

File No. 1

Fil-Prim' Awla tal-Qorti Ċivili

Fl-atti tas-subbasta
Nru. 63/2015 fl-ismijiet

Bank of Valletta p.l.c (C2833)
1/5, Misrah San Ġorġ, Valletta,
VLT 1190

Vs

1. Mario Camilleri [ID 320363 (M)]
51, Flat 3, Triq Marsamxett
Valletta, Malta
2. Yonnis Camilleri [ID: 414176 (M)]
51, Flat 3, Triq Marsamxett
Valletta, Malta



Relazzjoni tal-Perit Tekniku
Krista Xuereb B.E.&A.(Hons)(Malit.), A.&C.E.

12 ta' Diċembru 2015

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Tesponi bir-rispett illi:

1. Illi in forża ta' sentenza mogħtija mill-Prim' Awla tal-Qorti Ċivili fil-5 ta' Ġunju 2012 fl-ismijiet "Bank of Valletta p.l.c. (C2833) vs Mario u Yonnis miżżeġwin Camilleri" (Citazzjoni numru 65/2012 AF - Onorevoli Imħallef Anna Felice, l-intimati Mario u Yonnis miżżeġwin Camilleri ġew ikkundannati sabiex ihallsu flimkien u in solidum bejniethom lis-soċċjeta' attrici is-somma ta' sitta u sebghin elf, disa' mijha sebgha u tletin Ewro u ħamsa u ħamsin centeżmu (€76,937.55), flimkien ma' l-ispejjeż u ma' l-imġħax ulterjuri mis-16 ta' Novembru 2011 sal-jum tal-pagament effettiv u spejjeż legali oħra.

Illi, d-debitu ta' intimati llum jammonta għas-somma ta' disgħiha u disgħiha elf, seba' mijha u sitta u tletin Ewro u tlieta u sittin centeżmu (€99,736.63) kwantu għal sebghha u sebghin elf, mitejn u disgħiha u sebghin Ewro u tmienja u tmenin centeżmu (€77,279.88) sorte, kwantu għal tmintax-il elf, seba' mijha u tmienja u tmenin Ewro u sitta u għoxrin centeżmu (€18,788.26) imġħaxijiet ulterjuri sat-8 ta' Mejju 2015 u kwantu għas-somma ta' tlett elef, sitt mijha u tmienja u sittin Ewro u disgħiha u erbgħin centeżmu (€3,668.49) spejjeż tal-kawża, flimkien mal-imġħaxijiet ulterjuri mid-9 ta' Mejju 2015 sal-jum tal-pagament effettiv oltre spejjeż legali oħra.

Illi l-imsemmija Mario u Yonnis miżżeġwin Camilleri jipposjedu s-segwenti proprjeta' immobiljari u cieo':

- i. il-ħanut, sottopost għall-proprjeta' ta' terzi, bl-isem ta' 'Golden Harvest', qabel bl-isem ta' 'Amsid' bin-numru uffiċċali sitta u għoxrin (26) fi Triq il-Karmnu, kantuniera ma' Triq il-Kitba, Fgura. L-imsemmi hanut jikkonfina minn Nofsinhar ma' Triq il-Karmnu, mill-Punent ma' Triq il-Kitba u mill-Lvant ma' proprjeta' ta' Angelo Grech jew is-suċċessuri tiegħi fit-titolu. L-imsemmi hanut huwa liberu u frank bid-drittijiet u l-pertinenzi kollha tiegħi.
- ii. Il-garaxx, bl-isem 'Amson Garage', bin-numbru uffiċċali tnejn (2) fi Triq il-Kitba, Fgura. L-imsemmi garaxx jinsab sottopost għall-proprjeta' ta' Angelo Grech jew is-suċċessuri tiegħi fit-titolu. Fl-imsemmi garaxx hemm għaddejin minn taht l-art id-drainage pipes, u l-pajpjiet tal-ilma. Fl-imsemmi garaxx hemm tieqa b'net tal-ħadid, liema net tinfetah fuq in-naħha ta' barra u l-imsemmi garaxx jikkonfina minn Nofsinhar ma' Triq il-kitba u mill-Lvant u l-

Punent ma' proprjeta' ta' Angelo Grech jew is-successuri tiegħu fit-titolu. L-imsemmi garaxx huwa libru u frank bid-drittijiet u l-pertinenzi kollha tieghu.

