

18 GCA BUSINESS STRUCTURE & FUNCTION
CH. 45 LOAN FOR USE

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CHAPTER 45
LOAN FOR USE

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§ 45101. What is a Loan.

A *loan for use* is a contract by which one gives to another the temporary possession and use of personal property, and the latter agrees to return the same thing to him at a future time, without reward for its use.

SOURCE: CC § 1884.

§ 45102. Title to Property Lent.

A loan for use does not transfer title to the thing; and all its increase during the period of the loan belongs to the lender.

SOURCE: CC § 1885.

§ 45103. Care Required of Borrower.

A borrower for use must use great care for the preservation in safety and in good condition of the thing lent.

SOURCE: CC § 1886.

§ 45104. Care Required of Borrowed Animals.

One who borrows a living animal for use, must treat it with great kindness, and provide everything necessary and suitable for it.

SOURCE: CC § 1887.

§ 45105. Degree of Skill.

A borrower for use is bound to have and to exercise such skill in the care of the thing lent as he causes the lender to believe him to possess.

SOURCE: CC § 1888.

§ 45106. Borrower to Repair Injuries.

A borrower for use must repair all deteriorations or injuries to the thing lent, which are occasioned by his negligent, however, slight.

SOURCE: CC § 1889.

§ 45107. Use of Thing Lent.

The borrower of a thing for use may use it for such purposes only as the lender might reasonably anticipate at the time of lending.

SOURCE: CC § 1890.

§ 45108. Relending Forbidden.

The borrower of a thing for use must not part with it to a third person, without the consent of the lender.

SOURCE: CC § 1891.

§ 45109. Borrower to Bear Expenses.

The borrower of a thing for use must bear all its expenses during the loan, except such as are necessarily incurred by him to preserve it from unexpected and unusual injury. For such expenses he is entitled to compensation from the lender, who may, however, exonerate himself by surrendering the thing to the borrower.

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SOURCE: CC § 1892.

§ 45110. Lender Liable for Defects.

The lender of a thing for use must indemnify the borrower for damage caused by defects or vices in it, which he knew at the time of lending, and concealed from the borrower.

SOURCE: CC § 1893.

§ 45111. Lender may Require Return.

The lender of a thing for use may at any time require its return, even though he lent it for a specified time or purpose. But if, on the faith of such agreement, the borrower has made such arrangements that a return of the thing before the period agreed upon would cause him loss, exceeding the benefit derived by him from the loan, the lender must indemnify him for such loss, if he compels such return, the borrower not having in any manner violated his duty.

SOURCE: CC § 1894.

§ 45112. Returnable without Demand.

If a thing is lent for use for a specified time or purpose, it must be returned to the lender without demand, as soon as the time has expired, or the purpose has been accomplished. In other cases it need not be returned until demanded.

SOURCE: CC § 1895.

§ 45113. Place of Return.

The borrower of a thing for use must return it to the lender, at the place contemplated by the parties at the time of lending; or if no particular place was so contemplated by them, then at the place where it was at that time.

SOURCE: CC § 1896.

NOTE: No 1970 Civil Code §§ 1897-1901 existed.

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