

# ANOTA

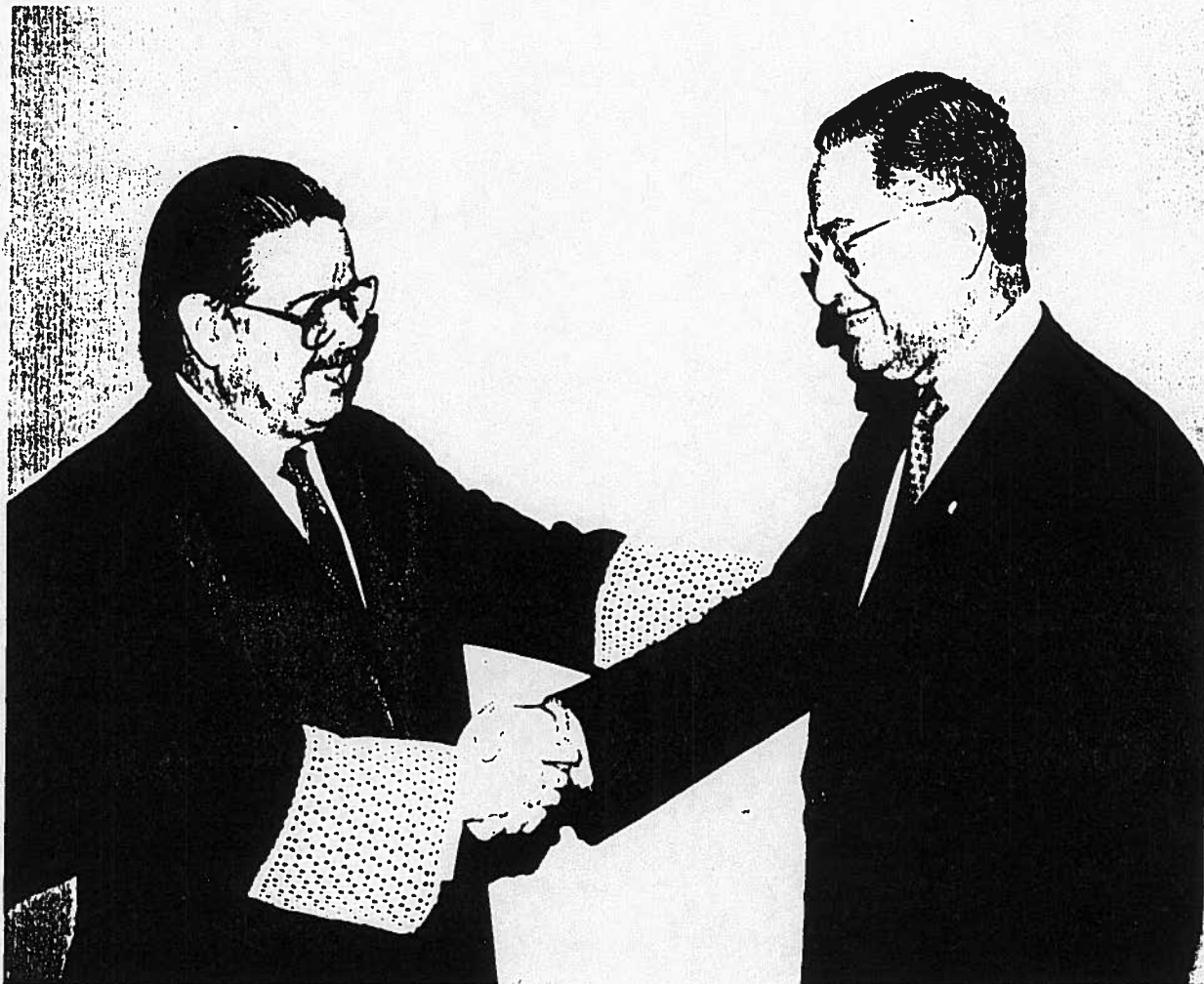
BOLETIN INFORMATIVO DE LA ASOCIACION DE NOTARIOS DE PUERTO RICO, INC.  
APARTADO 62 HATO REY, P. R. 00919-0062 FAX: 759-6703 TEL. (809) 758-2773

