

## **CHAPTER 47-08**

### **ACCESSION TO PERSONAL PROPERTY**

#### **47-08-01. Things inseparably united.**

When things which belong to different 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 forms the principal part, but such owner must reimburse the value of the residue to the other owner or surrender the whole to the other owner.

#### **47-08-02. Principal part defined.**

The principal part shall mean that part 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 in the latter case, may require it to be separated and returned to the owner, although some injury should result to the thing to which it has been united. If neither part can be considered the principal part, the more valuable, or if the values are nearly equal, the more considerable in bulk, is to be deemed the principal part.

#### **47-08-03. Materials of different owners united by labor of one - Inseparable without inconvenience - Common ownership.**

When one has made use of materials which in part belong to that person 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 that person, and as respects the other, of the materials belonging to that person and the price of that person's workmanship.

#### **47-08-04. Material of several owners - Admixture without consent of the same - Ownership - Determination.**

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 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. If the materials of one were far superior to those of the others, both in quantity and value, that person may claim the thing on reimbursing to the others the value of their materials.

#### **47-08-05. Thing made from another's materials.**

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.

#### **47-08-06. Willful uniting material without consent - Nonconsenting owner entitled to product - Limitation.**

The foregoing sections of this chapter are not applicable to cases in which one willfully uses the materials of another without the other's consent. In such cases the product belongs to the owner of the materials if their identity can be traced.

#### **47-08-07. Union of material - Right to restitution or value by nonconsenting owner.**

In all cases where one whose materials have been used without the person's knowledge in order to form a product of a different description can claim an interest in such product, the person has an option to demand either restitution of the person's materials in kind in the same quantity, weight, measure, and quality, or the value thereof, or where the person is entitled to the product, the value thereof in place of the product.

**47-08-08. Damages - Liability of person uniting materials of another.**

One who wrongfully employs materials belonging to another is liable to that person in damages in addition to any other liability prescribed by this chapter.