

Legal stamps affixed at the end.

Claudia María Agüero Chacón
Official Translator
English-Spanish/Spanish-English
Agreement Nº 006-98 DJ of November 16, 1998
La Gaceta Nº 249 of December 23, 1998
San José, Costa Rica

Licda. Claudia Ma. Agüero Ch.
Official Translator
English-Spanish
Spanish-English

OFFICIAL TRANSLATION

I, Claudia Ma. Agüero Chacón, identity card number 1614-520, Official Translator of the Ministry of Foreign Affairs and Worship of the Republic of Costa Rica, named by Agreement Nº 006-98 DJ of November 16, 1998, published in La Gaceta Nº 249 of December 23, 1998, hereby CERTIFY that the pertinent parts of the document "notification" to be translated from Spanish into English reads as follows: -

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TAX ADMINISTRATIVE AND CIVIL COURT-----

II JUDICIAL CIRCUIT SAN JOSE BASED IN GOICOECHEA-----

EXPROPRIATION PROCEEDINGS BY TH ESTATE AGAINST GUACIMO MAR VISTA ESTATES C S.A. --

(The process is initiated).- -----

(written by hand) 7F/i 1 certification Public Registry, Certified copies of the administrative file-----

(ink seal) JUDICIAL BRANCH II Jud. Circuit of San Jose, 15.11, Dec 01, 2006 Reception of Documents

RECEIVED 00005620-----

HONORABLE JUDGE: -----

I, Bernardo Lara Flores, of age, married, Lawyer, resident of San Jose, personal identity document number 1-598-797, DEPUTY ATTORNEY GENERAL, in accordance with agreement of the Ministry of Justice Nº 9 dated January 16th of 2004, published in La Gaceta Nº 31 of February 13th of 2004, duly authorized by my superior officer, I respectfully appear before your authority in order to establish these expropriation proceedings, which I base of the following: -----

FACTS:-----

1-) Through Executive Agreement No. 258-MINAE-2006, dictated by the Executive Branch, at 07:00 hours of November 21st of 2006, published in La Gaceta No. 227, of November 27th of 2006, the partial expropriation of the property registered in the Property Public Registry, under Folio Real of the Province of Guanacaste, registration number ONE HUNDRED AND THIRTY THOUSAND FIVE HUNDRED AND FORTY-ZERO ZERO ZERO, was decided; the nature of which is land for agriculture, located in the eighth district, Cabo Velas, of the third canton, Santa Cruz, of the province of Guanacaste. It measures according to the Registry seven thousand one hundred and seventeen square meters with fifty-three square decimeters, according to the cadastre plan number G-0815474-2002 and borders to the north with lot 2, to the south with, lot 4, to the east with, lot 14 with farming easement in the middle with a front of 36 meters 31 centimeters, and to the west with, public area of 50 meters in favor of the State, with a -----

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(Seal on the right margin) Kenneth Pasos illegible ----Personal id 1-111-9356- -----
Address: San Jose, Avenida 2 y 6, calle 13, Email: Procuraduria@pgr.go.cr -----
P.O. Box 78-1003 La Corte, Telephone 243-8400, Faxes 233-7010, 255-0997-----
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----- Page 2
front of 39 meters 52 centimeters. The property bears the following mortgage encumbrances: a-) first degree mortgage, for the sum of eighty thousand dollars, with expiration date on July 17 of 2008, issued in favor of CORPORACIÓN HOTELERA PLAYA TORTUGA S.A., legal identification document No. 3-101-117550, registered through document 532-11844-01-0001-001, against which there is no annotation. B-) second degree mortgage, for the sum of three hundred and seventy thousand dollars, with expiration date on April 17th of 2004, issued in favor of GUACIMO MAR VISTA ESTATES C S.A., that is, in favor of the same owner, against which there is no annotation. With regard to reservations and restrictions, it presents the following: 290-07308-01-0901-001, 309-01645-01-0901-002, 309-01645-01-0901-001, 312-04658-01-0905-001, and 386-15831-01-0800-001, without there being any annotations against such restrictions. It also presents a right-of-way easement, registered through document 514-11409-01-0028-001. -----

