

PEOPLE'S COURT  
HA TIEN TOWN  
KIEN GIANG PROVINCE

SOCIALIST REPUBLIC OF VIETNAM  
Independence- Freedom-Happiness

*Ha Tien, August 27<sup>th</sup>, 2018*

No. 07/TB-TA

**NOTICE OF APPEAL**

To:

- People's Procuracy of Ha Tien town, Kien Giang province.
- Mrs. Luong Thi Tuyet, born in 1982. Address: No. 22, Bai No, Group 8, Quarter 2, Phao Dai ward, Ha Tien town, Kien Giang province, the plaintiff.
- Mrs. Truong Thi Bay, born in 1969. Address: Group 8, Quarter 2, Phao Dai ward, Ha Tien town, Kien Giang province, the defendant.
- Mr. Luong Trung Hieu, born in 1981. Address: No. 22, Bai No, Group 8, Quarter 2, Phao Dai ward, Ha Tien town, Kien Giang province, the person with related rights and obligations.
- Mrs. Nguyen Thi Thanh Thuy, born in 1988. Address: Group 8, Quarter 2, Phao Dai ward, Ha Tien town, Kien Giang province.
- Mrs. Nguyen Thi Thanh Nga, born in 1996. Address: Group 8, Quarter 2, Phao Dai ward, Ha Tien town, Kien Giang, the person with related rights and obligations.
- Mr. Nguyen Thanh Phuong, born in 1986. Address: Group 8, Quarter 2, Phao Dai ward, Ha Tien town, Kien Giang province, the person with related rights and obligations.
- Mrs. Nguyen Thi Cuc, born in 1959. Address: No.10, Lam Van Quang, Quarter 2, Binh San ward, Ha Tien town, Kien Giang province, the person with related rights and obligations.
- Mr. Nguyen Van Minh, born in 1950. Address: 11885, Spring Side Rd, San Diego, 92128, USA (United States of America), the person with related rights and obligations.

On August 20, 2018, People's Court of Ha Tien town received the appeal application of Mr. Nguyen Van Hung.

Appeal against the first instance civil judgment No. 09/2018/DS-ST on August 7, 2018 by the People's Court of Ha Tien town, Kien Giang province.

The specific issues in the appeal application require the Court of appellate level to resolve including:

Disagreeing with the decision of the first instance judgment. Requesting an appeal to force to support a part of funding more to relocate and build a decent, spacious house to worship parents, stabilize family life.

Attached to the appeal application, the appellant submits additional documents and evidence as follows: 02 birth certificate No. 88, book No.1/2010 and No. 92, book No.1/2013 (Photocopy).

Pursuant to Article 277 of the Civil Procedure Code, Kien Giang Province People's Court notifies the litigants mentioned above.

After receiving this notice, the notified person has the right to send to the Court of Appellate level for his/her opinions on the appeal content and attached documents and evidence (if any).

***Recipients:***

- As above;
- People's Procuracy of Ha Tien town;
- Kept case records.

**JUDGE**

*(Signed and sealed)*

**Giang Phuoc Thanh**

PEOPLE'S COURT OF HA TIEN TOWN,  
KIEN GIANG PROVINCE

SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom - Happiness

Judgment No: 09/2018/DS-ST

Date: 07/08/2018

Ref: Dispute of asset borrowing contract'

IN THE NAME OF

THE SOCIALIST REPUBLIC OF VIET NAM

PEOPLE'S COURT OF HA TIEN TOWN, KIEN GIANG PROVINCE

Composition of the Trial Panel at first instance consists of:

Judge – Chairman of the trial: Mr. Giang Phuoc Thanh.

People's jurors:

1. Mr. Nguyen Van Ut

2. Ms. Lam Le Oanh.

- **Secretary of the court:** Mr. Thai Vu Duc - Secretary of the People's Court of Ha Tien Town, Kien Giang Province.

