

Fil-Prim' Awla tal-Qorti Ċivili

Fl-atti tas-subbasta
Nru. 17/2018 fl-ismijiet

APS Bank Limited (C2192)

Vs

Dr. Fransina Abela u P.L. Nicholette
Aquilina bhala kuraturi deputati
mahtura b'Digriet moghti nhar l-14 ta'
Marzu 2017 sabiex jirrapprezentaw
lill-assenti Scott James Johnson (I.D. 76734A)
u Rebeckah Johnson (I.D. 77845A).



QRATI TAL-ĠUSTIZZJA - MALTA
IFFIRMATA U MAHLUFA QUDDIEMI
ILLUM *f. Awissu 2016*
Deputat Registratur
and -

DINN KRISTIA XUEREB ID 04853881

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

Dr. Fransina Abela u P.L. Nicholette Aquilina bhala kuraturi deputati mahtura b'Digriet moghti nhar l-14 ta' Marzu 2017 sabiex jirrappresentaw lill-assenti Scott James Johnson (I.D. 76734A) u Rebeckah Johnson (I.D. 77845A).

Tesponi bir-rispett:

- Illi permezz ta' sentenza mogtija minn din l-Onorabbi Qorti fil-kawza fl-ismijiet APS Bank Limited vs Dr. Fransina Abela u P.L. Nicholette Aquilina bhala kuraturi deputati mahtura b'Digriet moghti nhar l-14 ta' Marzu 2017 sabiex jirrappresentaw lill-assenti Scott James Johnson u Rebeckah Johnson (Rik. Nru. 585/17LM), deciza nhar it-tlettax (13) t'Ottubru 2017, is-socjeta' rikorrenti giet kanonizzata kreditrici tal-intimati Scott James Johnson u Rebeckah Johnson fis-somma komplexiva ta' mijja u sitta u ghoxrin elf, seba' mijja u tlieta u erbghin Ewro u sitta u hamsin centezmu (€126,743.56) in kwantu ghas-somma ta' hamest elef u tlett mijja u disgha u ghoxrin Ewro u erbha centezmi (€5,329.04) rappresentanti bilanc ta' debitu relativ mal-'Car Loan Account' bin-numru 2000150104-0; is-somma ta' tlett mijja u tlieta u ghoxrin Ewro u sebgha u disghin centezmu (€323.97) rappresentanti bilanc ta' debitu relativ mal-'Interest Disposal Account' bin-numru 2000179240-6; is-somma ta' mijja u erbatax-il elf, disa' mijja u sitta u hamsin Ewro u tlieta u tletin Ewro u tnejn u ghoxrin centezmu (€6,134.22) rappresentanti bilanc ta' debitu relativ mal-'Interest Disposal Account' bin-numru 2000179243-9 u dan oltre l-imghax fir-rigward tal-'Car Loan Account' bin-numru 2000150104-0 u tal-'Home Loan Account' bin-numru 2000150101-7 mill-ewwel (1) ta' Jannar 2017 sad-data tal-pagament effettiv;

Illi permezz tal-istess sentenza, l-imsemmija intimati gew ukoll ikkundannati jhallsu lis-socjeta' rikorrenti l-ispejjez tal-istess kawza li jammontaw ghal hamest elef tlett mijja u tmienja u hamsin Ewro u sebgha u disghin centezmu (€5,358.97), inkluz il-VAT fuq id-drittijiet legali, l-ispejjez tal-mandat ta' sekwestru kawtelatorju li jammontaw ghal tlett mijja u tmintax-il Ewro u disgha u hamsin centezmu (€318.56), inkluz il-VAT u l-ispejjez tal-mandat ta' inibizzjoni li jammontaw ghal-erba' mijja u disghin Ewro u tmienja u hamsin centezmu (€490.58), inkluz il-VAT fuq id-drittijiet legali;

Illi ghalhekk, l-intimati Scott James Johnson u Rebeckah Johnson huma debituri tas-socjeta' rikorrenti fis-somma komplexiva ta' mijja u tnejn u tletin elf, disa' mijja u hdax il-Ewro u sebghin centenzmu (€132,911.70), oltre l-imghax relativ, kif fuq spjegat;

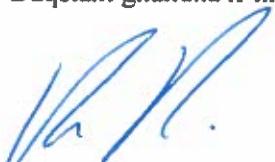
Illi sa illum il-kreditu msemmi għadu dovut;

Illi l-intimati Scott James Johnson u Rebeckah Johnson huma proprjetarji tal-penthouse internament immarkat bl-ittra E numru sitta (E6), li jinsab fil-block bl-isem 'Blue Haven', fi Triq il-Barriera, Zurrieq, u tinkludi it-terrazzini tagħha u l-arja relativi, liema block jikkonfina fin-nofsinhar mal-imsemmija Triq il-Barriera, mill-Punent ma' proprjeta' ta' Gaetano Abdilla jew is-successuri tiegħu fit-titolu, u mill-Lvant ma' proprjeta' tal-kumpanija Jumbo Developments Limited jew is-successuri tagħha fit-titolu, jew irjieh ohra verġuri u liema penthouse tinkludi sehem indi viz tal-partijiet komuni tal-blokk u tal-Piazza tal-kumpless (li hi l-unika entrata ghall-imsemmi block), u tal-entrata, sala tad-

bejt u l-arja fit-totalita' tagħhom jappartjenu lill-istess intimate, liema penthouse għandha kej
superfċjali ta' circa mijja u tletin metru kwadru (130m²);