2-) The land to be expropriated is part of the property described, and it is necessary for the CONSOLIDATION OF THE MARINE NATIONAL PARK LAS BAULAS, located, in the same way as the master property, in the eighth district, Cabo Velas, of the third canton, Santa Cruz, of the province of Guanacaste. It measures two thousand seven hundred and thirty-six square meters with seventy-seven square decimeters, according to cadastre plan number G-1003295-2005, and borders to the north, with Nance Mar Vista Estates B S.A., to the south with, Tamarindo Mar Vista Estates S.A., to the east, with the rest of the property, and west, with Public Area of the Shoreline Area.-----

3-) The rest continues to be land for agriculture, located in the eighth district, Cabo Velas, of the third canton, Santa Cruz, of the province of Guanacaste. It remains with a measurement of four thousand three hundred and eighty square meters and seventy-six square decimeters, borders to the north with, lot 2, today Nance Mar Vista States B S.A., to the south with, lot 4, today-----

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Tamarindo Mar Vista States S.A., to the east with, lot 14 with farming easement in the middle with a front of 36 meters 31 centimeters, and to the west with, expropriated lot. -----

4-)The Ministry of Environment and Energy, through Executive Decree Number 32.666-MINAE, dated July 14th of 2005, published in La Gaceta No. 232, of December 1st of 2005, declared the acquisition of the land to be expropriated of public interest, dictating, later on, the expropriating administrative act, as I indicated in the preceding fact. -----

5-) The lot of land expropriated was valued through appraisal No. AA-114-2006, that is included in file 127-2006, of the General Tax Administration, Tax Administration of Puntarenas, the original of which is included in the administrative file I am enclosing, in the sum of ¢ 19,978,421.00 (nineteen million nine hundred and seventy-eight thousand four hundred and twenty-one colones exactly), **amount that was not accepted by the owner of said property.**-----

6-) The expropriated property, in accordance with the Real Estate Public Registry, belongs to the company **GUACIMO MAR VISTA ESTATES C S.A.**, legal identity document number three-one hundred and one-three hundred and fifty-three thousand one hundred and seventy-five, domiciled in San Jose, avenue 4, streets 26 and 28, number 2653, the legal representative of which is its president, Mr. **ALEJANDRO MONTEALEGRE ISERN**, personal identity document number 1-616-918, whose management term expires on August 12th of two thousand one hundred and two. Mrs. Laura Patricia Charpentier Soto, appointed as Special Administrative Proxy of the expropriated company, **opposed the administrative appraisal.**-----

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ACTION-----

Due to the above, in accordance with that established by the Law of Expropriations No. 7495, dated May 3rd of 1995, reformed by Law No. 7757, of March 10th of 1998, the Inter-American Convention for the Protection and Preservation of Marine Turtles, Executive Decree No. 20.518-MIRENEM, of June 5th of 1991, published on July 9th of 1991 and ratified by Law No. 7524, of August 16th of 1995, articles 6, 11, 13, and 27 of the General Law of Public Administration, Executive Decree No. 32.667-MINAE, of July 14th of 2005, published in La Gaceta No. 232 of December 1st of 2006, as well as that established in Agreement No. 258-MINAE-2006, of November 21st of 2006, I file these expropriation proceedings, so that I expressly request:-----



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a-) That these expropriation proceedings be deemed established against the company GUACIMO MAR VISTA ESTATES C SOCIEDAD ANÓNIMA, legal identity document number 3-101-353.175, and that their existence be ordered to be notified to its legal representative, at its aforementioned social domicile.-----

b-) That in the initial act, it be ordered to annotate these proceedings on the margin of the registration of the expropriated property, in the folio real of Guanacaste, registration Number 130.540-0000, for which the customary court order must be issued, which will be picked up by Licda. Andrea Bogantes Rivera, lawyer of this Attorney General's Office, and whom I authorize to that effect.-----

c-) That, in accordance with article 31 of the Law of Expropriations, once this process is considered established, **the expropriated company be awarded a timeframe of 2**-----

