

Fil-Qorti Civili, Prim' Awla

**Fl-Atti tas-Subbasta
Numru 38/2016 fl-Ismijiet:**

Michael Farrugia (ID 394570M)

vs

Frank Vassallo (ID 620958M)

**Rapport ta' spezzjoni u valur tas-suq
ta' beni immobibli
'Lycidas', Triq Dun Mikiel Xerri, Attard**

Imhejji mill-perit tal-Qorti Anthony Robinson skond linji gwida tal-Kamra tal-
Periti
5 ta' Gunju 2018

DEHER IL-PERIT LEGALI/TEKNIKU.....
.....LI HALEF LI QEDA FEDELMENT
U ONESTAMENT L-INKARIGU MOGHTI LILU
ILLUM... 23.7.2018 ROBINSON (ID 462974H)
DEPUTAT REGISTRATOR

Parametri ta' l-Ispezzjoni u rapport

1. Il-Perit jaghti l-opinjoni professjonali tieghu dwar il-kundizzjoni, stat u valur tal-fond lill-klijent, a bazi ta' linji gwida ippublikati mill-Kamra tal-Periti.
2. Il-valur jinhadem skond il-kundizzjoni, stat tal-fond, u skond il-valur tas-suq.
3. L-ispezzjoni tkun vizwali, jigifieri fuq dak li jidher fis-sulari kollha, f'dawk il-partijiet kollha tal-fond li huma accessibili. Sakemm ma jkunx mitlub, l-ebda parti tal-istruttura li tkun mghottija jew inaccessible ma tigi spezzjonata u ma jsirx tiftix jew investigazzjoni ghal difetti li ma li jistghu ikunu mohbija. Ghaldaqstant dawn il-partijiet jitqiesu minghajr difetti ghall-fini tal-istima tal-valur tal-fond.
4. Ir-rapport huwa konfidenzjali u hu provdut ghall-uzu tal-klijent u ghall-konsulenti tieghu biss. Il-Perit m'hawiex responsabbli ghal terzi persuni hlief il-klijent. Persuni ohra jaccettaw ir-rapport fuq responsabilita taghhom.
5. It-titlu tal-fond huwa irrapportat skond kif iddikjarat mill-intimat fid-data ta' l-access.
6. Il-valur tal-fond huwa dak tal-gurnata tal-ispezzjoni. Il-valur jiehu kunsiderazzjoni tal-kondizzjoni tal-fond kif indikat fir-rapport tal-Perit. Sakemm mhux imsemmi fir-rapport, ghamara u oggetti ohra huma inkluzi fil-valur.
7. Ghall-fini ta' l-istima tal-valur tal-fond, l-effett fuq il-valur ta' l-uzu prezenti jew potenzjali ta' binjet ohra fl-akkwati tal-fond ma jittehidx in kunsiderazzjoni.

Dan ir-rapport thejja a bazi ta' spezzjoni viziva tal-fond in kwistjoni.. Jaghti deskrizzjoni superficjali u m'għandux jitqies bhala studju dettaljat tal-kundizzjoni strutturali tal-fond. In-noti hawn fuq elenkti għandhom jitqiesu bhaia parti integrali ta' dan ir-rapport.

Dettalji amministrattivi	M/A.
Klijent	Qorti Civili.
Status	M/A.
Indirizz tal-fond	'Lycidas', Triq Dun Mikel Scerri, Attard.
Fini ta' l-ispezzjoni	Thejjija ta' rapport dwar l-istat u l-valur tas-suq tal-fond.
Gurnata ta' l-ispezzjoni	27 ta' Novembru 2017 u 31 ta' Mejju 2018.
Kundizzjonijiet tat-temp waqt l-ispezzjoni	Xemxi, temperatura moderata.
Titlu legali hekk kif infurmat mill-klijent	Utile Dominju Temporanju.
Pizijiet, kirjiet u jeddijiet ohra (hekk kif imfissra fir-rikors ta' Paul Micallef u dokumenti annessi, u mill-intimat fid-data ta' l-access)	Cens annwu u perpetwu ta' Sittin Ewro u sitta w erbghin centezmu (Eur60.46). Il-fond huwa okkupat mill-intimat Frank Vassallo bhala r-residenza ordinarja tieghu u ma hem l-ebda forma ta' okkupazzjoni ohra minn terzi, hekk kif stqarr l-istess Vassallo.
Deskrizzjoni Generali	
Uzu tal-fond	Rezidenza fil-forma ta' dar konsistenti f'garaxx fill-livell ta' 'semi-basement'; salott, karma tal-pranzu, karma tal-banju, kcina, gardina mdaqqsa fuq wara w ohra lateralni fil-livell ta' 'Elevated ground floor'; karma tas-sodda doppja, karma tas-sodda singla, karma tas-sodda principali bl-'en-suite', studju, u karma tal-banju fil-livell ta' 'first floor'; u karma tal-hasil tal-hwejjeg fuq il-bejt. Il-fonda jinkludi wkoll l-arja <i>usque ad coelum et ad inferos</i> .
Karatteristici fizici	<p>Faccata tal-plot: 13.9 metri Faccata tad-dar: 7.58 metri Fond: 30 metri Gholi tal-faccata mill-bankina : 9.3metri Qies kwadru tal-plot : 303 metri kwadri Qies intern kwadru inkluz fil-garaxx: 386 metri kwadri Appartamenti kull sular: M/A Numru ta' sulari: Tlieta u washroom fis-sular tal-bejt</p>

Struttura	Hitan tal-franka/briks u soqfa tal-konkos .
Eta' tal-propjeta	'I fuq minn 25 sena pero inqas minn 45 sena.
Deskrizzjoni ta' l-akkwati	Zona rezidenzjali ta' prestigju b'veduta ta' kampanja miftuha u garantita.
Karatteristici distinzjoni ta'	Tgawdi veduta garantita tal-kampanja, u f'zona rezidenzjali meqjusa b'hala wahda ta' prestigju.
Deskrizzjoni verbali tal-fond	<ul style="list-style-type: none"> • Rezidenza tat-tip komunement imsejjah 'Terraced House' hekk kif ahjar deskritta aktar 'I fuq. • Il-post huwa fi stat 'finished' u abitabli. Finituri ta' kwalita sodisfacenti kif muri fir-ritratti annessi. Il-post jinkludi kcina ta' kwalita' maghmula minn injam solidu.
Urbanistika	
PA/PAPB Ref No 2434/85 2032/91	<p>Il-permess tal-bini intalab lis-sid Frank Vassallo li minn naħa tieghu ma pprezentahx lis-sottofirmat. In oltre', minn ricerka li saret fuq il-Geoserver onlajn ta' l-Awtorita' ta' l-ippjanar, ma nstab l-ebda permess tal-bini. Sussegwentement saret ricerka fuq is-'survey sheets' ta' qabel 1-1991 fil-fond ta' l-Awtorita ta' l-Ippjanar fejn instabu zewg permessi PB 2434/85 u PB 2032/91. Ghalkemm il-fond in kwistjoni ma nbeniex ezattament skond il-pjanti approvati hawn mehemuza, id-diskrepanzi bejn il-pjanti approvati u l-binja huma ta' natura minima, u il-fond huwa konformi f'kull aspett mar-regolamenti kolla ta' l-ippjanar (Kap. 552 Att dwar l-Ippjanar ta' l-Izvilupp u dokumenti mnissla minn dan l-istess Att: Pjanijiet Lokali u <i>Development Control Design Policy</i>,</p>

		<i>Guidance and Standards 2015), u dawk Sanitarji (Avviz Legali 227/2016). Ghaldaqstant, dawn id-diskrepanzi jistghu jigu ssanzjonati mill-Awtorita ta' l-Ippjanar permezz ta' applikazjoni 'Summary procedure schedule 2' bi hlas ta' mizata inizzjali ta' Eur175 u multa ta' Eur150, u huma irrelative għall-fini tal-valur tas-suq tal-fond. In oltre', il-valur tal-fond in kwistjoni huwa naxxenti mill-potenzjal tas-sit għal zvilupp ferm akbar mid-dar prezentement mibnija kif ahjar deskrift hawn taht, liema zvilupp ikun jirrikjedi id-demolizzjoni tad-dar, skavar, u bini ta' zvilupp għid, liema zvilupp xorta wahda jkun jirrikjedi permess għid mill-Awtorita ta' l-Ippjanar.</i>
Varjazzjonijiet permess tal-bini	mill-	M/A
Regolamenti Sanitarji	Btiehi Interni Gardina ta' wara Gardina Laterali Għaldaqstant konformi ma' Avviz Legali 227/2016.	1.83m x 3.05m Fond medjan ta' circa 10.6m 6.3m wiesa' x 16.53m fond
Varjazzjonijiet li jistgħu jkunu ssanati?	M/A	
Provizjonijiet tal-pjan lokali rilevanti għall-fond		Skond il-Mappa ATM3 tal-Pjan Lokali ghac-Centru ta' Malta, fuq il-fond jiġi jsir zvilupp konsistenti f'Erba sulari shah u sular irritrat 'i fuq mill-livell tat-triq u sular jew aktar ta' parkegg 'i isfel mill-livell tat-triq.

