

REPUBLIC OF MALI
One People - One Goal - One Faith
SUPREME COURT OF MALI

JUDICIAL DIVISION
1st CIVIL BENCH

APPEAL No.074 OF 14/5/2010

Judgment No.245 OF 03/10/2011

NATURE: Sharing of inherited assets

SUPREME COURT OF MALI

In its ordinary public session on Monday, the third of October of the year two thousand and eleven, before:

Mr Etienne KENE, President of the Judicial DIVISION,
PRESIDENT

Mrs KANTE Hawa KOUYATE, Advisor at the Court,
Member;

Mr Bouraïma COULIBALY, Advisor at the Court,
Member;

Mr Mody TRAORE, Assessor at the Court,
Member;

Mr Ibrahima Wade, Assessor at the Court,
Member;

In the presence of Mr **M'Pere DIARRA**, Advocate General at the said Court,
as State Prosecutor;

With the assistance of Maitre **Issa SAMAKE**,
Registrar;

Delivered the judgment which reads as follows:

ON THE APPEAL by Assitan DIARRA having as counsel Maitre Issouf FANE, Attorney at the Court of Bamako); appellant, on the one hand;

Against:

Bakary KANTE and others, having as counsel Maitre Fousseyni DJIRE, Attorney at the Court, respondents, on the other hand;

Based on the report by **Mr Etienne KENE**, President of the Judicial Division, and the written and oral submissions of Advocate General **M'Pèrè DIARRA**;

Having deliberated in accordance with the law;

ON THE FORM

By Certificate No.129 of 14th May 2010 of the Registry of the Court of Appeal of Bamako, Maitre Issouf FANE, Attorney at the Bar of Mali, acting on behalf of and for his client Assitan DIARRA, lodged an appeal against Judgment No.738 of 23rd December 2009 passed by the Civil Chamber in a case on the sharing of inherited assets opposing his client to Bakary KANTE and others.

The appellant justifies having paid, into the Court Registry, the full amount of the statutory deposit. That she also produced additional written submissions, which was notified to the respondents. As a result, her appeal appears admissible on the form.

ON THE SUBSTANCE

1. Facts and procedure :

According to the case file, particularly the heredity judgment No.320 of 11th May 2007 by the Court of Municipality VI of the District of Bamako, Sekou KANTE died in 1978 in Bamako; he left as known heirs his wife named Tenin BALLO and children named: Bakary, Barou and Mamou KANTE. He also left a succession mass consisting essentially of a residential house based in Torokorobougou (Bamako) and a bare plot of land in Maniambougou (Bamako).

Ruling on an application by Barou KANTE on 5th June 2007, the Civil Court of Municipality V of the District of Bamako held that the succession mass is composed of a house located at Torokorobougou, of an area of 300 m² estimated at 17,445,677 CFAF; that the realisations made

by Assitan DIARRA of a value of 10,768,734 CFAF devolve to the mother; stated that the rest, that is, the realisations made by the deceased of a value of 5,363,543 CFAF plus the value of the land, totalling 6,675,945 CFAF, will be shared between the heirs.

By Judgment No.738 of 23rd December 2009, the Appeal Court of Bamako upheld the judgment appealed against in its provisions on the determination of the succession mass; declared inadmissible the application of Mrs Nientao Assitan DIARRA to intervene into the proceedings as a non-disputing party, and appointed Maitre Kanda KEITA, Notary in Bamako, to execute the sharing of the succession mass. This judgment is the business of this Court

Brief summary of the grounds of appeal

In support of her application, the appellant alleges infringement of the law by erroneous description of the facts (1) and the lack of legal basis (2)

1. Plea alleging infringement of the law by erroneous description of the facts.

By this plea, the appellant challenges the decision to the Court of Appeal on grounds that it declared her application to intervene as a non-disputing party inadmissible, thus in violation of Article 12 of the Social, Commercial and Civil Procedure Code (CPCCS); whereas according to the appeal, the annual rent of 360,000 CFAF cannot be used to construct, from cement, a house which was built from mud and up to 10,768,734 CFAF; that the challenged decision is in violation of Article 12 of CPCCS due to erroneous description of the facts, and merits the censure of the Supreme Court.

