if there is a possibility of registration, or the one who first took possession of the thing.

**ARTICLE 1456.- RELEASE OF THE DEBTOR BY PAYMENT TO THE CREDITOR PRIMITIVE.** As long as the debtor has not been notified, the debtor is released paying the primitive creditor.

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**ARTICLE 1457.- RELEASE OF THE DEBTOR BY PAYMENT TO THE ASSIGNEE.**

Once the notification is made, the debtor is not released except by paying the assignee.

**ARTICLE 1458.- GUARANTEE OF THE ASSIGNOR OF THE CREDIT.**

The assignor is obliged to guarantee the existence or legitimacy of the credit at the time of making the assignment, unless the former has been assigned as doubtful.

With the exception of the titles to the order, the assignor is not obliged to guarantee the solvency of the debtor, unless it has been expressly stipulated or the insolvency is public and prior to the assignment.

**ARTICLE 1459.- TEMPORARY LIABILITY OF THE ASSIGNOR FOR THE**

**SOLVENCY OF THE DEBTOR.** If the transferor has been made responsible for the solvency of the debtor, and the time that this responsibility should last will not be fixed, It will be limited to one year, counted from the date on which the debt was due, if it is defeated; if it is not, it will be counted from the expiration date.

**ARTICLE 1460.- LIABILITY OF THE ASSIGNOR FOR RENT**

**LIFE.** If the assigned credit consists of a life annuity, the responsibility due to the debtor's solvency it is extinguished after five years, counted from the date of the assignment.

**ARTICLE 1461.- LIABILITY OF THE ASSIGNOR OVER CREDIT**

**LOANED IN AN INCREASED OR GLOBAL MANNER.** The one who yields upward or in shape overall the totality of certain rights, complies with responding to the legitimacy of the everything in general, but it is not obliged to clean up each of the parties, except in the case of eviction of the whole or most of it.

**ARTICLE 1462.- ASSIGNMENT TO INHERITANCE .**

He who gives up his right to a inheritance, without enumerating the things of which it is composed, is only obliged to vouch for his status as heir.

If the transferor has taken advantage of some fruits or received something of the inheritance that he transfers, he must pay it to the assignee, if there is no otherwise agreed.

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The assignee must, for his part, pay the assignor all that he has paid for the debts or charges of the inheritance and their own credits against it, except if the opposite has been agreed.

**ARTICLE 1463.- FREE ASSIGNMENT.** If the assignment is free, the assignor will not will be responsible to the assignee, neither for the existence of the credit, nor for the solvency of the debtor.

## **CHAPTER II OF THE ASSIGNMENT OF DEBTS REAL OBLIGATIONS**

**ARTICLE 1464.- REQUIREMENTS TO MAKE THE SUBSTITUTION OF DEBTOR.** In order for the debtor to be replaced, it is necessary that the creditor consent expressly or tacitly.

In real obligations, for there to be a change in the taxpayer or responsible for them, it is necessary that whoever replaces him acquires the ownership or possession of the things or goods subject to these encumbrances. The derivative holder, in the real obligations imposed on the owner or possessor original, may not be a substitute for these.

Any change in ownership or original possession, as regards the subject owner of the domain or possession, will motivate a change in the taxpayer of the real obligations, which will pass to the new owner or possessor.

**ARTICLE 1465.- PRESUMPTION OF CONSENT OF THE CREDITOR ON THE SUBSTITUTION OF DEBTOR.** It is presumed that the creditor consents in the substitution of the debtor, when it allows the substitute to perform acts that had to execute the debtor, as payment of credits, partial or periodic payments, provided that he does so in his own name and not on behalf of the original debtor.

**ARTICLE 1466.- IMPOSSIBILITY OF THE CREDITOR TO REPEAT AGAINST THE ORIGINATING DEBTOR.** The creditor who exonerates the former debtor, accepting another in its place, he cannot repeat against the first, if the new is insolvent, unless otherwise agreed.

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**ARTICLE 1467.- DEADLINE FOR THE CREDITOR TO ACCEPT OR NOT THE SUBSTITUTION OF DEBTOR.** When the debtor and the one who intends to replace him fix a period for the creditor to express its agreement with the replacement, without

that the creditor has made its determination known at the end of said period, he presumes that he refuses.

**ARTICLE 1468.-** CONDITION OF THE SUBSTITUTE DEBTOR. The substitute debtor it is bound in the terms in which the original debtor was. But when a third party has established a surety, pledge or mortgage to guarantee the debt, these guarantees cease with the substitution of the debtor, unless the third party consents to to continue.

**ARTICLE 1469.-** CONDITION OF THE NEW ACQUIRER OR POSSESSOR OF RECORDED ASSETS. The new acquirer or holder of the assets encumbered by a real right, will be responsible to the owner of the same, being released the who was the owner or possessor of the thing, as long as the assessment. If it was concealed, the acquirer or holder will have a claim against the alienating party, under the terms provided for the case of eviction.

**ARTICLE 1470.-** OPPOSITION OF DEFENSES OF THE SUBSTITUTE DEBTOR OF THE NEW ACQUIRER OR POSSESSOR. The substitute debtor can oppose the creditor the defenses that arise from the nature of the debt and those that are personal, but you can not oppose those that are personal to the debtor primitive.

The new owner or acquirer of the property can oppose the owner of a real right on it, the defenses that are inherent to the nature of the law, the that refer to the property and those that are personal to the owner thereof, but not may oppose those that are personal to the previous owner or possessor.

**ARTICLE 1471.-** EFFECTS OF THE DECLARATION OF NULLITY OF SUBSTITUTION OF DEBTOR. When the debtor substitution is declared void, the old debt is reborn with all its accessories, but with the reservation of rights that belong to a third party in good faith, to whom they will be respected.

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In the case of real rights, if the alienation is declared void, it will continue responding the transferor, as owner or possessor of the thing, respecting also in their degree the rights that have been constituted by the acquirer in favor of a third party in good faith, as long as they have been registered those who, according to the Law, need this requirement.

**CHAPTER III  
OF SUBROGATION**

**ARTICLE 1472.- SUBROGATION HYPOTHESIS .** Surrogacy is verified  
By operation of the Law and without the need for any declaration from the interested parties:

- I.- When the creditor pays another preferred creditor;
- II.- When the payer has a legal interest in complying with the obligation;
- III.- When an heir pays with his own assets any debt of the inheritance; Y
- IV.- When the one who acquires a property pays a creditor who has over him a mortgage loan prior to the acquisition.

**ARTICLE 1473.- REAL SUBROGATION HYPOTHESIS .** There will be subrogation real whenever a thing affected by a real right is substituted for its value, in cases of expropriation, insurance, auction or other equivalent. There will also be real subrogation when the owner or possessor of the encumbered asset destroys it to replace it with another. In all these cases, the owner of the real right will have claim on the price, to be paid or compensated, or on the new good.  
The regulation of the rights corresponding to the owner or possessor and the holder of real law, when there is a value that replaces the good, it will be done taking into account the values assigned by the experts respectively to the interests of both parties. In the case of a mortgage and pledge the value that replaces the asset is It will apply preferably to the payment of the guaranteed credit.

**ARTICLE 1474.- CONVENTIONAL SUBROGATION.** Surrogacy exists when the creditor receives payment from a third party to whom it transmits their rights, privileges, actions and mortgages against the debtor. This surrogacy It must be express and made at the same time as the payment.

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**ARTICLE 1475.- SUBROGATION OF THE LENDER.** When the debt will be paid by the debtor with money that a third party will lend him for that purpose, the Lender will be subrogated by ministry of the Law on the rights of the creditor, if the loan is in an authentic title stating that the money was loaned to pay the same debt. For lack of this circumstance, the lender will only have the rights expressed by their respective contract.

**ARTICLE 1476.- IMPOSSIBILITY OF PARTIAL SUBROGATION IN DEBTS INDIVISIBLE.** There will be no partial subrogation in debt of indivisible solution.

**ARTICLE 1477.- PROPORTIONAL PAYMENT OF SUBROGATED SUBROGATES OF THE SAME CREDIT.** The payment of the surrogates in various portions of the same credit, When the debtor's assets are not enough to cover them all, it will be done pro rata.

**TITLE FOUR  
EFFECTS OF OBLIGATIONS BETWEEN THE PARTIES  
FULFILLMENT OF OBLIGATIONS  
CHAPTER I  
OF PAYMENT**

**ARTICLE 1478.- NOTION CHARACTERISTICS OF PAYMENT.** Payment or Compliance is the delivery of the thing or amount owed, the provision of the service or fact object of the obligation, or abstention from the stipulated act in the case of debts not to do.

Payment must be exact as to time, place, manner and substance.

The following rules will apply as to the accuracy of the four indicated forms, unless there is a stipulation to the contrary.

**ARTICLE 1479.- ASSIGNMENT OF ASSETS.** The debtor can assign his assets to the creditors in payment of their debts. This assignment, unless otherwise agreed, only frees the former from liability for the liquid amount of the transferred assets. The agreements on the effect of the assignment are entered into between the debtor and his

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Creditors shall be subject to the provisions of the Title relating to the concurrence and priority of credits.

**ARTICLE 1480.- FULFILLMENT OF PERFORMING ANY SERVICE FOR THIRD.** The obligation to provide a service can be fulfilled by a third, except in the case in which it has been established, by express agreement, that the personally fulfills the same obligation, or when their special knowledge or personal qualities.

**ARTICLE 1481.- PEOPLE WHO CAN MAKE PAYMENT.** The pay It can be done by the debtor himself, by his representatives or by anyone

another person who has a legal interest in complying with the obligation.

It can also be done by a third party not interested in complying with the obligation, which acts with the express or presumed consent of the debtor, observing in these cases the provisions relating to the mandate.

It can also be done by a third party ignoring it by the debtor. The one who made the payment, you will only have the right to claim from the debtor the amount that you have paid to the creditor, if he agreed to receive less than the amount owed.

Finally, it can be done against the will of the debtor. The one who made the payment You will only have the right to collect from the debtor that in which the pay.

**ARTICLE 1482.- OBLIGATIONS OF THE CREDITOR TO ACCEPT PAYMENT THIRD PARTY.** The creditor is obliged to accept the payment made by a third party, but he is not obliged to subrogate his rights, outside of the foreseen cases in articles 1472 and 1475 of this Code.

Payment made to a third party will extinguish the obligation, if so stipulated or consented to by the creditor, and in cases where the Law determines it expressly.

**ARTICLE 1483.- PEOPLE TO WHOM PAYMENT MUST BE MADE .** The pay It must be done to the same creditor or to his legitimate representative.

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**ARTICLE 1484.- PAYMENT TO DISABLED PERSON.** Payment made to a person unable to manage their assets, will be valid as soon as have become its utility. The payment made to a third party will also be valid as soon as it has become the creditor's utility.

**ARTICLE 1485.- PAYMENT OF GOOD FAITH TO THE OWNER OF THE CREDIT.** The pay done in good faith to the person in possession of the credit, will release the debtor.

**ARTICLE 1486.- PAYMENT TO THE CREDITOR ORDERED THE RETENTION OF DEBT.** The payment made to the creditor by the debtor after having been judicially ordered the retention of the debt.

**ARTICLE 1487.- FORM OF MAKING PAYMENT.** Payment must be made from

so that it has been agreed, and it may not be done partially except by virtue of express agreement or provision of the law.

However, when the debt has a liquid part and an illiquid part, it may require the creditor and make the debtor, the payment of the first without waiting for the settlement second.

**ARTICLE 1488.- TIME TO MAKE PAYMENT.** Payment will be made in the agreed time, except those cases in which the law allows or prevents expressly otherwise.

**ARTICLE 1489.- VERIFICATION OF PAYMENT WHEN NO ESTABLISHED TIME TO DO IT.** If you have not set the time when payment must be made and it is about obligations to give, the creditor will not be able to demand it but after the thirty days following the interpellation that is made, already judicially, already extrajudicially, before a notary or before two witnesses. In the case of obligations to make, payment must be made when required by the creditor, provided that the time necessary for compliance has elapsed of the obligation.

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**ARTICLE 1490.- EFFECTS OF EARLY PAYMENTS.** If the debtor wants make advance payments and the creditor receive them, he may not be obliged to make discounts.

**ARTICLE 1491.- PLACE TO MAKE THE PAYMENT.** As a general rule the payment must be done at the debtor's domicile, unless the parties agree otherwise thing, or that the opposite is clear from the circumstances, from the nature of the obligation or law.

**ARTICLE 1492.- ELECTION OF THE CREDITOR BEFORE PLURALITY OF ADDRESSES.** If multiple locations have been designated to make the payment, the creditor you can choose any of them.

**ARTICLE 1493.- PLACE OF PAYMENT BY TRADITION OR BENEFITS OF A PROPERTY.** If the payment consists of the tradition of a property or services relating to it, must be made in the place where it is

find.

**ARTICLE 1494.- PLACE OF PAYMENT IN CASE OF MONEY.** If the payment consist of a sum of money as the price of some good alienated by the creditor, it must be done in the place where the property was delivered, unless it is designate another location.

**ARTICLE 1495.- EFFECTS OF THE VOLUNTARY CHANGE OF ADDRESS OF THE CREDITOR OR DEBTOR.** The debtor who after the contract has been concluded voluntarily move his domicile shall indemnify the creditor of the higher expenses that you make for this reason, to obtain the payment. Of the same Thus, the creditor must indemnify the debtor, when the payment must be made at his domicile, voluntarily change his domicile.

**ARTICLE 1496.- CORRESPONDENCE OF DELIVERY COSTS.** The Delivery costs will be borne by the debtor, if no other has been stipulated thing.

**ARTICLE 1497.- PAYMENT WITH OWNERSHIP.** Payment made with well foreign, but if the payment had been made with an amount of money or another

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someone else's fungible asset, there will be no repetition against the creditor who has consumed it in good faith.

**ARTICLE 1498.- DELIVERY OF THE PROBATORY DOCUMENT OF PAYMENT TO THE DEBTOR.** The debtor who pays has the right to demand the document that proves the payment and you can stop it until it is delivered to you.

The delivery of the title made to the debtor presumes the payment of the constant debt in that.

**ARTICLE 1499.- RULES ON PENSION PAYMENT.** When the debt is for pensions that must be satisfied in specified periods, and accredits in writing the payment of the last one, the previous ones are presumed paid, Unless proven otherwise.

**ARTICLE 1500.- PAYMENT OF CAPITAL WITHOUT RESERVATION OF REDUCES.** When pays the capital without reserving revenue, it is presumed that they are paid.

**ARTICLE 1501.- MISCELLANEOUS DEBTS REGARDING A CREDITOR.** The fact that

has several debts against himself in favor of a single creditor, he may declare, at the time to make the payment, to which of them do you want it to apply.

**ARTICLE 1502.-** ABSENCE OF DECLARATION OF THE DEBTOR FOR APPLY THE PAYMENT. If the debtor does not make the aforementioned declaration, it will be understood made the payment on behalf of the debt that is most onerous among the overdue. All other things being equal, it will be applied to the oldest, being all of the same date, will be distributed among them pro rata.

**ARTICLE 1503.-** EFFECTS OF THE AMOUNTS PAID ON THE ACCOUNT OF DEBTS WITH INTEREST. Amounts paid on account of debts with interest, will not be charged to capital as long as interest is due and no paid, unless otherwise agreed.

## CHAPTER II OFFERING THE PAYMENT OF THE CONSIGNMENT

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**ARTICLE 1504.-** EFFECTS OF THE OFFER OF PAYMENT FOLLOWED BY THE CONSIGNMENT. The offer of payment followed by the consignment of the value due produces the effects of the payment, if it meets all the requirements for This requires the Law, extinguishing the debt.

**ARTICLE 1505.-** RELEASE OF THE DEBTOR WHEN PERFORMING THE CONSIGNMENT. If the creditor refuses without just cause to receive the benefit due, or give the supporting document of payment, or if it is an uncertain person or unable to receive, the debtor may release the obligation by making consignment of the good.

**ARTICLE 1506.-** DEPOSIT OF THE PROPERTY DUE, BY DOUBT IN THE CREDITOR'S RIGHTS. If the creditor is known, but his rights, the debtor may deposit the property due, with the summons of the interested party, to in order to justify your rights by legal means.

**ARTICLE 1507.-** CONSIGNMENT PROCEDURE. Consignment It will be done following the procedure established by the Code of the matter.

**ARTICLE 1508.-** EFFECTS OF THE JUDICIAL DECLARATION ON FOUNDED OPPOSITION OF THE CREDITOR. If the Judge declares the

Opposition of the creditor to receive the payment, the offer and the consignment is have as not facts.

**ARTICLE 1509.- EXTINCTION OF THE OBLIGATION BY APPROVAL JUDICIAL OF THE CONSIGNMENT.** Approved the consignment by the Judge, he declare that the obligation was extinguished since the offer was made followed by consignment, so that all legal effects occur consequent from that date.

**ARTICLE 1510.- EXPENSES ON OFFERING CONSIGNMENT.** If he offer and consignment have been made legally, all expenses will be creditor account.

### CHAPTER III BREACH OF OBLIGATIONS

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**ARTICLE 1511.- SUPPOSED TERMS FOR INDEMNIFICATION FOR INJURIOUS DAMAGES.** The one who is obliged to lend a good or a fact and I will stop providing them, or will not provide them as agreed, will be responsible, for the sole fact of the breach, the compensatory indemnification and the moratorium in the following terms:

- I.- If the obligation is a term, the responsibility will begin from the expiration of this;
- II.- If the obligation does not depend on a certain term, the provisions of the Article 1489 of this Code; Y,
- III.- Anyone who violates an obligation not to do will pay damages for the mere fact of the contravention.

**ARTICLE 1512.- INDEMNITY BUDGET CONTENT COMPENSATORY MORATORY.** Compensatory damages It will include the value of the main lot or its equivalent in money, plus the damages caused directly by the breach; and the moratorium compensation, the damages caused by the delay in the fulfillment of the obligation.

For the first to proceed, it will be enough that the debtor does not comply, except when the Law also requires fault, or when the breach is due to unforeseeable circumstances or overwhelming force.

For the moratorium compensation to proceed, the debtor must incur in arrears.

**ARTICLE 1513.- EFFECTS OF LIABILITY FROM DOLO.** Liability arising from fraud is enforceable in all obligations. The resignation is null to make it effective.

The responsibility that is dealt with in this Title, in addition to importing the return of the thing or its price, the repair of the damage and the compensation for damages.

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**ARTICLE 1514.- NOTION OF INJURIOUS DAMAGES.** Damage is understood as loss or impairment suffered in equity due to non-compliance with a obligation.

The deprivation of any legal gain, which should have been obtained with the fulfillment of the obligation.

Damages must be the immediate and direct consequence of the lack of fulfillment of the obligation, whether they have been caused or must necessarily be caused.

**ARTICLE 1515.- ORIGIN OF THE COMPENSATORY INDEMNITY FOR GUILT.** The fault referred to in article 1512 of this Code, so that the compensatory indemnity is appropriate, it will only be required in the obligations of give in which there is custody or custody of things. In the obligations to do and failure to do so will suffice the fact of non-compliance, unless the law provides otherwise. thing.

The provisions of article 1439 of this Code will be applied to determine when there is guilt, unless the law requires in each case a certain degree of guilt.

**ARTICLE 1516.- EFFECTS OF THE LOSS OR SERIOUS IMPAIRMENT OF THE WELL.** If the property has been lost or has suffered such serious deterioration that, in the opinion of experts, it cannot be used in the use to which it is naturally intended, the owner must be compensated for all the legitimate value of him, when there is fraud or

fault in its custody or conservation by the debtor thereof.

If the deterioration is less serious, the debtor will pay the owner the amount thereof, if he has incurred in fault when restoring the property.

**ARTICLE 1517.- PRICE OF THE RETURNED OR DETERIORATED PROPERTY .** The price of the good will be the one that it would have at the time of being returned to the owner, except in cases in which the Law or the pact indicate another era.

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When estimating the deterioration of an asset, not only the decrease that was caused in the price of this, but also to the expenses that necessarily require the repair.

When setting the value and impairment of an asset, the estimated price or condition, unless it is proven that the person responsible destroyed or damaged the property for the purpose of hurting the owner's condition; the increase that for these causes It may not exceed a third of the common value of the property.

**ARTICLE 1518.- CONVENTIONAL CIVIL LIABILITY.** The Civil liability can be regulated by agreement of the parties, except those cases in which the Law expressly provides otherwise.

If the benefit consists of the payment of any amount of money, the damages and damages resulting from non-compliance, unless otherwise agreed, no they may exceed the legal interest, which is set at nine percent per year.

**ARTICLE 1519.- CHARGE OF JUDICIAL EXPENSES.** Payment of expenses judicial will be in charge of the one who fails to comply with the obligation, and in the terms established by the Civil Procedure Code.

#### CHAPTER IV OF THE EVICTION SANITATION

**ARTICLE 1520.- NOTION OF CASES SIMILARED TO EVICTION.** There will be eviction when the one who acquired something is deprived of all or part of it by judgment that causes enforceability, by reason of some right prior to the acquisition.

The cases mentioned in the article will be considered as assimilated to eviction 1539 of this Code, and all those in which the purchaser of a thing suffers the auction of the same, in attention to a hidden lien, prior to the sale, or lose the use or enjoyment of the property, in response to an enforceable judgment that recognizes a third party right to that use or enjoyment prior to the disposal, which has been hidden by the alienating party.

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**ARTICLE 1521.- EVICTION FOR DISPOSAL.** Everyone who alienates is obliged to answer for the eviction, even if nothing has been expressed in the agreement.

**ARTICLE 1522.- AGREEMENT ON EVICTION.** The contractors can conventionally increase or decrease the effects of eviction, and even agree in which it is not provided in any case.

**ARTICLE 1523.- NULLITY OF THE PACT THAT EXEMPTS FROM THE EVICTION.** It is void any pact that exempts the alien from answering for the eviction, always that there is bad faith on your part.

**ARTICLE 1524.- RELEASE OF EVICTION.** When the acquirer has waived the right to sanitation in the case of eviction, when it is This one must the one who alienates deliver only the price of the good, in accordance with provided in articles 1527, section I and 1528 section I of this Code, but Even from this obligation it will be free, if the one who acquired it did so with knowledge eviction risks and submitting to their consequences.

**ARTICLE 1525.- TIME TO CLAIM THE EVICTION IN TRIAL.** The acquirer, after it is summoned, must denounce the eviction lawsuit to which alienated him.

**ARTICLE 1526.- OBLIGATION TO INDEMNIFY THE ALIENOR.** Failure The court imposes on the alienating party the obligation to compensate in the terms of the following articles.

**ARTICLE 1527.- INDEMNIFICATION OF THE ALIENANT IN GOOD FAITH.** If he that he alienated has proceeded in good faith, he will be obliged to deliver to the suffered eviction:

- I.- The full price you received for the good;
- II.- The expenses caused in the contract, if they were satisfied by the purchaser;
- III.- Those caused in the eviction lawsuit and in the sanitation lawsuit; Y
- IV.- The value of the useful and necessary improvements, provided that the sentence does not it is determined that the winner satisfies its amount.

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**ARTICLE 1528.- INDEMNIFICATION OF THE ALIENANT OF BAD FAITH.** If he what alienating party has proceeded in bad faith, will have the obligations expressed by the previous article, with the following aggravations;

- I.- It will return, at the option of the purchaser, the price that the good had at the time of the acquisition, or the one he has at the time he suffers the eviction;
- II.- The purchaser will be satisfied with the amount of the voluntary improvements that he has made in the good; Y
- III.- He will pay the damages and losses.

**ARTICLE 1529.- SANITATION OF EVICTION FOR LACK OF JUDICIAL APPEARANCE.** If the alienator does not appear without just cause at the eviction suit in good time, or if he does not render any evidence, or does not allege, it is obliged to reorganization in the terms of the previous article.

**ARTICLE 1530.- BAD FAITH OF THE ALIENANT OF THE ACQUIRER FOR EFFECTS OF EVICTION.** If the transferor and the acquirer come from bad faith, will not have the second, in any case, the right to sanitation or compensation of any kind.

**ARTICLE 1531.- RESTITUTION OF FRUITS IN EVICTION.** If he acquirer is condemned to restore the fruits of the good, may demand that the he alienated their compensation or the legal interest of the price he has given.

**ARTICLE 1532.- NO RESTITUTION OF FRUITS IN EVICTION.** If he what acquired is not sentenced to said restitution, the interest of the price with the fruits received.

**ARTICLE 1533.- CONSIGNMENT OF THE PRICE BY THE ALIENOR TO THE MANIFEST LACK OF DEFENSE MEANS.** If the one who alienates, by being summoned, states that he has no means of defense, and sets the price for the purchaser does not want to receive it, he is free of any responsibility after the date of consignment.

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**ARTICLE 1534.- IMPROVEMENTS MADE BY THE ALIENANT.** The best that the person who disposed of had carried out before the sale, will be taken from account of what he must pay, provided they are paid by the winner.

**ARTICLE 1535.- PARTIAL DEPRIVATION OF THE PURCHASER BY EVICTION.** When the acquirer is only deprived by eviction, of a part of the good acquired, the rules established in this Chapter, unless the purchaser prefers the termination of the contract.

**ARTICLE 1536.- EVICTION OF A PROPERTY WHEN THERE IS DISPOSAL OF SEVERAL IN THE SAME CONTRACT.** The provisions of the preceding article when two or more have been disposed of in a single contract goods without fixing the price of each one of them, and only one would suffer eviction.

**ARTICLE 1537.- EFFECTS OF THE TERMINATION OF THE CONTRACT BY EVICTION.** In the case of the two previous articles, if the acquirer chooses the termination of the contract, you are obliged to return the property free of encumbrances that you have imposed.

**ARTICLE 1538.- RECOGNITION IN JUDGMENT OF EVICTION.** If at denounce the lawsuit or during it, recognizes the one who alienated the right of the claims, and undertakes to pay in accordance with the prescriptions of this Chapter, only will be responsible for the expenses that are caused until the recognition is made, whatever the outcome of the trial.

**ARTICLE 1539.- TAXATION OF THE PROPERTY WITHOUT MENTION IN THE DEED.** Yes the property that was alienated is taxed, without mentioning it in the deed, with some burden or non-apparent voluntary easement, which acquired You can request the compensation corresponding to the lien or the termination of the contract.

**ARTICLE 1540.- PRESCRIPTION OF RESCISSORY CLAIMS AND INDEMNIFICATION.** The rescission and compensation claims made referred to in the preceding article, they prescribe in one year, to be counted, for the first, from the day the contract was concluded, and for the second, from the day the purchaser has notice of the cargo or easement.

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**ARTICLE 1541.- CASES IN WHICH THE ALIENOR DOES NOT RESPOND FOR THE EVICTION.** He who alienates does not answer for eviction:

- I.- If so agreed;
- II.- In the case of article 1524 of this Code;
- III.- If knowing the one who acquires, the right of the one who initiates the eviction, has fraudulently hidden the alienating party;
- IV.- If the eviction comes from a cause subsequent to the act of alienation, no attributable to the transferor, or indeed the acquirer, either prior or after the same act;
- V.- If the acquirer does not comply with the provisions of article 1525 of this Ordering;
- VI.- If the acquirer and the one who claims compromise or compromise the business in arbitrators without the consent of the person who disposed of; Y
- VII.- If the eviction took place because of the acquirer.

**ARTICLE 1542.- EVICTION ON SALES AT JUDICIAL AUCTION.** In the sales made at judicial auction, the seller is not bound by reason of the eviction suffered by the thing sold, but to restore the price it has produced the sale.

**ARTICLE 1543.- OBLIGATION OF THE ALIENANT TO SANITATION LIABILITY OF THE ALIEN FOR HIDDEN DEFECTS**

**MANIFESTS IN SIGHT.** In commutative contracts, the transferor is forced to reorganization due to the hidden defects of the alienated thing that the make it unsuitable for the uses for which it is intended, or diminish in such a way this use, which, if the acquirer had known it, would not have made the acquisition or I would have given less price for the thing

In the cases of the previous paragraph, the acquirer may demand the termination of the contract and the payment of the expenses that he has made, or that a proportional amount of the price, according to experts.

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The transferor is not responsible for manifest or visible defects of the alienated thing, nor of those that are not, if the acquirer is a expert who by reason of his trade or profession should easily know them.

**ARTICLE 1544.- EFFECTS OF THE KNOWLEDGE OF HIDDEN VICES BY THE ALIENANT.** If it is proven that the transferor knew the hidden defects of the asset, and did not disclose them to the purchaser, the purchaser may demand the termination of the contract and payment of the expenses that may have been derived from the hidden defects in addition to compensation for damages or a reduction proportional amount of the price, according to experts.

**ARTICLE 1545.- EFFECTS OF THE CHOICE OF THE PURCHASER.** In the cases in which the acquirer may choose to indemnify or terminate the contract, once the choice of the right to be exercised has been made by him, he cannot exercise the other without the consent of the transferor.

**ARTICLE 1546.- LOSS OR CHANGE OF NATURE OF THE GOOD BY VICES KNOWN OR UNKNOWN BY THE ALIEN.** If the good alienated person, perish or change of nature as a result of the vices that had, and were known to the transferor, he will suffer the loss and must return the price and pay the costs of the contract with damages.

If the transferor did not know the vices, he will only have to refund the price and pay the expenses that arise from the act, in the event that the purchaser has paid out.

**ARTICLE 1547.- EXTINCTION OF CLAIMS FOR VICES OR HIDDEN DEFECTS.** The claims that arise from the provisions of the Articles from 1543 to 1546, expire after six months, counted from the delivery of the alienated thing, without prejudice to the provisions in the special case to referred to in articles 1539 and 1540 of this Code.

**ARTICLE 1548.- VICES IN ALIENATIONS OF TWO OR MORE ANIMALS JOINTLY.** Alienating two or more animals together, either in a raised price, that is, indicating it to each of them, the vice of one gives only place to the redhibitory claim, with respect to him, and not with respect to the others, to not

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be it appears that the acquirer would not have acquired the healthy or healthy without the vicious, or that the alienation belonged to a herd and the vice was contagious.

The provisions of the preceding paragraph are applicable to the sale of any other things.

**ARTICLE 1549.- PRESUMPTION ON THE WILL OF THE ACQUIRER OF ANIMALS.** It is presumed that the acquirer did not have the will to acquire a single of animals, when a team, team or pair is acquired, even if it has been indicated a separate price for each of the animals that compose them.

**ARTICLE 1550.- EFFECTS OF THE PROMPT DEATH OF THE ANIMAL ALIED.** When the animal dies within three days of its acquisition, the transferor is liable, if by expert judgment it is proven that the disease existed before the alienation.

**ARTICLE 1551.- EFFECTS OF THE RESOLUTION OF THE DISPOSAL.** If the Alienation is declared resolved, the property disposed of must be returned in the same state in which it was delivered, the purchaser being responsible for any deterioration that does not come from a hidden vice or defect.

**ARTICLE 1552.- DEADLINE FOR THE EXERCISE OF THE CLAIM REDHIBITORIA.** In the event of alienation of animals, whether they are disposed of individually, by logs or teams, or as cattle, the redhibitory claim due to blemishes or hidden defects only lasts twenty days, counted from the contract date.

**ARTICLE 1553.- EXPERT RATING OF THE VICES.** The rating of The vices of the alienated property will be made by an expert appointed by the Judge.

The expert will strictly declare if the vices were prior to the disposal and because of them, the thing cannot be used for the uses for which it was acquired.

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**ARTICLE 1554.- INTERVENTION OF THE PARTIES ON VICES REDHIBITORIES.** The parties may restrict, waive or extend their liability for redhibitory vices, provided there is no bad faith.

**ARTICLE 1555.- PROBATORY BURDEN OF THE PURCHASER ON THE VICE.** It is the responsibility of the acquirer to prove that the defect existed at the time of acquisition, and not testing it, it is judged that the vice came later.

**ARTICLE 1556.- LOSS OF THE PROPERTY DISPOSED OF WITH VICES REDHIBITORIES.** If the asset alienated with redhibitory vices is lost by case fortuitous or due to the acquirer's fault, the latter has the right to request the minor value of the thing for the redhibitory vice.

**ARTICLE 1557.- EFFECTS OF THE GOOD FROM ANOTHER PLACE ACQUIRED WITH REDHIBITORY VICES.** The purchaser of the good remitted from another place that I will argue that it has redhibitory vices, if it is about goods that quickly decompose, he is obliged to immediately notify the transferor, not to receive the good; If you do not do so, you will be responsible for the damages that your omission causes.

**ARTICLE 1558.- RELEASE OF LIABILITY FOR VICES REDHIBITORIES.** The transferor has no obligation to answer for the vices Redhibitory, if the acquirer obtained the property by auction or by judicial adjudication.

#### **CHAPTER V OF PROTECTIVE INSTITUTIONS FOR THE CASE OF NON-COMPLIANCE OF THE DEBTOR**

**ARTICLE 1559.- ENUNCIATION OF PROTECTIVE INSTITUTIONS OF THE CREDITOR IN CASE OF BREACH OF THE DEBTOR.** They recognize as protective institutions of the creditor, in the event of breach of the debtor, the Paulian claim, the pretense of simulation, the oblique claim and the right of retention.

#### **CHAPTER VI OF THE PAULIAN PRETENSION**

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### ACTS CARRIED OUT IN DAMAGE OF CREDITORS

**ARTICLE 1560.- TERMINATION OR NULLITY OF THE DEBTOR'S ACTS IN CREDITOR'S INJURY.** The acts celebrated by a debtor to the detriment of your creditor may be annulled or terminated, at his request, if of those acts the insolvency of the debtor results, and the credit by virtue of which the claim, it is prior to them.

If the act is onerous, the nullity can only take place in the case and terms expressed in the previous paragraph, when there is bad faith, both on the part of the debtor, as well as the third party who contracted with him.

If the act is gratuitous, its termination will take place, even when there is there has been good faith on the part of both contracting parties.

The aforementioned claim for nullity will cease after the debtor satisfies his debt or acquire assets with which to cover it.

**ARTICLE 1561.- HYPOTHESIS OF INSOLVENCY OF THE DEBTOR.** There are insolvency when the sum of the debtor's assets and credits, estimated in their fair price, does not equal the amount of your debts. Bad faith, in this case, it consists in the knowledge of that deficit.

**ARTICLE 1562.- BUDGETS FOR THE ORIGIN OF THE PAULIAN PRETENSION.** The claim granted to the creditor in the articles previous ones, against the first acquirer, does not proceed against the third owner but when it has acquired in bad faith.

**ARTICLE 1563.- RESTITUTION OF THE DEBTOR DUE TO NULLITY OR TERMINATION OF THE ACT IN DAMAGE OF CREDITORS.** Nullified or rescinded the act onerous or free referred to in the previous articles, will return to the patrimony of the debtor the goods, rights or values that have been transmitted to third, and in the event that there has been an alienation of properties, these will be they will return for the one who acquired them, with all their fruits.

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For the restitution to which this article refers to produce its effects, it will not be necessary for the debtor to return to the third party, previously, what in turn, has received from him, saving the rights of the latter to demand the restitution to said debtor.

**ARTICLE 1564.- ACQUISITION OF BAD FAITH IN DAMAGE OF CREDITORS.** Anyone who has acquired in bad faith the assets disposed of in fraud of creditors, must compensate them for damages, when the good has passed to an acquirer in good faith, or when there has been lost.

**ARTICLE 1565.- CONTENT OF NULLITY FOR INJURY TO THIRD PARTIES.** Nullity can take place, both in the acts in which the debtor he alienates the assets he actually owns, as in those in which he renounces rights constituted in their favor and whose enjoyment is not exclusively personal.

**ARTICLE 1566.- EFFECTS OF THE REVOCATION OF THE RESIGNATION OF THE DEBTOR TO ASSETS THAT MAY IMPROVE YOUR FORTUNE.** If the debtor does not has waived irrevocably acquired rights, but faculties for whose exercise could improve the state of your fortune, creditors can have that waiver revoked and use the waived powers.

**ARTICLE 1567.- NULLITY OF PAYMENT OF THE INSOLVENT DEBTOR CARRIED OUT PRIOR TO THE EXPIRATION OF THE TERM.** It is also voidable the payment made by the insolvent debtor before the expiration of the term.

**ARTICLE 1568.- NULLITY OF THE ACT OR CONTRACT PRIOR TO JUDICIAL STATEMENT OF COMPETITION.** Any act or contract is voidable held in the thirty days prior to the judicial declaration of the contest, and The purpose of which is to give an existing loan a preference that it does not have.

**ARTICLE 1569.- NULLITY OF ACTS OF THE DEBTOR IN THE INTEREST OF CREDITORS.** The nullity of the debtor's acts will only be pronounced in interest of the creditors who have requested it, and up to the amount of their credits.

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If the debtor is declared in bankruptcy, the remainder that will remain after to pay the creditor or creditors who have tried the Paulian claim, will enter the mass of the contest to pay the other creditors.

**ARTICLE 1570.- THIRD OWNER OF THE ASSETS OF THE DEBTOR.** The third party to whom the debtor's assets have passed, can have the claim of creditors satisfying the credit of those who had presented, or giving sufficient guarantee on the full payment of their credits, if the debtor's assets are not enough to satisfy them.

The provisions of this article will not take place, when the bankruptcy of the debtor.

**ARTICLE 1571.- INJURY FOR UNDUE PREFERENCE IN FAVOR OF A CREDITOR.** Fraud, which consists solely of undue preference for In favor of a creditor, the loss of the right does not matter but the loss of preference.

**ARTICLE 1572.- CHARGE OF THE PROOF OF ACCREDITATION OF ASSETS ENOUGH OF THE DEBTOR.** If the creditor requesting the nullity, to prove the insolvency of the debtor, proves that the amount of the debts of the debtor exceeds that of known assets, imposes on the debtor the obligation to prove that he has enough assets to cover those debts.

**ARTICLE 1573.- FRAUDULENT PRESUMPTION OF DISPOSALS.** I know they presume fraudulent:

I.- Disposals for consideration made by those persons against who had previously pronounced a conviction in any instance, or an order of seizure of assets issued, when these disposals harm the rights of your creditors; Y

II.- Alienations made between relatives, between consorts or between adopter and adopted. Likewise, those that are executed within the period of thirty days prior to the judicial declaration of the debtor's bankruptcy, or those in which a price lower than half the fair value is established or estimate of the thing or right.

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## CHAPTER VII OF THE SIMULATION OF LEGAL ACTS

**ARTICLE 1574.- ASSUMPTION OF THE SIMULATION.** The act in which the parties falsely declare or confess what has not really happened or not it has been agreed between them.

**ARTICLE 1575.- RELATIVE ABSOLUTE SIMULATION.** The simulation is absolute when the simulated act has nothing real; is relative when an act Legal is given a false appearance that hides its true character.

**ARTICLE 1576.- EFFECTS OF ABSOLUTE SIMULATION.** Simulation absolute causes the non-existence of the act and, consequently, totally deprives it of legal effects. Anyone interested can take advantage of it, it does not disappear by prescription, nor for the confirmation of the act. When it harms the Public Finance, the Public Ministry may also invoke the nonexistence.

Once the absolute simulation has been discovered, the good or right will be restored to whom belongs, with its fruits and interests, if any, but if the good or right has passed for consideration to a third party in good faith, there will be no place for restitution. The taxes imposed in favor of a third party in good faith will also subsist.

**ARTICLE 1577.- EFFECTS OF THE RELATIVE SIMULATION.** Simulation relative, once the real act that it conceals is discovered, causes the nullity of the act apparent or false. As for the actual or true act, it will produce all its effects, unless it is invalidated by some other cause, or must be rescinded or annulled in cases of fraud or damage to creditors.

**ARTICLE 1578.- TEST OF THE SIMULATION.** For the proof of the secret act In absolute or relative simulation, all the means of proof that the law establishes.

Likewise, such means are admitted to demonstrate the falsity of the ostensible act or apparent.

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**ARTICLE 1579.- PRESUMPTIONS OF SIMULATION.** They are presumptions of simulation, unless proven otherwise, the following:

- I.- The existence of a ridiculous price, in disposals, when the same is less than half of the fair value of the asset or right;
- II.- The performance of the act between relatives, consorts, adopter and adoptee, or people of intimate friendship, as long as it has as its object disposals onerous or gratuitous title, after a sentence has been pronounced conviction against the transferor, in any instance, or if any issued an order for the seizure of assets; Y
- III.- The performance of the act within the period of thirty days prior to the judicial declaration of the debtor's bankruptcy.

### **CHAPTER VIII OF THE OBLIQUE CLAIM**

**ARTICLE 1580.- OBJECTIVE OF THE COMPULSORY CLAIM.** The creditor You can exercise the claims that are incumbent on your debtor when the credit of the one in executive title, and excited the debtor to deduct them, neglect or refuse to do so within the thirty day period.

The excitation of the creditor to the debtor may be made judicially, before a notary or before two witnesses.

**ARTICLE 1581.- ORIGIN OF THE COMPULSORY CLAIM.** So that the oblique claim proceeds, the credit must be enforceable. If it does not appear in the title executive, the recognition of the same by judicial confession or by acknowledgment in writing before the Judge, or before a notary.

**ARTICLE 1582.- CLAIMS OF RIGHTS OF THE DEBTOR.** The claims derived from rights inherent to the person of the debtor, there is no will be exercised by the creditor.

**ARTICLE 1583.- ACCEPTANCE OF INHERITANCE OF THE DEBTOR BY ITS CREDITORS.** Creditors who accept the inheritance that corresponds to their

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debtor, will exercise the claims belonging to him, in the terms

permitted by this Code.

**ARTICLE 1584.- EFFECTS OF THE PAYMENT BY THIRD DEFENDANT.** The Third party defendant can paralyze the oblique claim of the creditor, paying the plaintiff the amount of your credit.

**ARTICLE 1585.- EFFECTS OF THE FAVORABLE JUDGMENT OF THE OBLIQUE CLAIM.** The favorable judgment obtained by virtue of the claim attempted by the creditor, will favor the latter, to be paid preferably with respect to the other creditors of the debtor.

**ARTICLE 1586.- PARALIZATION OF THE DEBTOR OR THIRD DEFENDANT OF THE CLAIM OF THE CREDITOR.** The debtor or the third party defendant can paralyze the claim of the creditor, demonstrating the solvency of the first u granting enough guarantee. Likewise, at any time the debtor acquire enough assets to respond to your creditor, the claim of the latter.

**ARTICLE 1587.- REQUEST FOR EXHIBITION OF DOCUMENTS BY THE CREDITOR.** If for the exercise of the rights enforced by the creditor in substitution of your debtor, it is necessary to show some good or document, the first is empowered to demand them in the terms established by the Procedural Code Civil.

**ARTICLE 1588.- INTERPELLATION OF THE THIRD PARTY AT THE REQUEST OF THE CREDITOR.** If, despite the creditor's requests or the procedure respective, the debtor does not show the good or the document necessary for the exercise of the oblique claim, the creditor may not attempt it, but may interpellate the third party against whom a claim has to be made, for the effects of interrupting the negative prescription, in the manner or terms prescribed by article 1251 of this Code.

**ARTICLE 1589.- CONSERVATORY ACTS OF THE CREDITOR.** Also The creditor may execute all conservatory acts of law or of the

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claim that is incumbent on your debtor, even when it is in the case of previous article.

**RIGHT OF RETENTION**

**ARTICLE 1590.- BUDGETS FOR THE RIGHT OF RETENTION.** Will exist the right of retention when the Law authorizes the holder or holder of a property of others, to keep the possession of it until the owner of it, pays what you owe, either for the good or for some other reason.

**ARTICLE 1591.- EXERCISE OF THE RIGHT OF RETENTION FOR LACK OF EXPRESS LEGAL PROVISION.** When the law does not expressly establish the right of retention, may nevertheless be exercised by the creditor, if his credit consists in an executive title or has been recognized by the court or before a notary public, although there is no relationship between the credit and the debtor's assets found in the possession of the creditor, or between said claim and the cause of possession or detection.

**ARTICLE 1592.- IMPOSSIBILITY TO EXERCISE THE RIGHT OF CREDITOR RETENTION.** The creditor may not exercise the right to retention, if you have obtained from the debtor an asset based on deception, machinations or artifice, or with the promise to return it immediately.

Nor can you exercise the aforementioned right of retention, when the cause of your possession or possession is unlawful, or when it has obtained that a third party, without consent of the debtor, deliver a property of this.

**ARTICLE 1593.- RETENTION OF FRUITS.** When the debtor has delivered to the creditor an asset, in respect of which the domain has not been transferred to the first, but if the use or enjoyment, the creditor may retain the fruits that legally correspond to the debtor, and as for the good, he can only do so as long as he does not harm the rights of the original owner or possessor, against whom no the right of retention will be enforceable.

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**ARTICLE 1594.- OPPOSITION OF THE RIGHT OF RETENTION.** The right to retention is enforceable against the debtor and third parties who have not acquired a real right over the property, prior to the date on which the aforementioned right is exercised. Those who have prior real rights may pursue the property and secure it or take possession of it, depending on the nature of such rights.

The lien is enforceable against creditors who, without collateral, checked the seizure or seize the property, or obtain the auction of it. existence of such right, the Judge may not give possession to the purchaser at auction.

In cases of bankruptcy or judicial liquidation of the debtor, the right of retention It will be opposable so that the creditor is not deprived of the property and so that he obtains in your case preferential payment.

**ARTICLE 1595.- IMPOSSIBILITY OF OBTAINING THE AUCTION BY VIRTUE OF THE RIGHT OF RETENTION.** By virtue of the lien, the creditor you cannot get the auction of the thing, regardless of the execution of your credit for judgment.

**ARTICLE 1596.- PREFERENCE BY VIRTUE OF THE RIGHT OF RETENTION.** If the asset is auctioned in execution of the sentence obtained by the creditor, by reason of his credit, his right of retention gives him preference on other creditors that do not have a security right, prior to the date on that the withholding was enforced.

**ARTICLE 1597.- START DATE OF THE RIGHT OF RETENTION.** To effect the date on which he begins to exercise the right of retention, the creditor must notify the debtor, judicially or by conduct of notary, the moment from which you will exercise the right to retention. Once the debtor has been notified, the date of this will serve to resolve conflicts of preference that arise with third parties.

**ARTICLE 1598.- EFFECTS OF THE RIGHT OF RETENTION.** By virtue of right of retention the creditor cannot, on his own authority, appropriate the property or its fruits, or legally or materially dispose of such assets. In any case,

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He is only empowered to keep them in his possession until it is paid, be it directly or by auction in execution of sentence.

**ARTICLE 1599.- EFFECTS OF THE EXERCISE OF THE RETENTION RIGHT.** The one who exercises the right of retention, can file the injunctions, dealing with property, or pursue the movable property, when it has been stripped of it.

**ARTICLE 1600.- HYPOTHESIS IN WHICH THE RIGHT OF RETENTION DOES NOT IT CAN ORIGINATE.** The right of retention will not take place when

demonstrate, by whoever has a legal interest in it, that there has been an agreement fraudulent or simulated between creditor and debtor, or when the latter made delivery from the good to the first to the detriment of creditors.

It will be considered that there is damage to creditors, when the amount of the assets of the debtor, without taking into account those that have been delivered to the creditor, less than the value of your debts.

They are applicable to the cases mentioned in the two previous paragraphs, the presumptions of fraud or simulation established by this Code, for the cases of acts carried out to the detriment of creditors, or of simulated acts.

**TITLE FIVE  
OF THE EXTINCTION OF OBLIGATIONS  
CHAPTER I  
OF COMPENSATION**

**ARTICLE 1601.- HYPOTHESIS OF THE COMPENSATION.** Takes place compensation of obligations when two people meet the quality of debtors and creditors reciprocally and in their own right, with respect to liquid and enforceable debts.

It is understood that the parties are reciprocal creditors and debtors, when They are in their own right and in their own name.

The debts will be liquid, when their amount has been determined or can be determined within nine days, and will be enforceable, when your payment does not can be refused according to law.

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**ARTICLE 1602.- LEGAL EFFECTS OF THE COMPENSATION.** The effect of the compensation is to extinguish by operation of law, the two debts, until the amount whichever is less.

Whoever has an interest in the compensation operating of course, must notify to the other party in this regard, before your credit prescribes, in order to avoid prescription.

Compensation, from the moment it is legally made, produces its effects of full right and extinguishes all correlative obligations.

**ARTICLE 1603.- REQUIREMENTS FOR THE ORIGIN OF THE LEGAL COMPENSATION.** In order for the legal compensation to be referred to in the previous articles, both debts must consist of amounts of money, or expendable goods of the same kind and quality.

