A Summa of
Priority of Privileges
(Rev’d Apr 09)

I Privileges in movables
   A Non-farm product movables
      1 Privileges inter se
         a Special privileges inter se . . .
             1/ A lessor’s privilege (given CC art. 2707) prevails over a vendor’s privilege (given by CC art. 3217(7)), even though the vendor’s privilege, by definition, would have to arise first (CC art. 3258)
             2/ A vendor’s privilege (given by CC art. 3217(7)) prevails over all other special CC privileges, e.g., a CC artisan’s privilege and a CC carrier’s privilege (implication of CC art. 3263)
             3/ A vendor’s privilege (given by CC art. 3217(7)) prevails over most (if not all) RS special privileges, including an RS repairperson’s privilege (RS 9:4501(B), 4502(B)) and a RS hauler’s privilege (RS 9:4601(B))
         b General privileges inter se, in this order: first, widow and child; then, funeral charges; then, law charges; then, charges for last sickness; then, wages of servants; then, supplies of provisions; last, salaries of clerks (CC arts. 3191, 3252, 3254)
         c Special privileges v. general privileges . . .
             1/ General rule: a special privilege prevails over a general privilege (induction from CC arts. 3256, 3262, 3263, 3264, 3265)
             2/ Exceptions:
                 a/ A lessor’s privilege, even one that arose previously, yields to a funeral charges privilege (CC art. 3257)
                 b/ An innkeeper’s privilege, even one that arose previously, yields to a funeral charge privilege and to a law charges privilege (CC art. 3264)
                 c/ All special privileges, save for the vendor’s privilege, yield to the widow and child privilege (CC arts. 3252, 3254)
      2 Privileges v. UCC SIs
         a General rule: a UCC SI, even if not previously perfected and, indeed, even if not perfected at all, prevails
         b Exceptions
             1/ Privileges for artisans, repairmen, and the like . . .
                 a/ A CC artisan’s privilege (given by CC art. 3217(2)) prevails over all UCC SIs, even those previously perfected (RS 10:9-333)
                 b/ A RS repairman’s privilege (given by RS 9:4501 or 4502) prevails over UCC SIs that were not previously perfected (RS 9:4501(B), 4502(B))
             2/ Privileges for carriers, transporters, and the like . . .
                 a/ A CC carrier’s privilege (given by CC art. 3217(9)) prevails over all UCC SIs, even those previously perfected (RS 10:9-333)
                 b/ A RS hauler’s privilege (given by RS 9:4506) prevails over UCC SIs that were not previously perfected (RS 9:4506(B))
             3/ An attorney’s privilege (given by RS 9:5001) prevails over all UCC SIs, even those previously perfected (RS 9:5001(A))
      3 Privileges v. lien creditors: at least as a general rule, the first to perfect / incept prevails (jurisprudential rule)
B  *Farm product* movables (crops)

1  Privileges *inter se* & privileges v. UCC SIs
   a  Where the competing crop privileges (given by CC art. 3217(1) & (3) and/or by RS 9:4522-4524) and/or UCC SIs have all been properly perfected, the security holders rank in this order: (1) laborers, (2) overseers, (3) lessor, (4) UCC SIs, (5) suppliers and lenders (RS 9:4521)
   b  Where one of the competing crop privileges and/or UCC SIs has not been properly perfected . . .
      1) If one has been perfected and the other has not, the perfected one prevails
      2) If neither has been perfected, the first to attach prevails
         (RS 10:9-322(a)(2)&(3))

2  Privileges v. lien creditors: the first to perfect / incept prevails (RS 10:9-317(a)(2))

3  Privileges v. mortgages: a privilege prevails over a mortgage, even one that was previously perfected (CC art. 3186)

II  Privileges in *immovables*

A  Privileges *inter se*

1  Special privileges *inter se*: for the only two such privileges that might possibly arise – (1) that of the vendor (given by CC art. 3249(1)) and (2) those of contractors, subcontractors, their employees, and materialmen (given by CC art. 3249(2)-(4) &/ or by the PWA)–, priority is now determined by the PWA (RS 9:4821)

2  General privileges *inter se*, in this order: first, widow and child; then, funeral; then, law; then, last illness; then, wages of servants; last, salaries of clerks (CC art. 3270, which cross-references CC art. 3254)

3  Special privileges v. general privileges:
   a  General rule: a special privilege prevails over a general privilege (CC art. 3267)
   b  Exception: all special privileges, save for the vendor’s privilege, yield to the widow and child privilege (CC arts. 3252, 3270, 3254)

B  Privileges v. lien creditors: at least as a general rule, the first to perfect / incept prevails (jurisprudential rule)

C  Privileges v. mortgages

1  General rule: a privilege prevails over a mortgage, even one that was previously perfected (CC art. 3186)

2  Exceptions:
   a) Against a late-perfected vendor’s privilege (one not perfected until after the 7-day deadline has passed), mortgages rank by time of perfection (CC art. 3274)
   b) The widow and child privilege yields to a (previously perfected?) conventional mortgage (CC art. 3252)