NUMERO 3

AÑO 4

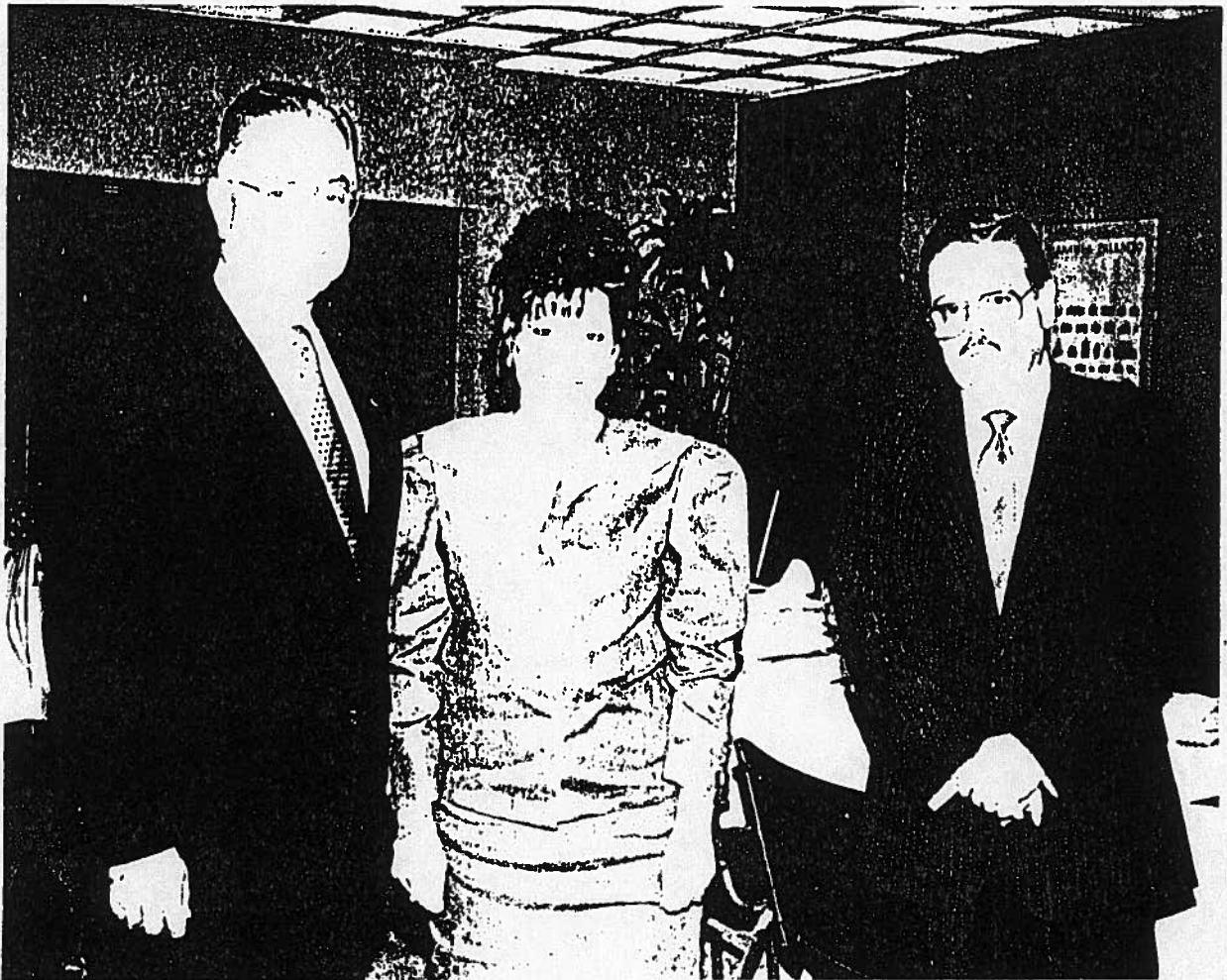
MARZO - ABRIL 1990

PRESIDENTE DE LA ASOCIACION DE NOTARIOS DE PUERTO RICO  
PRESTA JURAMENTO

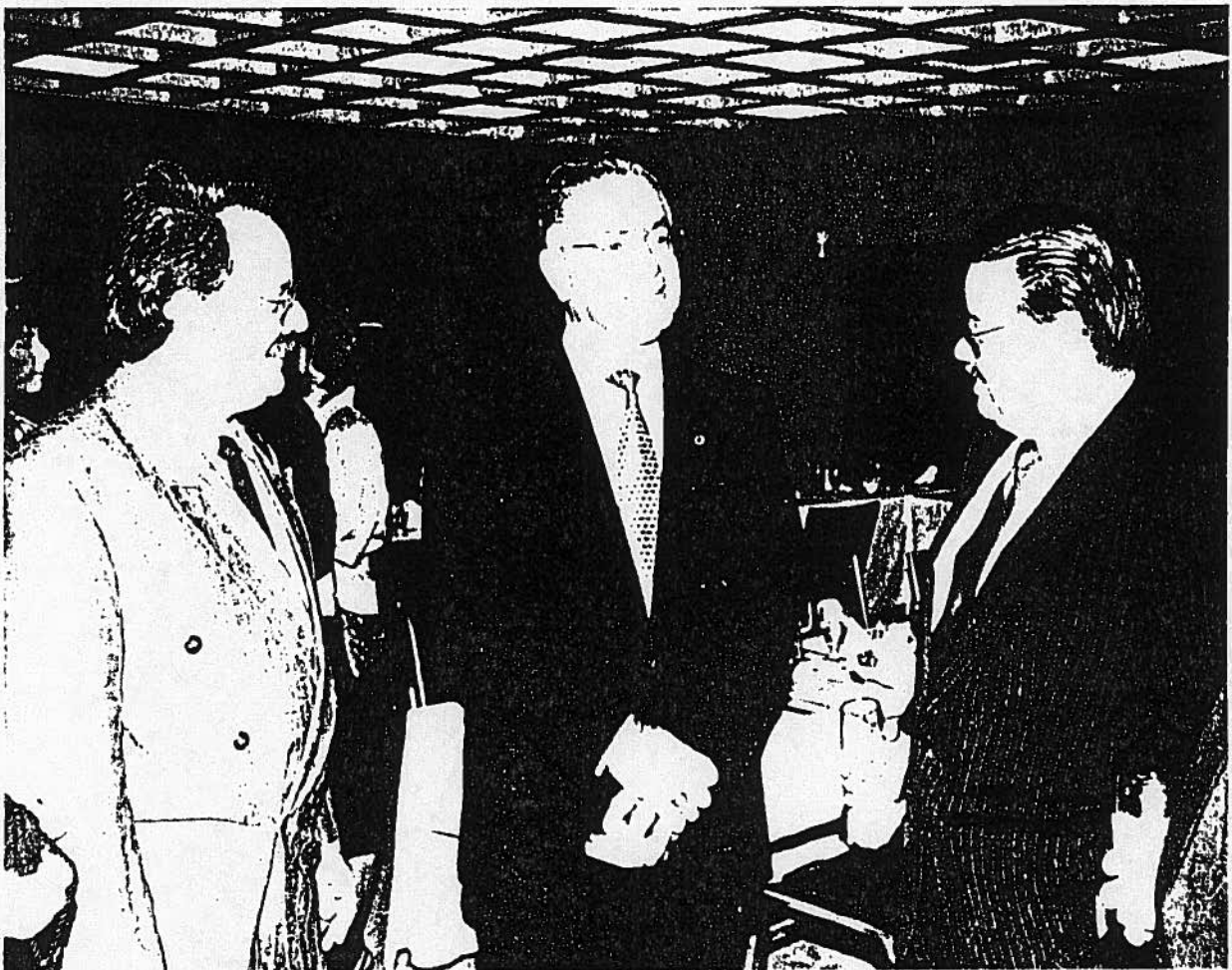


El Hon. Víctor M. Pons, Juez Presidente del Tribunal Supremo de Puerto Rico, felicita al Lcdo. Francisco Vázquez Santoni, después de la ceremonia de toma de juramento del nuevo Presidente de nuestra Asociación efectuada el viernes 9 de febrero de 1990.

TOMA DE JURAMENTO DEL PRESIDENTE DE LA ASOCIACION DE NOTARIOS



De izquierda a derecha: Lcdo. Francisco Vázquez Santoni, Presidente de la Asociación de Notarios, Sra. Neyda de Vázquez Santoni y el Hon. Víctor M. Pons, Juez Presidente del Tribunal Supremo.



De izquierda a derecha: Lcdo. Enrique Umpierre, Lcdo. Francisco Vázquez Santoni y el Honorable Víctor M. Pons departen después de la toma de juramento.



ASISTENTES A LA TOMA DE JURAMENTO DEL PRESIDENTE  
DE LA ASOCIACION DE NOTARIOS DE PUERTO RICO



**ASOCIACION DE NOTARIOS DE P. R.  
DIRECTIVA**

