

## APOSTILLE

(Convention de La Haye du 5 octobre 1961)

[(The Hague Convention, 5th October 1961) - this set phrase must remain in French]

1. **French Republic**  
**This public document**
2. **has been signed by Me \*\*\*\***
3. **acting in the capacity of Notaire [French solicitor]**
4. **bears the seal/stamp of The notary office located**  
**in \*\*\*\*, France**

### Certified

5. **at \*\*\*\***
6. **the \*\* \*\* \*\*\*\***
7. **by Le Procureur général près la Cour d'Appel [Head of Public Prosecution Service, Appellate Court, \*\*\*\*, France]**
8. **N° \*\*\*\***
9. **Seal/stamp:**
10. **Signature:**

[Prosecution Service, Appellate Court of \*\*\*, France - "An apostille only certifies the signature, the seal or the stamp affixed to the document. It does not certify the accuracy of the document's content or that the French Republic approves the content thereof." ]



"L'Apostille confirme seulement l'authenticité de la signature, du sceau ou du timbre sur le document. Elle ne signifie pas que le contenu du document est correct ou que la République Française approuve son contenu".

## THE YEAR TWO THOUSAND AND NINE

The \*\*\* day of \*\*\*,  
In \*\*\*, Hautes-Pyrénées, France,  
*Maître* [title given to French solicitors] \*\*\*, *Notaire* [French solicitor] *associé* [General Partner], "\*\*\*\*" *Société Civile Professionnelle* [French partnership], holder of a Notary Office in \*\*\*, Hautes-Pyrénées, France, the undersigned,

Executed this notarised deed in respect of *NOTORIÉTÉ* [probate] subsequently to the death related hereinafter,

### UPON REQUEST BY:

Mr \*\*\*,  
& Mrs \*\*\*, spouse of Mr \*\*\*.

Whose full identity details are given below.

Hereinafter referred to as THE ASSIGNEE or THE ASSIGNEES

### PRESENCE – REPRESENTATION

All ASSIGNEES are present [in person].

### STATEMENTS

With regard to the deceased the undersigned ASSIGNEE or ASSIGNEES warrant(s) and represent(s) that:

He died on the date and at the place hereinafter stipulated,

[Me [acronym standing for *Maître* - title given to French solicitors] \*\*\*,

*Notaire* [French solicitor] *associé* [General Partner], \*\*\*, France]

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As from his death and up until the date hereof, no *inventaire* [probate summary] has been drawn up,

There are no known [prior] arrangement with regard to his death, with the exception of a will made in the United Kingdom pursuant to which all the assets of the deceased shall be bequeathed to his two children; each one is entitled to a share not exceeding half of the assets; Consequently, the said will does not affect the descendants' succession rights under French statutory regulations.

Without prejudice to their decision [with regard to acceptance of the Deceased's estate], in accordance with Section 730-2, Code civil, they warrant and represent, pursuant to Section 730-1, paragraph 3, of the same code, that, according to the devolution [statements] set forth below, they are the sole lawful beneficiaries of the whole of the Deceased's estate.

## **DEVOLUTION**

The late pensioner and widower of Mrs \*\*\*\* Mr \*\*\*\*, of the Maison de Retraite \*\*\*\* [retirement home], \*\*\*\*, Hautes-Pyrénées, France.

Born in \*\*\*\*, United-Kingdom, on \*\*\*\* \*\*\*\*.  
Of British nationality.

**Died in \*\*\*\*, Hautes-Pyrénées, France, on \*\*\*\*.**

Leaving as beneficiaries in relation to his estate:

## **IN THE CLASS OF THE DESCENDANTS:**

1) Pensioner Mr \*\*\*\*, of Fouchet [the source document reads: "\*\*\*\*\*"],  
\*\*\*\*, spouse of Mrs \*\*\*\*.

Born in \*\*\*\* (United Kingdom), on \*\*\*\*.  
Of British nationality.