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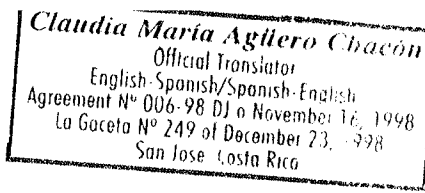
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months in order to proceed to vacate the expropriated area, with the warning that once this term has expired, the State will take possession of the expropriated land, and it may even be expelled by the Public Force in the case that they resist to vacate the land referred to these proceedings. With regard to its charge, I indicate that the money that corresponds to the administrative appraisal has been deposited into the coffers of your Office, according to judicial deposit N° OFFICIAL 37718025, dated May 11th of 2006, into the account that that Court has with the Banco de Costa Rica, as it appears in the administrative file, deposit made by the MINAE, with which the administrative appraisal should be paid. I point out that the amount deposited covers several expropriations, which is why once the expropriated company has been paid, the balance of the receipt slip will be determined.-----

d-) That, once the term awarded to the expropriated company to vacate has expired, **the State be authorized to take effective possession of the land**, for which a date and an hour should be indicated for the practice of the respective judicial proceedings. The State will cover the cost of the transportation of the judicial officers that corresponds.-----

e-) That the expropriated company and any other that may have a legitimate and direct interest in this matter be notified. It will be indicated in a timely manner with regard to the conditions borne by the property if any other person should be notified. I will indicate in a timely manner the addresses of any interested party that

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may result affected by these proceedings, with the purpose that they be duly notified of the existence of this process.-----

f-) That an ideal expert be appointed in order to proceed to **REVIEW** the administrative appraisal, in the time and under the conditions in which it was appraised by the Administration, in accordance with the parameters that articles 22 and 36 of the Law of Expropriations establish.-----

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Take into account that the expert must appraise lands, buildings and planted fields, among others. The expert's fees should be provisionally established to the effect that the MINAE may proceed to make the respective deposit. I also request that at the timely moment of the process, the hour and date be indicated for the verification of a judicial recognition in the expropriated area. The State will assume the transfer of the judicial officers who should attend such proceedings.-----

g-) That in a timely manner, a ruling be dictated establishing as the fair price the amount indicated in the administrative appraisal, because it corresponds to a fair price. The ruling should say precisely that the expropriated land should be registered, under the name of the State, free of encumbrances, **FOR WHICH THE REGISTRY CANCELLATIONS THAT CORRESPOND MUST BE ORDERED (ARTICLE 49 E.Law)**. The ruling should order the Protocolization of the documents, under the responsibility of the State's Notary, who should be authorized for that effect, once the sentence is firm. In the same way, upon confirmation of the administrative appraisal, the State should be exonerated from paying the costs of this process.-----

DEPOSIT OF THE APPRAISAL-----

The amount of the appraisal **has been duly deposited in the coffers of your Office**, according to judicial deposit made into the account that court has with the Banco de Costa Rica (Nº OFFICIAL 37718025, dated May 11th of 2006) made by the MINAE. **Your Authority is advised that this money must not be issued to the EXPROPRIATED COMPANY without first hearing those possible interested parties and creditors by decree.**-----

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San Jose, Costa Rica

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PROOFS-----

I provide the original administrative file and 2 copies of the same, drafted by the Ministry of Environment and Energy, where all the proof information referred to in this writ appears, as well as the certifications of the registry and power of attorney, cadastral plan, appraisal, notification of appraisal, rejection of the same, and other details related with this matter.-----