- *Representatives of the People's Procuracy of Ha Tien town, Kien Giang province participated in the trial:* Ms. Lam Thanh Thuy - Controller

On August 7, 2018 at the headquarters of the People's Court of Ha Tien Town, the first instance trial of civil case No. 78/2016/TLST-DS dated June 16, 2016 on "Dispute over contract of asset borrowing, land use rights" under Decision to bring the case to judge No. 31/2016/QDXXST-DS dated June 11, 2018 and the decision to postpone the trial No. 22/2018/QDST-DS dated June 25, 2018, between the litigants:

1. Plaintiff: Ms. Luong Thi Tuyet, born in 1982. Address: No. 22 Bai No, Group 8, Quarter 2, Phao Dai Ward, Ha Tien Town, Kien Giang Province.

Authorized Representative: Mr. Luong Trung Hieu, born in 1981. Address: No. 22 Bai No, Group 8, Quarter 2, Phao Dai Ward, Ha Tien Town, Kien Giang Province, under the power of attorney dated August 12, 2016; present.

2. Respondent:

- Mr. Nguyen Van Hung, born in 1969; present.

- Ms. Truong Thi Bay, born in 1969; absent.

Same address: Group 8, Quarter 2, Phao Dai Ward, Ha Tien Town, Kien Giang.

3. Persons with relevant benefits and obligations:

- Mr. Luong Trung Hieu, born in 1981. Address: No. 22 Bai No, Group 8, Quarter 2, Phao Dai Ward, Ha Tien town, Kien Giang province; present.

- Ms. Nguyen Thi Thanh Thuy, born in 1988; Application for absence.

- Ms. Nguyen Thi Thanh Nga, born in 1996; Application for absence.

- Mr. Nguyen Thanh Phuong, born in 1986; Application for absence.

Same address: Group 8, Quarter 2, Phao Dai Ward, Ha Tien Town, Kien Giang.

- Ms. Nguyen Thi Cuc, born in 1959. Address: No. 10, Lam Van Quang, Quarter 2, Binh San Ward, Ha Tien Town, Kien Giang Province; absent.

- Mr. Nguyen Van Minh, born in 1950. Diana: 11885, Spring Side Rd. San Diego. 92128, USA: Absent

***CONTENTS OF CASE:***

According to the plaintiff's petition, Ms. Luong Thi Tuyet and the statement at the hearing of the plaintiff's authorized representative, Mr. Luong Trung Hieu: The land origin was inherited by Ms. Luong Thi Tuyet. Her biological mother, Lam Thi Bay according to the document received inheritance was confirmed by the People's Committee of Phao Dai ward on June 27, 2009, under land lots 199a 199b, map sheet PD-23, area 980.2 m<sup>2</sup> ( of which 199a with 272.1 m<sup>2</sup> of land and 199b with 708.1 m<sup>2</sup> of land), according to the certificate of land use rights X 192479 issued by the People's Committee of Ha Tien town on May 17, 2004 located in quarter 2, Phao Dai ward, Ha Tien town. In 2006, Ms. Lam Thi Bay borrowed a part of land to build a house, with an area of about 5m x 10m, falling from 199a to 199b. In 2008, Ms. Bay died, on May 27, 2009, Ms. Tuyet's father, Mr. Luong Van Hon and his children made a written refusal to accept her inheritance certified by the People's Committee of Phao Dai ward on June 11, 2009 and the document of inheritance of Ms. Tuyet on June 27, 2009, on August 4, 2009, the People's Committee of Ha Tien town adjusted fluctuations for Ms. Tuyet for the right to use the above two parcels of land.

In 2010, Ms. Lua was sick, so her son Hung and his wife, Truong Thi Bay, and their children moved in with Ms. Lua, but not with Ms. Tuyet's consent. In November 2011, Ms. Lua died, due to the need to use the land, Ms. Tuyet has repeatedly asked the Hung and his

family members to move the house to return the land use rights, but so far, Hung's family has not done yet, but asked for support at high levels, so Ms. Tuyet did not agree. Represented by the plaintiff's authorization completely consistent with the measurement and valuation results of Kien Giang Real Estate Joint Stock Company.