**ARTICLE 1604.- IMPOSSIBILITY OF COMPENSATION FOR NULLITY OR NON-EXISTENCE OF A DEBT.** When one of the debts is non-existent or void, there will be no place for compensation.

**ARTICLE 1605.- DEBTS OF DIFFERENT AMOUNTS IN THE COMPENSATION.** If the debts are not of the same amount, the compensation, the claim for the rest of the larger debt is expedited.

**ARTICLE 1606.- HYPOTHESIS IN WHICH COMPENSATION DOES NOT OPERATE .** The compensation will not take place:

- I.- If one of the parties has renounced it;
- II.- If one of the debts originates from a conviction due to plunder, because then the one who obtained that in his favor must be paid, even if the stripper opposes the compensation;
- III.- If one of the debts is for food;
- IV.- If one of the debts originates from a life annuity;
- V.- If one of the debts comes from the minimum wage;

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- VI.- If the debt is something that cannot be compensated, either by provision of the law or by the title from which it proceeds, unless both debts they were equally privileged;
- VII.- If the debt is well placed on deposit; Y
- VIII.- If the debts were fiscal, except in cases where the law authorize.

**ARTICLE 1607.- EFFECTS OF THE COMPENSATION OF SECURITIES PAYABLE TO ORDER.** In the case of titles payable to order, no the debtor may offset with the endorsee what the endorsers owed him precedents.

**ARTICLE 1608.- IMPOSSIBILITY TO TAKE ADVANTAGE OF THE COMPENSATION IN THIRD PARTY INJURY.** He who pays an offsetting debt cannot,

when you demand your credit, which could be compensated, take advantage, to the detriment third, of the privileges and mortgages that you have in your favor at the time of making payment, unless you prove that you were unaware of the existence of the credit that extinguished Debt.

**ARTICLE 1609.- PLURALITY OF DEBTS FOR THE PURPOSES OF THE COMPENSATION.** If there are several debts subject to compensation, will follow, in the absence of declaration, the order established in article 1502 of this Code.

**ARTICLE 1610.- WAIVER OF THE RIGHT TO COMPENSATION.** The right compensation can be waived, either expressly, or for facts that clearly state the will to resign.

**ARTICLE 1611.- IMPOSSIBILITY OF COMPENSATION BY THE GUARANTOR.** The The guarantor, before being sued by the creditor, cannot oppose the latter the compensation of the credit that he has against him, with the debt of the main debtor.

**ARTICLE 1612.- POSSIBILITY OF COMPENSATION BY THE GUARANTOR ON DEBITS OF THE CREDITOR TO THE MAIN DEBTOR.** The guarantor may use the compensation of what the creditor owes to the principal debtor, but the latter cannot oppose the compensation of what the creditor owes the guarantor.

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**ARTICLE 1613.- IMPOSSIBILITY OF COMPENSATION BY THE DEBTOR SOLIDARY.** The joint debtor cannot demand compensation with the debt of the creditor to his co-debtors, when one of them has paid and the when the payment is divided among all the debtors. Neither can they demand compensation from the creditor with the debt owed in favor of one of they; but if he invokes it, it will favor others.

**ARTICLE 1614.- EFFECTS ON THE COMPENSATION FOR ASSIGNMENT OF THE CREDITOR IN FAVOR OF A THIRD PARTY CONSENTED BY THE DEBTOR.** The debtor who has consented to the assignment made by the creditor in favor of a third, you may not oppose the assignee the compensation that could oppose the assignor.

**ARTICLE 1615.- COMPENSATION IN THE ASSIGNMENT.** If the creditor gave knowledge of the assignment to the debtor and he did not consent to it, he may oppose the

assignee the compensation of the credits that he has against the assignor and that were prior to the assignment.

If the assignment is made without the consent of the debtor, the debtor may oppose the compensation of the credits before it, and that of the subsequent ones, until the date on which he had knowledge of the assignment.

**ARTICLE 1616.- COMPENSATION OF PAYABLE DEBTS IN DIFFERENT PLACE.** Debts payable in a different place, can be compensated by compensation for transport costs or change to the place of payment.

**ARTICLE 1617.- IMPOSSIBILITY TO MAKE COMPENSATION IN INJURY OF THIRD PARTY RIGHTS.** Compensation cannot have place to the detriment of the rights of third parties, legitimately acquired.

**ARTICLE 1618.- CLASSES OF COMPENSATION DIFFERENT FROM THE LEGAL.** In addition to the legal compensation regulated in the foregoing precepts, This Code recognizes conventional, optional and judicial compensation.

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**ARTICLE 1619.- CONVENTIONAL COMPENSATION.** There will be compensation when the parties, by mutual agreement, declare two credits that were not, for not meeting the necessary requirements for the legal compensation. In this case, the effects of compensation will remain regulated by the parties, without prejudice to third parties.

**ARTICLE 1620.- OPTIONAL COMPENSATION.** There will be compensation optional when by unilateral declaration of one of the parties, who is not can oppose the compensation for the other, accept that said compensation operates, Either so that it recognizes the credit that is not enforceable, or it deems it as a liquid despite its indeterminacy.

Once the unilateral declaration referred to in the previous paragraph has been made, it will be irrevocable and obliges the one who made it, so that the other party can invoke it, opposing compensation.

**ARTICLE 1621.- JUDICIAL COMPENSATION.** The compensation is judicial when missing any of the legal requirements, the judge pronounces it accepting the defense or counterclaim against the plaintiff's claim

the defendant.

**ARTICLE 1622.- REQUIREMENTS FOR THE JUDICIAL COMPENSATION.** For judicial redress to take place, all requirements of legal redress must be satisfied at the time in which the Judge fails, even when they have not been when opposing the defenses, or when invoke compensation when answering the claim.

**ARTICLE 1623.- EFFECTS OF JUDICIAL COMPENSATION.** When if the requirements of legal compensation exist, there is controversy regarding the same, the defendant must oppose the respective defense, and the Judge, if the find it appropriate, declare that the compensation had all its effects from the date the legal requirements for it to operate were met.

In the case of judicial compensation, it will take effect from the date indicated in the sentence, as the moment in which they were fulfilled during the trial the legal requirements mentioned.

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## CHAPTER II OF CONFUSION

**ARTICLE 1624.- BUDGETS OF THE CONFUSION.** The obligation is extinguished by confusion when creditor and debtor qualities meet in the same person. The obligation is reborn if the confusion ceases.

**ARTICLE 1625.- EFFECTS OF THE CONFUSION.** The confusion that takes place in the person of the creditor or joint debtor, it only produces its effects in the part proportionate of your credit or debt.

**ARTICLE 1626.- CONFUSION IN INHERITANCE.** While the partition of an inheritance, there is no confusion when the debtor inherits the creditor or this to that. After partition, if an heir is credited with the author of the succession had against him, said credit is extinguished due to confusion.

When the heir is creditor of the author of the succession and in the division of the hereditary estate is applied to the obligation derived from said credit, it is also will extinguish it.

In the event that the aforementioned obligation in charge of the inheritance applies to another or other heirs, by virtue of the partition, they will respond to the benefit of inventory, in favor of the creditor heir.

**ARTICLE 1627.- LEGATORY CREDITOR OF THE AUTHOR OF THE SUCCESSION.**

When a legatee is creditor of the author of the succession, his credit will be enforceable against the inheritance, unless expressly provided by the testator in the sense of that for the transmission of the legacy, the credit is extinguished.

**ARTICLE 1628.- LEGATARY DEBTOR OF THE AUTHOR OF THE SUCCESSION**

**LEGATORY CONFUSION.** When a legatee is a debtor to the author of the succession, your obligation will continue to live and when you receive as a legacy the existing credit against him, it will be extinguished by confusion.

**CHAPTER III**

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**OF THE DEBT REMISSION**

**ARTICLE 1629.- CONTENT OF THE REFERRAL ITS CHARACTER**

**IRREVOCABLE.** The creditor may by unilateral legal act or by agreement with your debtor, waive your right and remit, in whole or in part, the benefits that are due to him, except in those cases in which the law prohibits it.

Once the unilateral declaration of remission has been made, it will be irrevocable.

**ARTICLE 1630.- EFFECTS OF THE DEBT CONDONATION**

**PRINCIPAL.** The cancellation of the principal debt will extinguish the obligations accessory, but the latter leave the former subsisting.

**ARTICLE 1631.- CONDONATION TO A GUARANTEE OF AMONG VARIOUS.**

Having several joint guarantors, the pardon that will be granted only to Some of them, in the part related to their responsibility, does not take advantage of the others.

**ARTICLE 1632.- NULLITY OF THE DEBT REFERRED.** The remission of the debt made in fraud or damage of creditors.

**ARTICLE 1633.- APPLICATION OF THE INGRATITUDE RULES IN THE DONATION, FOR FREE REFERRAL.** They are applicable to the free referral of the debt, the causes of revocation due to ingratitude of the donation, when the debtor incur in the ungrateful acts that this Code indicates with respect to the donee.

## CHAPTER IV OF NOVATION

**ARTICLE 1634.- ASSUMPTIONS OF THE NOVATION.** There is novation when creditor and debtor substantially alter the obligation, replacing it with a new.

It is understood that there is substantial alteration when the subjects or the object of the obligation, with the purpose of extinguishing it, to give birth to a new debt. Likewise, when the pure and simple obligation becomes conditional, or the conditional becomes outright.

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**ARTICLE 1635.- CONTRACTUAL CHARACTER OF THE NOVATION.** The novation is a contract, and as such, it is subject to the respective provisions, except those modifications of the following articles.

**ARTICLE 1636.- FORMALITIES REQUIREMENTS FOR NOVATION.** The novation is never presumed; must be expressly in writing and collect the following requirements:

- I.- That a new obligation replaces an old one;
- II.- That there is a substantial modification between both obligations;
- III.- That there is an intention to novar; Y
- IV.- That there is capacity in the parties to novar, according to the nature of the obligation that is extinguished and of the one that is constituted, according to the acts of domain or administration that in both cases are executed.

**ARTICLE 1637.- OBLIGATION SUBJECT TO CONDITION FOR THE EFFECTS OF THE NOVATION.** Even when the above obligation is subordinate to a suspensive condition, only the novation will remain depending on the compliance with it, if so stipulated.

**ARTICLE 1638.- NOVATION THAT REMAINS WITHOUT EFFECT.** If the first obligation is extinguished at the time the second is contracted, the novation will be without effect.

**ARTICLE 1639.- NON- EXISTENCE OF NOVATION.** If the primitive obligation It was non-existent, the novation will also be. When the new obligation is

non-existent, there will be no novation and the primitive will have all its effects.

**ARTICLE 1640.- NULLITY OF THE NOVATION DUE TO NULLITY OF THE PRIMITIVE OBLIGATION.** The novation is void if the obligation is also void primitive, except that the cause of nullity can only be invoked by the debtor, or that the ratification validates the null acts in their origin.

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**ARTICLE 1641.- NULLITY OF THE NOVATION DUE TO NULLITY OF THE NEW OBLIGATION.** The novation will be null, if the new obligation is also null; a Once declared null, the original debt will have all its effects.

**ARTICLE 1642.- EFFECTS OF THE NULLITY OF THE NOVATION.** If the novation is void, the old obligation will subsist.

**ARTICLE 1643.- EFFECTS OF THE NOVATION.** The novation extinguishes the Primitive main obligation and accessory obligations thereof. The The creditor may, in agreement with the debtor, and where appropriate with the third party intervenes in the accessory obligations, agree that these pass to the new obligation and remain subsisting.

**ARTICLE 1644.- IMPOSSIBILITY OF RESERVATION OF THE CREDITOR OF RIGHT OF LIE, MORTGAGE OR BOND.** The creditor cannot be reserved the right of pledge or mortgage of the extinguished obligation, if the goods mortgaged or pawned belong to third parties who have not had part in novation.

Neither can the bond be reserved without the consent of the guarantor.

**ARTICLE 1645.- NOVATION BETWEEN JOINT DEBTOR CREDITOR.** When the novation is carried out between the creditor and a joint and several debtor, the privileges and mortgages of the old credit can only be reserved with relation to the assets of the debtor who contracts the new obligation.

For the novation made between the creditor and one of the joint debtors,  
All other co-debtors are exonerated, without prejudice to the provisions of Article 1417 of this Code.

**ARTICLE 1646.-** ASSUMPTION IN WHICH THE NOVATION DOES NOT HAVE A CASE OF EXCEPTION. When it is fully proven that to guarantee a obligation, new documents were issued, either nominative, to order or to the bearer, without the intention of expressly and in writing novar the debt primitive, there will be no novation, considering the aforementioned documents as debt collateral.

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In the event that it is fully demonstrated that the issuance of such documents was made with the intention of renewing the debt, it will be extinguished.

## CHAPTER V OF THE DATIION IN PAYMENT

**ARTICLE 1647.- HYPOTHESIS OF THE DATIION IN PAYMENT.** There will be datation in payment when the debtor, with the consent of the creditor, delivers or performs a performance other than that due, the latter accepting said delivery with all legal effects of the payment.

**ARTICLE 1648.- EFFECTS OF THE DATIION IN PAYMENT.** By virtue of the datation in payment, the obligation is extinguished, but if the creditor suffers eviction Regarding the new good that it receives, the original obligation will be reborn, leaving datation effect.

**ARTICLE 1649.- VICES OR HIDDEN DEFECTS OF THE PROPERTY GIVEN IN PAY.** In cases where the new asset given in payment has flaws or defects hidden, the primitive obligation will not be reborn, leaving the claims of the creditor for said vices or hidden defects. The same will be observed when is disturbed in the possession or domain of the property, by legal acts of a third party prior to the datation in payment.

**ARTICLE 1650.- INOPERANCE OF THE NOVATION BY DATIION IN PAYMENT SUFFERING EVICTION THE CREDITOR.** By virtue of the datation in payment no novation operates in cases where the creditor suffers eviction with respect to the new good you receive. For all other purposes, the legal consequences established by this Code regarding novation.

## CHAPTER VI OF THE DELEGATION OTHER SIMILAR FORMS

**ARTICLE 1651.- HYPOTHESIS OF THE PAYMENT DELEGATION.** There will be delegation of payment when the creditor orders his debtor to deliver the provision due to a third party, who in turn is the creditor of the first.

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**ARTICLE 1652.- EFFECTS OF THE PAYMENT DELEGATION.** The effect of the delegation of payment is to extinguish, by the delivery of the benefit, the two debts existing: The one established between the creditor and the debtor, and the other that mediates between a third party and the creditor. The creditor is called delegator, the debtor, delegate and the third, delegate.

The extinguishing effect of the delegation, when the debts are of an amount different, it will only be operated up to the concurrence of the lowest debt with the highest.

**ARTICLE 1653.- TITLED DELEGATION.** It is called a delegation entitled that in which the delegator and the delegate agree, that the latter will pay the delegate what the delegator owes him.

**ARTICLE 1654.- SITUATION AMONG DELEGATE DELEGATES REGARDING THE NEW DEBT.** The new debt between delegate and delegate will be subject to the defenses inherent to the previous relationship between delegator and delegate, unless the delegate agrees to make the payment unconditionally.

**ARTICLE 1655.- PURE DELEGATION.** It's called pure or abstract delegation one in which, without quantifying the two previous obligations, the delegate pays the delegate, fulfilling an order of the delegator.

**ARTICLE 1656.- PERFECT DELEGATION.** There will be a new delegation or perfect, when by an agreement to which the three parties concur, it is stipulated expressly that the legal relationship between the delegate and the delegator, and the one that mediates between him and the delegate, will be extinguished, to give birth to a new relationship that will directly be established between the delegate as creditor and delegate as debtor, being released the delegative.

**ARTICLE 1657.- IMPERFECT DELEGATION.** It's called imperfect delegation or simple one in which there is no novation referred to in the article that

precedes, in such a way that a new debtor is delegated to pay the debt

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of the delegator, accepting it the delegatee, but without releasing the delegator. In this case, the two debtors will be jointly and severally liable.

**ARTICLE 1658.- ACTIVE NOVATORY DELEGATION.** The delegation will exist Active novatoria, when the creditor agrees with a third party that he or she receives the payment, the debtor being released from his original creditor. So that produces this last effect, it is necessary that all three parties concur to the agreement interested parties, expressing their will to terminate the original legal relationship and give birth to a new one, between debtor and third party, if so agreed.

In the case referred to in the preceding paragraph, the defenses against of the delegator, with respect to the original relation, are not opposable to the delegatee.

**ARTICLE 1659.- PASSIVE NOVATORY DELEGATION.** It's called delegation passive novatory one in which the debtor is replaced by a new obligee, due to an agreement between the delegator, the delegate and the delegatee. In this case, the primitive debtor is called the delegator, the one who substitute will be the delegate, and the creditor takes the name of delegatee.

**ARTICLE 1660.- EFFECTS OF THE PASSIVE NOVATORY DELEGATION.** The effects of passive novatory delegation consist in releasing the original debtor and in the non-enforceability of the defenses that it may have, which will not pass to the new legal relationship. In the case of insolvency of the new debtor, you may not act against the original debtor, unless expressly reserved to the contrary, or that the new debtor will be in a state of insolvency at the time of becoming the delegation.

**ARTICLE 1661.- EXPROMISION.** There will be a novative commitment when, without any order and spontaneously, a third party promises the creditor of another that he owes you. If the creditor accepts and releases his debtor, the debt, even when the aforementioned debtor does not attend the act.

**ARTICLE 1662.- EFFECT OF SIMPLE EXPROMISION.** When the creditor does not express his will to release the debtor, the effect of expromission will be simple and will only consist of adding a second debtor to the obligation, continuing linked the first.

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**ARTICLE 1663.- HYPOTHESIS OF THE ASSUMPTION OF DEBT.** There is the figure legal assumption of debt, when a third party accepts a debt as their own foreign, by virtue of an agreement with the debtor. So that the debtor remains released, the express or tacit consent of the creditor is required.

**ARTICLE 1664.- ASSUMPTION OF SIMPLE ACCUMULATIVE DEBT.** There will be simple assumption when the creditor does not intervene, and cumulative, when It is convenient that the third party appears as a new debtor next to the original, leaving both jointly and severally bound.

**ARTICLE 1665.- ASSUMPTION OF NOVATORY DEBT.** The assumption will be novatory when it is agreed between the creditor, debtor and third party, to extinguish the primitive obligation and give birth to a new one, in which the third party will appear as a debtor.

**ARTICLE 1666.- LIBERATORY ASSUMPTION.** The assumption will be liberatory when the debtor is simply replaced by a third party, with the consent express or tacit of the creditor. Its effect will be to release the debtor, leaving the same obligation.

**SECTION 1667.- ASSIGNMENT.** Assignment is the legal figure that is carried out by a unilateral legal act, in which the debtor expresses his agreement for the creditor to accept payment from a third party, or when the creditor authorizes the debtor to pay a third party what is owing.

In the cases mentioned in the previous paragraph there will be no novation, considering that the manifestation of the creditor's will is only one indication of payment and that that of the debtor leaves the legal relationship subsisting primitive, acquiring the credit, the third party who has paid it.

**BOOK SIX  
OF THE CONTRACTS  
GENERAL DISPOSITION**

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**ARTICLE 1668.- NOTION OF AGREEMENT.** Agreement is the agreement of two or more people to create, transfer, modify or terminate obligations and rights.

**ARTICLE 1669.- NOTION OF CONTRACT.** Contract is the agreement that produces or transfers rights and obligations.

**ARTICLE 1670.- APPLICATION OF THE RULES OF THE LEGAL ACT TO THE CONTRACTS.** They are applicable to each contract, the particular provisions of the same and in what were omitted the rules of this Title will be applied.

In the absence of the rules established in the previous paragraph, they are applicable to contracts the provisions relating to obligations, as well as those inherent to the legal acts established by this Code.

The legal rules on contracts are applicable to all agreements and other legal acts in everything that does not oppose their nature or provisions particular of the law on them.

**ARTICLE 1671.- IMPROVEMENT OF CONTRACTS.** The contracts they are perfected by mere consent; except those that must cover a form established by law. Since they are perfected they force the contracting parties not only to the fulfillment of what is expressly agreed, but also to the consequences that, according to their nature, are in accordance with good faith, use or to the law.

**ARTICLE 1672.- VALIDITY OF FULFILLMENT OF CONTRACTS.** The validity and the fulfillment of the contracts cannot be left to the discretion of one of the contracting parties.

**ARTICLE 1673.- CONSENT FORM IN THE CONTRACTS.** The Consent can be express or tacit. It is express when it manifests verbally, in writing or by unequivocal signs. The tacit will result from facts or of acts that presuppose it or that authorize it to be presumed, except in cases in which by law or by agreement the will must be expressly stated.

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When the written form is required for the contract, the relative documents must be signed by all persons to whom this obligation is imposed.

If any of them cannot or does not know how to sign, another will do so at their request and in the document will print the fingerprint of the interested party who did not sign.

**ARTICLE 1674.- PROPOSAL TO CELEBRATE CONTRACT WITH FIXING TERM.** Any person who proposes to another the conclusion of a contract setting a deadline to accept, is bound by your offer until the expiration of the term.

**ARTICLE 1675.- OFFER FOR THE CELEBRATION OF CONTRACT TO PERSON PRESENT WITHOUT STIPULATION OF TERM.** When the offer is made to a person present, without setting a deadline to accept it, the author of the Offer remains unbound if acceptance is not made immediately. The same rule will apply to the offer made by telephone or fax.

**ARTICLE 1676.- OFFER FOR THE CELEBRATION OF CONTRACT TO ABSENT PERSON WITHOUT FIXING OF TERM.** When the offer is made without setting a deadline for a person not present, the author of the offer will be bound for three days, in addition to the time necessary for the regular round trip of the public mail, or of which is judged enough not having it according to the distances and the ease or difficulty of communications.

**ARTICLE 1677.- PERFECTION OF THE CONTRACT DERIVED FROM OFFER.** The contract is formed at the moment in which the proponent receives the acceptance, being bound by your offer according to the preceding articles.

**ARTICLE 1678.- PRESUMPTION OF OFFER NOT MADE.** The offer is considered as not done if it is withdrawn by its author and the recipient receives the retraction before the offer. The same rule applies to the case in which he retires the acceptance.

**ARTICLE 1679.- EFFECTS OF ACCEPTANCE THE OFFERER DEAD.** Yes At the time of acceptance, the proposer has died, without the acceptor

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is aware of his death, the heirs of that person will be obliged to uphold the contract.

**ARTICLE 1680.- RELEASE OF THE BIDDER .** The proposer will be free of your offer when the response you receive is not a straightforward acceptance, but rather that it matters modification of the first one. In this case the answer is will consider as a new proposal that will be governed by the provisions of the articles previous.

**ARTICLE 1681.- EFFECTS OF THE PROPOSED ACCEPTANCE BY TELEGRAPH.** The proposal and acceptance made by telegraph produce effects if the contracting parties had previously stipulated in writing this way of contract, and if the originals of the respective telegrams contain the signatures of the contracting parties and the conventional signs established between them.

**ARTICLE 1682.- STIPULATION IN FAVOR OF A THIRD PARTY.** In contracts stipulations can be made in favor of third parties in accordance with the following articles.

**ARTICLE 1683.- EFFECTS OF THE STIPULATION IN FAVOR OF A THIRD PARTY.** The stipulation made in favor of a third party gives the latter a direct claim to demand from the promisor the provision to which he has been obliged, except in a written agreement in contrary. It also confers on the stipulator the right to demand from the promisor the fulfillment of the obligation.

**ARTICLE 1684.- TIME OF BIRTH OF THE RIGHT OF THE THIRD.** The right of a third party arises at the moment of perfecting the contract, except for the power that the contracting parties retain to impose the modalities that they deem convenient, provided that they expressly state in the aforementioned contract, which will only be considered as the means to make the stipulation, which has as its source the unilateral declaration of the promisor.

**ARTICLE 1685.- REVOCATION OF THE STIPULATION IN FAVOR OF THIRD.** The stipulation can be revoked as long as the third party has not expressly or tacitly stated their willingness to accept or want take advantage of it. It is understood that there is tacit acceptance, when the third party has

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made expenditures in relation to what is offered in the stipulation, or, when perform acts that undoubtedly demonstrate their intention to take advantage of what offered.

**ARTICLE 1686.- OPPOSITION OF DEFENSES OF THE PROMISSORY.** The promisor may, unless otherwise agreed, oppose the third party defenses derived from the contract.

**ARTICLE 1687.- UNILATERAL BILATERAL CONTRACT.** The contract is unilateral when only one of the parties is obliged towards the other without be forced. The contract is bilateral when the parties are bound reciprocally.

**ARTICLE 1688.- FREE ONEROSO CONTRACTS.** It is an onerous contract that in which reciprocal benefits and taxes are stipulated, and free that in that the benefit is only for one of the parties.

**ARTICLE 1689.- RANDOM COMMUTATIVE CONTRACTS.** Contract onerous is commutative when the benefits owed by the parties are certain, since the contract is concluded, so that they can appreciate immediately the benefit or loss caused by it. It's random, when the benefit due depends on an uncertain event that makes it not assessment of the gain or loss is possible until that event is done.

**ARTICLE 1690.- CONSENSUAL, REAL FORMAL CONTRACTS.** They are contracts consensual those that for their validity do not require consent to be express in writing, nor do they imply the prior delivery of the thing for its Constitution.

Formal are those contracts that for their validity require that the consent is expressed in written form, either in a public document or private as determined by law.

The contract will be real, when the Law requires for its constitution that the object of the same to be held.

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**ARTICLE 1691.- INSTANTANEOUS SUCCESSIVE TRACT CONTRACT.** I know successive tract contracts are called those whose validity has a certain duration, in such a way that both parties or one of them are fulfilling their obligations or exercising their rights over a certain time.

Contracts are instantaneous when benefits are performed immediately.

**ARTICLE 1692.- FREEDOM TO AGREE TO CLAUSES OF THE CONTRACTORS.** The contracting parties can put the clauses they create convenient, but those that refer to essential requirements of the contract or are consequence of their ordinary nature, they will be taken for granted although express, unless the latter are waived in the cases and terms allowed by law.

**ARTICLE 1693.- CONTRACTUAL CRIMINAL CLAUSE.** Can the contracting parties stipulate a certain benefit as a penalty in the event that the obligation is not is fulfilled or not fulfilled in the agreed manner. If such a stipulation is made, no In addition, damages and losses may be claimed.

**ARTICLE 1694.- EFFECTS OF THE NULLITY OF THE CRIMINAL CLAUSE.** The Nullity of the contract matters that of the penal clause, but the nullity of this does not carries his.

However, when it is promised by another person, imposing a penalty for If the promise is not fulfilled by this, the penalty will be valid even if the contract is not carried out due to lack of consent of said person.

The same will happen when it is stipulated with another, in favor of a third party, and the person with whom it is stipulated is subject to a penalty for the case of not complying with the promised.

**ARTICLE 1695.- EFFECTS OF THE PENALTY REQUEST.** When asking for the penalty, the creditor is not obliged to prove that he has suffered damages, nor may the debtor exempt from satisfying it, proving that the creditor has not suffered any damage.

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**ARTICLE 1696.- LIMITS OF THE CRIMINAL CLAUSE.** The penalty clause does not it may exceed neither in value nor in amount the principal obligation.

**ARTICLE 1697.- MODIFICATION OF THE PENALTY.** If the obligation is fulfilled in part, the sentence will be modified in the same proportion.

If the modification cannot be exactly proportional, the Judge will reduce the penalty in an equitable manner, taking into account nature and other circumstances of the obligation.

**ARTICLE 1698.- OPTIONAL ENFORCEMENT OF THE OBLIGATION OR OF THE PAIN.** The creditor may demand compliance with the obligation or payment of the penalty, but not both, unless it appears to have stipulated the penalty for the simple delay in complying with the agreed manner.

**ARTICLE 1699.- IMPOSSIBILITY TO MAKE THE PENALTY EFFECTIVE.** will not be able the penalty is enforced when the person obliged to it has not been able to contract by fact of the creditor, fortuitous event or insurmountable force.

**ARTICLE 1700.- CLARITY OF THE CONTRACTUAL TERMS.** If the terms of a contract are clear and leave no doubt as to the intention of the contracting parties, it will be the literal sense of its clauses.

If the words appear contrary to the evident intention of the contracting parties, the latter shall prevail over the former.

**ARTICLE 1701.- GENERALITY OF THE CONTRACTUAL TERMS.**  
 Whatever the generality of the terms of a contract, they should not understand understood in it different things and cases different from those on which the interested parties proposed to contract.

**ARTICLE 1702.- PREVALENCE OF THE SUITABLE MEANING OF THE CLAUSES.** If any clause of the contracts admits different meanings, It must be understood in the most appropriate way so that it fully produces its effects.

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**ARTICLE 1703.- JOINT INTERPRETATION OF THE CLAUSES CONTRACTUAL.** The clauses of the contracts must be interpreted as by the others, attributing to the doubtful ones the meaning that results from the set of all.

**ARTICLE 1704.- INTERPRETATION OF THE WORDS CONTAINED IN THE CONTRACTS.** Words that can have different meanings will be understood in the one that is more suitable to the nature and object of the contract.

**ARTICLE 1705.- SUPPLEMENT OF USE OR CUSTOM IN THE CONTRACTUAL INTERPRETATION.** Country usage or custom will be taken in mind to interpret the ambiguities of the contracts.

**ARTICLE 1706.- INTERPRETATION ACCORDING TO CIRCUMSTANCES ACCIDENTALS OF THE CONTRACT.** When it is absolutely impossible resolve doubts by the rules established in the preceding articles, if those fall on accidental circumstances of the contract, and this is free, will be resolved in favor of the least transmission of rights and interests, If it is onerous, the doubt will be resolved in favor of greater reciprocity of interests.

If the doubts whose resolution is dealt with in this article fall on the object principal of the contract, so that it cannot be established what the intention or the will of the contracting parties, the contract will be non-existent.

**ARTICLE 1707.- BUDGETS, ORIGIN OF THE TERMINATION IN THE CONTRACTS.** Only contracts that are themselves can be terminated. valid. The termination will therefore proceed, when the contract with all the legal requirements, it must be without effect, by any of the following Causes:

- I.- For breach of the contract;
- II.- Because a resolutive condition is made;
- III.- Because the thing perishes or is lost due to unforeseeable circumstances or force majeure, except that the Law provides otherwise;

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- IV.- Because the thing suffers from hidden vices or defects, without prejudice to the fact that the Law confers another claim in addition to rescission, to the injured party;
- V.- When the contract is free of charge and causes or aggravates the insolvency of the contracting parties that transfer goods or values or renounce rights, in damage to your creditors; Y
- VI.- In other cases expressly provided for by Law.

**ARTICLE 1708.- PRESCRIPTION OF CLAIMS OF TERMINATION**

**CONTRACTUAL.** Claims for termination prescribe within two years, unless the contrary results from an express provision of the Law, or of the nature of the contract or cause for termination.

**ARTICLE 1709.- EFFECTS OF THE CONTRACT TERMINATION WITH**

**RELATIONSHIP TO THIRD PARTY.** The termination may not take effect to the detriment of third party in good faith, except in cases in which the termination clause has been registered in the Public Property Registry.

The termination of the contract based on non-payment by the purchaser of the ownership of real estate or other real right over them, will not apply effect against a third party in good faith, if it has not been expressly stipulated and it has been registered in the Public Property Registry in the manner provided for by Law.

**ARTICLE 1710.- CONTRACT TERMINATION ON MOVABLE ASSETS.**

With respect to movable property, no termination will take place, except as provided for sales in which the buyer is empowered to pay the price in installments.

**ARTICLE 1711.- TERMINATION OF A THIRD PARTY DEPENDENT CONTRACT.**

If the termination of the contract depends on a third party and this is fraudulently induced to rescind it, it shall be deemed not rescinded.

**ARTICLE 1712.- APPLICATION OF RULES ON NON- EXISTENCE NULLITY**

**FROM LEGAL ACTS TO CONTRACTS.** The rules on nonexistence and nullity of legal acts are applicable to contracts, in which no They oppose the special provisions for each contract.

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**ARTICLE 1713.- CONTRACTS NOT REGULATED BY THIS CODE.**

Contracts that are not specially regulated in this Code, are

shall be governed by the stipulations of the parties, the general rules of contracts, and, in whatever omissions, by the provisions of the contract with which they have more analogy, of those regulated in this Order.

**ARTICLE 1714.- IMPOSSIBILITY TO MODIFY ELEMENTS OR ESSENTIAL CHARACTERISTICS OF A CONTRACT.** The elements of essential characteristics of a contract, cannot be modified at will of the parts.

**ARTICLE 1715.- BREACH OF CONTRACT.** If the obligated in a contract will stop fulfilling its obligation, the other interested party may demand judicially the fulfillment of the agreement or the termination of the contract, and in one and in another case the payment of damages.

**ARTICLE 1716.- CONSERVATION OF THE DEBTOR'S LIABILITY IN CONTRACTS WITH OBLIGATIONS TO GIVE.** In contracts that have For the purpose of giving obligations, the debtor must conserve the property with diligence typical of a good father of a family, responding to grave and slight guilt, Unless otherwise agreed.

**ARTICLE 1717.- DELAY IN BILATERAL CONTRACTS.** In contracts bilaterally, neither of the contracting parties is in default if the other does not comply or not agrees to duly comply with the obligation that corresponds to it.

**ARTICLE 1718.- BREACH OF CONTRACT CAUSES CIVIL LIABILITY.** The sole cause of civil liability breach of a contract, without the need for the creditor to demonstrate fraud or fault of the debtor, unless the law requires a certain fault to a certain degree.

**ARTICLE 1719.- INJURIOUS DAMAGES FOR NON-COMPLIANCE CONTRACTUAL.** The contractor who fails to fulfill the contract, be it in the substance, be it in the way, will be responsible for the damages caused to the other contractor, unless the fault actually comes from him, force majeure or fortuitous event, to which the former has in no way contributed.

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**ARTICLE 1720.- SANITATION IN COMMUTATIVE CONTRACTS ON HIDDEN VICIES.** In commutative contracts, the transferor is forced to reorganization due to the hidden defects of the alienated thing that the

make it unfit for the uses to which it is intended, or diminish in such a way this use, which, if the acquirer had known it, would not have made the acquisition or I would have given less price for the thing.

In the cases of the preceding paragraph, the purchaser may demand the termination of the contract and the payment of the expenses that he has made, or that a proportional amount of the price, according to experts.

The exercise of the claim derived from the preceding paragraphs is extinguished at the six months, counted from the delivery of the alienated asset, except in the case of real estate, in which case it will be one year.

## TITLE ONE OF THE VARIOUS TYPES OF CONTRACTS

### PRELIMINARY CHAPTER OF THE PREPARATORY CONTRACTS

**ARTICLE 1721.- NATURE OF THE PRE-CONTRACT .** The preparatory contract or promise of contract, is one by virtue of which one or both parties are bound at a certain time to enter into a specific future contract.

**ARTICLE 1722.- ELEMENTS OF EXISTENCE OF THE PRE- CONTRACT.** They are essential elements of the preparatory contract, in addition to the consent and object, the following:

- I.- That the elements and characteristics of the definitive contract are contained; Y
- II.- That the definitive contract is possible.

The lack of any of the above elements causes the non-existence of the contract preliminary.

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**ARTICLE 1723.- ELEMENTS OF VALIDITY OF THE PRE- CONTRACT.** They are elements of validity of the preliminary contract, in addition to the general established by this Code for all contracts, the following:

- I.- That the term during which the definitive contract will be granted be determined; Y
- II.- That the preliminary contract be in writing, and may be granted in public or private document.

**ARTICLE 1724.- PRE-CONTRACT CLASSES** The promise to contract, that is, the preliminary contract of another, can be unilateral or bilateral.

**ARTICLE 1725.- EFFECTS OF THE PRECONTRACT** The promise of contract only gives rise to obligations to do, consisting of entering into the respective contract according to what was offered.

**ARTICLE 1726.- EFFECTS OF BREACH OF THE PRECONTRACT** . Yes the promisor refuses to sign the promised contract, in his / her default the judge will sign it, Except in the case that the thing offered has passed as an onerous title to the property of a third party in good faith because then the promise will be without effect, being responsible the one who made it of all the damages and losses that have been originated to the other party.

**ARTICLE 1727.- EFFECTS OF BREACH OF THE PRE-CONTRACT BILATERAL** Regarding the breach of the promises of the bilateral contract, The rules contained in article 1381 of this Code shall apply, except when the definitive contract is transfer of domain.

**ARTICLE 1728.- EFFECTS OF BREACH OF THE PRE-CONTRACT BILATERAL WHEN THE DEFINITIVE IS TRANSLATION OF DOMAIN.** The obligation to make consistent in granting a definitive contract transferring domain, does not operate the transfer of ownership regarding the goods or rights, and if the promisor, violating his obligation, disposes of the thing or right, This legal act is valid, without prejudice to the civil liability incurred for its breach.

## SECOND TITLE

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## OF THE PURCHASE AND SALE

### CHAPTER I

### GENERAL DISPOSITION

**ARTICLE 1729.- CONCEPT OF SALE.** The sale is a contract by virtue of which one of the parties transfers to the other the ownership of a thing or the ownership of a right, the latter being obliged to pay a true price and money.

**ARTICLE 1730.- IMPROVEMENT OF THE SALE.** Treating of certain and individually determined things, the sale is perfect and obligatory for the parties, by the sole agreement of the same in the thing and in the price, the first belonging to the buyer even when it has not been delivered, since even though you have not satisfied the price.

In the case of things not individually determined, property is not will transmit to the buyer until the thing has been delivered real, legally or virtually, or when he declares to have received it without materially has been delivered.

**ARTICLE 1731.- QUANTITATIVE LIMITS OF THE PURCHASE AND SALE.** If he The price of the thing sold must be paid part in money and part with the value of Otherwise, the contract will be of sale when the part in cash is equal or greater than that paid with the value of the other thing. If the part in cash is lower, the contract will be a swap.

**ARTICLE 1732.- SETTING OF THE PRICE BY THE CONTRACTORS.** The contractors may agree that the price is the one that runs on the day or place determined.

**ARTICLE 1733.- SETTING OF THE PRICE BY A THIRD PARTY.** The contracting parties They can agree that the price determination is carried out by a third party, designated in the contract or later. If the third party does not want or cannot indicate the price, there will be no sale.

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**ARTICLE 1734.- EFFECTS OF THE LACK OF SETTING THE PRICE BY A THIRD.** As long as the price is not set by the third party, it will not exist buy and sell. Once the price has been set, the contract for sale, without the need for a new act, and said price can only be rejected by the contracting parties by mutual agreement.

**ARTICLE 1735.- IMPOSSIBILITY TO SET THE PRICE FOR ONE OF THE CONTRACTORS.** The setting of the price cannot be left to the discretion of one of the contracting parties.

**ARTICLE 1736.- MOMENT IN WHICH THE BUYER MUST CARRY OUT THE PAYMENT OF THE PRICE.** The buyer must pay the price in the terms and deadlines

agreed. In the absence of an agreement, you must pay it at the time you receive the thing.

The delay in the payment of the price will constitute it in the obligation to pay revenues to the conventional or legal rate, on the amount owed.

**ARTICLE 1737.- PRICE OF CEREAL FRUITS SOLD ON TIME.** The price of fruits and cereals sold for time to non-traders and for their consumption, may not exceed the highest that those genres have in the place, in the period from delivery to the end of the next harvest.

**ARTICLE 1738.- DETERMINATION OF THE THING.** There will be nothing sold when the parties do not determine it or do not establish data to determine it. The thing is determined when it is true, and when it is uncertain, if its species and amount would have been determined.

**ARTICLE 1739.- LEGAL PRESUMPTION ON INDETERMINATION OF THE THING.** The thing sold will be judged indeterminable, when all the present or future goods, or a part of them, without specifying in the latter case which are.

**ARTICLE 1740.- SALE OF A PROPERTY BY SINGLE SELLER TO SEVERAL PEOPLE.** If the same thing is sold by the same seller to different people, the following rules will be observed.

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If the thing sold is movable, the first sale on the date will prevail, if it is not possible to verify the priority of this, the one made will prevail possession of the thing.

If the thing sold is real property, the sale that was first made shall prevail. registered, and if none has been, the provisions of the previous paragraph will be observed.

**ARTICLE 1741.- PURCHASE AND SALE AT SIGHT .** The buying and selling of things used to weigh or measure, they will not produce their effects until after they are have weighed or measured the items sold.

As for the things that get used to liking, the contract will not exist until that things have been tested and accepted by the buyer.

**ARTICLE 1742.- PURCHASE AND SALE OF THINGS OF DETERMINED QUALITY.**

When things are sold as of a certain quality, and not to taste personal of the buyer, it will not depend on his discretion to refuse the thing sold. The seller, proving that the thing is of the contracted quality, can ask for payment of the price.

**ARTICLE 1743.-** SETTING THE PRICE EFFECTS OF THE PURCHASES ON THINGS THAT ARE WEIGHED, MEASURED OR COUNTED. On sales in which the price is determined by the weight, count or measure of the objects, the sale will not be perfect until things are heavy, counted or measured.

The buyer may, however, oblige the seller to weigh, measure or count and deliver the thing sold, and the seller may oblige the buyer to receive the thing counted, measured or weighed and pay the price for it.

**ARTICLE 1744.- PURCHASE AND SALE OF SAMPLES.** When it comes to sale of specific and perfectly known items, the contract may be made on samples.

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In the event of disagreement between the contracting parties, a expert, who will decide on the conformity or non-conformity of the articles with the samples or qualities that served as the basis for the contract.

**ARTICLE 1745.- PURCHASE AND SALE BY ACQUISITION .** If the sale was made only to the sight and by collection, even when it is of things that are usually counted, weighed or measured, It shall be understood as carried out after the contracting parties agree on the price, and the buyer will not be able to request the termination of the contract claiming not to have found in the collection the quantity, weight or measure that he calculated.

**ARTICLE 1746.- PURCHASE AND SALE BY STOCK ON MOVABLE ASSETS AND REAL ESTATE.** There will be a termination if the seller presents the collection as of a homogeneous species and I will hide in it species of inferior class and quality of those that are in sight.

If the sale of one or more properties is made at a lump sum price and without estimating especially its parts or measures, there will be no place for termination, although in the

delivery is missing or excess.

**ARTICLE 1747.- PRESCRIPTION OF CLAIMS RELATING TO SALES PER STOCK.** The claims arising from articles 1740, 1745 and 1746 of this Code, prescribe in one year, counted from the day of delivery.

**ARTICLE 1748.- SALE TO THE SECURITY IN CANTINAS.** Retail sales of intoxicating drinks, made on credit in canteens, do not give the right to demand their price.

## CHAPTER II OF THE MATTER OF THE SALE

**ARTICLE 1749.- PROHIBITION OF SALE OF ANOTHER THING.** None can sell but what is your property.

**ARTICLE 1750.- NULLITY OF THE SALE OF ANOTHER THING.** Selling thing The third party is null and void and the seller will be responsible for all damages and damages caused, if it proceeds with fraud or bad faith, and must be taken into

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account what is provided in the title relative to the Public Property Registry for bona fide acquirers.

**ARTICLE 1751.- LEGAL EFFECTS OF THE SALE OF ANOTHER THING HELD BY THE PURCHASING SELLER.** If the seller buys for any legitimate title to the property of the thing sold, before it takes place eviction, the sale will produce all its effects.

**ARTICLE 1752.- LEGAL EFFECTS REGARDING THE SELLER OF OUTSIDE THING.** Whoever has sold other people's things, even in good faith, shall pay the buyer the losses and interests resulting from the nullity of the contract. The seller, after delivery of the thing, cannot demand the nullity of the sale or its restitution. If the buyer He knew that the thing was alien, he will not be able to demand the refund of the price.

**ARTICLE 1753.- LEGAL EFFECTS OF THE SALE OF ANOTHER THING RATIFIED BY THE OWNER.** The sale of foreign property will supply all your effects, if the owner of the same ratifies the contract expressly.

**ARTICLE 1754.- SALE MADE BY THE CO-OWNER ON THE TOTALITY OF THE PROPERTY.** The sale made by one of the co-owners of the totality of the thing sold, will be null, even with respect to the seller's portion, the latter having to return to the buyer the price, interest, expenses, damages and damages, as long as said acquirer had ignored that the thing was co-ownership object.

**ARTICLE 1755.- SALE OF LITIGIOUS ASSETS.** The sale of thing or right litigious is not prohibited, but the seller who does not declare the circumstance of If the thing is in dispute, it is liable for damages if the buyer he suffers eviction and is also subject to the respective penalties.

**ARTICLE 1756.- SALE OF CERTAIN ASSETS IN WHICH THE THEY REQUEST SPECIFIC LEGAL REQUIREMENTS.** When it comes to the sale of certain assets, such as those belonging to the disabled, those owned public, pawned or mortgaged, the required requirements must be observed by law so that the sale is perfect.

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**ARTICLE 1757.- NULLITY OF SALES TO HOUSE OR CONCENTRATE GOODS.** Sales that result in concentration or hoarding are null, in one or a few hands, of articles of first necessity in consumption popular, and whose object is the scarcity, speculation or rise in the prices of those items.

### CHAPTER III OF SUBJECTS WHO CAN SELL BUY

**ARTICLE 1758.- SUBJECTION OF FOREIGNERS TO THE PROVISIONS LEGAL CONSTITUTIONALS ON SALE.** Foreigners and moral persons cannot buy real estate, except by subjecting themselves to the provided in Article 27 of the Political Constitution of the United States Mexicans and their regulatory laws.

**ARTICLE 1759.- SUBJECTS IMPOSSIBLE TO BUY OR BE ASSIGNMENTS IN PUBLIC AUCTION.** They cannot be buyers or assignees, nor intervene in public auctions directly or indirectly by interposed person:

I.- The administrators of State assets, with respect to the assets or

rights entrusted to your care;

II.- Public servants and assistants in the procurement and administration of Justice regarding the property related in the trials and matters in which intervene;

III.- Those who by law administer the assets of others, with respect to said patrimonies; Y

IV.- The agents and lawyers with respect to the assets and rights that have been in charge of selling or related to the processes in which they intervene.

The sale or assignment of hereditary claims, when the aforementioned persons are joint heirs, or of rights to which assets of his property are affected.

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**ARTICLE 1760.- SALE OF ASSETS TO THEIR CHILDREN'S ASCENDANTS SUBJECT TO COUNTRY POTESTAD.** Children subject to parental authority only they can sell to their parents, the goods they have acquired through their work.

**ARTICLE 1761.- SALE BY OWNERS OF INDIVIDUAL PROPERTY.** The owners of undivided things cannot sell their respective shares to strangers, but complying with the provisions of articles 1100 and 1101 of this Code.

**ARTICLE 1762.- SUBJECTS PREVENTED FROM ACQUIRING GOODS FROM CUA SALE OR ADMINISTRATION BE IN CHARGE.** They cannot buy the goods whose sale or administration are in charge:

I.- The tutors and curators;

II.- The agents;

III.- The testamentary executors and those who were appointed in case of intestate;

IV.- The auditors appointed by the testator or by the heirs;

V.- The representatives, administrators and auditors in case of absence; Y

VI.- Public servants.

The Magistrates, the Judges, the agents of the Public Ministry, the defenders of office, lawyers, experts, public brokers cannot buy the goods that are the object of the lawsuits or of the acts in which they intervene. Either They may be assignees of the rights they have over the aforementioned assets.

**ARTICLE 1763.- Sales** made in contravention of the article 1758 will be non-existent, while those held contrary to article 1762 will be flawed of absolute nullity.

#### CHAPTER IV OF THE OBLIGATIONS RIGHTS OF THE SELLER

**SECTION 1764.- OBLIGATIONS OF THE SELLER.** The seller is obliged:

I.- To transmit the domain of the alienated asset;

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- II.- To preserve and guard the thing while delivering it, responding to the slight and serious guilt;
- III.- To deliver the thing sold to the buyer;
- IV.- To guarantee the buyer a peaceful possession regarding the thing, against the legal acts of a third party prior to the sale;
- V.- To answer for the hidden vices or defects of the property;
- VI.- To respond to the sanitation in the case of eviction; Y
- VII.- To grant the buyer the legally necessary documents to prove the transfer of ownership, or those required by tax laws.

**ARTICLE 1765.- DELIVERY CLASSES.** The delivery can be real, legal or virtual.

The actual delivery consists in the material delivery of the thing sold, or in the delivery of the title if it is a right.

There is legal delivery when, even without the thing being materially delivered, the Law considers it received by the buyer.

From the moment the buyer accepts that the thing sold is left to his disposition shall be deemed to be virtually received from her, and the seller retained in its possession will only have the rights and obligations of a depository.