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**2DO VICEPRESIDENTE**

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**TESORERA**

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**SUBTESORERA**

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**PRES. COMISION LEGISLACION**

Lic. Ernesto Meléndez Pérez

**PRES. COMISION JURISPRUDENCIA**

Lic. Mario Rivera Toll

**PRES. COMISION RELACIONES Y**

**EVENTOS PUBLICOS**

Lic. Enrique Umpierre

**PRES. COMISION FIANZAS Y SEGUROS**

Lic. Angel Rafael Marrero

**PRES. COMISION RELACIONES**

**INTERNACIONALES**

**PRES COMISION NUEVOS SOCIOS**

Lic. Jaime Díaz Castañer

**\*\*RESERVE ESTAS FECHAS\*\***

**ALMUERZO BIMESTRAL**

**MIERCOLES 2 DE MAYO DE 1990**  
Patio del Sol, Hotel Condado Beach  
12:00 m. a 2:30 p.m.

Conferencia: **Etica Notarial**  
Prof. Elba de Jesús

Costo: \$20.00 por persona

junio 1990

Seminario: **Actas Notariales**  
**Fe Notarial**

\*\*\*\*\*

viernes 17 de agosto de 1990  
1:00 a 5:00 p.m.

**SEMINARIO: SOCIEDADES ESPECIALES**  
Lic. Julio Aguirre

(Próximamente se anunciará el lugar.)

**SEXTO CONGRESO INTERNACIONAL SOBRE  
DERECHO DE FAMILIA**

14 al 20 de octubre de 1990  
San Juan, Puerto Rico

Para más información puede escribir al Instituto de Derecho de Familia al Apartado 8897, Santurce, PR 00910 llamar al Tel. 727-1930.

**\*\*\*RECORDATORIO\*\*\***

Para seguir mejorando nuestros servicios, estamos organizando un banco de escritos notariales. Solicitamos que envíen copia de mociones, escritos, recalificación, recursos gubernativo escrituras, y todo material relacionado con Derecho Notarial e Hipotecario que pueda servir de referencia o de modelo para ponerlo a disposición de todos los socios.

**BIBLIOTECA**

La biblioteca de la Asociación cuenta con innumerables obras y tratados de Derecho Notarial y Derecho Registral y materiales publicados para los Congresos y Jornadas Internacionales que están disponibles para el uso de todos los miembros de nuestra Institución. Si interesa visitarnos, le rogamos haga una cita llamando al teléfono 758-2773.

