

Fil-Prim Awla tal-Qorti Ċivili

**Subbasta nru. 50/2021**

Fl-atti tas-subbasta:

Vivienne Pisani et.al

-vs-

Alfred Testa et.al



### **Relazzjoni tal-Perit Tekniku**

Karl Cutajar B.E. & A. (Hons). M.Sc. Structural Engineering (Surrey, UK), A. & C.E.

**Jesponi bir-rispett illi:**

## **1.0 Inkariġu tal-Perit esponent Tekniku**

Permezz ta' digriet mogħti minn din l-Onorabbi Qorti, fl-Att tas-Subbasta nru. 50/2021, il-Perit sottoskritt ġie inkarigat sabiex jagħmel deskrizzjoni tal-fond tas-segwenti propjetajiet immobbbi:-

1. Tal-*flat* internament immarkat bin-numru tnejn (2), sottostanti għall-‘*flat*’ immarkat bin-numru erbgħa (4) u sovarstanti għal ‘*basement garage*’ u ‘*store-room*’ zgħira, formanti parti parti minn blokk ta’ bini mingħajr numru bl-isem “*Windsor House*” fi Triq il-Lacċi, Bugibba, limiti ta’ San Pawl il-Baħar, konfinanti l-imsemmi blokk min-Nofsinhar ma’ Triq il-Lacci, mill-Punent ma’ propjeta tal-Familja Vella, jew aventi causa minnhom, u mill-Lvant ma’ gid tan-Nutar Anthony Gatt jew successuri tiegħu; u
2. Tal-‘*basement garage*’ sottostanti, mingħajr numru u mingħajr isem, flimkien mar-rampa ta’ quddiem l-imsemmi ‘*garage*’, u ‘*store-room*’ zgħira, liema ‘*store-room*’ tinsab fuq in-naħha tal-lemin tal-imsemmija rampa inti u niezel mill-istess rampa, konfinanti flimkien l-imsemmija ‘*garage*’ u ‘*store-room*’ min-Nofsinhar ma’ Triq il-Lacci, mill-Punent ma’ propjeta tal-Familja Vella, jew aventi kawza minnhom, u mill-Lvant ma’ gid tan-Nutar Anthony Gatt jew avventi kawza minnu;

Dan għandu jifforma parti minn rapport bl-istima tal-propjeta' immobili, b'deskrizzjoni li tinkludi dan li ġej:

- (a) indikazzjoni tas-sit u l-gholi tal-fond li hu soggett għall-bejgħ bl-irkant fil-qorti;
- (b) pjanta jew skizz li juru l-ghadd ta' kmamar li jiffurmaw il-fond u d-daqs tagħhom;
- (c) ritratti tal-fond jew sit inkwistjoni;
- (d) pjanta tar-Registru tal-Artijiet;
- (e) l-iskemi tal-MEPA;
- (f) r-ragunijiet tal-valutazzjoni.

## 2.0 Spezzjoni

Sabiex jaqdi fedelment dan l-inkarigu, l-espert Tekniku appunta aċċess għal fuq il-post għat-Tnejn 28 ta' Frar 2022 pero f'dik il-gurnata stess s-sottoskrift rċieva notifika permezz tal-posta elettronika mingħand Dr. Karl Micallef, avukat ta' l-intimati (ara DOK ‘A’ – Notifikasi, Korrispondenza u spejjez) illi l-proprjetajiet li kellhom jiġu spezzjonati hekk kif kienu deskritti u anke kif murija fuq il-pjanti fl-atti tas-subbasta ma kienux proprijeta' ta' l-intimat u għalhekk ma kienx possibli li ssir spezzjoni.

Wara li sar r-rikors mir-rikorrenti, il-Qorti tat-l-prosegwiment tas-subbasta fil-11 ta' April 2022. Għalhekk ġie appuntat aċċess ieħor għal- Ĝimħa 2 ta'

Settembru 2022, fit-3.30pm (ara DOK ‘A’ – Notifikasi, Korrispondenza u spejjez)

### **3.0 Informazzjoni Speċifika dwar il-Fond**

- Deskrizzjoni Generali**

Il-propjeta’ tikkonsisti f’*‘maisonette’* f’livell terrran sottostanti flat ta’ terzi u milħuqa minn *‘front garden’* kif ukoll f’*‘basement garage’* li jiġi taħt parti mill-istess *‘maisonette’*. Liema *‘basement garage’* hu aċċessibli minn rampa li hi milħuqa mill- *‘front garden’*. Iż-żewġ projekta jiet huma *‘interconnected’* permezz ta taragħ tal-ħadid u injam li qiegħed fix-xaft li hemm fil-bitħha ta’ wara tal-propjeta’. Skond ma jien infurmat il-propjetà mhiex mikrija lil ebda persuna jew kumpanija. Ara DOK’B’ għal pozizzjoni tal-propjeta’ fuq l-pjanta tas-sit.

- Deskrizzjoni tal-Fond**

Il-*‘flat’* internament immarkat bin-numru tnejn (2) jikkonsisti f’intrata li tagħti għal kuritur li fuq ix-xellug tiegħu wieħed issib zewġ kmamar tas-sodda flimkien ma’ kamra tas-sodda oħra biswit l-intrata li hi aċċessibli mill-istess kuritur. Tul il-kuritur hemm ukoll spazju żgħir li jintuża bħala ‘toilet’. L-istess ‘toilet’ għandu tieqa li tagħti għal goxa ftid li minnu jgħaddu s-

servizzi. Fuq in-naħha ta' wara hemm ‘open plan’ li jikkonsisti fi kċina/ kamra ta’ l-ikel / salott li jagħtu għal bitha ta wara. L-istess bitha thares fuq ir-rampa mhux msaqqfa li tagħti għal ‘*basement garage*’. Fl-‘area’ tal-kċina hemm tieqa ukoll li tagħti għal fuq ir-rampa li tagħti għal ‘*basement garage*’.