Karatteristici Esterri

Spezzjoni vizuali tal-kondizzjoni generali minn barra tal-fond sar mill-livell t'isfel biss. Il-pedamenti ma nfethux biex jigu spezzjonati. Id-dranagg ma giex spezzjonat.

Hitan	
Kundizzjoni tal-hitan	Tajba.
Moviment strutturali	Evidenza ta' moviment mhux osservata.
Qatran	F'postu u effettiv b'xi problem ta' dhul ta' ilma osservati fil-garaxx that il-livell tat-triq.
Biebien u twieqi	Aperturi ta' l-aluminju fi stat accettabli.
Zebgha ta' barra	Fi stat accettabbli.

Karatteristici interni

Spezzjoni vizuali tal-kondizzjoni generali minn barra tal-fond sar mill-livell t'isfel. Il-partijiet taht tapiti "fitted" u "linoleum" ma gewx spezzjonati.

Il-post huwa fi stat tajjeb u abitabbi. Il-finituri (zebgha tal-hitan, kmamar tal-banju, madum ta' l-art ecc) kif ukoll il-kontenut mobbli, ghalkemm fi stat li jippermetti l-użu għal fini ta' abitazzjoni huma qodma u għaldaqstant ta' valur minimu.

Karatteristici strutturali

Partijiet accessibili biss gew spezzjonati. Ma saru l-ebda testijiet. Difetti strutturali li setghu jigu osservati bi spezzjoni vizwali semplici minghajr strumenti gew identifikati, u gie ndikat jekk difetti bhal dawn humiex normali għal fond ta' dan it-tip u eta'. Kummenti jindikaw jekk testijiet minn specjalisti u konsulenti humiex mehtiega.

		Bzonn ta' testijiet dettaljati
Pedamenti	Evidenza ta' caqliq mhux osservata	IV/A/LE
Hitan	Fi stat strutturali tajjeb	IV/A/LE
Soqfa	Fi stat strutturali tajjeb	IV/A/LE
Strutture ancillari	M/A	YES/NO

Rimarki ulterjuri rilevanti ghall-fini tar-rapport

Il-fatt illi l-permess tal-bini ma nstabx huwa irrilevanti għad-determinazzjoni tal-valur tas-suq tal-fond ghaliex il-binja hija konformi mar-regolamenti kolla applikabbli, kemm dawk ta' l-Ippjanar kif ukoll dawk Sanitarji, u inoltre', il-valur tas-suq huwa konsegwenza diretta ta' l-Izvilupp permissibbli kif imfisser fis-sezzjoni titolata 'Urbanistika - Provizjonijiet tal-pjan lokali rilevanti ghall-fond' aktar 'l fuq f'dan l-istess rapport.

VALUR TAS-SUQ TAL-FOND

“Il-valur tas-suq” hu definit hawn that, skond l-Artiklu 49(2) tad-Direttiva tal-Kunsill Ewropew:

Il-valur tas-suq tfisser il-prezz li art u bini jistghu jinbighu that kuntratt privat bejn bejjiegh u xernej fid-data ta’ l-istima tal-valur. Huwa presunt li l-fond hu espost publikament fis-suq, li l-kondizzjonijiet tas-suq jippermettu bejgh minghajr xkiel jew kundizzjonijiet specjali, u hemm zmien bizzejjed skond it-tip ta’ fond, biex isir il-bejgh.

Il-valur tal-fond huwa dak tal-gurnata tal-ispezzjoni. Il-valur jiehu kunsiderazzjoni tal-kondizzjoni tal-fond kif indikat fir-rapport tal-Perit. Ghamara u oggetti mobbli ohra mhumix inkluzi fil-valur. Ghall-finna ta’ l-istima tal-valur tal-fond, l-effett fuq il-valur ta’ l-uzu prezenti jew potenzjali ta’ binjet fl-akkwati tal-fond ma ttehidx in konsiderazzjoni. It-titlu tal-fond ma giex ivverifikat mill-Perit.

Skond l-assunzjonijiet hawn fuq deskritti, u t-tagħrif li nghata lilu mill-onorevoli Qorti, l-avukat tar-rikorrenti u l-intimat fid-data ta’ l-access, l-awtur jistma il-valur tas-suq tal-fond in kwistjoni inkluz l-arja ta’ dan l-istess fond, izda eskluz il-kontenut mobbli bhal għamara, kcina ecc. bhala €855,000 (Ewro Tmien mijha u hamša u hamxin elf).

Data tar-rapport	Ditta	Perit
06/07/18	 anthony robinson BE & A (Hons) A & CE perit architect and civil engineer tel 21472010 mob 79705603 e-mail peritrobinson@gmail.com 80, st mary str, naxxar, nr 1405 malta	

Dokumenti annessi:

- Site plan tar-Registru ta’ l-artijiet (mehemuza mar-rapport precedenti).
- Ricevuta ghax-xiri tas-site plan minn Identity Malta (mehemuza mar-rapport precedenti).
- Formola minn Skeda 8 ta’ l-Avviz Legali 36/17 (mehemuza mar-rapport precedenti).
- Hdax ‘l ritratt tal-fond.
- Pjanta ta’ qies A2 li turi is-sulari kolla tal-fond.
- Permess tal-bini ref. PB 2434/85 u l-pjanta ta’ qies A2 extended approvata ma’ l-istess permess.
- Permess tal-bini ref. PB 2032/91 u l-pjanta ta’ qies A2 approvata ma’ l-istess permess.



Ritratt 01 – Faccata



Ritratt 02 – L-ewwel sular (first floor)

A handwritten signature in blue ink, appearing to read "Anthony Robinson".



Ritratt 03 – L-ewwel sular (first floor) – Kamra tas-sodda principali



Ritratt 04 – L-ewwel sular (first floor) – Kamra tal-banju



Ritratt 05 – Tarag mill-intrata ghall-ewwel sular

anthony robinson be&a (hons), a & ce □ perit □ architect and civil engineer
nº 80, Triq Santa Marija, Naxxar
mobile: 79705603 • Tel: 21472010
e-mail: peritrobinson@gmail.com



Ritratt 06 – Kamra tal-hasil (bejt)

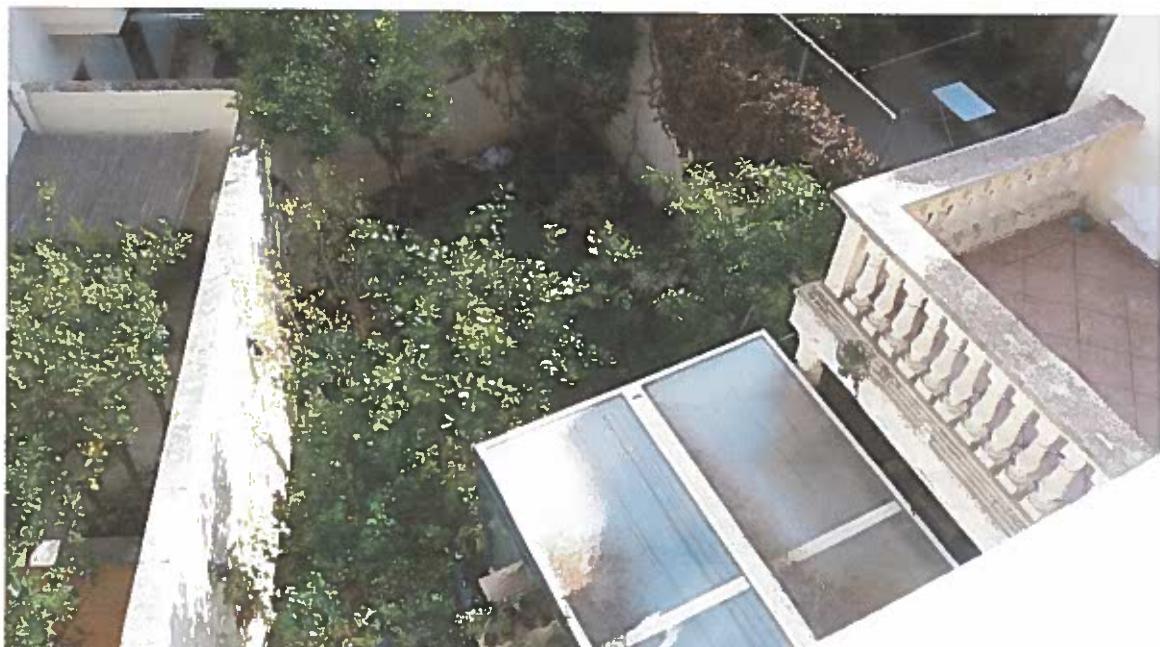


Ritratt 07 – Kcina (elevated ground floor)

A handwritten signature in blue ink, appearing to read "Anthony Robinson".