2.-Plea alleging lack of legal basis

The appellant challenges the judgment of the Court of Appeal of Bamako on grounds that it declared inadmissible its intervention as a non-disputing party; that she has neither a protected legal interest nor quality to claim 10,768,734 CFAF invested and included in the succession mass of the deceased Sekou Kante; whereas, according to the plea, the appellant is the uterine sister of the heirs and has invested in the house with their informed consent so that the whole family could live there comfortably; whereas she requested to intervene as a non-disputing party on grounds that her rights may be affected by the division of the succession mass; that the Court of Appeal ruled without stating a legal basis for its decision, and consequently this must be censored;

In his defence statement of 2nd June, 2011, Bakary KANTE pleaded that the Court should dismiss the appeal.

THEREUPON:

HEARING

1. On the plea alleging infringement of the law by erroneous description of the facts.

Whereas Court of Appeal has been criticised for declaring inadmissible the action as a non-disputing party formulated by the appellant and thus to have violated Article 12 of CPCCS; Whereas Article 12 of CPCCS cited by the plea essentially states that the judge must decide the case in accordance with the law applicable to it; that he must give or restore to the facts and acts their true qualification;

Whereas infringement of the law takes various forms; which are infringement of the law by false application of the law, refusal to apply the law or misinterpretation of the law;

Whereas refusal to apply the law presupposes that the judge failed to apply the law in a case of fact that was well within its scope of application, false application presupposes that the judges wrongly referred to a text, and misinterpretation assumes that the judge referred to the appropriate text but it is asserted that he misinterpreted it;

Whereas to declare inadmissible the appellant's intervention as non-disputing party, the challenged judgment states:

“It follows, from Judgment No.320 of 11th May 2007 of the Civil Court of Municipality VI of the District of Bamako, that neither Mrs DIARRA Assitan NIENTATO nor the mother of the latter, named Saran TOURÉ, are heirs of the deceased Sekou KANTE;

Whereas Mrs NIENTAO Assitan DIARRA has therefore no legally protected interest or quality to claim the 10,768,768CFAF invested and included in the succession mass of the late Sekou Kante; that her application to intervene as a non-disputing party is therefore inadmissible;"

Whereas the appeal criticizes the contested decision for having declared inadmissible Assitan DIARRA's application to intervene as a non-disputing party in proceedings on the sharing of the inherited estate between the heirs of the deceased Sekou KANTE;

But whereas the judgment noted that the appellant is not an heir of the deceased based on hereditary judgment No.320 passed on 11th May 2007 by the Civil Court of Municipality VI of the district of Bamako;

Whence it follows that the plea is unfounded;

2- The second plea alleging lack of legal basis

Whereas the Court of Appeal of Bamako is criticised to have declared inadmissible the intervention as a non-disputing party of the appellant, upholding that she had no legally protected interest nor quality to claim the sum of 10,768,734CFAF invested and included in the succession mass of the deceased Sekou KANTE.

Whereas the lack of legal basis sanctions the judge as regards inadequate factual findings necessary to legally justify an upheld solution; whether incomplete or imprecise findings; there is only an incomplete justification for the decision; if the plea is admitted, the Court criticizes the judge to have acted without asserting any element necessary for the legal consistency of reasoning (see Yves Chartier, “*La Cour de Cassation*, 2nd Edition, Collection connaissance du Droit“, 2001 pages 68 and 69.)

Whereas to declare inadmissible the appellant’s intervention as a non-disputing party, the contested judgment states:

“Mrs Nientao Assitan DIARRA does not contest the fact that the management of rents of the concession at Torokorobougou was entrusted to her; neither does she contest the fact that she had no other source of income; that under these conditions, it is with rents accruing to the heirs of the deceased Sekou KANTE that she invested to lodge her mother in the concession which does not devolve to them by succession, that Mrs NIENTAO Assitan DIARRA therefore has no legally protected interest nor quality to demand the 10,768,734CFAF invested and included in the succession mass of the late Sekou KANTE; that her application to intervene as a non-disputing party is therefore inadmissible (...) ”

Whereas the Court of Appeal, by retaining that the appellant invested using the rents realised from the house of the deceased which she was managing; that she had no source of personal income; that she is not an heir to the deceased Sekou Kante, carried out the allegedly omitted fact finding;

Whence it follows that the plea is unfounded;

FOR THESE REASONS .

On the form:

Receives the appeal

ON THE SUBSTANCE

Dismisses it

Orders the confiscation of the statutory deposit already paid into Court.

Orders the appellant to pay the costs under this ruling;

Thus done, adjudged and publicly pronounced on the day, month and year above-stated.

AND SIGNED BY THE PRESIDENT AND THE REGISTRAR /

REPUBLIC OF MALI
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No7 38/JUDGMENT
No 514/R.G. /09
No 518/RC/09

CASE:

BAKARY KANTE and MAMOU KANTE

v.