Il-‘*basement garage*’ hu aċċessibbi minn rampa li mhiex msaqqfa u jiġi taħt il-bitha tal-flat numru 2 kif ukoll that il-kamra tas-sodda u l-kamra tal-banju ta l-istess ‘*flat*’. Il-‘*basement garage*’ jikkonsist fi spazju għall-parkegg li hu parti minn spazju iehor li mhux parti mill-iskop ta’ din il-valutazzjoni. Il-‘*basement garage*’ jieħu d-dawl minn bitha interna li hemm aċċess permezz ta taragħ tal-ħadid u njam għal bitha tal-‘*flat*’ numru 2. Aċċessibbi mill-istess garage hemm ukoll ‘*store room*’ zgħira li għandha tieqa wiesa’ li tagħti għal fuq ir-rampa kif ukoll kamra tal-banju li tagħti għal ġo xaft li hu komuni mal-flat numru 2 u l-post sovrapost.

Kopja tar-ritratti tal-propjeta’ huma annessi f’DOK ‘C’.

- **Pjanta tal-fond kif inhu eżistenti**

Ma’ dan ir-rapport qegħdin jiġu esebiti pjanti magħmula mis-sottoskrift tal-livell tal-‘*basement garage*’ u tal-livell tal-‘*ground floor flat*’. Dawn il-pjanti qegħdin esebiti f’DOK ‘D’ anness ma’ dan ir-rapporti kif ukoll pjanta mir-registrū ta’ l-artijiet u skeda 8 esebiti f’DOK ‘E’.

## • Struttura u Finituri

L-istruttura tal-bini fil-livell tal-'*ground floor level*' tikkonsisti f'ħitan li jieħdu l-piżijiet tas-soqfa rinfurzati bil-ħadid. Filwaqt li fil-livell tal-'*basement garage*' l-istruttura tikkonsist f'kolonni li tieħu l- l-piżijiet minn travi tal-konkrit kif ukoll minn travi tal-ħadid li jdhru li ġew imdaħħlin minflok xi hitan eżistenti li ġew mneħħija maž-żmien. Mill-ispezzjoni viżwali ma rrizulta li hemm l-ebda diffetti li jeħtiegu attenzjoni u għalhekk l-istruttura hija waħda bla periklu. Peressli l-propjeta' ilha ma tiġi midjura hemm bzonn li jsiru xi manutenzjonijiet fosthom fil-blata tal-bieb tal-garaxx li għandha l-ħadid jidher minħabba li l-konkos li jipprotegi l-ħadid nqalgha peressli l-istess ħadid ssaddad. F'partijiet mis-soqfa tal-garaxx hemm ukoll il-ħadid jidher u dan ukoll minħabba li l-konkos li jipprotegi l-ħadid nqalgha peressli l-istess ħadid ssaddad.

Il-finituri jikkonsistu f'ħitan u soqfa miżbugħin, f'madum taċ-ċeramika fl-art u mal-ħitan tal-kamra tal-banju u t-'toilet', suffetti tal-'gypsum' fil- kamra tal-banju u t-'toilet', aluminju ta' lewn bronż, bibien interni ta' l-injam, ħadid għas-sigurta' quddiem l-aperturi ta' l-aluminju, kanċell tal-ħadid mizbugħ iswed quddiem il-bieb li jagħti għal bitħa ta wara. Il-propjetajiet għandhom s-serviżzi neċċesarji bħal ma hu ilma, dawl u drenagg.

- **Qisien General tal-fond.**

Il-‘*basement garage*’ fil-livell ta’ taħt l-art għandu *area* ta’ cirka 99.61 metru kwadru u għoli ta’ cirka 2.41metri filwaqt li l-flat numru 2 fil-livell terran ikopri area ta’ cirka 93metru kwadru mingħajr l-‘*area*’ tal-bitħha ta’ wara u għoli ta’ cirka 2.72metri. L-‘*area*’ tal-bitħha ta’ cirka 45metru kwadru.

- **Aspetti dwar il-lokalita’**

Iż-żona hi ikkunsidrata bhala residenzjali pero tinsab viċin iż-żona ta’ divertiment kif ukoll biswit il-qalba taż-żona turistika li tikkonsistenti minn blokkok ta’ appartamenti, *hotels*, ristoranti u servizzi oħra ancillari bħal banek, posta, ħwienet tal-merċa eċċ.. It-triq ta’ quddiem il-propjeta’ hija iffurmata, asfaltata u bis-servizzi mghoddija.

- **Piżijiet fuq l-fond**

L-imsemmi immobбли kien ġie akkwistat bis-saħħha ta’ kuntratt fl-atti tan-Nutar Dottor Pierre Cassar datat erbghatax ta’ Diċembru tas-sena elfejn (14.12.2000), mill-lieam kuntratt tirrizulta provenjenza ulterjuri.

L-imsemmi ‘flat’ u ‘*basement garage*’ flimkien huma soġġett għaċ-cens perpetwu u sub-cens ta’ tlettix il-lira Maltija u erbgħha u ħamsin centezmu

(Lm13.54), pagabli kull sena bil-quddiem b'effett mis-sittax ta' Novembru tas-sena elfejn (16.11.20200), liema ċens u sub-ċens huma rivedibbli kull ġamsin sena b'effett mi-sittax ta' Novembru tas-sena elf disa' mijja u sittin (16.11.1960), liema revizjoni għanha ssir a bazi tal-valur tal-flus f'tali dati futuri, meta mqabbel mal-valur fi-sens elf disa' mijja u sittin (1960) mingħajr ma jittieħed in konsiderazzjoni l-valur tal-bini hemm ezistenti, u dana skond ma jirrizulta mill-kuntratti ta' kompravendita tal-ispizjar John Gatt u tan-Nutar Anthony Gatt, it-tnejn fl-atti tan-Nutar Dottor Paul Pullicino, wieħed data tnejn ta' Awwissu tas-sena elf disa' mijja ġamsa u sittin (2.8.1965) u l-ieħor datat ġamsa u għoxrin ta' Frar tas-sena elf disa' mijja sitta u sittin (25.2.1966), u fil-konċessjoni enfitwetika orginali in atti Nutar Dottor Antonio Carbonaro datat sittax ta' Novembru tas-sena elf disa' mijja u sittin (16.11.1960), bid-drittijiet u pertinanzi kollha tagħhom. Kopja ta' l-imsemmi kuntratt jinsab a fol 390-400 tal-process.