Now, the representative of the plaintiff asked the court to force Mr. Hung, Ms. Bay and other family members to move the house to return the land use rights for Ms. Tuyet, the land located in quarter 2, Phao Dai ward, Ha Tien town, Kien Giang province. Ms. Tuyet agrees to support the relocation costs for Mr. Hung's family of 43,408,000 VND to stabilize his life.

Respondent Mr. Nguyen Van Hung presented: The origin of land is the grandparents left. Ms. Lam Thi Bay is the mother of Ms. Luong Thi Tuyet and he is the son of Ms. Lam Thi Lua, Ms. Bay and Ms. Lua are sisters, while living two women divide their land and are granted certificates by the State. His mother's estate, Lam Thi Lua, was asked to borrow the land of Ms. Bay to build a house, a house built by his brother, Nguyen Van Minh, with an area of about 5x12m to live to the end of life, when asking the land to build a house without making the text just mouth to mouth. Until 2008, Ms. Bay died, her children agreed to divide the inheritance and gave her full use, until 2011, Ms. Lua died, Ms. Tuyet asked his family to relocate the house to return the land, now he has no other place to relocate, this house includes his wife and children Nguyen Thanh Phuong, Nguyen Thi Thanh Nga, Nguyen Thi Thanh Thuy are staying; He agreed to relocate to return the land to Ms. Tuyet, however, because the two sides have not agreed the support price so he can not relocate, for the amount of VND 43,408,000 that the plaintiff's representation is too little, his family could not buy another land; After discussing with his family, he asked her to buy a 60m<sup>2</sup> floor. Through the measurement and valuation of Kien Giang Real Estate Joint Stock Company, he agreed.

The Respondent Ms. Truong Thi Bay was absent from the trial, in the minutes of the testimony, she presented completely agreed with the opinion of Mr. Nguyen Van Hung, requesting Ms. Tuyet to buy 01 family house floor area of 60m<sup>2</sup> to relocate.

The persons with related rights and obligations, Mr. Luong Trung Hieu, said: Ms. Luong Thi Tuyet is his wife, they married in 2007, this land, his wife inherited his mother's wife, this is the land Your wife's own, not their land, he only received his wife's authorization to participate in the settlement of the lawsuit.

Person with related rights and obligations, Ms. Nguyen Thi Cuc absent at the hearing, in the minutes to testify her presentation. The house is located in Quarter 2, Phao Dai Ward,

Ha Tien Town, Kien Giang Province and that currently, Mr. Nguyen Van Hung and Ms. Truong Thi Bay are staying and was given by Mr. Nguyen Van Minh who gave money so that Ms. Lam Thi Lua could build on the land borrowed by Ms. Lam Thi Bay. This house was built in 2006. Now, she agrees to let Mr. Nguyen Van Hung inherit the inheritance of her mother, she does not ask or paint. any other.

According to the statement dated April 26, 2017, the persons with related rights and obligations, Nguyen Thi Thanh Thuy and Nguyen Thanh Phuong presented: They completely agreed with the opinions of their parents, Mr. Nguyen Van Hung and Ms. Truong Thi Bay and no other requirements.

According to the declaration dated October 9, 2016, the person with related rights and obligations, Ms. Nguyen Thi Thanh Nga presented: She completely agreed with the opinion of her parents, Nguyen Van Hung, Ms. Truong Thi Bay and no other requirements.

Mr. Nguyen Van Minh is absent, so there is no statement in the case file.

In the course of settling the cases, the Court shall coordinate with the specialized agencies for on-spot examination and evaluation of the disputed land use right and organize the conciliation, but the involved parties fail to reach agreement. Therefore, the court shall bring the case to trial in accordance with the provisions of law.

At the court session, representatives of People's Procuracy of Ha Tien Town issued comments on the follow-up to the civil procedure law of the Judge, the Trial Panel, the Clerk, the litigant. For the contents of the case, suggesting that the Trial Panel accept the plaintiff's claim against the plaintiff, forcing the Respondent and his family members to dismantle or return the house to the plaintiff, to record the plaintiffs' comments on the Respondent for supporting the costs for the respondent, the costs of the proceedings and the costs of the Respondent must be paid in accordance with the law.