ESTIMATE-----

I estimate this process in the amount of ¢ 19,978,421.00-----

NOTIFICATIONS: THE STATE: will receive them in "judicial premises" (courtrooms), in accordance to that agreed by the Superior Council of the Judicial Branch, at the request of the Attorney General's Office, having to label the notices in the undersigned's name. **THE EXPROPRIATED COMPANY, GUACIMO MAR VISTA ESTATES C S.A.**, must be notified at its domicile in San Jose, avenue 4, streets 26 and 28, number 2653, the legal representative of which is its president, Mr. **ALEJANDRO MONTEALEGRE ISERN**, personal identity document number 1-616-918, **for which the competent Authority must be commissioned.**-----

San Jose, November 30th of 2006-----

Seal of the Attorney General's Office-----

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Lic. Bernardo Lara Flores-----

DEPUTY ATTORNEY GENERAL-----

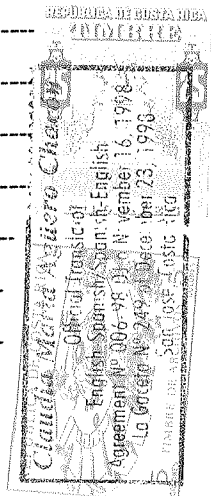
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----- LAST LINE -----

In witness whereof at the request of the interested party, I issue the present Official Translation from Spanish into English, consisting of six pages, and I sign and seal it in San José, Republic of Costa Rica, on the twenty-fifth day of March in the year of the Lord two thousand thirteen. The stamps required by law are affixed and cancelled. I affix my raised seal at the foot of the translation. The six pages of the translation are written only on the obverse and the reverse has been annulled.-----



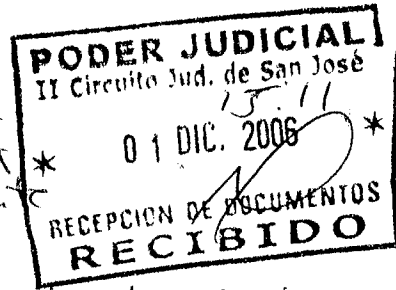
Claudia Ma. Agüero
Claudia Maria Agüero Chacón
Official Translator
English-Spanish/Spanish-English
Agreement N° 006-98 DJ o November 16, 1998
La Gaceta N° 249 of December 23, 1998
San Jose, Costa Rica

**JUZGADO CONTENCIOSO ADMINISTRATIVO Y CIVIL DE HACIENDA.
II CIRCUITO JUDICIAL SAN JOSE CON SEDE EN GOICOECHEA
DILIGENCIAS DE EXPROPIACION DEL ESTADO CONTRA GUACIMO MAR
VISTA ESTATES C S.A.**

(Se inicia proceso).

SEÑOR JUEZ:

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de expediente
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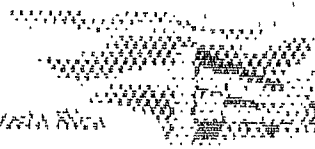
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Yo, Bernardo Lara Flores, mayor, casado, Abogado, vecino de San José, cédula de identidad número 1-598-797, PROCURADOR ADJUNTO, según acuerdo del Ministerio de Justicia N°9 de 16 de enero del 2004, publicado en La Gaceta N°31 de 13 de febrero de 2004, debidamente apersonado por mi Superior, concurro ante su Autoridad, con respeto, a establecer las presentes diligencias de expropiación, que fundamento en lo siguiente:

HECHOS:

