**COURT OF FIRST INSTANCE 4 OF DENIA (ANT.MIXED 6)**

DENIA

Plaza JAUME 1,23

N.I.G 03063-42-2-20011-000992

Procedure: VERBAL JUDGEMENT – 001649/20011

Claimant: CDP- GDP

Solicitor: BONET CAMPS, JOSE V y BONET CAMPS, JOSE V

Defendent: A A, JP, FP y ADP

Solicitor: SOLER ROJEL, M. JOSE SOLER ROJEL, M. JOSE

By virtue of the sentence issued in the present proceedings, I attach herewith a copy of the aforementioned resolution in duplicate in order to proceed with its registration in the corresponding registry.

In DENIA, on the eighth of September two thousand and fifteen

THE SECRETARY

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Procedure: VERBAL JUDGEMENT – 001649/20011

Claimant: CDP-GDP

Solicitor: BONET CAMPS, JOSE V y BONET CAMPS, JOSE V

Defendant: AP, JE, FDP y AP

Solicitor: SOLER ROJEL, M. JOSE SOLER ROJEL, M. JOSE

**TESTIMONIAL**

MR/MRS ALEJANDRO MARTINEZ GARCIA SECRETARY OF THE COURT OF FIRST INSTANCE 4, CERTIFY:

That in the aforementioned case being heard by this Court, a JUDGEMENT has been handed down which literally reads as follows:

**JUDEGMENT Nº 171/14**

JUDGE WHO ISSUES THE RULING: MR/MRS ANA VERDEJO LOPEZ

CLAIMANT PART: CDP-GDP

Solicitor: BONET CAMPS, JOSE V y BONET CAMPS, JOSE V

DEFENDANT PART: APA, JPE, FX y AP

Solicitor: SOLER ROJEL, M. JOSE SOLER ROJEL, M. JOSE

SUBJECT MATTER OF THE TRIAL: Oral trials relating to Family Law

In Denia on sixteen of September two thousand and fourteen

Seen by the Mrs Ana Mª Verdejo Lopez Magistrate Judge of the Court of first instance No 4 those present the present orders of VERBAL JUICO ON DETERMINATION OF FILIATION AND REQUEST OF INHERITANCE BY PRETERITION under the nº 1649/11 at the request of MR CDP y MDP represented by the solicitor Mr Jose Vicente Bonet Camps, against MRS JPE and MPA represented by solicitor Mr Mª Jose Soler Rojel and against MR FDEP -ADEP declared in procedural default, Intervening by the Prosecution Service represented by Mrs MMA

**FACTAUL BACKGROUND**

**FIRSTLY** – by the Solicitor Mr Jose Vicente Bonet Camps on behalf of which I represent in the file, I brought an action in a court of law claiming paternity and inheritance against Mrs JPE, Mrs APA, Mr FDP and Mrs ADP in which, after setting out the facts and grounds of law which it considered appropriate, it concluded by requesting the Court to deliver a judgment by which it: 1ª It is declared that Mr CDP (formerly known as H D P) as the parent of G y C F with all the inherent legal effects including the registration of the judgement in the civil registry 2ª Declare tha G. and C.D.P. as children of the deceased Mr CDF. as forced heirs with the right to the corresponding legitimate; 3ª that as an effect of preterition, the institutions of inheritance and bequests ordered by Mr C. F. in the above-mentioned open will in so far as is necessary to safeguard the legal rights of his predecessors as to the share corresponding to each of them of it in the third of the legitimization; 4ª the nullity of all acts, documents and legal transactions which are contrary to the content of this resolution, including any disposition of the assets of the estate by the defendants by any title or legal transaction in contravention of the provisions of the rights of their principals in the order of succession simultaneously declaring the corresponding registration null and void and cancelling it; 5; To carry out, in execution of the judgement, all operations necessary for the inventory, valuation and liquidation, division and adjudication of the assets left by the death of Mr C. F. taking into account that the said testator left designated as Executor-accountant-distributor to MLMS, without prejudice to the intervention of a judicial expert. Likewise, the defendants must render an account of the revenues and incomes of the assets they have produced since the death of the deceased, handing over to their representatives those that correspond to them;

6ª Declaring that the defendants are liable to their principals for the value of the assets of the deceased's estate which they have disposed of, with the obligation to compensate their principals, where appropriate; 7ª All of the foregoing with the defendants being ordered to pay the costs.