Kopja tar-riċerki tal-attiv u l-passiv tal-intimati jinsabu jinsabu esebiti fil-process tas-subbasta u li jinsabu a fol 45-435.

#### • **Servitujiet**

Din il-propjeta' għandha xaf li hu accessible mill-basement garage li fih servizzi tal-propjeta' sovrapost 'flat' numru 2. L-aperturi tal-propjeta'

sovrapost 'flat' numru 2 jagħtu għal il-bithħa li hemm fuq in-naħha ta wara ta din l-istess propjeta'.

- Referenza għal-Pjanijiet Lokali skond maħruġa mill-Awtorita' ta' l-Ippjanar li taqa' fihom il-propjeta'.

Illi skont il-Map 40 tal-Pjan Lokali relativ (North West Local Plan), dan il-fond jinsab ġo Residential Area fejn allura tapplika l-Policy NWUS 4 St Paul's Bay Residential Area tan-North West Local Plan. In piu', skont il-Map 42 ta' l-istess pjan, dan is-sit jista' jinbena sa '2 floors plus semi-basement' fejn tapplika l-'Policy NWUS 5 St Paul's Bay Residential Area North West Local Plan'. Skont l-'Annex 2' tad-Development Control Design Policy, Guidance and Standards 2015' (DC15), l-gholi f'metri ta' '2 floors plus semi-basement' huwa ekwivalenti hekk għal 'allowable maximum height' ta 13.50m.

Number of Floors	Allowable Maximum Height in Metres Without Basement	Allowable Maximum Height in Metres With Basement	Allowable Maximum Height in Metres With Semi-Basement
1	7.00	7.00	7.00
2	11.40	12.50	13.50
3	15.50	16.60	17.50
4	19.50	20.60	21.50
5	22.50	23.60	24.50
6	25.00	27.00	28.00
7	28.50	30.60	32.50
8	31.40	33.50	35.50

**Tabella 1:** Estratt minn Annex 2: Interpretation of Height Limitation as per DC2015.

Wieħed għandu jħares lejn 'Annex 2' fil-kuntest ta' dak li tipprovdi 'Policy

*P35' tal-istess DC15 fis-sens li l-gholijiet indikati f' 'Annex 2' jikkorrispondu ghall- 'height ... measured from the pavement level along the frontage of the building at the highest street level', u jinkludu 'the provision for any setback floors and services, as well as an obligatory 1-metre parapet wall on the exposed façades at the uppermost roof level' kif turi Figure 45 ta' l-listess DC15. L-gholi tal-faċċata fuq it-triq, imbagħad, tasal ġhalih 'by deducting 3.4 metres from the maximum allowable height provided in Annex 2.'*

L-gholi tal-faċċata tal-fond minn fuq il-bankina għandu jkun sa massimu ta 10.1m.

Kopji tal-pjani lokali tal-Awtorita ta' l-Ippjanar huma annessi f'DOK 'H'.

- Permessi approvati mill-Awtorita' ta' l-Ippjannar fuq is-sit li minnha hu jifforma parti l-fond in kwistijoni .**

Mingħajr prejudizju jidher li l-ligjiet tas-sanita' u r-regolamenti tal-bini kif stipulati mill-Awtorita' l-Ippjanar kienu osservati hekk kif minn riċerki li għamel is-sottoskriftt.

Illi għal kull bwon fini jiġi rilevat illi s-sit fejn hu mibni l-fond digà kien jidher mibni fis-survey sheets tal-1968. Mir-riċerki tal-esponenti ma rriżultawx permessi riċenti fuq il-fond odjern.

Kopja tas-survey sheet tal-1968 hi annessa f'DOK 'J'.

#### 4.0 Valur

Wara li ikkunsidrajt dawn il-punti, id-daqs tal-propjeta', il-lok fejn tinsab il-propjeta', u l-valur ta' propjeta' simili fil-madwar, nistma l- propjetajiet kif gej:-

- *Il-flat* internament immarkat bin-numru tnejn (2) għall-ammont ta' tlett mitt elf ewro (€300,000).
- *Il-basement garage* sottostanti, mingħajr numru u mingħajr isem, flimkien mar-rampa ta' quddiem l-imsemmi *garage*, u *store-room* zgħira għall-ammont ta' mijha u għoxrin elf ewro (€120,000).

Tant għandu l-unur li jissottometti l-esponent għas-savju ġudizzju ta' din l-Onorabbli Qorti.

  
\_\_\_\_\_  
Perit Karl Cutajar

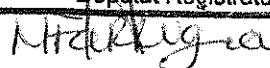
3 ta' Novembru 2022

ILLUM: 25 TA' KARMBWID  
Deher il-Perit / Legal / Tekniku:  
**AL-KARTELLUK (11346482M)**

Li wara li ddikjara li thalies l-ammont tiegħi dovut, halief/haġġet li qedu/għid feddamenti u onestament l-Inkarigu mogħti illu/ha.