1-) Mediante Acuerdo Ejecutivo No. 258-MINAE-2006, dictado por el Poder Ejecutivo, a las 07:00 horas del 21 de noviembre de 2006, publicado en La Gaceta No. 227, del 27 de noviembre de 2006, se dispuso la expropiación parcial de la finca inscrita en el Registro Público de la Propiedad, al Folio Real de la provincia de Guanacaste, matrícula número **CIENTO TREINTA MIL QUINIENTOS CUARENTA-CERO CERO CERO**, cuya naturaleza es terreno para agricultura, sito en el distrito octavo, Cabo Velas, del cantón tercero, Santa Cruz, de la provincia de Guanacaste. Mide según el Registro siete mil ciento diecisiete metros con cincuenta y tres decímetros cuadrados, según plano catastrado número G-0815474-2002 y linda norte, lote 2, sur, lote 4, este, lote 14 con servidumbre agrícola en medio con un frente de 36 metros 31 centímetros, y oeste, zona pública de 50 metros a favor del Estado, con un

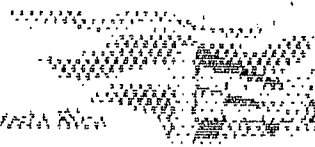
REPRESENTA PASOS Contador
Cedula 1-111-9356



frente de 39 metros 52 centímetros. La finca soporta los siguientes gravámenes hipotecarios: a-) cédula hipotecaria de primer grado, por la suma de ochenta mil dólares, con vencimiento al 17 de julio de 2008, emitida a favor de CORPORACION HOTELERA PLAYA TORTUGA S.A., cédula jurídica No. 3-101-117550, inscrita por documento 532-11844-01-0001-001, contra el cual no consta ninguna anotación. B-) cédula hipotecaria de segundo grado, por la suma de trescientos setenta mil dólares, con vencimiento al 17 de abril de 2004, emitida a favor de GUACIMO MAR VISTA ESTATES C S.A., es decir, a favor de la misma propietaria, contra el cual no consta ninguna anotación. En cuanto a reservas y restricciones, presenta las siguientes: 290-07308-01-0901-001, 309-01645-01-0901-002, 309-01645-01-0901-001, 312-04658-01-0905-001, y 386-15831-01-0800-001, sin que contra dichas restricciones conste anotación alguna. También presenta servidumbre de paso, inscrita por documento 514-11409-01-0028-001.

2-) El terreno a expropiar es parte de la finca descrita, y es necesario para la CONSOLIDACION DEL PARQUE NACIONAL MARINO LAS BAULAS, ubicado, al igual que la finca madre, en el distrito octavo, Cabo Velas, del cantón tercero, Santa Cruz, de la provincia de Guanacaste. Mide dos mil setecientos treinta y seis metros con setenta y siete decímetros cuadrados, conforme al plano catastrado número G-1003295-2005, y linda norte, Nance Mar Vista Estates B S.A., sur, Tamarindo Mar Vista Estates S. A., este, resto de finca, y oeste, Zona Pública de la Zona Marítimo Terrestre.

3-) El resto sigue siendo terreno para agricultura, sito en el distrito octavo, Cabo Velas, del cantón tercero, Santa Cruz, de la provincia de Guanacaste. Queda con una medida de cuatro mil trescientos ochenta metros con setenta y seis decímetros cuadrados, linda norte, lote 2, hoy Nance Mar Vista States B S.A., sur, lote 4, hoy

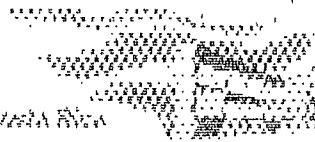


Tamarindo Mar Vista States S.A., este, lote 14 con servidumbre agrícola en medio con un frente de 36 metros 31 centímetros, y oeste, lote expropiado.

4-) El Ministerio del Ambiente y Energía, por Decreto Ejecutivo Número 32.666-MINAE, del 14 de julio de 2005, publicado en La Gaceta No. 232, del 1 de diciembre de 2005, declaró la adquisición del terreno a expropiar de interés público, dictando, posteriormente, el acto administrativo expropiatorio, según lo indiqué en el hecho precedente.