[Me [acronym standing for *Maître* - title given to French solicitors] \*\*\*\*]

*Notaire* [French solicitor] *associé* [General Partner], \*\*\*\*, France]

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Married under the British *régime légal* [statutory default regulations governing marriages] that is equivalent, under French statutory regulations, to the *séparation des biens* [French matrimonial regime] for having registered marriage in \*\*\*\*, Essex, United Kingdom, on \*\*\*\*; Such *régime* [British statutory default regulations governing marriages] was not modified by any contractual [prenuptial] or judicial provisions.

2) Pensioner Mrs \*\*\*\*, of \*\*\*\*, \*\*\*\*, Haute Garonne, France, spouse of Mr \*\*\*\*.

Born in \*\*\*\* (United Kingdom), on \*\*\*\*.

Of British nationality.

Married under the British *régime légal* [statutory default regulations governing marriages] that is equivalent, under French statutory regulations, to the *séparation des biens* [French matrimonial regime] for having registered marriage in \*\*\*\*, United Kingdom, on \*\*\*\*; Such *régime* [British statutory default regulations governing marriages] was not modified by any contractual [prenuptial] or judicial provisions.

His two children, of his sole marriage to Mrs \*\*\*\*, his previously deceased spouse.

Joint heirs to all [of the estate] and each one [being entitled] to a half thereof.

## FILED EVIDENCE

The [foregoing] statements are supported by the document appended hereto:

A full copy of the *acte de décès* [death certificate] of the DECEASED issued by *Monsieur le Maire* [the Mayor] of \*\*\*\*, Hautes-Pyrénées, France.

## CAUTION GIVEN TO THE ASSIGNEES

[Me [acronym standing for *Maitre* - title given to French solicitors] \*\*\*\*]

*Notaire* [French solicitor] *associé* [General Partner], \*\*\*\*, France]

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## Notarised Certificate

The ASSIGNEE or the ASSIGNEES acknowledge(s) that he/she/they has/have been made aware of the obligation placed upon them, under *décret n° 55-1350* [French decree dated] 14th October 1955, to obtain evidence, via a notarised certificate, of [any] interests in land assigned or arising through death in connection with the succession [and] vested in them.

Should such a certificate be required, the undersigned *notaire* [French solicitor] is instructed by them to execute the same, within the time period prescribed by law.

## Sanctions Relating to Misleading Statements

The ASSIGNEE or the ASSIGNEES has/have been made aware by the undersigned *notaire* [French solicitor] that under Section 730-5, Code civil, that "*A person who, knowingly and in bad faith, avails himself of an inaccurate affidavit, incurs the penalties of concealment provided for in Article 792, without prejudice for damages.*"<sup>[1]</sup>

## Unconditional Acceptance of the Succession

The ASSIGNEE or the ASSIGNEES has/have been made aware by the undersigned *notaire* [French solicitor] of [the content of] Section 786, Code civil, which stipulates that any heir who unconditionally accepts [an estate ] may no longer renounce the estate nor accept it *à concurrence de l'actif net* [without any liability beyond the net assets of the estate].

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<sup>1</sup> [Official translation provided by Légifrance - <http://www.legifrance.gouv.fr> - our translation: "Without prejudice to any damages, anyone who knowingly and in bad faith may take advantage of an inaccurate *acte de notoriété* [probate certificate] shall be liable to the penalties relating to concealment prescribed by Section 792 of the same code."]

[Me [acronym standing for *Maître* - title given to French solicitors] \*\*\*\*]

*Notaire* [French solicitor] *associé* [General Partner], \*\*\*\*, France]

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However, an heir may request to be discharged of the whole or a part of his/her liability with regard to estate debts that he/she had good reasons not to be cognizant of at the time of acceptance, where the payment of such a debt would as a result burden dramatically his or her own estate. Such action must be brought within five months as from the day when the heir was made cognizant of the existence and the extent of the debt.

## **Tax Liability**

Furthermore, the ASSIGNEE or the ASSIGNEES acknowledge(s) that he/she/they has/have been made aware by the undersigned *notaire* [French solicitor]:

- of the obligation to file the *déclaration de succession* [French inheritance tax form] with the ad hoc *Recette des Impôts* [French tax office] within a time period of SIX MONTHS as from the day of death and to pay the *droits de mutation à titre gratuit* [French tax on change of ownership via inheritance or donation] within the same time period. Failing to meet such a deadline will result in late payment interests and penalties becoming payable.