Ritratt 08 – Kamra tal-pranzu u salott (levated ground floor)



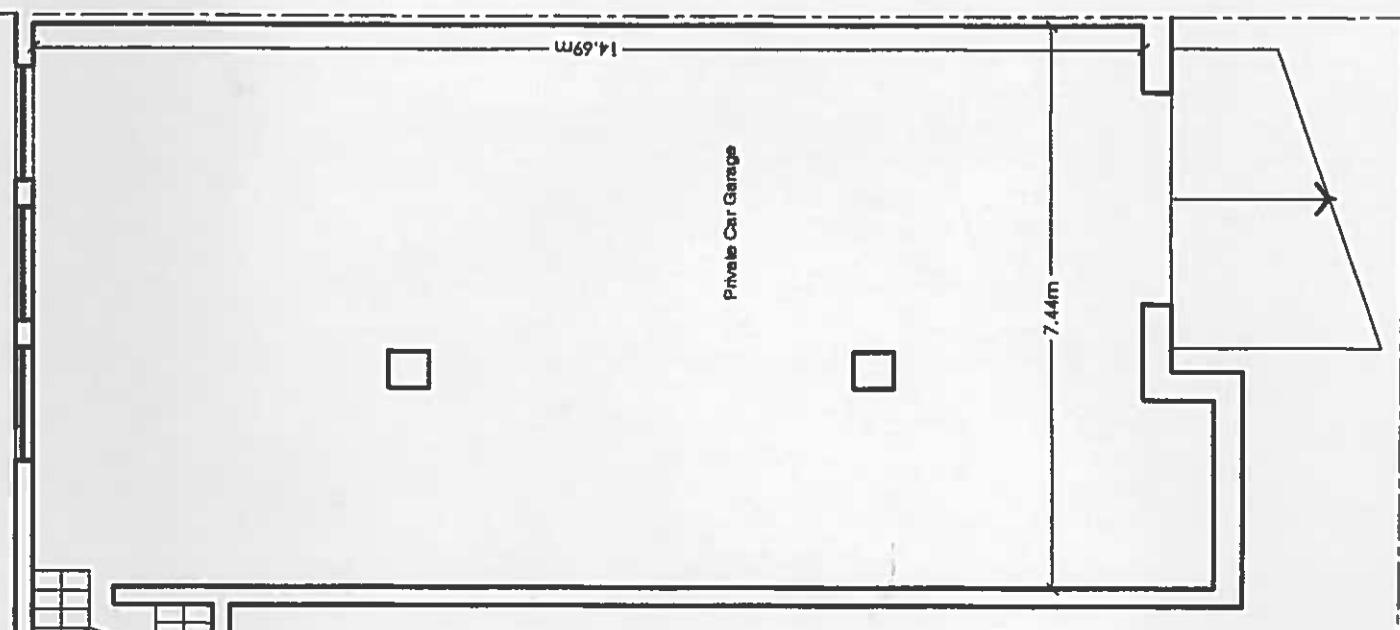
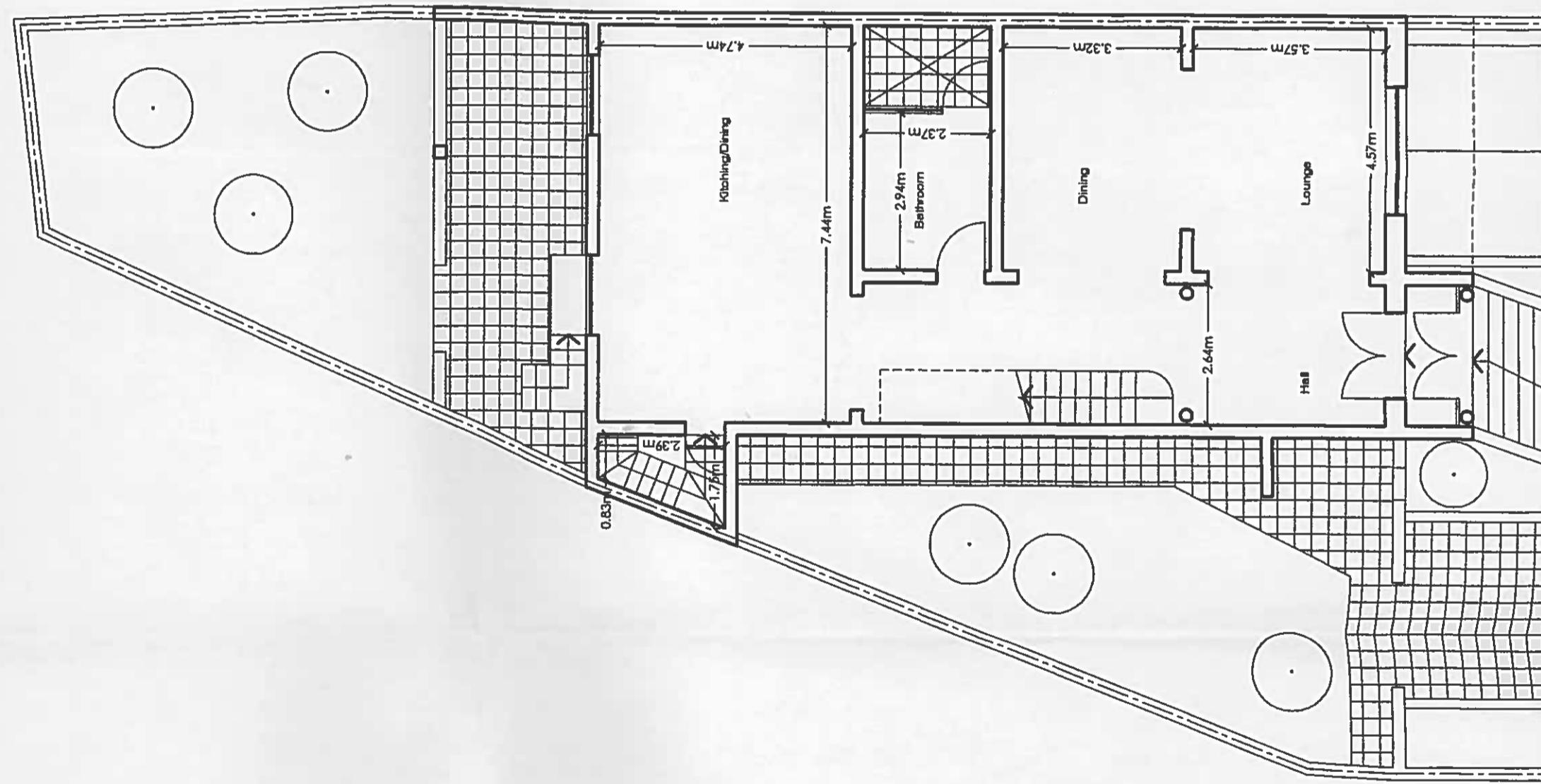
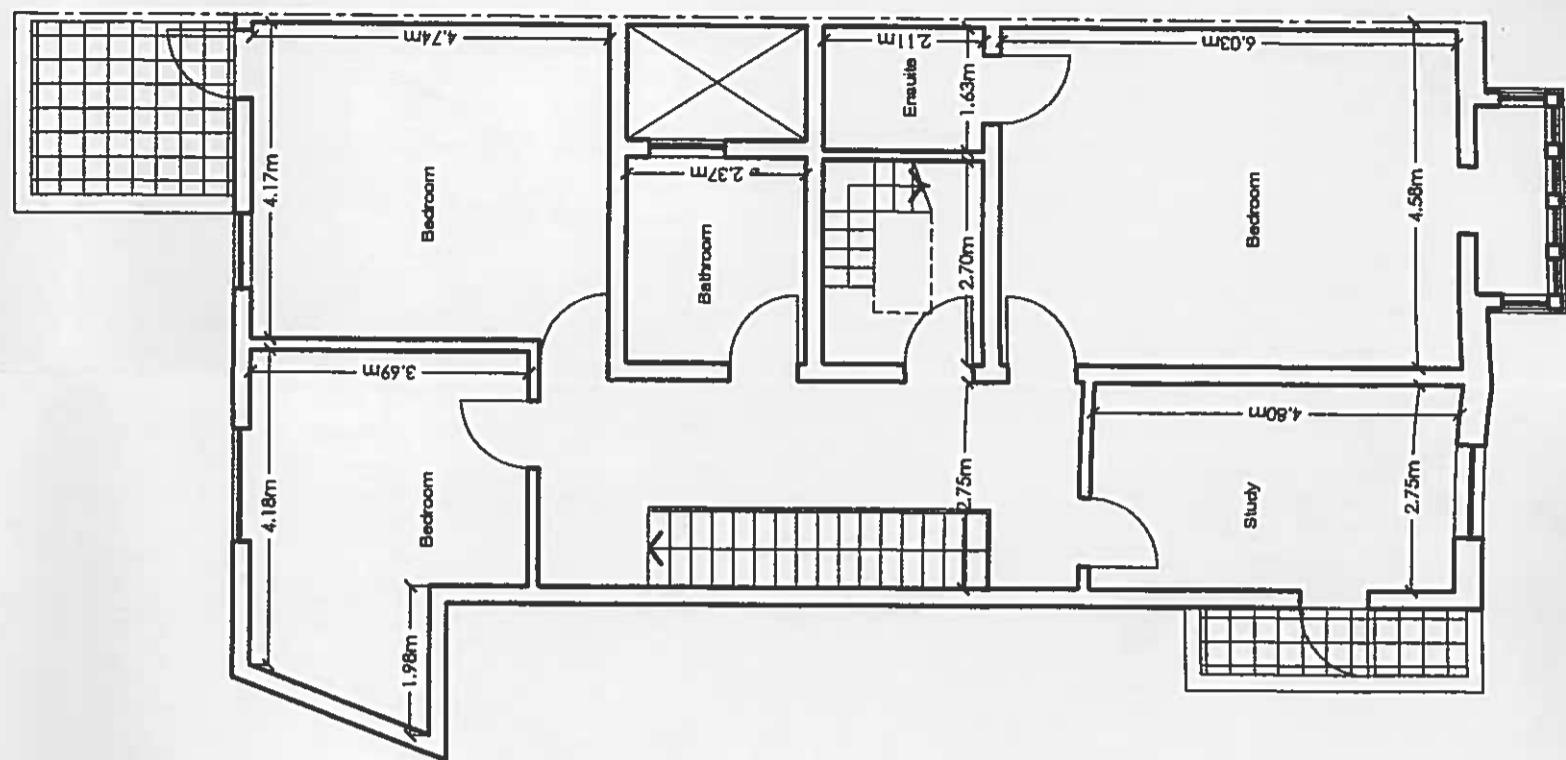
Ritratt 09 – Gardina ta' wara (levated ground floor)

