**Fil-Qorti tal-Magistrati (Ghawdex)**
**Gurisdizzjoni Superjuri**
**Sezzjoni Generali**

Fl-atti tas-Subbasta Numru 16/2016 (JVC) fl-ismijiet:

**VICTOR XERRI (I.D. NO. 27165(G)) U HELEN XERRI (I.D. NO. 29167(G))**

**VS**

**DR. EDRIC BONELLO (I.D. NO. 271799(M)) U ANNE BONELLO (I.D. NO. 316068(M))**

**Relazzjoni tal-Perit Legali, Dottor Joshua Grech, ta' 94, Triq San Girgor, Kercem, Ghawdex, detentur tal-Karta ta' l-Identita' Numru 42784(G)**
Jesponi bir-rispett:

**A. <u>Preliminari</u>**

Illi permezz ta' Rikors tat-18 ta' Mejju, 2016, ir-rikorrenti Victor u Helen Xerri, ta' 'Vichel', Triq Santa Verna, Xaghra, Ghawdex, detenturi tal-Karta ta' l-Identita' Numri 27165(G) u 29167(G) rispettivament fl-atti tas-Subbasta Numru 16/2016 fl-ismijiet Victor Xerri et vs Dr. Edric Bonello et, ir-rikorrenti ppremettew:

Illi permezz tas-sentenza moghtija minn din l-Onorabbli Qorti fit-tnejn u ghoxrin (22) ta' Jannar, elfejn u erbatax (2014) fl-istess ismijiet fuq citati gie deciz illi:

"Il-konvenuti debituri fil-konfront tal-atturi fis-somma ta' erbgha u tletin elf, hames mija u disgha u sebghin Euro (€34,579.00) konsistenti fis-somma mislufa ta' tlieta u tletin elf Euro (€33,000.00) u l-

imghaxijiet li akkumulaw fuqha skond il-ligi u tikkundanna l-istess konvenuti sabiex ihallsu lill-atturi l-ammont hawn fuq indikat bl-ispejjez inkluzi dawk tal-ittra ufficcjali mibghuta fi Frar tas-sena elfejn u tlettax (2013), tal-mandat ta' sekwestru pprezentat kontestwalment ma' din il-kawza."

Illi minkejja li ghaddiet aktar minn sena mid-data tas-sentenza, il-konvenuti baqghu inadempjenti fil-hlas u sal-lum thallsu biss is-somma ta' hdax-il elf Euro (€11,000.00) akkont;

Illi skond ricerki li saru hawn annessi u markati dokument 'X', il-konvenuti huma sidien ta' diversi propjetajiet illi se jigu elenkati hawn:

i. Appartament bla numru ufficcjali imma internament ghandu n-numru wiehed ittra C (1C) li jifforma parti minn blokk indikat bl-ittra 'C' jinsab fit-tieni sular (first floor level), formanti parti minn kumpless ta' bini li jinkorpora diversi blokkijiet ta' appartamenti u hwienet u garaxxijiet sottostanti, kollha adjacenti, konsistenti f'garaxxijiet fil-livell ta' 'basement', u hwienet sovrapposti fl-ewwel sular (groundfloor) u appartamenti sovrapposti bla numru u maghruf bhala 'Manor Court', liema appartament ghandu access komuni bla numru flimkien ma' tmien appartamenti (li flimkien jiffurmaw parti minn blokk wiehed mill-kumpless kollu fuq indikat), maghjruf bhala Blokk C, bla numru minn Triq it-Turisti, Qawra, limiti ta' San Pawl il-Bahar, liberu u frank, bid-drittijiet u l-pertinenzi kollha tieghu, inkluz l-uzu flimkien mal-propjetarji tal-appartamenti l-ohra li juzaw l-istess entratura, tal-istess bieb jew entratura, is-sala, l-indani, it-tarag, ix-xaft komuni jew il-btiehi, imma eskluz il-bejt, liema access huwa ristrett kif indikat fil-kuntratt fl-atti tan-Nutar Carmel Mangion tad-disgha (9) ta' Gunju, elf, disa' mija u disgha u disghin (1999) u s-servizzi komuni inkluz il-lift, id-drejnijiet u d-drenagg, dawl komuni u l-ispazji u servizzi l-ohra kollha intizi ghall-uzu komuni fl-istess Blokk C. Il-blokk ta' appartamenti fuq imsemmi Blokk C, f'Manor Court, li minnu l-appartament 1C huwa parti jmiss mit-tramuntana ma' Triq it-