2. B'digriet dina I-Onorabbi 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 fil-prezenza tal-Perit Marvic Gauci, fil-14 ta' Gunju 2018 u wara illi għamlet l-ispezzjoni tal-fondi u hadet n-notamenti tagħhom għanda x'tirrelata s-segwenti.
4. Il-fond in kwistjoni jikkonsisti f'apartament fir-raba livell fi blokka t'apartamenti li iġġib l-isem 'Blue Haven'. Hekk kif indikat fil-Land Registry Site Plan annessa mmarkati Dokument 'A'.
5. Il-propjjeta 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 wahda residenżjali (Residential area SMHO 02) viċin zona ta' konservazzjoni urbana, Dan huwa indikat fuq il-pjanti mil-pjan lokali annessi mmarkati Dokument 'B'.
6. Mir-riċerka li saret l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar irriżulta li l-ahhar perness tal-bini ta' dan is-sit inhareġ fis-sena 2007, b'referenża PA/05721/07, kopja ta dan il-permess flimkien mal-pjanti tal-permess annessi mmarkati Dokument 'C'. Il-propjjeta hija mibnija skont il-permessi tal-bini u regoli sanitari.
7. L-apartament għandu l-faċċata u t-terazzin iharsu fuq il-piazza tal-kumpless. Il-post jikkonsisti f'kċina, karma tal-pranzu u salott, zewg kmamar tal-banju, u żewġ kmamar tas-sodda li jħarsu fuq il-bitha ta wara. Il-qies tal-apartament u tat-terazzini huwa madwar mijja u hamsa u tletin metru kwadru (134m²).
8. L-istruttura tal-proprietà hija fi stat adegwat u il-proprietà hija tajba għal usu. Il-propjeta tidher li qatt ma giet abitata u li ilha magħluqa għal diversi xħur. Il-proprietà hija kompluta, l-art hija bil-madum taċ-ċeramika, il-kmamar tal-banju huma kompluti u l-aperturi esterni huma tal-aluminium, hekk kif murija fir-ritratti annessi mmarkati Dokument 'D'.
9. It-tmien skeda annessa mmarkata Dokument 'E'.
10. Fiċ-ċirkostanzi għalhekk l-esponenta tistma' l-apartament kif deskrirt hawn fuq fis-somma ta' mitejn u tletin elf euro (€230,000).

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



Perit Krista Xuereb

Rikorrenti: APS Bank Centre, Tower Street, B'Kara

Intimati: Dr. Fransina Abela, I-Qorti, Valletta
P.L. Nicholette Aquilina, I-Qorti, Valletta

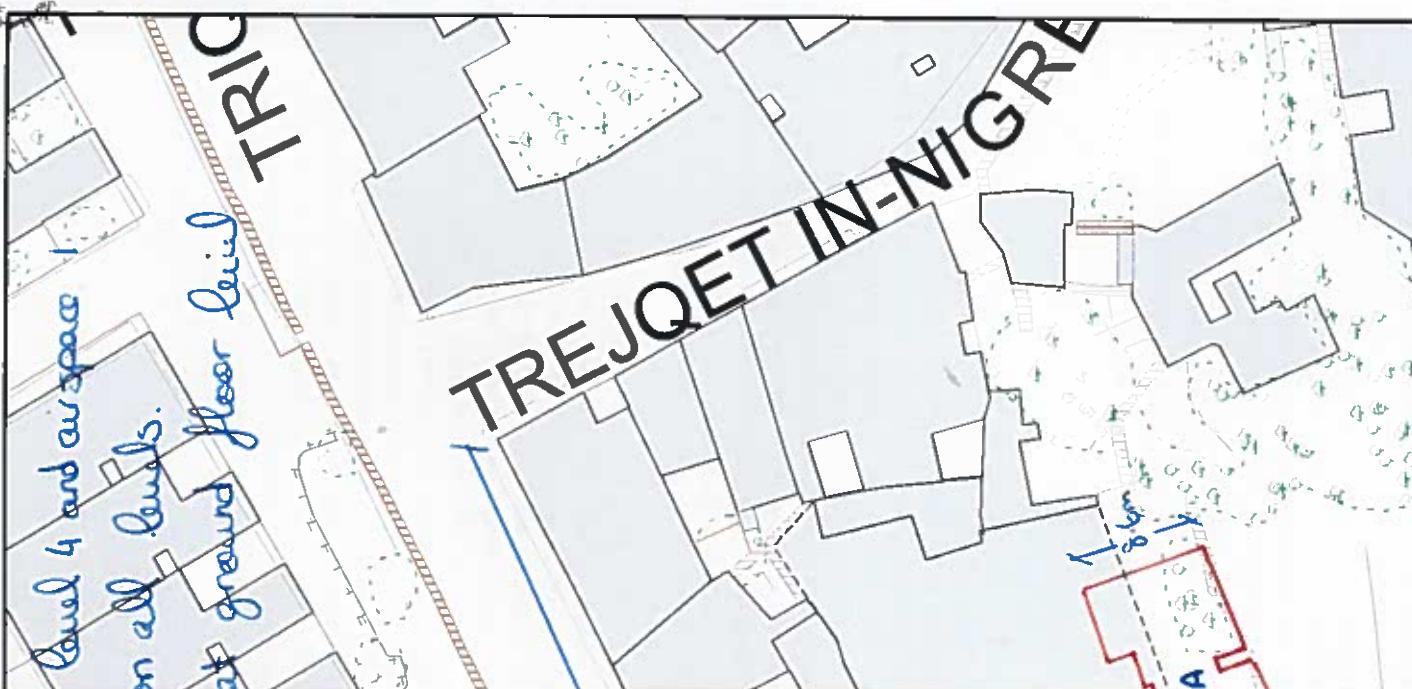
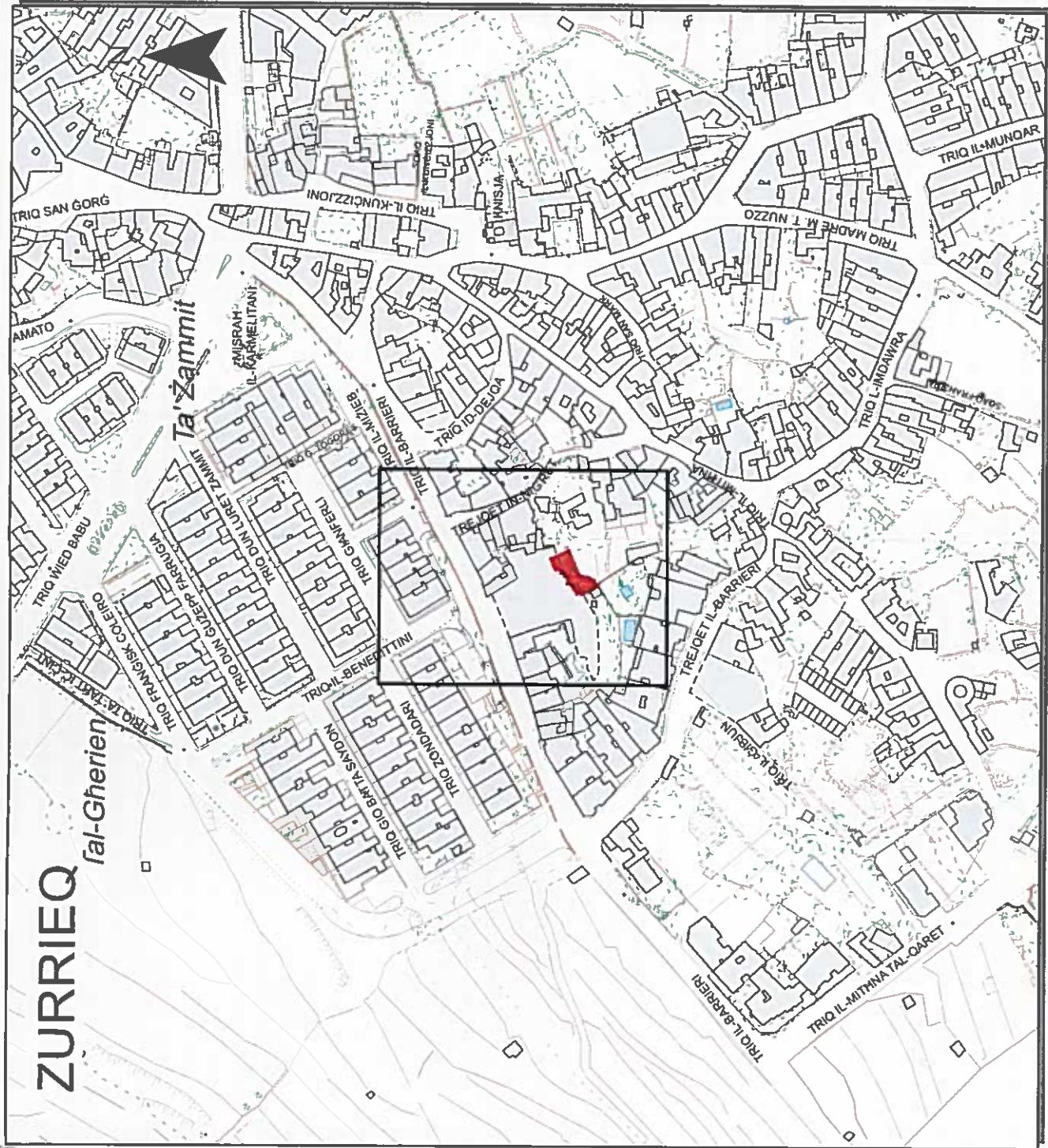
Perit Krista Xuereb
B.E.&A.(Hons)(Meli). A.&C.E.
Apt. 4, 159, Triq is-Sagħtar
Mellieħha, Malta