**ARTICLE 1766.- EXPENSES ON THE GOOD.** The costs of delivering the thing sold are paid by the seller, and those of its transport or transfer, to charge of the buyer, unless otherwise agreed.

**ARTICLE 1767.- DELIVERY OF THE GOOD IN TIME, PLACE, SUBSTANCE MODE.** The delivery of the thing by the seller to the buyer, must be exact as to the time, place, manner and substance agreed upon. In the absence of agreement, the accuracy in these aspects, will be governed by the provisions contained in this Title.

**ARTICLE 1768.- TIME FOR THE DELIVERY OF THE GOOD.** When I do not know If a deadline has been set for delivery, and the sale will be in cash, the thing must delivered to the buyer when the buyer delivers the price. Buyer and seller

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may demand the delivery of the thing and price, when none of the parties I will rally to do so, thirty days after the judicial or extrajudicial interpellation before a notary or witnesses.

**ARTICLE 1769.- LACK OF GOOD DELIVERY DUE TO LACK OF PAYMENT OF PRICE.** The seller is not obliged to deliver the thing sold, if the buyer has not paid the price, or does not do so upon receipt unless the contract has stated indicated a term for payment.

Nor is he obliged to deliver, even if he has granted a deadline for the payment, if after the sale it is discovered that the buyer is in a state of insolvency, so that the seller is at imminent risk of losing the price, Unless the buyer guarantees the payment within the agreed period.

**ARTICLE 1770.- DELIVERY OF THE GOOD REGARDING THE STATE THAT SAVED.** The seller must deliver the thing sold in the state in which it is found when the contract was perfected.

The seller must also deliver all the fruits produced since the perfect the sale, and the returns, accessions and titles of the thing.

If the boundaries have been designated in the sale of a property, the seller will be obliged to surrender everything that is understood within them, even if there is excess or decrease in the measures expressed in the contract.

**ARTICLE 1771.- DELIVERY OF THE GOOD IN RELATION TO THE PLACE.** Delivery of the thing sold must be done in the agreed place, and if there is no place designated in the contract, in the place where the thing was at the time it was that was sold.

**ARTICLE 1772.- LACK OF CONSERVATION OF THE THING BY THE SELLER.** If the buyer is in default of receiving, he will pay the seller the rental of warehouses, barns, or containers in which it is contained sold, and the seller will be relieved of the ordinary care of preserving the thing, and will only be responsible for fraud or gross negligence.

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**ARTICLE 1773.- LIABILITY OF THE SELLER FOR VICES HIDDEN.** When the thing sold has hidden vices or defects, the seller will respond in the manner and terms indicated in articles 1543 to 1558 and 1720 of this Code.

**ARTICLE 1774.- SELLER'S GUARANTEES WHILE NOT PAID THE PRICE.** The seller has, until the price is paid, the following guarantee:

- I.- A right of preference in the terms of article 2472, section VIII of this Code.
- II.- A right of retention not to deliver the thing, in the form and terms established in article 1769 of this ordinance.
- III.- A claim for compliance, with the payment of damages, if the buyer is in default in payment of the price; Y
- IV.- A claim of termination, with the payment of damages in case of non-compliance, if I do not opt for the above claim.

## **CHAPTER V OF THE OBLIGATIONS RIGHTS OF THE BUYER**

**SECTION 1775.- BUYER'S OBLIGATIONS.** The buyer is obliged:

- I.- To pay the price of the thing in the time, place and manner agreed upon, stipulation, in the terms established in this title; Y
- II.- To receive the thing.

**ARTICLE 1776.- TIME PLACE OF PAYMENT LEGAL PRESUMPTION ON CASH SALE.** If time and place for payment have not been set, this will be done in those in which the thing is delivered. It is presumed, unless agreed in On the contrary, that the sale will be in cash, when no date is set for payment

of the price.

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**ARTICLE 1777.- INTERESTS CHARGED BY THE BUYER.** The buyer owes interest for the time that mediates between the delivery of the thing and the payment of the price, in the following three cases:

- I.- If so agreed;
- II.- If the thing sold and delivered produces fruit or income; Y
- III.- If it has become delinquent in accordance with articles 1511 and 1512 of this Code.

**ARTICLE 1778.- NO CAUSATION OF INTEREST OF THE BUYER IN THE TERM SALE.** In forward sales, without stipulating interest, it is not owed by the buyer by reason of that, although in the meantime perceives the fruits of the thing, since the term was part of the same contract, and it must be presumed that in this consideration was increased the sale price.

If the term was granted after the contract, the buyer will be obliged to lend interest, unless otherwise agreed.

**ARTICLE 1779.- RECEPTION OF THE THING BY THE BUYER.** The buyer must receive the thing on the agreed date or, in the absence of an agreement, then have the seller deliver it to you. If you are in default of receipt, the seller may demand the compensation referred to in article 1772 of this Code, if it has received the price; or fully terminate the contract, without the need for trial, when you have not received the price; but if you received it, you can also rescind the contract, after trial.

**ARTICLE 1780.- DISTURBANCE IN THE POSSESSION OR RIGHT OF THE BUYER IN TERM SALES.** When the forward buyer or with expects the price to be disturbed in his possession or right, or has just fear If so, you can suspend the payment if you have not already done so, while the seller ensure possession or guarantee you, unless there is an agreement to the contrary.

**ARTICLE 1781.- TERMINATION OF THE CONTRACT DUE TO NON-PAYMENT.** The Failure to pay the price gives the right to request the termination of the contract, although the

sale has been made on time, but if the thing has been disposed of to a third party,

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will observe the provisions of articles 1709 second paragraph and 1710 of this Ordering.

**ARTICLE 1782.- EVICTION OF THE BUYER.** If the buyer suffers eviction, the seller must respond in the manner and terms provided by the Articles 1520 to 1542 of this Order.

**ARTICLE 1783.- BUYER GUARANTEES.** The buyer has the following guarantees:

- I.- A lien to not deliver the price in the form and terms that is established in article 1780 of this Code;
- II.- A claim for compliance, with the payment of damages, if the seller is in default on the delivery of the thing; Y
- III.- A claim of termination, with the payment of damages in case of breach.

## CHAPTER VI COMMON RULES FOR THE SELLER BUYER

**ARTICLE 1784.- PAYMENT OF EXPENSES ORIGINATED BY THE BUY AND SELL.** The contracting parties will pay the fiscal expenses in half, deed and registration, unless otherwise agreed.

**ARTICLE 1785.- PRIORITY IN THE DELIVERY OF THE THING.** If doubt occurs on which of the contracting parties should make the delivery first, one and the other will make the deposit in the hands of a third party.

## CHAPTER VII OF SOME MODALITIES OF THE SALE CONTRACT

**ARTICLE 1786.- SALE WITH CLAUSE OF NOT SELLING TO PERSON DETERMINED.** It can be agreed that the thing purchased is not sold to certain person, but the clause in which it is stipulated that he cannot be sold to someone.

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The clause not to sell, does not create an inability to sell, nor its violation causes the invalidity of the sale. In the case of contravention, the person responsible only will be obliged to pay the damages and losses that originate to the one with whom contract.

**ARTICLE 1787.- PROHIBITION OF RETRO-SALE AGREEMENT PROMISE OF SALE.** The sale with a resale agreement is prohibited, as well as the promise sale of a real estate that has been the subject of a sale between the same contractors.

**ARTICLE 1788.- PREFERENTIAL RIGHT THEREFORE IN THE BUY AND SELL.** It may be stipulated that the seller has the right to Preference therefore, in case the buyer wants to sell the thing that was the subject of the sale contract.

**ARTICLE 1789.- DEADLINES FOR THE EXERCISE OF THE RIGHT BY SO MUCH.** The seller is obliged to exercise his right of first refusal, within three days, if the thing is movable, after the buyer has made it know the offer you have for her, under penalty of losing your right if in that time I will not exercise it. If the thing is real, it will have a period of ten days to exercise the right, under the same penalty. In both cases, you are obliged to pay the price that the buyer offers, and if he cannot satisfy it, it will be without effect the covenant of preference.

**ARTICLE 1790.- RELIABLE KNOWLEDGE IN FAVOR OF WHICH YOU ENJOY OF THE RIGHT THEREFORE.** It must be made known in a reliable way, to the one who enjoys the right of first refusal, what they offer for the thing, and if it is sold without giving that notice, the sale is valid, but the seller will respond to the damages caused.

**ARTICLE 1791.- DEADLINE FOR PAYMENT OF THE EXERCISE PRICE OF THE RIGHT THEREFORE.** If a period has been given to pay the price, the who has the right of first refusal cannot take advantage of this term if he does not give the Necessary assurances that the price will be paid at the expiration of the term.

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**ARTICLE 1792.- PUBLIC AUCTION OF THE GOOD OBJECT OF THE LAW.**

When the object on which one has the right of first refusal is sold at auction public, must make known to the person who enjoys that right, the day, time and place in which the auction will be verified.

**ARTICLE 1793.- PERSONAL CHARACTER OF THE RIGHT THEREFORE.** The right acquired by the preference agreement is personal and cannot be assigned, nor passes to the heirs of whoever enjoys it.

**ARTICLE 1794.- PURCHASE OF HOPE.** If future things are sold, taking the buyer the risk that they did not exist, the contract is random and is governed by the provisions of the articles relating to the purchase of hope.

**ARTICLE 1795.- RULES ON THE SALE IN FERTILIZERS.** The sale that is do empowering the buyer to pay the price in installments, will be subject to the following rules:

- I.- If the sale is of real estate, it can be agreed that the non-payment of one or more installments will cause the termination of the contract. Termination will produce effects against a third party who has acquired the goods from treats, provided that the termination clause has been registered in the Public Registry of the property;
- II.- In the case of movable property, such as aircraft, boats, automobiles, motors, pianos, sewing machines or others that are susceptible to be identified in an indubitable way, the clause may also be agreed resolution mentioned in the previous section, and that clause will produce effects against a third party who has acquired the goods, if it was registered in the Registry Public of the Property; Y
- III.- If it is movable property that cannot be identified undoubtedly and that, for the same reason, its sale cannot be registered, the Contracting parties may agree to terminate the sale due to non-payment of the price, but that clause will not produce effects against a third party in good faith acquired the goods to which this fraction refers.

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**ARTICLE 1796.- RESTITUTION OF BENEFITS ON SALE IN FERTILIZERS.** If the sale is terminated, the seller and buyer must return the services that may have been made, but the seller who delivered the thing sold can demand from the buyer, for the use of it, the payment of a rent or rent to be set by experts and an indemnity, also set by experts, by the deterioration that the thing has suffered.

The buyer who has paid part of the price is entitled to interest legal or conventional of the amount you delivered.

Conventions that impose more onerous obligations on the buyer than expressed, they will be null.

**ARTICLE 1797.- NULLITY OF THE AGREEMENT ON ADVANCE OF SUMS OF MONEY ON THE ACCOUNT OF THE PRICE.** When by an agreement prior to the rescission, or from the contract of sale, the parties stipulate that by concept of rent or rent and for compensation due to deterioration, the buyer will lose all what has been anticipated on account of the price, said contract or stipulation will be null. The same will happen when the valuation made by the parties to the income and impairment, equals the benefits provided by the buyer. On Both cases must be subject to an expert estimate of income and impairment.

**ARTICLE 1798.- AGREEMENT ON INCOME OR IMPAIRMENT.** The parts may by agreement estimate the income or impairment, as long as it is celebrated after the event that motivates the termination of the contract.

**ARTICLE 1799.- PURCHASE SALE WITH RESERVATION OF TITLE SUBJECT BY THE BUYER.** It can be validly agreed that the seller reserves the ownership of the thing sold until its price has been paid.

**ARTICLE 1800.- EFFECTS OF THE SALE IN FERTILIZERS.** When the goods sold in installments are those mentioned in sections I and II of the article 1795, the pact in question will produce effects against a third party, if it is registered in the Public Registry of Property; when the goods are of the class to which they are refers to section III of the aforementioned article of this Code, the arranged in this fraction.

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**ARTICLE 1801.- IMPOSSIBILITY OF DISPOSING OF THE PROPERTY SUBJECT TO RESERVATION OF TITLE BY THE BUYER.** The seller referred to in the Article 1799 of this Code, as long as the term to pay the price does not expire, may alienate the thing sold with the reservation of ownership, and regardless of the sale registration will be made a preventive annotation stating that domain limitation.

If the seller collects the thing sold because its price has not been paid, The provisions of articles 1796, 1797 and 1798 of this Ordinance will be applied.

**ARTICLE 1802.- PURCHASE SALE SUBJECT TO CONDITION.** Can also validly agree that the seller will reserve possession of the good sold, until a certain suspensive condition is met, or the sale It will be subject to a resolutive condition; in both cases, in the case of goods real estate, or furniture susceptible of registration, the contract and clause that establish the condition, they must register for it to take effect against a third party.

**ARTICLE 1803.- LEGAL PRESUMPTION REGARDING THE BUYER WHO YOU HAVE RECEIVED THE THING IN THE SALE WITH RESERVATION OF TITLE.** In the sale with reservation of title as long as ownership of the thing sold does not pass to the Buyer, if he receives the thing, will be considered as the tenant of it.

## **CHAPTER VIII OF THE FORM OF THE FORMALITIES IN THE CONTRACT OF SALE**

**ARTICLE 1804.- ON THE FORMALITIES IN THE PURCHASE AND SALE.** Contract of sale does not require any special formality for its validity, but when it falls on a property.

**ARTICLE 1805.- ON THE FORMALITIES IN PURCHASE AND SALE OF PROPERTY.** Disposals of real estate whose value does not exceeds the equivalent of three hundred and sixty-five days of the general minimum wage in force in the State of Morelos at the time of the operation and the constitution or transmission of real rights estimated up to the same amount or that guarantee a credit no greater than said sum, they may be granted in a document

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signed by the contracting parties before two witnesses whose signatures are ratified Before a Notary, competent Judge, or Public Property Registry.

Two originals will be made of said instrument, one for the buyer and the other for the Public Property Registry.

They may also be granted in the manner indicated in the first paragraph of this article, even if the value of the respective properties exceeds the established limit, the purchase and sale contracts, in any of its forms, that are entered into dependencies or entities of the Public Administration, be it federal, state or municipal, including Institutes, Funds, Trusts, Commissions or other bodies that legally operate in matters of housing or land titling land.

**ARTICLE 1806.- SIGNATURE OF THE CONTRACTORS IN THE PURCHASE AND SALE.** Yes Some of the contracting parties do not know how to write, they will sign in their name and at their request. another person with legal capacity, not being able to sign any of the witnesses, observing the provisions of the second paragraph of Article 1673 of this Code.

**ARTICLE 1807.- PURCHASE AND SALE OF REAL ESTATE THAT MUST BE VERIFIED IN PUBLIC DEED.** If the appraised value of the property exceeds three hundred days of general minimum wage in force in the State of Morelos, in the At the time of the operation, the sale will be made in a public deed.

**ARTICLE \* 1808.- FORMALITIES DEALING WITH REAL ESTATE REGISTERED IN THE PUBLIC REGISTRY OF PROPERTY UP TO A DETERMINED AMOUNT.** In the case of goods already registered in the Registry and whose value does not exceed three hundred and sixty-five days of minimum general salary in the moment of the operation, when the sale is in cash, it can be done transmitting the domain by endorsement placed in the certificate of ownership that the Registrar has the obligation to issue to the seller in whose favor the goods.

The endorsement will be ratified before the registrar who has the obligation to make sure the identity of the parties and the authenticity of the signatures, and prior

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verification that taxes corresponding to the sale made in this way, will make a new registration of the goods sold, in favor of the buyer.

The sale of real estate will not produce third-party effects until after registered under the terms prescribed in this Code.

**NOTES:**

**CURRENT REFORM.-** The third paragraph of this article is added by Decree No. 461 published in POEM No. 4203 of 2002/08/14. Validity: 2002/08/15.

**ARTICLE \* 1809.- ON THE SALE OF AUTOMOTIVE VEHICLES.**

The sale and acquisition of vehicles and automobiles must be in writing, under the free format issued by the State Registry of Vehicles and Automobiles of the State of Morelos, having to register the corresponding operation before said dependency to produce the corresponding legal effects.

**NOTES:**

**CURRENT REFORM.-** Before this article is amended by Decree No. 461 published in POEM 4203 dated 2002/08/14. Validity: 2002/08/15. It said: "ARTICLE 1809.- THIRD PARTY EFFECTS REGARDING REAL ESTATE. Selling real estate does not will produce effects against a third party but after it is registered in the terms prescribed in this Code."

## CHAPTER IX OF JUDICIAL SALES

**ARTICLE 1810.- APPLICATION TO THE JUDICIAL SALES OF THE RULES CIVIL ADJECTIVE SUBSTANTIVES.** Judicial sales in auction, auction or public auction shall be governed by the provisions of this Title, regarding the substance of the contract and the obligations and rights of the buyer and the seller, with the modifications expressed in this Chapter. The acquirer and the executed will be considered, respectively, as buyer and seller.

Legal sales are perfect and have all their effects with respect to executed and acquirer, as long as the judicial resolution that the approve. With respect to third parties, they must be registered in the Public Registry of the Property, after having observed the formalities required by this Code.

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Regarding the terms, term and conditions to be verified, they will be governed by what the Civil Procedure Code provides.

**ARTICLE 1811.- PEOPLE PREVENTED TO INTERVENE TO BE AWARDED THE GOOD BY AUCTION.** They cannot finish by themselves, nor by interposed person, the Judge, the secretary and other public servants of the Court, the executed, their lawyers and guarantors, executors and guardians, if it is of assets belonging to the succession or to the disabled respectively, or the experts who have valued the goods that are the object of the auction.

**ARTICLE 1812.- CONDITIONS OF THE JUDICIAL SALE.** Except agreement judicial sales will be made in cash, and when the matter is property, will pass to the acquirer free of any encumbrance, for which purpose the Judge will order the respective cancellation or cancellations, unless there is express provision to the contrary.

**ARTICLE 1813.- JUDICIAL ALIENATIONS ON A COMMON THING.** On judicial sales that have to be made to divide a common thing, are observe the provisions for the partition of heirs.

### **TITLE THREE OF THE EXCHANGE**

**ARTICLE 1814.- LEGAL DEFINITION OF EXCHANGE.** The swap is a contract by virtue of which one of the contracting parties transmits to the other the domain of one thing, in exchange for another whose ownership is also transferred to it.

**ARTICLE 1815.- EXCHANGE ON FOREIGN ASSETS.** If one of the contracting parties has received the thing that is given in exchange and accredits that it was not property of the one who gave it, cannot be compelled to surrender what he offered in change, and comply with returning the one you received.

**ARTICLE 1816.- EVICTION IN THE EXCHANGE.** The permutant who suffers eviction of the thing he received instead, he may claim the one he gave if it is found still in the power of the other permutation, or demand its value or the value of the thing would have given instead, with the payment of damages.

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The provisions of the preceding paragraph do not prejudice the rights that for consideration has acquired a third party in good faith on the thing claimed by the one who suffered the eviction.

**ARTICLE 1817.- APPLICATION OF THE RULES OF THE SALE TO THE BARTER.** With the exception of those related to price, they are applicable to this I contract the rules of the sale, insofar as they do not oppose the articles above, to govern the obligations and rights of the exchangers considered as sellers, except in the obligations to deliver things and price, in which they will be taken as seller and buyer respectively.

## TITLE FOUR OF THE DONATIONS

### CHAPTER I OF DONATIONS IN GENERAL

**ARTICLE 1818.- LEGAL DEFINITION OF DONATION.** Donation is a contract whereby one person transfers to another, free of charge, part or all of their present assets, reserving in the latter case those necessary for subsist.

By virtue of the donation, the donor cannot transfer his patrimony to the donee, as long as it is considered as legal universality.

**ARTICLE 1819.- IMPOSSIBLE DONATION ON FUTURE ASSETS.** The donation can not understand future assets.

**ARTICLE 1820.- DONATION CLASSES.** The donation can be pure, conditional, onerous or remunerative.

**ARTICLE 1821.- PURE CONDITIONAL DONATIONS.** Pure is the donation that is granted in absolute terms, and conditional that depends on some uncertain event.

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**ARTICLE 1822.- REMUNERATORY ONEROUS DONATIONS.** It is onerous the donation that is made by imposing some taxes, and remuneration that It is done in attention to services received by the donor and that he does not have obligation to pay.

When the donation is onerous, only the excess that may exist is considered donated in the price of the thing, deducted from it the charges.

**ARTICLE 1823.- DONATION AS AN ACT BETWEEN THE LIVING.** Donations they can only take place between the living and cannot be revoked except in cases declared in the Law.

**ARTICLE 1824.- DONATION BY CAUSE OF DEATH BETWEEN CONSORTS.** Donations made after the death of the donor, will be governed by the relative provisions of the Third Book, and those that are do between consorts, by the provisions of Chapter IX, Third Title of the Book second.

**ARTICLE 1825.- IMPROVEMENT OF THE DONATION.** The donation is perfect as soon as the donee accepts it and makes the donor know the acceptance. Acceptance must be made while the donor is alive.

**ARTICLE 1826.- EVICTION IN THE DONATION.** The donor is only responsible of the eviction of the donated thing if it was expressly obliged to lend it.

Notwithstanding the provisions of the preceding paragraph, the donee will remain surrogate in all donor rights if eviction is verified.

**ARTICLE 1827.- CAPACITY OF THE DONOR.** To make donations, needs to have the special capacity to dispose of the goods, either because belong to the donor, or because the donor gives an express mandate to carry out said act.

Legal representatives cannot make donations for their clients.

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**ARTICLE 1828.- CAPACITY OF THE DONOR.** The unborn may acquired by donation, provided they were conceived at the time

those become and are born viable.

**ARTICLE 1829.- SIMULATION OF THE DONATION.** Donations made simulating another contract, to people who according to the Law cannot receive them, they will be null, whether they are done directly, or by an interposed person.

## CHAPTER II OF THE FORMALITIES IN THE DONATION

**ARTICLE 1830.- VERBAL DONATION ON FURNITURE ITS EFFECTS LEGAL.** The verbal donation can only fall on personal property.

This donation will only produce legal effects when the value of the furniture does not exceeds the amount of thirty days of the general daily minimum wage in force in the State of Morelos.

**ARTICLE 1831.- WRITTEN DONATION ON FURNITURE.** If the value of the furniture exceeds the amount indicated in the previous precept, it must be done written. If it exceeds this last value, it will be granted in a public deed.

**ARTICLE 1832.- DONATION ON REAL ESTATE .** Donation of goods Estate will be done with the same formalities that the Law requires for the sale.

## CHAPTER III OF THE INVENTORY BENEFIT IN THE DONATION

**ARTICLE 1833.- DONATION WITH CHARGE OF PAYING THE DEBTS OF THE DONOR.** If the donation is made with the burden of paying the donor's debts, Only those that exist with an authentic date at the time of The donation.

**ARTICLE 1834.- CASES OF LIMITED LIABILITY OF THE DONATOR.** If the donation is of certain and determined goods, the donee It will not be liable for the debts of the donor, but when on the donated goods

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a mortgage or pledge is constituted, or in case of fraud to the detriment creditors.

**ARTICLE 1835.- LIABILITY FOR DEBTS PRIOR TO THE DONATION WHEN THE DONATION INCLUDES ALL THE GOODS OF THE**

DONOR. If the donation is of all the goods, the donee will be responsible for all debts of the donee previously contracted, but only up to the amount concurrent with the donated goods and provided that the debts have authentic date; In this case, the donor's creditors may, if the donor I will improve my fortune, demand the payment of your credits if it suits them.

If the donee turns out to be insolvent, due to events subsequent to the donation, without prejudice to the Paulian claim that creditors may attempt, they may demand their credits from the donor.

**ARTICLE 1836.- DONATIONS ON PERIODIC BENEFITS.** Except that the donor provides otherwise, donations that consist of Periodic benefits expire upon the death of the donor.

#### **CHAPTER IV REVOCATION REDUCTION OF DONATIONS**

**ARTICLE 1837.- REVOCATION OF THE DONATION BY SUPERVENIENCE OF CHILDREN ITS LEGAL EFFECTS.** Donations legally made by a person who at the time of granting them did not have children, can be revoked by the donor when children have been born with all the conditions required by article 61 of this Code regarding viability.

If five years have elapsed since the donation was made and the donor has not had children or having had them has not revoked the donation, it will become irrevocable. The same happens if the donor dies within this period without having the donation revoked.

If within the aforementioned period a posthumous child of the donor is born, the donation it will be considered revoked in its entirety.

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Once the donation is revoked for the survival of children, the donor will be returned the donated goods, or their value if they have been disposed of before the birth of the children.

**ARTICLE 1838.- REDUCTION OF THE DONATION IF IT IS INOFICIENT.** If in the first case of the previous article the father has not revoked the donation, This must be reduced when it is ineffective, unless the donee takes on

yes the obligation to minister food and duly guarantee it.

**ARTICLE 1839.-** NO REVOCATION OF THE DONATION FOR CHILDREN'S SUPERVENIENCE. The donation cannot be revoked by child survival:

- I.- When it is less than ten times the general daily minimum wage in force in the State of Morelos;
- II.- When it is antenuptial;
- III.- When it is between consorts; Y
- IV.- When it is purely remunerative.

**ARTICLE 1840.-** REVOCATION OF THE DONATION HAVING MORTGAGED THE DONOR THE ASSETS DONATED. If the donation is revoked and the donee has mortgaged the donated goods, the mortgage will subsist, but will have The donor's right to demand that he redeem it. This same will take place in the case of usufruct, or easement imposed by the donee.

**ARTICLE 1841.-** RESTITUTION OF ASSETS OPERATED WITH THE REVOCATION. Yes the donation will be revoked and the goods cannot be returned in kind, the value enforceable will be the one that they had at the time of the donation.

**ARTICLE 1842.-** FRUITS IN FAVOR OF THE DONOR. The donee makes the fruits of the donated goods are yours until the day you are notified of the revocation or until the day of the birth of the posthumous child, if applicable.

**ARTICLE 1843.- IMPOSSIBILITY TO RESIGN IN ADVANCE OF THE RIGHT OF REVOCATION FOR CHILDREN'S SUPERVENIENCE**

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**REVOCATION CLAIM.** The donor cannot resign in advance the right of revocation due to the supervening of children.

The claim of revocation due to the supervenience of children corresponds exclusively to the donor and posthumous child, but the reduction due to alimony has the right to request it all those who are alimony creditors.

**ARTICLE 1844.-** LIMITS OF THE PATRIMONIAL LIABILITY OF THE DONATOR. The donee responds only for the fulfillment of the charges that are they impose with the donated thing, and is not personally obligated with their goods.

You can avoid the execution of the charges by abandoning the donated property, and if He perishes by fortuitous event, is free from all obligations.

**ARTICLE 1845.-** RULE IN CASE OF TERMINATION OR REVOCATION OF DONATIONS. In any case of termination or revocation of the contract donation, the provisions of articles 1837 last paragraph and 1840 of this Code.

**ARTICLE 1846.-** REVOCATION OF THE DONATION BY INGRATITUDE. The Donation can be revoked for ingratitude:

- I.- If the donee commits a crime against the person, honor or property of the donor or of the ascendants, descendants or spouse of the latter; Y
- II.- If the donee refuses to help, according to the value of the donation, the donor who has come to poverty.

It is applicable to the revocation of donations made due to ingratitude as provided in articles 1837, last paragraph, 1839, 1840 and 1841 of this Order.

**ARTICLE 1847.-** IRRENOUNCIABILITY PRESCRIPTION OF THE CLAIM REVOCATION FOR INGRATITUDE. The claim of revocation due to ingratitude cannot be waived in advance and prescribes within a year, counted since the donor became aware of the event.

This claim may not be exercised against the heirs of the donee, unless that in his lifetime it would have been attempted.

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Nor can it be exercised by the donor's heirs if the donor, being able, not the I would have tried.

**ARTICLE 1848.-** RULES ON DONATIONS REDUCTION. The reduction of donations will begin with the last one in date, which will be totally abolished if the reduction is not enough to complete the food.

If the amount of the least old donation is not enough, it will proceed with respect to of the previous one, in the terms established in the preceding paragraph, following the same order until reaching the oldest.

**ARTICLE 1849.- REDUCTION OF DONATIONS IN THE SAME ACT OR DATE.** Having several donations granted in the same act or in the same date, the reduction between them will be made pro rata.

**ARTICLE 1850.- REDUCTION OF DONATIONS ON FURNITURE.** If the donation consists of movable property, the reduction will be taken into account value they had at the time they were donated.

**ARTICLE 1851.- REDUCTION OF DONATIONS ON REAL ESTATE.**  
When the donation consists of real estate that is easily divisible, the reduction will be made in kind.

When the property cannot be divided and the amount of the reduction exceeds half of the value of that one, the donee will receive the rest of the money.

When the reduction does not exceed half the value of the property, the donee will pay the rest.

## CHAPTER V NULL AND UNFORCEPTABLE DONATIONS

**ARTICLE 1852.- NULLITY OF THE DONATIONS ON THE TOTALITY OF ASSETS OF THE DONOR.** The donation that includes the totality of the

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donor assets, if the donor does not reserve ownership or usufruct as necessary to live according to your circumstances.

Donations made simulating another contract, to people who according to the law cannot receive them, they will be void, whether it is done in a direct way, or for interposed person.

**ARTICLE 1853.- CHARACTERISTICS OF THE INOFICIENT DONATION.** The Donations will be ineffective insofar as they harm the donor's obligation to minister food to those to whom it owes it under the law.

**ARTICLE 1854.- LEGAL PRESUMPTION ON GENERAL DONATION.** If he that makes a general donation of all its goods reserves some to test, Without another declaration, half of the donor's assets will be understood to be reserved.

**ARTICLE 1855.- JOINT DONATION.** The donation made to several people jointly, does not produce in their favor the right to increase, if not is that the donor has established it in an express way.

**ARTICLE 1856.- NO REDUCTION OR REVOCATION OF DONATIONS INOFICIENT.** Inappropriate donations will not be revoked or reduced, When the donor dies, the donee takes upon himself the obligation to minister the maintenance due and guarantee it according to law.

**ARTICLE 1857.- LIABILITY OF THE DONOR REDUCED OR THE DONATION REVOKED AS INOFICIENT.** Revoked or reduced one donation due to being unofficial, the donee will only be liable for the fruits as long as it is defendant.

## TITLE FIVE OF THE MUTUAL

### CHAPTER I OF THE SIMPLE MUTUAL

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**ARTICLE 1858.- LEGAL DEFINITION.** The mutual is a contract by which the Mutual agrees to transfer ownership of a sum of money or other fungible things to the borrower, who is obliged to return the same amount species and quality.

**ARTICLE 1859.- DELIVERY IN THE MUTUAL.** For ownership to be transferred of the fungible things to the borrower, there must be real, legal, virtual or fiction with respect to said goods.

**ARTICLE 1860.- ACCURACY IN THE DELIVERY, RETURN OF THE THING OBJECT OF THE MUTUAL.** The delivery, as well as the return of the thing or things The object of the mutual must be exact in terms of time, place, form and substance. agreed, and in the absence of an agreement, according to the general rules for compliance of the obligations to give and the special ones of this Title.

**ARTICLE 1861.- ACCURACY AS TO THE PLACE REGARDING THE DELIVERY OR RETURN OF THE THING GIVEN IN MUTUO.** When I do not know

has designated a place to deliver or return the thing given in mutual, will observe the following rules:

- I.- The thing will be delivered in the place where it is found, if there is any been identified individually by the parties; Y
- II.- If the thing has not been identified, it will be delivered to the address of the mutual. If it is the return by the borrower, the delivery will be made at the domicile of the latter, observing in both cases the provisions of the Article 1494 of this Code.

**ARTICLE 1862.- DEADLINE FOR THE RETURN OF THE THING GIVEN IN MUTUAL.** If the contract has not set a deadline for the return of the agreement, the following rules will be observed:

- I.- If the borrower is a farmer and the loan consists of cereals or other products of the field the restitution will be made in the next harvest of the the same or similar fruits or products;
- II.- The same will be observed with respect to mutual funds that, not being farmers, have to perceive similar fruits by another title; Y

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III.- In all other cases, the obligation to restore is governed by the provisions of the Article 1489 of this Code.

**ARTICLE 1863.- TEMPORARY RESTITUTION IN RELATION TO THE MUTUAL.** On the case of having agreed that the restitution will be made when it can or has means the borrower, the obligation will be enforceable when the term has elapsed three months after the interpellation.

**ARTICLE 1864.- ACCURACY OF THE RETURN REGARDING THE SUBSTANCE OF THE THING OBJECT OF THE MUTUAL.** If it is not possible to Mutual return in gender, will satisfy by paying the value that the thing loaned had at the time and place in which the loan was made, in the opinion of an expert, if there is no stipulation to the contrary.

The loan consisting of money, the debtor will pay by returning an amount equal to that received in accordance with the monetary law in force at the time of making the payment, without this prescription being waivable. If it is agreed that the payment must made in foreign currency, the alteration that it experiences in value will be in damage or benefit of the borrower.

**ARTICLE 1865.- LIABILITY OF THE MUTUANT FOR VICES HIDDEN.** The borrower is responsible for the damages suffered by the borrower due to the poor quality or hidden defects of the thing loaned, if you knew the defects and did not give timely notice to the borrower.

**ARTICLE 1866.- LIABILITY OF THE MUTUAL FOR VICES HIDDEN WHEN YOU RESTITUTE THE THING.** The borrower will also be responsible for the damages suffered by the borrower due to the poor quality or hidden defects of the things that he restores, even though he is unaware of such defects. May the mutual if prefers, return such things, the borrower being bound under the terms primitives of your contract.

**ARTICLE 1867.- LIABILITY OF THE MUTUANT FOR EVICTION OF THE THING.** The borrower is responsible for the event that the borrower suffers eviction, who may only require the borrower to comply again with his provision, and compensate you for damages if there was bad faith, or if

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prefers, that the contract is without effect. In the latter case, the mutual to demand damages, only in the case of bad faith of the borrower.

**ARTICLE 1868.- LIABILITY OF THE MUTUAL FOR EVICTION OF THE THING.** If the borrower suffers eviction from the things that were returned by the borrower, the obligation of the latter will be reborn, leaving the payment without effect.

**ARTICLE 1869.- VALIDITY OF DEBTS CONTRACTED BY THE MINOR TO GIVE THEMSELVES FOOD.** The debts contracted by the less to provide you with the food you need, when your representative legitimate is absent.

If it is proven, in the case of the previous paragraph, that the minor, in view of his age or lack of experience, was harmed by investing the amount received in quality mutual, the borrower will only have the right to demand restitution to the extent that would have been useful for the aforementioned minor.

## CHAPTER II OF THE MUTUAL WITH INTEREST

**ARTICLE 1870.- POSSIBILITY OF STIPULATING INTEREST IN THE MUTUAL.**

It is allowed to stipulate interest for the mutual, whether it consists of money or gender.  
The interest will be legal or conventional.

**ARTICLE 1871.-** AMOUNT OF LEGAL INTEREST RULES ON THE CONVENTIONAL INTEREST. The legal interest will be that established in article 1518 of this Code. The conventional interest is the one set by the contracting parties, and may be higher or lower than the legal interest, but when the interest is so disproportionate to reasonably believe that the hardship has been abused pecuniary, inexperience or ignorance of the debtor, at his request the Judge, taking into account the special circumstances of the case, may reduce the interest equitably up to the legal rate.

**ARTICLE 1872.-** INJURY IN THE MUTUAL. If in the case referred to in the previous article, the borrower will show that the borrower really abused his

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state of need, ignorance or inexperience, you may ask, if not choose for the equitable reduction of the interest, that the absolute nullity of the contract, with restitutionary effects, serving as the basis for calculating the interest during the time prior to the declaration of nullity, the one that equitably fixes the Judge, according to the circumstances of the case, which may be reduced to the rate of legal interest, if such circumstances warrant it.

**ARTICLE 1873.-** APPLICABLE RULE IN CASE OF INTEREST CONVENTIONAL SUPERIOR THAN LEGAL WITHOUT ANY INJURY. If it has agreed to a higher interest than the legal one, but without injury to the mutual, the latter may reimburse the capital, whatever the period set for this, giving notice to the borrower two months in advance and paying the interest due. For this right to operate, it will be enough that the interest is higher than the legal rate, without being disproportionate, or even when there is no belief or fear that pecuniary hardship has been abused, inexperience or ignorance of the debtor.

**ARTICLE 1874.-** PROHIBITION OF PRIOR AGREEMENT ON INTEREST CAPITALIZATION. The parties cannot, under penalty of nullity, agree in advance that the interest be capitalized and that it bear interest.

## TITLE SIX OF THE LEASE

**CHAPTER I**  
**GENERAL DISPOSITION**

**ARTICLE 1875.- LEGAL DEFINITION OF LEASE.** There are leasing when the two contracting parties are mutually bound, one, to grant the temporary use or enjoyment of one thing, and the other, to pay for that use or enjoy a certain price.

The lease only grants the tenant a personal right, in relationship with the use or enjoyment of the thing, being consequently empowered to

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demand the respective provision from the lessor, without being able to exercise legal power direct or immediate about the thing.

**ARTICLE 1876.- MAXIMUM TERM IN THE LEASE.** The lease cannot exceed ten years for farms destined to room, fifteen for farms destined for commerce or agriculture, and twenty for the farms destined to the exercise of an industry.

**ARTICLE 1877.- INCOME IN THE LEASE.** The rent or price of lease can consist of a sum of money or anything else equivalent, provided it is true and determined.

**ARTICLE 1878.- ASSETS THAT MAY BE THE SUBJECT OF A LEASE.**  
All assets that can be used without consume; except those that the law prohibits renting and the rights strictly personal.

**ARTICLE 1879.- LEASE CELEBRATED BY THE ONE THAT IS NOT OWNER OF THE THING.** He who does not own the thing may lease it if he has power to enter into that contract, either by virtue of the owner's authorization, or by provision of the Law.

In the first case of the previous paragraph, the constitution of the lease is subject to the limits set in the authorization, and in the second, to those that the law has appointed the managers of other people's property.

**ARTICLE 1880.- IMPEDIMENTS TO LEASE.** Leasing is prohibited:

- I.- To the co-owner of an undivided thing, without the consent of all the others co-owners;
- II.- To the magistrates, judges and any other public servants, take in lease, by itself or through a third party, the goods that must be leased in the businesses in which they intervene: and
- III.- To those in charge of public establishments and to the servants public, take in lease the goods that with the expressed characters manage.

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**ARTICLE 1881.- FORMALITIES OF THE LEASE.** The arrendment it must be given in writing. The lack of this formality will be attributed to the lessor.

**ARTICLE 1882.- EFFECTS OF THE LEASE ON THE DEATH OF THE CONTRACTORS.** The lease does not end upon the death of the landlord or tenant, unless otherwise agreed.

**ARTICLE 1883.- SUBSISTENCE OF THE LEASE DESPITE VERIFY TRANSMISSION OF OWNERSHIP OVER THE LEASED PROPERTY.** Yes during the term of the lease, for any reason I will verify the transfer of ownership of the leased property, the lease It will subsist under the terms of the contract. Regarding the payment of rents, the The tenant will be obliged to pay the new owner the rent stipulated in the contract, from the date on which it is judicially or extrajudicially notified before notary or before two witnesses have granted the corresponding title of property, even if it claims to have paid the first owner, unless the owner rent advance appears expressly stipulated in the same rental contract lease.

**ARTICLE 1884.- SUBROGATION IN THE RIGHTS OBLIGATIONS OF THE LESSOR.** The sale of the leased thing, referred to in the article above, operates a legal subrogation in the rights and obligations of the lessor, which pass to the new acquirer, without changing the legal nature of the rights of the tenant, which continue to be personal rights.

**ARTICLE 1885.- EFFECTS OF THE LEASE VERIFIED THE TRANSMISSION OF PROPERTY DUE TO PUBLIC UTILITY.** If the transfer of property is made for reasons of public utility, the contract will end, but the landlord and the tenant must be compensated for the

expropriator, in accordance with the provisions of the respective Law.

**ARTICLE 1886.-** LEGAL REGULATION OF THE **LEASED** ASSETS BY THE STATE, MUNICIPALITIES PUBLIC ESTABLISHMENTS. The leases of State property, and of the municipalities, will be subject to the administrative provisions, and in what they are not, to those of this Title.

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## CHAPTER II OF THE RIGHTS OBLIGATIONS OF THE LESSOR

**ARTICLE 1887.-** LESSOR OBLIGATIONS. The landlord is obligated, even if there is no express agreement:

- I.- To deliver the leased property to the tenant, with all its belongings and in a state of serving for the agreed use, and if there was no express agreement, to that to which by its very nature it was destined;
- II.- To keep the leased thing in the same state, during the leasing, doing all the necessary repairs;
- III.- Not to hinder or embarrass in any way the use of the leased thing, except for the cause of urgent and indispensable repairs;
- IV.- To guarantee the use or peaceful enjoyment of the thing for the entire time of the contract; Y,
- V.- To respond for the damages suffered by the lessee, for the defects or hidden defects of the thing, prior to the lease.

**ARTICLE 1888.-** OBLIGATIONS OF THE LESSOR IN CASE OF EVICTION. The landlord will also be obliged, even if there is no agreement expressly, to respond for the damages suffered by the tenant if he is I will deprive myself of the use or enjoyment of the thing, by virtue of the eviction that is enforced in against the landlord.

**ARTICLE 1889.-** TIME OF DELIVERY OF THE GOOD. The delivery of the thing is It will be done at the agreed time, and if there is no agreement, after the lessor is required by the tenant.

**ARTICLE 1890.-** IMPOSSIBILITY OF THE LESSOR TO VARY THE FORM OF THE PROPERTY DURING THE LEASE. The landlord cannot, during the lease, change the form of the thing leased, or intervene in

the legitimate use of it, except in the case designated in section III of article 1887 of this Code.

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**ARTICLE 1891.- OBLIGATION OF THE LESSEE TO MAKE THE LESSOR'S KNOWLEDGE OF REPAIRS NECESSARY ITS DERIVATIVE EFFECTS.** The tenant is obliged to put in knowledge of the lessor, as soon as possible, the need for the reparations, under penalty of paying the damages that its omission causes.

**ARTICLE 1892.- EFFECTS OF THE LACK OF REPAIRS NECESSARY.** If the landlord does not comply with making the repairs necessary for the use to which the thing is intended, it will be up to the tenant rescind the lease or occur to the judge to order the lessor to fulfill his obligation, through the procedure established in the Civil Procedure Code.

**ARTICLE 1893.- PROHIBITION OF THE TENANT TO DISCOUNT AMOUNT OF RENT TO EXECUTE REPAIRS.** The lessee may not, in the case referred to in the previous article, discount any amount of the rent, to carry out the repairs.

The judge, depending on the circumstances of the case, will decide on the payment of the damages and damages caused to the tenant due to lack of opportunity in the repairs.

**ARTICLE 1894.- NO INCLUSION OF ROUTES IN FACT BY THIRD PARTIES REGARDING THE ENJOYMENT OR PEACEFUL USE OF THE LEASED PROPERTY.** It provided in section IV of article 1887 of this Code, does not include the de facto means of third parties that do not claim rights over the leased thing that prevent its use or enjoyment. The tenant, in those cases, only has a claim against the authors of the facts, and even if they are insolvent, they will not have claim against the landlord. Neither understands the abuses of force.

**ARTICLE 1895.- USURPATION OR NOVELTY HARMFUL TO THE PROPERTY LEASED.** The lessee is obliged to inform the owner, in the shortest possible time, any usurpation or harmful novelty that another has done or openly prepared in the leased thing, under penalty of pay the damages caused by its omission. The provisions of this

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Article does not deprive the tenant of the right to defend, as owner, the thing given on lease.

**ARTICLE 1896.- RIGHT OF THE LESSEE DERIVED FROM THE TRIAL.** Yes the landlord is defeated in judgment on a part of the leased thing, can the tenant claim a decrease in rent or the termination of the contract and the payment of damages suffered.

**ARTICLE 1897.- LIABILITY OF THE LESSOR FOR VICIES OR HIDDEN DEFECTS.** The landlord is liable for hidden vices or defects that prevent the use of the leased thing, even if he had not known or would have occurred in the course of the lease, through no fault of the tenant. The latter may request the decrease in rent or the termination of the contract, unless it is proven that he had knowledge, before entering into the contract, of the vices or defects of the leased thing.

**ARTICLE 1898.- BALANCE IN FAVOR OF THE LESSOR OR LESSEE AT THE TERM OF THE CONTRACT.** If at the end of the lease there is any balance in favor of the tenant, the landlord must return it immediately, to unless you have any right to exercise against it. In this case will judicially deposit the referred balance.

The provisions of the preceding paragraph shall govern, where appropriate, with respect to the tenant.

**ARTICLE 1899.- ORIGIN OF THE PAYMENT OF IMPROVEMENTS MADE BY THE TENANT.** It is the responsibility of the lessor to pay for the improvements made by the lessee:

- I.- If in the contract, or later, you authorized it to do them and you were obliged to pay them;
- II.- If it is about useful improvements and due to the fault of the lessor, the contract; Y
- III.- When the contract is for an indefinite period, if the lessor authorized the tenant to make improvements and before the expiration of the time necessary for the tenant to be compensated with the use of the

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improvements of the expenses made, the lessor terminates the lease.

**ARTICLE 1900.- OBLIGATION OF THE LESSOR TO PAY THE IMPROVEMENTS.**

The improvements referred to in sections II and III of the previous article must be paid by the landlord, despite the fact that the contract had stipulated that the improvements be for the benefit of the leased thing.

**CHAPTER III  
OF THE RIGHTS OBLIGATIONS OF THE TENANT**

**ARTICLE 1901.- OBLIGATIONS OF THE LESSEE.** The tenant is obliged:

- I.- To satisfy the income in the manner and time agreed;
- II.- To respond for the damages that the leased thing suffers through its fault, that of his relatives, servants, sub-tenants, or of the people who visit him;
- III.- To use the thing only for the agreed use or whatever according to the nature and destiny of her; Y,
- IV.- To restore the thing at the end of the contract.

**ARTICLE 1902.- TIME OF PAYMENT OF THE RENT.** The tenant is obliged to pay the rent from the day you receive the leased thing, except pact to the contrary.

The rent must be paid in the agreed terms and in the absence of an agreement for months overdue. The tenant is obliged to pay the rent that is due until the day to deliver the leased thing.

**ARTICLE 1903.- PLACE OF PAYMENT OF THE RENT.** The rent will be paid on the agreed place, and in the absence of an agreement, in the house, room or office of the lessee.

**ARTICLE 1904.- OBLIGATION OF THE LESSEE TO PAY THE RENT.**  
The tenant is obliged to pay the rent that is due until the day that hand over the leased thing.

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**ARTICLE 1905.- FORM OF PAYMENT OF THE RENT.** If the price of The lease must be paid in fruits and the lessee will not deliver them in the due time, he is obliged to pay in money the highest price that the fruits within the agreed time.

**ARTICLE 1906.- DEPRIVATION OF THE USE OF THE PROPERTY BY CASE OR OVERWHELMING FORCE.** If due to unforeseeable circumstances or force majeure, the tenant the use of the leased thing, no rent will be accrued for the duration of the impediment, and if it lasts more than two months, you may request the rescission of the contract.

If the use of the thing is only partially prevented, the tenant may request the partial reduction of rent, in the opinion of experts, unless the parties choose to the termination of the contract, if the impediment lasts for the time established in the article previous.

The provisions of the two previous paragraphs cannot be waived.

**ARTICLE 1907.- DEPRIVATION OF THE USE OF THE THING BY EVICTION.** If the deprivation of use comes from the eviction of the property, the provisions of Article 1906 of this Code, and if the landlord acted in bad faith, It will also be liable for damages.

#### **CHAPTER IV LIABILITY OF THE TENANT FOR FIRE**

**ARTICLE 1908.- LIABILITY OF THE LESSEE FOR FIRE.**  
The tenant is responsible for the fire, unless it arises from the case fortuitous, force majeure or construction defect.

The tenant does not respond to the fire that has been reported by another party, if took the necessary precautions to prevent the fire from spreading.

When there are several tenants and it is not known where the fire started, all are responsible proportionally to the rent they pay, and if the

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landlord occupies part of the farm, will also respond proportionally to the income that experts set for that party. If it is proven that the fire started in the room of one of the tenants, only he will be responsible.

If any of the tenants prove that the fire could not start in the part occupied by him, he will be free of responsibility.

Responsibility in the cases dealt with in the preceding paragraphs, includes not only the payment of damages suffered by the landlord, but the of those that have been caused to other people, provided that they come straight from the fire.