BAROU KANTE, Mrs Assitan Diarra

NATURE:

Partition of inherited assets

Judgment

(see operative part)

COURT OF APPEAL OF BAMAKO

CIVIL CHAMBER

ORDINARY PUBLIC SESSION OF 23rd DECEMBER 2009

The Court of Appeal of Bamako, sitting in the courthouse of the said town in ordinary public session on the twenty-third of December of the year Two Thousand and Nine, in civil matters, before:

PRESIDENT: Moussa Sara DIALLO, Advisor at the Court of Appeal

MEMBRES: Moussa Oudé DIALLO, Hamadoun S. SIDIBE, Advisor at the Court of Appeal of Bamako;

IN THE PRESENCE OF: ALFOUSSEYNI DIOP : Deputy Attorney General at the said Court

REGISTRAR: Mrs SISSOKO MAIMOUNA DIANKA ;

ASSESSORS: Cheick Djibril N'Diaye, Oumar Keïta

PASSED THE FOLLOWING RULING IN THE CASE BETWEEN:

BAKARY KANTE and MAMOU KANTE : Appellants, having as counsel Maitre Fousseyni Djiré, Attorney at the Court

BAROU KANTE, Mme Assitan DIARRA: respondents having as counsel Maitre Issouf Fané of the Themis law firm, Attorneys at the Court

IN A CASE ON THE SHARING OF INHERITED ASSETS

THE COURT

ON THE FORM

Whereas by a certificate issued by the Registry on the 24th September 2008, Bakary Kante declared having lodged an appeal against Judgment No.807 of 19th September 2008 of the court of Municipality V of Bamako, the operative part of which reads as follows: “finds that the succession mass, subject-matter of this succession, is composed of a single house located in Torokorobougou of an area of 300m² of a market value of 17,445,677CFAF, holds that the realisations made by Mrs. Nientao Assitan DIARRA, half-sister of Barou and Bakary Kante and of a value of 768,734CFAF devolve to the mother;

- Holds further that the rest, that is, the realisations made by the deceased Sekou KANTE worth 5,363,543CFAF as well as the value of the land standing at 1,313,400 FCFA, both totalling 6,675,943 CFAF will be shared among the heirs; Appoints Maitre Kanda KEITA, Notary residing in Bamako to execute the sharing, and this at the charge of the succession;

- Places costs at the charge of the heirs”.

Whereas Mrs. Nientao Assitan DIARRA, through her counsel Maitre Issouf FANE, appealed against same judgment in her written submissions; Whereas both appeals were made in accordance with the conditions as to form and time limit provided by law; they appear admissible;

ON THE SUBSTANCE

CLAIMS AND PLEADINGS OF THE PARTIES

Whereas Bakary KANTE, through Attorney Maitre Fousseyni DJIRE, explains that their father, Sekou KANTE, died in 1978 in Bamako, leaving as heirs his wife Tenin BALLO (deceased without children) and his 3 children: Bakary KANTE, Mamou KANTE and Barou KANTE;

That the succession mass is composed of a concession and a bare plot located respectively in Torokorobougou and Magnambougou;

That the concession in Torokorobougou was built by Sekou KANTE during his lifetime, with an annual rent of 600,000 CFAF, which rent was managed by Assitan DIARRA since the death of Sékou KANTE to date; that Assitan refused to transfer ownership to the legitimate heirs, though she is not an heir of Sekou KANTE but simply the uterine sister of the KANTE children, that their mother Saran TOURE had her from a previous marriage before remarrying with their father and divorcing;

That after the death of Sekou KANTE, Saran TOURE settled in their concession in Torokorobougou, that it is with their father's rents that Assitan DIARRA built the house for her mother in the concession in Torokorobougou;

That it follows from the heredity judgment that neither Saran TOURE nor Assitan DIARRA are heirs of the deceased Sekou KANTE, that Assitan DIARRA has no standing to intervene as a non-disputing party and formulate claims in favour of her mother Saran TOURE.

That moreover, the expert evaluation of the real property was not done properly and according to the rules in that the concession and the plot of land have been undervalued, that the court should declare inadmissible the intervention of DIARRA Assitan, order a second expert opinion on the concession based in

Torokorobougou; or rule extraordinarily that the succession mass consisting of the concession based in Torokorobougou worth 17,445,067 CFAF shall be shared between the legally known heirs.

