

Decree N° 83 of 8 June 2005

Establishment of the terms and conditions for keeping the accounts of the administrative matters relating to assets held in trust.

UNOFFICIAL TEXT

NOTICE

It is not an official text, and the Central Bank of the Republic of San Marino assumes no liability for any errors or omissions. The official text of the Laws of the Republic of San Marino can be found in the *Bollettino Ufficiale* or on the Internet website, www.consigliograndeegenerale.sm.

Art.1
(Accounts reports and inventory)

1. The trustee must keep the accounts of the administrative facts that concern the assets held in trust. The entries must be kept, separately for each trust, in a systematic form and in accordance with orderly accounting principles, as their purpose is to analytically follow and report the variations to the net worth of the assets held in trust.
2. The trustee draws up the inventory of the assets held in trust along with a written report containing the summary and description of the net worth and composition of the assets held in trust at the date on which the trust begins to have effect and, after this, at least once every twelve months also showing, at that time, the converting and value modifying events that affected the aforementioned assets. The inventory must be drawn up so as to separately represent, as net balancing entry of the assets and liabilities subjected to the inventory:
 - a) the value ascribable to the assets held in trust at the date on which the trustee becomes their owner owing to the effect of contracts of purchase without a consideration;
 - b) the net value differentials successively accrued but not received for the assets held in trust;
 - c) the net value differentials successively received for the assets held in trust;
 - d) the proceeds and interests deriving from the assets held in trust, also by way of reimbursement for loss of income.
3. For this reason, the trustee must keep, for each of the assets held in trust, or for each category homogeneous by nature and by value in which the assets may be classified, a summarizing file containing the value ascribable to the assets at the time of their purchase without a consideration, as well as:
 - a. the net value differentials successively accrued but not received;
 - b. or, in the case of a successive sale, the net value differentials effectively obtained.

Art.2
(Evaluation of the assets held in trust)

1. The assets held in trust are evaluated according to their fair current value. This value is determined:
 - (i) for shares, bonds and other financial assets negotiated in controlled markets, according to the arithmetical average of the prices applied during the last calendar month before the reference date;
 - (ii) for the other shares, holdings in enterprises other than stock companies, bonds or participation in the capital of bodies other than companies, in proportion to the value of the economic capital of the company or body or, for newly established companies or bodies, to the overall economic value of the contributions. These economic values are determined in accordance with the trustee's prudent appraisal, or on the basis of a sworn estimation report drawn up, upon the trustee's request, by a chartered accountant or by a business expert or accountant registered in the relative Rolls, or by another party registered in the Register of Auditors, thereby including balance sheet certifying and auditing companies.
 - (iii) for bonds and other financial assets differing from those indicated in the previous points (i) and (ii), by way of comparison with the normal value of financial assets with analogous characteristics negotiated in controlled markets and, in their absence, according to other elements that can be determined in an objective way;
 - (iv) for assets differing from those indicated in the previous points (i), (ii) and (iii) and for services, in accordance with the price or fee usually applied for assets and services of the same kind or similar, in conditions of unrestricted competition and at the same stage of marketing, at the time

and in the place in which the assets or services have been purchased or loaned and, in the absence of this, at the nearest time and place or, if these objective elements cannot be obtained, according to the trustee's prudent appraisal, or on the basis of a sworn estimation report drawn up, upon the trustee's request, by a chartered accountant or by a business expert or accountant registered in the relative Rolls, or by another party registered in the Register of Auditors, thereby including balance sheet certifying and auditing companies.

2. The liabilities concerning the individual assets held in trust, or all of them, are evaluated:
 - (i) according to the relative face value with regard to liabilities of certain value and amount;
 - (ii) for liabilities of uncertain value or amount, according to their probable value established by the trustee's prudent appraisal, or resulting from a sworn estimation report drawn up, upon the trustee's request, by a chartered accountant or by a Business expert and accountant registered in the relative Rolls, or by another party registered in the Register of Auditors, thereby including balance sheet certifying and auditing companies.

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THE CAPTAINS REGENT

Fausta Simona Morganti – Cesare Antonio Gasperoni

THE SECRETARY OF STATE
FOR INTERNAL AFFAIRS

Rosa Zafferani