  
Deputat Registratur

Perit Karl Cutajar  
muhed  
(1)   
Annabelle Spiteri  
Deputat Registratur  
Qraġġi tal-Gustizzja (Malta)

  
Niki Borg

## **DOK 'A'**

Notifikasi, Korrispondenza u rċevuti ta' spejjez

Il-Bum 12 ta' f'id: 20/22

Alfred Testa,  
Flat 3, "Windsor Flats",  
Triq il-Lacċi, Bugibba

Stima tal-proprietajiet immobili kif ġej:-

- i. Tal-flat internament immarkat bin-numru mejn (2), sottostanti għall-flat immarkat bin-numru erbgħa (4) u sovarstanti għal basement garage u store-room zghira, formanti parti parti minn blokk ta' bini mingħajr numru bl-isem "Windsor House" fi Triq il-Lacċi, Bugibba, limiti ta' San Pawl il-Bahar, konfinanti l-imsemmi blokk min-Nofsinhar ma' Triq il-Lacċi, mill-Punent ma' propjeta tal-Familja Vella, jew aventi causa minnhom, u mill-Lvant ma' gid tan-Nutar Anthony Gatt jew successuri tiegħu; u
- ii. Tal-basement garage sottostanti, mingħajt numru u mingħajt isern, flimkien mar-rampa ta' quddiem l-imsemmi garage, u store-room zghira, tiema store-room tinsab fuq in-naha tal-lemin tal-imsemmi rampa inti u niezel mill-istess rampa, konfinanti flimkien l-imsemmi garage u store-room min-Nofsinhar ma' Triq il-Lacċi, mill-Punent ma' propjeta' tal-Familja Vella, jew aventi kawza minnhom, u mill-Lvant ma' gid tan-Nutar Anthony Gatt jew avventi kawza minnu;

Qed issir referenza għal kaz numru 50/2021 fl-Atti tas-Subbasta bejn Vivienne Pisani et.al vs Alfred Testa et.al.

Nixtieq ninfurmak li jien gejt mitlub mil-Qorti Civili biex nagħmel deskriżżjoni dettaljata tal-proprietajiet indikat hawn fuq. Sabiex wieħed jagħmel dan hemm bżonn li ssir spezzjoni dettaljata tal-proprietajiet in kwistjoni.

Għalda qiegħi, qed ninfurmak li ha ssir spezzjoni ta' dan il-fond nhar  
11-nejn 28 ta' Her 2022 - 4PM. Jekk inti ma tistax tkun prezent fuq il-post fid-data ndikata lilek, inti mitlub tagħimel kuntatt miegħi fuq numru 79046730 jew fuq email li hi karlcut84@hotmail.com.

Grazzi,

  
Perit Karl Cutajar  
Warrant No. 655

cc: Vivienne Pisani et.al - 44, "Eureka" Triq il-Kwarta, Ibragg, Swieqi

Perit Karl Cutajar  
B.E.&A. (Hons.), M.Sc. Structural Engineering (Surrey, UK) A.&C.E.

ARCHITECT & CIVIL ENGINEER

42, Il-Ferha, Triq Karlu Maruża-Tarxien, TXN 2353

Email: karlcut84@hotmail.com Mobile: (356)79046730

Alfred Testa et.al

Dum 22 (à) Feb 2022.

Vivienne Pisani et.al  
44, "Eureka"  
Triq il-Kwarta, Ibragg  
Swieqi

Stima tal-proprietajiet immobili kif gej:-

- i. Tal-flat internament immarkat bin-numru tnejn (2), sottostanti ghall-flatt immarkat bin-numru erbgħa (4) u sovarstanti għal basement garage u store-room zghira, formanti parti parti minn blokk ta' bini mingħejr numru bl-isem "Windsor House" fi Triq il-Lacċi, Bugibba, limiti ta' San Pawl il-Bahar, konfinanti l-imsemmi blokk min-Nofsinhar ma' Triq il-Lacċi, mill-Punent ma' propjeta tal-Familja Vella, jew aventi causa minnhom, u mill-Lvant ma' gid tan-Nutar Anthony Gatt jew successuri tiegħu; u
- ii. Tal-basement garage sottostanti, mingħejr numru u mingħejr isen, flimkien mar-rampa ta' quddiem l-imsemmi garage, u store-room zghira, liema store-room tinsab fuq in-naha tal-lemin tal-imsemmija rampa inti u niezel mill-istess rampa, konfinanti flimkien l-imsemmija garage u store-room min-Nofsinhar ma' Triq il-Lacċi, mill-Punent ma' propjeta' tal-Familja Vella, jew aventi kawza minnhom, u mill-Lvant ma' gid tan-Nutar Anthony Gatt jew avveni kawza minnu;

Qed issir referenza għal kaz numru 50/2021 fl-Atti tas-Subbasta bejn Vivienne Pisani et.al vs Alfred Testa et.al.

Nixtieq ninfurmak li jien gejt mitlub mil-Qorti Civili biex nagħmel deskriżżej dettaljata tal-proprietajiet indikat hawn fuq. Sabiex wieħed jaġħmel dan hemm bronni li ssir spezzjoni dettaljata tal- proprietajiet in kwistjoni,

Għaldanstant, qed ninfurmak li ha ssir spezzjoni ta' dan il-fond nhar 11-Februari 2022, 4PM. Jekk inti ma tistax tkun prezzeni fuq il-post fid-data indikata il-lek, inti milltub tagħmel kumatt miegħi fuq numru 79046730 jew fuq email li hi karlcut84@hotmail.com.

Grazzi,

  
Perit Karl Cutajar  
Warrant No. 655

cc. Alfred Testa, Flat 3, "Windsor Flats", Triq il-Lacċi, Bugibba

Perit Karl Cutajar  
B.E.&A. (Hons.), M.Sc. Structural Engineering (Surrey, UK) A.C.E.  
ARCHITECT & CIVIL ENGINEER  
42, il-Perba, Triq Karlu Maruża Laxxien, TA'X 2351  
Email: karlcut84@hotmail.com Mobile: (356) 79046730

Subbasta 50/21 - Vivienne Pisani et vs Alfred Testa et

Karl Micallef <karl.micallef@fenechlaw.com>

Mon 2/28/2022 8:15 AM

To: karlcutf84@hotmail.com <karlcutf84@hotmail.com>

Cc: Edward DeBono <edward.debono@fenechlaw.com>; Alfred Testa <fredtesta1954@gmail.com>

Perit,

Qed niktablek ghan-nom ta' Alfred Testa b'referenza ghas-subbasta surreferita.