**SECONDLY** - Admitted for processing by Decree dated fifteen December two thousand and eleven, the defendant and the Public Prosecutor's Office were given notice of the claim so that they could reply within twenty days if they considered it appropriate to do so.

The Public Prosecutor's Office filed a response to the complaint in due time and form.

The applicant, represented by Mr Jose Soler Rojel in the above-mentioned capacity, has lodged a defence to the application, in which he sets out the factual and legal grounds on which he has relied of final application for a judgment dismissing the application for the reasons set out in the application and imposing costs for recklessness.

By order of the Court of First Instance on twenty fourth of April of two thousand and fourteen, the following date was fixed for the hearing of the case on 11 September at 12.00 hours.

**THIRDLY** - The hearing took place on the day and at the time indicated. At the hearing, the parties stated that they had reached agreement on the terms of the dispute, but in view of the nature of the rights at issue, the proceedings were continued. The evidence being admissible, the parties have stated their final pleas and objections, and the case is now ready for judgment.

**LEGAL BASIS**

**FIRSTLY** - The applicant seeks a declaration of paternity in respect of Mr CF (HP) in respect of GP y CP

The legal representation of Mrs AA and JPE at the trial acknowledged the paternity of Mrs APP and JPE and, in this respect, agreed with the request. However, since this is an object which is not available to the parties, the outcome of the proceedings will have to be determined by the outcome of the proceedings.

The action is brought under Article 120 of the Civil Code.

On the basis of the documentary and biological evidence, it must be concluded that filiation has indeed been established in respect of the applicants. This is because the biological evidence clearly establishes biological paternity. To this must be added the documentary evidence nº 2 and 3 and 8 to 28 with the relevance of the photographs provided which reveal the existing relationship.

Paternity must therefore be declared with all its legal effects.

**SECONDLY** - Having determined paternity, it is necessary to consider the following question: the status of the claimants as heirs and legitimated heirs and the consequences of the declaration of paternity requested by the applicant, as well as the consequences of the declaration of paternity by the petitioning party. The Defendant did not object to the knowledge of them but objected to their declaration on the grounds of the application of the British law of testamentary freedom.

The effects of the application of Spanish or British law, the core of the question to be resolved, we must take into account the following. It is clear from the evidence that Mr F immovable property is in Spain as it is he certificates provided by the petitioning party and the will provided by the defendant. There is no record of any such evidence in England, which is the burden of proof for the claim, given the factual nature of the claimant's claims and the principle of ease of proof. It was also established that two vehicles are on record as being in the United Kingdom (document 5 of the reply) and various bank accounts. It is also clear from documents 3 and 4 of the reply and from the interrogation of Mr M that he had been resident in Spain since 2010, although I assert that it was for civil and not fiscal purposes, since a distinction must be made between the two.

That being said, the question arises as to the succession of Mr F, English or Spanish law would apply, given that in the former there is absolute freedom of testament without the system of legitimas being in force as it is in Spain.

Article 9.1 of the Civil Code states that the personal law of natural persons is determined by their nationality and governs the capacity and civil status, rights and duties of the family and succession by reason of death. Article 9.8 provides that succession by death shall be governed by the national law of the deceased at the time of his death whatever the nature of the assets and the country where they are located.

Therefore, according to the above, the law applicable to the succession of Mr F. (before P.) would be English law. As stated above, English law provides for freedom of testament, although, as the plaintiff referred to by reference to the Supreme Court Judgment of the date 10 March two thousand and three (and which includes, among others, the judgment of the Provisional Court of Alicante of 28 May two thousand and twelve) the rule governing succession by death in English law divides hereditary succession into two legal regimes; the inheritance of immovable property, which according to the aforementioned law shall be subject to the law applicable according to its location, and the inheritance of movable property shall be governed by the rules applicable according to its location, and the inheritance of movable property shall be governed by the rules applicable according to its location, and the inheritance of movable property shall be governed by the rules applicable according to the law applicable according to its rules applicable in the place where the deceased had his last residence or domicile.

Therefore, the so-called named occurs, which in accordance with Article 12 of the Civil Code, this provision establishes that a reference to foreign law is understood to be made to its substantive law without taking into account their conflict rules can be made to a standard other than the Spanish standard. In other words, the reference to another legal system would not be taken into account but to the Spanish one.