Il-ġur il-ġewwa

12 JUL 2018

Ipprezentata mill-Alc Krista Xuereb
bla/ dok/b names (5) dokumenti

Dokument ‘A’



SOUTH MALTA LOCAL PLAN



L-Awtgha ta' Malta Dan u-l-Industri u-l-Ipponha
Malta Environment & Planning Authority

Key

- - - - - Limits to Development
- - - Scheme Alignment
- - - Local Plan Boundary

..... Urban Conservation Area - SMCA 01

□ Rezoning - SMZU 05

□ Design Frontic Area - SMCF 01

□ Residential Area - SMHO 02, SMSE 04

□ Green Area - SMSE 04

■ Public Urban Open Space - SMZU 05, SMSE 04

□ Church Chapel

□ Commercial Area - Retail Park - SMCM 01

□ Educational Facility - SMSC 03

□ Community Facilities - SMSC 01

□ Secondary Town Centre - SMCM 01

□ Blue Gate Avenue Mixed Development Area - SMZU 07

□ Ngret Mixed Development Area - SMZU 01

□ Creation of Faulvand - SMIA 01

□ Cemetery - SMSC 02

□ Open Space Enclaves in UCAs - Private Gardens - SMIA 10

□ Private Garden Meriting Protection - SMIA 10

□ Area prone to flooding - SMFU 01

..... Pedestrian Only Access

○ Junction Improvements - SMTE 05

□ Traffic Management - SMZU 01

Zurrieq

Policy Map

Scale	Date	Map:
1:6000	July 2006	ZU 1

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Map 1

INSET MAP
(Scale: 1:8000)



SOUTH MALTA LOCAL PLAN



L-Autorità ta' Malta Dwar l-Ambient u l-Ippon
Malta Environment & Planning Authority

Key:

	Limits to Development
	Scheme Alignment
	Local Plan Boundary
	Urban Conservation Area
	Design Priority Area - SMC/01
	1 floor
	2 floors
	3 floors plus basement - Subject to Policy SMC/01
	3 floors plus semi basement
	Not to exceed existing height
	As per Policies SMC/01 & SMC/07



Zurrieq

Building Heights

Scale	Date	Map:
1:5500	July 2006	ZU 3

NOTICE
EDUCATIVE ONLY
Not to be used for measurement or direct interpretation
Must be used in conjunction with Policy Document
Held Map 1988 Survey Sheet
Copyright Strategic Unit, Malta Environment & Planning Authority

not open outwards onto a public pavement or road.

9 - No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

10 - In accordance with DC 2007 policy 10.6, the penthouse dwelling shall be set back by at least 4.25 metres from the front facade, by 2.5 metres from the internal facade and by 1.5 metres from the back of the building. The external height of the penthouse shall not exceed 3.4 metres above roof level. The canopy at penthouse level shall project by not more than 1 metre, shall be cantilevered, and shall remain open from the sides and the front without any support on party walls and/or pillars.

11 - The lift shaft shall be set back by at least 4.25 metres from the front elevation and shall not exceed the height of 1.5 metres above the finished roof level of the washroom/penthouse measured externally in accordance with DC 2007 Policy 10.9.

12 - All services located on the roof of the penthouses shall be clustered together and surrounded by a 1.5 metres high non-solid screen. The services shall not exceed the height of this screen, which shall be set back 2 metres from the front and back edges of the roof of the underlying penthouse structures.

13 - Air conditioning units shall not be located on the facades of the building which are visible from a public space. Any such units located at roof level shall be set back from the facade by at least 1 metre.

14 - There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street.

