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DutchProbate.com
Dutch Probate Lawyer — Protecting Your Inheritance

COMPLAINTS PROCEDURE

Article 1
Definitions

For the purposes of this regulation, the following terms shall have the meanings assigned to them below:

LAWYER:
the legal entity Luminis Executele & Vereffening B.V. operating under the trade name DutchProbate.com, having its registered office in Alphen aan den Rijn, P.O. Box 506, 2400 AM Alphen aan den Rijn, Netherlands.
DIRECTOR:
the managing director of Luminis Executele & Vereffening B.V., being:
L'Chaim Holding B.V.,
with its registered office at the same address and P.O. Box,
hereby validly represented by Klaas Zondervan.
EMPLOYEES:
natural or legal persons engaged by the Lawyer for performing activities.
THIRD PARTIES:
natural or legal persons who are not the Lawyer, Director, Employees, or Complainant.
ACTION:
an explicitly performed act — or omission — by the Lawyer, Director, or Employees.
CONDUCT:
the manner in which the Lawyer, Director, or Employees act towards a Third Party or treat that Third Party.
COMPLAINANT:
the person whose interest is directly affected by the Action or Conduct of the Lawyer, Director, or Employees.
COMPLAINT:
the matter about which the Complainant expresses dissatisfaction or discontent.
COMPLAINT LETTER:
a written Complaint against an Action or Conduct of the Accused as referred to below.
ACCUSED:
the Lawyer, Director, or Employees against whose Action or Conduct a Complaint Letter has been submitted by a Complainant.

Article 2
Scope of Application

This regulation applies to the handling of Complaints regarding Actions or Conduct by the above-mentioned Lawyer, Director, or Employees.

The use of this complaints procedure does not affect the right of the Complainant to submit their dispute in another manner to the competent court or to make use of other legal remedies, including filing a civil claim based on, for example, Article 6:162 or 7:401 of the Dutch Civil Code.

Article 2A

Coherence Between Client Procedures

The internal complaints procedure of the Lawyer serves as the starting point for the handling of complaints regarding Actions or Conduct by the Lawyer, Director, or Employees.

If the Complainant believes that their Complaint has not been properly handled internally, they may — depending on the nature and content of the Complaint — choose to submit it to an external body, namely:

a. the Dutch Association of Legal Advisors (NVRA), if the Complaint concerns the personal conduct of Mr. Klaas Zondervan in his capacity as a legal advisor;

b. the Dutch Organization for Executors (NOVEX), if the Complaint concerns the actions or omissions of the Lawyer as an organization, or conduct within the context of (living) executorship, estate administration, or supervisory duties.

The aforementioned external complaint procedures may complement each other, but are in principle not intended to be followed simultaneously. In case of doubt about the correct procedure, the Complainant may consult with the Director or the relevant professional organization.

Article 3

Method of Submission

1. A Complainant or their authorized representative may submit a written complaint to the Director.
2. A Complaint Letter must be signed and contain at least the following information:
   a. The name and address of the Complainant;
   b. The date;
   c. A description of the Action or Conduct being objected to;
   d. The grounds on which the Complainant raises the objection.
3. If the Complaint Letter does not meet the requirements stated in paragraph 2 of this article, the Director will inform the Complainant and invite them to rectify the omission within two weeks.
4. If the Complainant does not rectify the omission as referred to in paragraph 3, the complaint will not be processed.

Article 4

Time Limit for Submission

The time limit for submitting a Complaint Letter is eight weeks, starting from the date on which the Action or Conduct being complained about occurred.

Article 5

Free of Charge

No costs are associated with the handling of a Complaint Letter.

Article 5A

Confidentiality

The contents of the Complaint Letter, and its handling, will be treated confidentially. Information will only be shared with persons directly involved in assessing the Complaint, unless legal obligations require otherwise.

Article 6

Acknowledgement of Receipt

Within two weeks after receiving the Complaint Letter, the Director shall send an acknowledgement of receipt to the Complainant.

Article 7

Oral Procedure

1. The Director shall investigate the Complaint and invite the Complainant for a personal meeting.
2. The Director shall hear the Complainant and may also obtain information from Third Parties.

Article 8

Written Procedure

1. If the Complainant does not wish to be heard, the Complaint shall be handled in writing.
2. If the Complaint Letter does not meet the requirements set out in Article 3, the Complaint Letter shall not be processed.

Article 9

Decision

The Director shall decide on the Complaint within six weeks of receipt of the Complaint Letter.

Article 10

Written Notification

The decision on the Complaint shall be communicated to the Complainant in writing.

Article 11

Legal Remedies – Complaints Protocol of the Dutch Association of Legal Advisors (NVRA)

Klaas Zondervan is, in his capacity as a legal advisor, affiliated with the Dutch Association of Legal Advisors (NVRA). This concerns a personal membership; companies and legal entities cannot become members of the NVRA.