Turisti, mil-lvant ma' Triq il-Maskri, mill-punent ma' propjeta' ta' Manor Investments Limited jew is-successuri fit-titolu taghha, mentri l-kumpless kollu maghruf bhala Manor Court imiss mit-tramuntana ma' Triq it-Turisti, mil-lvant ma' Triq Ghawdex u mill-punent ma' triq gdida li tizbokka fi Triq it-Turisti;

ii. Il-garaxx fil-livell ta' lower basement cioe' livell numru wiehed (1) internament numru erbgha u erbghin (44) formanti parti minn blokk ta' basement garages fuq zewg livelli, sottostanti propjeta' ta' Manor Investments Limited jew is-successuri taghha fit-titolu u formanti parti mill-kumpless ta' bini maghruf bhala 'Manor Court' kif deskritt dettaljatament f'paragrafu wiehed hawn fuq. Il-garaxx huwa liberu u frank u ghandu l-uzu perpetwu u ininterrott u access garanti mid-drive-in li tizbokka fi Triq il-Maskli u mbaghad fi Triq it-Turisti;

iii. Il-fond, dar bl-arja libera taghha bil-gardina retroposta bil-benefikati ta' go fiha u l-garaxx sottostanti posta fil-Kappara, limiti parrokkjali tal-Gzira, drabi ohra limiti ta' San Gwann, minghajr numru civiku jisimha 'Villa Sunrise', bin-numri mitejn, tmienja u tletin (238) u mitejn u erbghin (240), Triq Sliema, San Gwann, konfinanti kollox min-nofsinhar ma' Sliema Road u illi fuqha ghandha faccata, mill-punent ma' propjeta' ta' Carmelo Borg, u mit-tramuntana ma' beni ta' terzi persuni successuri tal-Perit Salvino Mangion, u kif soggett ghall-annwu canone ta' tlieta u sebghin Euro u sbatax-il centezmu (€93.17) ekwivalenti ghal erbghin Lira Maltija (LM 40.00) dovuti in perpetwu lill-familja Zammit, altrimenti libera u franka, bil-gius u l-pertinenzi kollha taghha;

Illi fuq dawn l-immobbli jezistu xi ipoteki;

Ghaldaqstant, ir-rikorrenti talbu lil din l-Onorabbli Qorti joghgobha tordna l-bejgh ta' dawn il-fondi in subbasta sabiex ir-rikavat ikun jista' jinghata lill-atturi skond dawk l-ammonti fis-sentenza fuq citata;

Illi permezz ta' digriet ta' din l-Onorabbli Qorti tat-tmienja u ghoxrin (28) ta' Gunju, 2016, fost l-ohrajn, il-Qorti laqghet it-talba ghall-hrug tal-mandat ta' qbid ta' hwejjeg immobbli fuq il-propjeta' msemmija fir-rikors u hatret lill-esponenti sabiex jezamita d-dokumenti ezebiti u okkorrendo jikseb ir-ricerki u jirraporta lill-Qorti dwarhom;

Illi fl-atti tas-Subbasta gew ipprezentati ricerki li jkopru l-perjodu mill-ewwel (1) ta' Jannar tas-sena elf, disa' mija u tmenin (1980) sas-sebgha (7) ta' Jannar tas-sena elfejn u sittax (2016) dwar Edric Bonello filwaqt li sas-sitta (6) ta' Frar, tas-sena elfejn u tlettax (2013) dwar Anne Bonello. Illi ghalhekk in ottempranza mad-digriet ta' din l-Onorabbli Qorti, l-esponenti kiseb ir-ricerki relattivi ghall-perjodu bejn it-tmienja (8) ta' Jannar, tas-sena elfejn u sittax (2016) u l-hamsa u ghoxrin (25) ta' Settembru, tas-sena elfejn u tmintax (2018) dwar Edric Bonello filwaqt li kiseb ir-ricerki relattivi ghall-perjodu bejn is-sebgha (7) ta' Frar tas-sena elfejn u tlettax (2013) u l-hamsa u ghoxrin (25) ta' Settembru, tas-sena elfejn u tmintax (2018) dwar Anne Bonello, liema ricerki jinsabu hawn annessi flimkien ma' dan ir-rapport.