Whereas Mrs. Nientao Assitan DIARRA, through her counsel Issouf FANE, in reply, stresses that she is the uterine sister of Bakary and Barou KANTE, that it was with their accord that she invested up to 10,980,480 CFAF in the house at Torokorobougou, that she therefore has an interest to intervene to seek the separation of the value of her investments from the succession mass, in accordance with Article 62 of the CPCCS;

That besides, it was the court that ordered the expert evaluation of the assets making up the succession mass, that the National Department of Town Planning and Housing carried out the expert evaluation according to the rules by setting the total value of the estate at 17,445,067 CFAF, that this value is the same as that contained in the expert report of BETRAP-SARL;

That another request for an expert evaluation merely constitutes a delay tactic;

Pleads that the Court should annul the judgment appealed against and order the heirs to reimburse, to her, 10,768,734 CFAF, value of her investments, which will be deducted from proceeds realised from the sale of the house;

REASONS FOR THE DECISION

Whereas it is established in Judgment No.320 of 11th May 2007 by the Civil Court of Municipality VI of the District of Bamako that neither Mrs. DIARRA Assitan NIENTATO nor the mother of the latter, named Saran TOURÉ, are heirs of the deceased Sekou KANTE;

Whereas it is not disputed by Mrs NIENTAO Assitan DIARRA that the management of the rents from the Torokorbougou concession was entrusted to her, that she does not dispute that she had no other source of income;

That in these conditions, it is with rents accruing to the heirs of the deceased Sekou KANTE that she invested to lodge her mother in the concession which does not devolve to them by succession;

Whereas Mrs. NIENTAO Assitan DIARRA has therefore neither legally protected interest nor quality to claim the 10,768,734 FCFA invested and included in the succession mass of the late Sekou KANTE; that her application to intervene as a non-disputing party is therefore inadmissible;

Whereas it is a legal principle that no one can be forced to remain under joint ownership or possession; it is therefore appropriate to grant the request for division of the succession mass formulated by the heir Barou KANTE, and that the succession mass consists of the concession located in Torokorbougou and the bare plot of land located in Magnambougou of a total value of 17,445,677 FCFA, and rule that the sharing will be done between the legally known heirs;

Thereupon, the Court must accordingly uphold the contested judgment in its provisions concerning the claims of Mrs NIENTAO Assitan DIARRA, declare inadmissible her application to intervene, and order the sharing of the whole succession mass in favour of the legally known heirs;

Having regard to the provisions of Article 9 of the Criminal Procedure Code;

FOR THESE REASONS

Ruling publicly, after due hearing, in civil matters and in last resort;

On the Form :

Receives the main appeal and cross-appeal

On the Substance:

Confirms the contested judgment in its provisions concerning the determination of the succession mass and its value, and reverses its other provisions;

Ruling anew:

- Declares inadmissible the intervention of Mrs Nientao Assitan DIARRA as a non-disputing party;
- Orders the sharing of the estate of the deceased Sekou KANTE between his legally known heirs;
- Appoints Maitre Kanda KEITA, Notary in Bamako, to execute the sharing;
- Dismisses all other requests by Bakary KANTE; Places the costs at the charge of the estate.

Thus done, adjudged and publicly pronounced by this Court on the day, month and year above-stated.

AND SIGNED BY THE PRESIDENT AND THE REGISTRAR

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The Registration Inspector

Bamako, the 16th of February 2011

THE CHIEF REGISTRAR

**REPUBLIC OF MALI
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**“Extract taken from the Registry of this Court”
COURT OF APPEAL OF BAMAKO
COURT OF FIRST INSTANCE OF MUNICIPALITY V OF THE DISTRICT OF
BAMAKO**

**PUBLIC SESSION OF 19th SEPTEMBRE 2008 (DURING JUDICIAL
RECESS)**

N° 914 / RG N° 909 IRC

N° 807 / JUGT.