Where Klaas Zondervan is personally involved as a legal advisor in an Action or Conduct as referred to above, he may be held accountable by submitting a Complaint to the NVRA. The admissibility thereof shall be determined by the NVRA.

In that case, you must first report your Complaint via secretariaat@nvra.nl. An independent complaint mediator will then first examine with you and Klaas Zondervan the possibility of reaching an amicable resolution. If this does not provide a solution, you may formally submit your written complaint (not by e-mail), in five copies, to:

NVRA Supervisory Board
Attn.: The Secretary
P.O. Box 4076
5004 JB Tilburg
The Netherlands

Your Complaint must include the name of the NVRA member concerned (Klaas Zondervan) and the Action or Conduct to which you object. You must also enclose five copies of documents that are relevant to the handling of the Complaint.

No appeal is possible against the decision of the Supervisory Board. However, you may subsequently bring the matter before the (district) court. If you wish to take the matter to the (district) court, we advise you to seek assistance from a legal expert or attorney. Consult your legal expenses insurance, visit www.rechtspraak.nl, or contact the Legal Aid Board via www.rvr.org. You may be eligible for (partially) subsidised legal aid. More information about subsidised legal aid and/or legal aid applications can be found at www.rvr.org.

The NVRA complaints protocol can be obtained here:
https://www.nvra.nl/cms/files/2019-05/klachtenprotocol-zoals-op-website-nov-2017.pdf

The NVRA Code of Conduct for members can be obtained here:
https://www.nvra.nl/cms/files/2016-12/gedragscode-nvra-2015.pdf

The NVRA does not apply a fixed submission deadline, but assesses on a case-by-case basis whether a Complaint has been submitted in a timely manner. It is therefore recommended to report the Complaint to the NVRA secretariat no later than three months after the relevant Action or Conduct.

Article 12

Legal Remedies – Complaints Protocol of the Dutch Organization for Executors (NOVEX)

You may file a complaint with the NOVEX complaints officer if you believe that the Lawyer has acted in a culpable manner (reachable via info@novex-executeur). This must be done within three months from the moment you became aware, or could reasonably have become aware, of the conduct or omission by the Lawyer giving rise to the Complaint.

Initially, NOVEX will submit the complaint, by letter or email, to the Lawyer, requesting a response. The objective is always to seek an amicable solution that is satisfactory to all parties involved.

In preparation for contact with the complaints officer, you will be asked the following questions:

1. Are you currently pursuing proceedings against the Lawyer before any other body?
2. Have you already discussed your Complaint with the Lawyer, and if so, what was the outcome?
3. Have you made use of the internal complaints procedure of the organisation employing the Lawyer, and if so, what was the outcome (zie artikel 5b van het NOVEX Complaints Procedure)?

No costs are associated with contacting the complaints officer.

If no amicable solution can be reached regarding the dispute, you may formally submit the complaint to the NOVEX Complaints Committee. Whether your complaint is suitable for such submission will be assessed in advance by the complaints officer together with you.

NOVEX Complaints Committee

The Complaints Committee is responsible, among other things, for handling complaints relating to activities in the field of (living) executorship, estate administration and supervision, insofar as such activities involve a violation of the articles of association, regulations or decisions of the association and its bodies, and of the foundation and its bodies.

A complaint must be submitted in writing and must be substantiated. The complaint must include at least the name, initials and address of the complainant, as well as a description of the subject of the complaint. The complaint may be submitted by email to info@novex-executeur.nl.

A complaint fee of €150.00 applies — regardless of whether your complaint is upheld — and shall be borne by you.

Within 14 days after the complaint has been handled, the parties involved will be notified in writing of the reasoned decision of the Complaints Committee. An appeal may be lodged against the decision. For more information, please refer to the NOVEX website.

The NOVEX complaints protocol can be found here:

https://www.novex-executeur.nl/kwaliteitsreglement

The Code of Conduct for NOVEX members can be found here:

https://www.novex-executeur.nl/gedragscode-novex-leden

Article 13

Final Provision

This complaints procedure of the Lawyer was first adopted on 23 April 2014, most recently amended on 1 August 2024, and as of that date made available in its amended form digitally via this link.

De contactgegevens van de Autoriteit Persoonsgegevens zijn als volgt.

Autoriteit Persoonsgegevens
Postbus 93374
2509 AJ DEN HAAG

The Lawyer handles your personal data with care and refers you to its privacy statement for more information regarding the processing of personal data.

Article 13A

Structural Complaints

If multiple similar complaints are received regarding a particular method of working or conduct, this may give cause for an internal evaluation of the Lawyer's policies or procedures.

Article 14

Trade Names

Other trade names of Luminis Executele & Vereffening B.V. include, among others:

Zondervan Rechtskundig Advies
Zondervan Probate Lawyers
Zondervan Legal
Executeur.nl