#### **DETERMINATION OF THE COURT:**

After examining the documents contained in the case files, which are examined at the court sessions and based on the results of the trial at trial, the Trial Panel shall:

(1) Regarding the dispute and the jurisdiction to resolve the case: Based on the plaintiff's petition, the statement of the Respondent and pursuant to Article 494 of the Civil Code 2015, the case The legal relationship of civil dispute over the property borrowing contract is the land use right. According to the appraisal report dated November 21, 2016, the land

dispute between Ms. Luong Thi Tuyet and Mr. Nguyen Van Hung, Ms. Truong Thi Bay has an area of 94.6 m<sup>2</sup> under the land lots 199a and 199b (in which 199a plot with area of 16.9 m<sup>2</sup> and surplus 199b with the area of 77.7 m<sup>2</sup>) located in Quarter 2, Phao Dai ward, Ha Tien town, Kien Giang province. Therefore, Clause 3, Article 26, Point a, Item 1, Article 35, Point c, Clause 1, Article 39 of the Civil Procedure Code 2015, the case falls under the jurisdiction of the People's Court of Ha Tien Town, Kien Giang Province.

(2) For the proceedings: Respondent, Ms. Truong Thi Bay; Persons with related rights and obligations: Mr. Nguyen Van Minh, Ms. Nguyen Thi Cuc has been informed, summoned many times but still absent. Pursuant to Article 227 and Article 476 of the Civil Procedure Code 2015, the Court shall conduct the case in accordance with law.

(3) For the origin of the land: Based on the presentation of the litigants and the evidence to show the file: The land Ms. Luong Thi Tuyet asked Mr. Nguyen Van Hung, Ms. Truong Thi Bay dismantle, Relocated to return land with area of 94.6 m<sup>2</sup> of plots 199a and 199b (in which 199a plots of residential land, area of 16.9 m<sup>2</sup> and plot 199b of garden land, area of 77.7 m<sup>2</sup>) The map of PD-23, originated from Lam Thi Bay, was issued the certificate of the land use right No. X192479 by the People's Committee of Ha Tien Town on May 17, 2004, which was registered by the branch office. The land of Ha Tien town was changed to Ms. Luong Thi Tuyet on August 4, 2009, the land is located in Quarter 2, Phao Dai Ward, Ha Tien Town, Kien Giang Province. The origin of the land was left by Lam Thi Bay and Lam Thi Lua's parents, before they passed away, Ms. Bay and Ms. Lua agreed to divide the land use right certificate issued by the People's Committee of Ha Tien Town to the parties, Ms. Lua's land was transferred to other people, so no shelter so she borrowed the land of Ms. Bay to build a house to live until the end of her life.

(4) For the content of the dispute: Ms. Luong Thi Tuyet requested Mr. Nguyen Van Hung, Ms. Truong Thi Bay to dismantle and move the house to return the 94.6m<sup>2</sup> belonging to the plots 199a and 199b (in which the plot 199a is the type of resident land with the area of 16.9m<sup>2</sup> and the plot 199b plot is the type of garden land with the area of 77.7m<sup>2</sup>), map No. PD-23, on the dispute land of the 4th grade of Ms. Lam Thi Lua who died and left , the spouses, Mr. Hung, Ms. Bay and together with their children named Nguyen Thi Thanh Thuy, Nguyen Thi Thanh Nga and Nguyen Thanh Phuong both live on this house. During the process of settling the case and at the trial, the Respondent acknowledges and agrees to move the house and give the land back to the plaintiff but request plaintiffs to support the purchase of a floor area of 60m<sup>2</sup> to agree to relocate land back. At the trial of the plaintiff's authorized

representative, disagreed with the Respondent's opinion about the request for support to buy a floor of 60m<sup>2</sup>, only agreed to support the relocation costs for the family Hung as the value of the house under appraisal is VND 43,408,000.