- the possibility to make a down payment in relation with the tax that are liable to become due if the final *déclaration de succession* [French inheritance tax form] cannot be submitted within the six month period.

- the possibility of resorting to mandatory taxation which is made available to French Revenue and Customs under Section L67, *Livre des procédures fiscales* [French tax regulations] if the *déclaration de succession* [French inheritance tax form] is not submitted within a period of 90 days following the notice [date].

- the possibility made available to the heir or the *nu-propriétaire* [bare owner with regard to usufruct] to apply for deferred payment in relation with the *droits de succession* [French inheritance tax] in compliance with the provisions set forth by the *Code général des impôts* [French tax regulations].

[Me [acronym standing for *Maître* - title given to French solicitors] \*\*\*\*

*Notaire* [French solicitor] *associé* [General Partner], \*\*\*\*, France]

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## **COSTS**

The costs in relation with this deed shall be payable by the ASSIGNEE or the assignees.

This deed may be produced in any jurisdiction where it may be required.

This deed consisting of four pages,  
was read [aloud and] thereafter executed by the parties [thereto] and the *Notaire* [French solicitor],  
On the date and at the place shown on the first page hereof,

Followed by the signatures of Mr \*\*\*\*, Mrs \*\*\*\*, *Maître* [title given to French solicitors] \*\*\*\* and a copy of an appendix.

[Me [acronym standing for *Maître* - title given to French solicitors] \*\*\*\*]

*Notaire* [French solicitor] *associé* [General Partner], \*\*\*\*, France]

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[Register Office - French Republic]

N°5 - Death

\*\*\*\*

Pensioner \*\*\*\* of \*\*\*\*, Hautes-Pyrénées, France, son of \*\*\*\* and \*\*\*\*, born on \*\*\*\* in \*\*\*\*, United-Kingdom, widower of \*\*\*\*, died on the \*\*\*\*, at \*\*\*\* hundred hours PM, at *Maison de Retraite* \*\*\*\* [retirement home], \*\*\*\*.

-----[Entry in a register in my custody] made on \*\*\*\* at \*\*\*\* AM following a statement made by 62-year old undertaker \*\*\*\* [the Informant] of \*\*\*\*, Hautes Pyrénées, France, to whom this certificate was read [aloud] and who was invited to read the same [and] subsequently signed along with I, \*\*\*\*, *Officier de l'Etat-Civil* [Registrar] and *Maire* [Mayor] of \*\*\*\*.-----

[Larger stamp: Certified to be a true copy of an original [entry in a register in my custody] At \*\*\*\*, date \*\*\*\*, on behalf of *le maire* [the mayor]]

[Smaller stamp: *Mairie* [Town hall] of \*\*\*\*]

[Me [acronym standing for *Maitre* - title given to French solicitors] \*\*\*\*]

*Notaire* [French solicitor] *associé* [General Partner], \*\*\*\*, France]

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[Traduction vers l'anglais d'un acte de notoriété - English Translation of a probate certificate executed by a *notaire*]

[Appended to the *minute* [original document] of a deed executed by Me [acronym standing for *maître*, title given to French solicitors] \*\*\*\*.  
*Notaire* [French solicitor] *associé* [general partner], "\*\*\*\*" *Société Civile Professionnelle* [French partnership], *titulaire de l'office notarial* [holder of the Notary Office] at \*\*\*\*, Hautes-Pyrénées, France, on \*\*\*\*.

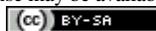
**VALID AS A NOTARISED COPY**

**Issued and certified to be a true copy of the original document consisting of five pages, without any void words or *renvoi* [approved modification].**

[Me [acronym standing for *Maître* - title given to French solicitors] \*\*\*\*

*Notaire* [French solicitor] *associé* [General Partner], \*\*\*\*, France]

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