Having said this, it should be emphasized that the Spanish hereditary system is universalist in nature, that is to say, upholds the criterion of the unity of the succession regime. And it is precisely the return to our legal system that would be limited when the rule or principles governing our legal system, such as the aforementioned, are violated.

As we have seen from the evidence, the deceased's properties are all in Spain and therefore, in accordance with English law, the applicable law would be Spanish law. It also emerged that assets existed in the UK. However, according to the law of the deceased, the rule of the country of last residence or domicile would apply.

And according to the evidence, it must be concluded that the deceased's last domicile was in Spain.

As the ruling of the Murcia Provincial Court of 30 November two thousand and eleven in English law "As opposed to the domicile of origin, assigned to a person at birth and corresponding to the domicile of his parents, the choice, which is acquired by any person through a combination of elements, his factual residence in his country, his intention to reside permanently in that country this conclusion "must be drawn from a set of facts or clues, such as the fact that the subject resides in a country for a substantial period of time on a stable basis, that he acquires real estate for his own permanent residence, and that he acquires real estate for his own permanent residence, who has family ties in the country where he resides' and 'the domicile of choice is lost only if the person ceases to reside in the country where he has his domicile and at the same time ceases to intend to reside in that country permanently or indefinitely'.

The judgement of the Provincial Court of Alicante dated 28th May two thousand and twelve is based on the last residence and in this case it is clear that the deceased's last residence was in Spain where he died. But it has also been proven that since 2010 the deceased had his civil domicile (in the defendant's words) in Spain, where his wife also resides and still resides, has numerous shares in Spanish companies and all the real estate in Spain. Furthermore, if, as the defendant claims, Mr F. intention in establishing his domicile in Spain was to benefit from Spanish health care in order to be treated for his illness, it is logical to assume that he had a permanent residence in our country a a stable character. This coincides with the concept of domicile in Article 40 of the Civil Code.

It is not possible to accept the defendant's claim that, after acknowledging that the civil domicile was in Spain, the defendant asserted that, since the public prosecutor was in England, it had to comply with it. If Mr F. established his civil domicile in Spain, especially for health reasons, given his illness, We have to look at the domicile and not at the prosecutor chosen not so much on the basis of residence but on the basis of other motivations or circumstances.

Therefore, the reference to Spanish inheritance law and specifically to the System of Legitimacy can be applied, since both the place of location of the real estate and the last residence of the deceased, the applicable law is the Spanish law according to the national law of the deceased and the principle of universality of the succession is respected.

Since there has been no change of jurisprudential criterion as the contradiction between the various rulings is more apparent than real, given that the universalist and unified character of the succession regime as a limit to the referral of the English rule is taken into account above all. Thus, for example, the STS of 15 November 1996 denied the application of Spanish law because, even though the property was located in Spain, neither the residence nor the domicile had been maintained in our country, and therefore the application of Spanish law would not be applicable violated the principle of universality of inheritance. And the same case was made in the STS of 21 May 1999.

Therefore, in this case, since the real estate assets of the deceased are located in Spain and his last domicile is in our country, it will be Spanish law which will govern the succession without the legal fragmentation of the inheritance which is prohibited in our legal system.

Consequently, the remainder of the applicant's claims, which are not disputed except in their application, which was denied by the defendant, must be upheld. However, the request for the division and division of the inheritance in the process of execution of the judgement should not be upheld, as this possibility is not provided for in the LEC.

**THIRD**: Given the nature of the proceedings, neither party should be ordered to pay the costs. This is because the filiation has been determined by biological evidence and in any event, with regard to the judicial question at the heart of the rest of the claims, it can be qualified as inconclusive and open to different interpretations.

**COURT DECISION**

I PARTIALLY uphold the claim brought by **Mr C D P** and **Ms GDP**, represented by Mr Jose Vicente Bonet Camps, lawyer, against **Ms JPE** and **Ms APA**, represented by Ms MªJose Soler Rojel, lawyer, and against Mr FDP and Ms ADP, declared in default of appearance and, consequently, declare that:

1º Mr CF (formerly HDP) is the progenitor of Ms GDP Mr CDP with all the inherent legal effects including the inscription of the sentence in the corresponding registry.

2º I declare Ms GDP and Mr CDP as children of the deceased Mr CF as forced heirs with the right to the corresponding legitima.

3º That as an effect of the preterition, the institutions of heirs and the legacies ordered by Mr CF in his aforementioned open should be reduced as far as necessary to safeguard the legitimate rights of those he represents in terms of the share corresponding to each one of them in the third of the strict legitima.