At the appraisal minutes at People's Court of Ha Tien Town dated November 21, 2016 and the extract from the status of the land area of the Land Registration Office of Ha Tien Town on March 31, 2017 shows the house of Ms. Lua currently managed by Mr. Hung and Ms. Bay on the land of Ms. Tuyet at the location: a part of the land plot 199a, residential land and a part of land plot 199b, type garden soil; The house on 94.6m<sup>2</sup> of land is shown in the picture ABDEFGHA (In which, part of the house has the shape of ABCH area of 169m<sup>2</sup> on the land of plots 199a, showing the size of AB with length of 16,9m. BC is 1.0m long, CH is 16.9m long, HA is 1.0m long and 1 part of the house with the shape of CDEFGH is 77.7m<sup>2</sup> on the land of 199b, showing the size of 5.0m CD, next to DE 15m long, edge EF is 3.6m long, edge of FG 1.9m long, next to GH long 1, 4m, HA edge length is 1.0 m): type of house, level 4 has the main house building brick, reinforced concrete columns, reinforced concrete columns, wall construction 100mm thick, 90cm high waterproofing, corrugated iron, corrugated iron roof and other side works including roof, toilet ... Results of evaluation of the value of the house and auxiliary works totaling 43,408,000d: The value of land use right is 17,672,000 VND.

The two parties established a contract of borrowing the land use right to build a house between Lam Thi Bay and Ms. Lam Thi Lua in 2006, not in writing, not agreeing the specific repayment deadline. Ms. Lua was in charge of her life until the end of her life, when the two parties established the contract of borrowing property in 2006, it is necessary to apply the 2005 Civil Code to settle, however, considering that the 2005 Civil Code and the Civil Code of 2015 stipulate Section 1 of the borrowing contract. Assets, with contents not changed, transactions of the parties are implementing. Pursuant to Point b, Clause 1, Article 688 of the Civil Code 2015, the court shall base itself on the provisions of the Civil Code 2015 to apply the settlement.

Article 494 of the Civil Code 2015 provides for a contract for loan of property. "A property borrowing contract is a mutual agreement between the parties whereby the lender assigns the property to the borrower for use within a period of time does not pay, the borrower must return the property upon the expiration of the loan or the purpose of the loan is reached", paragraph 3 Article 496 of the Civil Code 2015 provisions on the obligations of the property borrower "loan on time; If there is no agreement on the time limit for returning the property, the borrower shall return the property immediately after the borrowing purpose has been achieved. "Clause 5 of Article 166 of the Land Law of 2013 provides for the general right of

the person "Land shall be protected by the State when other persons infringe upon their legitimate rights and interests in land".

From the bases, the Respondent asked the plaintiff to buy another 60m<sup>2</sup> of land to move the house is not acceptable basis. The Trial Panel agreed with the proposal of the representative of the Procuracy, forcing Mr. Nguyen Van Hung, Ms. Truong Thi Bay, to directly manage and use the house left by Lam Thi Lua and his members who are the children of Mr. Hung and Ms. Bay named Mr. Nguyen Thanh Phuong, Ms. Nguyen Thi Thanh Thuy, Ms. Nguyen Thi Thanh Nga must dismantle and relocate the property as a house, return the land to Ms. Luong Thi Tuyet with the area of 94.6 m<sup>2</sup> of plots 199a and 199b (in which 199a plots of residential land with an area of 16.9 m<sup>2</sup> and plots of 199b of garden land with an area of 77.7 m<sup>2</sup>); The plaintiff's petition was supported by Ms. Tuyet to support the relocation of the house to Mr. Hung and Ms. Bay with the amount of VND 43,408,000.

[5] Considering the origin of the 4th grade house is Ms. Lua's remains are stored on the land of Tuyet and now managed by Hung, Ms. Bay. Ms Lua has three children including Mr Nguyen Van Minh, Ms Nguyen Thi Cuc and Mr Nguyen Van Hung. During the process of settling the case, the court has issued a notice of acceptance and handed over her inheritance to the proceedings. Ms. Cuc unanimously handed over the inheritance she inherited to Mr. Hung. Mr. Nguyen Van Minh has no opinion. Therefore, if Mr. Minh, Ms. Cuc request to disputes the inheritance inherited from Ms Lua, then will initiate another civil suit.