Illi l-imsemmi hanut kien ġie akkwistat minn Mario Camilleri permezz ta' kuntratt datat 28 ta' Dicembru 1992 in atti n-Nutar Dottor Clyde La Rosa.

Illi l-imsemmi garaxx kien ġie akkwistat minn Mario Camilleri permezz ta' kuntratt datat 5 ta' Ottubru 1993 in atti n-Nutar Dottor Clyde La Rosa.

Illi fuq il-proprjeta' imsemmija gew iskritti s-segwenti ipoteki u ciee' dawk bin-numri I 10591/2002, I 10592/2002, I 7100/2004, I 14879/2006 u I 8242/2010.

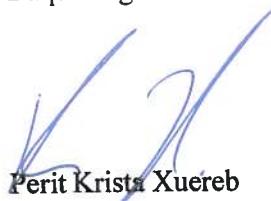
Għaldaqstant is-soċċjeta' esponenti titlob bir-rispett illi, in eżekużżjoni ta' l-imsemmija sentenża, din l-Onorabli Qorti jogħġobha tordna l-ħruġ ta' Mandat ta' Qbid ta' Hwejjeg Immobblī tal-fond fuq imsemmi, kif ukoll tagħti dawk l-ordnijiet u provvedimenti li jidrilha opportuni, partikolarmen imma mhux esklussivament dawk imsemmija fl-Artikolu 306 et seq. tal-Kap. 12 tal-Ligijiet, sabiex l-esponenti tottjenti l-ħlas d-debitu lilha dovut, kif fuq spjegat, wara li tagħti l-opportuni provvedimenti.

2. B'digriet dina l-Onorabli Qorti innominat lill-esponenta għall-fini tad-deskrizzjoni tal-fond u valutazzjoni tal-fond in kwistjoni.
3. In diżimpenju ta' l-inkarigu lilha mogħti l-esponenta żammet aċċess fit-24 ta' Novembru 2015 wara illi l-esponenta innotifikx darbejn lill-Mario Camilleri u Yonnis Camilleri permezz ta' żewġ ittri, datati 7 ta' Novembru 2015 u oħra 16 ta' Novembru 2015, kopji anessi mmarkati Dokument 'A' u Dokument 'B'. L-esponenta żammet aċċess fil-preżenza tal-intimati, Mario Camilleri u Yonnis Camilleri u wara illi għamlet l-ispezzjoni tal-fondi u hadet n-notamenti tagħhom għanda x'tirrelata s-segwenti.
4. Wara li sar l-aċċess l-esponenta innutat li l-bank kien qed jagħmel referenza zbaljata għal-fondi tal-intimati, kemm fid-deskrizzjoni kif ukoll fis-site plan u r-ritratti immarkati, dan ikkonferma raprezentat tal-bank is-Sinjur Rodrick Abela, Head of Litigation Section, Recoveries Department, permezz ta' email datat 7 ta' Dicembru, anessa immarkata Dokument 'C'.
5. Kjarifika - Il-fondi tal-intimati Mario Camilleri u Yonnis Camilleri jikkonsistu;
 - i. Il-ħanut, bl-isem 'Trendy Looks', qabel bl-isem ta' 'Amsid', bin-numru uffiċjali sitta u għoxrin (26) fi Triq il-Karmnu, kantuniera ma' Triq il-Kitba, Fgura. Qiegħed tigi anessa pjanta tar-Registru tal-artijiet tal-fond msemmi għal aktar kjarifikazzjoni, mmarkata Dokument 'D'.
 - ii. U il-garaxx, bla numru, bl-isem 'Golden Harvest' qabel bl-isem 'Amson Garage', fi Triq il-Kitba, Fgura. Qiegħed tigi anessa pjanta tar-Registru tal-artijiet tal-fond msemmi għal aktar kjarifikazzjoni, mmarkata Dokument 'E'.
- Il-garaxx bl-isem b'numru uffiċjali tnejn (2) huwa infatt ta' terži.
6. Deskrizzjoni u valutazzjoni tal-fond, il-ħanut bl-isem 'Trendy Looks' qabel bl-isem ta' 'Amsid', bin-numru uffiċjali sitta u għoxrin (26) fi Triq il-Karmnu, kantuniera ma' Triq il-Kitba, Fgura.