CASE:

BAROUKANTE

AGAINST:

BAKARY, MAMOU TOUS KANTE ET NIENTAO ASSITAN DIARRA

NATURE:

REQUEST FOR THE SHARING OF THE ESTATE OF THE DECEASED SEKOU KANTE

JUDGMENT:

(see operative part)

At the public session (held during judicial recess) of the Court of First Instance of Municipality V of the District of Bamako (Republic of Mali) of Nineteenth September of the year Two Thousand and Eight, held in customary matters, before;

Mr Hamet SAM, President;

Assisted by Maitre DIARRA Véronique COULIBALY, Registrar;

1°) Cyrille DAKOUO 2°) Bira SYLLA

Incumbent Accessors complementing the Court

Delivered the judgment which reads as follows:

BETWEEN:

Applicant: Barou KANTE (Heir of the deceased Sékou KANTE), Jeweller with domicile in Torokorobougou, Bamako, having as counsel the THEMIS law firm in Bamako, **on the one hand**

AND:

Defenders : Bakary and Mamou KANTE, coheirs of Barou KANTE, residing in Bamako and having as counsel Maitre Diawoye Diatigui DIARRA, Attorney at the Court of Bamako;

Non-disputing intervenor : NIENTAO Assitan DIARRA, residing in Bamako and having as counsel Maitre Boubacar SOUMARE, Attorney at the Court of Bamako;

Barou KANTE has, by written motion dated 5th June 2007, seized this court to obtain a judgment on the sharing of the estate of the deceased Sekou Kante, who died in 1978 in Bamako;

The request was registered in the general trial docket of the Registry of this court under No. 914 of the year 2007;

Called up at the session of 6th June 2007, the case was adjourned to 13th June 2007 at the convenience of the court; Then the case was postponed several times; During the session of 21st September 2007, the case was heard and, on the lack of quality of the non-disputing party, in this case Mrs. NIENTAO Assitan DIARRA, the court scheduled deliberations for 28th September 2008 and later postponed it to 5th October 2007 to pass judgment and refer the case and the parties to the session on 19th September 2007; From that date, the case has been postponed several times for various reasons; At the hearing on 29th February 2008 and by interim judgment, the Court ordered the expert valuation of the deceased's assets; Then the case was re-registered for hearing on 30th May 2008, where it was heard and deliberated upon on 6th June 2008 and the deliberations extended to 20th June 2008; At the hearing on 20th June 2008, the Court closed deliberations to reopen the hearing upon the appearance of all parties, and the case was adjourned to 27th June 2008; On that date, the case was again heard and deliberated upon to 11th July 2008 and deliberations were extended to 18th July 2008, then to 25th July 2008 and then to 1st August 2008. On this date, the deliberation was closed by the Court for the appearance of all parties at the bar, and the case was adjourned to 15th August 2008. On this date, it was heard and deliberated upon to 29th August 2008, and the deliberations extended to 12th September 2008 and later to 19th September 2008, whereupon the Court, in accordance with the law, passed judgment which reads as follows:

THE COURT

Having regard to the documents of the case file;

After hearing the applicant in his claims, motives and submissions;

After hearing the defenders in their defence pleadings;

After hearing the State Prosecution;

FACTS AND PROCEDURE:

By written motion dated 5th June 2007, Barou KANTE, through the THEMIS law firm, seized the Civil Court hither for the sharing of the succession mass of the deceased Sekou KANTE; that by writs served on 19th May 2008 by Maitre Yehia HAIDARA, the applicant called up the defendants to hear the Court, on the merits, rule on the motion indicated above;

CLAIMS AND PLEAS OF THE PARTIES

Whereas in support of its application, the THEMIS firm, representing Barou KANTE, states: That the deceased Sekou KANTE died in 1978 in Bamako; that he left as the only currently known heirs: his wife: Tenin BALLO and his children: Barou, Bakary and Mamou KANTE, emphasizes the applicant's counsel; that the deceased's succession mass comprises two pieces of real property situated in Torokorobougou and Magnambougou (see documents in the case file), and that the heirs presently live under joint ownership. That it is undisputed, under the provisions of Article 815 of the Civil Code, that no one can be forced to remain under joint ownership, which is why he asks that the Court orders the sharing of the estate of the deceased Sekou Kante;

Whereas in reply, Maitre Boubacar SOUMARE, on behalf of Mrs Nientao Assitan DIARRA, does not contest the measure sought by the applicant, but believes that the court, having confirmed the quality of non-disputing party of his client, it is undisputed that the latter, uterine sister of Barou KANTE and Bakary KANTE, consented to make realisations on the concession in Torokorobougou where their common mother lived; that Mrs NIENTAO invested, in the said concession, an amount of up to Ten Million Seventeen Hundred and Fifty Three Thousand Two Hundred Twenty Five CFA Francs 10,753,225CFAF (see expert report dated 15th June 2007); that, as pleads Maitre SOUMARE, the rights of Mrs NIENTAO Assitan DIARRA, being in danger of being affected by the execution of the sharing of the estate between the heirs of the deceased Sekou KANTE, she has an interest to intervene as a non-disputing party pursuant to Article 62 of the Social, Commercial and Civil Procedure Code, to seek the separation of the value of her investments from the succession mass;