Necesitamos seguir ampliando nuestros recursos. Solicitamos donativos de libros de derecho: L.P.R.A., Decisiones de Puerto Rico, Código Civil, Derecho Notarial e Hipotecario, Reglas de Procedimiento Civil, etc. Cooperar con la Asociación.

**ESCRUTINIO TIENE TODO  
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QUE SABER DE...**

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- *Reglamentos nuevos promulgados cada mes (\$125/año)*
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**ESCRUTINIO LEGISLATIVO, Inc.**

MONA L. GORDON, Pres.  
Apto. 5803, San Juan, P.R. 00906  
Tel. 721-1349 Fax: 721-1342



\*\*\*COMISION DE LEGISLACION INFORMA\*\*\*

P. del S. 744 - 26 de marzo de 1990  
Presentado por el señor Silva

Para enmendar los Artículos 15(e) y 17(c) de la Ley Núm. 75 de 2 de julio de 1987, según enmendada (Ley Notarial), para disponer que cuando el notario utilice el medio supletorio de identificación establecido en el Art. 17(c) de la Ley, en defecto del conocimiento personal de los otorgantes, bastará con dar fe expresa de haber examinado el documento o los documentos de identidad, de los establecidos en dicho artículo y no será necesario describir ni identificar el documento; y para eliminar el requisito de que dicho documento esté firmado por el otorgante.

"TITULO IV - DE LOS INSTRUMENTOS PUBLICOS

...  
Artículo 15.- La escritura pública, en adición al negocio jurídico que motiva su otorgamiento y sus antecedentes y a los hechos presenciados y consignados por el notario en la parte expositiva y dispositiva contendrá lo siguiente:

(a)...

(e) La fe expresa del notario de su conocimiento personal de los otorgantes o, en su defecto, de haberse asegurado de su identidad por los medios establecidos por esta ley, de que a su juicio éstos tienen la capacidad legal necesaria para otorgar el acto o contrato de que se trata y de haberles leído a ellos y a los testigos, en su caso, la escritura o de haber permitido que la leyesen a su elección antes de firmarla, o de la renuncia al derecho que tienen de así hacerlo. Cuando el notario utilice el medio supletorio de identificación establecido en el Artículo 17(c) de esta ley, bastará con que bajo su fe notarial, éste certifique haberse asegurado de la identificación de los comparecientes mediante el examen del documento o los documentos de identificación designados en dicho artículo y no será necesario describir o identificar los mismos."

"TITULO IV.- DE LOS INSTRUMENTOS PUBLICOS

Artículo 17. Serán medios supletorios de identificación, en defecto del conocimiento personal del notario:

(a)...

(c) La identificación por documento o documentos de identidad que, presentada por los comparecientes lleven al notario a la razonable convicción de la identidad de dichos comparacientes.

Los testigos de conocimiento serán responsables de la identificación de los otorgantes, igualmente lo será el otorgante que testifique sobre la identidad de otros otorgantes no conocidos por el notario y el notario lo será del conocimiento de tales testigos."

CONFIRMACION ASISTENCIA A ALMUERZO BIMESTRAL  
CONFERENCIA: ETICA NOTARIAL Y JURISPRUDENCIA  
Profesora Elba de Jesús

Asociación de Notarios de Puerto Rico  
Apartado 62  
Hato Rey, Puerto Rico 00919

Confirmando mi asistencia a la Conferencia y Almuerzo Bimestral que se efectuará el miércoles 2 de mayo de 1990, comenzando a las 12:00 del medio día, en el Salón Patio del Sol del Hotel Condado Beach. Le incluyo cheque \_\_\_giro\_\_\_ por la cantidad de \_\_\_\_\_ para cubrir el costo de \_\_\_\_\_ personas.

Nombre

Dirección y Teléfono

Firma

Costo: \$20.00 por persona. (Incluye almuerzo y materiales.)