5-) El lote de terreno expropiado fue valorado mediante avalúo No. AA-114-2006, que consta en el expediente 127-2006, de la Dirección General de Tributación, Administración Tributaria de Puntarenas, mismo cuyo original consta en el expediente administrativo que me sirvo adjuntar, en la suma de ₡ 19.978.421,00 (diecinueve millones novecientos setenta y ocho mil cuatrocientos veintiún colones exactos), monto que no fue aceptado por la propietaria de la finca dicha.

6-) La finca expropiada, de acuerdo con el Registro Público de la Propiedad Inmueble, pertenece a la empresa **GUACIMO MAR VISTA ESTATES C S.A.**, cédula jurídica número tres-ciento uno-trescientos cincuenta y tres mil ciento setenta y cinco, domiciliada en San José, avenida 4, calles 26 y 28, número 2653, cuyo representante legal es su presidente, señor **ALEJANDRO MONTEALEGRE ISERN**, cédula de identidad número 1-616-918, cuyo plazo de gestión vence el 12 de agosto del dos mil ciento dos. La señora Laura Patricia Charpentier Soto, designada como Apoderada Especial Administrativa de la empresa expropiada, se opuso al avalúo administrativo ✓



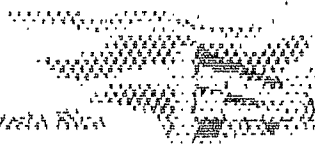
ACCION

Por lo expuesto, de conformidad con lo establecido por la Ley de Expropiaciones No. 7495, de 3 de mayo de 1995, reformada por Ley No. 7757, de 10 de marzo de 1998, la Convención Interamericana para la Protección y Conservación de las Tortugas Marinas, el Decreto Ejecutivo No. 20.518-MIRENEM, de 5 de junio de 1991, publicado el 9 de julio de 1991 y ratificado por Ley No. 7524, del 16 de agosto de 1995, artículos 6, 11, 13, y 27 de la Ley General de la Administración Pública, Decreto Ejecutivo No. 32.667-MINAE, de 14 de julio de 2005, publicado en La Gaceta No. 232 del 1 de diciembre de 2005, así como por lo dispuesto en el Acuerdo No. 258-MINAE-2006, de 21 de noviembre de 2006, publicado en La Gaceta No. 227 del 27 de noviembre de 2006, interpongo las presentes diligencias de expropiación, por lo que solicito, en forma expresa:

a-) Que se tengan por establecidas las presentes diligencias de expropiación contra la empresa GUACIMO MAR VISTA ESTATES C SOCIEDAD ANONIMA, cédula jurídica 3-101-353.175, y se ordene notificarle su existencia, a su representante legal, en su domicilio social, antes indicado.

b-) Que en el auto inicial se ordene anotar estas diligencias al margen de inscripción de la finca expropiada, al folio real de Guanacaste, matrícula Número 130.540-000, para lo cual debe expedirse el mandamiento de estilo, que será retirado por la Licda. Andrea Bogantes Rivera, Abogada de esta Procuraduría, a quien dejo autorizada al efecto.

c-) Que, de conformidad con el artículo 31 de la Ley de Expropiaciones, al tenerse por establecido este proceso, **se le otorgue a la expropiada un plazo de 2**



meses para que proceda a la desocupación del área expropiada, advirtiéndole que vencido el mismo el Estado será puesto en posesión del terreno expropiado, pudiendo ser lanzada, incluso, por la Fuerza Pública, para el caso de que se resistan a desalojar el terreno de que se ocupan estas diligencias. Para lo de su cargo, advierto que el dinero correspondiente al avalúo administrativo se encuentra depositado en las arcas de su Despacho, según depósito judicial N° OFICIAL 37718025, de fecha 11 de mayo del 2006, en la cuenta que tiene ese Juzgado en el Banco de Costa Rica, según así consta en el expediente administrativo, depósito hecho por el MINAE, contra la cual debe pagarse el avalúo administrativo. Advierto que el monto depositado cubre varias expropiaciones, razón por la que una vez girada la expropiada se determinará el saldo de la boleta.