15 - Landscaping of the site shall be implemented in its entirety within the first planting season following completion of the development hereby approved, in accordance with approved drawing PA 05721/07/43C, unless the prior approval in writing of the Malta Environment & Planning Authority has been obtained to depart from these details. No compliance certificate (partial or full) shall be issued on part, or the whole, of the development hereby approved prior to the implementation of the landscaping scheme in its entirety.

16 - The development hereby permitted shall not be brought into use until the Final Compliance (Completion) Certificate, certifying that the development has been carried out in full accordance with the plans approved by this permission and with the other conditions imposed in this permission, has been issued by the Malta Environment & Planning Authority. Prior to the issuing of the Final Compliance Certificate for this development, this applicant shall submit to MEPA:

- (i) certification from a qualified engineer confirming that the development fully satisfies the requirements specified in the approved Fire Safety & Ventilation report PA 05721/07/43A; and
- (ii) clearance from the Enemalta Corporation verifying that the development fully satisfies any conditions imposed by the Corporation.

Dokument 'C'

17 - Conditions 11, 12, and 14 in Development Permission PA 7018/05 with regards to construction site management and disposal of waste shall remain applicable.

18 - The common pedestrian forecourt and the forecourt of the basement parking area shall be adequately paved and drained.

19 - a) This development permission is valid for a period of FIVE YEARS from the date of this notice but will cease to be valid if the development is not completed by the end of this five year period.

b) It should be noted that a third party may have the right of appeal against this permission. Any development which is carried out when such an appeal has been made, or until the time limit for the submission of such an appeal has expired, is undertaken at the risk that this permission may be revoked by the Planning Appeals Board or quashed by the Court of Appeal.

c) This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

d) All works shall be carried out strictly in accordance with the approved plans and the conditions of this permission. Where a matter is not specified on the plans then the conditions of this permission and of Development Control Policy and Design Guidance shall take precedence and modify the plans accordingly.

e) All building works shall be erected in accordance with the official alignment and proposed/existing finished road levels as set out on site by the Malta Environment & Planning Authority's Land Surveyor. The Setting Out Request Notice must be returned to the Land Survey Unit of the Malta Environment & Planning Authority when the setting out of the alignment and levels is required.

f) Before any part of the development hereby permitted commences, the enclosed green copy of the Development Permit shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permit must be maintained in a good condition and it shall remain displayed on the site until the works are complete.

g) The enclosed Commencement Notice shall be returned to the Malta Environment & Planning Authority so that it is received at least five days prior to the commencement of the development hereby permitted.

h) Copies of all approved plans and elevations shall be available for inspection on site by Malta Environment & Planning Authority staff at all reasonable times.

architect submits a post-construction condition report together with photographs evidencing compliance with this condition which is hereby being approved accompanied by clearance from the Local Council. This guarantee shall be forfeited after 3 months from the date of notification by the Authority of a notice to effect the remedial works covered by the same guarantee. Its forfeiture would not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

Bank Guarantee calculation

For construction works involving demolition and/or excavation works and additional floors:

Length of frontage (**20 metres**) plus twenty metres multiplied by EUR 46.59.

permit is granted saving third party rights. The applicant is not excused from obtaining any other permission required by law. The applicant should contact the following regarding the location and provision of services prior to commencing development:- Enemalta, Water Services Corporation, Maltacom, Drainage Department and Melita Cable.

Perit Joseph Saliba
10
Triq Gulju Cauchi
Balzan BZN 1131

Date: 15 Jan 2015
Our Ref: PA/05721/07
Your Ref: n/a

Dear Sir/Madam

Application Number: PA/05721/07
Application Type: Request for minor amendments to permission
Location: 20/21, Triq Il-Barriera, Zurrieq

**Minor Amendment to Permission PA/05721/07
in terms of regulation 12 of Legal Notice 514 of 2010**

Reference is made to the request for minor amendments, to the above quoted development permission, submitted on 13 January 2015.

The changes you propose are acceptable as a minor amendment to the development permission.
The following drawings/documents are being endorsed:

PA 5721/07/MA/133G/133H/133L/137A/137B/137C.

This endorsement relates only to the changes described in your application form and specifically indicated on the drawings/documents. Any other changes from the original permission, which may be shown on the drawings/documents but which are not referred to in your application form, are not endorsed or accepted.

Consequently, this endorsement (including sanitary approval) is only for the proposed development as specifically indicated and does not cover any other development or sanctions any illegal development which may exist on site, even if shown on the drawings/documents.

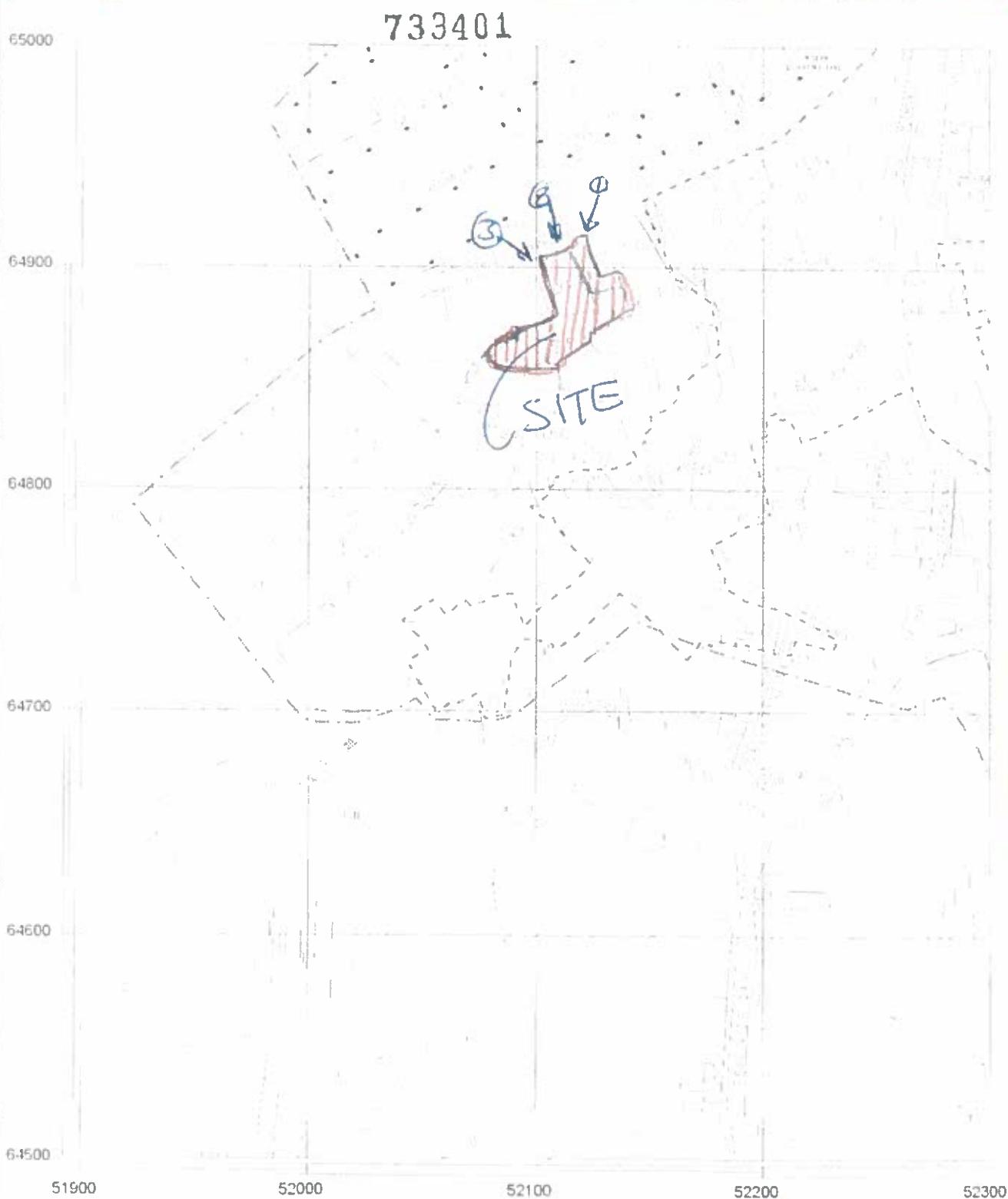
Please note that the conditions and amendments in the original permission remain valid and are therefore applicable to the development as amended, including the condition on the validity period of the permission. The other provisions of regulation 12 of Legal Notice 514 of 2010 also apply.