## \*\*\*AMENIDADES\*\*\*

Se publica esta anécdota en inglés para que no pierda la nota humorística.

## HABLANDO DE ESTUDIOS DE TITULO...

A New Orleans lawyer sought an RFC loan for a client. He was told that the loan would be granted if he could prove satisfactory title to property offered as collateral. The title dated back to 1803, and he had spend three month running it down. After sending the information to RFC he got this reply: "We received your letter today enclosing application for loan for your client, supported by abstract of title. Let us compliment you on the able manner in which you prepared and presented the application. However, you have not cleared the title before the year 1802, and therefore, before final approval can be accorded the application, it will be necessary that the title be cleared back of that year."

Annoyed, the lawyer replied: "Your letter regarding titles in Case No. 189156 received. I note that you wish titles extended further back than I have presented them. I was unaware that any educated man in the world failed to know that Louisiana was purchased from France in 1803. The title to the land was acquired by France by right of conquest from Spain. The land came into possession of Spain by right of discovery made in 1492 by a sailor named Christopher Columbus, who had been granted the privilege of seeking a new route to India by the then reigning monarch, Isabella. The good queen, being a pious woman and careful about titles--almost, I might say, as the RFC--took the precaution of securing the blessing of the Pope for the voyage before she sold her jewels to help Columbus. Now the Pope, as you know, is the emmissary of Jesus Christ, the Son of God, and God, who it is commonly accepted, made the world. Therefore, I believe it is safe to presume that He also made that part of world called Louisiana, and I hope to \*\*\*\* you are satisfied."

\*\*\*\*\*EDUCACION CONTINUA\*\*\*\*\*

## SUCESIONES - TESTAMENTO ABIERTO

MATERIAL PRACTICO: Varios notarios nos han solicitado un modelo de testamento abierto en inglés. Complaciendo esa petición, incluimos como Anejo I un modelo de escritura de Testamento Abierto en inglés, presentado a espacio sencillo. Al redactar y preparar el documento, recuerde que debe cumplir los requisitos formales para instrumentos públicos reglamentados en las disposiciones legales vigentes.

Para las disposiciones legales que regulan el Testamento Abierto, véase ANOTA Núm. 5, Año 3, junio-julio 1989.

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be paid by her Executor out of her general estate.-----

---FIFTH: She directs that all inheritance, estate,---  
transfer, succession and death taxes or duties-----  
(including interest and penalties, if any) imposed by  
any jurisdiction whatsoever by reason of her death upon  
or in relation to any property includible in her estate  
for the purpose of any such taxes or duties, whether---  
such property passes under the provisions of her Will  
or outside the provisions of her Will, be paid out of--  
her general estate as an expense of the administration  
thereof, without proration or appointment.-----

---SIXTH: She establishes the following devises and---  
bequests:-----

---One: To her brother, \_\_\_\_\_, of San Juan,--  
Puerto Rico, in the event that he survives the-----  
Testatrix, the sum of FIFTY THOUSAND DOLLARS-----  
(\$50,000.00). In the event that her said brother-----  
predeceases her, the aforementioned sum shall revert---  
to her estate.-----

---Two: To her sister, \_\_\_\_\_, of Ponce,-----  
Puerto Rico, also known as \_\_\_\_\_, in the event  
that she survives the Testatrix, the sum of-----  
FIFTY THOUSAND DOLLARS (\$50,000.00). In the event that  
her sister predeceases her, such sum shall revert to---  
her estate.-----

---SEVENTH: She directs that all the rest, residue and  
remainder of her property, both real, personal, and---  
mixed wheresoever situated, of which she may die seized  
or possessed, or to which she may be entitled at the---  
time of her death (hereinafter referred to as her-----  
"Residuary Estate"), be transferred, paid over and----  
distributed to her friend Juan \_\_\_\_\_.