- a) Il-proprjeta qiegħda f'żona ta' l-iżvilupp u skond il-pjan lokali tan-Nofsinhar (South Malta Local Plan) li ġie approvat f'Lulju ta' l-2006, iż-żona hija waħda residenžjali (Residential area SMHO 02) viċin iċ-Ċentru Lokali tal-Fgura (Local Centre SMCM02) u l-iskola primarja (Educational Facility SMSO 03). Dan huwa indikat fuq il-pjanti mil-pjan lokali annessi mmarkati Dokument 'F'.
- b) Mir-riċerka li saret l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar irriżulta li l-perness tal-bini ta' dan is-sit inhareġ fis-sena 1986, b'referenża PB/2174/86, kopja ta dan il-permess flimkien mal-pjanti tal-permess annessi mmarkati Dokument 'G'. Għalkemm li fuq il-permess l-proprjeta hija indikata bhala garaxx. Wieħed jinnota li fil-kuntratt tal-akkwist ta' din il-proprjeta datat 1992 (l-istess data meta twaqqfet l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar) din kienet digħi qed tiġi ikkonsidrata bhala hanut.
- c) Il-ħanut għandu faċċata tul ta' 6.7m fuq Triq il-Karmnu kantuniera ma Triq il-Kitba. L-aċċess għall-ħanut huwa minn Triq il-Karmnu, u jikkonsisti f'kamra waħda b'wisa internament ta' madwar 5.1 metri u tul intern ta' madwar 3.60 metri li jiċċien għal 0.45 metri. Preżentament din il-proprjeta hija kongunta internament mal-garaxx bl-isem 'Golden Harvest' qabel bl-isem 'Amson'.
- d) L-istruttura tal-proprietà hija fi stat adegwat u il-proprietà hija tajba għal usu, id-dawl u l-ilma huma nstallati. Il-proprietà hija kompluta, l-art hija bil-madum taċ-ċeramika u l-aperturi esterni huma tal-aluminium, hekk kif murija fir-ritratti annessi mmarkati Dokument 'H'.
- e) Fiċ-ċirkostanzi għalhekk l-esponenta tistma' l-ħanut kif deskrirt hawn fuq fis-somma ta' tnejn u għoxrin elf euro (€22,000).
7. Deskrizzjoni u valutazzjoni tal-fond, il-garaxx, bla numru bl-isem 'Golden Harvest' qabel bl-isem 'Amson Garage', fi Triq il-Kitba, Fgura.
- a) Il-proprjeta qiegħda f'żona ta' l-iżvilupp u skond il-pjan lokali tan-Nofsinhar (South Malta Local Plan) li ġie approvat f'Lulju ta' l-2006, iż-żona hija waħda residenžjali (Residential area SMHO 02) viċin iċ-Ċentru Lokali tal-Fgura (Local Centre SMCM02) u l-iskola primarja (Educational Facility SMSO 03). Dan huwa indikat fuq il-pjanti mil-pjan lokali annessi mmarkati Dokument 'F'.
- b) Mir-riċerka li saret l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar irriżulta li l-perness tal-bini ta' dan is-sit inhareġ fis-sena 1986, b'referenża PB/2174/86, kopja ta dan il-permess flimkien mal-pjanti tal-permess annessi mmarkati Dokument 'G'.
- c) Il-garaxx għandu faċċata b' wisa ta' 2.93 metri fuq Triq il-Kitba, il-qisien interni huma 2.70 metri wisa u 5.10 metri tul. Fuq in-naħha ta wara tal-garaxx hemm tieqa żgħira li tagħti għal go shaft komuni. Preżentament din il-proprietà hija kongunta internament mal-ħanut bl-isem 'Golden Harvest' qabel bl-isem 'Amsid'.
- d) L-istruttura tal-proprietà hija fi stat adegwat u il-proprietà hija tajba għal usu. Il-proprietà hija kompluta, l-art hija bil-madum taċ-ċeramika u bieb tal-garaxx tal-ħaddid, hekk kif murija fir-ritratti annessi mmarkati Dokument 'I'.