B. <u>Il-Propjeta'</u>

Illi l-fondi mertu tas-subbasta gew akkwistati kif gej:

i. Appartament 1C, Block C, Manor Court, Triq it-Turisti, Qawra, San Pawl il-Bahar, Malta

Dan il-fond gie akkwistat minn Edric Edward Bonello (Passaport No. 321595) u martu Anne Adelaide Bonello (I.D. No. 316068(M) minghand Manor Investments Limited in forza ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Carmel Mangion tad-disgha (9) ta' Gunju, tas-sena elf, disa' mija u disgha u disghin (1999);

Dan il-fond gie deskritt kif isegwi:

*"the flat, in its present state, as seen by the purchaser, unnumbered, but internally number one lette C (1C), forming part of a block indicated by letter "C", lying at first floor level, forming part of a building complex incorporating several block of flats and underlying shops, and garages, all adjacent to one an other, consisting of basement garages and overlying groundfloor shops and apartments, without number and known as "Manor Court", said flat / apartment having a common unnumbered access together with eight flats (which together form one of the block within the whole complex as above indicated), known as Block C, without number, from Triq it-Turisti, Qawra, limits of Saint Paul's Bay, free and unencumbered, with all its rights and appurtenances, including the use, together with all the other owners of the flats making use of the same entrance door, of such door or entrance, the halls, landings, stairwell and staircase, and common shafts and / or yards, but excluding the roof area, access to which is restricted as specified in the deed, and the common services, including the lift, the common drains and drainage systems, common lighting, and all other areas and / or services intended fro common use within said block C; the purchasers shall have access to the roof area for the maintenance and proper upkeep of the water tank, and*

*common television aerial, both of which are to be installed and kept in an area indicated by the vendors; the block of flats, that is, the above mentioned "Block C" in "Manor Court" of which the apartment sold forms part is bounded on the North by Triq it-Turisti, on the East by Triq il-Maskri, and West by property of the vendor, whereas the whole building complex known as Manor Court, unnumbered of which said block forms part is bounded on the North by Triq it-Turisti, on the East by Triq Ghawdex, and on the West by a new unnamed street which abuts onto Triq it-Turisti, with vacant possession, and enjoys and is subject to the servitudes pasive and / or active resulting from its position."*

Illi dan l-att gie debitament insinwat permezz ta' nota mill-imsemmi Nutar Dottor Carmel Mangion tat-tmintax (18) ta' Gunju, tas-sena elf, disa' mija u disgha u disghin (1999), liema nota ggib in-numru I 8281/1999;

ii. Garaxx 44, Manor Court, Triq il-Maskli, Qawra, San Pawl il-Bahar, Malta

Dan il-fond gie akkwistat flimkien ma' garaxx numru 45 minn Edric Edward Bonello (Passaport No. 321595) u martu Anne Adelaide Bonello (I.D. No. 316068(M) minghand Manor Investments Limited in forza ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Carmel Mangion tal-hmistax (15) ta' Settembru, tas-sena elfejn (2000);

Dan il-fond gie deskritt kif isegwi:

*"the two garages,* (il-garaxx numru hamsa u erbghin (45) gie sussegwentement mibjugh permezz tal-kuntratt fl-atti tan-Nutar Peter Carbonaro tat-tlieta u ghoxrin (23) ta' Settembru, tas-sena elfejn u erbgha (2004)), *internally numbered fourty-four and forty-five (44 and 45), forming part of an unnumbered block of basement garages at two levels, underlying property of the vendors, and forming part of the building complex still unnumbered, known as "Manor Court", in Qawra, limits of Saint Paul's Bay above*

*mentioned, the said garages having perpetual and uninterrupted and guaranteed access from an unnumbered drive in which abuts onto Triq il-Maskli, and onto Triq it-Turisti; the said two garages were transferred with free and vacant possession, free and unencumbered, but subject to the servitudes already existing and resulting from their physical position, without their airspace; said two garages are bounded, being contiguous, on all sides by property of the vendor, whereas the whole building complex, known as "Manor Court", unnumbered, of which said garages form paret, is bounded on the North by Triq it-Turisti, on the East by Triq Ghawdex, and on the West by a new unnamed street which abuts onto Triq it-Turisti."*

Illi dan l-att gie debitament insinwat permezz ta' nota mill-imsemmi Nutar Dottor Carmel Mangion tas-sitta u ghoxrin (26) ta' Settembru, tas-sena elfejn (2000), liema nota ggib in-numru I 13317/2000;

iii. 238, 240, 'Villa Sunrise', Triq Sliema, San Gwann, Malta

Dan il-fond gie akkwistat minn Edric Bonello (I.D. No. 271799(M)) u martu Ann Adelaide Bonello (ID. No. 316068(M) minghand Salvatore Borg (I.D. No. 75834(M)) u Maria Borg (I.D. No. 269337(M)) in forza ta' kuntratt ta' bejgh fl-atti tan-Nutar Dottor Peter Carbonaro tat-tnejn (2) ta' Mejju, tas-sena elfejn u sitta (2006);