**ARTICLE 1909.- ASSURANCE OF THE PROPERTY LEASED BY HAZARDOUS INDUSTRY ESTABLISHMENT.** The tenant who goes to establish a dangerous industry on the leased farm, you have the obligation to insure said farm against the probable risk that originates the exercise of that industry. The insurance will be extended to the benefit of the lessor.

## CHAPTER V CONSERVATION OF THE THING

**ARTICLE 1910.- IMPOSSIBILITY OF THE LESSEE TO VARY THE FORM OF THE LEASED PROPERTY.** The tenant cannot, without consent express of the landlord, vary the form of the leased thing, and if it does, it must, when he returns it, restore it to the state in which he received it, being, in addition, responsible for damages.

**ARTICLE 1911.- CONDITIONS FOR THE RETURN OF THE PROPERTY .** If he lessee has received the property with an express description of the parts of which it is composes, you must return it, at the end of the lease, as you received it, except what has perished or impaired by time or by unavoidable cause.

The Law presumes that the tenant who accepted the leased thing without the description expressed in the previous paragraph, you received it in good condition, except prove otherwise.

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**ARTICLE 1912.- OBLIGATION OF THE LESSEE TO DO REPAIRS FOR THE NORMAL USE OF THE GOODS.** The tenant must make the repairs of those deteriorations of little importance, which are regularly caused by the people who inhabit the edifice.

**ARTICLE 1913.- RIGHTS OF THE LESSEE DUE TO LOSS OF USE OF THE PROPERTY FOR REPAIRS.** The tenant who because of repairs lose the total or partial use of the thing, you have the right not to pay the price of the lease, to request the reduction of that price or the termination of the contract, if the loss of use lasts more than two months in their respective cases.

**ARTICLE 1914.- RULES TO DETERMINE THE PREVALENCE OF THE LEASE WHEN THERE IS A CONFLICT BETWEEN TWO OR MORE PEOPLE.** If the same property has been leased separately to two or more people and for the same time, the lease will prevail first in date, if it is not possible to verify its priority, the lease of the who has the leased thing in his possession.

If the lease must be registered in the Registry, the registered person prevails.

**ARTICLE 1915.- PREFERENTIAL RIGHTS OF THE LESSEE.** On leases that have lasted more than five years and when the lessee has made significant improvements to the leased property, you have this right, if you are up to date in the payment of the rent, to which, under equal conditions, prefer another interested in the new lease of the farm. You will also enjoy of the right of both if the owner wants to sell the leased property, applying the provisions of articles 1789 and 1790 of this Code.

## CHAPTER VI OF THE LEASE OF URBAN PROPERTIES

**ARTICLE 1916.- HYGIENE AND HEALTH CONDITIONS OF THE LEASED LOCATION.** A location cannot be leased that

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does not meet the hygiene and health conditions required in the laws of the matter.

The lessor who does not carry out the works ordered by the competent authority as necessary for a locality to be habitable and hygienic, is responsible for the damages that the tenants suffer for that cause.

**ARTICLE 1917.- DEPOSIT ON THE LEASE.** The owner cannot refuse as a guarantor a person who meets the requirements of the Law to be surety.

If the monthly income does not exceed twenty-five times the general minimum wage daily in force in the area, it is optional for the tenant to give a deposit or replace that guarantee with the deposit of one month's rent.

**ARTICLE 1918.- TIME OF PAYMENT OF THE RENT.** Rent must be paid within the agreed terms and in the absence of an agreement, for months past due.

**ARTICLE 1919.- PUBLIC INTEREST OF THE RULES ON LEASE OF URBAN PROPERTIES FOR ROOMS.** They are of a social nature and of public interest and therefore the benefits cannot be waived that are derived from this Law in favor of the tenants of real estate destined to the room. The stipulations of the contracts that record said resignations they will be taken for granted.

## CHAPTER VII OF THE LEASE OF RUSTIC PROPERTIES

**ARTICLE 1920.- OBLIGATIONS OF THE OWNER OF A PROPERTY RUSTIC.** The owner of a rustic property must cultivate it, without prejudice to let him rest as long as necessary so that his fertility is not depleted. If he does not cultivate it, he is obliged to lease or share it.

**ARTICLE 1921.- PAYMENT TIME.** The rent must be paid in the installments agreed, and in the absence of an agreement, by expired semesters.

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**ARTICLE 1922.- NO PROPORTIONAL REDUCTION OF THE INCOME.** The tenant will not be entitled to the reduction of the rent due to sterility of the leased land or for loss of fruits from ordinary fortuitous cases, but yes in case of loss of more than half of the fruits, due to extraordinary cases.

Understand by extraordinary fortuitous cases fire, war, plague, unusual flood, locust, or similar pests, earthquake or other event equally unusual and that the contracting parties have not been able to reasonably foresee.

In those cases, the lease price will be lowered proportionally to the amount of losses suffered.

The provisions of this article are not waivable.

**ARTICLE 1923.- CONSEQUENCES OF THE LAST LEASE YEAR OF THE SAME.** In the lease of rustic properties for a specified term, the tenant must, in the last year that he stays in the farm, allow his successor or to the owner, where appropriate, the fallow land that he has unoccupied and in which he cannot verify the new planting, as well as the use of the buildings and other means that may be necessary for the preparatory work of the next year.

The permission referred to in the previous paragraph will not be mandatory except in the period and for the strictly indispensable time, in accordance with the customs premises, unless otherwise agreed.

**ARTICLE 1924.- EFFECTS OF THE TERMINATION OF THE LEASE.**

Once the lease is over, the outgoing tenant will have the right to use the land and buildings for the time absolutely essential to the collection and use of the fruits pending at the end of the contract

## CHAPTER VIII OF THE LEASE OF MOVABLE PROPERTY

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**ARTICLE 1925.- APPLICATION OF RULES.** They are applicable to the lease of movable property the provisions of this Title that are compatible with the nature of those assets.

**ARTICLE 1926.- RETURN OF THE LEASED FURNITURE.** If in the contract no term has been set, nor has the use to which the thing been destination, the tenant will be free to return it at any time, and the landlord You may not request it until five days after the contract has been concluded.

**ARTICLE 1927.- PAYMENT OF THE RENT.** If the thing was leased for years, months, weeks or days, the rent will be paid at the expiration of each of these terms, Unless otherwise agreed.

If the contract is concluded for a fixed term, the rent will be paid when it expires, Unless otherwise agreed.

**ARTICLE 1928.- PAYMENT OF INCOME BY EARLY RETURN OF THE THING.** If the tenant returns the thing before the agreed time, when is adjusted for a single price, you are obliged to pay it in full, but if the lease is adjusted for periods of time, you are only obliged to pay the running periods until delivery.

The lessee is obliged to pay the full price when the fixed-time lease and the periods were only put as terms for the pay.

**ARTICLE 1929.- LEASE OF A FURNISHED APARTMENT.** Whether leases a furnished building or apartment, it shall be understood that the lease of the furniture is for the same time as that of the building or room, unless that there is a stipulation to the contrary.

The same will apply in the case of the tools of the leased farm.

When the furniture is rented separately from the building, its rent will be governed by the provisions of this Chapter.

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**ARTICLE 1930.- REPAIRS BY THE LESSEE.** The  
The tenant is obliged to make the small repairs required by the use of  
the thing given in lease.

**ARTICLE 1931.- LIABILITY FOR LOSS OR IMPAIRMENT OF THE  
THING.** The loss or deterioration of the rented thing is always presumed to be in charge  
of the tenant, unless he proves that it occurred through no fault of his own, in which  
case will be in charge of the landlord.

Even when the loss or deterioration occurs due to a fortuitous event, they will be in charge of  
of the tenant, if he used the thing in a way not in accordance with the contract, and without  
the use of which would not have occurred by chance.

**ARTICLE 1932.- OBLIGATIONS OF THE LESSEE IN DEALING WITH  
ANIMALS.** The tenant is obliged to feed and drink the animal  
during the time that you have it in your possession, so that it does not deteriorate,  
cure minor illnesses, without being able to charge the owner anything.

**ARTICLE 1933.- CORRESPONDENCE OF FRUITS ON THE ANIMAL  
RENTED.** The fruits of the rented animal belong to the owner, unless agreed  
otherwise.

**ARTICLE 1934.- DEATH OF THE RENTED ANIMAL.** In case of death of  
any rented animal, its remains will be delivered by the tenant to the owner,  
if they are of any use and transportation is possible.

**ARTICLE 1935.- LEASE OF TWO OR MORE ANIMALS THAT  
FORM A UNIT.** When two or more animals are leased that form a  
everything, such as a team or a shot, and one of them is disabled, the  
lease, unless the owner wants to give another one that forms a whole with which  
continues to be useful.

**ARTICLE 1936.- LIABILITY FOR DISABLING OF THE  
INDIVIDUALLY SPECIFIED RENTED ANIMALS.** The one who hires  
one or more individually specified animals, which before being delivered  
the tenant will be rendered useless through no fault of the lessor, it will be entirely free

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of the obligation if you have notified the tenant immediately after the disabled the animal, but if it has been disabled by fault of the lessor or if it is not has given the notice, will be subject to the payment of damages, or to replace the animal, at the choice of the tenant.

In the case of the previous paragraph, if the rental contract was not a individually determined animal, but of a specific genus and number, the landlord is liable for damages, provided that the delivery.

**ARTICLE 1937.- RIGHTS OF THE LESSEE OVER ANIMALS OF FARMING OR FARMING DERIVED FROM THE LEASE OF A FARM.** If in the lease of a rustic property includes farm or breeding livestock existing in it, the lessee will have, with respect to livestock, the same rights and obligations that the usufructuary, but is not obliged to give surety.

The provisions of the preceding paragraph shall also apply to the lease of things that produce natural fruits, when their use does not report no utility to the tenant, but through its fruits.

### **CHAPTER IX SPECIAL PROVISIONS REGARDING THE LEASES FOR AN UNDETERMINED TERM**

**ARTICLE 1938.- TERMINATION OF THE LEASES INDEFINITELY.** All leases, whether of properties rustic or urban, that have not been held for time expressly determined, they will conclude at will of any of the contracting parties, prior notice to the other party, undoubtedly given two months anticipation if the property is urban, and one year if it is rustic.

**SECTION 1939.- EFFECTS OF THE TERMINATION NOTICE.** Given the notice to referred to in the previous article, the tenant of the urban property is obliged to put cards and show the inside of the house to those who want to see it. With respect to rustic properties, the provisions of articles 1923 and 1924 of this Code.

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**OF THE SUB-LEASE**

**ARTICLE 1940.- PURPOSE OF THE SUB-LEASE.** The tenant does not  
You can sublet the leased thing in whole, or in part, or assign your rights  
Without the consent of the lessor, if it does, it will respond jointly and severally with the  
subtenant for damages.

**ARTICLE 1941.- SUB-LEASE CONCEPT.** There will be  
sublease when the lessee leases all or part of the same  
thing you got on lease. For the validity of the sublease, in addition  
of the authorization that the landlord must give to the tenant, the latter must  
have the ability to lease.

**ARTICLE 1942.- EFFECTS OF THE SUB-LEASE WITH AUTHORIZATION  
GENERAL.** If the sublease is made by virtue of the general authorization  
granted in the contract, the lessee will be liable to the lessor,  
as if he himself continued to use or enjoy the thing

In the case of the previous paragraph, in addition to the responsibility of the lessee, the  
Subtenant will also respond directly to the lessor.

**ARTICLE 1943.- CONSEQUENCE OF THE LACK OF AUTHORIZATION.** But  
there is authorization to sublet, the sublease contract will be  
valid, but the landlord may request the termination of both the lease, as well as  
sublease. Likewise, it is empowered to demand, jointly and severally from the  
lessee and subtenant, the payment of damages and losses that are  
cause.

**ARTICLE 1944.- EFFECTS OF SUB-LEASE WITH  
SPECIAL AUTHORIZATION.** If the landlord expressly approves the contract  
special sublease, the subtenant is subrogated in all  
rights and obligations of the lessee, unless by agreement it is agreed  
another thing.

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Special authorization to sublet to a certain person can be granted  
before the sublease is concluded, or by express consent  
contained in the document in which it is recorded.

**ARTICLE 1945.- AUTHORIZATION TO SUBLET A DETERMINED PERSON.** By virtue of the express authorization to sublet to a certain person, or by the approval of the sublease contract, the lease contract, the tenant being released, except agreement expressly in another sense, in which case the provisions of the same will be followed.

**ARTICLE 1946.- FORMALITIES OF THE SUB-LEASE.** The sublease must be granted with the same formalities required by law for the leasing both in cases of general authorization and in those of express authorization.

**ARTICLE 1947.- EFFECTS OF THE EXPRESS AUTHORIZATION FOR SUBLET.** By virtue of the express authorization to sublet, there will be subrogation under the terms of article 1944 of this Code, if the same conditions of the lease, in the sublease.

There will be novation, when the sublease is carried out by changing some clauses of the lease that substantially modify the primitive legal relationship. In this case, the tenant will also be released, and the subtenant will be directly the only one liable to the lessor.

## CHAPTER XI OF THE CAUSES OF TERMINATION OF CONTRACTS LEASE

**ARTICLE 1948.- CAUSES OF TERMINATION OF THE LEASE.** The lease can end:

- I.- Due to the expiration of the term established in the contract or in the Law, or because satisfied the object for which the thing was leased;
- II.- By express agreement;

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- III.- By nullity;
- IV.- By termination;
- V.- Due to confusion;
- VI.- Due to loss or total destruction of the leased property, due to unforeseeable circumstances or overwhelming force;
- VII.- By expropriation of the leased thing made for reasons of public utility;
- Y
- VIII.- By eviction of the thing given in lease.

**ARTICLE 1949.- TERMINATION OF THE LEASE.** If he lease has been made for a specified time, it concludes on the preset day. If the time has not been set, the provisions of articles 1938 and 1939 of this Order.

**ARTICLE 1950.- EXTENSION OF THE LEASE ONCE THE CONTRACT.** Once a lease has expired, the tenant will have the right, provided that it is up to date in the payment of the rents, to be extended until for one year that contract. The landlord may increase up to ten percent the previous rent, provided that it shows that the rentals in the area in question have suffered a hike after the lease was concluded.

They are exempt from the obligation to extend the lease, the owners who want to live in the house or cultivate the farm whose lease has expired.

The provisions of this article will also apply to leasing by time indeterminate, beginning to run within one year from the day after the in which those referred to in article 1938 of this Code conclude.

**ARTICLE 1951.- NOTIFICATION TO THE LESSEE.** For the exception provided for in the second paragraph of Article 1950, it is necessary that the owner notify judicially, before a Notary or witnesses, with sixty days of anticipation of the expiration of the contract, letting the tenant know his purpose of inhabiting the house or cultivating the farm.

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If, later, he does not inhabit the house or cultivate the farm, he will be responsible for the damages caused to the tenant, by depriving him of the extension annual granted by this Code.

**ARTICLE 1952.- EXTENSION OF THE LEASE ON PROPERTIES RUSTIC.** If after the end of the lease and its extension, if any, the tenant continues without opposition in the enjoyment and use of the property and it is rustic, the contract will be understood to be renewed for another agricultural year.

In the case of the previous paragraph, if the property is urban, the lease

will continue indefinitely, and the tenant must pay the rent that corresponds to the time that exceeds that of the contract according to what he paid.

**ARTICLE 1953.- DATE FROM WHICH THE EXTENSION.** When there is the tacit redirection referred to in the article above, the annual extension to which the tenant is entitled, will begin to run at from the date the contract expires that for an indefinite period of time mentions that precept. For rustic farms, the aforementioned annual extension will run after the end of the year that in turn establishes article 1952 of this Order.

**ARTICLE 1954.- CESSATION OF THE OBLIGATIONS OF THE THIRD PARTY THE EXTENSION OF THE LEASE OPERATED.** When there is an extension in the lease, and in the cases of which the two articles speak above, the obligations granted by a third party for the security of the lease, unless otherwise agreed.

**ARTICLE 1955.- CAUSES FOR RESCISSION OF THE LEASE.** The landlord can demand the termination of the contract:

- I.- Due to the lack of payment of the rent in the terms provided in the articles 1918 and 1921 of this Code;
- II.- For using the thing in contravention of the provisions of section III of the Article 1901 of this Order; Y,
- III.- For the sublease of the thing in contravention of the provisions of article 1940 of this Order.

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**ARTICLE 1956.- RIGHT OF THE LESSEE TO RESCUE THE CONTRACT.** In the cases of article 1913, the lessee may rescind the contract when the loss of use is total; and even if it was partial, if the repair will last more than two months.

If the tenant does not make use of the right to terminate the contract, granted the previous paragraph, once the repair has been made, it will continue in the use of the thing paying the same rent until the lease term ends.

**ARTICLE 1957.- UNFOUNDED OPPOSITION OF THE LANDLORD TO THE SUBLEASE.** If the landlord, without good reason, opposes the sublease that the tenant intends to do with the right, the tenant may request the termination of the

contract.

**ARTICLE 1958.-** SITUATION OF THE USUFRUCTUARY REGARDING THE LEASE. If the usufructuary did not express his quality as such when making the leasing, and because the property has been consolidated with the usufruct, it requires the owner to vacate the farm, the tenant has the right to sue the landlord for compensation for damages.

In the case of the preceding paragraph, the provisions of article 1952 will be observed, in its first paragraph if the property is rustic, and the second paragraph if it is urban.

**ARTICLE 1959.-** SUBSISTENCE OR INSUBSISTANCE OF LEASE FOR JUDICIAL ALIENATION. If the property given in lease is legally disposed of, the lease will subsist, unless it appears that it was held within sixty days prior to the seizure of the property, in which case the lease may be for concluded.

**ARTICLE 1960.-** APPLICATION OF RULES IN CASE OF EXPROPRIATION JUDICIAL ENFORCEMENT. In cases of expropriation and judicial execution, will observe the provisions of article 1885 of this Code.

## TITLE SEVENTH

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## OF THE COMODAT

### SINGLE CHAPTER

**ARTICLE 1961.-** LEGAL DEFINITION OF THE COMODAT. The loan is a contract by which one of the contracting parties is obliged to grant the use of a non-consumable thing, and the other contracts the obligation to restore it individually.

**ARTICLE 1962.-** REQUIREMENTS FOR THE COMODAT ON ASSETS CONSUMABLES. When the loan is for consumable goods, only It will be loaned if, by the will of the parties, its natural destiny is altered, in such so that they are used without being consumed and restored identically.

**ARTICLE 1963.-** SPECIAL AUTHORIZATION IS NECESSARY FOR THE

LEGAL REPRESENTATIVES CAN CELEBRATE COMFORT. The tutors, curators and in general all administrators of other people's assets, may not give the goods entrusted to their custody as bailment, without special authorization.

**ARTICLE 1964.- OBLIGATION RESPONSIBILITY OF THE COMMODATE DERIVED FROM THE CONSERVATION OF THE PROPERTY.** Without permission of the borrower no the borrower may grant a third party the use of the goods delivered in loan

The borrower is obliged to put all diligence in the conservation of the property, and you are responsible for any damage caused by you.

If the deterioration is such that the good is not capable of being used in its use ordinary, the lender may demand the previous value of it, abandoning its property to the borrower.

**ARTICLE 1965.- LIABILITY OF THE ASSISTANT FOR LOSS OR PERIOD OF THE GOOD.** The borrower responds for the loss of the property if used in different use or for a longer time than agreed, even when the former happens by fortuitous event.

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If the thing perishes by fortuitous event, from which the borrower has been able to protect it using his own, or if he cannot keep more than one of the two, he has preferred his, he answers for the loss of the other.

If the good has been estimated when lending it, its loss, even when it occurs for fortuitous event, it is on the account of the borrower, who must deliver the price if not there is an express agreement to the contrary.

**ARTICLE 1966.- LIABILITY OF THE COMMODATE FOR IMPAIRMENT OF THE GOOD.** If the property deteriorates due to the sole effect of the use for which it was borrowed, and through no fault of the borrower, he is not responsible for the deterioration.

The borrower does not have the right to repeat the amount of ordinary expenses that are needed for the use or conservation of the loaned asset.

Nor does the borrower have the right to retain the property on the pretext of what at the expense or for any other reason owed by the owner.

Being two or more borrowers, they are jointly and severally subject to the same obligations.

**ARTICLE 1967.- TIME FOR THE RETURN OF THE PROPERTY .** If it has not Once the use or term of the loan has been determined, the lender may demand the good when you see fit. In this case, the proof of having agreed to use or term, It is the responsibility of the borrower.

The lender may demand the return of the property before the end of the term or agreed use, outliving you urgent need for it, proving that there is danger that it perishes if it continues in the hands of the borrower, or if the latter has authorized to a third party to use the thing, without the consent of the lender.

**ARTICLE 1968.- EXTRAORDINARY EXPENSES FOR CONSERVATION OF THE PROPERTY IN CHARGE OF THE COMMODATE.** If during the loan the borrower has had to make, for the conservation of the property, some expense extraordinary and in such an urgent way that he has not been able to give notice of it to the loan officer, he will be obliged to reimburse it.

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**ARTICLE 1969.- LIABILITY OF THE COMODOR FOR DEFECTS OF THE PROPERTY OR OF THE ASSISTANT FOR THOSE OF THE RETURNED PROPERTY.** When the well lent has defects such as to cause harm to the one who uses it, the The lender is responsible for these, if he knew the defects and did not notify the borrower.

In the restitution of the property, the borrower will be responsible for the vices or defects that he has, as long as they are due to guilt in custody, conservation or use thereof.

**ARTICLE 1970.- LIABILITY OF THE COMMODATE.** The borrower Responds to serious, slight and very slight guilt.

**ARTICLE 1971.- CAUSES OF TERMINATION OF THE COMODAT.** The loan It ends with the death of the borrower.

The loan also ends with the sale of the comfortable asset. In this case the borrower must return the thing to the lender, even when there is no the agreed term or use has ended.

**TITLE EIGHT**  
**THE DEPOSIT OF THE KIDNAPPING**

**CHAPTER I**  
**DEPOSIT**

**ARTICLE 1972.-** LEGAL DEFINITION OF THE DEPOSIT CONTRACT. The Deposit is a contract by which the depositor agrees to deliver something to the depositary, who in turn contracts the obligation to receive it, safeguard it and restore it when requested by the depositor. The deposit can fall on things movable or immovable.

**ARTICLE 1973.-** REMUNERATION OF THE DEPOSITARY. Unless otherwise agreed, the depositary is entitled to compensation for the deposit, which will be arranged

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in accordance with the terms of the contract, and failing that, the uses of the place where the deposit is constituted.

**ARTICLE 1974.-** OBLIGATION OF DEPOSITARIES WITH SECURITIES REDUCED. The depositaries of titles, securities, effects or documents that accrue interest, they are obliged to collect these at the times of its expiration, as well as to practice as many acts as necessary so that the deposited effects retain the value and rights that correspond in accordance with the Laws.

**ARTICLE 1975.-** EFFECTS OF THE LACK OF CAPACITY IN THE DEPOSIT. The incapacity of one of the contracting parties does not exempt the other from the obligations to that are subject to the depositor and the depositary.

The incapable person who accepts the deposit may, if sued for damages, oppose defense of nullity of the contract; but it cannot be exempted from restoring the thing deposited if it is still in his possession, or the benefit he may have received from their alienation.

The incapable depositary will be sentenced to pay damages, if any proceeded with intent or bad faith.

**ARTICLE 1976.-** RETURN OF THE **PROPERTY** BY THE DEPOSITARY. The

The depositary is obliged to return the property when the depositor receives it. request, although when the deposit was constituted a term had been set and it had not arrived.

The depositary may, for just cause, return the property before the deadline.

**ARTICLE 1977.- OFFICIAL RETURN OF THE DEPOSITARY.** If after Once the deposit is constituted, the depositary is aware that the thing is stolen and who is the true owner, you must notify this or the authority competent, with due reserve.

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If within eight days you are not judicially ordered to retain or deliver the property, the depositary can return it to the person who deposited it, without being subject to any responsibility.

**ARTICLE 1978.- PLACE OF RETURN OF THE PROPERTY.** If there is no place designated for the delivery of the deposit, the return will be made in the place where find the well deposited. The delivery costs will be paid by the depositor.

**ARTICLE 1979.- TIME IN THE RETURN OF THE PROPERTY.** When it has not stipulated time, the depositary may return the property to the depositor, when want, as long as you give prudent advance notice, if you need to prepare something to guard the thing.

**ARTICLE 1980.- CONSERVATION OF THE PROPERTY BY THE DEPOSITARY.** The The depositary is obliged to keep the property that is the object of the deposit, as received. In the conservation of the property, it will be liable for the impairments, damages and losses that the deposited goods suffered because of him.

**ARTICLE 1981.- LIABILITY OF THE DEPOSITARY.** The depositary liable for gross fault if the deposit is free. If it is onerous, it will respond of slight guilt.

**ARTICLE 1982.- PLURALITY OF DEPOSITARIES REGARDING A SINGLE WELL.** Since there are several that give a single good or amount in deposit, the depositary to deliver it except with the prior consent of the majority of the

depositors, computed by amounts and not by persons, unless at the the deposit is constituted, it has been agreed that the delivery is made to any of depositors.

The depositary will deliver to each depositor a part of the property, if when the The deposit that corresponds to each one was indicated.

**ARTICLE 1983.- NO OBLIGATION OF THE DEPOSITARY TO DELIVER THE WELL IF YOU HAVE JUDICIAL MANDATE OF WITHHOLDING OR EMBARGO.** The depositary It is not obliged to deliver the property when it has been judicially ordered to retain or seize.

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**ARTICLE 1984.- KNOWLEDGE OF THE DEPOSITARY THAT THE PROPERTY PURPOSE OF THE DEPOSIT IS SUO.** When the depositary discovers or proves that the deposited asset is his, and the depositor insists on upholding his rights, must occur to the Judge asking for an order to retain it or to deposit it judicially.

**ARTICLE 1985.- NO RETENTION OF THE THING BY THE DEPOSITARY BY NON-PAYMENT.** The depositor is obliged to pay the depositary for all expenses that you have made in the conservation of the deposit and the damages that he suffered.

The custodian cannot retain the property, even though when he asked for it he had not received the amount of the expenses referred to in the previous paragraph; but yes you can, in In this case, if the payment is not guaranteed, judicially request the retention of the Deposit.

Nor can you retain the thing as a pledge that guarantees another credit that you have against the depositor.

**ARTICLE 1986.- LIABILITY OF HOSTELERS.** The owners of establishments where guests are received are responsible for deterioration, destruction or loss of the effects introduced in the establishment with its consent or that of its authorized employees, by the people who are there lodge, unless they prove that the damage suffered is attributable to these people, to their companions, their servers or those who visit them, or that comes from fortuitous event, force majeure or vices of the same effects.

The responsibility mentioned in this article will not exceed the sum of thirty times the general daily minimum wage in force in the State of Morelos, when not blame can be attributed to the hotelier or his staff.

**ARTICLE 1987.- LIABILITY OF HOSTELERS REGARDING MONEY OTHER HIGH VALUE OBJECTS.** So that the owners of establishments where guests are received are responsible for the money, titles or objects of notoriously high value that they introduce in the

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establishment the people who stay there, it is necessary that they be delivered in deposit to them or to their duly authorized employees.

**ARTICLE 1988.- NO EXEMPTION OF LIABILITY OF HOSTELERS.**  
The hotelier is not exempt from the responsibility imposed by the two articles above by notices that you put in your establishment to avoid it. Any Pact that it celebrates, limiting or modifying that responsibility, will be null.

**ARTICLE 1989.- LIABILITY OF FUNDS OWNERS, CAFES SIMILAR.** The owners of the inns, cafes, public baths and others Similar establishments are not liable for the effects introduced by the parishioners, unless they are placed under the care of employees of the establishment.

## CHAPTER II OF THE KIDNAPPING

**ARTICLE 1990.- LEGAL DEFINITION OF THE KIDNAPPING.** Kidnapping is the judicial deposit of a disputed thing in the power of a third party, to keep it and custody, until the Judge orders its return or decides who owes surrender.

**ARTICLE 1991.- KINDS OF KIDNAPPING.** Kidnapping is conventional or judicial.

**ARTICLE 1992.- CASE OF CONVENTIONAL KIDNAPPING.** Kidnapping conventional is verified when the litigants deposit the disputed thing in power of a third party who is obliged to deliver it, once the lawsuit has concluded, to which, according to the judgment is entitled to it.

**ARTICLE 1993.- IMPOSSIBILITY OF RELEASE OF THE MANAGER OF THE CONVENTIONAL KIDNAPPING.** The person in charge of the conventional kidnapping can be released from it before the termination of the lawsuit, but by consenting to it all interested parties, or for a cause that the judge declares legitimate.

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**ARTICLE 1994.- APPLICATION OF THE DEPOSIT RULES TO THE KIDNAPPING.** Outside of the exceptions mentioned in the previous articles, The same provisions apply to conventional kidnapping as for Deposit.

**ARTICLE 1995.- NATURE OF THE JUDICIAL KIDNAPPING.** Kidnapping judicial is an act of authority, which is constituted by decree of the Judge, to insuring goods or securities, in order to guarantee the creditor's rights and in your case, proceed to the auction or sale of the same, so that with your product make you preferential payment.

**ARTICLE 1996.- EFFECTS OF THE JUDICIAL KIDNAPPING.** By virtue of judicial kidnapping constitutes a real right of guarantee on the goods subject to embargo. This right will be enforceable against any third party who with subsequently acquires the seized assets or comes into possession of them, by any title.

Likewise, the performer has a preferential right over the product that obtained in the auction or sale of the seized assets. This preference is opposable to all personal creditors of the executed, and to those who have a real right constituted after the kidnapping.

**ARTICLE 1997.- EFFECTS OF THE JUDICIAL KIDNAPPING REGARDING THIRD PARTIES.** For the seizure of real estate to take effect, Regarding third parties, it must be registered in the Public Registry of the Property.

**ARTICLE 1998.- APPLICATION OF RULES OF THE CIVIL PROCEDURAL CODE.** Judicial kidnapping is governed by the provisions of the Civil Procedure Code, or in its defect, by the same of the conventional kidnapping.

## TITLE NINE OF THE MANDATE

**CHAPTER I  
GENERAL DISPOSITION**

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**ARTICLE 1999.- NOTION OF THE MANDATE CONTRACT.** The mandate is a contract by which the agent is obliged to execute on behalf of and on behalf of the principal, or only on his own, the legal acts that he entrusts to him.

**ARTICLE 2000.- IMPROVEMENT, PRESUMPTION OF ACCEPTANCE ACCEPTANCE OF THE MANDATE.** The mandate contract is considered perfect by the acceptance of the agent.

The mandate that implies the exercise of a profession is presumed accepted when is conferred on people who offer the public the exercise of their profession, by the just because they don't refuse it within three days.

Acceptance can be express or tacit. Tacit acceptance is all act in execution of a mandate.

**ARTICLE 2001.- ACTS OBJECT OF THE MANDATE.** They can be subject to mandate all lawful acts for which the law does not require intervention personal of the interested party.

**ARTICLE 2002.- FREE OF CHARGE.** Only the mandate when it has been expressly agreed.

**ARTICLE 2003.- FORMS IN THE MANDATE.** The mandate can be written or verbal.

When the mandate has been verbal, it must be ratified in writing before conclude the business for which it was given.

The verbal mandate is the one granted by word of mouth between those present, whether or not they intervened witnesses.

The written mandate can be given:

I.- In public deed;

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II.- In private writing, signed by the grantor and two witnesses and ratified the signatures before a notary public, judge of first instance, minor judges, or before the corresponding administrative public servant, when the mandate is granted for matters of that nature; Y

III.- In power of attorney without ratification of signatures.

**ARTICLE 2004.- CASES IN WHICH THE MANDATE MUST BE CERTAIN WRITTEN.** The mandate must be granted in a public deed or power of attorney signed before two witnesses and ratified the signatures of the grantor and witnesses before notary, before the Judges or the corresponding administrative authorities:

I.- When it is general;

II.- When the interest of the business is one year of general minimum wage in force in the State of Morelos, or exceeds that amount; Y

III.- When by virtue of it the agent must execute, on behalf of the principal, any act that according to the Law must be recorded in an instrument public.

The mandate may be granted in a private writing signed before two witnesses, without prior ratification of the signatures is necessary, when the interest of the business for which it is granted exceeds two months of the general minimum wage in force in the State of Morelos and does not reach the amount provided in section II.

**ARTICLE 2005.- EFFECTS OF THE LACK OF FORMALITY IN THE MANDATE.** The omission of the requirements established in the articles that precede, cancels the mandate, and only leaves the obligations contracted between the third party who has acted in good faith and the agent, as if the latter has acted in his own business.

In the above case, the principal may demand from the agent the return of the sums that have been delivered and for which the last as a simple depositary.

**ARTICLE 2006.- BAD FAITH IN THE MANDATE REGARDING THE FORMALITIES.** If the principal, the agent and the person who has dealt with him

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proceed in bad faith, none of them shall have the right to assert the lack of form of mandate.

**ARTICLE 2007.- CLASSES OF MANDATE.** The mandate can be general or special. The contents in the first three paragraphs of the article are general following. Any other mandate will have the character of special.

**ARTICLE 2008.- MODALITIES OF SPECIAL GENERAL POWERS.**  
In all general powers of attorney for lawsuits and collections, it will be enough to say that are granted with all the general and special powers that require special clause in accordance with the Law, so that they are understood to be conferred without any limitation.

In the general powers to administer assets, it will suffice to state that there are with that character, so that the attorney-in-fact has all kinds of powers administrative.

In the general powers, to exercise acts of dominance, it will be enough that they are given with that character so that the attorney-in-fact has all the powers of owner, both in regarding the goods, as to make all kinds of arrangements in order to defend them.

When they want to limit, in the three cases mentioned above, the powers of the proxies, the limitations will be recorded, or the powers will be specials.

Notaries will insert this article in the testimonies of the powers that be grant.

**ARTICLE 2009.- SPECIAL CLAUSE TO MAKE DONATIONS IN THE MANDATE.** So that the president can execute donations in the name or on behalf of the principal, it is necessary that he is expressly empowered to do so, without the general power being enough to exercise acts of dominance.

**ARTICLE 2010.- POSSIBILITY OF THE REPRESENTATIVE TO CARRY OUT THE MANDATE ON BEHALF OF OWN OR ON BEHALF OF THE PRINCIPAL.** The mandatary,

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Except for an agreement between him and the principal, he may carry out the mandate dealing in his own name or that of the principal.

**ARTICLE 2011.- ACTION BY THE REPRESENTATIVE IN THEIR OWN NAME EFFECTS.** When the agent acts in his own name, the principal does not have claim against the people with whom the president has contracted, nor these nor against the principal.

In this case, the agent is directly obligated in favor of the person with whom you have contracted, as if the matter were personal to you. The case in which the client's own things are involved.

The provisions of this article are understood without prejudice to the claims between principal and agent.

The agent, in the case referred to in the preceding paragraphs, must transfer to the principal the goods or rights that he has acquired on his own, and sign the necessary documents or contracts so that the principal can be owner of those assets or rights.

## CHAPTER II OF THE OBLIGATIONS OF THE REPRESENTATIVE REGARDING THE PRINCIPAL

**ARTICLE 2012.- DUE PERFORMANCE OF THE REPRESENTATIVE.** The president, in the performance of your order, will be subject to the instructions received from the client and in no case may proceed against express provisions of the same.

**ARTICLE 2013.- ACTION BY THE REPRESENTATIVE WHEN IT DOES NOT EXIST EXPRESS FORECAST BY THE MANDATOR OR AN UNFORNECTED ARISES.** In what is not provided and expressly prescribed by the principal, the agent must consult you, whenever the nature of the business allows. If it is not possible the consultation or if the agent is authorized to act at his discretion, he will may prudence dictate, taking care of the business as your own.

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If an unforeseen accident does, in the opinion of the agent, detrimental to the execution of the instructions received, may suspend the fulfillment of the mandate, thus communicating it to the client by the fastest possible means.

**ARTICLE 2014.- SANCTIONS IN CASE OF EXCESS OR VIOLATION BY THE LEADER.** In operations carried out by the agent, with violation or with excess of the order received must compensate the principal for damages and damages caused and it will be at the option of the latter, to ratify them or leave them to position of the agent. The agent is also responsible for damages and damages caused to the third party with whom he contracted, if he was unaware that the agent exceeded term limits.

**ARTICLE 2015.- OBLIGATION OF THE REPRESENTATIVE TO GIVE NOTICE TO THE PRINCIPAL.** The president is obliged to promptly notify the principal of all the facts or circumstances that may determine it revoke or modify the order. Likewise, it must be given to you without delay execution of said order.

**ARTICLE 2016.- IMPOSSIBILITY OF COMPENSATION FOR THE DAMAGES CAUSED BY THE REPRESENTATIVE.** The agent cannot compensate the damages caused with the benefits that for another reason have provided to the principal.

**ARTICLE 2017.- OBLIGATION OF THE REPRESENTATIVE TO GIVE AN ACCOUNT OF HIS MANAGE THE PRINCIPAL.** The agent is obliged to give the principal an account exact administration according to the agreement, if any; not having it, when the client requests it, and in any case at the end of the contract.

**ARTICLE 2018.- OBLIGATION OF THE REPRESENTATIVE TO DELIVER THE RECEIVED BY VIRTUE OF POWER.** The agent is obliged to deliver to the principal everything he has received by virtue of the power of attorney.

The provisions of the preceding paragraph will be observed even when what the agent received not due to the principal.

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**ARTICLE 2019.- OBLIGATION OF THE REPRESENTATIVE TO DELIVER THE MAJOR INTEREST EARNED.** The agent must pay the interests of the sums that belong to the principal and that he has distracted from his object or invested for their own benefit, from the investment date, as well as those of the amounts in which it is reached, from the date it was constituted in Blackberry.

**ARTICLE 2020.- MULTIPLICITY OF REPRESENTATIVES REGARDING A SAME BUSINESS.** If a mandate is given to several persons in respect of a same business, even in a single act, will not be jointly and severally required if not expressly agreed.

**ARTICLE 2021.- POSSIBILITY OF THE REPRESENTATIVE OF CHARGING A THIRD THE EXERCISE OF THE MANDATE.** The agent may entrust a third the performance of the mandate, if it has express powers to do so.

If the person of the substitute was appointed, he / she may not appoint another; if not appointed person, you can name whomever you want, and in the latter case only will be responsible when the person chosen is in bad faith or is in notorious insolvency.

The substitute has the same rights and obligations towards the principal as the mandatary.

### **CHAPTER III OF THE MANDATORY'S OBLIGATIONS IN RELATION TO THE REPRESENTATIVE**

**ARTICLE 2022.- MANDATOR'S OBLIGATION TO ADVANCE THE NECESSARY EXPENSES, TO EXECUTE THE MANDATE.** The principal must anticipate to the agent, if he requests it, the amounts necessary for the execution of the mandate.

If the agent has anticipated them, the principal must reimburse them, even if the business has not been successful as long as the agent is exempt from fault. The reimbursement will include the interests of the anticipated amount, counting from the day the advance was made.

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**ARTICLE 2023.- COMMANDER 'S COMPENSATION OBLIGATION.** Should The principal shall also indemnify the agent for all damages that has caused him the fulfillment of the mandate, without fault of the same agent.

**ARTICLE 2024.- RETENTION BY THE REPRESENTATIVE OF THE ASSETS OF THE MANDATE.** The agent may retain as a pledge the goods that are the object of the mandate, until the principal makes the compensation and reimbursement dealt with the two previous articles.

**ARTICLE 2025.- PLURALITY OF COMMANDERS REGARDING A COMMON BUSINESS MANDATORY.** If several people had appointed a single agent for some common business, they are obliged jointly and severally for all purposes of the mandate.

#### **CHAPTER IV OF THE OBLIGATIONS RIGHTS OF THE PRINCIPAL OF THE REPRESENTATIVE IN RELATION TO THIRD PARTIES**

**ARTICLE 2026.- MANDATOR'S OBLIGATION TO COMPLY WITH THOSE THAT HAVE CONTRACTED THE REPRESENTATIVE.** The principal must fulfill all obligations that the agent has contracted within the limits of the mandate.

**ARTICLE 2027.- NO REQUEST OF THE REPRESENTATIVE TO REQUIRE THE MANDATOR THE FULFILLMENT OF OBLIGATIONS THAT BY THE CONTRACT.** The agent will have no claim to demand compliance with the obligations contracted on behalf of the principal, unless this power is have also included in power.

**ARTICLE 2028.- NULLITY OF THE ACTS EXECUTED BY THE REPRESENTATIVE PASSING THE MANDATE.** The acts that the agent practices on behalf of the principal, exceeding the express limits of the mandate, will be void, in relation to the same principal, if it does not ratify them tacitly or expressly.

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**ARTICLE 2029.- SITUATION OF THE THIRD PARTY REGARDING THE REPRESENTATIVE.**

The third party that has contracted with the agent who exceeded his faculties, he will have no claim against it, if he has made known which They were the former and he would not have been personally bound by the principal.

What the president, knowing that the mandate has ceased, will do with a third party that ignores the term of the assignment does not oblige the principal, except as provided for by article 2046 of this Code.

**CHAPTER V  
OF THE JUDICIAL MANDATE**

**ARTICLE 2030.- PEOPLE WHO CANNOT BE ATTORNEYS IN JUDGMENT.** They cannot be attorneys in court:

- I.- The disabled;
- II.- The judges, magistrates and other public servants of the administration of justice in exercise, within the limits of its jurisdiction; Y
- III.- The servers of the Public Treasury, in any cause in which they may intervene ex officio, within the limits of their respective competences.

**ARTICLE 2031.- FORMALITIES OF THE JUDICIAL MANDATE.** The mandate judicial will be granted in any of the forms established for the mandate ordinary, or by writing presented, and ratified by the grantor before the Judge of knowledge. If the Judge does not know the grantor, he will require witnesses for ID.

The substitution of the court order will be done in the same way as its grant.

**ARTICLE 2032.- SPECIAL CLAUSES IN THE JUDICIAL MANDATE.** The The attorney does not need a power of attorney or a special clause, except in the following cases:

- I.- To withdraw;
- II.- To compromise;
- III.- To engage in arbitrators;

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- IV.- To absolve and articulate positions;
- V.- To transfer assets;
- VI.- To challenge;
- VII.- To receive payments; Y
- VIII.- For other acts expressly determined by law.

When the general powers want to confer one or more of the faculties just enumerated, the provisions of the first paragraph shall be observed of article 2008 of this Code.

**ARTICLE 2033.- OBLIGATIONS OF THE ATTORNEY.** The attorney, accepted the power of attorney, it is bound:

- I.- To follow the trial by all its instances as long as it has not ceased in its commission for any of the causes expressed in article 2040 of this Ordering;
- II.- To pay the expenses that are caused at your request, except for the right you have that the principal reimburses them; Y
- III.- To practice, under the responsibility that this Code imposes on it, whatever necessary for the defense of its principal, arranging for this purpose at the instructions that he may have given, and if he does not have them, to what the nature and nature of the dispute.

**ARTICLE 2034.- IMPOSSIBILITY OF THE ATTORNEY OR ATTORNEY OF ACCEPT THE JUDICIAL MANDATE OF THE COUNTERPARTY ITSELF JUDGMENT.** The attorney or lawyer who accepts the mandate of one of the parties does not he can admit the opponent, in the same trial, even if the first renounces.

**ARTICLE 2035.- OBLIGATION OF LOYALTY OF THE ATTORNEY WITH HIS POWERFUL.** The attorney or lawyer who reveals to the opposing party the secrets of your principal or client, or provide you with documents or data that harm, will be responsible for all damages and losses, being, in addition, subject to what the Penal Code provides for these cases.

**ARTICLE 2036.- IMPEDIMENT OF THE ATTORNEY.** The attorney who has a just impediment to carry out his assignment, he may not abandon it without

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replace the mandate having powers to do so or without notifying its principal, to name someone else.

**ARTICLE 2037.- OBLIGATIONS OF THE SUBSTITUTE ATTORNEY.** The attorney who has substituted a power of attorney may revoke the substitution if he has faculties to do so, ruling also in this case, with respect to the substitute, provided in section IV of article 2039 of this Code.

**ARTICLE 2038.- PARTY RATIFICATION REGARDING THE ACTS CARRIED OUT BY THE ATTORNEY IN EXCESS OF THE TERM OF OFFICE.** The part can ratify, before the sentence becomes enforceable, what the attorney would have done exceeding the power.

**ARTICLE 2039.- TERMINATION OF THE JUDICIAL MANDATE ITS EFFECTS IN CASE OF DEATH OF THE PRINCIPAL.** The representation of the attorney ceases, in addition to the cases expressed in the following article:

- I.- By separating the principal from the claim or defense that he has formulated;
- II.- For having terminated the personality of the principal;
- III.- For having transferred the client to another his rights over the thing litigious, after the transmission or assignment is duly notified and the put it on record; Y
- IV.- For making the business owner some action in the trial, stating that revokes the mandate.

## CHAPTER VI OF THE VARIOUS WAYS OF ENDING THE MANDATE

**ARTICLE 2040.- TERMINATION OF THE MANDATE.** The mandate ends:

- I.- For the revocation;
- II.- Due to the resignation of the agent;
- III.- Due to the death of the principal or agent;
- IV.- By the interdiction of one or the other;

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Y<sup>a</sup>. Due to the expiration of the term and the conclusion of the business for which it was granted, Y<sup>a</sup>.  
 VI.- In the cases provided by articles 407 and 409 of this Code.

**ARTICLE 2041.- REVOCATION OF THE MANDATE YOUR EXCEPTIONS.** The principal can revoke the mandate when and as he sees fit; less in those cases in which its granting has been stipulated as a condition in a bilateral contract, or as a means to fulfill a contracted obligation.

In these cases, the president cannot renounce power either.

The party who revokes or resigns the mandate at the wrong time must indemnify the other for the damages caused.

**ARTICLE 2042.- EFFECTS OF THE MANDATE AS A CONDITION ON BILATERAL CONTRACT.** The mandate stipulated as a condition in a bilateral contract, prevents the latter from being formed, until said mandate.

**ARTICLE 2043.- AUTHORITY OF THE REPRESENTATIVE HIS EXCEPTIONS.** When the mandate is given as a means to fulfill an obligation contracted by the principal in favor of the agent, the latter is empowered to be paid when exercising the mandate.

**ARTICLE 2044.- ACCESSORY OF THE IRREVOCABLE MANDATE.** The irrevocable mandate, except as provided in the following article, has the character accessory to the bilateral contract of which it is a condition or obligation to whose compliance was granted, if it is inferred from the nature and circumstances of the contract, or of the will of the parties.

In that case, once the bilateral contract or obligation has expired, the mandate will end.

**ARTICLE 2045.- EXPRESS IRREVOCABLE MANDATE.** When expressly it is stipulated that the mandate is granted with the character of irrevocable, it will have such nature even though it is not a condition of a bilateral contract, or not is a means to fulfill a prior obligation.

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**ARTICLE 2046.- REVOCATION OF THE MANDATE CONFERRED TO DEAL WITH A SPECIFIC PERSON.** When a mandate has been given to deal with

determined person, the principal must notify him of the revocation of the mandate, under pain of being bound by the acts of the agent executed after revocation, provided there has been good faith on the part of that person.

**ARTICLE 2047.- RETURN OF DOCUMENTS IN WHICH THE MANDATE.** The principal may demand the return of the instrument or written in that the mandate, and all documents related to the business or business which was in charge of the president.

The principal who neglects to demand the documents that prove the powers of the agent, liable for the damages that may result from that cause to third parties in good faith.

The appointment of a new president for the same matter, the revocation of the first, from the day the new one is notified appointment.

**ARTICLE 2048.- CONTINUATION OF THE MANAGEMENT OF THE REPRESENTATIVE AFTER THE DEATH OF THE MAJOR.** Although the mandate ends at death of the principal, the agent must continue in the administration, meanwhile the heirs provide the business themselves, provided that Otherwise, some damage may result.

When the mandate is judicial, the death of the principal obliges the agent to continue the trial, until an executor is appointed who can appear at the same.

The president has the right to ask the judge to designate a prudent term to the heirs to come forward to take care of their business.

**ARTICLE 2049.- EFFECTS OF TERMINATION OF MANDATE BY DEATH OF THE REPRESENTATIVE.** If the mandate ends due to the death of the agent,

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their heirs must notify the principal and practice, while the latter resolves, only the steps that are essential to avoid any damage.

**ARTICLE 2050.- RESIGNATION OF THE REPRESENTATIVE ITS EFFECTS.** The agent who resigns has an obligation to continue the business while the

client does not provide the representation, if otherwise some damage.