(6) For costs of viewing and evaluation on the spot: Article 157, Article 158 of the Civil Procedure Code; Mr. Hung and Ms. Bay had to pay VND 1,027,001. This amount has been paid by Ms. Tuyet on the Value Added Invoice No. 0015058 dated 03/4/2017 of the Branch Office of Land Registration in Ha Tien town, so Mr. Hung and Ms. Bay must pay back to Ms. Tuyet.

(7) For the cost of price appraisal: Article 165, Article 166 of the Civil Procedure Code, Mr. Hung and Ms. Bay bear the whole cost of VND 1,430,000. This amount was paid to the People's Court of Ha Tien town by Ms. Tuyet and the court paid to Kien Giang Real Estate Joint Stock Company under the value added invoice No. 0000294 dated June 1, 2018, Mr. Hung and Ms. Bay must return to Ms. Tuyet.

(8) For the cost of entrustment abroad: Article 153, Article 154 of the Civil Procedure Code: Mr. Hung and Ms. Bay will bear the cost of VND 3,314,336. This amount paid by the plaintiff representative, Mr. Luong Trung Hieu, has been paid in accordance with receipts of

fees and charges No. 0030983 dated August 29, 2017 of the Department of Civil Judgment Execution of Kien Giang province and voucher transactions dated 31 August 2017 of the Joint Stock Commercial Bank for Foreign Trade of Vietnam - Kien Giang Branch. This amount, Mr. Hieu admits that Ms. Luong Thi Tuyet gave him to pay instead, so Mr. Hung and Ms. Bay to pay back to Ms. Tuyet.

[9] For court fees: Apply Article 147 of the Civil Procedure Code; Article 48 of the National Assembly Standing Committee's Resolution No. 326/2016/UBTVQ1114 dated December 30, 2016 on rates of fees, exemption, reduction, remittance, management and use of court fees and charges. Ordinance No. 10/2009/PL-UBTVQH12 dated February 27, 2009 of the Standing Committee of the National Assembly on Court charges and fees, Mr. Nguyen Van Hung and Ms. Truong Thi Bay are charged with first instance civil court fees of VND 200,000.

Because of the above affairs,

#### **DOES HEREBY DECIDE:**

Pursuant to Article 166 of the Land Law 2013; Article 105, 494, 496 of the Civil Code 2015; Article 26, Point a, Clause 1, Article 35, Point c, Clause 1 of Article 39, Article 147, Article 153, Article 154, Article 157, Article 158, Article 165, Article 166, Article 227, Article 476 of the Civil Procedure Code, the year 2015; Article 48 of Resolution No. 326/2016 /UBTVQH14 dated December 30, 2016 of the Standing Committee of the National Assembly stipulates the rates of fee collection, exemption, reduction, payment, management and use of court fees and charges. Ordinance No. 10/2009/PL-UBTVQH12 dated February 27, 2009 of the Standing Committee of the National Assembly on court fees and charges.

#### **Solving:**

1. Force Mr. Nguyen Van Hung, Ms. Truong Thi Bay and other related persons, Ms. Nguyen Thi Thanh Thuy, Ms. Nguyen Thi Thanh Nga and Mr. Nguyen Thanh Phuong to dismantle and relocate their properties In return, Luong Thi Tuyet land area of 94.6m<sup>2</sup>, the number of land plots 199a, 19%, the number of PD-23, area 980.2m<sup>2</sup> (in which 199a plot of land area 272.1 m<sup>2</sup> and plots 199b with an area of 708.1 m<sup>2</sup> of garden land), according to the certificate of land use rights X 192479, issued by the People's Committee of Ha Tien Town on May 17, 2004 located in Quarter 2, Phao Dai Ward, Ha Tien Town, Kien Giang Province. According to the appraisal report at November 21, 2016 of the People's Court of Ha Tien town and the extract of the status of land area of the Land Registration Office of Ha Tien Town on March 31, 2017, type of house, level 4 is composed of the main house should be brick building,