- e) Fiċ-ċirkostanži għalhekk l-esponenta tistma' l-garaxx kif deskrirt hawn fuq fis-somma ta' għoxrin elf euro (€20,000).

Daqstant għandha x'tirrelata l-esponenta għas-savju konsiderazzjoni ta' dina l-Onorabbli Qorti.



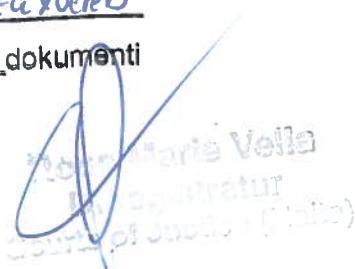
Perit Krista Xuereb

Rikorrenti: Bank of Valletta p.l.c (C2833)

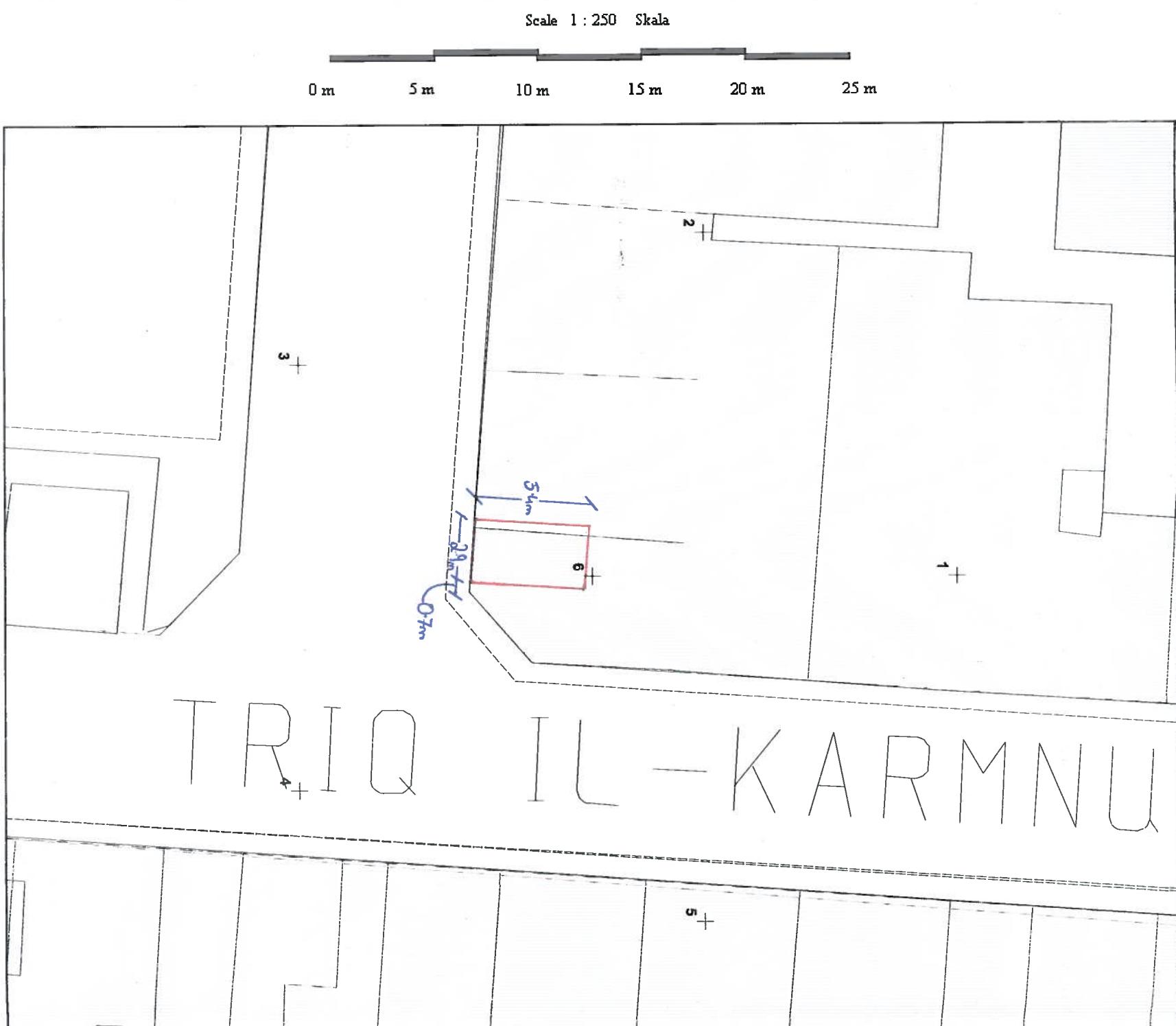
Intimati: Mario Camilleri u Yonnis Camilleri