What the president, knowing that the mandate has ceased, will do with a third party that ignores the term of the proxy, does not oblige the principal except as provided for by article 2046 of this Code.

## TITLE TENTH OF THE SERVICE PROVISION CONTRACT

### CHAPTER I OF THE DOMESTIC SERVICE, OF THE SERVICE PER DAY, OF THE SERVICE TO HIGH PRICE IN WHICH THE OPERATOR ONLY PUTS HIS WORK

**ARTICLE 2051.-** APPLICATION OF THE FEDERAL LABOR LAW TO THE CONTRACTS FOR THE PROVISION OF SERVICES IN THIS CHAPTER. The domestic service, wage service and lump sum service in which the Operator only puts his work will be governed by the Federal Labor Law.

### CHAPTER II OF THE PROVISION OF PROFESSIONAL SERVICES

**ARTICLE 2052.-** SETTING BY THE PARTIES OF THE REMUNERATION FOR PROVISION OF PROFESSIONAL SERVICES. The one who lends and the one who receives the professional services can fix, by mutual agreement, the remuneration due for them.

**ARTICLE 2053.-** RULES FOR THE PAYMENT OF FEES WHEN NOT AGREEMENT HAS BEEN CELEBRATED. When there has been no agreement, the fees will be regulated taking into account the customs of the place, the importance of the work provided, to that of the matter or case in which they are provided,

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to the pecuniary faculties of the person receiving the service and to the professional reputation that has acquired the one that has loaned it. If the services provided were regulated by tariff, this will serve as a rule to set the amount of fees claimed.

**ARTICLE 2054.-** NO REMUNERATION TO SERVICE PROVIDERS WITHOUT TITLE THAT HAS MADE THEM. Those who without having the title corresponding professions for the exercise of which the Law requires title, in addition

incurring the respective penalties, they will not have the right to collect remuneration for the professional services they have provided.

**ARTICLE 2055.- INCLUSION OF EXPENSES IN THE PROVISION OF SERVICES.** The provision of professional services may include the expenses to be made in the business in which they are provided. Missing agreement on its reimbursement, the advances will be paid in the terms of the following article, with the legal or conventional revenue, from the day they were facts, without prejudice to liability for damages when there is place to her.

**ARTICLE 2056.- PLACE OF PAYMENT OF EXPENSIVE FEES.** The pay of the fees and expenses, when any, will be made in the place of the residence of the person who has provided professional services, immediately that render each service or at the end of all, when the professional separates or has completed the business or work entrusted to you.

**ARTICLE 2057.- PLURALITY OF PEOPLE WHO CONTRACT THE PROVISION OF PROFESSIONAL SERVICES ON THE SAME LENDER.** If several people commission a business, all of them will be jointly and severally liable for the professional's fees and advances that I would have done.

**ARTICLE 2058.- PLURALITY OF PROFESSIONALS WHO PROVIDE SERVICES REGARDING THE SAME BUSINESS.** When various professionals in the same science provide their services in a business or matter, they may charge the services that each one has provided individually.

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**ARTICLE 2059.- ENFORCEMENT OF THE FEES OF THE PROFESSIONIST.** Professionals have the right to demand their fees, whatever the success of the business or work entrusted to them, except agreement to the contrary.

**ARTICLE 2060.- IMPOSSIBILITY TO CONTINUE THE PROVISION OF SERVICES.** As long as a professional cannot continue to lend their services, you must promptly notify the person who occupies it, leaving obliged to pay the damages caused, when this does not give notice with opportunity.

Regarding lawyers, the provisions of article 2036 shall also be observed.  
of this Order.

**ARTICLE 2061.- RESPONSIBILITY OF THE PROFESSIONIST.** The one who lends professional services is only responsible, towards the people it serves, for ineptitude or fraud, without prejudice to the penalties he may deserve in the event of a crime.

### **CHAPTER III OF THE CONTRACT OF WORK AT INCREASED PRICE**

**ARTICLE 2062.- APPLICATION OF RULES TO THE WORK CONTRACT A INCREASED PRICE.** The work contract at a lump sum, when the employer directs the work and puts the materials, will be subject to the following rules.

**ARTICLE 2063.- RISK IN THE CONTRACT OF WORK AT A HIGH PRICE.** The entire risk of the work will be borne by the employer until the act of the delivery, unless there is delinquency on the part of the owner of the work in receive it, or express agreement to the contrary.

**SECTION 2064.- FORM IN THE CONTRACT OF WORK AT A INCREASED PRICE.** Provided that the employer is responsible for closed adjustment of the work in thing property whose value is more than fifty times the daily minimum wage general current in the State of Morelos, a written contract will be granted, including a detailed description, and in cases where it is require, a plan, design or budget of the work.

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**ARTICLE 2065.- RESOLUTION OF DISADVANTAGES BETWEEN EMPLOYER OWNER.** If there is no plan, design or budget for the execution of the work and Difficulties arise between the employer and the owner, they will be resolved taking into account consider the nature of the work, the price of it and the custom of the place, hearing the expert opinion appointed by the judge.

**ARTICLE 2066.- COLLECTION OF FEES FROM THE DESIGNER EXPERT.** The expert who forms the plan, design or budget of a work, and executes it, not you can charge the plan, design or estimate outside of the fee for the work; more yes this has not been executed because of the owner, you can collect it, unless at the entrust it to him it has been agreed that the owner does not pay it if it does not suit him accept it.

**ARTICLE 2067.- COLLECTION OF FEES BY DESIGNER EXPERTS CALLED.** When several experts have been invited to make plans, designs or budgets, in order to choose among them the one that seems best, and the experts have had knowledge of this circumstance, none can charge fees, unless expressly agreed.

In the case of the previous paragraph, the author of the plan, design or budget may accepted, collect its value when the work is executed according to it by another person.

The author of a plan, design or budget that has not been accepted, may also collect its value if the work is executed according to it by another person, even when modifications have been made to the details.

**ARTICLE 2068.- SETTING THE PRICE OF THE WORK IF IT HAS NOT BEEN AGREED THIS.** When no price has been set when commissioning a work, a will have as such, if the contracting parties do not agree after the start of the work during it or at its completion, the one set by the expert appointed by the judge.

**ARTICLE 2069.- TIME IN THE DELIVERY OF THE PRICE OF THE WORK.** The The price of the work will be paid when it is delivered, unless otherwise agreed.

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**ARTICLE 2070.- IMPOSSIBILITY OF THE PERFORMER OF THE WORK TO ORDER INCREASE IN THE PRICE IF IT IS FIXED.** The employer who is in charge of execute any work for a specified price, you have no right to demand later no increase, even if the price of the materials or the wages.

**ARTICLE 2071.- EFFECTS OF PAYMENT RECEPTION OF THE PRICE.** One time paid and received the price, there is no place to claim on it, unless at pay or receive the parts have expressly reserved the right to claim.

**ARTICLE 2072.- OBLIGATION OF THE WORK EXECUTOR BY ADJUSTMENT CLOSED.** Whoever is forced to do a work by closed adjustment, must begin and conclude in the terms designated in the contract, and in case otherwise, in those that are sufficient, in the opinion of an expert.

**ARTICLE 2073.-** CONDITION OF THE PERFORMER OF THE WORK BY PIECES OR MEASURE. Whoever is obliged to do a work by pieces or by measure, can require that the owner receive it in parts and pay it in proportion to those receive.

The part paid is presumed approved and received by the owner, but there will be no rise to that presumption only because the owner has made good advances account of the price of the work, if it is not stated that the payment is applied to the part already delivered.

The provisions of the preceding paragraphs will not be observed when the pieces to be If they are ordered to be built, they cannot be useful, except by forming a whole together.

**ARTICLE 2074.-** PERSONAL EXECUTION OF THE WORK BY THE ENTREPRENEUR. The employer who is in charge of executing any work cannot have it executed by another, unless otherwise agreed, or the owner consent; In these cases, the work will always be done under the responsibility of the entrepreneur.

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**ARTICLE 2075.-** RESPONSIBILITY OF THE PERFORMER OF THE WORK. The employer is responsible for the work performed by the people he occupies in the construction site.

Received and approved the work for which the employer commissioned it is responsible of the defects that later appear and that come from vices in their construction and workmanship, poor quality of the materials used or defects in the floor on which it was manufactured, unless by express provision of the owner they have employee defective materials, after the employer has given to know its defects, or that it has been built on inappropriate land chosen by the owner despite the employer's observations.

**ARTICLE 2076.-** CONDITION OF THE EXECUTOR WHO DESISTS OF THE CONSTRUCTION SITE. The owner of a work executed for a fixed price may withdraw from the company started, provided that the employer is compensated for all expenses and jobs and the utility that might have been derived from the work.

**ARTICLE 2077.-** EXECUTION OF THE WORK SPECIFYING WEIGHT

MEASURE. When the work was adjusted by weight or measure, without designation of the number of pieces or the total measure, the contract can be resolved by one and the other of the contracting parties, concluded that they are the agreed parties, paying the part completed.

**ARTICLE 2078.- POSSIBILITY OF THE OWNER TO CONFIRM THE EXECUTION OF THE WORK EVERY TIME I PAY THE PERFORMER.** Paid the businessman of what corresponds, according to the two previous articles, the owner remains in freedom to continue the work, employing other people, even when the work follow the same plan, design or budget.

**ARTICLE 2079.- DEATH OF THE ENTREPRENEUR ITS EFFECTS.** If he employer dies before completion of the work, the contract may be terminated, but the owner will cover the heirs of the former, the work and expenses incurred.

**ARTICLE 2080.- LACK OF CONCLUSION OF THE WORK DUE TO AN EXTERNAL CAUSE TO THE EXECUTOR.** The same provision of the preceding article will take place if the

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The employer cannot conclude the work for any reason independent of his Will.

**ARTICLE 2081.- DEATH OF THE OWNER ITS EFFECTS.** If the owner of the work, the contract will not be terminated, and his heirs will be responsible for the compliance with the employer.

Those who work on behalf of the employer or supply material, for the work, they will have no claim against the owner of it, but up to the amount that reaches businessman.

**ARTICLE 2082.- SATISFACTION OF THE OWNER OR ANOTHER PERSON ABOUT THE WORK.** When it is agreed that the work should be done satisfaction of the owner, or of another person, it is understood that the approval, in the opinion of an expert.

**ARTICLE 2083.- RIGHT OF RETENTION OF THE EXECUTOR OF THE CONSTRUCTION SITE.** The builder of any movable work has the right to retain it as long as you are not paid, and your credit will be covered preferably with the price of said work.

**ARTICLE 2084.- RESPONSIBILITY FROM BUSINESSMEN BUILDERS.** Construction entrepreneurs are responsible for the non-observance of the legal provisions that govern this matter and for any damage that they cause.

**CHAPTER IV  
OF THE CONTRACT OF TRANSPORTATION OF THE RENTAL OF TRANSPORTATION**

**ARTICLE 2085.- LEGAL CONCEPT.** The contract by which someone is obliged to transport, under your immediate direction or that of your dependents, by land, by water or through the air, to people, animals, merchandise, or any other objects, if it does not constitute a commercial contract, it will be governed by the following rules.

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**ARTICLE 2086.- LIABILITY OF CARRIERS FOR DAMAGE, LOSS, BREAKDOWNS, OMISSIONS OR MISTAKES.** The carriers respond:

- I.- Of the damage caused to people by defect of the drivers and means of transport they use, and this defect is presumed provided that the employer do not prove that the evil occurred by force majeure or by fortuitous event that did not can be charged;
- II.- Of the loss and damage of the things they receive, unless prove that the loss or damage has come from a fortuitous event, force greater or vice of the same things;
- III.- Of the omissions or mistakes that there are in the remission of effects, already Either they do not send them or they send them to a party other than the one agreed upon; Y
- IV.-Of the damages caused by delay in the trip, either when starting it or during its course, or by path mutation, unless they prove that case fortuitous or force majeure forced them to do so.

**ARTICLE 2087.- RESPONSIBILITY OF THE OWNER OF TRANSPORTATION FOR DANGER OF THE GOOD TRANSPORTED, POOR QUALITY OR NEGLECT WHEN PACKAGING OR PACKAGING IT.** If the good transported is of a nature dangerous, of poor quality or not properly packaged or packaging, and the damage comes from any of those circumstances, the responsibility will be of the owner of the transport, if he was aware of them on

otherwise, the responsibility will be the one who contracted with the carrier, both for the damage caused to the property, such as that received by the means of transport or other people or objects.

**ARTICLE 2088.- NO LIABILITY OF CARRIERS .** The carriers are not responsible for things that are not delivered to them, but to their drivers, rowers or dependents, who are not authorized to receive them.

In the case of the previous paragraph, the responsibility is exclusive of the person to who delivered the thing.

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**ARTICLE 2089.- LIABILITY OF THE DRIVER.** The responsibility of all infractions that are committed during transport, of laws or tax or police regulations, it will be the driver and not the passengers or the owners of the things driven, unless the fault has been committed by this people. Likewise, the driver will be responsible for damages and damages that originate from their lack of skill during the trip.

The carrier will not be responsible for the faults mentioned in the paragraph that precedes, in terms of sanctions, but when it is guilty, but it will be always of the compensation of damages and losses, in accordance with the relative prescriptions.

**ARTICLE 2090.- LACK OF RIGHT OF PEOPLE TRANSPORTED TO REQUIRE GREATER SPEED OR DELAY IN THE TRAVEL.** The transported persons do not have the right to demand acceleration or delay in the trip, or any alteration in the route, or in the detentions or stops, when these acts are marked by the respective regulation or by the contract.

**SECTION 2091.- LETTER OF LETTER.** The effects carrier must extend to the shipper a consignment note of which he may request a copy. On said letter will be expressed:

- I.- The name, surname and address of the shipper;
- II.- The name, surname and address of the carrier;
- III.- The name, surname and address of the person to whom or whose order they are directed the effects, or if they have to be delivered to the bearer of the same letter;

- IV.- The designation of the effects, with expression of their generic quality, of their weight and the external marks or signs of the packages in which they are contained;
- V.- The price of transport;
- VI.- The date on which the expedition is made;
- VII.- The place of delivery to the carrier;
- VIII.- The place and the term in which the delivery will be made to the consignee; Y
- IX.- The compensation to be paid by the carrier in case of delay, if on this point there is a pact.

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**ARTICLE 2092.- DEADLINE FOR THE EXERCISE OF THE CLAIMS DERIVED FROM THE CONTRACT OF TRANSPORTATION.** The claims that are born of transport, whether for or against the carriers, last six months, after the trip is over.

**ARTICLE 2093.- LEGAL DEFINITION OF THE RENTAL CONTRACT OF TRANSPORT.** Renters of any means of transport may rent this to the interested persons, and the contract will be perfected by agreeing on the price and thing of the transport.

In the absence of express agreement, the custom of the place will be observed, already on the amount of the price and expenses, already on the time in which the pay.

**ARTICLE 2094.- OBLIGATION OF THE RENTER TO DECLARE THE DEFECTS OF THE MEANS OF TRANSPORTATION.** The renter must declare the defects of the means of transport, and is responsible for the damages that result from the lack of this statement.

**SECTION 2095.- RISK FOR THE RENTER .** When the medium becomes unusable of transport, the loss will be paid by the renter, if he does not prove that the damage It happened because of the other contractor.

**SECTION 2096.- PAYMENT OF THE CREDIT BY FREIGHT.** The freight credit that is owed to the carrier, it will be paid preferably with the price of the effects transported, if they are in the possession of the creditor.

**ARTICLE 2097.- TERMINATION OF THE TRANSPORTATION CONTRACT.** Contract

transportation is terminable at the will of the shipper, before or after start the trip, paying in the first case half to the carrier and in the first case second the totality of the carriage, and being your obligation to receive the effects in the point and on the day the termination is verified. If you do not comply with this obligation, or will not pay in cash, the contract will not be terminated.

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The contract of carriage shall be terminated prior to commencing the journey, or during its course, if any force majeure event occurs that prevents its initiation or continuation.

In the case provided for in the preceding paragraph, each of the interested parties will lose the expenses that you would have made if the trip has not been made; if it is in progress, the carrier shall be entitled to be paid for the carriage, the part proportional to the path traveled, and will have the obligation to present the effects, for their deposit, to the judicial authority from the point where it is no longer possible to continue it, checking and collecting the relative constancy of finding such effects in the state consigned in the consignment note, of which fact it will give knowledge opportune to the shipper, at whose disposal they must remain.

## CHAPTER V OF THE LODGING CONTRACT

**ARTICLE 2098.-** LEGAL NOTION OF LODGING CONTRACT. The accommodation contract takes place when someone lends to another shelter, through the agreed remuneration, including or not, as stipulated, food and other expenses that originate the lodging.

**ARTICLE 2099.-** TACIT CELEBRATION OF THE LODGING. This contract is will be held tacitly, if the provider of the accommodation has a public house destined to that object.

**ARTICLE 2100.-** EXPRESS ACCOMMODATION. Express lodging is governed by the conditions stipulated and tacit by the respective regulation and that the owner of the establishment must always have it in writing in a visible place.

**ARTICLE 2101.-** GUARANTEE OF PAYMENT TO THE HOSTEL . To cover the amount of the accommodation, the owners of the establishments will ask the guest for a deposit in

guarantee, or advance payment, or ultimately, the luggage will respond of the debt contracted, being retained in pledge.

## TITLE ELEVENTH OF CIVIL ASSOCIATIONS

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## SINGLE CHAPTER OF THE ASSOCIATIONS

**ARTICLE 2102.- LEGAL CONCEPT OF THE ASSOCIATION.** The civil association is a corporation of a private nature, which is granted legal personality and it is constituted by means of a contract by which two or more natural persons agree to meet in a way that is not entirely transitory, to carry out a common, lawful purpose that is not predominantly economic in nature.

**ARTICLE \* 2102 BIS. - SOCIAL NAME OF THE ASSOCIATIONS CIVILIAN.** The denomination of the civil collective legal persons will be formed for the reason or company name approved by its members, followed by the words civil association, or the acronym AC

The reason or company name must not be contrary to the provisions on nomenclature regulated in other laws.

**NOTES:**

**CURRENT REFORM.-** Added by Sole Article of Decree No. 1153, published in the Official Newspaper "Tierra y Libertad" No. 4665 dated 2008/12/11.

**ARTICLE 2103.- CONSEQUENCE DERIVED FROM THE CONTRACT OF CIVIL ASSOCIATION.** They are legal consequences inherent to the personality of the association, the following:

- I.- The patrimony of the association is different and independent of the patrimonies individual members of the associates;
- II.- The association may be creditor or debtor of its members, and, in turn, These can be creditors or debtors of the former;
- III.- The legal relations of the association are independent of the individual legal relationships of the associates; Y
- IV.- There is no joint ownership between the associates with respect to the assets of the association. It exercises an autonomous, direct and immediate right over the same.

**ARTICLE 2104.- FORM OF THE CIVIL ASSOCIATION CONTRACT.** Contract by which an association is constituted, it must be recorded in a public deed

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when the value of the properties contributed reaches or exceeds sixty days of general minimum wage in force in the State of Morelos; and in private writing, if not I will exceed said amount or personal property or industry will be contributed. Also must be recorded in a public deed when an associate transfers to the association assets whose disposal must be done with such formality.

Failure to comply with the required form will lead to the dissolution of the entity in the terms of article 2120 of this Code, which may be requested by any associated.

**ARTICLE 2105.- ADMISSION EXCLUSION OF ASSOCIATES.** The Association you can admit and exclude partners.

**ARTICLE 2106.- BYLAWS OF THE CIVIL ASSOCIATION.** Associations are They will be governed by their statutes, which must be stated at the time of their constitution and they will be registered in the Public Property Registry to produce effects against third party.

**ARTICLE 2107.- ASSEMBLY OF THE CIVIL ASSOCIATION.** The supreme power of associations resides in the general assembly. The director or directors of them shall have the powers granted by the statutes and the general assembly, with subject to these documents.

**ARTICLE 2108.- ASSEMBLY MEETING.** The general assembly will meet in the time fixed in the statutes or when it is summoned by the direction. Is must summon an assembly when it is required to do so at least by the five percent of the associates, or if he does not do so, the Judge of civil matters at the request of said associates.

**ARTICLE 2109.- COMPETENCE OF THE ASSEMBLY.** The general assembly will solve:

I.- On the admission and exclusion of associates, the Council of Directors provisionally exercise this power, subjecting the agreement respective to its ratification by the assembly;

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III.- Regarding the appointment of director or directors when they have not been named in the articles of incorporation;

IV.- On the revocation of the appointments made; Y

V.- On other matters entrusted to them by the statutes.

**ARTICLE 2110.- MATTERS THAT MUST BE TREATED AT THE ASSEMBLY.**

The general assemblies will only deal with the matters contained in the respective agenda.

Its decisions will be taken by majority vote of the members present.

**ARTICLE 2111.- NON- TRANSFERABLE QUALITY OF THE ASSOCIATE.** The quality of associated is non-transferable.

**ARTICLE 2112.- RIGHT TO VOTE SEPARATION OF MEMBERS.**

Each associate will have one vote in the general assemblies.

The associate will not vote on the decisions in which they are directly interested him, his spouse or his ascendants, descendants or relatives collaterals within the second degree.

The members of the association will have the right to separate from it, with prior notice given two months in advance.

**ARTICLE 2113.- EFFECTS OF THE EXCLUSION SEPARATION.** The associates They may only be excluded from the company for the reasons indicated in the statutes.

Associates who voluntarily separate or are excluded will lose all right to the social asset.

**ARTICLE 2114.- RIGHT OF SUPERVISION OF THE ASSOCIATES.** The partners have the right to monitor that the fees are dedicated to the purpose that is proposed the association and for that purpose they can examine the accounting books and other papers of this one.

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**ARTICLE 2115.- CAUSES OF EXTINCTION OF THE ASSOCIATIONS.** The associations, in addition to the causes provided in the statutes, are extinguished:

- I.- By agreement of the general assembly;
- II.- For having concluded the term set for its duration or for having fully achieved the object of its foundation;
- III.- For having become incapable of carrying out the purpose for which they were constituted; Y
- IV.- By resolution issued by the competent authority.

**ARTICLE 2116.- EFFECTS OF THE DISSOLUTION OF THE ASSOCIATIONS SPECIALIZED REGULATION OF BENEFITS.** In case of dissolution, the assets of the association will be applied according to what is determined the statutes, and in the absence of a provision in them, as determined by the general Assembly. In this case, the assembly may only attribute to the associates the part of the social asset that is equivalent to their contributions. The other goods are They will apply to another association or foundation of similar object to the extinct one.

The extinction of charitable associations will be governed by special laws corresponding.

## TITLE TWELVE OF CIVIL SOCIETIES

### CHAPTER I GENERAL DISPOSITION

**ARTICLE 2117.- LEGAL NOTION OF CIVIL SOCIETY.** Civil society is a corporation of a private nature to which legal personality is granted. I know constitutes by contract between two or more people, who meet together permanent way to achieve a common, lawful and possible purpose, of a predominantly economic, through the contribution of goods or industry, or of both, as long as the purpose does not constitute commercial speculation.

**ARTICLE \* 2117 BIS.- COMPANY NAME OF THE COMPANIES CIVILIAN.** The denomination of the civil collective legal persons will be formed

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for the reason or company name approved by its members, followed by the words civil society, or the acronym SC

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**ARTICLE 2118.- PARTNERS 'CONTRIBUTIONS.** The contribution of Partners can consist of an amount of money or other assets, or your industry. The contribution of goods implies the transfer of their domain to the company, except that something else is expressly agreed.

**ARTICLE 2119.- FORMALITIES OF THE COMPANY.** The partnership contract must be in writing, but it will be recorded in a public deed when any partner transfers to the company assets whose transfer must be done in writing public.

**ARTICLE 2120.- LEGAL CONSEQUENCES FOR LACK OF FORMALITY.** The lack of a prescribed form for the partnership contract only produces the effect that partners can request, at any time, to be make the liquidation of the company as agreed, and in the absence of an agreement in accordance with Chapter IV of this Title, but while that liquidation is not request, the contract produces all its effects between the partners and they cannot oppose to third parties who have contracted with the company, the lack of form.

**ARTICLE 2121.- NULLITY OF THE COMPANY DUE TO ILLICIT PURPOSE.** Whether I will form a company for an illicit object, at the request of any of the partners or of an interested third party, the nullity of the company will be declared, which will put into liquidation.

After paying the corporate debts, according to the law, the partners are will reimburse what they have brought to society.

The profits will go to the public welfare establishments of the place of domicile of the company.

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**ARTICLE 2122.- REQUIREMENTS THAT THE CONTRACT OF SOCIETY.** The partnership contract must contain:

- I.- The names and surnames of the grantors who are capable of being bound;
- II.- The company name to which the words "civil society" will be added, or the acronym SC
- III.- The object of the company; Y
- IV.- The amount of the share capital and the contribution with which each partner must contribute.

If any of these requirements are missing, the provisions of article 2120 of this Code.

**ARTICLE 2123.- REGISTRATION OF THE COMPANY CONTRACT.** Contract company must be registered in the Public Property Registry so that produce effects against third parties.

**ARTICLE 2124.- EFFECTS OF THE PREVIOUS PARTNERSHIP CONTRACT ITS INSCRIPTION.** Before being registered in the Public Property Registry, the partnership contract, will take effect between the partners. Third parties may take advantage of the existence of the society, and the terms of the social pact, even when it has not been registered, but they cannot be opposed to their detriment.

**ARTICLE 2125.- INALTERABLE FORM OF CIVIL SOCIETY.** The companies of a civil nature, which take the form of commercial companies, are subject to commercial law.

**ARTICLE 2126.- LEONINA CIVIL SOCIETY.** The society in which it is stipulate that the benefits belong exclusively to one or more of the partners or all losses to another or others.

**ARTICLE 2127.- IMPOSSIBILITY OF REFUND OF CONTRIBUTIONS TO CAPITALIST PARTNERS.** It cannot be stipulated that capitalist partners are pay back your contribution with an additional amount, whether or not there is a profit.

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**ARTICLE 2128.- MODIFICATION OF THE COMPANY CONTRACT.** Contract Society can not be modified except by unanimous consent of the partners.

**ARTICLE 2129.- CAPACITY OF CIVIL SOCIETIES TO ACQUIRE REAL ESTATE.** The ability for societies acquire real estate will be governed by the provisions of article 27 of the Federal Constitution and its regulatory laws.

Cooperative societies are not included in this title, nor are mutualists, who will be governed by the respective special laws.

**ARTICLE 2130.- OBLIGATION OF PARTNERS TO SANITATION BY EVICTION.** Each member will be obliged to reorganization in the case of eviction of the things that it contributes to society, as corresponds to all alienating, and compensate for the defects of those things, as is the seller with respect to the buyer, but if what he promised was the use of goods determined, will respond for them according to the principles that govern the obligations between the landlord and the tenant.

**ARTICLE 2131.- OBLIGATIONAL IMPOSSIBILITY OF NEW CONTRIBUTIONS.** Unless it has been agreed in the partnership agreement, no Members may be obliged to make a new contribution to broaden the social business. When the increase in capital stock is agreed by the majority, non-compliant partners can separate from the partnership without responsibility to them.

**ARTICLE 2132.- GUARANTEE OF SOCIAL OBLIGATIONS.** The social obligations will be guaranteed subsidiarily by the unlimited and joint liability of the partners they manage; others partners, unless otherwise agreed, will only be bound by their contribution.

**ARTICLE 2133.- ASSIGNMENT OF PARTNER RIGHTS.** The partners do not can assign their rights without the prior and unanimous consent of others partners, and without it, other new partners cannot be admitted, except by agreement in On the contrary, in both cases.

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**ARTICLE 2134.- RIGHT OF ALL PARTNERS.** The partners will enjoy of the right of both. If several partners want to make use of both, it will be up to them this in the proportion they represent. If there are two or more partners with the same proportion will decide luck.

The term to make use of the right of both will be eight days, counted from that they receive notice of the one who intends to dispose of. If the right of both is not respected, the assignor will be obliged to indemnify.

**ARTICLE 2135.- EXCLUSION OF PARTNERS.** No partner can be excluded from society but by the unanimous agreement of the other partners and for serious reasons provided for in the statutes.

**ARTICLE 2136.- LIABILITY OF THE EXCLUDED PARTNER.** The partner excluded is responsible for the part of losses that corresponds to him, and the other partners may retain part of the capital and profits of the former, until the completion of the pending operations at the time of the declaration, and must be done until then the corresponding settlement.

## CHAPTER II OF THE COMPANY'S ADMINISTRATION

**ARTICLE 2137.- UNIPERSONAL OR PLURAL ADMINISTRATION OF THE SOCIETY.** The administration of the company can be conferred to one or more partners. Having partners specially in charge of the administration, the Others will not be able to oppose or hinder the efforts of those, nor prevent their effects. If the administration had not been limited to any of the partners, will observe the provisions of article 2141 of this Regulation.

The appointment of the managing partners, made in the deed of society, It cannot be revoked without the consent of all non-managing partners, unless judicially due to fraud, fault or inability.

The appointment of administrators, made after the company is constituted, It is revocable by majority vote.

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**ARTICLE 2138.- RIGHT OF PARTNERS TO REVIEW THE ADMINISTRATION.** The appointment of the managing partners does not deprive the other partners have the right to examine the state of corporate affairs and require for this purpose the presentation of books, documents and papers, in order to that the claims they deem appropriate can be made. The waiver of the right set forth in this article.

**ARTICLE 2139.- POWERS INHERENT OF THE ADMINISTRATORS AUTHORIZATION OF PARTNERS FOR CERTAIN MATTERS.** The managing partners will exercise the powers that are necessary for the business and development of the businesses that form the object of the company, but except Agreement to the contrary, they need express authorization from the other partners:

- I.- To dispose of the assets of the company, if it has not been established with that object;
- II.- To pledge, mortgage or encumber them with any other real right; Y
- III.- To borrow capital.

**ARTICLE 2140.- POWERS NOT EXPRESSLY GRANTED TO THE ADMINISTRATORS.** The powers that have not been granted to the administrators will be exercised by all partners, resolving the issues by majority vote. Most will be computed by quantities, but when a Only one person represents the greatest interest and it is a company of more than three partners, the vote of at least one third of the partners is required.

**ARTICLE 2141.- EXERCISE OF THE PLURAL ADMINISTRATION.** Being several the partners in charge of the administration, without declaration that must proceed in agreement, each of them may practice separately the administrative acts that it deems appropriate.

If it has been agreed that an administrator can do nothing without a competition another, may only proceed otherwise, in case it may result serious and irreparable damage to society.

**ARTICLE 2142.- COMMITMENTS OF THE COMPANY IN EXCESS OF POWERS OF THE ADMINISTRATOR.** The commitments made by the

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managing partners on behalf of the company, exceeding their Faculties, if they are not ratified by it, only oblige society by reason of the benefit received.

**ARTICLE 2143.- VALIDITY OF ACTS PERFORMED BY THE MAJORITY OF THE ADMINISTRATORS.** Obligations contracted by the majority of the partners in charge of the administration, without the knowledge of the minority, or Against their express will, they will be valid, but those who have contracted them will be personally responsible to society for the damages caused by them are caused.

**ARTICLE 2144.- ACCOUNTABILITY OF THE ADMINISTRATORS.** The The managing partner or partners are required to be held accountable whenever request the majority of the partners, even when it is not the time fixed in the contract of society.

**ARTICLE 2145.- MANAGEMENT OF THE COMPANY'S BUSINESS WITH PARTICIPATION OF ALL PARTNERS.** When management is not has limited any of the partners, all will have the right to attend the direction and management of common businesses. Decisions will be made by majority, observing the provisions of article 2140 of this Coding.

### CHAPTER III OF THE DISSOLUTION OF THE COMPANY

**ARTICLE 2146.- CAUSES OF DISSOLUTION OF THE COMPANY.** Society is dissolves:

- I.- By unanimous consent of the partners;
- II.- Due to the expiration of the term prescribed in the partnership contract;
- III.- Due to the complete realization of the social purpose, or because the achievement of the purpose of the company;
- IV.- Due to the death or disability of one of the partners that has unlimited liability for social commitments, except that in the

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Articles of Incorporation It has been agreed that the company continues with the survivors or with the heirs of the former;

V.- Due to the death of the industrial partner, provided that his industry has given birth to society;

VI.- Due to the resignation of one of the partners, in the case of companies of indefinite duration and the other partners do not wish to continue in partnership, provided that such resignation is not malicious; Y

VII.- By judicial resolution.

For the dissolution of the company to take effect against a third party, it is necessary that be recorded in the Public Property Registry.

**ARTICLE. 2147.- TACITA EXTENSION OF THE DURATION OF THE COMPANY.**

After the term for which the company was incorporated, if it continues running, its duration shall be understood to be extended indefinitely, without need for new social writing and its existence can be demonstrated by all the means of proof.

**ARTICLE 2148.- LEGAL PRESUMPTION OF MALICIOUS RESIGNATION.** In order to effects of section VI of article 2146 the resignation is considered malicious when the partner who does it intends to take advantage exclusively of the profits or avoid losses that the partners should receive or report in common according to the agreement.

**ARTICLE 2149.- EFFECTS OF THE DISSOLUTION OF THE COMPANY.** The dissolution of the company does not modify the commitments made with third parties.

**CHAPTER IV  
OF THE LIQUIDATION OF THE COMPANY**

**ARTICLE 2150.- DEADLINE REQUIREMENTS FOR THE LIQUIDATION OF THE SOCIETY.** Once the company is dissolved, it will be immediately put into liquidation, the which will be practiced within a period of six months, unless otherwise agreed.

When the company goes into liquidation, the words "in liquidation".

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**ARTICLE 2151.- PARTICIPANTS IN THE LIQUIDATION.** The settlement must be done by all partners, unless they agree to appoint liquidators or they were already named in the social writing.

**ARTICLE 2152.- DISTRIBUTION OF PROFITS.** If the commitments are covered social and returned the contributions of the partners, some goods remain, they will consider profits and will be distributed among the partners in the agreed manner. Yes there was no agreement, they will be distributed proportionally to their contributions.

**ARTICLE 2153.- TIME FOR THE DISTRIBUTION OF PROFITS.** Neither him capital nor profits can be distributed until after the dissolution of the company. society and after the respective liquidation, unless otherwise agreed.

**ARTICLE 2154.- DISTRIBUTION OF LOSSES.** If the company did not liquidate sufficient assets remain to cover social commitments and return their contributions to partners, the deficit will be considered a loss and will be distributed among the partners in the manner established in the previous article.

**SECTION 2155.- PROPORTION OF LOST PROFITS.** If I only know has agreed what should correspond to the partners for profits, in the same proportion will be liable for losses.

**ARTICLE 2156.- RULES OF PROPORTION OF PARTICIPATION FOR THE INDUSTRIAL PARTNER.** If any of the partners contributes only with their industry, without that this has been estimated, nor has it been designated a quota that should be receive, the following rules will be observed:

I.- If the work of the industrialist can be done by another, his quota will be the one that corresponds by reason of salaries and fees, and the same will be observed if there are several industrial partners;

II.- If the work cannot be done by another, their fee will be equal to that of the partner capitalist who has more.

III.- If there is only one industrial partner and another capital partner, they will be divided among themselves by equal parts profits; Y

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IV.- If there are several industrial partners and they are in the case of section II, they will take together half of the profits and divide them among themselves by agreement and, in the absence of this, by court decision.

**ARTICLE 2157.- MIXED REGIME OF THE INDUSTRIAL PARTNER.** If the partner has also contributed some capital, it will be considered and the industry separately.

**ARTICLE 2158.- DISTRIBUTION OF CAPITAL BY CONCURRING PARTNERS CAPITALISTS AND INDUSTRIALS.** If at the end of the company in which there is capitalist and industrial partners, it turns out that there were no profits, all capital It will be distributed among the capitalist partners.

**ARTICLE 2159.- LIABILITY OF INDUSTRIAL PARTNERS.** Except Agreement to the contrary, the industrial partners will not be liable for losses.

**ARTICLE 2160.- PARTIAL LIQUIDATION OF A PARTNER.** In the event that a the death of a partner, the company must continue with the survivors, will proceed to the liquidation of the part that corresponds to the deceased partner, for hand it over to his succession. The heirs of the one who died will have the right to capital and profits that correspond to the deceased at the time of his death and, as successively, they will only have part in what necessarily depends on the rights acquired or the obligations contracted by the partner who died.

## TITLE THIRTEENTH

### SINGLE CHAPTER OF FOREIGN SOCIETIES ASSOCIATIONS

**ARTICLE 2161.- AUTHORIZATIONS FOR ASSOCIATIONS FOREIGN COMPANIES OPERATE IN MORELOS.** So that Associations and foreign companies of a civil nature can exercise their activities in the State of Morelos, must be authorized by the Secretariat of Foreign Relations and by the Executive of the State.

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The existence, capacity to be the holder of rights and obligations, operation, transformation, dissolution, liquidation and merger of the persons foreign morals of a private nature shall be governed by the right of their constitution, understood as that of the State in which the formal and substantive requirements for the creation of such persons.

In no case will the recognition of the capacity of a legal person foreign shall exceed that granted by the right under which it was incorporated.

When any foreign person of a private nature acts through any representative, it will be considered that such representative, or whoever replaces him, is authorized to respond to claims and demands that are attempted against said person for the acts in question.

**ARTICLE 2162.- VERIFICATION OF REQUIREMENTS FOR THE ASSOCIATIONS FOREIGN SOCIETIES MAY MAKE THEIR ACTIVITIES IN MORELOS.** The authorization of the State Executive is not will grant if not checked:

- I.- That the respective associations or companies are constituted with according to the laws of your country or state and that its statutes contain nothing that is contrary to Mexican public order laws; Y
- II.- That they have a representative domiciled in the place where they will operate, sufficiently authorized to respond to the obligations they contract the aforementioned legal entities.

**ARTICLE 2163.- REGISTRATION OF SOCIETIES ASSOCIATIONS FOREIGN CIVILIANS IN THE REGISTRY OF COMPANIES.** Granted the authorization by the Ministry of Foreign Relations and the State Executive, The statutes of the foreign associations and companies.

## TITLE FOURTEENTH

### CHAPTER I GENERAL PROVISIONS OF RURAL PARKING

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**ARTICLE 2164.- TYPES OF RURAL PARKING.** Rural sharecropping includes agricultural and cattle sharecropping.

**ARTICLE 2165.- FORMALITIES OF THE RURAL PARKING.** The contract of Sharecropping must be granted in writing, forming two copies, one for each contractor.

**CHAPTER II**  
**OF THE AGRICULTURAL FARMHOUSE**

**ARTICLE 2166.-** LEGAL CONCEPT OF THE AGRICULTURAL FARMHOUSE. Have place the agricultural sharecropping, when one person gives another a rustic property to cultivate it, in order to distribute the fruits in the way they agree or in the absence of agreement, in accordance with the customs of the place, in the concept that the sharecropper You may never be entitled to less than forty percent of the amount for your work alone. Harvest.

**ARTICLE 2167.-** SITUATION OF THE AGRICULTURAL FARMHOUSE IN CASE OF DEATH OF THE CONTRACTORS. If during the term of the contract he dies the owner of the property given in sharecropping, or it is alienated, the sharecropping it will subsist.

If it is the sharecropper who dies, the contract can be terminated, unless agreed otherwise.

When at the death of the sharecropper some work had already been done, such such as the fallow of the land, the pruning of the trees or any other work necessary for cultivation, if the owner terminates the contract, he has obligation to pay the sharecropper's heirs the amount of these works, in how much you take advantage of them.

**ARTICLE 2168.-** NOTICE FROM THE **PARKER** TO THE OWNER FOR RAISE OR HARVEST. The farmer who has inheritance in sharecropping does not he will be able to raise the crops or reap the fruits in which he must have part, without giving

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notice to the owner or whoever takes his place, being in the place or within the municipality to which the property corresponds.

**ARTICLE 2169.-** ABSENCE OF THE OWNER OR REPRESENTATIVE OF THE WELL GIVEN IN PARKING. If neither in the place nor within the municipality find the owner or his representative, the sharecropper may do the harvest, measuring, counting or weighing the fruits in the presence of two capable witnesses.

**ARTICLE 2170.-** FIXING BY EXPERTS FOR THE DISTRIBUTION OF FRUITS IN FAVOR OF THE OWNER. If the sharecropper does not comply with the provisions of both previous articles, will be obliged to deliver to the owner the amount of

fruits that, in accordance with the contract, establish a judicially appointed expert.

**ARTICLE 2171.- LIFTING OF FRUITS BY THE OWNER.** The

The owner of the land will not be able to raise the harvest until the sharecropper abandon planting.

In this case, the provisions of the final part of article 2169 will be observed, and if not does so, the provisions of article 2170 of this Code shall be applied by analogy.

**ARTICLE 2172.- LEGAL IMPOSSIBILITY OF THE OWNER TO**

**RETAIN PARTIALLY OR TOTALLY THE FRUIT.** The land owner does not have the right to withhold, on its own authority, all or part of the fruits that correspond to the sharecropper, to guarantee what he owes him by reason of the sharecropping contract.

**ARTICLE 2173.- EFFECTS OF THE PARKING IN CASE OF LOSS**

**TOTAL HARVEST.** If the harvest is completely lost, the sharecropper will not you have an obligation to pay for the seeds you have provided for sowing the owner of the land; if the crop loss is partial, in proportion to that loss, the sharecropper will be free to pay for the seeds in question.

**ARTICLE 2174.- OBLIGATION OF THE OWNER TO ALLOW THE**

**CONSTRUCTION OF A ROOM TO THE PARKING LOT.** When the sharecropper establish your room in the field you are going to cultivate, the owner to allow him to build a room if there is no room and that

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get the drinking water and firewood you need to meet your needs and of his family, as well as that he uses the grass indispensable to feed the animals used in cultivation.

**ARTICLE 2175.- RIGHT OF THE TOTAL OF THE PASSENGER.** At the end of the sharecropping contract, the sharecropper who has faithfully fulfilled his commitments, he has the right of both, if the land he was cultivating is going to be given in new sharecropping.

**ARTICLE 2176.- IMPOSSIBILITY OF THE OWNER.** The owner has no right to leave their lands idle, but for as long as it takes for them to regain their fertilizing properties. Consequently, after the time that in each region fixes the municipal authority, according to the nature of the crops, if

the owner does not start to cultivate them by himself or through others, he has obligation to give them in sharecropping, according to the custom of the place, to whom request and offer the necessary conditions of good repute and solvency.

### CHAPTER III OF THE LIVESTOCK SHOW

**ARTICLE 2177.-** LEGAL NOTION OF LIVESTOCK APARTMENT. Occurs livestock sharecropping when one person gives another a certain number of animals in order to take care of them and feed them, in order to distribute the fruits in the proportion that are appropriate.

**ARTICLE 2178.-** POSSIBLE OBJECTS OF LIVESTOCK LIVESTOCK. The object of this partnership is the offspring of the animals and their products, such as fur, manes, wool, milk and the like.

**ARTICLE 2179.-** CONDITIONS OF THE LIVESTOCK LIVESTOCK SUPPLETORITIES OF CUSTOM. The conditions of this contract are will be regulated by the will of the interested parties, but in the absence of an agreement, the general custom of the place, except for the following provisions.

**ARTICLE 2180.-** KEEPING OBLIGATIONS GOOD TREATMENT TOWARDS THE ANIMALS BY THE PARKER. The sharecropper of cattle is

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obliged to use in the care and treatment of animals, the appropriate be careful, and if you do not do so, you will be responsible for the damages.

**ARTICLE 2181.-** OBLIGATIONS OF THE OWNER TO GUARANTEE THE PARKING POSSESSION USE OF CATTLE SUBSTITUTE ANIMALS LOSS BY EVICTION. The owner is obliged to guarantee his sharecropper possession and use of livestock and substitute for others, in case of eviction, lost animals; otherwise, you are responsible for the damages and damages caused by the lack of fulfillment of the contract.

**ARTICLE 2182.-** NULLITY OF THE AGREEMENT BY WHICH THE PARKER ABSORB ALL LOSSES. The agreement by which all losses resulting from a fortuitous event, are on behalf of the sharecropper of cattle.

**ARTICLE 2183.-** IMPOSSIBILITY OF THE PARKER TO HAVE THE

WON FROM SHEARING. The sharecropper of cattle may not have no head, nor of the young, without the consent of the owner, nor the latter without that of that.

The sharecropper may not do the shearing without giving notice to the owner, and if he fails to do so, The provisions of article 2170 of this Code shall apply.

**ARTICLE 2184.- DURATION OF THE LIVESTOCK LIVESTOCK.** Sharecropping of cattle lasts the agreed time, and in the absence of an agreement, the time that is custom in place.

**ARTICLE 2185.- OWNER'S RIGHT OF CLAIM.** The owner whose livestock is unduly alienated by the sharecropper, has the right to claim it, except when it has been auctioned in public auction, in this In this case, you may claim the damages caused by the lack of notice.

**ARTICLE 2186.- TACIT EXTENSION OF THE LIVESTOCK APARTMENT.** Yes the landlord does not demand his share within sixty days after the expiration of the time of the contract, it will be understood that it has been extended for one year and the cattle that corresponded will be added to the one that was the object of the sharecropping.

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**ARTICLE 2187.- RIGHT OF TOTAL IN THE LIVESTOCK SHOW.**  
In the case of sale of the animals, before the end of the contract of sharecropping, the contracting parties will enjoy the right of both.

## TITLE FIFTEEN OF RANDOM CONTRACTS

**ARTICLE 2188.- LEGAL IMPOSSIBILITY OF DEMAND TO PAY DEBTS DERIVED FROM PROHIBITED GAMBLING.** The Law does not grant the right to claim what is won in forbidden gambling.

The legislation on the matter will indicate which games are prohibited.

**ARTICLE 2189.- RIGHT OF REPETITION OF THE ONE WHO HAS PAYED A DEBT DERIVED FROM PROHIBITED GAME.** He who voluntarily pays a debt arising from prohibited gambling or your heirs, you have the right to claim the return of fifty percent of what was paid. The other fifty for

one hundred will not remain in the power of the beneficiary, but will be delivered to the Public Charity.

**ARTICLE 2190.- ANALOGUE APPLICATION OF GAMES BETTING PROHIBITED.** The provisions of the two previous articles shall apply to the bets that must be considered prohibited.

**ARTICLE 2191.- CIVIL OBLIGATION OF PAYMENT OF PROCEEDING DEBT OF GAME OR BETTING BID RIGHT OF RETURN.** The one who loses in a game or bet that is not prohibited, is civilly obligated, with such that the loss does not exceed one twentieth of your fortune. Prescribes in thirty days the right to demand the gambling debt referred to in this article.

Voluntary compliance with legal gambling or betting debts exceeding the permitted limit does not give the right to demand the return of the excess.

When people use the means of luck, not as a bet or game, but to divide common things or finish questions will produce, in the

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In the first case, the effects of a legitimate partition, and in the second, those of a transaction.

**ARTICLE 2192.- IMPOSSIBILITY OF COMPENSATION OR NOVATION OF DEBT DERIVED FROM GAME OR PROHIBITED BET.** Gambling debt or of prohibited bets cannot be offset, nor be converted by novation into a civilly effective obligation.

**ARTICLE 2193.- SIMULATED CIVIL OBLIGATION THAT IN REALITY DERIVES OF A GAMING DEBT OR PROHIBITED BET.** The one who signed an obligation that was actually caused by a gambling or gambling debt prohibited, preserves, even if a civil cause is attributed to the obligation effective, the defense that arises from the previous article.

**ARTICLE 2194.- OBLIGATION DERIVED FROM THE GAME OR BET PROHIBITED UNDER THE FORM OF CIVIL TITLE.** If to a gambling obligation or prohibited gambling has been given the form of civil title to the order or to the bearer, the subscriber must pay it to the bearer in good faith, but will have the right granted by article 2189 of this Ordinance.

**ARTICLE 2195.- REGULATION OF RAFFLE LOTTERIES.** Lotteries or raffles

when allowed, they will be governed by the laws of the matter.

## CHAPTER I OF THE LIVING INCOME

### **ARTICLE 2196.- LEGAL DEFINITION OF LIFE INCOME.** Life annuity

It is a random contract by which the debtor is obliged to periodically pay a pension for the life of one or more specified persons, through the delivery of an amount of money or of a movable thing or estimated root, whose domain is it transfers you of course.

The life annuity can also be constituted purely free of charge, either for donation or by will.

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**ARTICLE 2197.- FORMALITIES OF THE LIVING INCOME.** The contract of Life annuity must be made in writing, and in public deed when the assets whose property is transferred must be alienated with that formality.