Illi huwa rcieva ittra minghandek tlett ijiem ilu illi tindika illi kien behsiebek zzom access fil-proprietajiet immobbl hemm minnek indikati llum fl-4.00pm, pero huwa jinfurmak illi dawn il-proprietajiet hekk kif deskritti u anke kif murija fuq il-pjanti fl-atti tas-subbasta m'humiex propnjeta' tieghu.

Illi b'hekk huwa ma jistax jagħtik access ghall-proprietajiet indikati fl-atti tas-subbasta.

Nitolbok titlob id-direzzjoni tal-Qorti biex tirregola ruhek ahjar.

Tislijet

Karl

**Karl Micallef**

Associate

FENECH + FENECH

FENECH & FENECH ADVOCATES

196, OLD BAKERY STREET, VALLETTA, VLT1455 MALTA

+356 2124 1232 | [BIO](#)

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-vs-

Alfred Testa et.al

Illum 25ta' Awwissu 2022

Alfred Testa,  
 Flat 3, "Windsor Flats",  
 Triq il-Laċċi, Buġibba

Qed issir referenza għal kaz numru 50/2021 fl-Atti tas-Subbasta bejn Vivienne Pisani et.al vs Alfred Testa et.al.

Behsiebni inzomm l-access tal-proprietajiet immobili kif ġej:-

1. Tal-flat internament immarkat bin-numru tnejn (2), sottostanti għall-flatt immarkat bin-numru erbgħa (4) u sovarstanti għal basement garage u store-room zgħira, formanti parti parti minn blokk ta' bini mingħajr numru bl-isem "Windsor House" fi Triq il-Lacci, Bugibba, limiti ta' San Pawl il-Baħar, konfinanti l-imsemmi blokk min-Nofsinhar ma' Triq il-Lacci, mill-Punent ma' propjeta tal-Familja Vella, jew aventi causa minnhom, u mill-Lvant ma' gid tan-Nutar Anthony Gatt jew successuri tiegħu; u
2. Tal-basement garage sottostanti, mingħajr numru u mingħajr isem, flimkien mar-rampa ta' quddiem l-imsemmi garage, u store-room zgħira, liema store-room tinsab fuq in-naha tal-lemin tal-imsemmija rampa inti u niezel mill-istess rampa, konfinanti flimkien l-imsemmija garage u store-room min-Nofsinhar ma' Triq il-Lacci, mill-Punent ma' propjeta' tal-Familja Vella, jew aventi kawza minnhom, u mill-Lvant ma' gid tan-Nutar Anthony Gatt jew aventi kawza minnu;

Nixtieq ninfurmakom li jien ġejt mitlub mil-Qorti Civili biex nagħmel deskrizzjoni dettaljata tal-proprietajiet indikat hawn fuq. Sabiex wieħed jagħmel dan hemm bzonn li ssir spezzjoni dettaljata tal- proprietajiet in kwistjoni.

Għaldaqstant, qed ninfurmak li ha ssir spezzjoni ta' dan il-fond nhar **Il-Gimgha 2 ta' Settembru 2022, fit-3.30pm.**

Insellmilkom,

**Perit Karl Cutajar**

BE&A(Hons), MSc Structural Eng. A&CE  
 42 Il-Ferha Triq Karlu Maratta .  
 Tarvien Malta TXN 2353

M - 79046730

cc. Vivienne Pisani et.al - 44, "Eureka" Triq il-Kwarta, Ibragg, Swieqi

Perit Karl Cutajar

B.E.&A. (Hons.),M.Sc. Structural Engineering (Surrey, UK) A.&C.E.

ARCHITECT & CIVIL ENGINEER

42 Il-Ferha, Triq Karlu Maratta Tarxien, TXN 2353

Email: karlcut84@hotmail.com Mobile: (356)79046730

-vs-

Alfred Testa et.al

Illum 25ta' Awwissu 2022

Vivienne Pisani et.al  
44, "Eureka"  
Triq il-Kwarta, Ibragg  
Swieqi

Qed issir referenza għal kaz numru 50/2021 fl-Atti tas-Subbasta bejn Vivienne Pisani et.al vs Alfred Testa et.al.

Behsiebni inzomm l-access tal-proprietajiet immobili kif ġej:-

1. Tal-flat internament immarkat bin-numru tnejn (2), sottostanti ghall-flatt immarkat bin-numru erbgħa (4) u sovarstanti għal basement garage u store-room zghira, formanti parti parti minn blokk ta' bini mingħajr numru bl-isem "Windsor House" fi Triq il-Lacci, Bugibba, limiti ta' San Pawl il-Bahar, konfinanti l-imsemmi blokk min-Nofsinhar ma' Triq il-Lacci, mill-Punent ma' propjeta tal-Familja Vella, jew aventi causa minnhom, u mill-Lvant ma' gid tan-Nutar Anthony Gatt jew successuri tiegħu; u
2. Tal-basement garage sottostanti, mingħajr numru u mingħajr isem, flimkien mar-rampa ta' quddiem l-imsemmi garage, u store-room zghira, liema store-room tinsab fuq in-naha tal-lemin tal-imsemmija rampa inti u niezel mill-istess rampa, konfinanti flimkien l-imsemmija garage u store-room min-Nofsinhar ma' Triq il-Lacci, mill-Punent ma' propjeta tal-Familja Vella, jew aventi kawza minnhom, u mill-Lvant ma' gid tan-Nutar Anthony Gatt jew avventi kawza minnu;

Nixtieq ninfurmakom li jien ġejt mitlub mil-Qorti Civili biex nagħmel deskrizzjoni dettaljata tal-proprietajiet indikat hawn fuq. Sabiex wieħed jagħmel dan hemm bzonn li ssir spezzjoni dettaljata tal- proprietajiet in kwistjoni.