Yours faithfully

Malcolm Ferriggi B. Plan.
for Director of Planning

cc: Mr. Nicholas Calleja

-PAMinAmAccArchitect-



Malta Environment & Planning Authority
Mapping Unit Site Plan, Scale 1:2500

Part of Survey Sheet(s) 5064 5065 5264 5265

St Francis Rayelin
Floriana
PO Box 200, Valletta
Tel 2124976 Fax 21224846
www.mepa.org.mt



Date Issued - 15/7/04

- The numbered lines indicate 100m intervals on a UTM grid

- This site plan is not to be used for interpretation or scaling of scheme alignments

- Users noting additions or corrections to this map are kindly requested to inform the Mapping Unit

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Christina Spiteri MAPP A & CE

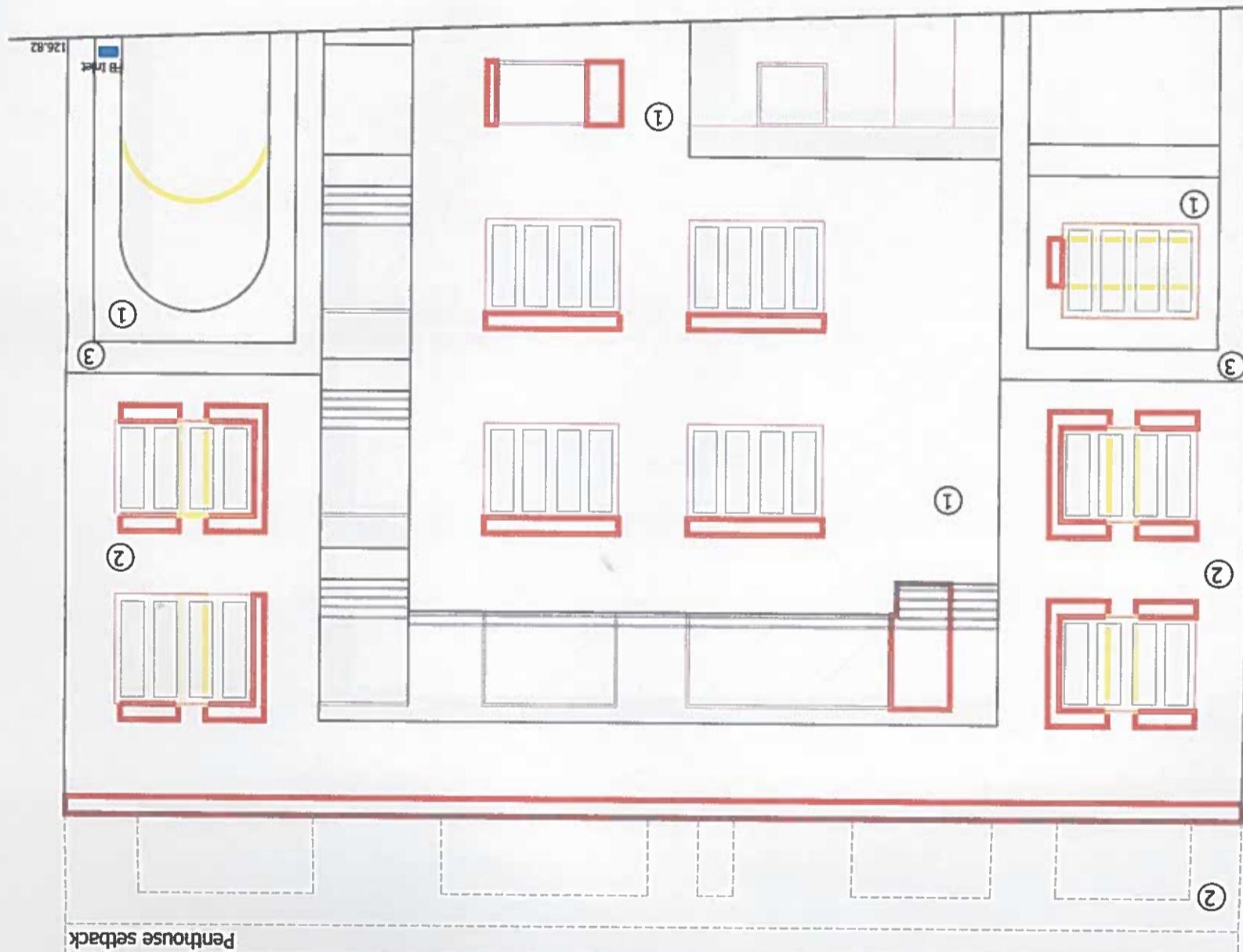
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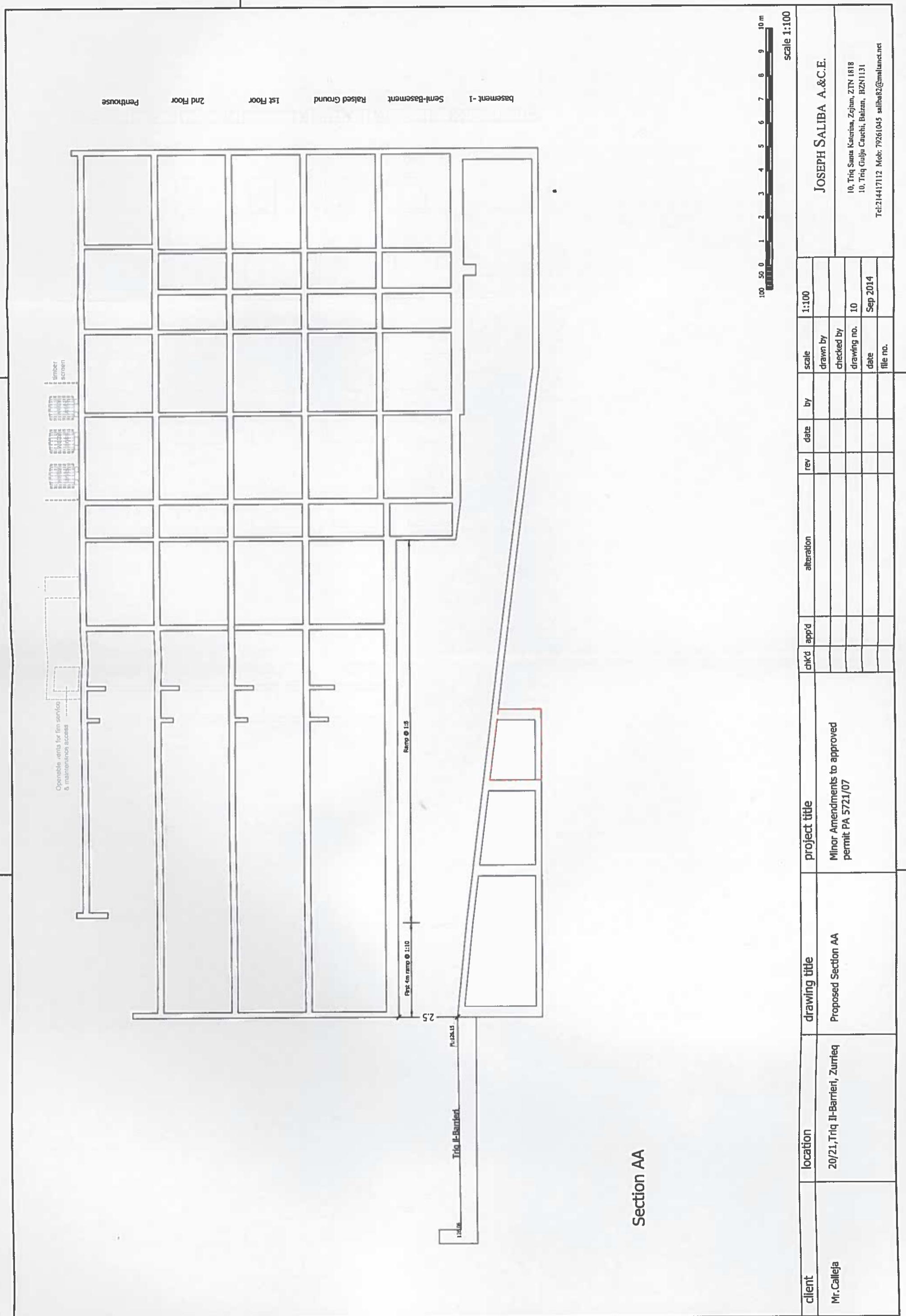
Grade
H/2
Fax: 341126

JOSÉPH SALIBA A.G.C.E.		Signature		File no.	
		Drawing no.		11	
Mr. Calliefa		Zurfeq		Drawing by	
Proposed elevation		Client		Drawn by	
Minor amendments to approved permit PA 5721/07		Location		20/21, Triq il-Bartiera	
scale 1:100		date 1:100		scale 1:100	
scale 1:100		Issue		Signature	
100 50 0 1 2 3 4 5 6 7 8 9 10 m		20/21, Triq il-Bartiera		Client	
All apertures in aluminium not gold, silver or bronze					
Finishes					
<ul style="list-style-type: none"> ① Fug il-Fil stone finish ② Light coloured plasterwork ③ Light-coloured plasterwork 					
10, Triq Santa Katerina, Zgħira, ZTN 1818 10, Triq Għajnej Cauchi, Birkazz, BZN 1131 Tel: 214417112 Mob: 79261045 saliba82@maltaonline.net					