**ARTICLE 2198.- OBJECTS OF CONSTITUTION OF THE LIFE INCOME.** The Life annuity contract can be constituted on the life of the one who gives the capital, on that of the debtor or on that of a third party. It can also be constituted, in favor of the person or persons on whose life is granted, or in favor of another or other different people.

Although when the life annuity is constituted in favor of a person who has not given the capital, it should be considered as a donation, it is not subject to precepts that make up this contract, except in cases where it must be reduced by ineffective or annulled due to the incapacity of the person who should receive it.

**ARTICLE 2199.- CAUSES OF NULLITY OF THE LIVING INCOME.** Contract life annuity is null if the person on whose life it is constituted has died prior to its granting.

The contract is also void if the person in whose favor the rent is constituted, dies within the period specified therein and which may not be less than thirty days, counted from the granting.

**ARTICLE 2200.- SPECIFIC RESCISSION OF THE LIVING INCOME.** That to whose favor the rent has been constituted, by means of a price, can demand the termination of the contract, if the constituent does not give or retain the securities stipulated for its execution.

**ARTICLE 2201.- LACK OF AUTHORIZATION FOR THE PENSIONIST TO REQUEST THE REFUND.** The mere lack of pensions does not authorize the pensioner to demand the reimbursement of the capital or the return of the thing given to constitute the rent.

The pensioner, in the case of the previous paragraph, only has the right to sue judicially to the debtor, for the payment of the overdue rents, and to request the future assurance.

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**ARTICLE 2202.- FORM OF PAYMENT.** The income corresponding to the year in which the one who enjoys it dies, it will be paid in proportion to the days that he lived, but if had to be paid in advance installments, the total amount of the installment that during the life of the rentier it would have begun to be fulfilled.

**ARTICLE 2203.- UNEMBARGOABLE INCOME.** Only the one that constitutes free title an income on your assets, you can have, at the time of the grant, which will not be subject to seizure by the right of a third party.

The provisions of the preceding paragraph do not include contributions.

If the rent has been constituted for food, it cannot be seized except in the part that at the discretion of the Judge exceeds the amount that is necessary to cover those, according to the circumstances of the person.

**ARTICLE 2204.- DURATION OF THE LIVING INCOME ON THE LIFE OF THE PENSIONER.** The life annuity established on the life of the same pensioner, It is not extinguished except with the death of the latter.

**ARTICLE 2205.- DURATION OF THE LIFE INCOME ON THE LIFE OF A THIRD.** If the income is constituted over the life of a third party, it will not cease with the death of the pensioner, but will be passed on to his heirs, and will only cease with the death of the person on whose life it was constituted.

**ARTICLE 2206.- CONDITION FOR THE PENSIONIST TO BE ABLE TO**

DEMAND PENSIONS. The pensioner can only demand the pensions, justifying their survival or that of the person whose life is constituted the rent.

**ARTICLE 2207.- RETURN OF THE CAPITAL BY THE LIFE RENTIST**

DEBTOR. If the person paying the annuity has caused the death of the creditor or the of the one on whose life it had been constituted, must return the capital to which the constituted or his heirs.

**CHAPTER II**

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**OF THE PURCHASE OF HOPE**

**ARTICLE 2208.- LEGAL NOTION OF PURCHASE OF HOPE.** Is named purchase of hope to the contract that aims to acquire, for an amount determined, the fruits that a thing produces in the fixed time, taking the buyer for himself the risk that these fruits will not come into existence, or uncertain products of a fact, which can be estimated in money.

The seller is entitled to the price even if the fruits or purchased products.

**ARTICLE 2209.- APPLICATION OF THE RULES OF THE SALE TO THE PURCHASE OF HOPE.** The other rights and obligations of the parties, in the purchase of hope, will be the ones that determine the precepts of this Code related to the sale.

**TITLE SIXTEEN  
OF THE BOND IN GENERAL**

**CHAPTER I  
GENERALITIES**

**ARTICLE 2210.- LEGAL NOTION OF CIVIL BOND.** The surety is a accessory contract by which a person agrees with the creditor to pay for the debtor the benefit of the latter, or an equivalent or lower, in equal or different species, if the debtor does not comply.

The bonds do not take the character of civil for the sole fact of being ancillary to

a civil obligation, as it is also required that they be granted in the terms of article 2250 of this Ordinance, or that, in accordance with the commercial legislation, do not have the character of mercantile.

**ARTICLE 2211.- PRELIMINARY BOND AGREEMENT.** A preparatory contract in which a third party agrees with the debtor to grant a bail in a specified time. In this case, the definitive bond contract is

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will grant with the creditor, and, if the guarantor refuses to grant the guarantee, they have direct claim to demand it, both the creditor and the debtor.

**ARTICLE 2212.- CIVIL BOND COMMERCIAL BOND .** The bond can be civil or commercial; those mentioned in article 2250 of this ordinance are civil and those that, according to commercial legislation, do not have the character of commercial.

**ARTICLE 2213.- RELEASE OF THE GUARANTOR FOR NON-COMPLIANCE INTRASCENDENT OF THE DEBTOR.** When the debtor's default does not causes damage or prejudice to the creditor, given the special circumstances of the case, the guarantor will be released.

**ARTICLE 2214.- CLASSES OF CIVIL BONDS .** The surety can be legal, judicial, free or for consideration.

**ARTICLE 2215.- NATURE OF THE LEGAL BOND OF THE COURT.** Legal bond is one that must be granted by provision of the Law, and, judicial, the which is granted in compliance with an order issued in this regard by the Judge.

**ARTICLE 2216.- CAPACITY OF THE GUARANTOR.** The person obliged to constitute a guarantor must present a person who has the capacity to be bound and sufficient assets to Responsible for the obligation that it guarantees. The guarantor shall be understood to be subject to the jurisdiction of the Judge of the place where this obligation must be fulfilled.

**ARTICLE 2217.- PEOPLE PREVENTED FROM GIVING A BOND.** Those who exercise parental authority, guardians, representatives of the absentee, trustees, executors and other legal representatives cannot give bonds on behalf of of its represented.

**ARTICLE 2218.- NULLITY OF THE BOND DUE TO ILLICIT OF THE OBLIGATION**

**PRINCIPAL.** The illegality in the object, motive or purpose of the main obligation, will originate the nullity of the bond.

**ARTICLE 2219.- FORMALITY OF THE JUDICIAL BOND.** The surety must be given in writing, but when the main obligation

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guarantee must be recorded in a public deed, it will also be granted with said formality.

The judicial bonds will be granted in the form of a record before the court or tribunal.

**ARTICLE 2220.- TYPES OF FORMS OF THE DEPOSIT.** The modalities that can affect the constitution of the bond, are of two orders:

- I.- Modalities inherent to the main obligation, which affect the contract accessory; Y
- II.- Modalities stipulated exclusively with respect to the surety.

The modalities that affect the main obligation, have effects with respect to to the bond, which is subject to them.

The modalities that are stipulated directly with respect to the bail, do not affect the main obligation.

**ARTICLE 2221.- NULLITY OF THE AGREEMENT ON DEMANDING THE DEPOSIT.** The pact by virtue of which it is established that the bond will be demandable even when the main obligation is not, or before the expiration of the indicated term for the fulfillment of it.

**ARTICLE 2222.- JOINT COMMUNITY IN THE DEPOSIT.** If a bond is established in the case of a simple association of debtors, to answer for a debtor determined, the guarantor will only be liable if his guarantee does not fulfill his part correspondent.

**ARTICLE 2223.- SOLIDARITY IN THE BOND.** The surety posted in favor of a certain joint debtor, obliges the guarantor for the entire benefit, for the case of default of your loan.

The guarantor will be responsible for the other joint and several debtors, if he does not

assert the defenses inherent to the main obligation.

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**ARTICLE 2224.- EFFECTS OF THE BOND FOR THE DEATH OF ONE OF THE DEBTORS.** If one of the joint and several debtors dies and it is not the debtor, the guarantor shall be bound in union with the others in the case of insolvency of the heirs.

If the debtor dies leaving several heirs, the guarantor will be bound by the entire debt.

**ARTICLE 2225.- TOTAL PAYMENT OF THE GUARANTOR ON SOLIDARY DEBTOR.** The guarantor who pays for the joint debtor the entire benefit, has the right to demand from the other co-debtors the part that corresponds to them, but these defenses inherent to the principal obligation may oppose him.

If the guarantor paid for a joint debtor who is exclusively interested in the business that motivated the debt, you can only repeat against your loan, but not against other co-debtors.

**ARTICLE 2226.- OPPOSITION OF DEFENSES OF THE GUARANTOR IN THE ACTIVE SOLIDARITY.** If a bond is established in cases of active solidarity, the guarantor may oppose the defenses of novation to the joint creditor, compensation, confusion or referral made by any of the creditors to any of the joint debtors.

**ARTICLE 2227.- RELEASE OF THE GUARANTOR IN ACTIVE SOLIDARITY.** The guarantor, in the case of active solidarity, is released by paying any of the creditors, unless he or his guarantor has been legally required by any of them, in which case you must make the payment to the plaintiff.

**ARTICLE 2228.- OPPOSITION OF DEFENSES OF THE SOLIDARY DEBTOR IN ACTIVE OR PASSIVE SOLIDARITY.** The guarantor of the joint debtor, in the active or passive solidarity, you can only oppose the creditor the inherent defenses to the main obligation and the surety, but not the personal ones of your bond.

**ARTICLE 2229.- INTERRUPTION OF THE PRESCRIPTION IN THE BOND.** Any act that interrupts the prescription that is running in favor of one of the debtors, interrupts the prescription of the guarantee.

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**ARTICLE 2230.- EFFECTS OF THE BOND ON PURE OBLIGATIONS SIMPLE.** If the principal obligation is pure and simple and the surety depends on a term or condition, the guarantor will not be obliged to pay until the the modality.

**ARTICLE 2231.- EFFECTS OF THE BOND ON OBLIGATIONS CONJUNCTIVES.** If a bond is constituted to guarantee joint obligations, the guarantor must give all the things or provide all the facts, in the case of breach of the obligor.

**ARTICLE 2232.- EFFECTS OF THE BOND ON OBLIGATIONS ALTERNATIVES.** If the surety has been set up to guarantee obligations alternatives, the guarantor must comply, if the obligor does not do so, providing any of the facts or things, or both, as agreed.

**ARTICLE 2233.- EFFECTS OF THE BOND ON OBLIGATIONS OPTIONAL.** If the surety has been granted to guarantee an obligation optional, in which the debtor owes a single benefit, but with the possibility of being released by fulfilling another benefit, the guarantor may make the payment fulfilling any of the benefits.

**ARTICLE 2234.- JOINT COMMUNITY BETWEEN GUARANTEES.** When they exist various guarantors, a simple commonwealth may be stipulated between them or solidarity. In the first case, the guarantors are only bound in the part proportional that corresponds to the debtor.

**ARTICLE 2235.- SOLIDARITY BETWEEN GUARANTEES.** If the simple Commonwealth, it is understood that the guarantors are in solidarity, responding each one for the entire benefit.

**ARTICLE 2236.- LIMIT OF THE GUARANTEE'S LIABILITY.** Can it is agreed that the guarantor is obliged to perform a service other than the principal, but as long as it is valued in money, it is not higher than this last.

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The pact by virtue of which the guarantor can choose between paying the main benefit or a different one.

The guarantor may be obligated to less and not more than the principal debtor. Whether If he has obliged more, his obligation will be reduced to the limits of that of the debtor. In case of doubt about whether it was obligated for less or for the same amount of the obligation principal, it is presumed that he was obliged by the same. You can also oblige yourself guarantor to pay an amount in money if the principal debtor does not lend a thing or a certain fact.

**ARTICLE 2237.- FORMS OF CONSTITUTION OF THE BOND.** Bail may be constituted by contract, or by virtue of a unilateral legal act when has the character of judicial or is granted in policy.

**ARTICLE 2238.- PEOPLE IN FAVOR OF WHOM YOU CAN CONSTITUTE THE BOND.** The surety can be constituted not only in favor of the principal debtor, but in that of the guarantor, whether one or the other, in their respective In any case, consent to the warranty, whether you ignore it, whether you contradict it.

**ARTICLE 2239.- REQUIREMENT FOR THE EXISTENCE OF THE BOND.** Bail it cannot exist without a valid obligation.

It may, however, fall on an obligation whose nullity may be claimed by virtue of a purely personal defense of the obligor. In addition can be granted to guarantee eventual damages caused in a handling in the future.

**ARTICLE 2240.- BOND ON FUTURE DEBTS.** Can also to provide a guarantee for future debts, the amount of which is not yet known, but it will not be possible to claim against the guarantor until the debt is liquid.

**ARTICLE 2241.- LIABILITY OF THE HEIRS OF THE GUARANTOR.** The responsibility of the heirs of the guarantor is governed by the provisions of article 1416 of this Code.

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**ARTICLE 2242.- VALIDITY OF THE CONTRACT BY WHICH THE DEBTOR IS FORCES A THIRD PARTY TO GIVE BAIL.** The contract is valid for By virtue of which the debtor undertakes that a third party provides a guarantee. If the third party does not granted, the debtor must grant a pledge or mortgage, and if he does not do so, the obligation It will be required before the deadline.

**ARTICLE 2243.- POSSIBILITY OF DEMANDING DEPOSIT IN TERM OR PERIODIC OBLIGATIONS.** In term obligations or periodical provision, the creditor may demand a guarantee, even when the contract does not has been constituted, if after it is entered into, the debtor suffers impairment in its goods, or intends to be absent from the place where the payment is to be made.

**SECTION 2244.- SUBFIANCE.** The obligation born may be the object of a guarantee of the surety itself. This operation is called sub-surety, and whoever grants the second collateral bears the name of sub-guarantor

**ARTICLE 2245.- VARIOUS OBJECTS OF GUARANTEE OF THE DEPOSIT.** The surety can also guarantee the accessory obligation established in the pledge or mortgage contracts.

**ARTICLE 2246.- EFFECTS DERIVED FROM THE INSOLVENCY OF THE GUARANTOR.** If the guarantor comes to a state of insolvency, the creditor may request another to meet the qualities required by article 2216 of this ordinance.

The one who, having to give or replace the guarantor, does not present it within the term that the Judge indicates, at the request of a legitimate party, he is obliged to pay immediate the debt, even if its term has not expired.

**SECTION 2247.- EFFECTS ON THE BOND TO ADMINISTER ASSETS.** If the bond is to guarantee the administration of assets, it will cease if it does not occur within the term agreed or indicated by the law or by the Judge, except cases where the law provides otherwise.

**ARTICLE 2248.- PREVENTIVE DEPOSIT WHILE THE BAIL.** If the surety is a guarantee of the amount that the debtor must receive, the amount will be deposited while the bond is given.

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**ARTICLE 2249.- SCOPE OF THE LETTERS OF RECOMMENDATION.** The letters of recommendation in which someone's probity and solvency is assured, not constitute surety.

If the letters of recommendation were given in bad faith, falsely affirming the solvency of the recommended, the subscriber will be responsible for the damage befall the people to whom they are addressed, due to the insolvency of the recommended.

The responsibility mentioned in the previous paragraph will not take place, if the person who gave the letter proving that it was not his recommendation that led to dealing with his recommended.

**ARTICLE 2250.- SUBJECTION OF ACCIDENTAL BONDS TO THE CIVIL PROVISIONS.** Are subject to the provisions of this Title, the surety bonds occasionally granted by individuals or companies in favor of certain people, as long as they do not extend them in the form of a policy, that they do not announce them publicly by the press or by any other means of dissemination, and that they do not employ agents who offer them.

## CHAPTER II OF THE EFFECTS OF THE BOND BETWEEN THE GUARANTOR AND THE CREDITOR

**ARTICLE 2251.- DEFENSES THAT THE GUARANTOR MAY OPPOSE TO THE CREDITOR.** The guarantor has the right to oppose the creditor all defenses inherent to the main obligation and the surety, but not those that are personal of the debtor.

The voluntary resignation made by the debtor of the prescription of the debt, or of another cause of release, of the nullity or rescission of the obligation, does not prevent the surety asserts those defenses.

**ARTICLE 2252.- TYPES CHARACTERISTICS OF THE BENEFITS OF THE GUARANTOR.** The benefits of the guarantor are those of order, excuse and division.

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The benefits of order and excuse operate by operation of the Law, in such a way that can only be lost by an express written resignation. The benefit of division only operates when it has been expressly agreed, in order to divide the debt between guarantors.

**ARTICLE 2253.- INTERPELLATION OF THE DEBTOR PRIOR TO THAT OF THE GUARANTOR.**

The guarantor cannot be compelled to pay the creditor, without first being the debtor has been reprimanded and his property is excused.

**SECTION 2254.- CONTENT OF THE EXCUSION.** The excursion consists of apply all the free value of the debtor's assets to the payment of the obligation, which it will be extinguished or reduced to the part that has not been covered.

**ARTICLE 2255.- CASES IN WHICH THE EXCUSION DOES NOT TAKE PLACE.** The excursion will not take place:

- I.- When the guarantor expressly waived it;
- II.- In cases of bankruptcy or proven insolvency of the debtor;
- III.- When the debtor cannot be sued within the territory of the Republic;
- IV.- When the business for which the guarantee was provided is owned by the guarantor;
- V.- When the whereabouts of the debtor are ignored, provided that he is called by edicts, do not appear, or have seizable assets in the place where you must fulfill the obligation; Y
- VI.- When jointly and severally bound by the debtor.

**ARTICLE 2256.- REQUIREMENTS FOR THE BENEFIT OF**

**EXCUSION TO THE GUARANTEE.** So that the benefit of excursion takes advantage of the guarantor, the following requirements are essential:

- I.- That the guarantor alleges the benefit after payment is required;
- II.- That the debtor designates goods that are sufficient to cover the credit and that are within the judicial district in which the payment is to be made; Y
- III.- That he anticipates or suitably insures the expenses of excursion.

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**ARTICLE 2257.- REQUEST FOR EXCUSION OF THE GUARANTOR DUE TO EXISTENCE OF ASSETS OF THE DEBTOR SUBSEQUENT TO THE REQUEST.** If the debtor acquires goods after the request, or if those that had Hidden, the guarantor can request the excuse, even if he did not ask for it before.

**ARTICLE 2258.- POWERS OF THE CREDITOR TO BIND THE GUARANTEE TO MAKE THE EXCUSION IN THE ASSETS OF THE DEBTOR.** The creditor can oblige to the guarantor to make the excursion in the debtor's assets.

**ARTICLE 2259.- OFFICIAL OR OBLIGATED EXCUSION OF THE GUARANTOR.** If he guarantor, voluntarily or obliged by the creditor, makes the excuse himself and asks for a deadline, the Judge can grant him the one he deems convenient, taking care of the circumstances of the people and the qualities of the obligation.

**ARTICLE 2260.- INDOLENCE OF THE GUARANTOR IN THE EXCUSION.** The creditor that, having met the requirements of article 2256 of this Code, it would have been negligent in promoting the excursion, is responsible for the damages that may cause the guarantor, and he is released from the obligation up to the amount to which reach the assets designated for the excursion.

**ARTICLE 2261.- EFFECTS WHEN THE GUARANTOR WAIVES THE BENEFIT OF ORDER BUT NOT OF EXCUSION.** When the guarantor has waived the benefit of order, but not of excuse, the creditor can pursue in a same judgment to the principal debtor and the guarantor, but the latter shall retain the benefit of excuse, even when sentence is passed against both.

**ARTICLE 2262.- WAIVER OF THE GUARANTOR TO THE BENEFITS OF ORDER EXCUSION.** If the benefits of order and excuse have been waived, the guarantor, when sued by the creditor, must report the lawsuit to the debtor main, so that it performs the tests it deems appropriate and in the event that do not go to trial for the indicated object, the sentence that is pronounce against the surety.

**ARTICLE 2263.- EFFECTS REGARDING THE GUARANTEE TO THE GUARANTOR.** The one who trusts the guarantor enjoys the benefit of excusion, both against the guarantor and against the principal debtor.

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**ARTICLE 2264.- EFFECTS REGARDING THE WITNESSES THAT DECLARE IN FAVOR OF THE GUARANTEE.** Witnesses who testify in favor of a surety do not trust a surety their suitability, but by analogy the provisions of article 2249 of this Code.

**ARTICLE 2265.- TRANSACTION BETWEEN MAIN DEBTOR CREDITOR REGARDING THE GUARANTEE.** The transaction between the creditor and the principal debtor It takes advantage of the guarantor, but does not harm him. The one held between the guarantor and the creditor takes advantage of, but does not harm the principal debtor.

**ARTICLE 2266.- EFFECTS IN RELATION TO THE COFIERS OF A ONLY DEBT.** If there are several guarantors of a debtor for a single debt, each one of them will answer for the totality of that, there being no agreement in Otherwise, but if only one of the guarantors is sued, you can have the others to defend themselves jointly, and in due proportion be at the results of the trial.

In the above case, when the defendant guarantor calls the others to court, it is not will operate the division of the debt and, consequently, of the responsibility of the guarantors against the creditor. The effect of being at the trial, when they are called the guarantors, it only means that once the payment is made by the guarantor The defendant may demand from the other guarantors the pro rata reimbursement of the corresponding parts.

**ARTICLE 2267.- INEXECUTION OF THE BOND BY ARBITRARY SETTING OF ITS AMOUNT.** When it is arbitrarily agreed to fix a certain amount to the guarantee, by virtue of the fact that the value of the obligation is not liquid principal, the bond cannot be enforced until said debt is settled. On In such case, if the guarantor has been obliged to more, the guarantee for the excess will be void.

**ARTICLE 2268.- EFFECTS OF THE GUARANTEE OF THE OBLIGATIONS OF TO DO OR NOT TO DO.** When the bond is granted to guarantee obligations to do or not to do, the breach of them will only oblige the guarantor to pay damages caused to the creditor. If the amount has been set

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of the guarantee in a certain amount, the guarantor will only be obliged to pay the cited damages.

**ARTICLE 2269.- MAIN OBLIGATIONAL POSSIBILITY OF THE GUARANTOR.**

The guarantor may be obliged to provide the same fact that is the object of the obligation principal, when it is of such a nature that it can be carried out by the guarantor.

**ARTICLE 2270.- EFFECTS OF THE THING JUDGED AGAINST THE DEBTOR.** The effects of res judicata against the debtor, by judgment obtained in court followed by the creditor, do not harm the guarantor, who can oppose the defenses that are inherent to the main obligation or the bond, except those that are personal to the debtor.

**CHAPTER III  
OF THE EFFECTS OF THE BOND BETWEEN THE GUARANTOR AND THE DEBTOR**

**ARTICLE 2271.- RIGHTS OF THE GUARANTOR WITH RESPECT TO THE DEBTOR.** In their relations with the debtor, the guarantor shall have the following rights:

- I.- Faculty to be reimbursed by the debtor in the payment that he has made;
- II.- Claim to execute the debtor by virtue of said payment; Y
- III.- Power to be released from the bond.

**ARTICLE 2272.- INDEMNIFICATION NOT REIMBURSEMENT OF THE GUARANTOR.** The surety that pays must be compensated by the debtor, even if the debtor has not consent to the posting of the bond. If this has been granted Against the will of the debtor, the guarantor shall have no right to collect the that he paid, but insofar as the payment has benefited the debtor.

**ARTICLE 2273.- INDEMNIFICATION TO THE GUARANTOR.** The surety who pays for it debtor, must be compensated by him:

- I.- Of the main debt;

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II.- Regarding the respective interests, since the payment has been notified to the debtor, even when the latter is not obliged by reason of the contract to pay them on creditor;

III.- Of the expenses that you have made since you notified the debtor of having been required for payment; Y

IV. Of the damages that they have suffered because of the debtor.

**ARTICLE 2274.- SUBROGATION OF THE GUARANTOR.** The guarantor who pays, is subrogated in all the rights that the creditor had against the debtor.

**ARTICLE 2275.- EFFECTS OF THE GUARANTEE'S TRANSACTION WITH THE CREDITOR.** If the guarantor had compromised with the creditor, he may demand from the debtor only what you actually paid the creditor.

**ARTICLE 2276.- NOTIFICATION OF THE GUARANTOR TO THE DEBTOR BEFORE VERIFY THE PAYMENT.** The guarantor, before making the payment that the creditor claim, you must notify the debtor letting him know the request for payment. To its Once, the debtor must declare within a period of three days, if he has defenses that oppose.

If the debtor, after being notified by the guarantor, agrees to the payment or do not manifest anything within the period of three days, you will not be able to claim defense any when required by the guarantor paid.

**ARTICLE 2277.- INDEMNITY REIMBURSEMENT OF ACCESSORIES.** The right to reimbursement or compensation for the accessories mentioned in the article 2273 of this Code corresponds to the guarantor, the same when the guarantee is granted with knowledge of the debtor than ignoring it.

**ARTICLE 2278.- OPPOSITION OF DEFENSES OF THE DEBTOR AGAINST THE GUARANTEE WHEN IT DOES NOT NOTIFY YOU THE PAYMENT.** If the guarantor makes the payment Without informing the debtor, he may oppose all the defenses that could oppose the creditor at the time of making the payment.

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**ARTICLE 2279.- REPETITION OF THE DEBTOR AGAINST THE CREDITOR.** If he

debtor, ignoring the payment due to lack of notice from the guarantor, pays again, will not be able to the latter repeat against the former, but only against the creditor.

**ARTICLE 2280.- EFFECTS OF THE PAYMENT MADE BY THE GUARANTEE BY VIRTUE OF COURT ORDER.** If the guarantor has paid by virtue of a court ruling, and for Well-founded reason could not make the payment known to the debtor, he will be obliged to indemnify the former and may not oppose more defenses than those that are inherent to the obligation and that have not been opposed by the guarantor, having knowledge of them.

**ARTICLE 2281.- EFFECTS OF THE PREVIOUS PAYMENT OF THE GUARANTEE REGARDING OBLIGATION SUBJECT TO TERM OR CONDITION.** If the debt is term or low condition, and the guarantor will pay it before that or this is fulfilled, he will not be able to collect it from the debtor except when legally enforceable.

**ARTICLE 2282.- RIGHTS OF THE GUARANTEE REGARDING THE DEBTOR.** The The guarantor may, even before having paid, demand that the debtor ensure payment or release you from the bond:

- I.- If you were sued for the payment;
- II.- If the debtor suffers impairment in his assets so that he is at risk of becoming insolvent;
- III.- If he intends to be absent from the Republic;
- IV.- If he was obliged to relieve him of the bail in a specified time, and he has elapsed; Y
- V.- If the debt becomes enforceable by the expiration of the term.

The right of the guarantor to ensure payment or to be relieved of the bond, in nothing can harm the creditor's claims.

**ARTICLE 2283.- EFFECTIVENESS OF THE GUARANTEE'S RIGHTS.** So that the guarantor can enforce the rights granted by the previous article, he will be grants a claim so that, prior to the corresponding trial, it can ensure assets owned by the debtor, which are enough to answer for the debt.

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The insurance will be without effect, when the debt or the bond is extinguished.

**CHAPTER IV  
OF THE EFFECTS OF THE BOND BETWEEN COFIERS**

**ARTICLE 2284.- EFFECTS OF THE DEPOSIT EXISTING TWO OR MORE GUARANTEES.** When there are two or more guarantors of the same debtor and for one the same debt, the one who has paid it may claim from each of the others the part that corresponds proportionally to satisfy.

If any of them turns out to be insolvent, their part will fall on all of them, in the same proportion.

For the provisions of this article to take place, it must have been done payment by virtue of a lawsuit, or when the principal debtor is in legal status contest.

In the cases of the previous paragraphs, the co-contributors may oppose the one who paid, the same defenses that would have corresponded to the principal debtor against the creditor and that are not purely personal of the same debtor or the guarantor who made the payment.

**ARTICLE 2285.- PAYMENT OF THE DEFENDANT GUARANTEE FINDING THE DEBTOR IN CONTEST.** When the defendant guarantor has made the payment by virtue of a lawsuit, or when the main debtor is in a state of contest, may only demand and obtain from its co-sponsors the proportional reimbursement corresponding, if he opposed all the defenses inherent to the main obligation and to the bail, or, if he called the other guarantors to trial so that they were at results of the same, notifying them in a timely manner to oppose the defenses to that they have the right.

**ARTICLE 2286.- HYPOTHESIS IN WHICH THE DIVISION BENEFIT.** The split benefit will not take place between guarantors:

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- I.- When it has been expressly renounced;
- II.- When each one has jointly and severally obligated with the debtor;
- III.- When one or more of the guarantors are insolvent or are found insolvent, in which case the pro rata liability of all the guarantors, to apply the provisions of article 2291 of this

Sorting :

IV.- When the business for which the bond was provided is owned by one of the guarantors, in which case the latter will be liable for the entire debt, without having the power to demand reimbursement from its co-founders; Y

V.- When one or more of the guarantors cannot be judicially defendants within the territory of the Republic, or their whereabouts are unknown, provided that called by edicts, they do not appear, or have property Attachable in the place where the obligation must be fulfilled.

**ARTICLE 2287.- LIABILITY OF THE GUARANTOR REQUESTING THE DIVISION BENEFIT.** The surety who asks for the benefit of division, only Responsible for the insolvent guarantor or guarantors, if the insolvency is earlier upon request; and not even for that same insolvency, if the creditor voluntarily makes the collection pro rata without the guarantor claiming it.

**ARTICLE 2288.- RESPONSIBILITY OF THE GIVER TO THE GUARANTOR.** The one who trusts guarantor, in the case of insolvency of the latter, is responsible for the other surety in the same terms as the surety would be.

## CHAPTER V OF THE EXTINCTION OF THE DEPOSIT

**ARTICLE 2289.- EXTINCTION OF THE MAIN OBLIGATION OF THE GUARANTEE.** The guarantor's obligation is extinguished at the same time as that of the debtor and by the same causes as the other obligations.

**ARTICLE 2290.- CONFUSION OF THE OBLIGATION OF THE GUARANTOR OF THE DEBTOR.** If the obligation of the debtor and that of the guarantor are confused, because one inherits the other, The obligation of the guarantor to the guarantor is not extinguished.

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**ARTICLE 2291.- EFFECTS OF THE RELEASE EFFECTED BY THE CREDITOR TO ONE OF THE GUARANTEES.** The release made by the creditor to one of the guarantors, without the consent of the others, takes advantage of all until where it reaches the part of the guarantor to whom it has been granted.

**ARTICLE 2292.- RELEASE OF GUARANTEES BY FAULT OF THE CREDITOR.** The guarantors, even when jointly and severally, are released from their obligation, if for fault of the creditor cannot be subrogated in the rights, privileges or mortgages from the same creditor.

The provisions of the preceding paragraph are only applicable with respect to the securities and privileges constituted before the bond, or in the act in which it was given, but not to those given to the creditor after the establishment of the surety.

When the subrogation regarding the creditor's rights has been made impossible in a part, the guarantor will only be free in proportion to that part.

**ARTICLE 2293.- EXTINCTION OF THE BOND BY EXTENSION OR WAITING.** The extension or waiting granted to the debtor by the creditor, without the consent of surety, extinguish the surety.

**ARTICLE 2294.- REDUCTION OF THE DEPOSIT BY REMOVAL.** Removing reduces surety in the same proportion as the principal debt, and extinguishes it in the case of that, by virtue of it, the main obligation is subject to new encumbrances or terms.

**ARTICLE 2295.- RELEASE OF THE GUARANTOR FOR A DETERMINED TIME IN VIRTUE OF THE LACK OF REQUIREMENT OF THE CREDITOR.** The surety who is has bound for a specified time, is free of its obligation, if the creditor does not legally require the debtor for the fulfillment of the main obligation, within the month following the expiration of the period indicated for the latter. The guarantor will also be released from his obligation, when the creditor, without cause justified, stop promoting for more than three months, in the lawsuit filed against the debtor.

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**ARTICLE 2296.- INAPPLICABILITY OF THE RELEASE OF THE GUARANTOR BY DETERMINED TIME IF THE DEPOSIT CONTAINS AN EXPIRATION PREVIOUS.** The provisions of the previous article will not apply to the case in which has assigned a term of expiration to the surety prior to that of the obligation principal, or when the aforementioned guarantee expires after said debt. On In the first case, the bond will expire with the arrival of the term indicated for its duration and, in the second, the guarantor's liability will continue until the period after the one indicated for the fulfillment of the obligation expires main, as long as it has not been extinguished.

**ARTICLE 2297.- EFFECTS OF THE DEPOSIT FOR AN UNDETERMINED TIME.**

If the bond has been granted for an indefinite period, the guarantor has the right, when the principal debt becomes enforceable, to ask the creditor to sue judicially within a period of one month, the fulfillment of the obligation. If he creditor does not exercise their rights within the aforementioned period, or if in the trial board ceases to promote, without just cause, for more than three months, the guarantor you will be released from your obligation.

**ARTICLE 2298.-** APPLICATION OF ARTICLES 2295 TO 2297 IF THE GUARANTEE HAS NOT GIVEN UP THE ORDER BENEFIT. The provisions of the Articles 2295 to 2297 of this Code, will only apply in the event that the guarantor has not waived the benefit of order, because if it did, the creditor will not be obliged to previously sue the debtor.

## CHAPTER VI OF THE JUDICIAL BOND

**ARTICLE 2299.-** GRANTING OF THE JUDICIAL BOND BY LEGALLY CONSTITUTED INSTITUTION. The guarantor to be given by provision of the law or judicial order, must be a surety institution or credit legally authorized to grant this kind of guarantees.

When the bond is to guarantee the fulfillment of an obligation whose amount does not exceed ninety times the general daily minimum wage in force in the region, can be granted by any solvent person.

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**ARTICLE 2300.-** SUPPRESSION OF THE BENEFITS IN THE JUDICIAL BOND.

In all cases of legal or judicial bonds, the guarantors will not enjoy the benefits of order, excuse or division in your case.

**ARTICLE 2301.-** NOTICE TO THE PUBLIC REGISTRY OF THE PROPERTY OF THE GRANTING OF THE DEPOSIT. The person to whom the bond is granted, within a period of three days, it will give notice of the granting to the Public Registry of the Property, so that apart from the property registration corresponding to the real estate that was designated to verify the solvency of the guarantor, note relative to the granting of the surety.

Once this has expired, within the same period of three days, notice will be given to the Registry Public of the Property to make the cancellation of the marginal note.

The lack of notices makes the party responsible for the damages and losses that its omission originates.

In the lien certificates issued at the Public Registry of the Property will include the marginal notes mentioned in the previous paragraph.

**SECTION 2302.- PRESUMPTION OF FRAUDULENT BOND.** If the surety dispose of or encumber real estate whose property registrations are recorded and the operation results in the insolvency of the guarantor, that will be presumed fraudulent.

**ARTICLE 2303.- IMPOSSIBILITY OF EXCUSION OF THE GUARANTOR.** The legal guarantor The court cannot request the exclusion of the assets of the main debtor or those that They trust these guarantors, they can ask for their excuses, as well as that of the debtor.

## TITLE SEVENTEEN OF THE GARMENT

### CHAPTER I GENERALITIES

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**ARTICLE 2304.- PROMISE OF Pledge.** If anyone had promised to give a certain thing as a pledge and has not delivered it, be it his fault or without it, the Creditor can request that the thing be delivered, that the term be given up of the obligation or that it is terminated.

In the case of the previous paragraph, the creditor may not request that the thing, if it has passed into the possession of a third party in good faith.

**ARTICLE 2305.- LEGAL NOTION OF THE GARMENT.** The pledge is a contract real accessory by virtue of which the debtor or a third party deliver to the creditor a certain disposable movable property, to guarantee compliance with a main obligation, granting it a real right of pursuit, sale and preference in payment in the event of non-compliance, but with the obligation to return the good received once said obligation is fulfilled.

**ARTICLE 2306.- FORM OF CONSTITUTION OF THE GARMENT.** The garment only

may be constituted by contract, either by the debtor or by a third party, to guarantee an obligation of its own or that of another.

**ARTICLE 2307.- AFFECTION OF NON- EXISTENCE OR NULLITY OF THE PLEDGE IF THESE AFFECT THE MAIN OBLIGATION.** The nonexistence or nullity of the obligation originate the non-existence or nullity of the pledge. In the case of principal obligations affected by relative nullity, if the pledge has been granted by a third party, the latter may not invoke the nullity.

The nullities that affect the main obligation will affect the pledge.

**ARTICLE 2308.- PEOPLE WHO CAN CONSTITUTE THE GARMENT.** The Pledge can be constituted by the debtor himself or by a third party.

**ARTICLE 2309.- GARMENT ON FRUITS.** Fruits can be pledged pending of real estate, which must be collected in a specified time. For this garment to take effect against third parties you will need to register in the Public Registry to which the respective farm corresponds.

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The one who gives the fruits as a pledge will be considered as their depositary, except agreement to the contrary.

**ARTICLE 2310.- DELIVERY OF THE THING AS A CONSTITUTIVE ELEMENT OF THE GARMENT.** For the garment to be considered constituted, it must be delivered to the creditor, real or legally.

**ARTICLE 2311.- LEGAL DELIVERY OF THE GARMENT.** It is understood delivered legally the pledge to the creditor, when the creditor and the debtor agree that remains in the power of a third party, or when it remains in the power of the same debtor because it has been stipulated with the creditor or expressly authorized by law. In these last two cases for the pledge contract to produce effects against a third party, it must be registered in the Public Property Registry.

The debtor may use the pledge that remains in his possession, if so agreed.

**ARTICLE 2312.- FORMALITY IN THE GARMENT.** The pledge contract must be in writing. If it is granted in a private document, two

copies, one for each contractor.

The pledge against a third party will not take effect if the certainty of the date by the registration, public deed or in any other reliable way.

**ARTICLE 2313.- INSCRIPTION OF THE GARMENT IN THE PUBLIC REGISTRY.**

When the thing pledged is a right that must legally be recorded in the Public Property Registry, the guarantee will not take effect against a third party constituted, but since it is registered in it.

In cases where the pledge must be registered, the conditions or modalities that affect the guarantee, or the future nature of debt, if any. Lack of registration may not harm third parties and registration will be necessary for it to take effect on your against.

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When, in the cases referred to in the preceding paragraph, the obligation is carried out future or the aforementioned conditions are met, the parties must request that so record by means of a note in the margin of the pledge inscription, without The requirement of which may not take advantage of or harm a third party the guarantee provided.

**ARTICLE 2314.- APPLICABILITY OF THE REGISTRATION PROCEDURE FROM MORTGAGES TO THE PLEDGE ON FUTURE OBLIGATIONS OF THIRD PARTY EFFECTS.** To be recorded in the Public Registry of the Ownership of compliance with the conditions referred to in the articles that precede, or the existence of future obligations, the procedure established in article 2397 of this Code for mortgages.

**ARTICLE 2315.- Pledge to GUARANTEE ANNUAL DEBT.** It can constitute a pledge to guarantee a debt, even without the consent of the debtor.

**ARTICLE 2316.- Pledge of a foreign thing.** No one can pledge the foreign things without being authorized by its owner.

**ARTICLE 2317.- NULLITY OF THE Pledge of Foreign Thing.** The garment of Something else is null and void and whoever constitutes it will be responsible for the damages and damages if it proceeds with fraud or bad faith, taking into account what is

provides in the Book relating to the Public Property Registry for the bona fide purchasers.

The contract will be revalidated if before the eviction takes place, you acquire the constituent of the guarantee, by any legitimate title, the property of the thing pawned.

**ARTICLE 2318.- GARMENT CONSTITUTED BY THE APPARENT OWNER.** If a pledge is constituted by the apparent owner, it will be void if there is bad faith both sides; when there is good faith in the pledgee, the pledge will be valid.

**ARTICLE 2319.- GARMENT CONSTITUTED BY OWNER WITH TITLE NULL.** When a pledge is constituted by someone whose property title over

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the thing is declared void later and the pledgee has proceeded in good faith, the warranty will be valid.

**SECTION 2320.- Pledge of the DONATED ASSETS.** If the donee has pledged the donated goods and subsequently revoked the donation, The pledge will subsist, but the donor will have the right to demand that the donee redeem.

**ARTICLE 2321.- LIMITATIONS CONDITIONS OF THE GARMENT.** The garment will suffer the conditions and limitations to which the property right of the constituent. If your domain is revocable, in the event of revocation, it will be will terminate the warranty.

**ARTICLE 2322.- LOAN OF THE PROPERTY GIVEN IN Pledge by ITS OWNER.** If it is duly proven that the owner lent his thing to another with the object of which he pawned it, the pledge will be worth as if it had been constituted the same owner.

**ARTICLE 2323.- PLEDGE OF FUTURE OBLIGATIONS OR CONDITIONAL.** A pledge can be given to guarantee future obligations or conditionals. In this case, the guarantee will not take effect until the the future obligation or the suspensive condition is met. In the meantime you can't sell or be awarded the thing pawned.

**ARTICLE 2324.- EFFECTS OF THE GARMENT WHEN THE OBLIGATION IS SUBJECT TO RESOLUTIONARY CONDITION.** If the insured obligation is subject to a resolute condition, the pledge will cease to have effect from the perform the condition.

**ARTICLE 2325.- EVICTION IN THE GARMENT.** The creditor is not liable for the eviction of the sold garment, unless fraud is involved on your part or have expressly subjected to that responsibility.

**ARTICLE 2326.- INDIVISIBILITY OF THE RIGHT OBLIGATION DERIVED OF THE GARMENT.** The right and obligation resulting from the pledge are indivisible, except in the case where there is a stipulation to the contrary; However,

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when the debtor is empowered to make partial payments and they have been made in garment several objects, or one that is easily divisible, it will go reducing proportionally to the payments made, provided that the rights of the creditor are always effectively guaranteed.

**SECTION 2327.- EXTINCTION DERIVED FROM THE GARMENT.** Extinct the main obligation, whether for payment or for any other legal cause, it remains the right of pledge has been extinguished.

## CHAPTER II RIGHTS OBLIGATIONS OF THE LOCKED CREDITOR

**ARTICLE 2328.- MAIN RIGHTS OF THE LENDER CREDITOR.**

The creditor acquires by the pawn:

- I.- The right to be paid of its debt with the price of the thing pawned, with the preference established in article 2461 of this Order;
- II.- The right to recover the pledge from any holder, without excepting the same debtor;
- III.- The right to be compensated for the necessary and useful expenses that you make to keep the thing pledged, unless it is used by agreement; Y
- IV.- The one to demand from the debtor another pledge or the payment of the debt even before the agreed term, if the thing pawned is lost or deteriorates through no fault of your own.

**ARTICLE 2329.- EFFECTS OF THE DISTURBANCE TO THE CREDITOR IN POSSESSION OF THE GARMENT.** If the creditor is disturbed in the possession of the

pledge, you must notify the owner to defend it; if the debtor does not comply with this obligation, will be responsible for all damages.

**ARTICLE 2330.- OFFERING OF ANOTHER DEBTOR CAUTION BY LOSS OF THE GARMENT.** If the pledge is lost, the debtor will offer another or some surety, it is up to the creditor to accept them or rescind the contract.

**ARTICLE 2331.- MAIN OBLIGATIONS OF THE CREDITOR GARMENT.** The creditor is obliged:

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- I.- To keep the thing pawned as if it were their own, and to answer for the deterioration and damages suffered by your fault; Y
- II.- To restore the pledge after the debt has been paid in full, its interest and the expenses of conservation of the thing, if the first and done the second.

**ARTICLE 2332.- CONSEQUENCES OF THE ABUSE OF THE THING ENGAGED BY THE CREDITOR.** If the creditor abuses the thing pawned, the debtor may demand that it be deposited or that the former give a guarantee to restore it in the state in which he received it.

The creditor abuses the thing pawned, when he uses it without being authorized by agreement, or when it is, deteriorates or applies it to a different object from that to that is destined.

**ARTICLE 2333.- ALIENATION BY THE DEBTOR OF THE PURPOSE OF THE THING.** If the debtor alienates the thing pledged or grants its use or possession, the acquirer may not demand its delivery except by paying the amount of the obligation guaranteed, with interest and expenses in their respective cases.

**ARTICLE 2334.- OBLIGATION OF THE CREDITOR WHEN THE GARMENT IS CREDIT.** As long as the pledge is a credit, the creditor who has in his power the title, he will be obliged to do whatever is necessary so that no the right that it represents is altered or impaired.

**ARTICLE 2335.- SITUATION OF THE FRUITS IN THE GARMENT.** The fruits of The thing pledged belongs to the debtor, but if by agreement the creditor, its amount will be charged first to expenses, then to interest and the surplus to capital.

**CHAPTER III**  
**LEGAL RELATIONS THAT ORIGINATE THE GARMENT**

**ARTICLE 2336.-** LEGAL RELATIONS BETWEEN CREDITORS DEBTORS. By virtue of the pledge, legal relationships arise between creditor and debtor, when the guarantee is constituted by the latter. Whenever

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a third party who grants the pledge, legal relations will be generated between the creditor and said third party.

**ARTICLE 2337.- OPPOSITION OF DEFENSE BY THE THIRD PARTY WHO CONSTITUTE THE GARMENT.** The third party constituting the guarantee may oppose the creditor all defenses inherent to the principal obligation other than debtor's personal, and those relating to the pledge contract.

**ARTICLE 2338.- OPPOSITION OF DEFENSES BY THE DEBTOR WHO CONSTITUTE THE GARMENT.** When the debtor is the same constituent of the garment, you may oppose in addition to the indicated defenses, those that are personal.

**ARTICLE 2339.- RELATIONSHIPS ORIGINATED BY THE GARMENT GRANTED BY A THIRD PARTY, THE THING SOLD.** By virtue of the garment granted by a third party, legal relations also arise between said third party and the main debtor, once the thing is sold.

**ARTICLE 2340.- AGREEMENT BETWEEN THIRD DEBTOR IN CASE OF SALE OR AUCTION.** If there is a special agreement between the debtor and a third party for case of auction or sale of the garment, it will be as agreed.

**ARTICLE 2341.- RULES IN THE HYPOTHESIS OF NO EXISTING AGREEMENT BETWEEN THIRD DEBTOR IN CASE OF SALE OR AUCTION.** If it does not exist agreement, the following cases will be distinguished:

- I.- When the pledge has been granted with the consent of the debtor, with his simple knowledge, or ignoring it; Y
- II.- When the pledge has been granted against the will of the debtor.

In the cases referred to in section I of this article, the third party

constituted the guarantee must call the debtor to court, when the sale of the garment, so that it can oppose all the defenses inherent to the main obligation and those that are personal. In addition, the third party must oppose, where appropriate, the defenses of the pledge contract.

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**ARTICLE 2342.- EFFECTS OF THE LACK OF NOTIFICATION OF THE THIRD PENALTY TO THE MAIN DEBTOR IN THE JUDGMENT.** If the third constituent of the guarantee does not call the debtor to court and makes the payment to avoid the auction, or suffers it, the debtor may oppose all the defenses that could have opposed the creditor at the time of making the payment.

If the debtor, ignoring that the third party made the payment, due to lack of notice of it, pays again, said third party will not be able to claim it, and can only repeat against the creditor.

If the debtor does not go to court, or if after leaving the pledged asset is auctioned, the third party will be subrogated in the rights of the creditor, to demand the payment of the main obligation.

In the event that said third party has compromised with the creditor, he may not demand of the debtor, but what you actually paid.

**ARTICLE 2343.- EFFECTS OF THE PAYMENT OF THE THIRD LIE IN TRIAL ONCE THE JUDGMENT IS DONE.** If the third party paid to avoid the auction, after a court ruling, and for good reason did not disclose the payment to the debtor, the debtor will be obliged to indemnify the former and will not be able to oppose him any more defenses than those that are inherent to the obligation and that would not have been opposed by the third party, having knowledge of them.

**ARTICLE 2344.- EFFECTS OF THE GARMENT CONSTITUTED BY A THIRD AGAINST THE WILL OF THE DEBTOR.** The garment consisting of a third party against the will of the debtor, empowers the former to collect from the latter the that has benefited from the payment, for the auction of the guarantee. The debtor may oppose the defenses that, in each of the hypotheses provided for in the articles above, establish said precepts for each case.

**ARTICLE 2345.- EXTENSION OF THE GARMENT.** The right that the pledge gives to the creditor extends over the following assets:

- I.- To all the accessions of the thing;  
 II.- To the fruits thereof, if there is an express agreement in this regard; Y

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III.- To all the improvements made by the owner.

**ARTICLE 2346.- ACCESSION OF THE GARMENT.** In accession cases when the thing given as a pledge is the main one and the owner of the accessory has proceeded in bad faith, the pledge will be extended to the new species formed. If he The owner of the pledge has acted in bad faith, the rights of the pledgee, continuing the guarantee, but the owner of the accessory thing will have the right to demand payment of the damages that suffer.