cement floor, reinforced concrete columns, wall construction 100mm thick, watercolor 90cm, corrugated iron sheet and ancillary works including roofs, toilets ... on the ground as follows: 1 part of land plot 199a, Map No. PD-23, residential land and part of land plot 199b, Map No. PD-23, type of garden land; The house on 94.6m<sup>2</sup> of land is shown in the picture ABDEFGHA (In which, part of the house has the shape of ABCH area of 16.9m<sup>2</sup> on the land of plots 199a, showing the size of AB with length of 16,9m. BC is 1.0m long, CH is 16.9m long, HA is 1.0m long and 1 part of CDEFGH is 77.7m<sup>2</sup> on the land of 199b, showing the size of 5.0m CD, next to DE 15m long, EF edge 3.6m, edge FG 1.9m long, long side GH 1.4m, edge HC length 16.9m) (with minutes and records attached).

Receiving comments of the plaintiff's representative, forcing Ms. Luong Thi Tuyet to pay the money for removal and removal of houses for Mr. Nguyen Van Hung and Ms. Truong Thi Bay with the amount of VND 43,408,000 (Forty- three million, four hundred and eight thousand dong).

2. For expenses for examination and evaluation at spot: Forcing Mr. Nguyen Van Hung and Ms. Truong Thi Bay to bear the cost of 1.027,001, this amount was paid by Ms. Luong Thi Tuyet, thus forcing Hung and Ms. Bay must pay Ms. Tuyet the amount of VND 1,027,001 (One million and twenty- seven thousand and one dong).

3. For the cost of price appraisal: Forcing Mr. Nguyen Van Hung and Ms. Truong Thi Bay to bear the cost of 1,430,000 VND, this amount was paid by Ms. Luong Thi Tuyet, thus forcing Mr. Hung and Ms. Bay to pay back to Ms Tuyet the amount of VND 1,430,000 (One million four hundred and thirty thousand dong).

4. For the cost of entrusting abroad: Forcing Mr. Nguyen Van Hung and Ms. Truong Thi Bay to bear the cost of VND 3,314,336, this amount has been paid by Ms. Tuyet, so forced Hung and Ms. Bay to pay to Ms. Tuyet immediately the amount of VND 3,314,336 (Three million, three hundred and fourteen thousand, three hundred and thirty-six dong).

5. For court fees: Forcing Mr. Nguyen Van Hung and Ms. Truong Thi Bay to pay civil legal fee of VND 200,000 (Two hundred thousand dong). Return to Ms. Luong Thi Tuyet the amount of money already paid court fee advance of VND 200,000 (Two hundred thousand dong) according to the receipt of advance court fees court fee on June 16, 2016 of the Sub-Department of Civil Judgment Execution of Ha Tien town.

Right to appeal: Plaintiff, Respondent, and related person Mr. Luong Trung Hieu present at the trial have the right to appeal the judgment within 15 days from the date of

pronouncement. The Respondent, Truong Thi Bay; Persons with related rights and obligations present at court sessions shall have the right to lodge appeals within 15 days from the date of receipt of the convictions or judgments handed down to the court legally.

Where the judgments or decisions are executed under the provisions of Article 2 of the Law on Execution of Civil Judgments, the civil judgment executors or civil judgment debtors shall have the right to agree on judgment execution and the right to request to execute judgments, voluntarily execute the judgments or be coerced to execute judgments under Articles 6, 7 and 9 of the Law on Execution of Civil Judgments. The statute of limitations for enforcement of judgments shall comply with the provisions in Article 30 of the Law on Execution of Civil Judgments.

**Recipients:**

- People's Court of Kien Giang Province
- People's Procuracy
- Sub- Department of civil judgment execution of Ha Tien town;
- Litigants;
- Archive: Filing

**FOR THE FIRST INSTANCE TRIAL PANEL  
JUDGE – CHAIRMAN OF HEARING  
(Signed and sealed)**

**Giang Phuoc Thanh**