17 DEC 2015

illum _____
ippreżentata mill Perit Krista Xuereb
bla dokwib diversi dokumenti



Bank of Valletta
Ministerie Vella
Ministratur
Ministru Fin Milla



Registrat-
Artijiet

Pjanta tas-sit 1:2500 Site Plan

Government of Malta

Casa Bolino, 116 West Street, Valletta

Nru tal-Mappa: 325820M Pożizzjoni Ċentrali: x = 57032
Map Number: Centre Coordinates: y = 70031

KRISTA XUEREB

116, WEST STREET,
VALLETTA. Timbru tal-Perit
Architect's Stamp

- Ownership at ground floor level (as stated by owner)

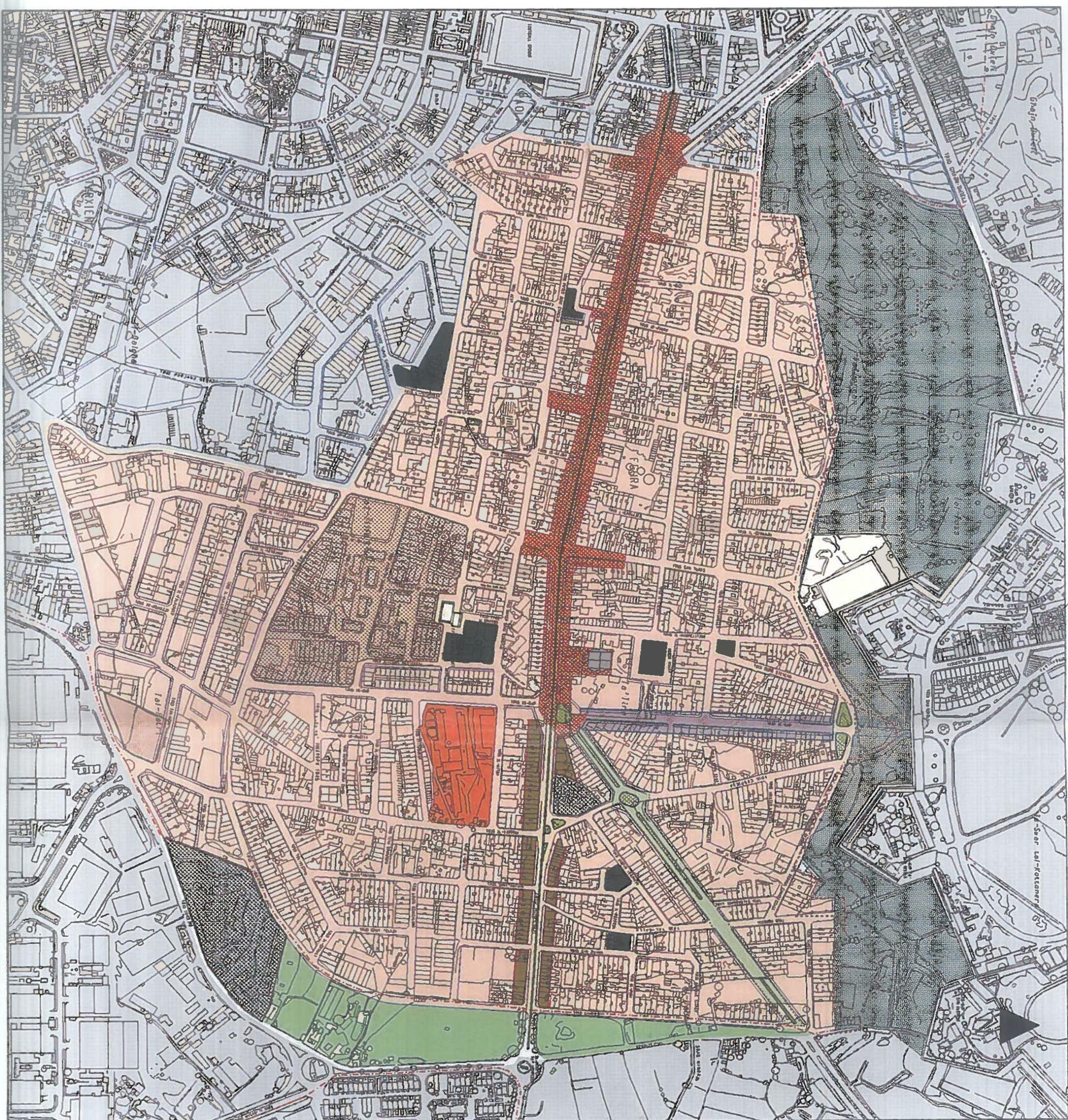
- Ownership at ground floor level (as stated by owner)

SOUTH MALTA LOCAL PLAN



L-Awtorita' ta' Malta Edward Leopold u l-Ippjeku

Malta Environment & Planning Authority



Figura

Policy Map

Scale: 1:5000 Date: July 2006

INDICATIVE ONLY

Not to be used for measurement or direct interpretation
May not be used in conjunction with Policy Document

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Figura Policy Map v0

FIG 1

COPY

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Permit No.:
PB 3833/RE 2178/80



WORKS DEPARTMENT
BUILDING PERMITS SECTION
BELTISSEBH

BUILDING PERMIT

Permit is hereby granted to

Angelo Grech
Caroline
St Lawrence Str
Babson.

by the

- (a) Planning Area Permits Board in terms of the Planning Area Regulations, 1962; and Section 14 of the Building Development Areas Act, 1983;
- (b) Aesthetics Board in terms of Section 5 of the Aesthetics Building Ordinance (Chapter 135);
- (c) Sanitary Authorities in terms of Section 85 of the Code of Police Laws (Chapter 13);

to carry out the works described in his/her application of the

at Daniel Str c/via New Str figur.

under the conditions specified hereunder:

to erect verages for private cars with overlying dwellings, subject to conditions on form H and as per plans submitted, provided balcony projection does not exceed 2'6" (.76m).

- (1) The PAPB permit is valid for one calendar year from date of issue and may be withdrawn at any time during its validity period without any compensation from Government being granted.
- (2) This permit is granted saving any third party civil rights.
- (3) This permit does not dispense the grantee from the necessity of obtaining from any Department or Authority a permit, licence or any other permission required by any law or regulation, in force from time to time, in respect of the construction, reconstruction, repair, or alteration of a building or of acquiring materials for such works.
- (4) Premises are not to be used as Furnished or Holiday flat by tourists.