Street Elevation

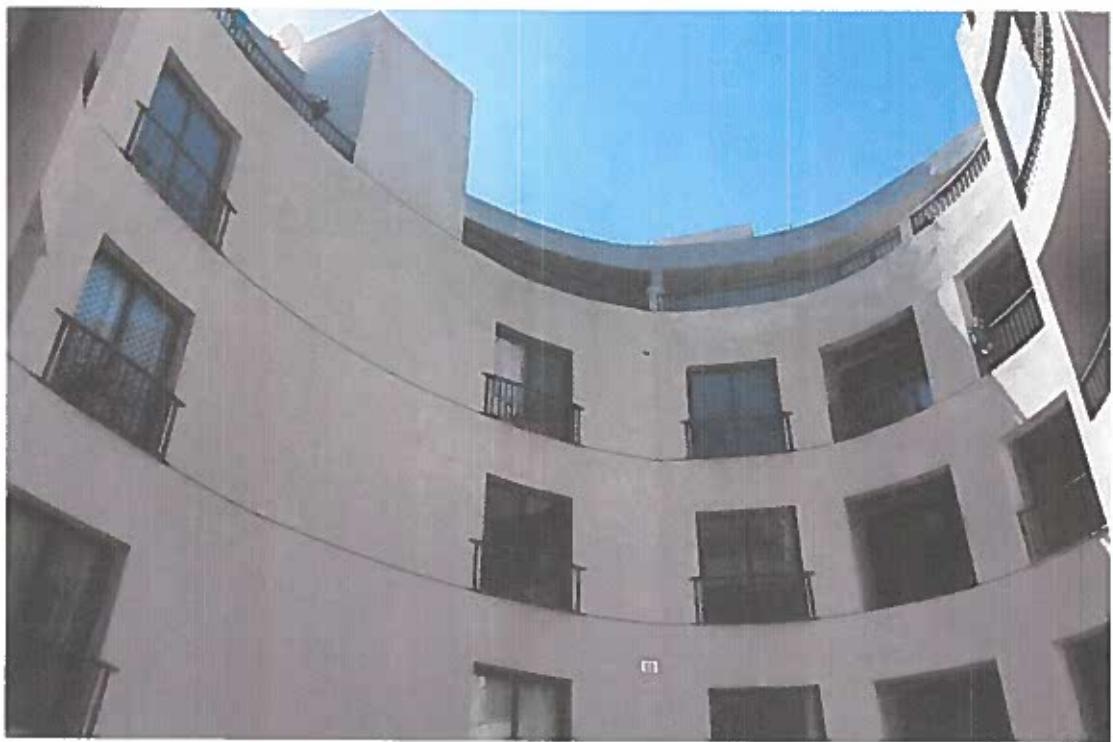
Semi-Basement Raised Ground 1st Floor 2nd Floor Penthouse