4º Likewise, the nullity of any acts, documents and legal transactions that oppose the content of this resolution, including any disposition of the assets of the estate by the co-defendants by any title or legal transaction that contravenes the disposition of the rights of the plaintiffs in the inheritance order, declaring simultaneously the nullity of the rights of the plaintiffs in the inheritance order, declaring also the nullity of any other legal transactions that oppose the content of the present resolution.

All of the foregoing without an express order as to costs

Against this resolution there is an appeal before the Iltima Audiencia Provincial de Alicante within the limit of twenty days counted from the notification of the present resolution.

**PUBLICATION**.- Given, read and published, the previous judgment has been by the Ilma Magistrada-Judge, Ana Maria Verdejo Lopez, who issued it, while holding a Public Hearing, on the same day of its date. I give faith

The above inserted agrees well and faithfully with its original, to which I refer, and for the record I issue and sign the present in Denia on the eighteenth of September of two thousand and fourteen. I give faith

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Mr RAFAEL LUNA RIVAS, SECRETARY OF THE SIXTH SECTION OF THE PROVICIAL COURT OF ALICANTE,

C E R T I F Y, That in the civil appeal case number 000187/2015, plaintiff of Juicio Verbal - 00649/2011 of the JUZGADO DE INSTANCI 4 DE DENIA (ANT. MISTO 6), there are the following particulars:

PROVICIAL COURT OF ALICANTE SIXTH SECTION

PROCEDURE: APPEAL (LECN) - 00187/2015

Court of origin: JUDGADO DE INSTANCIA 4 DE DENIA (DENIA COURT OF FIRST INSTANCE 4)

Originating Proc.: Oral proceedings

By Mr/Ms A P A AND J P E

Attorney Mr SAURA SAURA, JOSE A

Against Mr CDP AND GDP

Procuardor/a Sr/a BONET CAMPS, JOSE V

SENTENCIA Nº JUDGEMENT NO. 105/2015

Dear Sirs

Mr Jose Maria Rives Seva

Mrs. Maria Dolores Lopez Garre

Ms Encarnacion Caturla Juan

In the City of Alicante, on the twenty-seventh day of May of the year two thousand and fifteen.

The Sixth Section of the Provincial Court of this City of Alicante composed of the undersigned, has seen, on appeal, Chamber Rollo No. 187/15 of the proceedings in Ordinary Trial No. 1.649/11 followed in the Juzgado de Primera Instancia No. 4 of the city of Denia on the basis of the appeal brought by the defendant MRS JPE and MRS APA who intervened in this appeal in their capacity as appellants, represented by Attorney Jose Antonio Saura Saura and defended by Counsel Mr Juan Bosch Fernandez and the appellant being the plaintiff DON CDP y MRS GDP represented by Procurador Mr Josep Vincent Bonet Camps and defended by Counsel Mr Jose Salvador del Prado Montoro.

FACTUAL BACKGROUND

**First -** By the Juzgado de Primera Instancia nº Cuatro de la Ciudad de Denia and in the proceedings of Juicio Ordinario nº 1.649/11 on the 15th of September 2014 "JUDGMENT - I partially uphold the claim brought by MR CDP and MR GDP represented by Mr Jose Vicente Bonet Camps against MR JPE and MR APA represented by the Procuradora Mrs Mª Jose Soler Rojel and against MR FDP and MRS ADP declarados en rebeldia procesal and consequently declare that: 1º Mr Cf (HDP) is the progenitor of Ms GDP Mr CDP with all the inherent legal effects including the inscription of the sentence in the corresponding Register. 2º I declare Mr C F as children of the deceased Mr CF as forced heirs with the right to the corresponding legitima. 3º That as an effect of the preterition, the institutions of heirs and the bequests ordered by Mr CF in his aforementioned open will should be reduced as necessary to safeguard the legitimate rights of those he represents in terms of the share corresponding to each one of them in the third of the strict legitime. 4º I also declare null and void all acts, documents and legal transactions which conflict with the content of this decision, including any disposition of the assets of the estate by the co-defendants by any title or legal transaction which contravenes the dispositions of the rights of the plaintiffs in the succession order, simultaneously declaring the corresponding registration null and void and cancelling it. All of the foregoing without express condemnation of costs.

**Second** - An appeal was lodged against this judgement in due time and form by the representation of the defendant, being processed in accordance with the provisions of articles 457 and following of the Law of Civil Procedure, with transfer of the same to the plaintiff for a period of ten days, the appeal being sent to this Court, Section Sixth, where the corresponding appeal no. 187/15 was formed.

**Third** - All legal requirements have been complied with in the substantiation of this case, which was scheduled for voting and judgement on 26 May 2015, with the rapporteur being Mr Jose Maria Rives Seva.

**LEGAL BASIS**

**First** - Mr CMP and MS GDP brought an ordinary lawsuit with a double matrimonial property of Mr CF, and that having died on 13 July 2010, with preterition of the former, they should be recognised as legitimated beneficiaries and entitled to inheritance. The claim was directed against those named in the will, Don FDP and Doña AP, declared in default, and Dona JPA and Dona ADP, the claim being upheld by the judgment of the lower court and appealed by the latter only in so far as it the second of the two extremes and because they consider that since British law, the nationality of the deceased, applies, there is freedom of testament, and it is irrelevant whether or not they are declared legitimate heirs, as this would not affect their legitimate heirs in any way.

**Second** - This Chamber has already had occasion to rule on this same issue, in judgments No. 282/2012 of 28 May and No. 498/2012 of 31 October, in the first of which it is worth noting that :

It is the question debated of a mere juridical interpretation about the applicable Law, taking into account that the deceased was of British nationality (as is the case that now concerns us) and in English law there is an absolute freedom to test not existing the institution of the legitimate, this question, that of foreign law, which is a question of fact whose existence and validity has not been disputed by the parties in the procedure.

Article 9.1 of the Civil Code provides that the personal law relating to natural persons is determined by their nationality. This law shall govern the capacity and marital status, family rights and duties, and succession due to death. Under this precept, since the complainant's father is of British nationality, his succession by death case must be governed by English law.

This position is reinforced by the same Article 9.8: Succession due to death shall be governed by the national law of the originator at the time of his death, irrespective of the nature of the property and the country in which it is located. In the wording given to this precept and number are found all the forms of delation to the inheritance of a person, with reinforcement of the universalist criterion of family succession system and which conceives inheritance as a unit, regardless of the form of the will and the substance of the succession. But the same number 8 continues to say: However, the provisions made in a testament and the succession covenants ordered under the national law of the testator or the one available in the memento of his bestowal will retain their validity even if the law governing the succession is other although the legitimas will conform in their case to this .

In the will granted in Spain by Mr …….on ….... and in accordance with his birth law, the English, it is said that he institutes universal heiress of all his assets, rights and shares in Spain to his wife Mrs …... It is not respecting the legitma of the daughter who, on the other hand, should not do so because in English law there is complete freedom to test, but the rule governing succession due to death in English law is not respecting succession hereditary in two legal regimes: the inheritance of immovable property shall be subject to the applicable law by reason of its situation and that of the furniture shall be regulated by the rules of application in the place where the originator had his last residence.

In the present case, only the real estate located in Spain is referred to, so that the succession is governed in terms of legitmas by the reference that is made to Spanish law. And so we have article 12 of the Civil Code, that in its nº 1 says that the qualification to determine the applicable conflict rule will always be made in accordance with Spanish law and in its nº2 that the referral to foreign law becomes aware made to its material law, without taking into account the referral that its conflict rules may make to another law other than the Spanish one.

The peculiarity of private international law derives from the pluralism and diversity of legal systems in the presence of external traffic and which therefore require the adoption of criteria in this respect, preferably aiming at international harmony or defending internal harmony and as a result of this diversity among the material rules applicable to a legal situation, problems of inadpatation may arise, which are precisely the result of a conflict of qualifications, hence the importance of this article as a solution to these conflicts of norms.

We are faced with the application of the national law of the originator, which is the English law, which refers to the Spanish law for the place of location of the immovable property, including, if it were furniture, for the domicile of the originator, what would be Spanish law in both cases, and in this law with clear protection of legitimate law.

The judgment of this Chamber No. 124, of 10 March 2003, came to resolve an similar assumption to resort inexorably to national law with the affirmation of the total freedom to test, however, on the basis of the most recent case law Being to see the judgments of the Provisional Audience of Las Palmas de Gran Canarias of 28 June 2004, of Murcia (headquarters of Cartagena) Of 30 November 2011 and the judgment of the Supreme Tirbuanal of 23 septeimbre 2002 must be taken into care of the application of Spanish law and the respect for legitimate law.