Għaldaqstant, qed ninfurmak li ha ssir spezzjoni ta' dan il-fond nhar **Il-Gimħha 2 ta' Settembru 2022, fit-3.30pm.**

Insellmilkom,

**Perit Karl Cutajar**

B.E.&A(Hons), MSc Structural Eng, A&CE  
42 Il-Ferha Triq Karlu Maratta ,  
Tarfien Malta TXN 2353

M - 79046730

*cc. Alfred Testa, Flat 3, "Windsor Flats", Triq il-Lacci, Buġibba*

**Perit Karl Cutajar**

B.E.&A. (Hons.),M.Sc. Structural Engineering (Surrey, UK) A.&C.E.

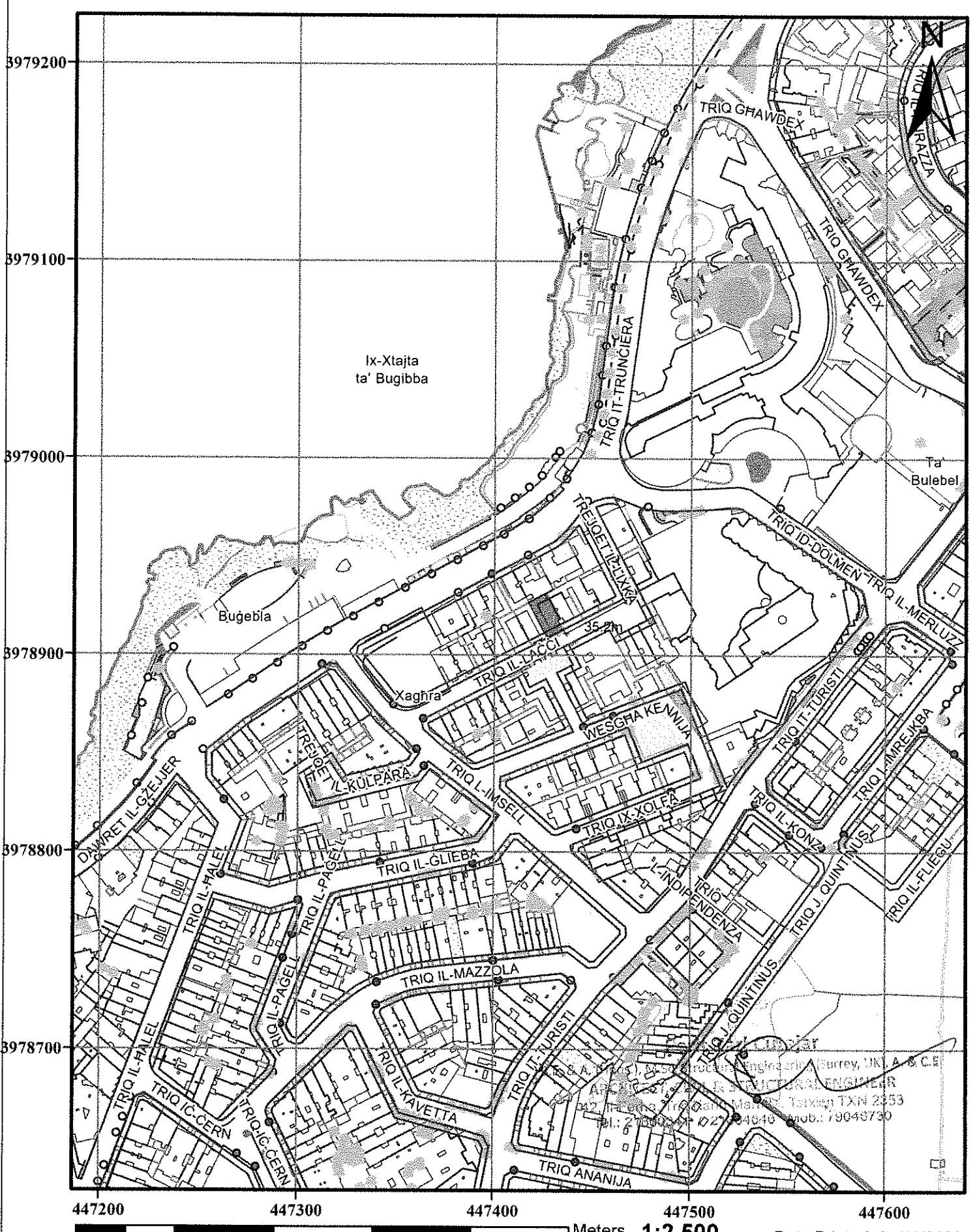
**ARCHITECT & CIVIL ENGINEER**

42 Il-Ferha, Triq Karlu Maratta Tarxien, TXN 2353

Email: karlcut84@hotmail.com Mobile: (356)79046730

## **DOK ‘B’**

Pjanta tas-Sit u rċevuta ta’ spejjez



Compiled and published by the Mapping Unit, Planning Authority.

ERDF.02.030 - SintegraM data, (2018), Developing Spatial Data Integration for the Maltese Islands, Planning Authority.  
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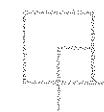
Data captured from: 2016 aerial photography. 2020 unmanned aerial vehicles(UAVs).

WGS 1984 UTM Zone 33N EPSG: 32633 M.S.L. (Mean sea level). Scale factor at the central meridian 0.9996.

Central meridian has a false origin of 500,000m at 150 East of Greenwich.

Northern coordinates have an origin of 0m at the Equator.

Not to be used for interpretation or scaling of scheme alignments. Copyright © PA Planning Authority.



PLANNING AUTHORITY

St.Francis Ravelin, Floriana.  
Tel: +356 2290 0000, Fax: +356 2290 2295  
www.pa.org.mt, mappingshop@pa.org.mt

Date Printed: 04/11/2022

**From:** no-reply@pa.org.mt  
**Sent:** 04 November 2022 10:59  
**To:** karlcut84@hotmail.com  
**Subject:** One time payment receipt - Purchase of siteplan from website - Ref: - Ref: \_ags\_8af911c9af0647278258e7f4ca2db5a4.pdf  
**Importance:** High

## PLANNING AUTHORITY



PLANNING AUTHORITY

St Francis Ravelin, Floriana,  
FRN 1230, Malta

Exemption No:  
EXO 1188

Tel: 2290 0000 VAT No: MT  
1281-6708

## Receipt

**Name:** Karl Cutajar  
**E-mail address:** karlcut84@hotmail.com

**Document No:** SITEPLAN  
**Date:** 04/11/2022  
10:57:57

### Item Description

Purchase of siteplan from website - Ref: - Ref:  
ags\_8af911c9af0647278258e7f4ca2db5a4.pdf

	Unit Price (incl VAT)	Net Amount (excl VAT)	VAT Amount	Vat Rate %
--	--------------------------	--------------------------	------------	------------

EUR 3.00 EUR 2.85 EUR 0.15 5.00 %

**Total:** EUR  
3.00

**DOK ‘C’**

Ritratti



**Ritratt nru. 1** – Ritratt tal-faċċata li juri ‘flat’ numru 2 mmarkat bil-kulur aħmar u ‘basement garage’ flimkien mar-rampa li tagħti għal istess garage mmarkata bil-kulur blu.



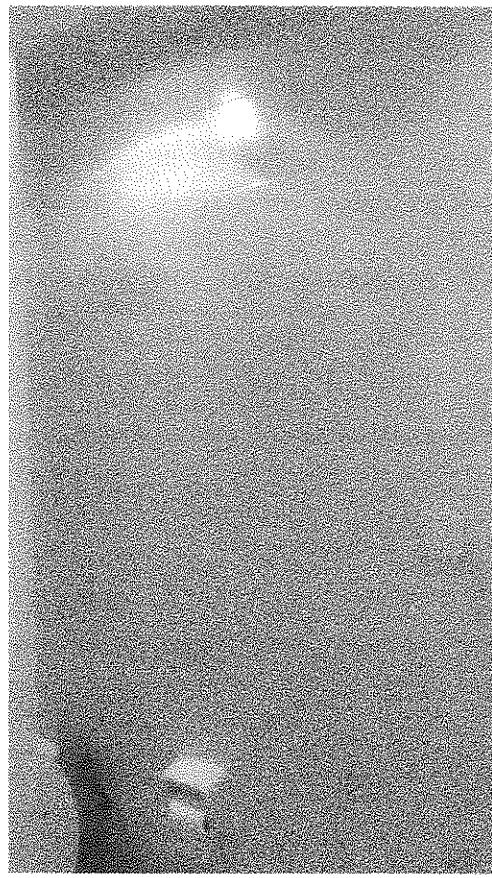
**Ritratt nru. 2** – Ritratt tal-kuritur fi ‘flat’ numru 2.



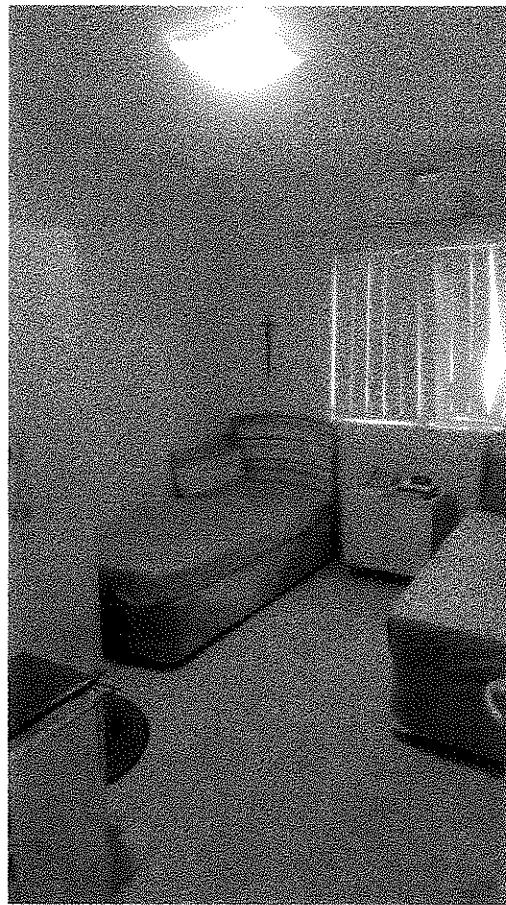
**Ritratt nru. 3** – Ritratt tal-kamra tas-sodda fi ‘flat’ numru 2 li tagħti fuq il-faċċata



**Ritratt nru. 4** – Ritratt tal-kamra tas-sodda fi ‘flat’ numru 2 li tagħti fuq ir-rampa li tagħti għal ‘basement garage’



**Ritratt nru. 5** – Ritratt tat-toilet fi ‘flat’ numru 2



**Ritratt nru. 6** - Ritratt tal-kamra tas-sodda fi ‘flat’ numru 2 li tagħti fuq ir-rampa li tagħti għal ‘basement garage’



**Ritratt nru. 8-** Ritratt tal-kamra tal-banju fi ‘flat’ numru 2



**Ritratt nru. 9 -** Ritratt tat-taraġ fil-bitha ta wara ta ‘flat’ numru 2 magħmula mill-ħadid u njam li jagħti għal bitha li hemm mal-‘basement garage’.



