

CHAPTER 33
ACCESSION TO PERSONAL PROPERTY

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§ 33101. Accession by Uniting Several Things.

When things belonging to several owners have been united so as to form a single thing, and cannot be separated without injury, the whole belongs to the owner of the thing which form the principal part, who must, however, reimburse the value of the residue to the other owner, or surrender the whole to him.

SOURCE: CC §1025.

§ 33102. What is the Principal Part.

The part is to be deemed the principal to which the other has been united only for the use, ornament, or completion of the former, unless the latter is the more valuable, and has been united without the knowledge of its owner, who may, in the latter case, require it to be separated and returned to him, although some injury should result to the thing to which it has been united.

SOURCE: CC §1026.

§ 33103. When Neither is Principal Part.

If neither part can be considered the principal, within the rule prescribed by § 33102, the more valuable, or, if the values are nearly equal, the more considerable in bulk, is to be deemed the principal part.

SOURCE: CC §1027.

§ 33104. Uniting Material and Workmanship.

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If one makes a thing from materials belonging to another, the latter may claim the thing on reimbursing the value of the workmanship, unless the value of the workmanship exceeds the value of the materials, in which case the thing belongs to the maker, on reimbursing the value of the materials.

SOURCE: CC §1028.

§ 33105. Inseparable Materials.

Where one has made use of materials which in part belong to him and in part to another, in order to form a thing of a new description, without having destroyed any of the materials, but in such a way that they cannot be separated without inconvenience, the thing formed is common to both proprietors; in proportion, as respects the one of the materials belonging to him, and as respects the other, of the materials belonging to him and the price of his workmanship.

SOURCE: CC §1029.

§ 33106. Materials of Several Owners.

When a thing has been formed by the admixture of several materials of different owners, and neither can be considered the principal substance, an owner without whose consent the admixture was made may require a separation, if the materials can be separated without inconvenience. If they cannot be thus separated, the owners acquire the thing in common, in proportion to the quantity, quality, and value of their materials; but if the materials of one were far superior to those of the others, both in quantity and value, he may claim the thing on reimbursing to the others the value of their materials.

SOURCE: CC §1030.

§ 33107. Wilful Trespassers.

The foregoing sections of this Chapter are not applicable to cases in which one wilfully uses the materials of another without his consent; but, in such cases, the product belongs to the owner of the materials, if its identity can be traced.

SOURCE: CC §1031.

§ 33108. Election Between Thing and its Value.

In all cases where one whose material has been used without his knowledge, in order to form a product of a different description, can claim

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an interest in such product, he has an option to demand either restitution of his material in kind, in the same quantity, weight, measure, and quality, or the value thereof; or where he is entitled to the product, the value thereof in place of the product.

SOURCE: CC §1032.

§ 33109. Wrongdoers Liable in Damages.

One who wrongfully employs materials belonging to another is liable to him in damages, as well as under the foregoing provisions of this Chapter.

SOURCE: CC §1033.

NOTE: CC §§34 through 1038 did not exist.

COMMENT: Because of the different structure of the Guam Code Annotated, Chapter 1 of Part IV, Title III of the Civil Code, *Accession to Real Property*, is now in Title 21 GCA, *Real Property*, Chapter 20.

CROSS-REFERENCES: 21 GCA Chapter 20 - *accession to Real Property*.