LMS.

cc. Architect

SECRETARY IN CHARGE
BUILDING PERMITS

COPY FOR

FORM THDEVELOPMENT CONTROL - WORKS DEPARTMENTP.B. 2174/86 LOCALITY Fgura.

10 JUL 1986

CONDITIONS FOR TERRACE HOUSE DEVELOPMENT IN TERMS OF:

- (i) THE PLANNING AREA REGULATIONS 1962;
- (ii) THE AESTHETICS BUILDING ORDINANCE (CHAPTER 135 OF THE REVISED EDITION);
- (iii) SECTION 85(p) OF THE CODE OF POLICED LAWS (CHAPTER 13).

1. Subject to departmental alignment, with a 3 metres front garden whose solid parts of boundary walls are not to exceed 1.2 metres in height, corner site with splay.
2. 6.3 metres frontage per dwelling and restricted sites with a frontage less than 6.3 metres, only one dwelling unit is allowed.
3. Height of buildings should not exceed ... floors from highest street level.
4. Stairwells may be erected at roof level provided their height shall not exceed 8 courses above roof level and are setback at least 1.8 metres from the facade. The area of a washroom shall be approximately 14 sq. metres with a setback of 4.25 metres from facade.
5. Water storage tanks on roofs have to be properly screened from view. Such tanks and their screen shall not rise more than 1.8 metres above roof line and setback at least 4.25 metres from the facade.
6. The front elevation should be constructed in local stone.
7. All soil is to be dumped to any place where indicated by the Director of Agriculture.
8. Applicant, shall, before starting building operations open up the street and bring it to its proper and approved formation level. If this condition is not adhered to, then this permit is to be considered withdrawn.
9. On sites zoned for industrial use, the ground floor should consist of warehouses or workshops. Dwellings at first floor may be erected provided that it is internally connected to the underlying workshops.
10. Roof of basement is not to be higher than three (3) courses above highest road level.

Contd. 2/.....

11. Ramp down to basement is not to be more than two courses down in first three (3) metres front garden.
12. Steps encroaching on imposed front garden should not exceed the overall height of 1.5 metres.
13. The public sewer is to be extended up to applicant's site at his own expense before any building works are to be taken in hand. The Building Inspectors have instructions not to inspect and approve the Damp Proof Course unless the above is to be adhered to.
14. In building falling under para (b) of section 14 of the Building Development Areas Act, 1933, the building to be constructed is connected to the public sewer at applicant's expense or the applicant installs a septic tank at his own expense.

CONDITIONS IN TERMS OF THE AESTHETICS ORDINANCE (Chapter 135 of the revised Edition).

- (i) The limit of any projection, if applicable should be obtained from the Works District Office of the area concerned.
- (ii) The balcony slab does not project more than 10,16 cms (4") beyond the edge of the corbels.

GENERAL

The doors and windows (the lower edge of which is less than 6ft from road level) should not open outwards unless there is a front garden.

No building material or equipment shall be allowed to obstruct the smooth flow of traffic in the road/s in the vicinity of the site on which works are in progress.

Where a swimming pool is to be built, the approval of the Manager of Water Works Department is to be obtained before works are taken in hand.





Ritratt tal-faccata minn Triq il-Karmu.



Ritratt tal-faccata minn Triq il-Karmnu kantuniera ma Triq il-Kitba.



Ritratt tal-faccata minn Triq il-Karmnu kantuniera ma Triq il-Kitba.



Ritratt tal-hanut minn gewwa.



Ritratt tal-hanut minn gewwa



Ritratt tal-hanut minn gewwa.



Ritratt tal-faccata minn Triq il-Kitba



Ritratt tal-faccata minn Triq il-Kitba



Ritratt tal-garaxx minn gewwa.



Ritratt tal-garaxx minn gewwa.