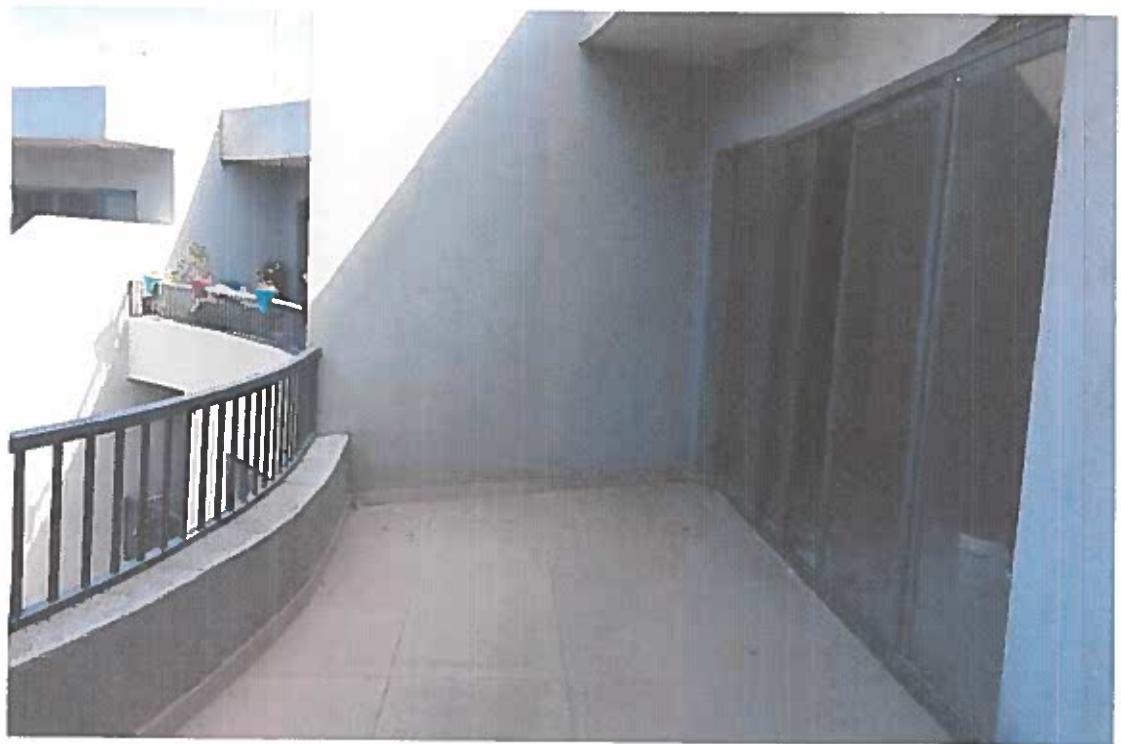


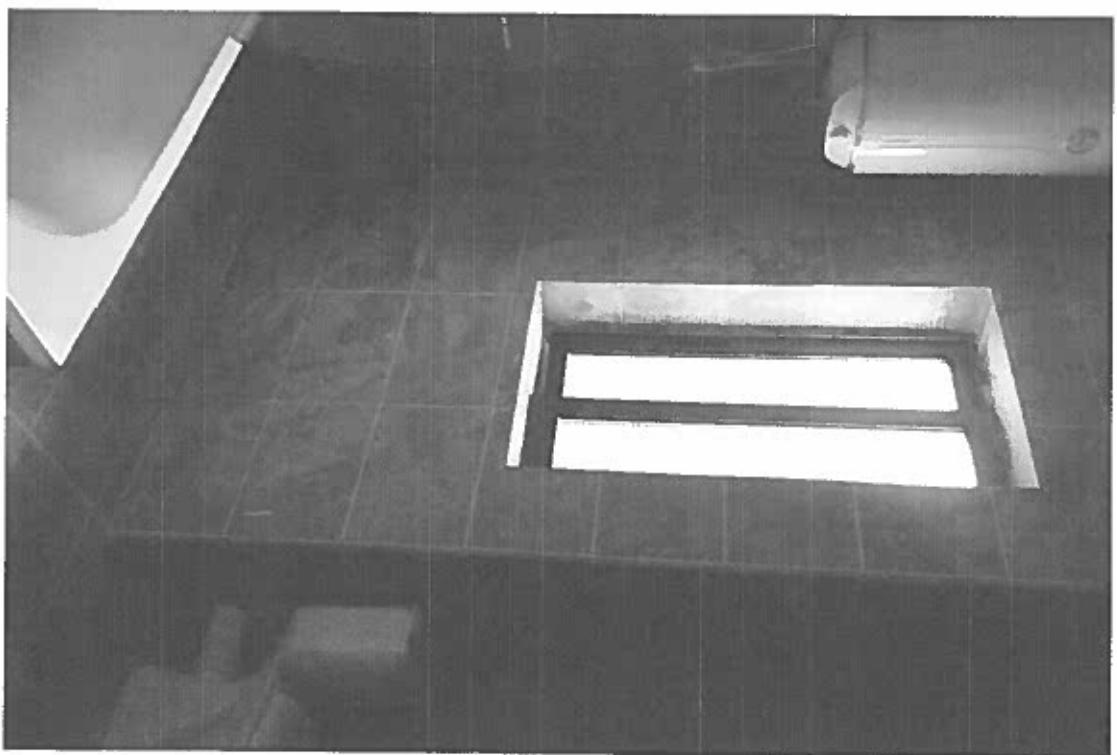
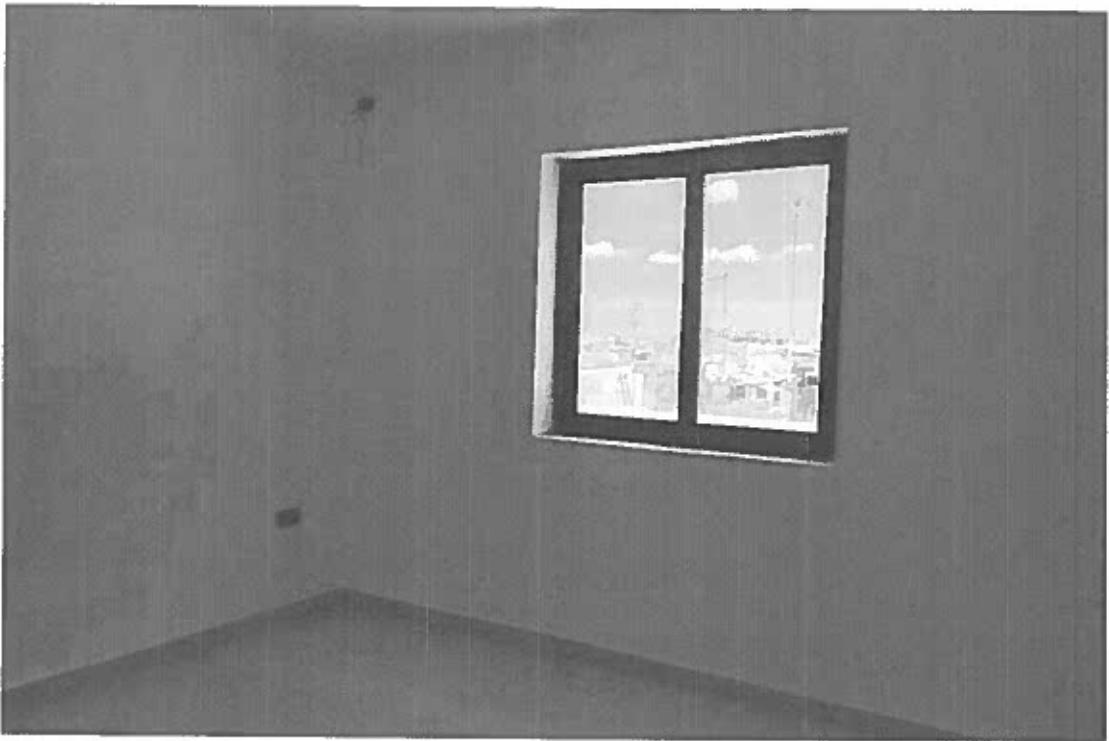




Dokument 'D'













Dokument 'E'

PART III
EIGHTH SCHEDULE

Physical Attributes of Immovable Property

Locality	Zurrieq	Address	Blue Haven, Penthouse E6, Triq il-Barriera, Zurrieq
Total Footprint of Area Transferred *	134 sq.mt		

Tick where applicable

(Tick one box in each case except where indicated otherwise)

Type of Property	<input type="checkbox"/> Villa <input checked="" type="checkbox"/> Penthouse <input type="checkbox"/> Terraced House	<input type="checkbox"/> Semi-Detached <input type="checkbox"/> Mezzanine <input type="checkbox"/> Ground Floor Tenement	<input type="checkbox"/> Bungalow <input type="checkbox"/> Maisonette	<input type="checkbox"/> Flat/Apartment <input type="checkbox"/> Farmhouse
Age of Premises	<input checked="" type="checkbox"/> 0-20 years	<input type="checkbox"/> Over 20 years	<input type="checkbox"/> Pre WW2	
Surroundings	<input type="checkbox"/> Sea View	<input type="checkbox"/> Country View	<input checked="" type="checkbox"/> Urban	
Environment	<input checked="" type="checkbox"/> Quiet	<input type="checkbox"/> Traffic	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Industrial