d-) Que, vencido el plazo dado al expropiado para que efectúe el desalojo, se autorice al Estado a entrar en posesión efectiva del terreno, para lo cual deberá señalarse fecha y hora para la práctica de la diligencia judicial respectiva. El Estado correrá con el transporte de los funcionarios judiciales que corresponda.

e-) Que se notifique a la expropiada y a cualquier otro que tenga interés legítimo y directo en este asunto. Oportunamente se indicará, en relación con las condiciones que soporta la finca, si debe notificarse a alguna persona. Oportunamente indicaré las direcciones de cualquier interesado que pueda resultar afectado con estas diligencias, con el propósito de que sea debidamente notificado de la existencia de este proceso.

f-) Que se designe perito idóneo a fin de que proceda a **REVISAR** el avalúo administrativo, en el tiempo y condiciones en que fue valuado por la Administración, conforme los parámetros que establecen los artículos 22 y 36 de la Ley de



Expropiaciones. Tómese en cuenta que el perito debe valorar terrenos, edificaciones y plantíos, entre otros. Fíjense provisionalmente los honorarios del perito a efecto de que el MINAE proceda a realizar el depósito respectivo. Solicito, igualmente, que en el momento procesal oportuno se señale hora y fecha para la verificación de un reconocimiento judicial en el área expropiada. El Estado asumirá el traslado de los funcionarios judiciales que deban asistir a tal diligencia.

g-) Que oportunamente, se dicte sentencia fijando como justiprecio el monto indicado en el avalúo administrativo, por corresponder a un precio justo. La sentencia deberá precisar que el terreno expropiado debe inscribirse, a nombre del Estado, libre de gravámenes, PARA LO CUAL DEBERA ORDENARSE LAS CANCELACIONES REGISTRALES QUE CORRESPONDAN (ARTÍCULO 49 L.E). En la sentencia se deberá ordenar la protocolización de piezas, a cargo de la Notaría del Estado, a quien se deberá autorizar para ese efecto, una vez firme el fallo. Igualmente, al confirmarse el avalúo administrativo, deberá exonerarse al Estado del pago de las costas de este proceso.

DEPOSITO DEL AVALUO

El monto del avalúo, se encuentra debidamente depositado en las Arcas de su Despacho, según depósito judicial realizado en la cuenta que tiene ese juzgado en el Banco de Costa Rica (Nº OFICIAL 37718025, de fecha 11 de mayo del 2006) hecho por el MINAE. Se advierte a su Autoridad que este dinero no debe serle girado a la EXPROPIADA, sin antes oír a posibles interesados y acreedores de grado.

PRUEBAS

Aporto expediente administrativo original, y 2 copias del mismo, levantado por el Ministerio del Ambiente y Energía, en el cual consta toda la información probatoria referida en este escrito, así como certificaciones de registro y de personería, plano catastrado, avalúo, notificación de avalúo, rechazo del mismo, y demás pormenores relacionados con este asunto.

ESTIMACION

Estimo este proceso en la suma de ₡ 19.978.421,00.

NOTIFICACIONES: EL ESTADO: las recibirá en "estrados judiciales", según lo acordado por el Consejo Superior del Poder Judicial, a pedido de la PGR, debiéndose rotular las cédulas a nombre del suscrito. **LA EXPROPIADA,** GUACIMO MAR VISTA ESTATES C S.A., deberá ser notificado en su domicilio en San José, avenida 4, calles 26 y 28, número 2653, cuyo representante legal es su presidente, señor **ALEJANDRO MONTEALEGRE ISERN**, cédula de identidad número 1-616-918, para lo cual debe comisionarse a la Autoridad competente.

San José, 30 de noviembre de 2006.



A handwritten signature in black ink, appearing to be "B. Lara Flores".

Lic. Bernardo Lara Flores

PROCURADOR ADJUNTO

abr