

To the Court in the First Instance of Sint Maarten

PETITION
UNDIVIDED ESTATE PROCEEDINGS
(article 3:200a BW)

Petitioner

Name:

Address:

Phone Number and Email Address:

Old Estate

This request concerns the property known as:

The address/location of the property is:

This property is registered under the name of:

According to the petitioner, it involves an estate that cannot be distributed in the usual manner.

Request

The petitioner requests the application of the provisions of Article 3:200a of the Civil Code. The petitioner wishes for the court to designate "users" as per this legal provision. The petitioner wishes to be recognized as a "user" and wants (a part of) the property to be allocated to them. The petitioner wishes to explain this request verbally during the hearing.

Attachments

- The "Form of Land Users" filled out by the petitioner
- An extract from the personal data registry about the petitioner
- Information about the property from the Public Registers and the Cadaster:
 - Full access (volledige inzage)
 - Certificate (getuigschrift)
 - Extract from the cadastral register (uittreksel kadastrale legger)
 - A site plan (situatieschets) (a computer printout showing house numbers)
 - The plot map (de perceelskaart)
- Genealogical data of the person in whose name the property is registered
- "Form for Land Users" filled out by other interested parties
- A list of names and addresses of any other residents

Signature

Date + name + signature of the petitioner

This petition is submitted by the petitioner in duplicate on Sint Maarten at the Courthouse, Front Street 58 (opening hours Monday to Friday, 8 AM – 12.00 AM and 1.30 PM – 4 PM).

The petitioner will provide identification and pay the court fee of \$251. The petition can also be submitted by a lawyer or other authorized representative. Submission can also be done online via email to griffiesintmaarten@caribjustitia.org with online payment of the court fee. The petitioner is aware that in the further handling of the request, potential interested parties must be summoned by publication, and the costs of this must be advanced by the petitioner (in previous cases, \$1,250).

Form for Land Users

Instructions

Read the questions carefully. A star (*) next to the question indicates that supporting documentation must be provided along with the form. Mark a circle around the correct answer. If none of the provided answers are suitable, write "Other" and provide the correct response for your situation. Depending on the question, more than one answer may be possible. Where there is no option to choose from, the individual must fill in their response to the question.

Name of the Land: _____

Personal Information (filled in by the head of the household)

Last Name:

Full Names:

ID Number:

Current Residential Address: *

Email:

Questionnaire

1) Are you currently using the land for which you applied?

- a. Yes
- b. No

If your answer is "No," proceed to question number 6)

2) If you are using the land, how long have you been doing so? *

3) How do you utilize the land during the mentioned period? *

- a. I live in a house on the land
- b. I have a house on the land, but someone else lives there
- c. I have a temporary structure on the land
- d. I rent out my house to a third party or institution
- e. I use the land for farming and/or livestock
- f. Other

Explanation:

4) How did you acquire the opportunity to use the land? *

- a. One of my parents used the land
- b. I built the house on the land
- c. I entered into a lease agreement
- d. I have been living in the house on the land for ... years
- e. Other

Explanation:

5) If there are other people living in the house or using the land, why do you deserve to have the land? *

- a. I am the sole heir
- b. There are other heirs, but it was decided that I should receive the land
- c. Even though there are other people living in the house, I am the only one who can attend the hearing to obtain it
- d. Other

Explanation:

6) If you are not currently using the land (anymore), why do you believe the Court should grant your petition to obtain the land? *

7) Which part of the land do you specifically need to obtain?

Date:

Signature: