

TRIBUNAL DE GRANDE INSTANCE DE STRASBOURG (*The First Instance Common Court in Strasbourg*)

The First Civil Division

R.G.: 2013 001441

L.J.: 613/2011

FRENCH REPUBLIC

ON BEHALF OF FRENCH NATION

DECISION DATED THE 16TH OF SEPTEMBER, 2013

In relation to court liquidation of the company:

SOFTM FRANCE (SARLU)-7, RUE DU PARC-67205 OBERHAUSBERGEN

RCS (Trade Register) STRASBOURG B 441 001 377

represented by **Ludwig AMETSBICHLER**, legal representative, who indicated correspondence address: **Christina KRUGER, 11a rue de Fossé des Treize 67000 STRASBOURG**. He did not appear at court,

represented by Maître Fabienne WINDENBERGER-JENNER, liquidator

The First Commercial Division Tribunal de Grande Instance de STRASBOURG

composed of:

During trial: no votes against

Mrs. LEHN, Presiding Judge, Rapporteur

in the presence of Mr. WALTON, Recording Clerk

During court's meeting:

Mrs. Lehn, Presiding Judge

Gentlemen **KNOBLAUCH – FUSSLER**, Jurors /

after conducting a meeting under the binding regulations, they issued the following decision during open court session:

We have in mind judgement dated the 14th of November, 2011, that announced court liquidation.

In the petition submitted on the 3rd of April, 2013, liquidator filed for termination of the proceedings due to deficiency of assets and for 1,500 euro for his benefit in virtue of his remuneration, as company's assets are not sufficient to cover proceedings costs and liquidator's expenses in the minimum amount of 1,500 euro.

On the 8th of April, 2013, the judge designated to conduct the proceedings, issued a decision in order to complete the proceedings due to deficiency of assets, according to the article 309 of a regulation of 28th of December, 2005, and in order to announce that company's assets are not sufficient to cover proceedings costs and liquidator's expenses in the minimum amount of 1,500 euro, and to adjudge the amount of 1,500 euro in virtue of liquidator's remuneration, according to article L 663-3 of the Commercial Code as specified in the act of the 26th of July, 2005.

Despite being properly notified of the date of the court's hearing, debtor did not appear before the court and did not object, therefore the decision should be issued during proceedings considered *inter partes* proceedings.

THEREFORE

From justification of the judge designated to conduct the proceedings, from proceedings' files and from evidence presented by liquidator, it results that actions to realize or recover assets were completed;

That continuation of court liquidation is impossible due to deficiency of assets;

That report was submitted and notices were send, and that term to file an appeal expired;

That liquidator has not received any amount in virtue of remuneration due according to L.663-2 of the Commercial Code as specified in the act of the 26th of July, 2005, thus he may request for payment of the amount of 1,500 euro which is consistent with limitation specified under the article 18-1 of the regulation of the 27th of December, 1985.

As a consequence, the proceeding should be completed due to deficiency of assets and it should be announced that company's assets are not sufficient to cover proceedings costs and liquidator's expenses in the minimum amount of 1,500 euro, as well as liquidator's remuneration should be determined in the amount of 1,500 euro.

AS FOR ALL THE AFOREMENTIONED ISSUES

The court, announcing the first instance decision that was issued during proceedings considered *inter partes* proceedings,

RULES completion of the court liquidation proceedings of **SOFTM FRANCE (SARLU)** due to deficiency of assets ,

DECIDES that creditors may sue the debtor individually only according to article L 643-11 of the Commercial Code as specified in the act of the 28th of December, 2005,

ANNOUNCES that company's assets are not sufficient to cover proceedings costs and liquidator's expenses in the minimum amount of 1,500 euro,

DETERMINES the amount of remuneration due to Maître Fabienne WINDENBERGER-JENNER according to article L 663-2 of the Commercial Code as specified in the act of the 26th of July, 2005, is 1,500 euro,

DECIDES that VAT will not be deducted from this amount,

ORDERS undertaking of actions related to publication of relevant announcements according to binding law,

REGISTERS the order for enforcement,

DECIDES that proceedings costs will be covered as liquidation proceedings privileged costs,

JUDGEMENT was announced by **Mrs. LEHN**, Presiding Judge, in the presence of **Mr. WALTON**, Recording Clerk.