**ARTICLE 2347.- GARMENT OF AN ACCESSORY THING IN UNION OF A PROPERTY OF THE CREDITOR.** If the garment is an accessory thing, and the union is made in an asset of the creditor, the guarantee will be extinguished, but of the value of the accessory thing, that according to law must be delivered to the owner thereof, will be deducted from the principal obligation amount.

**ARTICLE 2348.- GARMENT OF ACCESSORY THING BELONGING TO THE MAIN TO A THIRD PARTY.** When the thing given as a pledge is the accessory and the main one belongs to a third party, the guarantee will subsist on the new species formed, up to the limit of the value of the pledge, unless there has been bad faith of the pledgee, in which case the lien will be extinguished.

#### CHAPTER IV OF THE JUDICIAL SALE OF THE GARMENT

**ARTICLE 2349.- TYPES OF SALE OF THE GARMENT.** The sale of the garment it can be judicial or extrajudicial.

**ARTICLE 2350.- JUDICIAL SALE OF THE GARMENT WITH OR WITHOUT PRIORITY JUDGMENT.** The judicial sale can be agreed with or without prior trial. In a second In this case, the expert appraisal and the auction will be made in public auction, but also the parties may agree that the appraisal is conventional.

**ARTICLE 2351 . LEGAL POSTURE FOR THE AWARD OF THE THING.** The thing may also be awarded to the creditor in two-thirds of the

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legal position, if it cannot be sold under the terms established by the Code Civil procedure.

**ARTICLE 2352.- AGREEMENT BETWEEN THE CREDITOR DEBTOR FOR THIS LAST ONE KEEPS THE GARMENT.** The debtor can agree with the creditor in which he keeps the pledge at the price set by agreement or by expert, if so agreed, after the conclusion of the contract. Saying Agreement cannot harm the rights of third parties, nor is the one agreed upon when entering into the pledge contract.

**ARTICLE 2353.- EXTRAJUDICIAL SALE OF THE GARMENT BY AGREEMENT EXPRESS.** By express agreement, the garment can be sold out of court, No appraisal being necessary, if the parties by mutual agreement fix the price.

The extrajudicial sale of the pledge will be made through a certified broker, but If the debtor or constituent of the guarantee opposes, despite the opposition, the sale will take place, only that your product will be deposited in an institution of credit until the opposition is decided in court.

**ARTICLE 2354.- SUSPENSION OF THE DISPOSAL OF THE GARMENT BY PAY.** In any of the cases mentioned in the three previous articles, The debtor may suspend the sale of the pledge, paying within twenty-four hours, counted from the suspension.

**ARTICLE 2355.- EXCESS OF THE PRODUCT OF THE SALE AT THE AMOUNT OF DEBT.** If the proceeds of the sale exceed the debt, the excess will be delivered to the debtor, but if the price does not cover all the credit, the creditor is entitled to sue the debtor for what is missing.

**ARTICLE 2356.- NULLITY OF THE CLAUSE THAT AUTHORIZES THE CREDITOR TO OWN THE GARMENT IF IT IS OF LESS VALUE THAT THE DEBT.** Any clause that authorizes the creditor to appropriate the pledge when it is of less value than the debt, or to dispose of it in the manner established in the preceding articles. The clause that prohibits the creditor from requesting the sale of the thing pledged.

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**SECTION 2357.- BREACH OF THE DEBT.** If the debtor does not pay in the stipulated term, and not in accordance with article 1498 of this Code, the creditor may request and the Judge will order the sale of the pledge at the auction public, after summoning the debtor or the constituent of the guarantee. The defenses that they may assert will be decided in a single hearing.

**SECTION 2358.- AMOUNTS OF PIEDAD.** Regarding the mountains of mercy, which with legal authorization lend money on a pledge, the laws and regulations that concern them; and, additionally, the provisions of this Qualification.

## TITLE EIGHTEENTH OF THE MORTGAGE

### CHAPTER I OF THE MORTGAGE IN GENERAL

**ARTICLE 2359.- LEGAL NOTION OF THE MORTGAGE.** The mortgage is a Real guarantee constituted on determined and alienable real estate that are not delivered to the creditor, and that in case of breach of the obligation principal, grants the holder the rights of pursuit, of sale and of preference in payment.

**SECTION 2360.- SUBJECTION TO THE LIEN OF THE MORTGAGE.** The goods mortgaged are subject to the tax imposed, even if they pass into the power of third.

**SECTION 2361.- CAPACITY TO MORTGAGE.** The mortgage can be constituted by both the debtor and another in his favor.

The owner whose right is conditional or otherwise limited,  
You must declare in the contract the nature of your property, if you know it.

You can only mortgage the one you can dispose of, and they can only be mortgaged the assets that can be disposed of.

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**SECTION 2362.- ASSETS OBJECT OF THE MORTGAGE.** The mortgage can only fall on specially determined assets.

No one can mortgage their assets except with the conditions and limitations to which your property rights are subject.

**SECTION 2363.- EXTENSION OF THE MORTGAGE.** The mortgage is extended, even when not expressed:

- I.- To the natural accessions of the mortgaged property;
- II.- To the improvements made by the owner in the encumbered assets;
- III.- To the movable objects permanently incorporated by the owner to the farm and that they cannot be separated without impairment of it or deterioration of those objects;
- IV.- To the new buildings that the owner builds on the ground mortgaged and the new floors that he builds on the mortgaged buildings; Y
- V.- To the new buildings that the constituent of the guarantee will carry out, if proceed to the demolition of mortgaged buildings, be it total or partial reconstruction.

**SECTION 2364.- PROPERTY RIGHTS NOT INCLUDED BY THE MORTGAGE.** Unless otherwise agreed, the mortgage will not include:

- I.- The industrial fruits of the mortgaged goods, provided that these fruits are they have occurred before the creditor demands the payment of their credit; Y
- II.- Income overdue and not paid at the time compliance is required of the guaranteed obligation.

**SECTION 2365.- ASSETS NOT SUSCEPTIBLE OF MORTGAGE.** They will not be able mortgage:

- I.- The fruits and incomes pending separation from the property that produces them;
- II.- Movable objects permanently placed in buildings, either for their adornment or comfort, or for the service of some industry, unless they are mortgaged together with said buildings;

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III.- Easements, unless they are mortgaged together with the property dominant;

IV.- The right to receive the fruits in the usufruct granted by this code to the ascendants on the assets of their descendants;

V.- The use and the room; Y

VI.- The disputed assets, unless the claim originating the lawsuit has been preventively registered, or if it is stated in the constitutive title of the mortgage that the creditor has knowledge of the litigation, but in any of the cases, the mortgage will be pending the resolution of the lawsuit.

**ARTICLE 2366.- FORMS OF CONSTITUTION OF THE MORTGAGE.** The mortgage

It can be constituted by contract, testament or unilateral declaration of will, as well as by law, with the character of necessary, when it is subject to any person to provide that guarantee on certain assets. In the first three cases the mortgage is called voluntary, and in the last necessary one.

**SECTION 2367.- FORMALITIES OF THE MORTGAGE.** When credit mortgage exceeds three hundred times the current general daily minimum wage in the region, the mortgage must be granted in a public deed. When it does not exceed of that amount, as well as in the cases provided for in the last paragraph of the article 1805 of this Code, may be granted in private deed, before two witnesses, of the which will be made as many copies as are the contracting parties.

**SECTION 2368.- IMPROVEMENT OF THE MORTGAGE.** If the mortgaged property is do, with or without fault of the debtor, insufficient for the security of the debt, the creditor may demand that the mortgage be improved until, in the opinion of experts duly guarantee the principal obligation.

In the case of the previous paragraph, the circumstance having decreased the value of the mortgaged property until it was insufficient for respond to the main obligation.

If the insufficiency of the property is proven and the debtor does not improve the mortgage in the terms of the previous article, within eight days following the corresponding judicial declaration, the collection of the mortgage credit will proceed, giving up the mortgage for all legal purposes.

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**ARTICLE 2369.- REAL SUBSTITUTION.** If the farm is insured and destroyed by fire or other fortuitous event, the mortgage will subsist on the remains of the farm, and also the value of the insurance will be subject to payment. If the credit term expired, the creditor may request the retention of the insurance, and if it is not, You may request that said value be imposed to your satisfaction, so that the payment at the expiration of the term. The same will be observed with the price obtained in the case of expropriation for reasons of public utility or sale judicial.

**ARTICLE 2370.- INDIVISIBILITY OF THE MORTGAGE.** The mortgage will subsist in full even if the guaranteed obligation is reduced, and will tax any part of the mortgaged assets that are preserved, even if the remainder has disappeared, but without prejudice to the provisions of the following articles.

**SECTION 2371.- SEVERABILITY OF MORTGAGED ASSETS.** When mortgage several farms for the security of a loan, it is necessary to determine the portion of the credit for which each farm responds, and each one of them can be redeemed from the lien, paying the part of the credit that guarantees.

When a mortgaged property capable of being conveniently fractioned is divided, the mortgage lien will be distributed proportionally among the fractions. To this end, the owner of the property and the creditor will agree mortgage, and if that agreement is not achieved, the distribution of the lien will be It will be done by judicial decision, after an expert hearing.

**ARTICLE 2372.- LEASE OF MORTGAGED ASSETS.** Without consent of the creditor, the owner of the property cannot give it in lease, or agree to advance payment of rents for more than two years if It deals with rustic farms, or for more than a year if it is urban farms.

**SECTION 2373.- GUARANTEE OF INTEREST.** The mortgage constituted in favor of a credit that accrues interest, does not guarantee to the detriment of a third party, in addition of the capital, but the three-year interest, unless it has been agreed expressly that it will guarantee the interests for a longer time, provided that

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exceeds the term for the prescription of interest and that it has been taken reason for this stipulation in the Public Property Registry.

**ARTICLE 2374.- ACQUISITION OF THE MORTGAGED ASSET BY THE CREDITOR MORTGAGE.** The mortgagee can acquire the mortgaged asset, in judicial auction or by adjudication in cases in which no other bidder is presented, in accordance with the provisions of the Civil Procedure Code.

You can also agree with the debtor, that it be awarded at the price that is set when the debt is demanded, but not when the mortgage is constituted. This agreement does not may harm the rights of third parties.

**ARTICLE 2375.- PRESCRIPTION OF THE MORTGAGE CLAIM.** The Obligations secured by a mortgage, whatever their nature, prescribe in ten years. The mortgage claim will prescribe in the same term.

When the creditor only exercises the main claim, and not the real one mortgage, the statute of limitations of both claims will be interrupted, Between the parts; but said interruption will not have effects to the detriment of a third party who has a real right or lien on the mortgaged property.

**SECTION 2376.- SALE OF MORTGAGED ASSETS.** The mortgage is never tacit nor general; To produce effects against third parties, you always need registration.

## CHAPTER II MORTGAGE ON RIGHTS

**SECTION 2377.- MORTGAGE ON REAL RIGHTS.** The mortgage on real rights constituted with respect to real estate, can include the rights of co-ownership, bare ownership, usufruct, mortgage, easements in union with the dominant property, and surface.

**SECTION 2378.- MORTGAGE ON POSSESSION.** The holder in concept of owner of a property, being in good faith, can mortgage his possession, when It is registered in the Public Property Registry.

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The mortgage can also fall on an inheritance in which there are assets roots, or on the rights of an heir, when in the inheritance there are estate.

If the nullity of the title on which the possession object of the mortgage, it will be null if the mortgagee knew the defects of the title, if these were detached from the registry, or if the guaranteed obligation has its origin in an act for free.

If the possessor as the owner of a property is aware of the vices of his title, you will not be able to mortgage your possession, and if you do, the mortgage will be void.

**SECTION 2379.- MORTGAGE SEPARATED FROM THE NUDE PROPERTY.** In the mortgage of the bare property can be exclusively encumbered this, or be encumbered said bare ownership on the one hand, and usufruct on the other.

If the usufruct is extinguished and the property is consolidated, the mortgage will be It will extend in its entirety to the property, if so agreed.

If the usufructuary acquires the bare property, the latter being only mortgaged, the lien will continue without extending to usufruct.

**ARTICLE 2380.- MORTGAGE SEPARATED FROM THE NUDA PROPERTY THE USUFRUCT.** When the bare property and the usufruct, by different people, in the event of termination of the usufruct or consolidation, the mortgage of the bare property will continue to tax the entire of the property, unless otherwise agreed, in which case it will be extinguished by what is refers to the usufruct, if so agreed.

**SECTION 2381.- MORTGAGE ON CONSTRUCTION IN A FOREIGN LAND.** The mortgage of a construction erected on someone else's land does not include the area.

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**SECTION 2382.- MORTGAGE ON SURFACE RIGHT.** The right of surface can be mortgaged, following the lien limitations or modalities of that right.

When someone builds in good faith on someone else's land, and the owner does not want to make use of the right granted by this Code to acquire the construction, it may be mortgaged by the builder.

**SECTION 2383.- MORTGAGE MORTGAGE.** The mortgage mortgage includes, unless otherwise agreed, both the real law, as well as the main guaranteed by it. When the mortgage is exclusively mortgaged without the main right, the lien will be extinguished, upon termination of the mortgaged mortgage, and if payment of the principal obligation is made, the mortgage holder does not will have any right with respect to the provision that in goods or numeraire is cover.

In these two cases, or when the owner of the mortgaged mortgage is at fault, The latter will have the obligation to constitute a new mortgage, and if not, to pay damages.

**SECTION 2384.- COEXISTENCE OF MORTGAGE OF MORTGAGE PRENDA.** Yes at the same time, the mortgage mortgage and the pledge on the main credit, in favor of different people, in case of conflict, preferably, the pledgee will have the right to the payment that is do. If the thing encumbered with the mortgaged mortgage is sold or auctioned, the The same pledgee will have preference over its price or value. The holder of the mortgage mortgage will only claim on the remainder.

**SECTION 2385.- MORTGAGE ON THE INHERITANCE.** You can mortgage the entire inheritance as universality, if you have real estate or real rights over real estate, through the consent of the heirs, granted in the terms of article 846 of this Code, and without prejudice to creditors hereditary, who in their case may request nullity, if the mortgage is constitutes fraud thereof. For the constitution of this mortgage you must previously register the will, and, in cases of intestacy, the order

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declaration of legitimate heirs, indicating the assets that constitute the having hereditary.

**ARTICLE 2386.- MORTGAGE ON HEREDITARY RIGHTS.** A heir can mortgage his aliquot part, as long as in the inheritance there are real estate or real rights over them, being subject to the mortgage to the award that is made of certain properties, to the the partition be verified. For this Mortgage, you must previously register in the terms of the previous article.

**SECTION 2387.- MORTGAGE ON CONCESSIONS.** Concessions can be subject to a mortgage in the manner and terms established by law respective.

**ARTICLE 2388.- MORTGAGE ON MORTGAGED ASSETS.** They can Also be mortgaged the assets that already are previously, even if it is with the agreement not to re-mortgage them, except in any case the rights of priority established by this Code.

The agreement not to re-mortgage is void.

**ARTICLE 2389.- MORTGAGE ON CO-OWNERSHIP.** The common property does not it can be mortgaged if not with the consent of all the co-owners. The co-owner can mortgage his undivided portion, and by dividing the common thing the Mortgage will tax its share in the division. The creditor has the right to intervene in the division to prevent your debtor from applying a part of the farm with a value lower than that corresponding to it.

**SECTION 2390.- DURATION OF THE MORTGAGE ON REAL RIGHTS.** The mortgage constituted on real rights will only last as long as these subsist, but if the rights in which it has been constituted have been extinguished because of the one who enjoyed them, the latter has the obligation to constitute a new mortgage to the satisfaction of the creditor and, if not, to pay all damages and losses. If the mortgaged right is that of usufruct and this terminated by the will of the usufructuary, the mortgage will subsist until it expires

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the time in which the usufruct would have ended had the fact not been mediated volunteer who put an end to it.

**CHAPTER III  
OF THE VOLUNTARY MORTGAGE**

**SECTION 2391.- VOLUNTARY MORTGAGE.** The mortgage constituted by unilateral declaration of will, will be irrevocable from the moment it is granted, and even before it is registered in the Public Property Registry.

**SECTION 2392.- TESTAMENTARY MORTGAGE.** The mortgage constituted by testament, may have the purpose of improving a credit in charge of the testator, to convert it from simple to mortgage, or guarantee a legacy or credit that recognized by will.

**ARTICLE 2393.- MORTGAGE CONSIGNED IN DOCUMENTS TO ORDER TO THE CARRIER.** Mortgage can be granted to guarantee civil obligations consigned in documents to the order or to the bearer, or to guarantee titles of credit. If the main obligation does not exceed three hundred times the salary general daily minimum in force in the region, the mortgage will be consigned in the same document or title, without the need for it to be recorded in a public deed, register to take effect against third parties. If the obligation exceeds the aforementioned amount, the mortgage will be granted in a public deed, with the its constitution must be recorded in the document that accredits the debt.

**SECTION 2394.- MORTGAGE TO INSURE FUTURE OBLIGATION OR SUBJECT TO REGISTERED SUSPENSIVE CONDITIONS.** The constituted mortgage for the security of a future obligation or subject to conditions precedent registered, will take effect against a third party from its registration, if the obligation reaches be done or the condition to be fulfilled.

**ARTICLE 2395.- MORTGAGE TO INSURE OBLIGATION SUBJECT TO REGISTERED RESOLUTORY CONDITION.** If the insured obligation is Subject to a registered resolution condition, the mortgage will not cease to have its effect with respect to a third party, but as soon as it is recorded in the Public Registry of the Property fulfilling the condition.

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**ARTICLE 2396.- MARGINAL NOTE ON REGISTRATION IN THE MORTGAGE INSURING FUTURE OR CONDITIONAL OBLIGATIONS.**  
When the future obligation is contracted or the conditions that

deal with the two previous articles, the interested parties should request that it be done, be so stated by means of a note in the margin of the mortgage registration, without which requirement may not take advantage of or harm a third party the mortgage constituted.

**ARTICLE 2397.- REGISTRY REGISTRATION FOR THE COMPLIANCE OF TERMS.** To record in the Public Property Registry the compliance with the conditions referred to in the preceding articles, or the existence of future obligations, any of the interested parties shall submit to the registrar the copy of the public document that accredits it and, failing that, a request made by both parties, requesting that the marginal note be extended and clearly stating the facts that should give rise to it.

If any of the interested parties refuses to sign said request, the other will go to the judicial authority so that, after the corresponding procedure, issue the resolution as appropriate.

**ARTICLE 2398.- REGISTRATION OF THE AGREEMENT MODIFYING OR DESTROYING THE EFFECTIVENESS OF AN OBLIGATION PREVIOUS MORTGAGE.** Any fact or agreement between the parties, which may modify or destroy the effectiveness of a previous mortgage obligation, it will not work effect against a third party if it is not recorded in the Public Property Registry by means of a new registration, a total or partial cancellation or a marginal note, depending on the case.

**ARTICLE 2399.- ASSIGNMENT OF THE MORTGAGE.** The credit can be assigned, in in whole or in part, provided that the assignment is made in the manner that for constitution of the mortgage prevents article 2366 of this Code, the debtor and is registered in the Public Property Registry.

If the mortgage has been constituted to guarantee obligations to the order, it can be transmitted by endorsement of the title, without the need to notify the debtor, or public deed, or registration. The mortgage constituted to guarantee

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obligations to the bearer, will be transmitted by the simple delivery of the title without any other requirement. In the event that the transferor ceases to carry out the administration of the credits, the assignee must notify the debtor of the assignment in writing.

The institutions of the Mexican banking system, acting on their own behalf or as fiduciaries, other financial entities, and security institutes social security, they will be able to assign their credits with mortgage guarantee, without the need for

notification to the debtor, neither of public deed, nor of registration in the Registry, provided that the assignor takes care of the administration of the credits. In case that the assignor ceases to carry out the administration of the credits, the assignee must only notify the debtor in writing of the assignment, stating who will be the new creditor and where appropriate, the address to receive the payment.

In the cases provided for in the two preceding paragraphs, the registration of the mortgage in favor of the original creditor will be considered made in favor of the assignees referred to in such paragraphs, who will have all the rights and actions derived from it.

**NOTES:**

**CURRENT REFORM.-** Reformed the third paragraph by Sole Article of Decree No. 898 published in the Official Newspaper "Tierra y Libertad" No. 4644 dated 2008/09/24. **I used to say:** The institutions of the Mexican banking system, acting on their own behalf or as fiduciaries, The other financial entities, and the social security institutes, may assign their credits with mortgage guarantee, without the need to notify the debtor, or a public deed, or inscription in the Registry, provided that the assignor carries out the administration of the credits, the assignee must only notify the debtor of the assignment in writing.

**CURRENT REFORM.-** Reformed the second paragraph by Decree No. 880 published in the Official Newspaper 4434 of 2006/01/11. Validity: 200601/12. **I used to say:** If the mortgage has been constituted to guarantee obligations to the order, it can be transmitted by endorsement of the title, without need to notify the debtor, or registration. The mortgage constituted to guarantee obligations to the bearer, will be transmitted by the simple delivery of the title without any other requirement.

**REFORM WITHOUT VALIDITY.-** Reformed the third paragraph by Article One and adds the third paragraph by Second Article by Decree No. 880 published in Official Gazette 4434 of 2006/01/11. Validity: 200601/12. **Before I said:** In the event that one is in the hypothesis of the final part of article 2393 of this Code, the formality required by the first paragraph of this article.

**ARTICLE 2400.- DURATION OF THE MORTGAGE.** The mortgage generally will last for as long as the obligation that it guarantees subsists, and when it

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does not have a term to expire, the mortgage will remain in force until so much so that the main obligation does not prescribe or is extinguished by some other cause.

A duration less than that of the main obligation, but it is not valid to stipulate a term greater than its validity.

**ARTICLE 2401.- EXTENSION OF THE MORTGAGE.** When the term of the obligation guaranteed with the mortgage, it will be understood as extended

for the same term, unless less time is expressly assigned to the extension of the mortgage.

**ARTICLE 2402.- EXTENSION OF THE MORTGAGE FOR THE FIRST TIME.** If before that the term expires will be extended for the first time, during the extension and the term indicated for the prescription, the mortgage will retain the priority given to it corresponds from its origin.

**SECTION 2403.- EXTENSION OF THE MORTGAGE FOR THE SECOND TIME.** The Mortgage extended for the second or more times will only retain the preference derived from the registration of its constitution for the time referred to in article above, for the second or subsequent extension, will only have the priority that Corresponds to the date of the last registration.

The same will be observed in the event that the creditor grants a new term so that the credit is paid.

#### **CHAPTER IV OF THE NECESSARY MORTGAGE**

**ARTICLE 2404.- LEGAL NOTION OF NECESSARY MORTGAGE.** Call yourself necessary the special mortgage and expresses that by provision of the law are obliged to constitute certain persons to insure the assets they administer, or to guarantee the credits of certain creditors.

**ARTICLE 2405.- TIME IN WHICH THE CONSTITUTION OF THE NECESSARY MORTGAGE.** The constitution of the necessary mortgage may

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be required at any time, even if the cause that gives it foundation, provided that the obligation to be fulfilled is pending should have assured.

**ARTICLE 2406.- NECESSARY MORTGAGE ON DIVERSITY OF ASSETS.** If for the constitution of a necessary mortgage different goods and the interested parties do not agree on the part of the responsibility that to weigh on each one, in accordance with the provisions of article 2371 of this Code, the judicial authority will decide after the opinion of experts.

In the same way, the Judge will decide the questions that arise between the interested parties, on the adequacy qualification of the goods offered for the

constitution of any necessary mortgage.

**SECTION 2407.- DURATION OF THE NECESSARY MORTGAGE.** The mortgage necessary will last the same time as the obligation that is guaranteed with it.

**ARTICLE 2408.- PEOPLE WHO HAVE THE RIGHT TO REQUEST THE MORTGAGE REQUIRED.** They have the right to request the necessary mortgage to security of your credits:

- I.- The joint heir or participant, on the properties distributed, as soon as they matter the respective write-offs or excess of the goods they have received;
- II.- The descendants of whose assets were mere administrators the ascendants, over their assets, to ensure the conservation and return of those;
- III.- Minors and others disabled on the assets of their guardians, by the that they administer;
- IV.- The legatees, for the amount of their legacies, if there is no mortgage special designated by the same testator;
- V.- The creditors of the inheritance, for the amount of their credits, if in the same there are real estate or real rights over real estate; Y
- VI.- The State, the municipalities and the public establishments, on the goods of their administrators or collectors, to ensure the income of their respective positions.

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**ARTICLE 2409.- CASES IN WHICH THE CONSTITUTION MAY BE REQUESTED OF THE NECESSARY MORTGAGE.** The constitution of the mortgage, in the cases referred to in sections II and III of the previous article, it may be requested:

- I.- In the case of assets of which the parents are mere administrators, for the legitimate heirs of the minor;
- II.- In the case of assets administered by the guardians by the legitimate heirs and by the curator of the disabled person, as well as by the Local Guardianship Council; Y
- III.- By the Public Ministry, if the persons listed in the previous fractions.

**ARTICLE 2410.- APPLICATION OF INHERENT RULES TO DISABLED FOR THE CONSTITUTION OF THE NECESSARY MORTGAGE.** The constitution of the Mortgage for the assets of family children, minors and others

disabled, will be governed by the provisions contained in Title Five, Sole Chapter, Sixth Title, Chapter IX; and Title Seventh, Chapters I and II of the Book Second.

**ARTICLE 2411.- PEOPLE WHO CAN OBJECT THE INSUFFICIENCY OF THE NECESSARY MORTGAGE.** Those who have the right to demand the constitution of necessary mortgage, they also have to object to the sufficiency of the offer, and to request its extension when the mortgaged assets are made for any reason insufficient to guarantee credit. In both cases it will resolve Judge.

**ARTICLE 2412.- RESPONSIBLE FOR THE MORTGAGE WITHOUT HAVING PROPERTY.** If the person responsible for the mortgage designated in sections II, III and IV of article 2408 does not have real estate, the creditor will only enjoy the privilege mentioned in article 2474, section I, except as provided in Chapter IX of the Sixth Title of the Second Book of this Code.

## **CHAPTER V PROVISIONS COMMON TO THE VARIOUS CLASSES OF MORTGAGES**

**ARTICLE 2413.- NULLITY OF THE MORTGAGE ON AN OTHER THING.** The mortgage constituted on someone else's property is null, and will only be validated if before

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the eviction takes place, the constituent of the lien acquires the ownership of the mortgaged thing.

### **SECTION 2414.- MORTGAGE CONSTITUTED BY APPARENT OWNER.**

The mortgage established by the apparent owner will be valid, even when declare the nullity of the property title or the lack thereof, as long as the creditor is in good faith, the vices of the title of domain of the Public Property Registry itself and the obligation that it guarantees its origin in an onerous act or title.

In cases of bad faith of the mortgagee, when the defects result from the same Public Property Registry, or the act that gave rise to the main obligation is free, the mortgage will be null, this nullity may be invoked by anyone who has a legal interest, it will be imprescriptible and only may be validated when the constituent of the same acquires the property for a legitimate title, before eviction exists.

The previous rule will be applicable to the case in which the nullity of the title of the constituent of the mortgage.

**ARTICLE 2415.- EXTINCTION OF THE MORTGAGE IN CASE OF DOMAIN REVOCABLE OF THE CONSTITUENT.** If the constituent of the mortgage has a revocable domain or subject to resolution condition, the mortgage will be extinguished when the domain is revoked or the condition is met, except in the case provided for in article 1840 of this Code.

In these cases, the nature of the domain must be declared by the constituent of the lien and if it is not recorded in the Public Property Registry, nor declare, the mortgage will continue in force, as long as it is not extinguished by any other cause.

**ARTICLE 2416.- FORMS OF CONSTITUTION OF THE MORTGAGE OF OWNER.** The owner's mortgage is recognized in favor of the same owner of the taxed property, so that it can be constituted by a unilateral act, or acquired by subrogation, in order to have said guarantee and maintain preference over to subsequent mortgages.

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**ARTICLE 2417.- EFFECTS OF THE PAYMENT OF THE MORTGAGE FOR THE CONSTITUENT OF THE SAME.** When the constituent of a mortgage pays this, keeps at its disposal the tax with the place and degree of preference you have, to be able to transmit it to a third party. In the event that the good is finished mortgaged, the owner will have preference in the form and terms that correspond to the mortgage you have paid.

**ARTICLE 2418.- ACQUISITION OF OWNER'S MORTGAGE BY LEGAL SUBROGATION.** A subrogation homeowner's mortgage will be acquired legal, when the acquirer of the encumbered asset pays a creditor who has over him a mortgage loan prior to the acquisition.

There will also be a place for the owner's mortgage when the owner of the encumbered asset is released from the main obligation for compensation, novation, confusion or remission. In these cases, the aforementioned owner will be subrogated to the mortgage that weighs on its own good, as long as there are other encumbrances in favor third, if there are no such encumbrances, the mortgage will be extinguished.

When the constituent of a mortgage to guarantee third party debt, I will pay this, will be subrogated in the mortgage on its own good in the form and terms established in the previous paragraph.

**ARTICLE 2419.- SOLIDARITY MORTGAGES. FEATURES EFFECTS.**

Solidarity mortgages will be those that constitute two or more people for guarantee an existing joint debt in charge of any of the constituents, of all of them or of a third party.

As a result of joint mortgages, the creditor may make the entirety of the of your credit on any of the mortgaged assets, or on all jointly. If by the appraisal made of said goods it is inferred that, for cover the mortgage credit, it is enough with the auction or sale of one or more properties, exclusively these will be subject to auction.

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It can be agreed in joint mortgages, or stipulated in their constitution. by unilateral act, that the obligation will be made effective successively in the goods that are designated and in the order indicated.

**ARTICLE 2420.- JOINT MORTGAGES. OBLIGATIONS RIGHTS DERIVED FROM THEM.** Pool mortgages are called constituted by two or more people to guarantee joint obligations existing in charge of them, one of them or a third party.

Joint mortgages empower the creditor to make effective only the part of the secured debt on the mortgaged property or property.

If all the debtors of a joint obligation constitute mortgages on various goods, it shall be understood, unless otherwise agreed, that each good taxed will respond up to the amount of the aliquot part of the debt that corresponds to each obligee.

**SECTION 2421.- CONCEPT OF INDIVISIBLE MORTGAGE.** Called Indivisible mortgages those constituted to guarantee an indivisible obligation. They empower the creditor to make his credit effective on all the encumbered assets, in which case the provisions of the second paragraph will be applied of article 2419 of this Code.

**CHAPTER VI  
OF THE EXTINCTION OF MORTGAGES**

**ARTICLE 2422.- PRODUCTION OF EFFECTS AGAINST THIRD PARTIES OF THE MORTGAGE.** The mortgage produces all its legal effects against a third party, as long as your registration is not canceled.

**SECTION 2423.- REQUEST FOR ORDER OF EXTINCTION OF THE MORTGAGE.** The mortgage is extinguished, and its cancellation must be declared judicially, upon request from an interested party, in the following cases:

I.- When the mortgaged asset is extinguished;

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II.- When the obligation to which it served as a guarantee is extinguished, except in cases of homeowner's mortgage;

III.- When the right of the constituent of the mortgage is resolved or extinguished on the taxed asset;

IV.- When the mortgaged asset is expropriated for reasons of public utility observing the provisions of article 2369;

V.- When the mortgaged asset is judicially auctioned, applying the provided for in article 1812 of this Code;

VI.- By express remission of the creditor;

VII.- By the declaration that the mortgage claim is prescribed, or the main obligation; Y

VIII.- When by consolidation the owner of the mortgaged asset acquires the mortgage, except in cases of homeowner's mortgage.

**ARTICLE 2424.- SUBSISTENCE OF THE EXTINGUISHED MORTGAGE BY DATION IN PAYMENT.** The mortgage extinguished by dation in payment will revive, if the payment remains without effect, either because the thing given in payment is lost due to the debtor and still in their power, either because the creditor loses it by virtue of the eviction.

In the cases of the previous paragraph, if the registration had already been canceled, it will revive only from the date of the new registration, always keeping the creditor's right to be compensated by the debtor for damages that they have been followed.

**SECTION 2425.- EXTINCTION OF THE MORTGAGED ASSET .** The extinction of the good mortgaged will take place in the following cases:

- I.- For the destruction of the thing;
- II.- When it is out of the trade; Y
- III.- When in the case of immobilized furniture they are lost so that no can be located or that knowing their whereabouts, there is an impossibility material to recover them.

**ARTICLE 2426.- MORTGAGE CREDIT ON INHERITANCE ASSETS OR LEGACY.** If there is a mortgage loan among the assets of an inheritance, and the

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property subject to the lien belongs to one of the heirs, the mortgage is not will extinguish. In the event that the credit is awarded to said heir, he will acquire This is a homeowner's mortgage.

When the mortgagee inherits the property with the other heirs mortgaged, the mortgage will not be extinguished, and if in the division of the inheritance I will fully apply the thing, the heir will acquire the owner's mortgage.

When the mortgagee acquires the mortgaged thing as a legacy, the it will extinguish the mortgage if the property does not report encumbrances; otherwise, the The mortgage will subsist as the owner's mortgage.

## TITLE NINETEEN OF THE TRANSACTION

**ARTICLE 2427.- LEGAL NOTION OF THE TRANSACTION.** The transaction is a contract by which the parties, making reciprocal concessions, conclude a present controversy, or prevent a future one.

**ARTICLE 2428.- FORMALITIES IN THE TRANSACTION.** The transaction that prevent controversies must be in writing, if the interest exceeds one hundred days of general minimum wage in force in the region.

When the transaction ends a judicial controversy, it must be recorded by written and ratified in the presence of the Judge or Magistrates that make up the Court, who must ascertain the identity and capacity of the parties.  
If said transaction refers to real estate or real rights susceptible

registration, their registration must be ordered in the Public Registry of the Property, so that it takes effect to the detriment of third parties.

When modifying or affecting the ownership or possession of real estate or of real rights that can be registered in the Public Property Registry and recorded in a public deed, the registration will be carried out if the value of the property exceeds the value contemplated in article 1805 of this Code.

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**ARTICLE 2429.- IMPOSSIBILITY TO COMPROMISE OF ASCENDANTS TUTORS.** Ascendants and guardians cannot compromise on behalf of the persons who have under their authority or under their guardianship, unless the transaction is necessary or useful for the interests of the disabled and prior judicial authorization.

**ARTICLE 2430.- TRANSACTION ON THE CIVIL CLAIM THAT IT COMES FROM A CRIME.** You can compromise on the civil claim from a crime, but that does not mean that the public claim is extinguished, for the imposition of the penalty, nor is the crime considered proven.

**ARTICLE 2431.- PROHIBITION OF SETTling ON THE CIVIL STATUS OF THE PEOPLE VALIDITY OF THE MARRIAGE.** Can't compromise on him marital status of the people, nor on the validity of the marriage.

**ARTICLE 2432.- VALIDITY OF THE TRANSACTION ON RIGHTS PECUNIARIES DEDUCTED FROM THE DECLARATION OF CIVIL STATUS.** It is valid the transaction on the pecuniary rights that of the declaration of marital status could be deducted in favor of a person, but the transaction, in such case, the acquisition of the state does not matter.

**ARTICLE 2433.- NULLITY OF THE TRANSACTION.** The transaction will be void to see:

- I.- On the legal consequences of a crime, a fraudulent act or a unlawful act that may be carried out in the future;
- II.- On the civil claim that arises from a future crime or guilt;
- III.- On future succession;
- IV.- On an inheritance, before seeing the will, if there is one; Y

V.- On the right to receive food.

**ARTICLE 2434.- TRANSACTION ON AMOUNTS DUE IN FOOD.** There may be a transaction on the amounts that are already due for food.

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**ARTICLE 2435.- BINDING TRANSACTION OF THE GUARANTOR.** The guarantor only you are bound by the transaction when you consent to it.

**ARTICLE 2436.- VALIDITY OF THE TRANSACTION REGARDING THE PARTS.** The transaction that ends a judicial controversy has, with respect to the parties, the same effectiveness and authority of the res judicata, but the nullity or rescission of the former in the cases authorized by law.

**ARTICLE 2437.- NULLITY OF THE TRANSACTION ON NULL TITLE ON FALSE DOCUMENTS.** The transaction can be voided when it is done by reason of a null title, unless the parties have expressly discussed the nullity.

When the parties are instructed of the nullity of the title, or the dispute is over that same nullity, they can validly compromise, provided that the rights to which the title refers to are waivable.

The transaction carried out taking into account documents that have subsequently false results by court ruling, it is void.

**ARTICLE 2438.- VALIDITY OF THE TRANSACTION CELEBRATED EVEN WITH NEW DOCUMENTS.** The discovery of new titles or documents does not it is cause to cancel or rescind the transaction, if there has been no bad faith.

**ARTICLE 2439.- NULLITY OF THE BUSINESS TRANSACTION JUDICIAL CONCLUDED.** The transaction on any business that is judicially decided by irrevocable sentence ignored by the interested parties.

**ARTICLE 2440.- EVICTION IN THE TRANSACTION.** In the transaction there is only place to eviction when by virtue of it one of the parties gives to the other some something that was not the subject of the dispute and that, according to law, loses the He received.

**ARTICLE 2441.- IGNORED LIENS OR VICES ON THE PROPERTY COMPROMISED.** When the given thing has defects or encumbrances ignored from the one who

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received it, instead of requesting the difference resulting from the vice or tax, in the same terms as for the thing sold.

**SECTION 2442.- EFFECTS OF THE TRANSACTION.** The transaction may have the following effects:

- I.- Create, transmit, modify or extinguish rights with respect to both parties or of one of them, as long as they are related to the rights disputed or uncertain;
- II.- Declare or acknowledge the rights that are the subject of controversy; Y
- III.- Establish certainty regarding doubtful or uncertain rights, determining, where appropriate, its scope and effects.

The declaration or recognition of the rights referred to in section II that above, does not oblige the party to guarantee them, nor does it impose responsibility any in case of eviction, unless otherwise agreed, nor does it imply a title own to found the prescription to the detriment of a third party, but against the do it.

**SECTION 2443.- INTERPRETATION OF TRANSACTIONS.** The transactions must be strictly interpreted and their clauses are indivisible, unless unless otherwise agreed by the parties.

**ARTICLE 2444.- IMPOSSIBILITY TO SUE AGAINST THE VALUE OR SUBSISTENCE OF THE TRANSACTION.** No lawsuit may be brought against him value or subsistence of a transaction, without having previously insured the return of everything received, by virtue of the agreement that is to be challenged.

**TWENTIETH TITLE  
OF THE CONCURRENCE PRELATION OF CREDITS**

**CHAPTER I  
GENERAL DISPOSITION**

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**ARTICLE 2445.- PATRIMONIAL LIABILITY OF THE DEBTOR.** The debtor Responsible for the fulfillment of its obligations with all its assets, with Except for those that, according to the law, are inalienable or non-seizable.

**ARTICLE 2446.- ORIGIN OF THE CREDITORS 'CONTEST.**  
The bankruptcy proceeds whenever the debtor suspends the payment of your civil, liquid and enforceable debts. The declaration of competition will be made by the competent judge.

**ARTICLE 2447.- EFFECTS OF THE DECLARATION OF CONTEST.** The insolvency declaration disables the debtor to continue managing their goods, as well as for any other administration that by law corresponds, and causes the term of all your debts to expire.

This declaration also has the effect of stopping accruing interest on the debts of the bankrupt, except for mortgages and pledges, which will continue to accrue the corresponding interest up to the value of the goods that guarantee them.

**ARTICLE 2448.- ORDER IN THE PAYMENT OF THE DUE CAPITALS.** The Due capital will be paid in the order established in this Title, and if after the funds belonging to the contest are satisfied, they will be paid the corresponding revenues, in the same order in which the capitals were paid, but reduced interest to the lower rate. Only that there are enough goods so that all creditors are paid, the revenues will be covered at the rate agreed that it is higher than the legal one.

**ARTICLE 2449.- CELEBRATION OF AGREEMENTS IN THE BOARD OF CREDITORS.** The debtor may enter into agreements with his creditors that deems appropriate, but these agreements will be made precisely in a meeting of duly constituted creditors.

The particular agreements between the debtor and any of his creditors will be null.

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The proposed agreements will be discussed and put to a vote, forming a resolution the vote of a number of creditors that make up half and one more of the participants, as long as their interest in the contest covers three-fifths of the liabilities, deducting the amount of the credits of the mortgage creditors and pledges who have chosen not to go to the contest.

**ARTICLE 2450.- OPPOSITION OF CREDITORS TO THE AGREEMENT.** Within the eight days following the holding of the meeting in which the agreement, dissident creditors and those who have not attended the meeting They may object to its approval.

**ARTICLE 2451.- EXCLUSIVE CAUSES OF OPPOSITION TO THE AGREEMENT.** The The only causes on which opposition to the agreement may be based will be:

- I.- Defects in the forms prescribed for the convocation, celebration and board deliberation;
- II.- Lack of personality or representation in any of the voters, always that their vote decides the majority in number or quantity;
- III.- Fraudulent intelligence between the debtor and one or more creditors, or the creditors among themselves, to vote in favor of the agreement;
- IV.- Fraudulent exaggeration of credits to obtain the majority of the amount; Y
- V.- The fraudulent inaccuracy in the inventory of the debtor's assets or in the reports of the trustees, to facilitate the admission of the proposals of the debtor.

**ARTICLE 2452.- EFFECTS OF THE APPROVAL OF THE AGREEMENT.** Approved The agreement by the Judge will be mandatory for the bankrupt and for all creditors whose credits date from the period prior to the declaration, if any been summoned in legal form, or if having notified them of the approval of the agreement have not claimed against it, although those creditors are not included in the corresponding list, nor have been part of the procedure.

**ARTICLE 2453.- ABSTENTION OF MORTGAGE CREDITORS PIGNORATICIOS TO PARTICIPATE IN THE CREDITORS MEETING.** The mortgage creditors and pledges may refrain from taking part in

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the creditors' meeting in which the debtor makes proposals, and, in such case, the Board resolutions will not prejudice their respective rights.

If, on the contrary, they prefer to have a voice and vote in the aforementioned meeting, they will be included in the waits or withdrawals that the board agrees, without prejudice to the place and grade that corresponds to the title of your credit.

**ARTICLE 2454.- FULFILLMENT OF THE AGREEMENT BY THE DEBTOR.** If he debtor fulfills the agreement, their obligations will be extinguished in the terms stipulated therein, but if I stop complying with it in whole or in part, the right of the creditors will be reborn for the amounts that had not received from their original credit, and any of them may request the statement or continuation of the contest, depending on whether the agreement was preventive or bankruptcy.

**ARTICLE 2455.- ENFORCEMENT AFTER THE AGREEMENT OF THE CREDITS DUE.** Not mediating an express agreement to the contrary between the debtor and creditors, they will retain their right, after the contest, to collect, of the assets that the debtor acquires later, the part of their credit that does not would have been satisfied.

**SECTION 2456.- GRADUATION PRELATION OF CREDITS.** The credits are They will graduate in the order they are classified in the following chapters, with the priority established for each class of them.

**ARTICLE 2457.- CONCURRENCE OF CREDITORS OF THE SAME CLASS.** Concurring several creditors of the same class and number, they will be paid according to the date of its title, if it appears in an indubitable way. On any other case will be paid pro rata.

**ARTICLE 2458.- JUDICIAL EXPENSES MADE BY THE CREDITOR.** The legal expenses made by a creditor, in particular, will be paid in the place where the credit that caused them must be.

**SECTION 2459.- FRAUDULENT PREFERENTIAL CREDIT.** The credit whose preference comes from a fraudulent agreement between the creditor and the debtor, loses

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any preference, unless the fraud comes only from the debtor, who in this case will be responsible for the damages that are followed to the others creditors, in addition to the penalties you deserve for fraud.

## CHAPTER II OF PIGNORATICIOS MORTGAGE LOANS OF SOME OTHER PRIVILEGES

### SECTION 2460.- PREFERENCE OF TAX CREDITS.

Preferably, tax debts from taxes will be paid, with the value of the goods that have caused them.

### ARTICLE 2461.- PRIVILEGE OF MORTGAGE CREDITORS

PIGNORATICIOS. Mortgages and pledges do not need enter the contest to collect your credits. They can deduct the claims that are incumbent upon them by virtue of the mortgage or pledge, in the respective judgments, in order to be paid with the value of the goods that guarantee your credits.

### ARTICLE 2462.- SPECIAL CONTEST OF MORTGAGE CREDITORS.

If there are several mortgage creditors secured with the same assets, can form a special contest with them, and they will be paid in the order of dates the mortgages were recorded, if they were recorded within the term legal, or according to the order in which the encumbrances have been recorded, if the registration was made outside the term of the Law.

### ARTICLE 2463.- INSUFFICIENCY FOR THE PAYMENT OF CREDITS

MORTGAGES ORDER THEMSELVES. When the value of the goods mortgaged or pledged will not be enough to cover the credits they guarantee, the creditors in question will enter the bankruptcy for the debit balance, and they will be paid as third class creditors.

### SECTION 2464.- SITUATION OF THE PIGNORATICIO CREDITOR. So that the

Pledge creditor enjoys the right granted by article 2461, is necessary that when the garment has been delivered in the first of the forms established in article 2311 of this Code, has not consented to

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that the depositary debtor or the third party who keeps it in his possession deliver it to another person, and when it has been delivered in the second of the forms provided for in the cited article, keep it in their possession or have lost their possession through no fault of his own.

**ARTICLE 2465.- ORDER IN THE PAYMENT DERIVED FROM THE PRICE OF GOODS MORTGAGED OR PIGNORED.** Of the price of the mortgaged or given property as a pledge, it will be paid in the following order:

- I.- The expenses of the respective lawsuit and those caused by the sales of those goods;
- II.- The costs of conservation and administration of the aforementioned assets;
- III.- The insurance debt of the property itself; Y
- IV.- Mortgage loans in accordance with the provisions of article 2462 of this Code, including in the payment the revenues of the last three years, or the pledge credits, according to their date, as well as their revenues during the last six months.

So that the credits included in the Sections II and III of the previous paragraph, are essential requirements that the The former have been necessary and the latter are authentically recorded.

**ARTICLE 2466.- GRADUATION PERIOD WITHOUT EXERCISE OF THE RIGHTS OF PIGNORATICIOS MORTGAGE CREDITORS.** If he contest reaches the period in which the graduation sentence must be pronounced without that mortgage or pledge creditors make use of their rights granted by article 2461 of this Code, the trustee will sell the goods and will deposit the amount of the credit and the corresponding revenues, observing, where appropriate, the provisions relating to absentees.

**ARTICLE 2467.- RIGHT OF THE CONSOURCE TO REDEEM LIENS MORTGAGES OR PIGNORATICIOS PAYMENT OF SPECIAL DEBTS.** The contest has the right to redeem mortgage and pledge liens that weigh on the debtor's assets, or pay the debts that especially answer some of these, and, then, those goods will enter be part of the contest fund.

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**SECTION 2468.- PREFERENCE OF LABOR CREDITS.** The workers do not need to enter the contest for the credits to be paid that they have for wages or salaries earned in the last year and for compensation. They will deduct your claim before the corresponding authority and, In compliance with the resolution issued, the assets that are necessary so that the credits in question are paid preferentially to Any others, with the exception of mortgages or pledges.

**ARTICLE 2469.- SEPARATION OF ASSETS OF THE DEBTOR ACQUIRED BY INHERITANCE.** If the debtor's assets include movable or roots acquired by succession and bound by the author of the inheritance to certain Creditors may request that they be separated and form bankruptcy special to the exclusion of the debtor's other creditors.

**ARTICLE 2470.- IMPROCEDANCE OF THE RIGHT OF SEPARATION OF ASSETS OF THE DEBTOR ACQUIRED BY INHERITANCE.** The recognized right in the previous article it will not take place:

- I.- If there is express consent regarding the confusion of the assets hereditary with the debtor's personal assets; Y
- II.- If the creditors have made novation of the debt or of any other they would have accepted the personal responsibility of the heir.

**ARTICLE 2471.- IMPOSSIBILITY TO ENTER THE CONTEST OF THE CREDITORS THAT OBTAIN THE SEPARATION OF ASSETS.** The Creditors who obtain the separation of assets will not be able to enter the bankruptcy of the heir, even if they do not reach to cover their credits.