A handwritten signature in blue ink, likely belonging to Anthony Robinson, positioned next to his contact information.



Ritratt 10 – Gardina laterali

anthony robinson b.e & a (hons), a & ce □ perit □ architect and civil engineer
nº 80, Triq Santa Marija, Naxxar
mobile: 79705603 • Tel: 21472010
e-mail: peritrobinson@gmail.com



COPY

Permit No.:

PB 3290/5/2434/85



WORKS DEPARTMENT
BUILDING PERMITS SECTION
BELTISSEBH

27 SEP 1985

BUILDING PERMIT

13

Permit is hereby granted to

Ms Mary Demicoli
60 Pope Urbanus Str
B'Kara.

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

24.5.85

at New Site Misrah Kola Attard.

under the conditions specified hereunder:

to erect dwelling with basement/attic for private use, subject to conditions on form T to submit per plans and enlarged drawings of balcony submitted and approved.

- (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.

sms.

cc. Architect

M J Cassar
SECRETARY IN CHARGE
BUILDING PERMITS

COPY

Permit No.:
PB 1186/92/2032/91



WORKS DEPARTMENT
BUILDING PERMITS SECTION
BELTISSEBH

8

BUILDING PERMIT

-6 APR 1992

Permit is hereby granted to

Mr Frank Vassallo
Lycidas, Triq Dun Mikiel Xerri
Attard

by the

- (a) Planning Area Permits Board in terms of the Planning Area Regulations, 1962; and the Building Permits (Temporary Provisions) Act 1988.
- (b) Aesthetics Board in terms of Section 5 of the Aesthetics Building Ordinance(Chapter 135);
- (c) Sanitary Authorities in terms of Section 95 - 134 of the Code of Police Laws (Chapter 10);

to carry out the works described in his/her application of the 6.6.91

Attard
at

under the conditions specified hereunder:

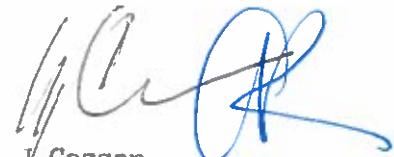
to carry ou alterations and additions as per plans/elevations (PAPB 2032/91/1A)
submitted with application dated 6.6.91 and amended subject to the General
Conditions (A) on form DC1/88. Balconies should not be in gold, silver
or bronze aluminium.

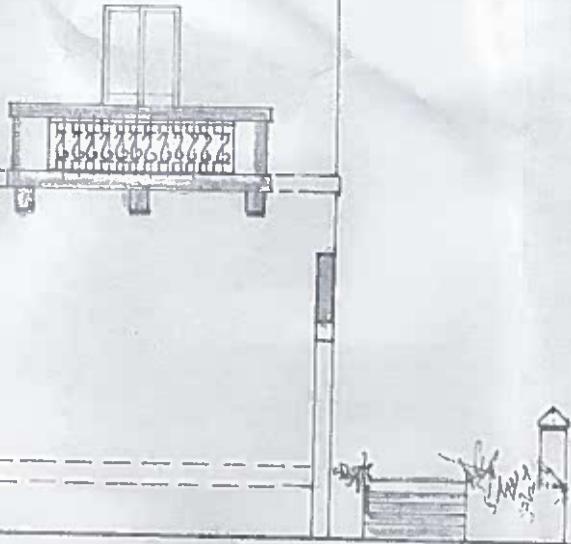
- (1) The PAPB permit is valid for two calendar years from date of issue and may be withdrawn at any time during its validity period without any compensation from Government being granted.
- (2) This permit is granted saving any third party civil rights.
- (3) This permit does not dispense the grantee 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.

cm

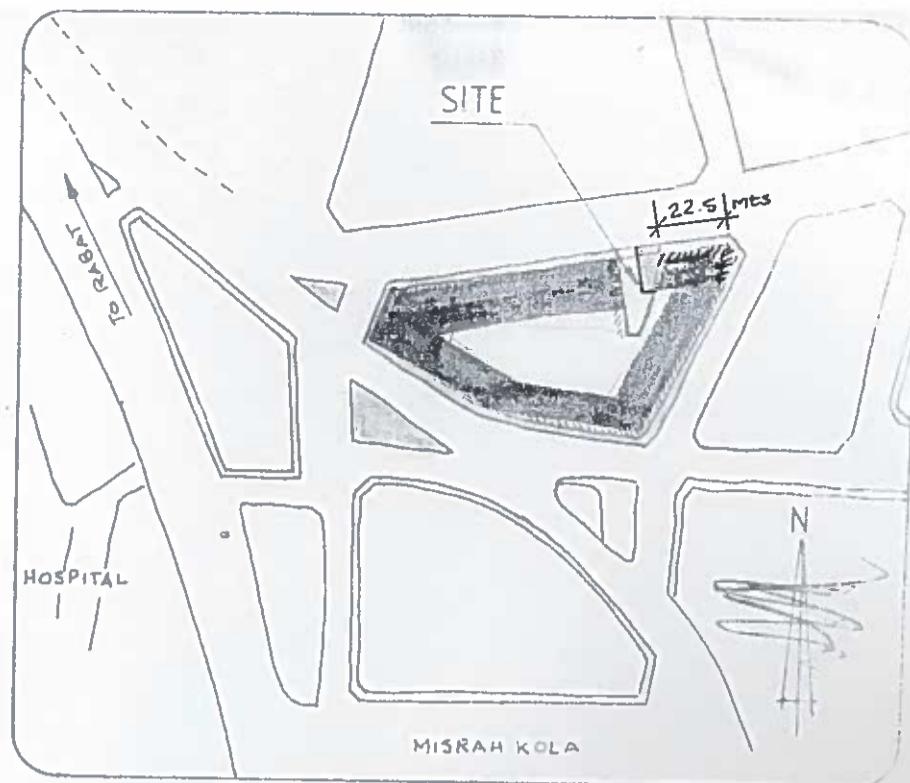
cc. Architect

A J Cassar
SECRETARY PAPB





SIDE ELEVATION

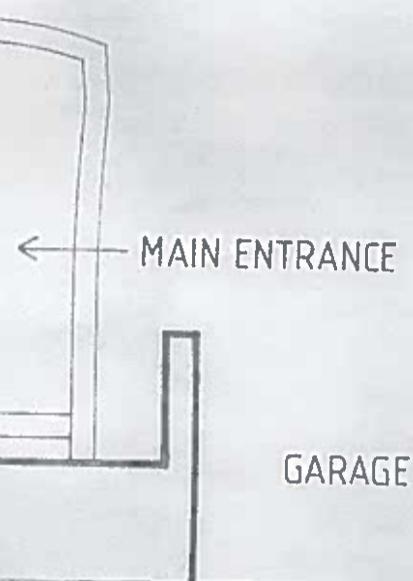


LOCALITY

ATTARD

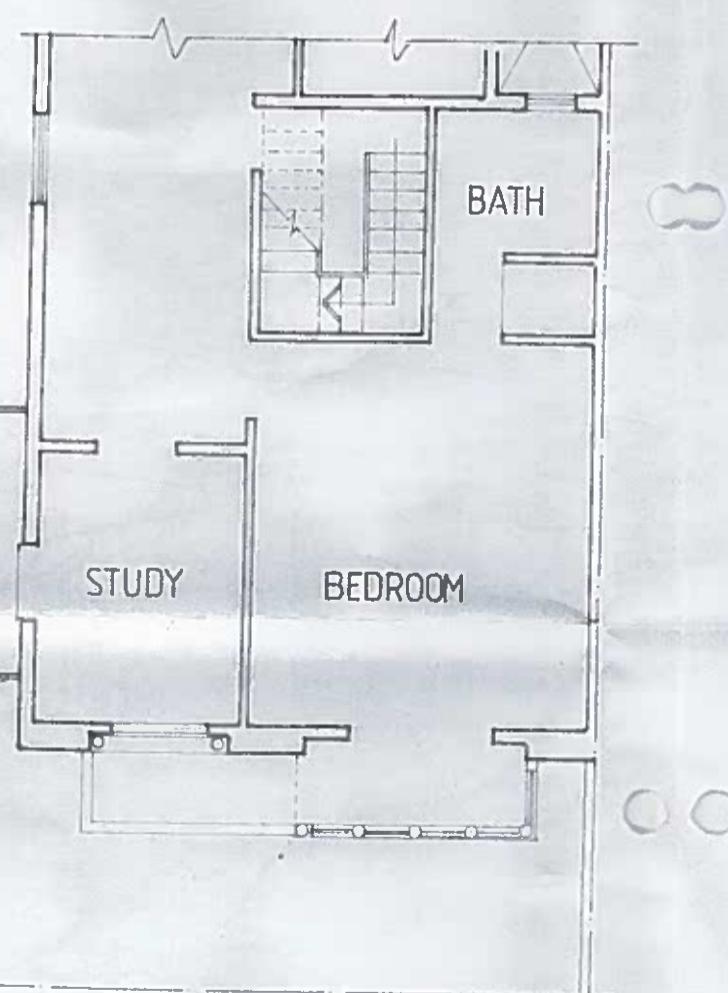
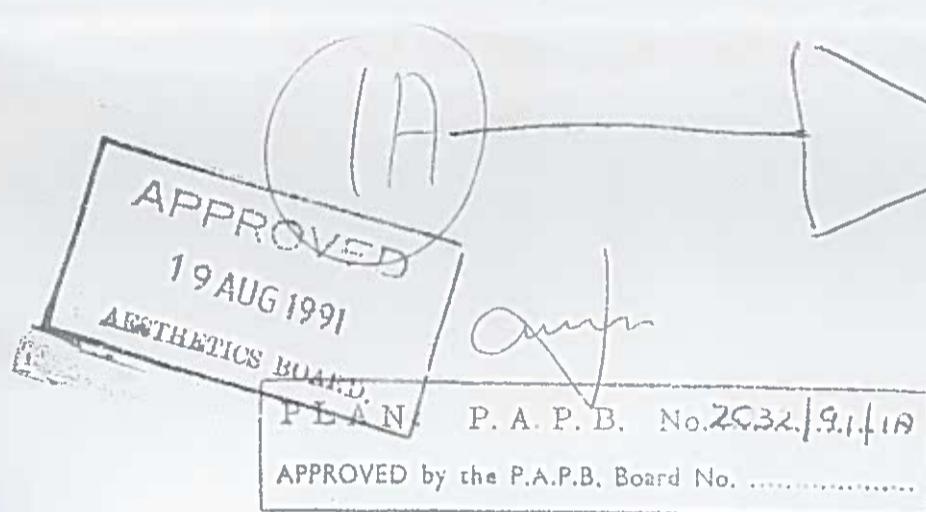
SCALE 1:2500

S.S.No. 4871



MAIN ENTRANCE

GARAGE



FIRST FLOOR
PART PLAN

A. ZAMMIT A. & C.E.
Chairman PAPB



A. Mangion A.C.E.
A. J. MANGION

ARCHITECT AND CIVIL ENGINEER
37, CHURCH STREET SLEIMA
193, ST.MARY STREET ZEJTUN

TEL: 311057
TEL: 803086

PROJECT

PROPOSED GARDEN
AT ATTARD

DRAWN
MR.

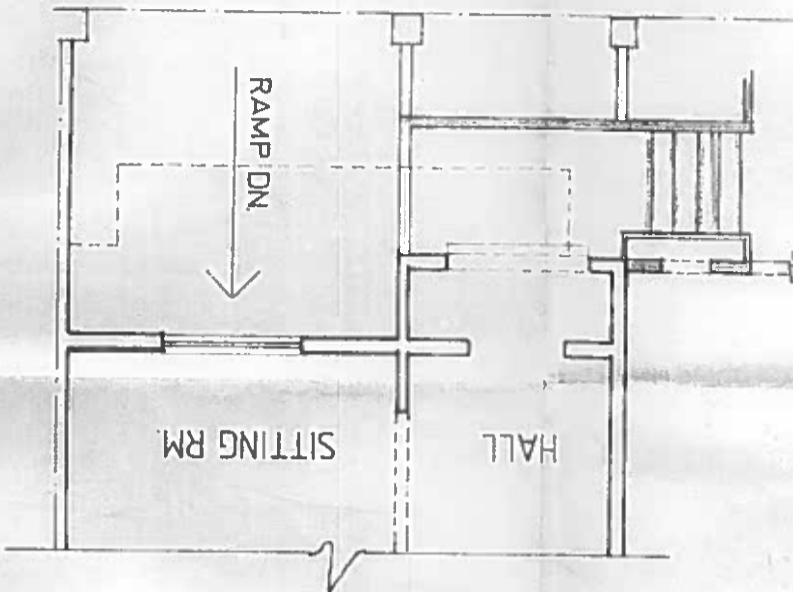
SCALE
1:100/1:50

DATE
29.4.91

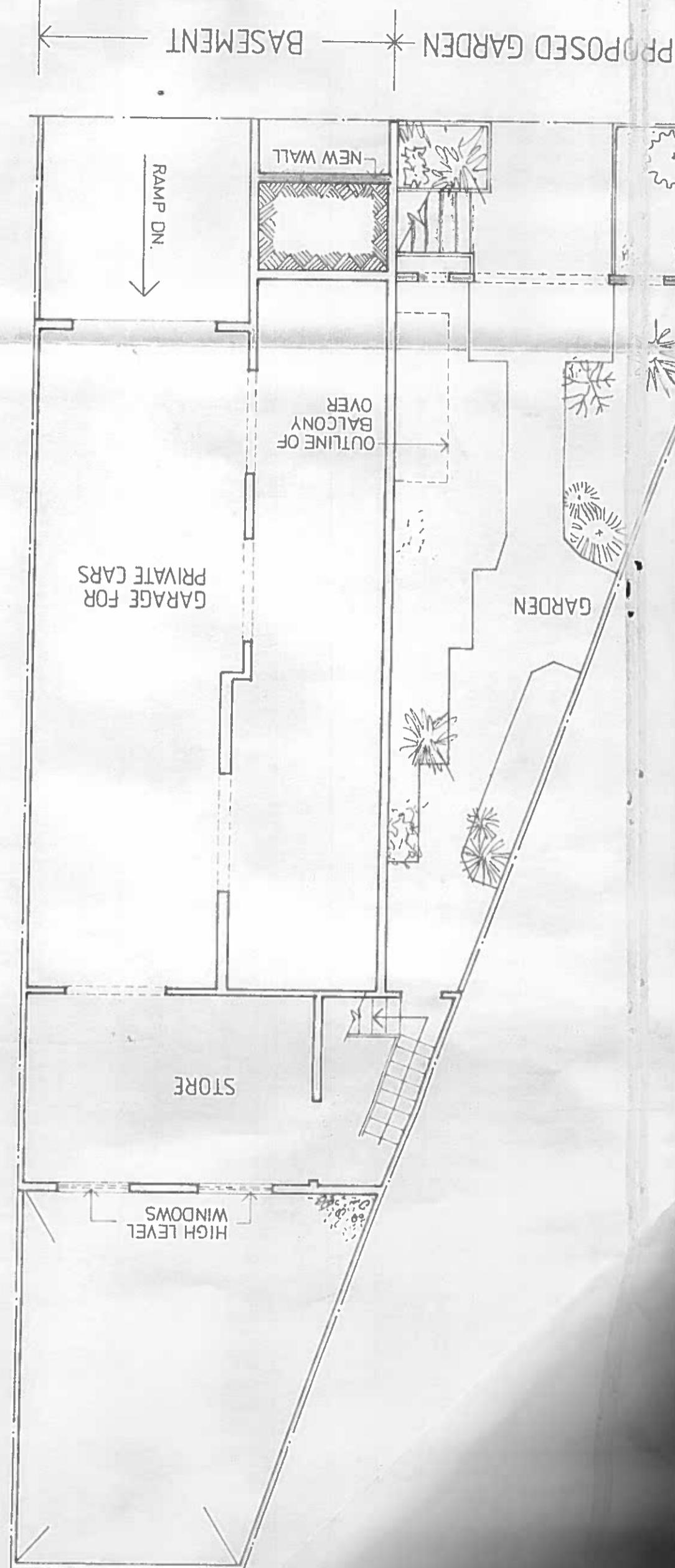
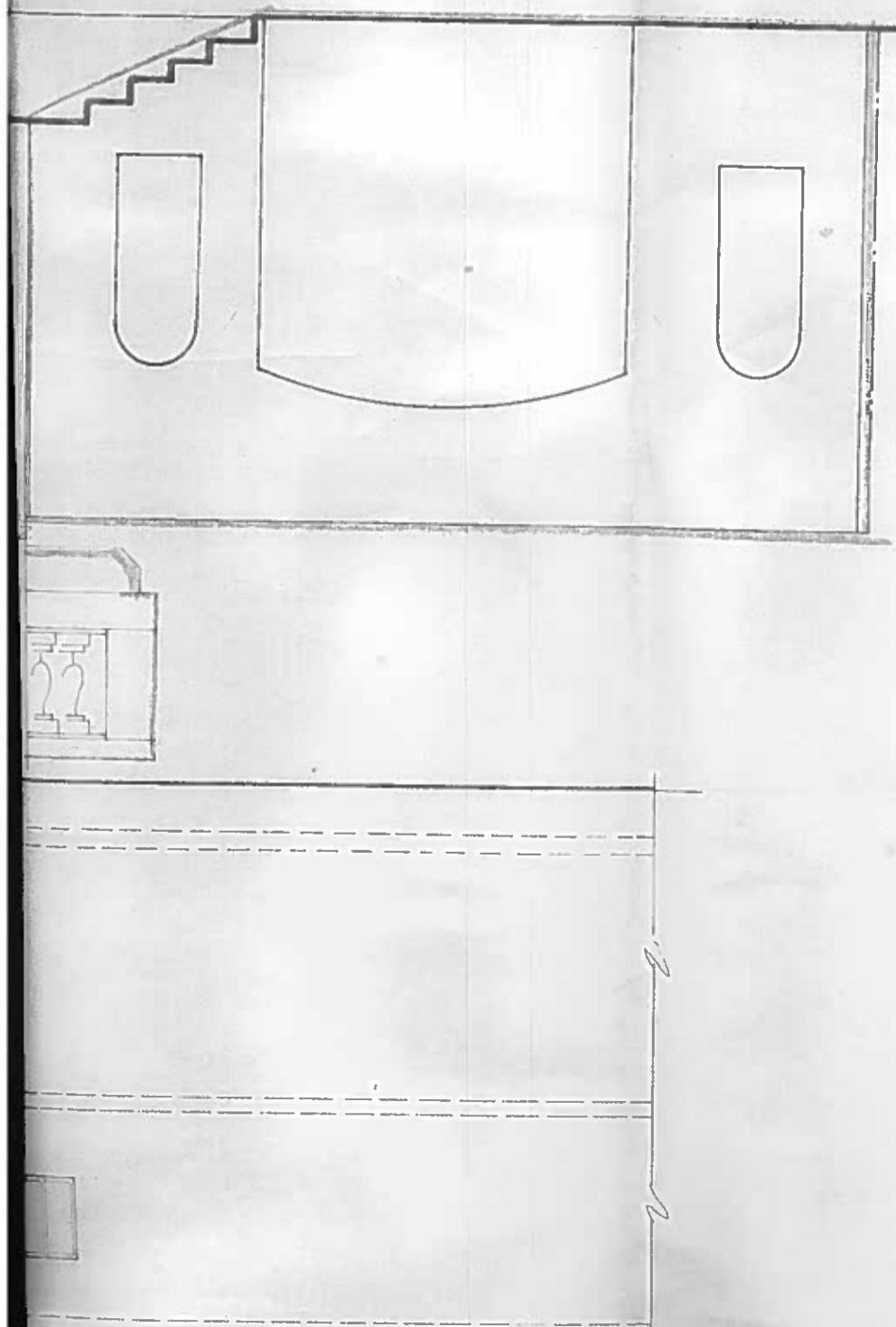
DRWG. No.
2-455/84

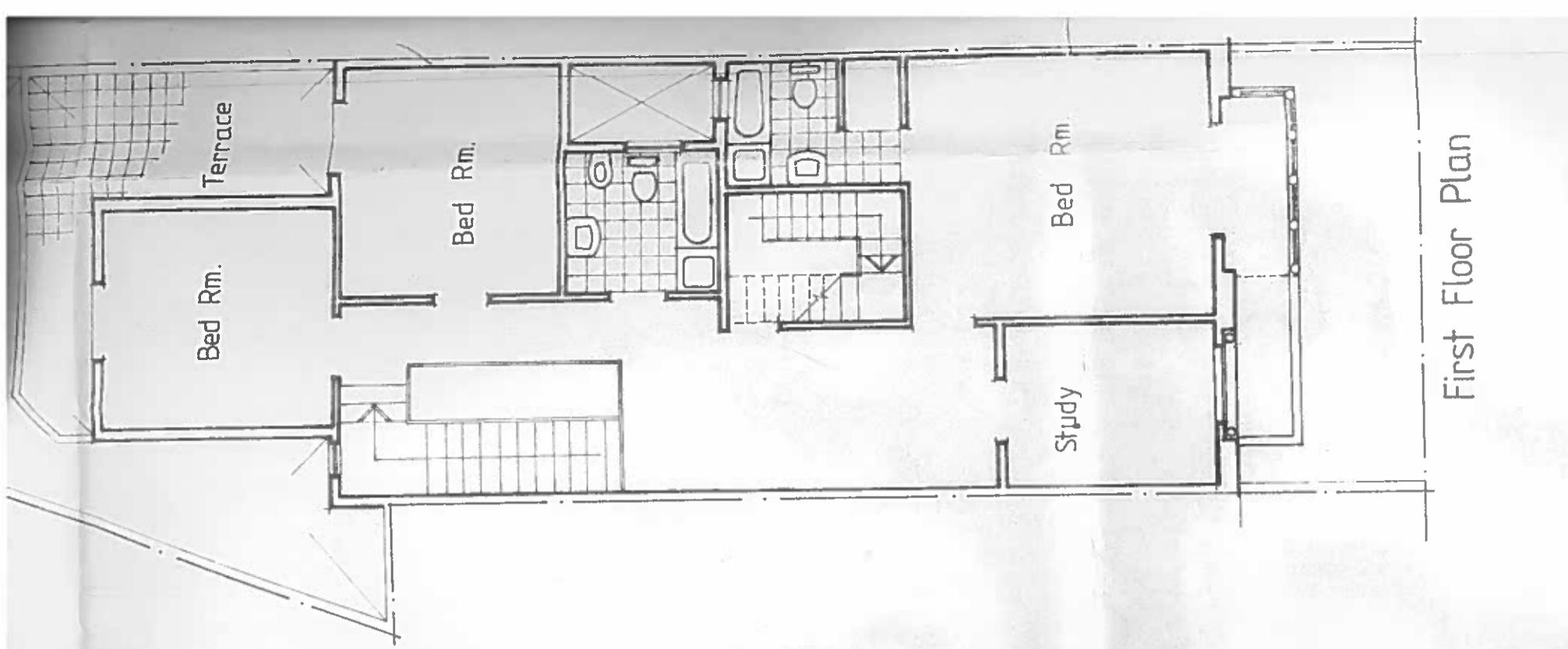
AM

PART PLAN
GROUND FLOOR

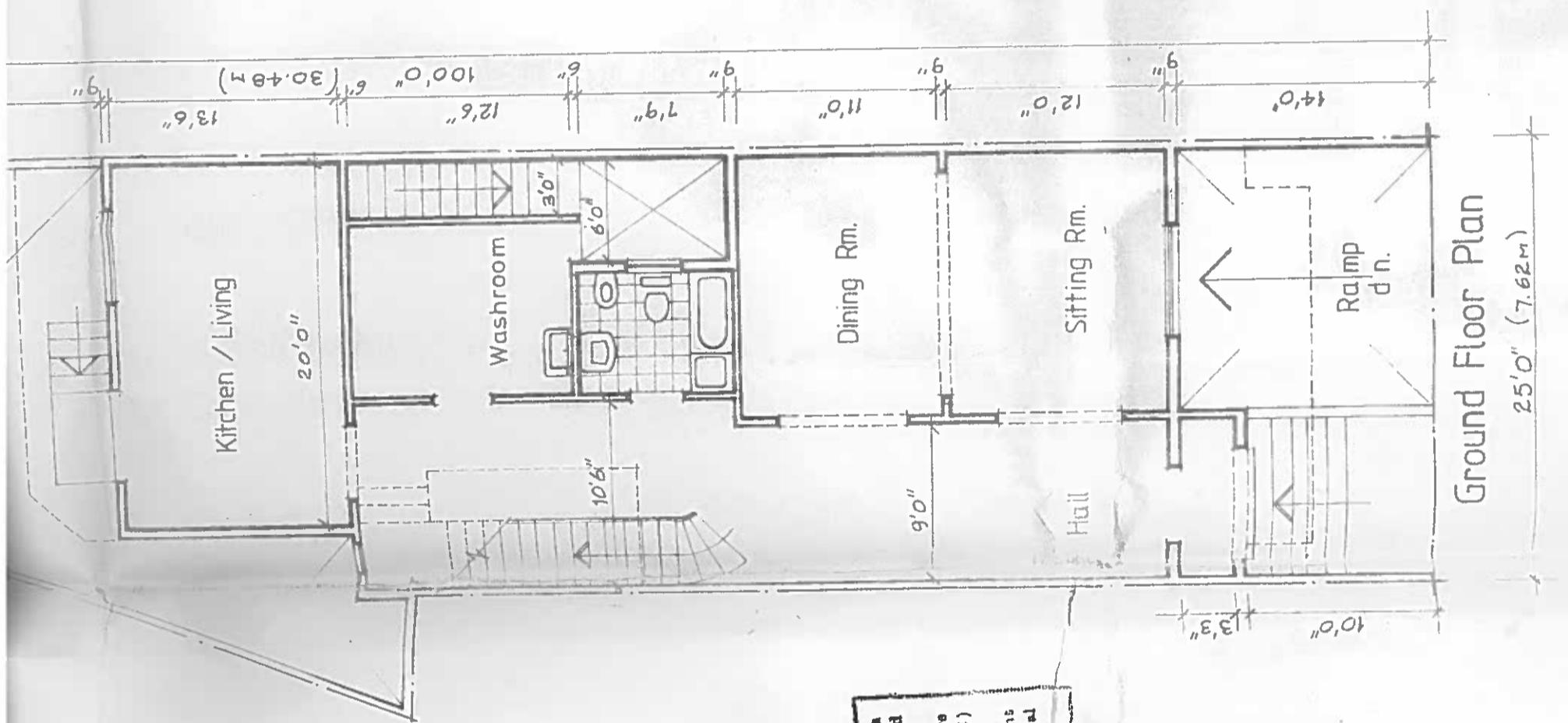


ENTRANCE TO PROPOSED GARDEN

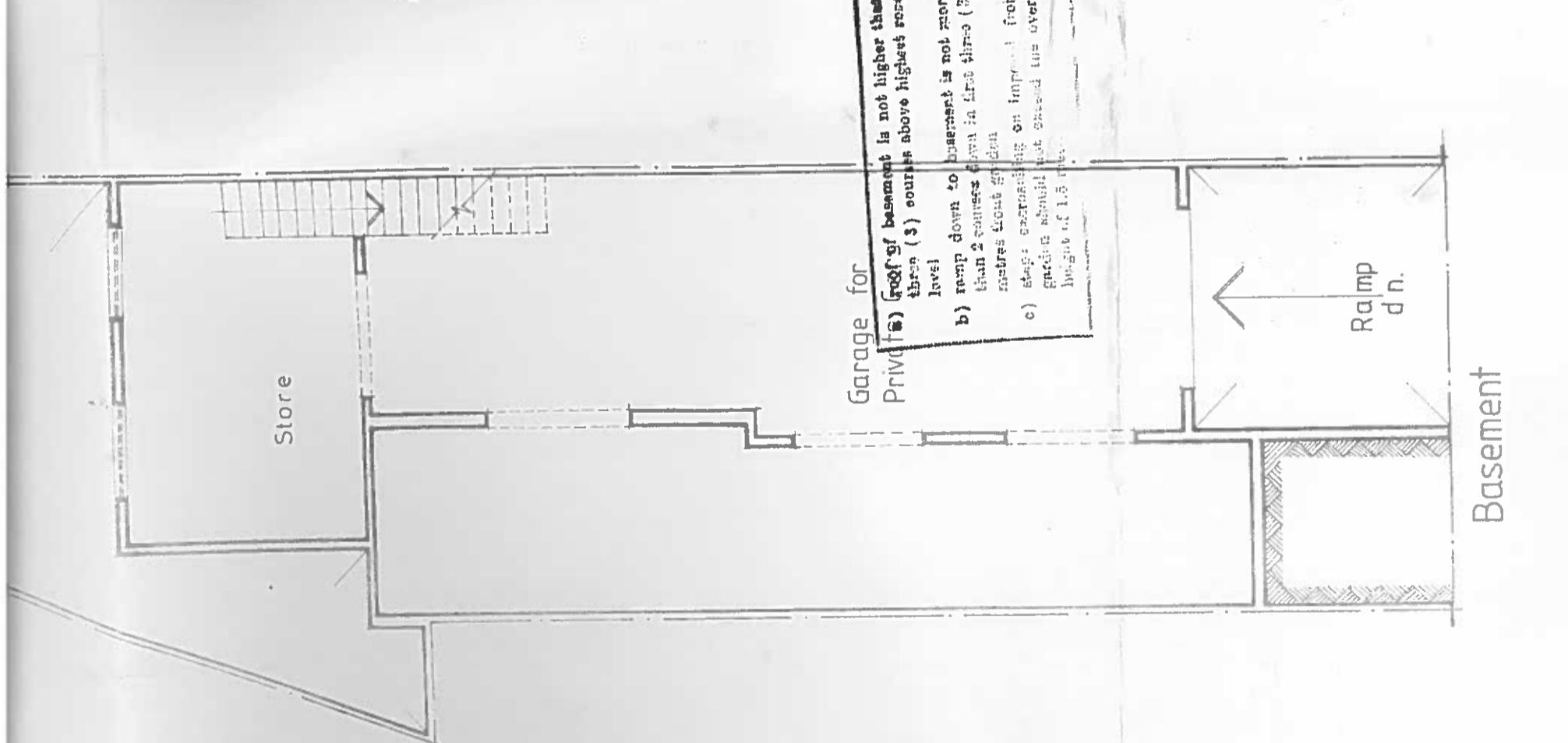




First Floor Plan



Ground Floor Plan



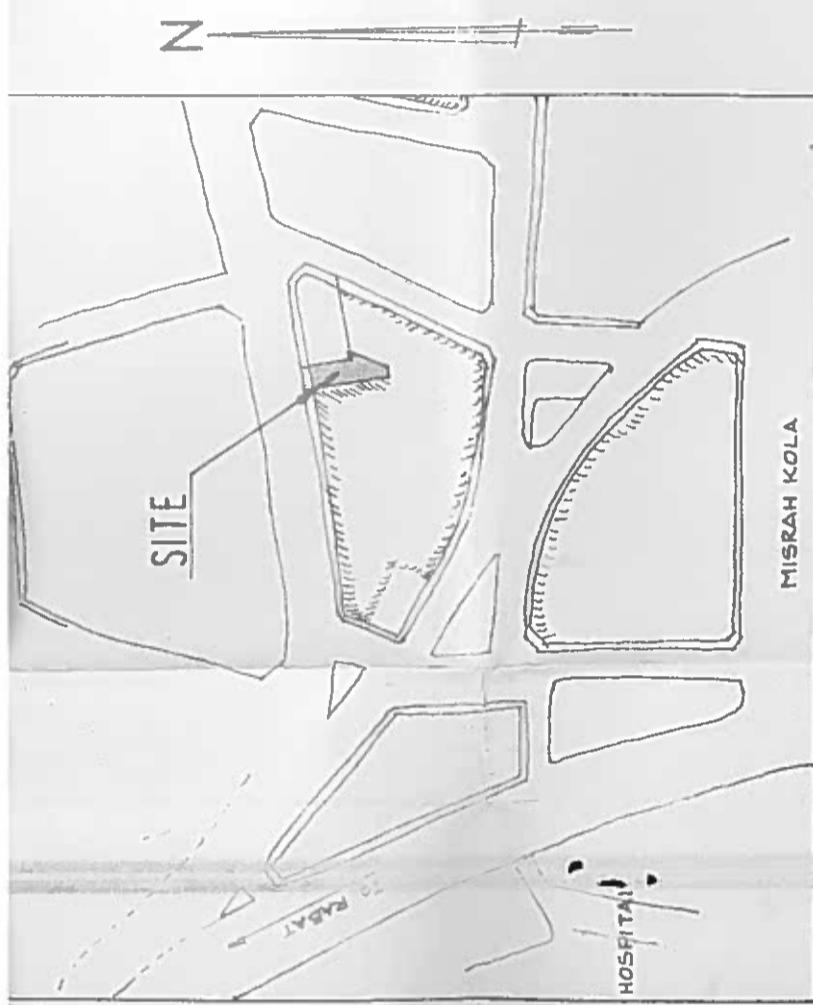
Basement

Garage for Private Use

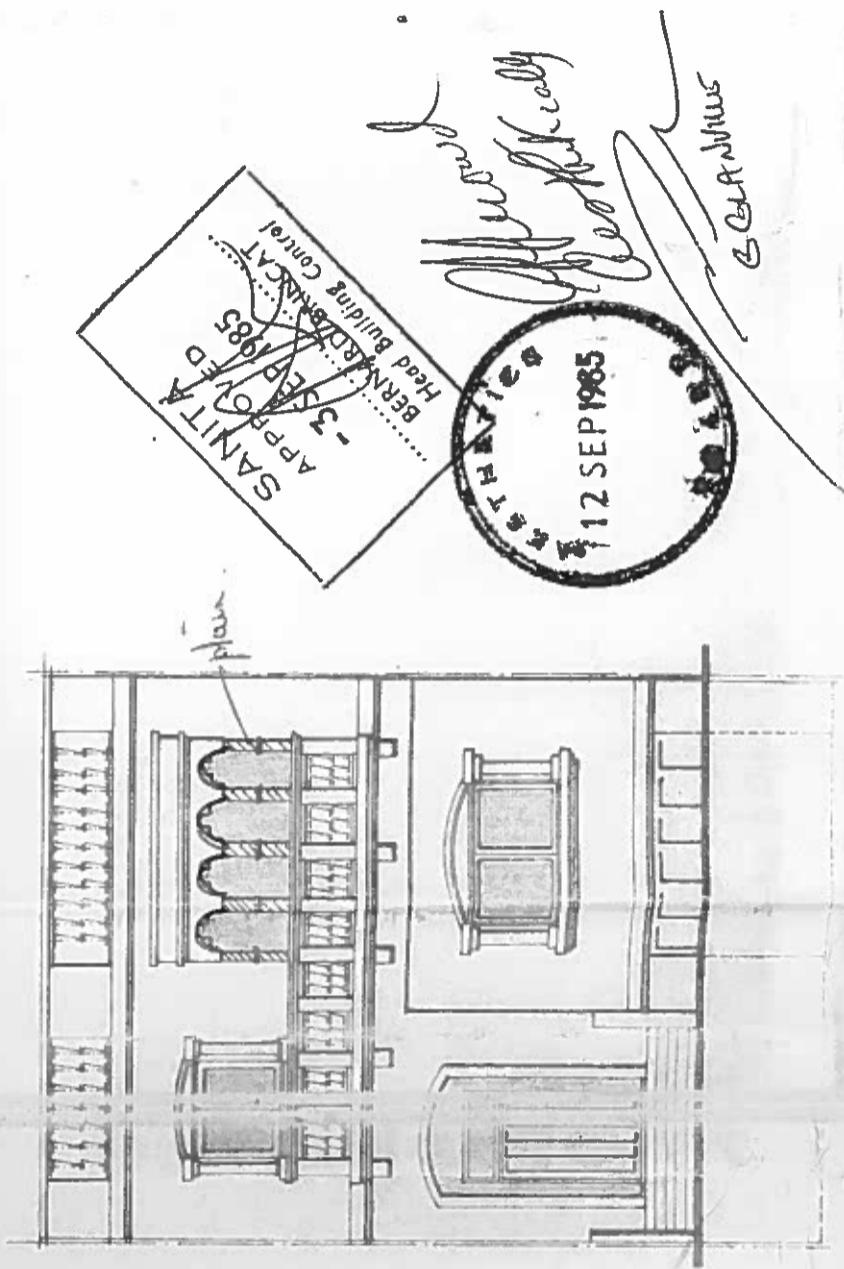
(Roof of basement is not higher than three (3) courses above highest road level)

b) ramp down to basement is not more than 2 courses down in first three (3) steps. Located gradient front

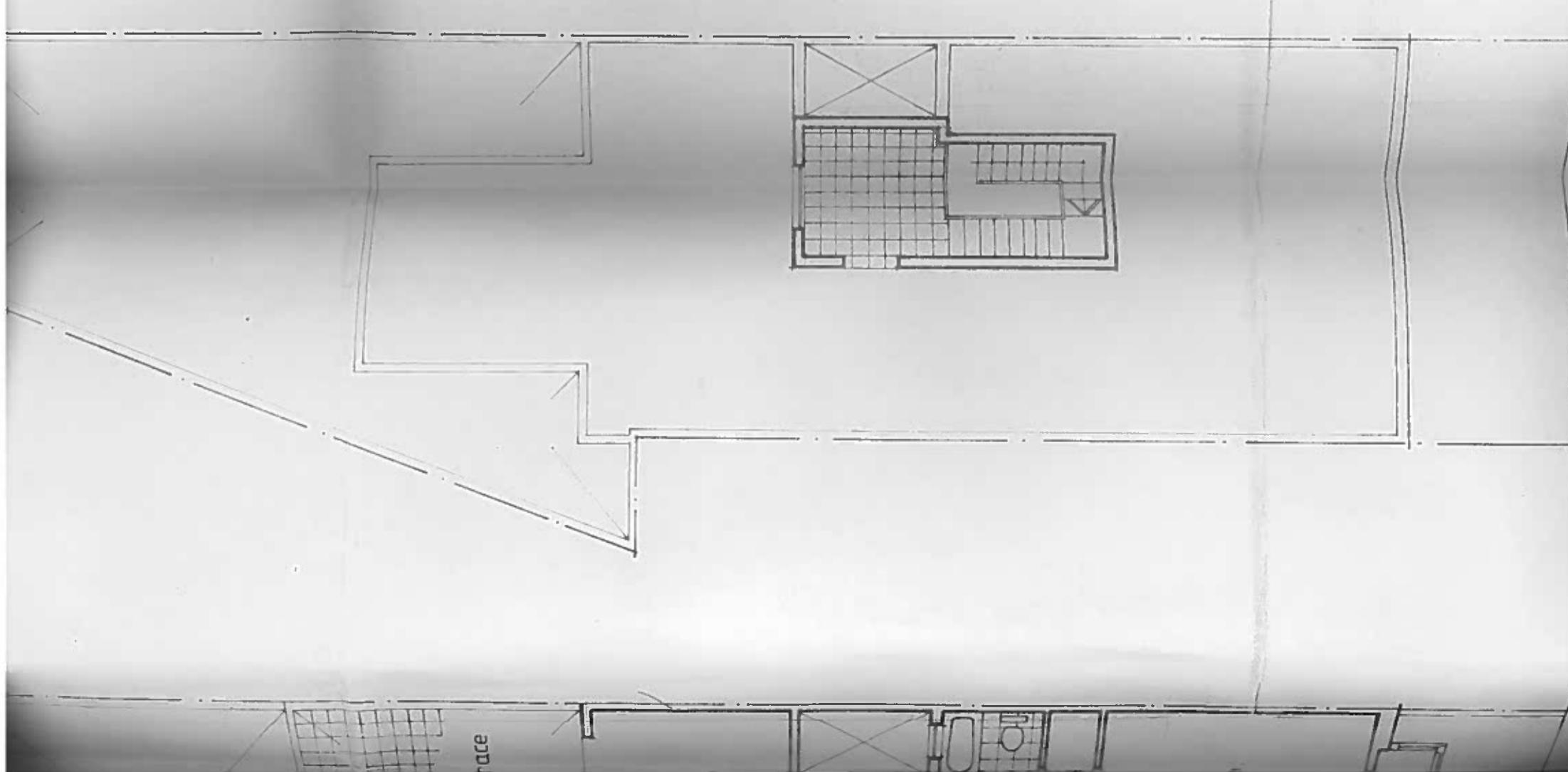
c) steps crossing on ramp front gradient not exceed two (2) steps height of 1.5 m.



SS.4871
Sectle 1/2500
Si : Plan - Attard



Elevation



DRW.G.N.º SCALE 1/100

J. M. Mifsud Ace.



PLANNING AUTHORITY

St Francis Ravelin, Floriana, FRN 1230, Malta
www.pa.org.mt

Tel: (+356) 2290 0000 customercare@pa.org.mt
VAT No: MT 1281-6708 Exemption No: EXO 1188

Cash Sale

Name: Perit Anthony Robinson

Cash Sale Number: 249389-5561-8

Address:

Date: 19 June 2018

VAT No.:

Item Description	Qty	Unit Price (excl VAT)	Net Amount (excl VAT)	VAT Amount	VAT Rate %
Copy of plans PA 4382/04	1	€11.65	€11.65	€0.00	0

Payment Details:

BOV Debit / Credit Card

Cash Sale Status:

Settled

Total NET:	€11.65
Total VAT:	€0.00
Total:	€11.65

Lara Borg

Drawn up by

Lara Borg