Says this last judgment, stating that the position of the Complainant was that the will of the testator (English national) to bequeath to his wife the real property existing in Spain should be respected, stating in the will that the provision is possible under her personal law, and this forced us not to accept the reversion to Spanish law, which the reason must be dismissed, since the application of Spanish law, to which the English law, which is the personal law of the originator, regarding the real estate in Spain, is not contrary to the principles of unity and universality of succession, which is the purpose of Article 9.1 of the Civil Code. In fact, the judgment under appeal takes it for granted that the only assets of the deceased are the real estate situated in Spain which he disposed of in his will, so that there is in no way a fragmentation of the regulation of the inheritance, in which case, the general rule (not specific for succession "mortis causa") of article 12.2 of the Civil Code would impose the non-acceptance of the referral of the English law as contrary to those principles. This is the criterion of this court and the declarations contained in its judgement of 15 November 1996, which did not accept the rejection of the national law of the deceased in favour of Spanish law, as regards those contained in its judgement of 21 March 1999, respond to this criterion. Therefore, if it is only composed of immovable property situated in Spain, there is no inconvenience in the acceptance of the English law, as the Spanish law will be the only one that regulates all the succession of the deceased.

All of the above doctrine is applicable to the case at hand because the deceased Mr. CF was a British national, but the assets mentioned are real estate and are located in Spain, as was declared in the judgement of the court of first instance without contradiction. The appeal must therefore be dismissed and the contested decision upheld as lawful.

**Third.** - In accordance with the provisions of Articles 394 and 398 of the Ley de Enjuiciamiento Civil, the appellant must be ordered to pay the costs of this appeal as they are mandatory.

Having regard to the aforementioned legal precepts, their concordant provisions and others of general and pertinent application to the case, and in the name of the KING and by the authority conferred by the Spanish people.

**WE FIND**

Dismiss the appeal lodged by Mr Jose Antonio Saura Saura on behalf of Ms JPA and Ms AAl against judgment No 171/14 handed down by the Magistrate Judge of the Court of First Instance No 4 of the city of Denia on 16 September 2014 and in the proceedings from which the present case arises and, consequently, to CONFIRM AND CONFIRM in its entirety the same as being in accordance with the law, with the imposition of the costs of the proceedings, the appellant has been ordered to pay the costs of this appeal to the appellant as they are mandatory.

This judgment shall be notified in accordance with the provisions of Article 248 no. 4 of the Organic Law of the Judiciary and Article 208 no. 4 of the Law of Civil Procedure, and the parties shall be advised that they may appeal against it at any time, in accordance with the provisions of Article 248 no. 4 of the Organic Law of the Judiciary and Article 208 no. 4 of the Law of Civil Procedure extraordinary appeals, which must be lodged, where appropriate, before this Court within twenty days and for subsequent referral to the Supreme Court.

In accordance with the Fifteenth Additional Provision of the Organic Law of the Judiciary, 6/1985 of 1 July introduced by Organic Law 1/2009 of 3 November complementary to the Law on the reform of procedural legislation in order to lodge the aforementioned appeals, the sum of 50 euros must be deposited in the Deposit and Consignment Account of this Court for each appeal, under penalty of inadmissibility.

This is without prejudice to the payment of the court fee for procedural acts, where applicable, in accordance with Law 10/2012 of 20 November, which regulates certain fees in the field of the Administration of Justice and the National Institute of Toxicology and Forensic Sciences.

On the other hand, if the present decision is final, in accordance with the provisions of no. 9 of the aforementioned Fifteenth Additional Provision, the appellant will request the deposit made for the appeal, which will be used in accordance with the provisions of the aforementioned provision.

And in due course, return the original case files to the Court of origin, of which receipt will be acknowledged, accompanied by the pertinent testimony of this resolution for execution and compliance with what has been agreed and resolved, attaching another testimony to the appeal roll and the original to the file of sentences.

Thus by this our final judgement, we pronounce, order and sign.

PUBLICATION - On the same day the foregoing judgment was read and published by the undersigned Judge, the Court being in open court. I bear witness.

The above is in good and faithful agreement with the original to which I refer, and for the purposes of the finality of ARt 245.3 of the Organic Law of the Judiciary, it should be noted that there is no ordinary appeal against it. And for the record and for the appropriate effects, I hereby issue this document in Alicante on the nineteenth day of October of the year two thousand and fifteen.

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