---In the event that her friend \_\_\_\_\_, pre----  
deceases the Testatrix, she directs that her Residuary  
Estate be transferred and paid over in equal shares to  
her brother \_\_\_\_\_ and her sister \_\_\_\_\_,  
or in its entirety, that is, her Residuary Estate, to  
the survivor thereof.-----

---EIGHTH: She grants her Executor, with respect to---  
any and all property, whether real, personal or mixed,  
of which shall at any time constitute a part of her----  
estate, the following powers in addition to those-----  
specifically conferred by law, and directs that to the  
extent that applicable law requires that such powers or  
any of them be exercised by her Executor subject to the  
specific approval of the court or courts having-----  
jurisdiction over the disposition of her estate, then--  
to such extent such powers shall be so excercised.-----

---A. To retain any such property as an investment----  
without regard to the proportion which such property---  
of a similar character so held, may bear to the entire  
amount of her estate, whether or not such property is  
of the class in which executors are authorized by law  
or any rule of court to invest estate funds.-----

---B. To sell such property at either public or-----  
private sale for cash or on credit; to exchange such--  
property, and to grant options for the purchase-----  
thereof.-----

VEASE: Boletín ANOTA Núm. 4, Año 1987, pág. 7.-----

31 L.P.R.A. Sec. 2522 - Este artículo 825 dispone "Si  
no hubiere en la herencia dinero bastante para el pago



de funerales y legados, y los herederos no lo aportasen de lo suyo, promoverán los albaceas la venta de los bienes muebles; y no alcanzando éstos, la de los inmuebles, con intervención de los herederos. Si estuviere interesado en la herencia algún menor, ausente, corporación o establecimiento público, la venta de los bienes se hará con las formalidades prevenidas por las leyes para tales casos." Subrayado nuestro.

Entendemos que la frase "con intervención de los herederos" ha sido interpretada restrictivamente como refiriéndose solamente a herederos FORZOSOS. Véase: Sosa v Sosa, 58 DPR 470, págs. 475-476 y Vilella v. Registrador, 36 DPR 795, 799 (1927).

---C. To invest and reinvest in property of any character, real or personal, foreign or domestic, including, but without limiting the generality of the foregoing, bonds, notes, debentures, mortgages, common or preferred stocks, and shares or interests in investment trusts, without being limited to the class of securities in which executors are authorized by law or any rule of court to invest estate funds and without regard to the proportion which any such property or property of a similar character held by her Executor may bear to the entire amount of her estate.

---D. To consent to and participate in any plan of reorganization, consolidation, merger, combination, or other similar plan, and to consent to any contract, lease, mortgage, purchase, sale or other action by any corporation pursuant to such plan.

---E. To deposit any such property with any protective, reorganization or similar committee, to pay part of its expenses and compensation and any assessments levied with respect to such property and, in his discretion, to charge such expenses, compensation or assessment to principal or income.

---F. To exercise all conversion, subscription, voting or other rights of whatever nature pertaining to any such property and to grant proxies, discretionary or otherwise, in respect thereof.

---G. To manage any real property in the same manner as if he were the absolute owner thereof, including but not by way of limitation, the power from time to time to lease, or grant options to lease, any such real property for any term or terms, although in excess of six (6) years, without application to any court; and to enter into any covenants or agreements relating to the property so leased, or any improvements which may then or thereafter be erected thereon; to make ordinary and extraordinary repairs and alteration to any building, to raze old buildings and to erect new buildings and make other improvements; to insure against loss by fire or other casualty; to make partition or enter into any agreements of partition of any real property which, or an interest in which, shall at any time constitute part of her estate, even though he may hold an interest in the same property in his own right or in some other capacity, and to give or receive money or other property for equality of partition.

---H. To allocate, in his discretion, in whole or in part, to principal and income all receipts and disbursements for which no express provision is otherwise made in her Will.

---I. To borrow money in such amounts and upon such terms, from himself individually or from others, for such purpose or purposes as he, in his discretion, may determine and in connection therewith to execute promissory notes, mortgages or other obligations and to pledge or mortgage any such property as security.