### CHAPTER III FROM SOME PREFERRED CREDITORS OVER CERTAIN GOODS

**ARTICLE 2472.- PREFERENCE IN PAYMENT WITH THE VALUE OF THE GOODS.** With the value of the goods mentioned will be paid preferably:

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- I.- The debt for salvage expenses, with the value of the thing saved;
  - II.- The debt contracted before the contest, expressly to carry out works of rigorous conservation of some goods, with their value, provided that it is proven that the amount loaned was used in those works;
  - III.- The credits referred to in article 2083 of this Code, with the price of the constructed work;
  - IV.- Credits for seeds, cultivation and collection expenses, with the price of the harvest for which they served and which is in the power of the debtor;
  - V.- The credit for freight, with the price of the goods transported, if are in the possession of the creditor;
  - VI.- The credit for accommodation, with the price of the debtor's furniture find them in the house or establishment where they are staying;
  - VII.- The landlord's credit, with the price of the seizable movable property that are within the leased farm or with the price of the fruits of the respective harvest if the property is rustic;
  - VIII.- The credit that comes from the price of the goods sold and not paid, with the value of them, if the creditor makes his claim within sixty days after the sale, if it was made in cash, or after expiration, if the sale it was term.
- In the case of movable property, the preference will cease if they have been immobilized; Y
- IX.- The credits recorded in the Public Property Registry, by virtue of judicial order, for embargoes, kidnappings or execution of sentence, on the listed assets and only in terms of subsequent credits.

#### CHAPTER IV FIRST CLASS CREDITORS

**ARTICLE 2473.- PREFERENTIAL PAYMENT OF FIRST CREDITORS CLASS.** Paid the creditors mentioned in the two previous chapters and with the value of all the goods that remain, will be paid:

- I.- Common legal expenses, in the terms established by the Code Civil procedure;
- II.- The expenses of rigorous conservation and administration of the goods bankrupt;

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III.- The debtor's funeral expenses, proportionate to his social position, and also those of spouse and children who are under their parental authority and do not have own property;

IV.- The expenses of the last illness of the persons mentioned in the previous fraction, events in the last six months preceding the day of the death;

V.- The credit for food secured to the debtor for his subsistence and that of his family, in the six months prior to the formation of the contest; Y

VI.- Civil liability in the part that includes the payment of the expenses of cure or funerals of the offended and the pensions that for concept of food is owed to family members. Regarding the obligation to retribute, as it is a question of returns of someone else's property, does not enter the contest, and Regarding the other compensation owed for the crime, it is they will pay as if they were common fourth class creditors.

## CHAPTER V SECOND CLASS CREDITORS

**SECTION 2474.- PREFERENTIAL PAYMENT OF SECONDARY CREDITORS CLASS.** Covered the aforementioned credits, will be paid:

I.- The credits of the persons included in sections II, III and IV of the Article 2408 of this Ordinance, which have not required the mortgage necessary;

II.- The credits of the treasury that are not included in article 2460, and the credits referred to in section V of article 2408 of this Code, which do not have been guaranteed in the manner provided there; Y

III.- Credits from public or private welfare establishments.

## CHAPTER VI THIRD CLASS CREDITORS

**SECTION 2475.- PREFERENTIAL PAYMENT OF THIRD PARTY CREDITORS CLASS.** Once the previously regulated credits are satisfied, the credits will be paid recorded in a public deed or in any other authentic document.

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**CHAPTER VII  
FOURTH CLASS CREDITORS**

**ARTICLE 2476.- PREFERENTIAL PAYMENT OF FOURTH CREDITORS CLASS.** Once the credits listed in the preceding chapters have been paid, They will pay the credits that appear in a private document.

**SECTION 2477.- PAYMENT OF CREDITS NOT INCLUDED IN THE PREVIOUS.** With the remaining assets, all other credits will be paid. that are not included in the previous provisions. Payment will be made to pro rata and without regard to the dates or the origin of the credits.

**\* BOOK SEVENTH  
OF THE PUBLIC REGISTRY OF PROPERTY AND OF  
STATE REGISTRATION OF VEHICLES AND AUTOMOTIVE**

**TITLE ONE  
OF THE INSTITUTION AND FUNCTIONS OF  
PUBLIC REGISTRY OF PROPERTY**

**NOTES:**

**CURRENT REFORM:** The name of the Seventh Book and the name of its Title are modified Unique and a Second Title is added, which will contain a unique Chapter, with articles 2555 to 2557 by article four of Decree No. 461 461 published in POEM No. 4203 of 2002/08/14. Validity: 2002/08/15. **I used to say:**  
"SEVENTH BOOK

OF THE PUBLIC REGISTRY OF PROPERTY

SOLE TITLE

OF THE INSTITUTION FUNCTIONS OF THE PUBLIC PROPERTY REGISTRY

CHAPTER I

OF YOUR ORGANIZATION "

**ARTICLE \* 2478.- Repealed**

**NOTES:**

**CURRENT REFORM., -** Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** FUNCTION OF THE REGISTRY PUBLIC OF THE PROPERTY. The Public Property Registry is the institution through the which the State provides the service of publicizing the legal acts that, according to the Law, must take effect against third parties; its offices will be established in the city of Cuernavaca. The

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Executive of the State may determine that offices of the Public Registry of the Property in other cities of the Entity.

**ARTICLE \* 2479.- Repealed**

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** ESTABLISHMENT OF THE OFFICES OF THE PUBLIC PROPERTY REGISTRY. The Regulation will establish the system and methods for the organization and operation of the Public Property Registry, the number of sections and the section in which the titles and other documents subject to registration must be registered. The same ordinance shall regulate what is related to the certifications that must be issued by the institution.

**ARTICLE \* 2480.- Repealed**

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** NATURE OF PUBLIC REGISTRY OF OWNERSHIP GENERAL OBLIGATIONS OF ITS MANAGERS. The Registry will be public, therefore, any person may request the provision of the service to find out the legal status of any registration made therein. Those in charge of it have the obligation to allow people who request it, to be find out about the entries in the Public Property Registry and the documents related to the inscriptions that have been filed. They also have the obligation to issue certified copies of the inscriptions or certificates. that appear in the Registry itself and the related documents, as well as certifications of existing or no entries corresponding to the goods indicated.

**ARTICLE \* 2481.- Repealed**

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** ESTABLISHMENT REGULATORY TO PERFORM POSITION IN THE PUBLIC REGISTRY. The rules determine the requirements that must be met to perform the positions required by the organization and operation of the Public Property Registry.

**ARTICLE \* 2482.- Repealed**

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y

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**PUBLIC.** Those in charge of the Registry are responsible, in addition to the penalties in which they may incur, of the damages to which it gives rise.

I.- If they refuse without legal reason or delay without just cause the registration of the documents that are presented to them;

II.- If they refuse to promptly issue the certificates requested; Y

III.- If they commit omissions when issuing the aforementioned certifications, except if the error comes from Insufficiency or inaccuracy of the statements, which are not attributable to them.

## CHAPTER II PROVISIONS COMMON TO RECORDABLE DOCUMENTS

### ARTICLE \* 2483.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** DOCUMENTS

ENROLLABLE. Only:

I.- The testimonies of deeds or notarial acts and other authentic documents;

II.- The judicial resolutions and orders that are authentically recorded;

III.- The private documents that under this form are valid in accordance with the Law, provided that at the bottom of the same there is evidence that the Notary or the Registrar, made sure of the will of the parties, their identity and the correspondence of their signatures. Said constancy

It must be signed by the aforementioned notaries and bear the respective seal printed; Y,

IV.- The documents and private contracts provided for in articles 1805, last paragraph and 2367 of this Code and other laws.

### ARTICLE \* 2484.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REGISTRATION OF EVENTS

HELD IN THE MEXICAN REPUBLIC OR FOREIGNERS WITH EFFECTS IN

MORELOS. The acts executed and the contracts celebrated in another federative entity or in the

foreigners, they will only be registered if they have the character of registrable in accordance with the provisions of this Code and the Regulation of the Public Property Registry, and must have effects on the State of Morelos.

If the respective documents appear written in a foreign language and they are duly legalized, they must be previously translated by an official expert and protocolized notary.

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Judgments issued abroad will only be recorded if they do not disagree with the Mexican laws and if the competent judicial authority orders its execution.

### ARTICLE \* 2485.- Repealed

#### NOTES:

**CURRENT REFORM.** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y

Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **I used to say:** EFFECTS OF THE

INSCRIPTIONS IN THE PUBLIC REGISTRY OF THE PROPERTY. The registration of the acts or contracts in the Public Property Registry have declarative effects.

The documents that, according to this Code, are registrable and not registered, will only produce effects among those who grant them but they will not produce effects to the detriment of a third party, which You can take advantage of it as soon as they are favorable.

Registration does not validate acts or contracts that are non-existent or void in accordance with the laws.

#### **ARTICLE \* 2486.- Repealed**

##### **NOTES:**

**CURRENT REFORM.** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PROTECTION

REGISTER TO THIRD PARTIES IN GOOD FAITH. The Registry protects the rights acquired by third party in good faith, once registered, even if the right of the grantor, except when the cause of nullity clearly results from the same record.

The provisions of this article will not apply to free contracts, or to acts or contracts that are executed or awarded in violation of the law.

#### **ARTICLE \* 2487.- Repealed**

##### **NOTES:**

**CURRENT REFORM.** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PRESUMPTION

REGISTRY OF OWNERSHIP, CONTRADICTORY CLAIM OF OWNER'S DOMAIN DIFFERENT FROM THE PERSON TO WHOM THE APPRAISAL PROCEDURE WAS FOLLOWED. The Registered right is presumed to exist and that it belongs to its owner in the form expressed by the respective seat. It is also presumed that the owner of a domain or possession registration, has possession of the registered property.

Contradictory claim of ownership of real estate or real rights may not be exercised determined on the same registered or annotated in favor of a specific person or entity, without that previously or at the same time, a claim is filed for the nullity or cancellation of the registration in which state that domain or right.

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In the event of a precautionary seizure, executive judgment or enforcement proceeding against property or Determined real rights, any enforcement procedure will be dismissed with respect to the themselves or their fruits, immediately as recorded in the proceedings, by authentic manifestation of the Public Property Registry, that said assets or rights are registered in favor of a person different from the one against which the embargo was decreed or the procedure was followed, unless the claim had been directed against her, as successor in title of the one who appears as owner in the Public Property Registry.

**ARTICLE \* 2488.- Repealed**

**NOTES:**  
**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REGISTRY CONSTANCE OF REAL RIGHTS LIENS OR LIMITATIONS THEREOF FOR EFFECTS IN FRONT OF THIRD PARTIES. The real rights and in general any encumbrance or limitation of the themselves or the domain, in order to take effect against a third party, they must appear in the seat of the farm on which they fall, in the manner determined by the Regulation.

### CHAPTER III OF PRIORITY THE PRIORITY OF REGISTRIES

**ARTICLE \* 2489.- Repealed**

**NOTES:**  
**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REGISTRY PRELATION.  
 The registration will take effect from the day and time the document was submitted at the register office, except as provided in the following article.

**ARTICLE \* 2490.- Repealed**

**NOTES:**  
**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PREVENTIVE NOTICE ON TRANSACTIONS WITH EFFECTS LINKED TO THE OWNERSHIP OR POSSESSION OF PROPERTY. When a deed is to be granted in which it is declared, acknowledge, acquires, transmits, modifies, limits, seizes or extinguishes the property or possession of real estate, or any real right over them, or that without being inscribable, the Notary or authority before Whoever makes the grant, must request the Public Registry of Property, certificate on the existence or non-existence of liens in relation to it. In said request, that It will have preventive warning effects, it must mention the operation and farm in question, the names of the contracting parties and the respective registry antecedent. The registrar, with this request

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and without charging fees for this concept, will immediately practice the presentation note in the respective part of the corresponding entry, note that will be valid for a term of thirty calendar days from the date of submission of the application.  
 Once the deed that produces any of the consequences mentioned in the preceding paragraph, the Notary or authority before whom it was granted, will give preventive notice about the operation in question, to the Public Property Registry within two business days following and will contain in addition to the data mentioned in the previous paragraph, the date of the writing and your signature. The registrar, with the aforementioned notice and without charging any fee, will immediately practice the corresponding presentation note, which will be valid for ninety calendar days from the date of presentation of the notice. If this occurs within the term of thirty days to which the preceding paragraph is contracted, its preventive effects will be rolled back to the date of presentation of the request referred to in the same paragraph; otherwise, just

will take effect from the date it was presented and according to the entry number that corresponds.

If the respective testimony is presented to the Public Property Registry within any of the terms indicated in the previous paragraphs, your registration will take effect against third parties from the date of presentation of the notice and according to your ticket number. If the document is When the aforementioned deadlines have expired, their registration will only take effect from the date of presentation.

If the document containing any of the operations mentioned in the first paragraph of this article is private, you must give the preventive notice, valid for ninety days, the notary or the competent judicial authority that has verified the authenticity of the signatures and of the will of the parties, in which case the aforementioned notice will have the same effects as the given by notaries when it comes to public instruments. If the contract is ratified before the Registrar, he must immediately practice the preventive notice to which this precept refers.

#### **ARTICLE \* 2491.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PRECLUSION OF THE REGISTRY PRIORITY. Registry priority precludes when the document you entered with prior to another, the provision of the service is denied through the registry qualification, once that the administrative instances of the Public Property Registry are exhausted.

#### **ARTICLE \* 2492.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REGISTRY PRIORITY.

The preference between real rights over the same property or other rights, will be determined by the priority of its registration in the Public Property Registry, whatever the date of its constitution.

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The real right acquired prior to the date of a preventive entry will be preferred even if your registration is later, provided that the notice provided by article 2490 is given of this Code.

If the preventive annotation is made after the presentation of the preventive notice, the real right reason for this will be preferred, even if such notice had been given extemporaneously.

#### **ARTICLE \* 2493.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PRODUCTION OF EFFECTS OF REGISTRY ENTRIES. The seats of the Public Property Registry insofar as they refer to registrable or annotatable rights, they produce all their effects, except

contrary judicial resolution.  
The definitive registration of a right that has been previously noted will have its effects from the date this entry produced them.

## CHAPTER IV OF LEGITIMATION

### ARTICLE \* 2494.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before I said:** PEOPLE WHO CAN REQUEST REGISTRATION OR ANNOTATION. The registration or annotation of the titles in the Public Property Registry, may be requested by anyone who has a legitimate interest in the right to it is going to be registered or noted, or by the notary who has authorized the deed in question. Once the registration has been carried out, the documents will be returned to whoever presents them, with the annotation of the hour, day, month, year and other data of your registration. No registration may be made in an informal manner by those in charge of the Public Registry. of the property.

### ARTICLE \* 2495.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PREREQUISITES FOR THE ANNOTATION OR REGISTRATION OF THE TITLE SUBJECT TO REGISTRATION. To enroll or Note down any title must be previously registered or noted the right of the person who

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granted by the one or the one that is going to be harmed by the registration, unless it is a registration of registration.

### ARTICLE \* 2496.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** IMPOSSIBILITY OF REGISTRATION OF A TITLE EQUAL TO THE REGISTERED. Registered or annotated a title, you may not register or register another of the same or previous date, referring to the same property or right real, is opposed or incompatible. Nor may another title of the class mentioned above be registered or noted, while they are The notices referred to in article 2490 of this Code are in force.

## CHAPTER V OF THE REGISTRY QUALIFICATION

**ARTICLE \* 2497.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** NOTION OF REGISTRY QUALIFICATION. The registry qualification is the act by which the registrar analyzes the content of the registrable document, establishing whether or not it meets the legal requirements for its inscription.

**ARTICLE \* 2498.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** SUSPENSION OF DENIAL OF THE REGISTRY SERVICE. Registrars will qualify at their own risk the documents that are presented for the practice of any registration or annotation, which suspend or deny in the following cases:

- I.- When the title presented is not one of those that must be registered or recorded;
- II.- When the document does not review the extrinsic forms established by the Law;
- III.- When the officials before whom the document has been granted or rectified, have not the capacity of the grantors or when their incapacity is notorious;
- IV.- When the content of the document is contrary to prohibitive or public interest laws;
- V.- When there is incompatibility between the text of the document and the registry entries;
- VI.- When the debtor's assets on which a real right is constituted are not identified, or when the maximum amount that guarantees a lien is not set in the case of obligations of

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indeterminate amount, except for the cases provided for in the last part of article 2488 of this Code, the bases are given to determine the amount of the guaranteed obligation; Y  
VII.- When there is no other requirement that the document must fill out in accordance with this Code or other applicable laws.

**ARTICLE \* 2499.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** RESOURCE ADMINISTRATIVE REGISTRY. The qualification made by the registrar may be appealed to the Director of the Public Property Registry, under the terms provided by the Regulations. Yes This confirms the qualification, the injured by it may claim it in court.  
If the judicial authority orders that the rejected title be registered, the registration will take effect, since the title was presented for the first time, if the preventive annotation had been made to which Section V of article 2518 of this Code refers to.

**ARTICLE \* 2500.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** ORIGIN OF THE RECTIFICATION OF THE REGISTRY ENTRIES. The rectification of the seats by cause of material or conceptual error, it only proceeds when there is a discrepancy between the title and the inscription.

**ARTICLE \* 2501.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONCEPT OF ERROR MATERIAL. It will be understood that a material error is made when a few words are written by others, the expression of some circumstance is omitted or the proper names or the amounts when copying them from the title, without changing the general meaning of the inscription or the some of its concepts.

**ARTICLE \* 2502.- Repealed****NOTES:**

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**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** NOTION OF ERROR OF CONCEPT. It will be understood that an error of concept is made when expressing in the inscription any of the contents in the title is altered or its meaning varies, because the registrar has formed a wrong judgment of the same, by an erroneous qualification of the contract or act in it consigned or for any other circumstance.

**ARTICLE \* 2503.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** RECTIFICATION OF THE REGISTRY ENTRIES FOR CONCEPT ERRORS. When it comes to errors of concept, the entries made in the folios of the Public Property Registry may only be rectified with the consent of all those interested in the seat. In the absence of the unanimous consent of the interested parties, the rectification can only be made by judicial resolution. In the event that the registrar opposes the rectification, the provisions of article 2499 of this Code.

**ARTICLE \* 2504.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** EFFECTS OF THE SEAT RECTIFIED. The entry rectified due to an error of concept, will take effect from the date of its rectification.

## CHAPTER VII OF THE EXTINCTION OF REGISTRY ENTRIES

### ARTICLE \* 2505.- Repealed

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CAUSE OF EXTINCTION OF THE REGISTRY INSCRIPTIONS. Registrations are not extinguished as for third parties but for its cancellation or for the registration of the transfer of the domain or real right registered in favor of another person.

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### ARTICLE \* 2506.- Repealed

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CAUSES OF EXTINCTION OF THE PREVENTIVE ANNOTATIONS. The preventive annotations are extinguished by cancellation, expiration or conversion into registration.

### ARTICLE \* 2507.- Repealed

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CANCELLATION OF THE ENTRIES ENTRIES. Registrations and annotations can be canceled by consent of the persons in whose favor they are made or by court order. They may not However, they may be canceled at the request of a party, without said requirements, when the registered right or annotated is extinguished by provision of the Law or by causes resulting from the title in which virtue, the inscription or annotation was practiced, due to the fact that did not require the intervention of the Will.

For the entry to be canceled by consent of the parties, it must be recorded in Public deed.

### ARTICLE \* 2508.- Repealed

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y

Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** TYPES OF CANCELLATION REGISTRATION REGISTRATION ANNOTATIONS. Cancellation of registrations and preventive annotations may be total or partial.

### ARTICLE \* 2509.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** APPLICATION

ORDER OF TOTAL CANCELLATION. It can be ordered and must be ordered, in your home the total cancellation:

- I.- When the property object of the registration is completely extinguished;
- II.- When the registered or annotated right is extinguished, also completely;
- III.- When the nullity of the title by virtue of which the registration or annotation has been made is declared;
- IV.- When the nullity of the seat is declared;

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V.- When the property that reports the lien is judicially sold in the case provided in

Article 1812 of this Code; Y

VI.- When, in the case of a mortgage certificate or seizure, two years have elapsed since the date of the entry, without the interested party having promoted in the corresponding trial.

### ARTICLE \* 2510.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** APPLICATION

ORDER OF PARTIAL CANCELLATION. It may be requested and shall be decreed, where appropriate, partial cancellation:

- I.- When the property object of the registration or preventive annotation is reduced; Y
- II.- When the registered or noted right is reduced.

### ARTICLE \* 2511.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** EXPIRY OF THE

PREVENTIVE ANNOTATIONS. Preventive annotations, whatever their origin They will expire three years after their date, except for those for which an expiration period is set. shorter. However, at the request of a party or by mandate of the authorities that decreed them, may be extended one or more times, for two years each time, provided that the extension is noted before the seat expires.

The expiration produces the extinction of the respective entry by the simple passage of time, but In this case, any interested party may request that the cancellation of said seat be recorded.

**ARTICLE \* 2512.- Repealed**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **I used to say:** EFFECTS OF THE CANCELLATION OF A REGISTRY ENTRY. Once a seat has been canceled, the right to which said seat refers.

**ARTICLE \* 2513.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONSENT OF THE REGISTRATION CANCELLATION BY REPRESENTATIVES. Parents as administrators of the

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property of their children, the guardians of minors or the disabled and any other administrators or Representatives, although authorized to receive payments and give receipts, can only consent to the cancellation of the registration made in favor of its clients, in the case of payment or by judgment judicial.

**ARTICLE \* 2514.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** TOTAL CANCELLATION OF MORTGAGES. The cancellation of mortgage registrations constituted as a guarantee of titles Transferable by endorsement, it can be done:

- I.- Presenting the deed granted by which the credits have been collected, in which the certify that endorsable titles have been rendered useless in the act of granting them; Y
- II.- By offering the payment and consignment of the amount of the titles, processed and resolved of in accordance with the relative legal provisions.

Mortgage registrations constituted in order to guarantee bearer titles, are They will be totally canceled if it is recorded by notarial deed, be collected and in the possession of the debtor the issuance of duly disabled titles.

The total cancellation will also proceed if at least three-quarters of the bearer securities issued and the payment of the rest is ensured, recording their amount and that of the interests that proceed. The cancellation in this case, must be agreed by sentence.

**ARTICLE \* 2515.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PARTIAL CANCELLATION OF MORTGAGES. The mortgage registrations in question may be partially canceled, presenting a notarial certificate that certifies that it is collected and in the possession of the debtor, duly unused, securities for a value equivalent to the amount of the partial mortgage in question extinguish, provided that said titles amount to at least one tenth of the total of the

issue.

### ARTICLE \* 2516.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** TOTAL CANCELLATION OR PARTIAL MORTGAGE THAT GUARANTEES NOMINATIVE SECURITIES OR THE CARRIER. May Also, the mortgage that guarantees, both registered and registered titles, be totally or partially canceled. to the bearer, by consent of the common representative of the holders of the securities, always

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that he is authorized to do so and declares under his responsibility that he has received the amount for the that is canceled.

## CHAPTER VIII REGISTRATION OF REAL PROPERTY OF THE INSCRIBABLE OR NOTABLE SECURITIES

### ARTICLE \* 2517.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** SUSCEPTIBLE TITLES OF INSCRIPTION. The following shall be registered in the Public Registry of Real Property:  
I.- The titles by which it is created, declared, recognized, acquired, transmitted, modified, limited, serious or extinguish the domain, original possession and other real rights over real estate;  
II.- The constitution of the family patrimony;  
III.- Real estate lease contracts, for a period greater than six years and those in which there is an advance of income for more than three years; Y  
IV.- The other titles that the Law expressly orders to be registered.

### ARTICLE \* 2518.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** ANNOTATIONS PREVENTIVE. They will be recorded preventively in the Public Property Registry:  
I.- Lawsuits related to the ownership of real estate or the constitution, declaration, modification or termination of any real right over them;  
II.- The order and the seizure act, which had been made effective in real estate of the debtor;  
III.- The lawsuits filed to demand the fulfillment of preparatory contracts or to give legal form to the act or contract concluded, when its object is real estate or real rights about them;  
IV.- The judicial orders that order the kidnapping or prohibit the alienation of property

real estate or real rights;

V.- The titles presented to the Public Property Registry and whose registration has been denied or suspended by the registrar;

VI.- Legal or judicial bonds, in accordance with the provisions of article 2301 of this

Ordering;

VII.- The decree of expropriation and temporary occupation and declaration of limitation of domain of property.

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VIII.- The judicial resolutions in the matter of protection that order the provisional suspension or definitive, in relation to assets registered in the Public Property Registry; Y

IX.- Any other title that is annotatable, in accordance with this Code or other laws.

#### ARTICLE \* 2519.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **I used to say:** EFFECTS OF THE PREVENTIVE ANNOTATIONS. The preventive annotation will harm any purchaser of the estate or real right to which the entry refers, whose acquisition is after the date of that, and where appropriate, will give preference for the collection of the credit over any other date post-scoring.

In the cases of sections IV and VIII of the previous article, the registry may be closed. in the terms of the corresponding resolution. In the case of fraction VI of the same numeral, the annotation will not produce any other effect than that established by article 2309 of this Code. In the case of section VII of article 2518 of this ordinance, the annotation will serve only so that the affectation is recorded in the registry of the property on which it has fallen the declaration, but the publication of the relative decree in the Official State Newspaper will suffice, so that they are subject to the results thereof, both the owner or possessor, as well as the third parties involved in any act or contract subsequent to said publication, regarding the affected property, having to make the definitive registration that proceeds, until the respective deed, except in the case expressly provided for by any Law in which it is established that this requirement is not necessary.

Except in cases where the annotation closes the registry, real estate or real rights recorded may be alienated or taxed, but without prejudice to the right of the person in whose favor the annotation has been made.

### CHAPTER IX OF THE INMATRICULATION

#### ARTICLE \* 2520.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** NOTION OF INMATRICULATION. Immatriculation is the registration of the ownership or possession of a

property in the Public Property Registry, which lacks a registry record.

### ARTICLE \* 2521.- Repealed

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**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** ORIGIN OF THE INMATRICULATION. So that any of the procedures of registration, it is a prerequisite that the property in question is not registered in the Registry Public of the Property.

### ARTICLE \* 2522.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** DOUBLE VIA PROCEDURAL FOR THE IMMATRICULATION. The person interested in the registration of the ownership or possession of a property, you may choose to obtain it by judicial resolution or through administrative resolution.

### ARTICLE \* 2523.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** WAYS TO OBTAIN THE JUDICIAL REGISTRATION. Registration by court order can be obtained through domain information, or by virtue of possessory information.

### ARTICLE \* 2524.- Repealed

#### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **I used to say:** JUDICIAL REGISTRATION FOR DOMAIN INFORMATION. In the case of promoting domain information to obtain judicial registration, whoever has owned property real estate for the time and with the conditions required to prescribe them, and does not have title of property or, having it is not susceptible of registration due to defective, it may occur before a Judge competent to prove the prescription, revealing the generating cause of possession and providing the respective information, in the terms of the applicable provisions of the Code Civil procedure.  
Having duly verified the requirements of the prescription, the Judge will declare that the holder is has become the owner by virtue of the prescription and such declaration will be taken as title of property and will be registered in the Public Property Registry.

**ARTICLE \* 2525.- Repealed****NOTES:**

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**CURRENT REFORM., -** Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** INMATRICULATION JUDICIAL FOR POSSESSIONAL INFORMATION. In the case of possessory information, whoever has a possession in good faith apt to prescribe, of real estate not registered in the Registry Public of the Property in favor of any person, even before the time elapses necessary to prescribe, you can register your possession by means of a court order issued by the Competent judge. For the above, the same procedure established by the Civil Procedure Code must be followed. for domain information. The effect of the registration will be to have the possession registered as suitable to produce the prescription, at the conclude the period of five years, counted from the date of registration. Possession entries will express the circumstances required for entries provided for in the Regulations of the Public Property Registry.

**ARTICLE \* 2526.- Repealed****NOTES:**

**CURRENT REFORM., -** Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** OPPOSITION OF A THIRD IN THE JUDICIAL REGISTRATION. Anyone who considers himself entitled to goods whose property or possession is requested to be registered by court decision, may enforce it before the competent judicial body. The presentation of the opposition letter will suspend the course of the information procedure. Yes this was already concluded and approved, the Judge must bring the claim to the attention of the Director of the Public Property Registry to suspend the registration, and if it already exists made, so that you write down said demand. If the opponent allows six months to elapse without promoting in the opposition procedure, it will be this without effect, settling in its case, the cancellation that proceeds.

**ARTICLE \* 2527.- Repealed****NOTES:**

**CURRENT REFORM., -** Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** WAYS TO OBTAIN THE INMATRICULATION BY ADMINISTRATIVE RESOLUTION. Registration by resolution administrative you get:

- I.- By registering the decree by which a property is incorporated into the public domain;
- II.- Through the registration of the decree by which a property is disincorporated from the public domain, or the title issued based on that decree;
- III.- By registering a reliable and sufficient title to acquire the property of a real estate, as ordered by article 2529 of this Code;

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IV.- By registering the ownership of a property acquired by positive prescription, in the terms of article 2531 of this Code; Y,

V.- By registering the possession in good faith of a property, which meets the requirements of aptitude to prescribe, in the terms of article 2532 of this Code.

#### **ARTICLE \* 2528.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** EXECUTION OF THE ADMINISTRATIVE IMMATRICULATION. Administrative registration will be done by resolution of the Director of the Public Property Registry, who will order it outright in the cases provided for by sections I and II of the previous article.

#### **ARTICLE \* 2529.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REQUIREMENTS FOR OBTAIN ADMINISTRATIVE REGISTRATION BY CERTIFICATE ENOUGH. Who is in the case provided by section III of article 2527 of this Code, may occur directly before the Public Property Registry to request the registration, which will be ordered if the following requirements are met:

I.- That it accredits the property of the property by means of a reliable and sufficient title to acquire it;

II.- Proof that your degree is older than five years prior to the date of its application, or that exhibits the title (s) of its originators with the cited seniority, titles that They must be reliable and sufficient to acquire the property;

III.- That he declares under protest of telling the truth if he is owning the property or the name of the holder in your case; Y

IV.- To accompany the records relating to the cadastral and property status of the property if the there is.

#### **ARTICLE \* 2530.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REQUIREMENTS FOR OBTAIN THE ADMINISTRATIVE REGISTRATION BY POSITIVE PRESCRIPTION. Who is found in the case of section IV of article 2527 of this Code, it may occur directly before the Public Property Registry to certify that it has operated the prescription and must submit a request stating:

I.- Your full name and address;

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- II.- The precise location of the property, its surface, boundaries and measurements;  
 III.- The date and cause of its possession, which consists of the act or act that generates it;  
 IV.- That the possession he invokes is in good faith;  
 V.- The name and address of the person from whom the petitioner obtained it, and those of the causing it if it is known; Y  
 VI.- The name and address of the neighbors.  
 The interested party must submit to said request:  
 1.- The document with which the origin of the possession is accredited, if such document exists;  
 2.- A plan authorized by a qualified engineer in which the property; Y  
 3.- Certificates relating to the cadastral and property status of the property, if they exist.

#### ARTICLE \* 2531.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PROCEDURE FOR

OBTAIN ADMINISTRATIVE REGISTRATION BY POSITIVE PRESCRIPTION.

Once the request is received, the Director of the Public Property Registry will make it known, by certified mail with acknowledgment of receipt, from the person from whom possession was obtained and his / her cause, if known, as well as the neighboring ones, giving them a period of nine days Skillful so that they manifest what is convenient for their rights.

The Director of the Public Property Registry will also order the publication of edicts to notify the people who could be considered harmed, at the expense of the interested party only once in the Official Newspaper "Tierra y Libertad" and in a newspaper with the highest circulation.

If there is opposition between the aforementioned persons, the Director of the Public Registry of the Property will terminate the procedure, in order for the dispute to be resolved by the Competent judge.

If there is no opposition, the Director of the Public Property Registry will designate the day and time for a hearing, in which the applicant must prove his possession, as owner and for the time required by this Code to prescribe, by means that produce conviction, between the which will be indispensable the testimony of three neighboring witnesses of the place where the property whose registration is requested.

The Director of the Public Property Registry may expand the examination of the witnesses with the questions that you deem pertinent to ensure the veracity of your statement.

The administrative resolution of the Director of the Public Property Registry will be issued within of the eight days following the holding of the hearing, granting or denying the registration and declaring in the first case that the holder has recorded the antecedents and circumstances that according to this Code are required to acquire by virtue of the prescription. Said resolution must state the grounds on which it is based.

#### ARTICLE \* 2532.- Repealed

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**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REQUIREMENTS FOR OBTAIN ADMINISTRATIVE INMATRICULATION BY POSSESSION IN GOOD FAITH. Who knows found in the case of section V of article 2527 of this Code, it may occur directly before the Public Property Registry to prove possession of a property, suitable for prescribe it, in accordance with the procedure established in the previous article, except that in the audience referred to in said numeral, the applicant must prove his present possession, by the means that produce conviction to the Director of the Public Property Registry, among the which will be essential the testimony of three witnesses who are neighbors of the property whose registration is requested.

#### ARTICLE \* 2533.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** OPPOSITION ONCE THE FAVORABLE RESOLUTION OF IMMATRICULATION IS PRONOUNCED. If the opposition to that referred to in the third paragraph of article 2531 of this Code will be presented once the procedure and approved the registration, the Director of the Public Property Registry will suspend the registration, if it has not yet been practiced, and if it has already been done, it will write down the said opposition in the respective registration. If the opponent allows six months to elapse without promoting the appropriate trial, the opposition will be void and the relative entry will be canceled.

#### ARTICLE \* 2534.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** DEFINITIVE REGISTRATION OF THE INMATRICULATION. Once judicially or administratively ordered the registration of the ownership or possession of a property and covered the payment of the respective rights, the corresponding inscription.

#### ARTICLE \* 2535.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** IMPOSSIBILITY OF MODIFICATION OR CANCELLATION OF THE REGISTRATION. The registration carried out By judicial or administrative resolution, it may not be modified or canceled, except by virtue of

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judicial order contained in an irrevocable sentence, issued in a trial in which it has been a party the Director of the Public Property Registry.

#### ARTICLE \* 2536.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** NO REGISTRATION OF INFORMATION. The judicial or administrative information of possession will not be registered, nor those of domain when urban development programs or declarations of uses are violated, destinations or land reservations, issued by the competent authority, or have not been satisfied the applicable legal provisions regarding the division and occupation of properties, unless deal with land tenure regularization programs approved by the authority competent.

#### ARTICLE \* 2537.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** DEFINITIVE REGISTRATION OF THE POSSESSIONAL REGISTRATION. Whoever has judicially or administratively obtained the registration of the possession of a property, once five years have elapsed, if the possession is in good faith, it may occur before the Director of the Public Property Registry to that orders the registration of the property acquired by positive prescription, who will order it as long as the interested party reliably proves having continued in possession of the property with the conditions to prescribe, without there being any entry that contradicts the registered possession.

### CHAPTER X OF THE REGISTRY SYSTEM

#### ARTICLE \* 2538.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REGISTRATION SYSTEM. The Regulations, based on the provisions of this Code, will establish the system in accordance with the which should be kept in the public registry and the entries of inscriptions, annotations cautions and presentation notes.

#### ARTICLE \* 2539.- Repealed

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**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONTENT OF THE

SEATS PRESENTATION NOTES. The seats and presentation notes will express:

- I.- The date and entry number;
- II.- The nature of the document and the official who authorized it;
- III.- The nature of the act or business in question;
- IV.- The goods or rights that are the object of the title presented, stating their amount, if it is stated; Y
- V.- The names and surnames of the interested parties.

**ARTICLE \* 2540.- Repealed**

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONTENT OF THE

REGISTRATION SEATS. The registration entries must state the circumstances following:

- I.- The nature, situation and boundaries of the properties that are the object of the registration or which are affected the right to be registered; its surface measurement, name and number if it appears in the title; So such as the references to the previous registry and the cadastral that the regulation provides;
- II.- The nature, extinction and conditions of the right in question;
- III.- The value of the goods or rights referred to in the previous sections, when according to the Law must be expressed in the title;
- IV.- In the case of mortgages, the guaranteed obligation; the time when your compliance; the amount of it or the maximum amount insured in the case of obligations of indeterminate amount; and, the revenues, if they are caused, and the date from which they must run;
- V.- The names of the natural or legal persons in whose favor the registration is made and of those from whom the goods come immediately. When the title expresses nationality, place of origin, age, marital status, occupation and domicile of the interested parties, mention will be made of those data in the registration;
- VI.- The nature of the fact or legal business; Y
- VII.- The date of the title, number if any, and the official who authorized it.

**ARTICLE \* 2541.- Repealed**

**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONTENT OF THE PREVENTIVE ANNOTATIONS. The preventive annotations will contain the circumstances that expresses the previous article, insofar as they result from the documents presented and, at least, the estate or annotated right, the person who favors the annotation and the date thereof.

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Those that owe their origin to embargo or kidnapping, will express, the cause that has given rise to Those and the amount of the obligation that originated them.  
Those that come from a declaration of expropriation, limitation of domain or occupation of real estate, they will mention the date of the respective decree, the date of its publication in the Official of the Federation or in the Official State newspaper and the purpose of public utility that serves as cause to statement.

#### **ARTICLE \* 2542.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONTENT OF THE CANCELLATION SEATS. The entries for cancellation of an entry or annotation preventive, they will express:

- I.- The type of document by virtue of which the cancellation is made, its date and number if so have and the official who authorizes it;
- II.- The cause for which the cancellation is made;
- III.- The name and surname of the person at whose request or with whose consent the cancellation;
- IV.- The expression of being totally or partially canceled the seat in question; Y
- V.- In the case of partial cancellation, the part that is segregated or that has disappeared from the property, or the one that reduces the right and the one that subsists.

#### **ARTICLE \* 2543.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** PROPERTY RELATIONSHIP BY SCORE. The annotations must contain the indications to relate the estates or seats to which they refer and, where appropriate, the fact to be accredited, and the document by virtue of which it is extended.

#### **ARTICLE \* 2544.- Repealed**

##### **NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** OMISSION OF REQUIREMENTS LEGAL IN THE REGISTRY SEATS. The requirements that according to the previous articles must contain the entries, they may be omitted when they already appear in others of the farm registry, making only reference to the entry that contains them.

#### **ARTICLE \* 2545.- Repealed**

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**NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** DATA THAT MUST CONTAIN THE SEATS. All seats, of whatever class, must be signed by the registrar and state the date on which they are practiced, as well as the day and number of the presentation.

**ARTICLE \* 2546.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CANCELLATION EFFECTS OF THE REGISTRY SEATS. The seats of the Public Property Registry will not be valid effects while they are not signed by the registrar or official who replaces him, but the signature of those can be required by whoever has the title with the certification of having been registered. The seats may be annulled by judicial resolution with a hearing of the interested parties, when said entries have been substantially altered, as well as in the event that they have been changed the essential data related to the farm in question, or the registered rights or the owner of these, without prejudice to the provisions regarding the rectification of errors, inaccuracies and omissions.

**ARTICLE \* 2547.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **I used to say:** THE NULLITY OF THE SEATS DOES NOT HARM PRIOR THIRD PARTY RIGHT. The nullity of the seats to which referred to in the previous article, it will not harm the right previously acquired by a third party, protected in accordance with article 2486 of this Code.

**CHAPTER XI****OF THE REGISTER OF TRANSACTIONS ON MOVABLE PROPERTY****ARTICLE \* 2548.- Repealed****NOTES:**

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** SUSCEPTIBLE ACTS REGISTRATION ON MOVABLE PROPERTY. The following operations will be registered on movable property:

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- I.- The contracts for the sale of movable property referred to in section II of article 1795 of this Code;
- II.- Contracts for the sale of movable property for which the seller reserves the right to ownership thereof, referred to in article 1799 of this Code; Y
- III.- The pledge contracts mentioned in article 2313 of this Ordinance.

#### ARTICLE \* 2549.- Repealed

##### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONTENT OF THE INSCRIPTIONS ON TRANSACTIONS WITH MOVABLE PROPERTY. Any inscription that is done with respect to movable property must express the following data:

- I.- The names of the contracting parties;
- II.- The nature of the furniture with the characteristic or signs that serve to identify it in a way indubitable;
- III.- The price and form of payment stipulated in the contract, and, where appropriate, the amount of the credit guaranteed with the garment; Y
- IV.- The date on which it is practiced and the signature of the registrar.

### CHAPTER XII REGISTRATION OF MORAL PERSONS

#### ARTICLE \* 2550.- Repealed

##### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** ACTS DOCUMENTS SUBCEPTIBLE FOR REGISTRATION IN THE REGISTRY OF MORAL PERSONS. In the registry of the legal entities will register:

- I.- The instruments by which the companies are constituted, reformed or dissolved and civil associations and their statutes;
- II.- The instruments that contain the protocolization of the statutes of associations and foreign companies of a civil nature and their reforms, when the registrar has verified that the authorizations referred to in article 2161 of this Code exist; Y
- III.- The constitution of foundations and private charitable associations and their modifications.

#### ARTICLE \* 2551.- Repealed

##### NOTES:

**CURRENT REFORM.,** - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Libertad" No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONTENT OF THE

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REGISTRATION ON THE CONSTITUTION OF MORAL PERSONS. The inscriptions Regarding the constitution of legal entities, they must contain the following data:

- I.- The name of the grantors;
- II.- The company name or denomination;
- III.- The object, duration and address;
- IV.- The capital stock, if any, and the contribution with which each partner must contribute;
- V.- The way to distribute profits and losses, if applicable;
- VI.- The name of the administrators and the powers granted to them; Y
- VII.- The date and the signature of the registrar.

#### ARTICLE \* 2552.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** CONTENT OF VARIOUS INSCRIPTIONS ON MORAL PEOPLE. The other inscriptions that are practice with respect to legal entities, they will express the essential data of the act or contract as they result from the respective title.

#### ARTICLE \* 2553.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **I used to say:** EFFECTS OF THE INSCRIPTIONS ON MOVABLE PROPERTY MORAL PERSONS. Relative inscriptions personal property and legal entities will not produce more effects than those indicated in the articles 1795, section II; 1800, 2106, 2123 and 2311 of this Code, and will be applicable to the records the provisions relating to real estate, insofar as they are compatible with the nature of the acts or contracts that are the subject of this and the previous chapter and with the effects that inscriptions produce.

### CHAPTER XIII

#### REGISTRATION OF URBAN DEVELOPMENT PLANS

#### ARTICLE \* 2554.- Repealed

##### NOTES:

**CURRENT REFORM.**, - Repealed by second transitory article of the Public Registry Law of Property and Commerce of the State of Morelos, published in the Official Newspaper "Tierra y Freedom "No. 4572 of 2007/11/28. Validity: 2008/01/01. **Before it said:** REGISTRATION OF MUNICIPAL STATE URBAN DEVELOPMENT PLANS. State and municipal plans of urban development, will be registered in the Public Property Registry by express order of the Head of the Executive Power of the State.

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CIVIL CODE FOR THE FREE AND SOVEREIGN STATE OF MORELOS  
**FROM THE STATE REGISTRY OF VEHICLES AND AUTOMOTIVE**  
**SINGLE CHAPTER**  
**OF THE ATTRIBUTIONS OF THE STATE REGISTRY OF**  
**VEHICLES AND MOTORS OF THE STATE OF MORELOS**

**ARTICLE \* 2555.- POWERS OF THE STATE VEHICLE REGISTRY AND AUTOMOTIVE.** The State Registry of Vehicles and Motor Vehicles of the State of Morelos, which may be identified with the acronym REVAEM, will be the dependency responsible for the registration of vehicles and motor vehicles, as well as the registration and certification of the contracts derived from the operations or transactions that are made with respect to them, whether by sale, donation, exchange, loan, usufruct, inheritance, donation in payment, acquisition by judicial means whatever its form and in general of any operation that has for object the transfer of possession or ownership of vehicles and motor vehicles. Said dependency will correspond to the Ministry of Finance of the Government of the State of Morelos and will have powers of verification and certification of the data identification and ownership documentation of the vehicles and automotive, for the security of the contracting parties and will work according to the corresponding regulation.

**NOTES:**

**CURRENT REFORM.-** This article is added by Decree No. 461 published in the POEM No. 4203 of 2002/08/14. Validity: 2002/08/15.

**ARTICLE \* 2556.- REGISTRATION OBLIGATION.** All vehicle and automotive, must be registered with REVAEM.

**NOTES:**

**CURRENT REFORM.-** This article is added by Decree number 461 published in the POEM 4203 dated 2002/08/14. Validity: 2002/08/15.

**GENERAL OBSERVATION.-** In accordance with the sole article of Decree number 1044, published in POEM 4276 dated 2003/09/03 they are granted a term until 2003/12/31 to make the corresponding registration from the publication of the Regulation of the matter.

**ARTICLE \* 2557.- REGISTRATION AND CERTIFICATION OF OPERATIONS.-** So that an operation or transaction with respect to any vehicle or motor vehicle, produces the corresponding legal effects, the respective contract must be registered before the

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REVAEM and also the corresponding certification must be obtained; its omission within the legal terms, will result in the imposition of the sanctions established by the regulations of the matter.

**NOTES:**

**CURRENT REFORM.-** This article is added by Decree No. 461 published in the

**TRANSIENT**

**FIRST.-** This Code shall enter into force on the first day of January, one thousand nine hundred and ninety-four, after its publication in the Official Newspaper "Tierra and Libertad ", organ of the Government of the Free and Sovereign State of Morelos.

**SECOND.-** Its provisions will govern the legal effects of the previous acts to its validity, if its application does not violate acquired rights.

**THIRD.-** The legal capacity of the persons shall be governed by the provisions of this Code, even when it modifies or removes the one they previously enjoyed; but the acts accomplished by capable people stand firm, even when they become incapable according to the present Law.

**FOURTH.-** The provisions of this Code shall apply to the terms that are running to prescribe or for any other legal act, but time elapsed will be computed increasing or decreasing it in the same proportion in which the new term established by the this Code.

**FIFTH.-** Within a period of one hundred and eighty calendar days from From the date this Code begins its validity, the Regulations of the Civil Registry and the Public Registry of Property, while Therefore, the current Legislation will continue to be applied in everything that is not contrary to the preventions of this Code.

**SIX.-** The contracts of antichresis and emphytheusis, celebrated under the rule of the Previous legislation will continue to be governed by the provisions of that legislation.

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**SEVENTH.-** The Civil Code for the Free and Sovereign State of Morelos is abrogated issued on September 26, 1945, published in the Official State Newspaper on February 24, 1946 and all those provisions that were oppose the present ordinance.

**EIGHTH.-** Decree Number 74 of November 26, 1952, is abrogated. published in the Official State Newspaper on December 31, 1952.

**NINTH.-** As long as the new law on the matter is issued, it will continue applying the Law on the Property Regime in condominium of the buildings divided into flats, apartments, houses or premises of the State of Morelos.

**TENTH.-** The headings that precede the articles of this Code do not have value for their interpretation and cannot be cited with respect to the content and scope of civil regulations.

**ELEVENTH.-** Refer this Code to the holder of the Executive Power State for the purposes indicated in article 47 and 70 section XVII of the Political Constitution of the Free and Sovereign State of Morelos.

Given in the Hall of Sessions of the H. Congress of the State on the twenty-seventh day of the month of August of one thousand nine hundred and ninety-three.

**THE DEPUTY PRESIDENT OF THE BOARD  
DIRECTIVE OF THE H. CONGRESS OF THE STATE  
MA. ELENA ESPIN OCAMPO  
DEPUTY SECRETARY  
NEREO FLAG ZAVALA  
DEPUTY SECRETARY  
IRMA OLIVAN REBOLLO  
HEADINGS**

Therefore, I order it to be printed, published, circulated and duly fulfilled.

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Given at the Residence of the Executive Power in the City of Cuernavaca, Capital of the State of Morelos, on the eleventh day of October, nineteen hundred ninety three.

**EFFECTIVE SUFFRAGE. NO REELECTION  
THE CONSTITUTIONAL GOVERNOR OF THE STATE  
ANTONIO RIVA PALACIO LOPEZ  
THE GENERAL SECRETARY OF GOVERNMENT  
ALFREDO DE LA TORRE MARTINEZ  
HEADINGS**

**DECREE NUMBER ONE THOUSAND FIVE HUNDRED AND EIGHTY TWO  
BY WHICH ARTICLES 1238 AND 1242 OF THE CIVIL CODE FOR THE  
FREE AND SOVEREIGN STATE OF MORELOS.**

**POEM No. 5479 dated 2017/03/08**

**TRANSITORY DISPOSITIONS:**

**FIRST.** Refer this Decree to the Head of the Executive Power, for its promulgation and respective publication in accordance with articles 44, 47 and 70 section XVII subsection a) of the Political Constitution of the Free and Sovereign State of Morelos.

**SECOND .** This Decree shall enter into force as of the day following its publication in the Official Newspaper "Tierra y Libertad", Organ of diffusion of the Government of the State of Morelos.

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