

ALEX PAUL DA CUNHA MEIRELLES
PERÍCIA CONTÁBIL FINANCEIRA
EXMO SR. DR. JUIZ DE DIREITO DA 3ª VARA CÍVEL DO FÓRUM
REGIONAL DA LEOPOLDINA DA COMARCA DA CAPITAL

139

68 p13

Processo nº: 0036874-43.2014.8.19.0210.

Embargante: LUIZ DIAS DE MELO.

Embargado: DEZOITO 18 FOMENTO MERCANTIL LTDA.

Alex Paul da Cunha Meirelles, Economista com Corecon nº 25458, Perito Judicial nomeado nos autos desse processo à fl. 111, tendo entregue seu Laudo Pericial Contábil, vem, mui respeitosamente, à presença de V.Exa. para expor e ao final requerer o que se segue:

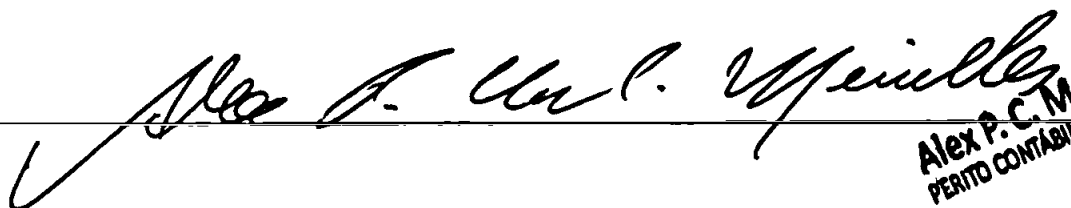
a) solicitar a expedição do mandado de pagamento dos honorários periciais já depositados judicialmente ;e

Para o qual requer sua juntada aos autos,

Termos em que

Pede Deferimento

Rio de Janeiro, 15 de abril de 2019.


Alex P. C. Meirelles
PERITO CONTÁBIL FINANCEIRO

57110 0003 201902783893 16/04/19 15:33:13124437 137695

ALEX PAUL DA CUNHA MEIRELLES
PERÍCIA CONTÁBIL FINANCEIRA

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**EXMO SR. DR. JUIZ DE DIREITO DA 3ª VARA CÍVEL DO FÓRUM
REGIONAL DA LEOPOLDINA DA COMARCA DA CAPITAL**

68 p13

Processo nº: 0036874-43.2014.8.19.0210.

Embargante: LUIZ DIAS DE MELO.

Embargado: DEZOITO 18 FOMENTO MERCANTIL LTDA.

Alex Paul da Cunha Meirelles, Economista com Corecon nº 25458, Perito Judicial nomeado nos autos desse processo à fl. 111, vem, mui respeitosamente, à presença de V. EXA. Para apresentar o resultado de seu trabalho, nos termos do presente

LAUDO PERICIAL CONTÁBIL

Para o qual requer sua juntada aos autos,

Termos em que

Pede Deferimento

Rio de Janeiro, 15 de abril de 2019.

EXCERVO 003 201902783142 11/04/19 15:33:46123728 157675

Alex PC Meirelles
PERITO CONTÁBIL FINANCEIRO

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ALEX PAUL DA CUNHA MEIRELLES
PERÍCIA CONTÁBIL FINANCEIRA

As assinaturas se encontram na folha nº 41.

e) Os encargos financeiros nominais e efetivos, para a situação de normalidade e de inadimplência;

R: O fator exposto na tabela de folha nº 43 é de 3%, porém não é mencionada a periodicidade a ser aplicada.

Em caso de inadimplência, a cláusula de nº 11 do contrato previa a cobrança de multa de 10%, juros moratórios de 1% ao mês e atualização monetária.

f) A periodicidade de incidência dos encargos financeiros;

R: A periodicidade prevista era mensal, conforme demonstra a cláusula de nº 11.

g) Se há pactuação expressa de capitalização de juros.

R: Não foi observada tal pactuação expressa no contrato.

2. O contrato de fomento mercantil executado é garantido por Nota Promissória? Se sim, queira o senhor perito apontar os elementos principais da Nota Promissória, e se o valor da referida cártula corresponde com o valor realmente liberado ao embargante?

R: A resposta é pelo positivo.

A referida Nota Promissória foi celebrada em 29 de maio de 2008, com valor estipulado de R\$ 1.000.000,00 (folha 36). O valor da Nota Promissória não corresponde ao valor realmente liberado, vide a tabela de folha nº 43.

3. Qual o ponto de partida do cálculo do débito executado? E qual a quantia efetivamente paga pelo embargante?

R: Na tabela de folha nº 43 não atesta com clareza a data que serve de base para trazer para valor presente os títulos listados.

Nessa tabela não há como apurar os valores pagos pelo Embargante, pois os títulos das colunas se encontram abreviados, tomando a compreensão prejudicada.

4. Quais os encargos incidentes no valor pago? Tais encargos incidentes no valor pago constam contratados no contrato de fomento mercantil?

R: A resposta fica prejudicada, pois não é possível apurar os valores cobrados ao Embargante, dado que os títulos das colunas da tabela de folha nº 43 se encontram abreviados e não há um detalhamento sobre cada tipo de encargo cobrado, assim como, a(s) data(s) em que os títulos forma negociados e os valores liberados.

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as,

R: A resposta fica prejudicada, pois não é possível apurar os valores cobrados ao Embargante, dado que os títulos das colunas da tabela de folha nº 43 se encontram abreviados e não há um detalhamento sobre cada tipo de encargo cobrado, assim como, a(s) data(s) em que os títulos foram negociados e os valores liberados.

IV - Conclusão:

O laudo pericial não está conclusivo.

Das condições pactuadas:

O fator descrito de 3,000 na tabela de folha nº 43 não apresenta a sua periodicidade. Além disso, não informa se foi esse fator utilizado no desconto dos valores dos títulos listados para apurar o valor presente.

Da cobrança de encargos:

A resposta fica prejudicada, pois não é possível apurar os valores cobrados ao Embargante, dado que os títulos das colunas da tabela de folha nº 43 se encontram abreviados e não há um detalhamento sobre cada tipo de encargo cobrado, assim como, a(s) data(s) em que os títulos foram negociados e os valores liberados.

V – ENCERRAMENTO

São inassumíveis responsabilidades sobre documentos controversos, que possam fazer parte dos Autos deste Processo, se ainda não apreciados pelo E. Juízo. Inassumíveis também responsabilidades sobre documentos idôneos e válidos que podem estar em poder das pessoas físicas e jurídicas, seja da parte Autora ou do Banco Réu.

Nada mais havendo a oferecer dá-se concluído o presente LAUDO PERICIAL CONTÁBIL, composto da 05 páginas impressas, somente no anverso, todas numeradas e rubricadas, com exceção desta que segue assinada para os devidos fins.

Rio de Janeiro, 15 de abril de 2019.

Alex P. de M. Meirelles
PERITO CONTABIL FINANCEIRO

ALEX PAUL DA CUNHA MEIRELLES