

# AUCTION FEES

of the auction house

## EERSTE AMSTERDAMSE ONROEREND GOED VEILING B.V.

for the purchase and sale of real estate by auction,

filed with the Registry of the Amsterdam District Court, the Netherlands, on 21 July 1993, No. 251/1993, amended effective 1 January 1994; filed with the Registry of the Amsterdam District Court on 3 January 1994, No. 8/1994, amended effective 1 January 1999; filed with the Registry of the Amsterdam District Court on 4 January 1999 under No. 1/1999, amended effective 1 July 2000; filed with the aforementioned Registry on 13 March 2000 under No. 53/2000, amended effective 1 March 2010; filed with the Registry of the Amsterdam District Court on 15 January 2010 under No. 4/2010, amended effective 1 September 2011

### 1. FEES charged to the BUYER at the auction:

1.1. In the event of a sale by auction (voluntary, auction on account of death, forced sale under Articles 3:268, Dutch Civil Code, and 514 *et seq.*, Dutch Code of Civil Procedure), the auction house shall charge the buyer the fee indicated below:

up to	€ 525,000			€ 1,500		
from	€ 525,000	to	€ 1,000,000	€ 1,500	plus 0.4% on the excess above	€ 525,000
from	€ 1,000,000	to	€ 2,000,000	€ 3,400	plus 0.35% on the excess above	€ 1,000,000
from	€ 2,000,000	to	€ 5,000,000	€ 6,900	plus 0.4% on the excess above	€ 2,000,000
above	€ 5,000,000	on request				

exclusive of VAT (this was 19% at the time the fees were set).

1.2. In deviation from the provisions in Article 1.1, the seller/commissioning party/principal may, at the time the commission is given to the auction house, agree on a fee arrangement with the auction house if the proceeds are expected to exceed € 1,000,000 per object or combination of objects to be auctioned.

### SPECIAL PROVISIONS:

1.3. The following costs shall be included in the fee to be charged by the auction house:

- organization of the auction;
- rental of the room;
- printing and posting of auction notices and signs;
- inclusion in the auction booklet;
- inclusion in the collective auction house advertisement;
- internet listing: [www.mva.nl](http://www.mva.nl) and [www.mva.nl/veiling](http://www.mva.nl/veiling);
- auctioneer's fee;
- live streaming during the auction.

1.3.1. The following costs shall not be included:

- listings on other websites, such as FUNDA;
- inclusion of the object in the auction advertisement in *Het Parool*.

1.4. The buyer must pay the amount owed to the auction house no later than eight (8) days after the date of auction of the auctioned object, failing which the auction house may recover the amount owed, including collection costs and statutory interest, from the buyer.

1.5. If, in a sale of real estate, damages, registrations, contributions or the like from third parties shall also be transferred or have been included in the sales price, or the buyer must acquire certain goods for a certain amount, the fee shall be calculated on the entire purchase price or the total of the purchase price and the transfer price.

## **2. FEES charged to the SELLER at the auction:**

2.1. In deviation from the provisions in Article 1.1, the auction house's fee may be charged to the seller, if the seller/commissioning party/principal has decided this. The provisions in Articles 1.2, 1.3, 1.4 and 1.5 shall then apply by analogy to the seller.

2.2. The seller must pay the civil-law notary the amount owed within eight (8) days after the real estate concerned is auctioned.

## **3. COMBINATION**

If two or more parcels are bought in combination at the auction, the auction house shall calculate the fee on the total proceeds from the parcels, with a minimum of € 1,500 per parcel.

## **4. PRIVATE SALE**

4.1. If one or more parcels assessed for auction are sold before the auction, either by the seller/commissioning party/principal himself or through the intermediation of others, or through the real estate agent responsible for the auction, the auction house shall charge the fee calculated for a sale by auction to this same seller/commissioning party/principal in accordance with the provisions in Article 1.1.

4.2. In addition, solely with respect to voluntary auctions or auctions on account of death, if there is a private sale up to one week before the auction, the seller shall be charged 0.3% on the sales price and, if there is a private sale within one week before the auction, 0.6%.

## **5. SUSPENSION – CANCELLATION – POSTPONEMENT**

5.1. For purposes of application of the fee, suspension of parcels with the intention of transferring them upon divorce shall be considered the same as auctions with a sale, except for the fact that the seller/commissioning party/principal shall pay these costs.

5.2. In the event of **suspension** from the auction through withdrawal by the seller/**commissioning party**/principal, the same fee shall be charged by the auction house to this same seller/commissioning party/principal as if the purchase/sale occurred by auction, in accordance with the provisions in Article 1.1, calculated on the amount for which it was suspended.

5.3. In the event of **cancellation** of the auction through withdrawal by the seller/commissioning party/principal, the same fee shall be charged by the auction house to this same seller/commissioning party/principal as if the purchase/sale occurred by auction, in accordance with the provisions in Article 1.1.

5.3.1. In the event of **cancellation** of the auction because of withdrawal on account of a **forced sale**, 50% of the fee (based on the costs directly incurred upon registration) shall be charged by the auction house to this same seller/commissioning party/principal as if the purchase/sale occurred by auction, in accordance with the provisions in Article 1.1, provided the auction house has received such notice 36 days before the auction was to occur.

## **6. NON-ALLOTMENT**

Parcels put up for auction but not allotted shall be considered as having been sold, and the fee stated under Article 1.1 shall be charged to the seller/commissioning party/principal.

## **7. PREMIUMS**

7.1. Premiums shall be awarded by the seller/commissioning party/principal to the highest bidder (provisional buyer) at the auction, unless when the auction house is commissioned to conduct the auction, the seller/commissioning party/principal decides to have the buyer pay the premium.

7.2. If the highest bid is made by a bidder who is not a real estate agent, member of the Amsterdam Association of Real Estate Agents, the premiums shall be paid to the bidder by the civil-law notary when the deed of discharge is executed.

7.3. If the highest bid is made by a bidder who is a real estate agent, member of the Amsterdam Association of Real Estate Agents, the premiums shall be paid to the agent *after* the official report of the auction is signed at the auction and after the parcel or combination which includes the parcel has been put up for sale at the auction, or shall be deposited into the auctioning civil-law notary's trust account for payment to the agent-buyer.

7.4. If the highest bid is made by a real estate agent, member of the Amsterdam Association of Real Estate Agents, and the object is then purchased, the seller shall not be charged any premium, unless the real estate agent made this bid for someone else besides his principal.