---J. To appoint agents to act in his behalf and to delegate to such agents discretionary power.

---K. To extend the time of payment of any obligation held by her and to compromise, settle or submit to arbitration upon such terms as to him may seem proper, or to release, any claim in favor of or against her estate.

---L. To cause any securities or other property held by her to be registered and held in the name of a nominee or in his own name individually, without the addition of any word or words showing his fiduciary capacity, and the liability of her Executor shall be neither increased nor decreased thereby.

---M. To satisfy any general legacy or any part thereof, by delivering property in kind; and in the subdivision or distribution of her estate, to make partition, division or distribution of property in kind and for any such purpose to determine to the extent permissible by law the value of any such property.

---N. To exercise any stock options which she may own at the time of her death and to retain as a part of her estate the stock purchased incident to the exercise of such options for such period or periods of time as he shall determine and to exercise all other powers in respect of such stock as though such stock had formed part of her estate at the time of her death.

---O. To determine whether to claim deductions available to her or to her estate on inheritance, estate and income tax returns, and to determine the date upon which to value her estate for inheritance and estate tax purposes, all in such manner as may seem most advisable and without thereafter making any adjustment between income and principal on account of any such determination.

---P. To do all such acts, take all such proceedings and exercise all such rights and privileges, although not hereinbefore specifically mentioned, with relation to any such property, as if the absolute owner thereof and in connection therewith to make, execute and deliver any instruments and to enter into any covenants or agreements binding her estate.

---NINTH: She declares that any and all Wills and codicils executed by her prior to the date hereof are hereby revoked.

---Such is the Will which \_\_\_\_\_ executes in this act and in my presence and in that of the witnesses who see, hear and understand the Testatrix.

---I, the Notary, certify that I personally know the Testatrix, her age, status, profession and residence, and that the witnesses are residents of San Juan, Puerto Rico, with the exception of \_\_\_\_\_ who is a resident of Caguas, Puerto Rico, are of full age, without legal impediments to act as such and that they too are personally known to me.

---I, the Notary, informed all the pertinent legal



warnings to the Testatrix and to the witnesses. (Aquí puede insertar las advertencias legales pertinentes a la testadora, y los testigos en cada caso en particular: sobre deberes y facultades del albacea; limitaciones legales, deber del notario de notificar a la Oficina de Inspección de Notarías sobre el otorgamiento, etc.)

---The Testatrix and the witnesses each read this Will themselves and the Testatrix declares that she is in full accord with the statements made therein which are expressive of her last and expressed Will. She-----ratifies its full contents, and in one single act, she signs this last page and affixes her initials on each--and every folio together with me, the Notary, and the witnesses mentioned above.-----

---To all of which, as well as to the contents of this document and that all legal formalities have been met, I, the Notary, ATTEST.-----

FOR THE CERTIFIED COPY:

---Signed:\_\_\_\_\_-----

---Signed, sealed, marked and flourished:-----

--The corresponding internal revenue and notarial stamps have been cancelled on the original.-----

---The initials of the appearing parties have been---affixed on each folio of the original.-----

---I, the Notary, certify that the foregoing is a true and exact copy of the deed number ( ), the---original of which forms part of my protocol of public instruments for the year nineteen hundred and (19 ), which (including the documents attached to the original), contains ( ) folios.-----

--- I also certify that the copy(ies) of the attached document(s) is(are) a true and exact copy(ies) of the original(s) which is (are) made part of this deed.-----

---IN WITNESS WHEREOF, and at the request of \_\_\_\_\_, I issue the certified copy of this deed, in \_\_\_\_\_, Puerto Rico, this ( ) day of \_\_\_\_\_ nineteen hundred (19 ).-----

NOTA: ESTE MODELO ES SOLAMENTE UNA GUIA PARA LA REVISION, ADAPTACION Y APROBACION DEL NOTARIO.