State of Construction	<input type="checkbox"/> Shell	<input type="checkbox"/> Semi-finished **	<input checked="" type="checkbox"/> Finished ***	
Level of Finishes	<input checked="" type="checkbox"/> Good	<input type="checkbox"/> Adequate	<input type="checkbox"/> Poor	
Amenities <i>Tick as many as appropriate</i>	<input type="checkbox"/> With Garden <input checked="" type="checkbox"/> No Garage	<input type="checkbox"/> With Pool <input type="checkbox"/> One Car Garage	<input checked="" type="checkbox"/> With Lift <input type="checkbox"/> Two Car Garage	<input type="checkbox"/> With Basement <input type="checkbox"/> Multi Car Garage
Airspace	<input checked="" type="checkbox"/> Ownership of Roof	<input type="checkbox"/> No Ownership of Roof	<input type="checkbox"/> Shared Ownership	

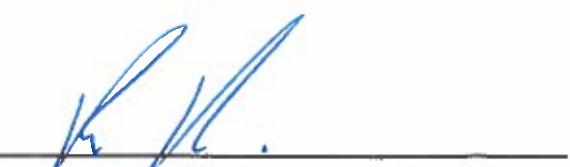
* Includes all lands and gardens but excludes additional floors, roofs and washrooms

** Includes plastering, electricity, plumbing and floor tiles

*** Includes ** plus bathrooms and apertures

Date: 11/07/2018

Perit's Signature:



W831

Warrant Number:

Rubber Stamp:

Krista Xuereb
B.E.&A.(Hons)(Malit.), A.&C.E.
Apt 4 159 Triq is-Sagħtar
Mellieħha, Malta