Receipt is not valid if payment is dishonoured.



PLANNING AUTHORITY

St Francis Ravelin, Floriana, FRN 1230, Malta
www.pa.org.mt

Tel: (+356) 2290 0000 customercare@pa.org.mt
VAT No: MT 1281-6708 Exemption No: EXO 1188

Cash Sale

Name: Perit Anthony Robinson
Address:

Cash Sale Number: 249391-5359-4
Date: 19 June 2018

VAT No.:

Item Description	Qty	Unit Price (excl VAT)	Net Amount (excl VAT)	VAT Amount	VAT Rate %
Pre-1993 Search, Copy of plans & permit PB 2434/85	1	€27.95	€27.95	€0.00	0

Payment Details:

BOV Debit / Credit Card

Cash Sale Status:

Settled

Total NET: €27.95
Total VAT: €0.00
Total: €27.95

Larah Borg

Drawn up by

Larah Borg

Receipt is not valid if payment is dishonoured.

LB



PLANNING AUTHORITY

St Francis Ravelin, Floriana, FRN 1230, Malta
www.pa.org.mt

Tel: (+356) 2290 0000 customercare@pa.org.mt
VAT No: MT 1281-6708 Exemption No: EXO 1188

Cash Sale

Name: Perit Robinson

Cash Sale Number: 248725-4065-4

Address:

Date: 13 June 2018

VAT No.:

Item Description	Qty	Unit Price (excl VAT)	Net Amount (excl VAT)	VAT Amount	VAT Rate %
Pre-1993 Search, Copy of plans & permit PB 2032/91	1	€27.95	€27.95	€0.00	0

Payment Details:

HSBC Debit / Credit Card

Cash Sale Status:

Settled

Total NET:	€27.95
Total VAT:	€0.00
Total:	€27.95

Drawn up by

Connie Genuis

Receipt is not valid if payment is dishonoured.