Whereas Barou KANTE, speaking to the Court, affirms that it was with his consent and that of his brother Bakary, that their uterine sister Mrs NIENTAO Assitan DIARRA, carried out work on the concession in Torokorobougou to accommodate their common mother there;

Whereas, after Maitre Boubacar SOUMARE, Maitre Diawoye Diatigui DIARRA, in defence of the interests of Bakary KANTE and Mamou KANTE, estimates that Mrs NIENTAO Assitan DIARRA made no constructions on the property of the deceased; that the various realisations were made with the income realised from the renting of stores built by the deceased Sekou KANTE;

Whereas, speaking to the Court, Bakary KANTE, confirmed the remarks of his counsel, adding that the stores mentioned above were built by their late father well before their birth; that since 1999, the rental costs of the said stores stood at twelve thousand francs (12,000CFAF) per month, and before, they stood at ten thousand (10,000) CFAF;

Whereas Mamou KANTE, defendant, maintains that she is unaware of anything regarding the realisations in question;

HEARING

Whereas the applicant, through the THEMIS law firm, requests that the court should order the sharing of the estate of the deceased Sekou KANTE who died in 1978 in Bamako;

Whereas it is an established right pursuant to Article 815 of the French Civil Code that: No one can be forced to remain under joint ownership, and sharing can always be prompted unless it has been suspended by judgment or by agreement"

Whereas it is established, from the hearing and all the above, that no agreement seems possible between the heirs of the deceased person to maintain the status quo;

Whereas it has been proven indisputable that Mrs NIENTAO Assitan DIARRA actually carried out construction work for the benefit of her mother of up to Ten Million, Seven Hundred and Fifty Thousand, Two Hundred and Twenty Five francs FCFA 10,753,225 (see expert report dated 15th June 2007); that this should be considered, that in view of these complaints, it is appropriate to grant the request to share the succession mass of the deceased Sekou KANTE introduced by Barou KANTE, find that the succession mass of the deceased is composed of a single house located in Torokorobougu, the market value of which stands at Seventeen Million, Four Hundred and Forty Five Thousand, Six Hundred and Seventy-Seven francs in (17,445,677) FCFA, that the realisations made by Mrs Nientao Assisan DIARRA, uterine sister of Barou and Bakary and worth Ten Million, Seven Hundred and Sixty Eight Thousand, Seven hundred and Thirty Four (10,768,734) CFAF devolve to the mother; that the deceased Sekou KANTE who made realisations worth Five Million, Three Hundred and Sixty Three Thousand, Five Hundred Forty Three (5,363,543) CFAF, and the value of the land being of One Million, Three Hundred and Thirteen Thousand, Four Hundred francs (1,313,400) CFAF, totalling Six million, Six hundred and Seventy Five Thousand, Nine Hundred and Forty Three (6,675,943) CFAF, this sum shall be shared among the heirs of the deceased, and Maitre Kanda KEITA, Notary resident Bamako, is appointed to execute the sharing of the estate;

FOR THESE REASONS

THE COURT

Ending deliberations;

Ruling publicly, after due hearing, in customary cases and in first instance, with the assistance of assessors;

ON THE FORM

Receives the heirs of Sekou KANTE in their request to share the estate of the deceased;

ON THE SUBSTANCE

Finds it well founded; upholds it;

Finds that the succession mass, subject-matter of this succession, is composed of a single house located in Torokorobougou and of an area of 300m² , and of a market value of 17,445,67CFAF;

Holds that the realisations made by Mrs. NIENTAO Assitan DIARRA, half sister of Barou and Bakary KANTE, and of a value of 10,768,734CFAF devolve to the mother.

Holds further that the rest of the realisations made by the deceased Sekou KANTE worth 5,363,543FCFA and the value of the parcel of land totalling 1,313,400 CFAF thus totalling 6,675,943CFAF shall be shared between the heirs of the deceased;

Appoints Maitre Kanda KEITA, Notary residing in Bamako, to execute the sharing, and this at the charge of the estate;

- Places costs at the charge of the heirs”..

Thus done, adjudged and publicly pronounced by this Court on the day, month and year above-stated.

AND SIGNED BY THE PRESIDENT AND THE REGISTRAR

Following the signatures

Signed illegible

DF: 3000

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The Registration Inspector

Signed illegible

Bamako, the 11th of June 2009

THE CHIEF REGISTRAR