Dan il-fond gie deskritt kif isegwi:

*"il-fond dar bl-arja libera taghha bil-giardina retroposta u l-garage sottostanti posta fil-Kappara limiti parrokkjali tal-Gzira, drabi ohra limiti ta' San Gwann, minghajr numru civiku jisimha 'Villa Sunrise', Triq Sliema, San Gwann, konfinanti kollox min-nofsinhar ma' Sliema Road, u illi fuqha ghandha faccata, mill-punent ma' propjeta' ta' Carmelo Borg u mit-tramuntana ma' beni ta' terzi persuni successuri tal-Perit Salvino Mangion u kif soggett ghall-annwu canone ta' erbghin Lira Maltin (LM 40) dovuti in perpetwu*

*lill-familja Zammit, altrimenti libera u franka, bil-gius u l-pertinenzi kollha taghha"*

Illi dan l-att gie debitament insinwat permezz ta' nota mill-imsemmi Nutar Dottor Peter Carbonaro tal-hmistax (15) ta' Novembru, tas-sena elfejn u sebgha (2007), liema nota ggib in-numru I 20369/2007;

Illi permezz ta' avviz ai termini tal-Artikolu 306(1)(c) tal-Kap. 12 tal-Ligijiet ta' Malta, id-Direttur tar-Registru Pubbliku ghal Malta u r-Registratur tal-Artijiet f'Malta, gew notifikati bl-atti tas-Subbasta odjerna fit-tletin (30) ta' Gunju, tas-sena elfejn u sittax (2016) liema nota ggib in-numru ta' l-insinwa S 80/2016;

C. **Il-Pizijiet**

Illi skond ir-ricerki li saru mill-esponenti jirrizulta li kien hemm numru ta' ipoteki generali, ipoteka specjali u privilegg specjali gravanti l-propjeta' in kwistjoni hekk kif jidher hawn taht:

I. Ipoteki Generali

a. H 13954/2000 in atti tan-Nutar Dottor Carmel Mangion minn Edric Edward Paul Bonello u Anne Adelaide Bonello favur HSBC Home Loans (Malta) Limited ghall-valur ta' tnax-il elf Lira Maltija (LM 12,000.00) registrata fil-hamsa u ghoxrin (25) ta' Settembru, tas-sena elfejn (2000);

b. H 12357/2002 in atti tan-Nutar Dottor Carmel Mangion minn Doctor Edric Edward Paul Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' tmienja u disghin elf u tlett mitt Lira Maltija (LM 98,300.00) registrata fl-ghoxrin (20) ta' Awwissu tas-sena elfejn (2000);

c. H 18043/2007 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' ghaxart elef Lira Maltija (LM 10,000.00) registrata fl-erbgha (4) ta' Ottubru, tas-sena elfejn u sebgha (2007);

d. H 18044/2007 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' mija u tlieta u hamsin elf, hames mija u erbghin Lira Maltija (LM 153,540.00) registrata fl-erbgha ta' Ottubru, tas-sena elfejn u sebgha (2007);

e. H 11306/2009 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' hamsa u ghoxrin elf Euro (€25,000.00) registrata fil-hamsa (5) ta' Awwissu, tas-sena elfejn u disgha (2009);

f. H 16453/2009 in atti tan-Nutar Dottor Peter Carbonaro minn Standing Ovations Limited bhala debitrici principali u Edric Bonello u Anne Adelaide Bonello bhala garanti solidali bejniethom favur Bank of Valletta p.l.c. ghall-valur ta' erbghin elf Euro (€40,000.00) skond kuntratt ta' self fl-atti tan-Nutar Dottor Peter Carbonaro tas-sitta (6) ta' Ottubru, tas-sena elfejn u disgha (2009);

   i. Din in-nota ghall-iskrizzjoni giet korretta permezz tan-nota H 10862/2010 fejn gie korrett in-numru ta' registrazzjoni tas-socjeta' debitrici Standing Ovations Limited;

g. H 15683/2010 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello bhala debituri principali u Standing Ovations Limited (C47085) bhala garanti solidali favur Bank of Valletta p.l.c. ghall-valur ta' mitt elf Euro (€100,000.00) skond kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tal-ghaxra (10) ta' Awwissu, tas-sena elfejn u ghaxra (2010)

   i. Din in-nota ta' iskrizzjoni giet korretta permezz ta' nota H 18093/2011 fejn giet mizjuda ipoteka generali minn Standing Ovations Limited;

h. H 15687/2010 in atti tan-Nutar Dottor Peter Carbonaro minn Standing Ovations Limited (C47085) bhala debitrici principali u Edric Bonello u Anne Adelaide Bonello bhala garanti solidali flimkien favur Bank of Valletta p.l.c. ghall-valur ta' sitta u ghoxrin elf Euro (€26,000.00) skond kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tal-ghaxra (10) ta' Awwissu, tas-sena elfejn u ghaxra (2010) registrata fil-wiehed u ghoxrin (21) ta' Ottubru, tas-sena elfjen u ghaxra (2010);

i. H 111321/2011 in atti tan-Nutar Dottor Peter Carbonaro minn Standing Ovations Limited (C47085) bhala debitrici principali u Edric Bonello u Anne Adelaide Bonello bhala

garanti solidali flimkien favur Bank of Valletta p.l.c. ghall-valur ta' hamsin elf Euro (€50,000.00) skond kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tas-sitta (6) ta' Lulju, tas-sena elfejn u hdax (2010) registrata fis-sitta u ghoxrin (26) ta' Lulju, tas-sena elfjen u hdax (2011);

j. H 13154/2013 in atti tan-Nutar Dottor Josef Christian Masini Vento minn Doctor Edric Bonello u Anne Bonello favur Agius Agricultural Trading Limited (C5807) skond kuntratt fl-atti tan-Nutar Dottor Josef Christian Masini Vento tal-ghaxra (10) ta' Settembru, tas-sena elfjen u tlettax (2013) registrata fis-sbatax (17) ta' Settembru tas-sena elfejn u tlettax (2013);

k. H 19163/2016 iskritta mill-Avv. Kris Balzan minn Edric Bonello u Anne Bonello favur Christopher Ellul fl-ammont ta' erbat elef, sitt mija u tnejn u sittin Euro u tmienja u disghin centezmu (€4,662.98) wara Ittra Ufficcjali ai termini tal-Art. 166A tal-Kap. XII tal-Ligijiet ta' Malta Nru. 3023/2013 reza ezekuttiva, registrata fil-wiehed u tletin (31) ta' Ottubru tas-sena elfejn u sittax (2016);

l. H 22411/2016 iskritta mill-Avv. Ivan Sammut minn Edric Bonello favur woodchester Valley Vineyard Limited (75401150) fl-ammont ta' mija u tlett elef, mija u tlieta u disghin Euro u tlettax-il centezmu (€103,193.13) wara sentenza tal-Prim' Awla tal-Qorti Civili tal-wiehed u tletin (31) ta' Ottubru, tas-sena elfejn u sittax (2016), registrata fid-dsatax (19) ta' Dicembru, tas-sena elfejn u sittax (2016);

II. <u>Ipoteki Specjali</u>

a. H 13954/2000 in atti tan-Nutar Carmel Mangion minn Edric Edward Paul Bonello u Anne Adelaide Bonello a favur HSBC Home Loans (Malta) Limited ghall-valur ta' tnax-il elf Lira Maltija (LM 12,000.00) skond kuntratt ta' self tal-hmistax (15) ta' Settembru, tas-sena elfejn (2000) registrata fil-hamsa u ghoxrin (25) ta' Settembru, tas-sena elfejn

(2000), fuq il-propjeta' bin-numri (i) u (ii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta'' f'dan ir-rapport;

b. H 12357/2002 in atti tan-Nutar Dottor Carmel Mangion minn Doctor Edric Edward Paul Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' tmienja u disghin elf u tlett mitt Lira Maltija (LM 98,300.00) registrata fl-ghoxrin (20) ta' Awwissu tas-sena elfejn (2000), fuq il-propjeta' bin-numri (i) u (ii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

c. H 18043/2007 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' ghaxart elef Lira Maltija (LM 10,000.00) registrata fl-erbgha (4) ta' Ottubru, tas-sena elfejn u sebgha (2007) fuq il-propjeta' bin-numru (iii) deskritta aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

d. H 18044/2007 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' mija u tlieta u hamsin elf, hames mija u erbghin Lira Maltija (LM 153,540.00) registrata fl-erbgha (4) ta' Ottubru, tas-sena elfejn u sebgha (2007) fuq il-propjeta' bin-numri (i) u (iii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

e. H 11306/2009 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' hamsa u ghoxrin elf Euro (€25,000.00) registrata fil-hamsa (5) ta' Awwissu, tas-sena elfejn u disgha (2009) fuq il-propjeta' bin-numru (i) deskritta aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

f. H 16453/2009 in atti tan-Nutar Dottor Peter Carbonaro minn Standing Ovations Limited bhala debitrici principali u Edric Bonello u Anne Adelaide Bonello bhala garanti solidali bejniethom favur Bank of Valletta p.l.c. ghall-valur ta' erbghin elf Euro (€40,000.00) skond kuntratt ta' self fl-atti

tan-Nutar Dottor Peter Carbonaro tas-sitta (6) ta' Ottubru, tas-sena elfejn u disgha (2009) fuq il-propjeta' bin-numru (iii) deskritta aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

i. Din in-nota ghall-iskrizzjoni giet korretta permezz tan-nota H 10862/2010 fejn gie korrett in-numru ta' registrazzjoni tas-socjeta' debitrici Standing Ovations Limited;

g. H 15683/2010 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello bhala debituri principali u Standing Ovations Limited (C47085) bhala garanti solidali favur Bank of Valletta p.l.c. ghall-valur ta' mitt elf Euro (€100,000.00) skond kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tal-ghaxra (10) ta' Awwissu, tas-sena elfejn u ghaxra (2010) fuq il-propjeta' bin-numri (i) u (iii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

h. H 15687/2010 in atti tan-Nutar Dottor Peter Carbonaro minn Standing Ovations Limited (C47085) bhala debitrici principali u Edric Bonello u Anne Adelaide Bonello bhala garanti solidali flimkien favur Bank of Valletta p.l.c. ghall-valur ta' sitta u ghoxrin elf Euro (€26,000.00) skond kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tal-ghaxra (10) ta' Awwissu, tas-sena elfejn u ghaxra (2010) registrata fil-wiehed u ghoxrin (21) ta' Ottubru, tas-sena elfjen u ghaxra (2010) fuq il-propjeta' bin-numri (i) u (iii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

i. H 111321/2011 in atti tan-Nutar Dottor Peter Carbonaro minn Standing Ovations Limited (C47085) bhala debitrici principali u Edric Bonello u Anne Adelaide Bonello bhala garanti solidali flimkien favur Bank of Valletta p.l.c. ghall-valur ta' hamsin elf Euro (€50,000.00) skond kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tas-sitta (6) ta' Lulju, tas-sena elfejn u hdax (2010) registrata fis-sitta u ghoxrin (26) ta' Lulju, tas-sena elfjen u hdax (2011) fuq il-propjeta' bin-

numri (i) u (iii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

j. H 13154/2013 in atti tan-Nutar Dottor Josef Christian Masini Vento minn Doctor Edric Bonello u Anne Bonello favur Agius Agricultural Trading Limited (C5807) ghall-valur ta' sitta u ghoxrin elf, erbgha u erbghin Euro u tmenin centezmu (€26,044.80) skond kuntratt fl-atti tan-Nutar Dottor Josef Christian Masini Vento tal-ghaxra (10) ta' Settembru, tas-sena elfjen u tlettax (2013) registrata fis-sbatax (17) ta' Settembru tas-sena elfejn u tlettax (2013) fuq il-propjeta' bin-numru (i) deskritta aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

k. H 19434/2016 iskritta mill-Avv. Kris Balzan minn Edric Bonello u Anne Bonello favur Christopher Ellul fl-ammont ta' erbat elef, sitt mija u tnejn u sittin Euro u tmienja u disghin centezmu (€4,662.98) wara Ittra Ufficcjali ai termini tal-Art. 166A tal-Kap. XII tal-Ligijiet ta' Malta Nru. 3023/2013 reza ezekuttiva, registrata fit-tlieta (3) ta' Novembru tas-sena elfejn u sittax (2016) fuq il-propjeta' bin-numru (iii) deskritta aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

III. Ipoteki Specjali Legali

a. H 18044/2007 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' mija u tlieta u hamsin elf, hames mija u erbghin Lira Maltija (LM 153,540.00) registrata fl-erbgha ta' Ottubru, tas-sena elfejn u sebgha (2007) fuq il-propjeta' bin-numru (iii) deskritta aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

b. H 15683/2010 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello bhala debituri principali u Standing Ovations Limited (C47085) bhala garanti solidali favur Bank of Valletta p.l.c. ghall-valur ta'

mitt elf Euro (€100,000.00) skond kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tal-ghaxra (10) ta' Awwissu, tas-sena elfejn u ghaxra (2010) fuq il-propjeta' bin-numri (i) u (iii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

i. Din in-nota ta' iskrizzjoni giet korretta permezz ta' nota H 18093/2011 fejn l-Ipoteka Specjali Legali favur Bank of Valletta p.l.c. gie korrett ghal Privilegg Specjali;

IV. <u>Privileggi Specjali</u>

a. H 13954/2000 in atti tan-Nutar Dottor Carmel Mangion favur HSBC Home Loans (Malta) Limited fuq il-propjeta' bin-numri (i) u (ii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport registrat fil-hamsa u ghoxrin (25) ta' Settembru, tas-sena elfejn (2000);

b. H 18043/2007 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello favur Bank of Valletta p.l.c. ghall-valur ta' tlett elef u sitta u erbghin Lira Maltija (LM 3,046.00) registrata fl-erbgha (4) ta' Ottubru, tas-sena elfejn u sebgha (2007) fuq il-propjeta' bin-numru (iii) deskritta aktar 'il fuq fis-sezzjoni 'Il-Propjeta'' f'dan ir-rapport;

c. H 18093/2011 in atti tan-Nutar Dottor Peter Carbonaro minn Edric Bonello u Anne Adelaide Bonello bhala debituri principali u Standing Ovations Limited (C47085) bhala garanti solidali favur Bank of Valletta p.l.c. ghall-valur ta' mitt elf Euro (€100,000.00) skond kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tal-ghaxra (10) ta' Awwissu, tas-sena elfejn u ghaxra (2010) fuq il-propjeta' bin-numri (i) u (iii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport;

## D. Atti Kawtelatorji

a. M 3556/2015, M 3589/2015, u X 151/2015 permezz ta' dawn in-noti ta' iskrizzjoni gew registrati proceduri ta' Mandat ta' Inibizzjoni quddiem il-Prim' Awla tal-Qorti Civili bin-Numru 99/2015 (JRM) fl-ismijiet Dr. Ivan Sammut noe vs Wine tailors Limited et u li permezz tieghu Woodchester Valley Vineyard Limited talbet li l-intimati, Winetailors Limited, Edric Bonello, u Anne Bonello, jigu mizmuma milli jitrasferixxu, jbieghu, inehhu jew jiddisponu bi kwalunkwe mod, il-propjeta' bin-numri (i), (ii) u (iii) deskritti aktar 'il fuq fis-sezzjoni 'Il-Propjeta' f'dan ir-rapport.

   Permezz ta' digriet tal-Prim' Awla tal-Qorti Civili bin-Numru fl-ismijiet Dr. Ivan Sammut noe vs Wine tailors Limited et (99/2015(JRM)) tal-5 ta' Marzu, 2015, il-Qorti laqghet it-talba ghall-hrug tal-Mandat ta' Inibizzjoni u hatret lin-Nutar Dottor Cory Greenland sabiex jinnotifika lid-Direttur tar-Registru Pubbliku u lir-Registratur tal-Artijiet;

   Minn ricerka li ghamel l-esponenti minn fuq is-sistema elettronika tal-Qrati u t-Tribunali (LECAM) jirrizulta li dan il-Mandat ta' Inibizzjoni gie segwit b'rikors guramentat fl-ismijiet L-Avukat Dottor Ivan Sammut noe vs Winetailors Limited et quddiem il-Prim' Awla tal-Qorti Civili (Rik. Gur. Nru. 121/2015 (LM)), liema proceduri gew decizi fil-wiehed u tletin (31) ta' Ottubru, tas-sena elfejn u sittax (2016) kontra Edric Bonello. Ma jidhirx li minn dawn il-proceduri kien hemm appell;

b. S 107/2017 Permezz ta' digriet moghti mill-Prim' Awla tal-Qorti Civili tas-sbatax (17) ta' Ottubru, tas-sena elfejn u sbatax (2017) fl-atti tas-Subbasta Nru. 36/2017 gie ordnat il-bejgh bl-irkant tal-propjeta' mertu tas-Subbasta

odjerna skond nota registrata fil-hamsa u ghoxrin (25) ta' Ottubru, tas-sena elfejn u sbatax (2017);

## E. Konkluzjonijiet

Illi ghaldaqstant, wara li ttiehdu in konsiderazzjoni r-ricerki kollha u d-dokumentazzjoni kollha u d-dokumentazzjoni kollha relattiva ghall-propjeta' mertu ta' din is-subbasta, l-esponenti qieghed jaghmel is-segwenti sottomissjonijiet rigward il-propjeta' in kwistjoni:

A. L-appartament bla numru ufficcjali internament maghruf bin-numru wiehed ittra 'C' (1C) fil-kumpless maghruf bhala 'Manor Court', maghruf bhala Blokk C fi Triq it-Turisti, Qawra, limiti ta' San Pawl il-Bahar, Malta gie akkwistat bis-sahha ta' kuntratt fl-atti tan-Nutar Dottor Carmel Mangion tad-disgha (9) ta' Gunju tas-sena elf, disa' mija u disgha u disghin (1999);

   Illi din il-propjeta' hija gravata b'Ipoteki Generali li jgibu n-numri H 13954/2000, H 12357/2002, H18043/2007, H 18044/2007, H 11306/2009, H 16453/2009, H 15683/2010, H 15687/2010, H 111321/2011, H 13154/2013, H 19163/2016, u H 22411/2016, kif ukoll b'Ipoteki Specjali Numri H 13954/2000, H 12357/2002, H 18044/2007, H 11306/2009, H 15683/2010, H 15687/2010, H 111321/2011, u H 13154/2013, kif ukoll bi Privileggi Specjali li jgibu n-numri H 13954/2000, u H 18093/2011;

   Il-propjeta' hija wkoll mertu ta' Mandat ta' Inibizzjoni Numru 99/2015 (JRM) registrat bin-numri M 3556/2015, M 3589/2015, u X 151/2015 kif ukoll tas-Subbasta Nru. 36/2017 registrata bin-numru S 107/2017;

B. Il-garaxx bin-numru erbgha u erbghin (44) f''Manor Court', Triq il-Maskli, Qawra, San Pawl il-Bahar, Malta gie akkwistat bis-sahha ta' kuntratt fl-atti tan-Nutar Dottor Carmel Mangion tal-hmistax (15) ta' Settembru, tas-sena elfejn (2000);

   Illi din il-propjeta' hija gravata b'Ipoteki Generali li jgibu n-numri H 13954/2000, H 12357/2002, H18043/2007, H

18044/2007, H 11306/2009, H 16453/2009, H 15683/2010, H 15687/2010, H 111321/2011, H 13154/2013, H 19163/2016, u H 22411/2016, kif ukoll b'Ipoteki Specjali Numri H 13954/2000, H 12357/2002, kif ukoll bi Privilegg Specjali li jgib in-numru H 13954/2000;

Il-propjeta' hija wkoll mertu ta' Mandat ta' Inibizzjoni Numru 99/2015 (JRM) registrat bin-numri M 3556/2015, M 3589/2015, u X 151/2015 kif ukoll tas-Subbasta Nru. 36/2016 registrata bin-numru S 107/2017;

C. Dar bin-numri ufficcjali 238 u 240 maghrufa bhala 'Villa Sunrise', Triq Sliema, San Gwann, Malta, soggetta ghall-annwu canone ta' erbghin Lira Maltija (LM 40.00) pari ghal tlieta u sebghin Euro u sbatax-il centezmu (€93.17) giet akkwistata bis-sahha ta' kuntratt fl-atti tan-Nutar Dottor Peter Carbonaro tat-tnejn (2) ta' Mejju, tas-sena elfejn u sitta (2006);

Illi din il-propjeta' hija gravata b'Ipoteki Generali li jgibu n-numri H 13954/2000, H 12357/2002, H18043/2007, H 18044/2007, H 11306/2009, H 16453/2009, H 15683/2010, H 15687/2010, H 111321/2011, H 13154/2013, H 19163/2016, u H 22411/2016, kif ukoll b'Ipoteki Specjali Numri H 18043/2007, H 18044/2007, H 16453/2009, H 15683/2010, H 15687/2010, H 111321/2011, H 19434/2016, kif ukoll b'Ipoteka Specjali Legali numru H 18044/2007, u Privileggi Specjali li jgibu n-numri H 18043/2007 u H 18093/2011;

Il-propjeta' hija wkoll mertu ta' Mandat ta' Inibizzjoni Numru 99/2015 (JRM) registrat bin-numri M 3556/2015, M 3589/2015, u X 151/2015 kif ukoll tas-Subbasta Nru. 36/2016 registrata bin-numru S 107/2017;

Daqstant ghandu l-unur jirrelata l-esponenti ghas-savju u superjuri gudizzju ta' din l-Onorabbli Qorti.

AVV. JOSHUA GRECH
94, TRIQ SAN GIRGOR,
KERCEM, GHAWDEX

Illum 3-ta' Mejju 2019
Deher il-Perit Legali / Tekniku / Mediku
Dr. Joshua Grech
li wara li ddikjara li thallas l-ammont lilu dovut, halef/halfet li qeda/qdiet fedelment u onestament l-inkarigu moghti lilu/ha.

Deputat Reġistratur........

DANIEL SACCO
DEPUTAT REGISTRATUR