

**18 GCA BUSINESS STRUCTURE & FUNCTION**  
**CH. 40 DEPOSIT IN GENERAL**

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**DEPOSIT**

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**CHAPTER 40**  
**DEPOSIT IN GENERAL**

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**ARTICLE 1**  
**NATURE & CREATION OF DEPOSIT**

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**§ 40101. Kinds of Deposit.**

A deposit may be voluntary or involuntary, and for safekeeping or for exchange.

**SOURCE:** CC § 1813.

**§ 40102. Voluntary Deposit.**

A voluntary deposit is made by one giving to another, with his consent, the possession of personal property to keep for the benefit of the owner, or of a third party. The person giving is called the depositor, and the person receiving the depositary.

**SOURCE:** CC § 1814.

**§ 40103. Involuntary Deposit.**

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An involuntary deposit is made:

1. By the accidental leaving or placing of personal property in the possession of any person, without negligence on the part of its owner; or

2. In cases of fire, shipwreck, inundation, insurrection, riot, or like extraordinary emergencies, by the owner of personal property committing it, out of necessity, to the care of any person.

**SOURCE:** CC § 1815.

**§ 40104. Duty of Involuntary Depositary.**

The person with whom a thing is deposited in the manner described in the last section is bound to take charge of it, if able to do so.

**SOURCE:** CC § 1816.

**§ 40105. Deposit for Keeping.**

A deposit for keeping is one in which the depositary is bound to return the identical thing deposited.

**SOURCE:** CC § 1817.

**§ 40106. Deposit for Exchange.**

A deposit for exchange is one in which the depositary is only bound to return a thing corresponding in kind to that which is deposited.

**SOURCE:** CC § 1818.

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**ARTICLE 2**  
**OBLIGATIONS OF THE DEPOSITARY**

§ 40201. Depositary to Deliver on Demand.

§ 40202. No Obligation Without Demand.

§ 40203. Place of Delivery.

§ 40204. Notice: Adverse Claim.

§ 40205. Notice to Owner; Wrongfully Detained.

§ 40206. Delivery; Jointly Owner.

§ 40207. Joint Deposits.

**§ 40201. Depositary to Deliver on Demand.**

A depositary must deliver the thing to the person for whose benefit it was deposited, on demand, whether the deposit was made for a specific time or not, unless he has a lien upon the thing deposited, or has been forbidden or prevented from doing so by the real owner thereof, or by the act of the law, and has given the notice required by § 40204.

SOURCE: CC § 1822.

**§ 40202. No Obligation Without Demand.**

A depositary is not bound to deliver a thing deposited without demand, even where the deposit is made for a specified time.

SOURCE: CC § 1823.

**§ 40203. Place of Delivery.**

A depositary must deliver the thing deposited at his residence or place of business, as may be most convenient for him.

SOURCE: CC § 1824.

**§ 40204. Notice: Adverse Claim.**

A depositary must give prompt notice to the person for whose benefit the deposit was made, of any proceedings taken adversely to his interest in the thing deposited, which may tend to excuse the depositary from delivering the thing to him.

SOURCE: CC § 1825.

**§ 40205. Notice to Owner; Wrongfully Detained.**

A depositary, who believes that a thing deposited with him is wrongfully detained from its true owner, may give him notice of the deposit; and if within a reasonable time afterwards he does not claim it, and sufficiently establish his right thereto, and indemnify the depositary against the claim of the depositor, the depositary is exonerated from liability to the person to whom he gave the notice, upon returning the thing to the depositor, or assuming, in good faith, a new obligation changing his position in respect to the thing, to his prejudice.

SOURCE: CC § 1826.

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**§ 40206. Delivery; Jointly Owner.**

If a thing deposited is owned jointly or in common by persons who cannot agree upon the manner of its delivery, the depository may deliver to each his proper share thereof, if it can be done without injury to the thing.

**SOURCE:** CC § 1827.

**§ 40207. Joint Deposits.**

When a deposit is made in the name of two or more persons, deliverable or payable to either or to their survivor or survivors, such deposit or any part thereof may be delivered or paid to either of said persons or to the survivor or survivors in the course of business.

**SOURCE:** CC § 1828.

**NOTE:** No 1970 Civil Code §§ 1829-1832 existed.

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