**Ritratt nru. 10 – Ritratt tal-bitħa ta wara ta ‘flat’ numru 2.**



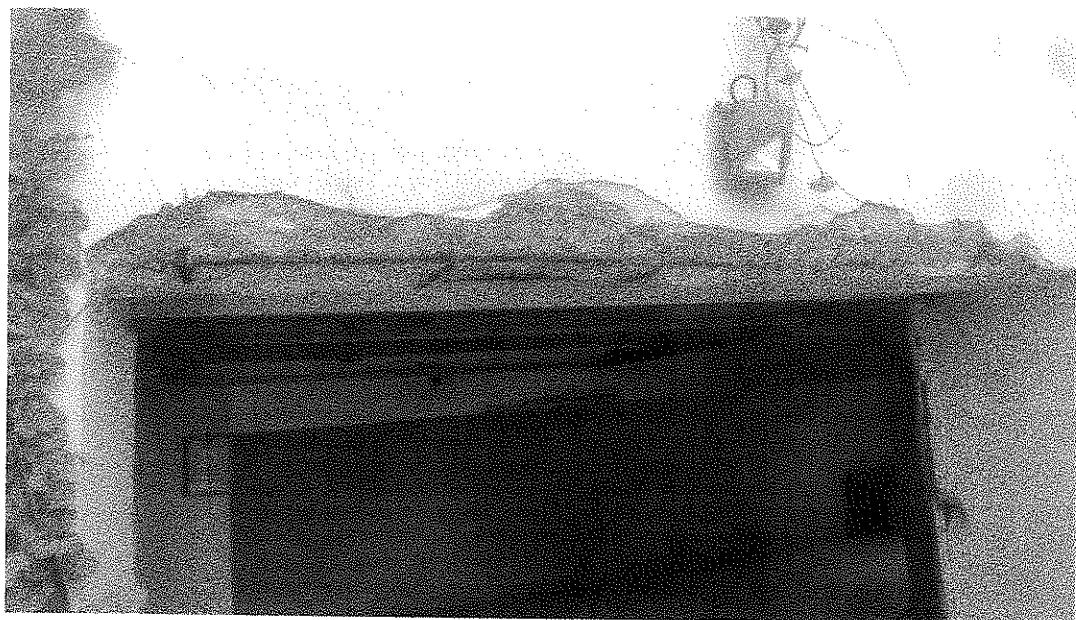
**Ritratt nru. 11- Ritratt tal-bitħa ta wara ta ‘flat’ numru 2 fl-ispazju li jħares għal fuq ir-rampa li tagħti għal ‘basement garage’.**



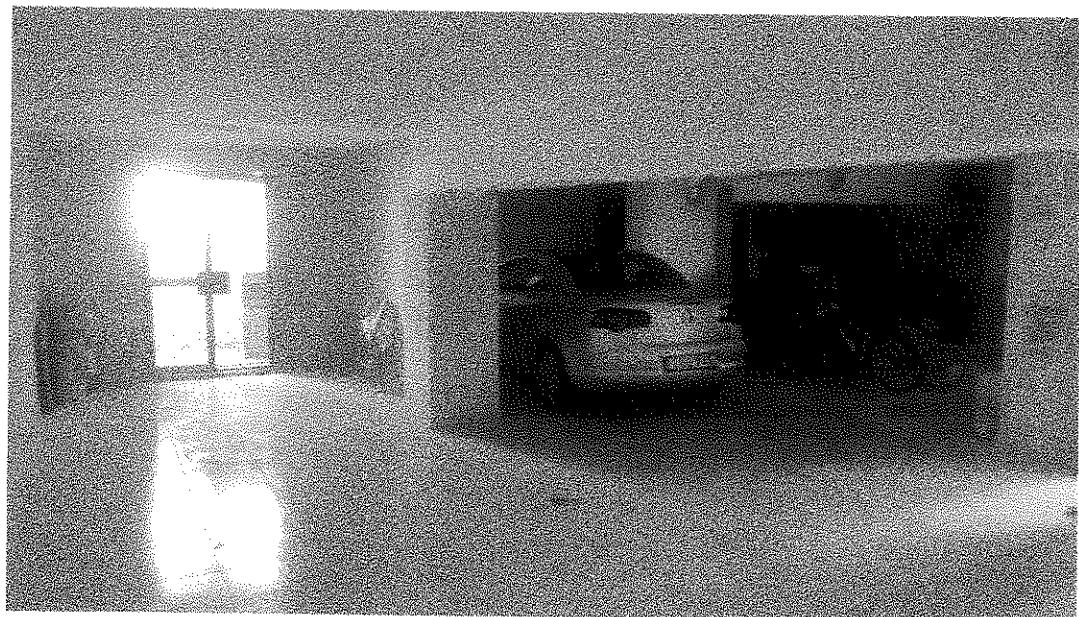
**Ritratt nru. 12-** Ritratt tal-kċina u l-kamra ta' l-ikel fi 'flat' numru 2 li jagħtu għal fuq ir-rampa kif ukoll għal fuq il-bithha wara ta' l-istess 'flat'.



**Ritratt nru. 13-** Ritratt tar-rampa li tagħti għal 'basement garage'.



**Ritratt nru. 14** – Ritratt tal-blata tal-bieb tal-‘basement garage’.



**Ritratt nru. 15** – Ritratt tal-‘basement garage’ u l-bieb tal-bitha interna.



**Ritratt nru. 16-** Ritratt tal-kamra tal-banju li hemm fl-istess ‘basement garage’



**Ritratt nru. 17 –** Ritratt ta’ l-‘istore’ li hemm fl-istess ‘basement garage’.



**Ritratt nru. 18** – Ritratt tal-saqaf ’ ta’ l-‘istore’ li hemm fl-istess ‘basement garage’.



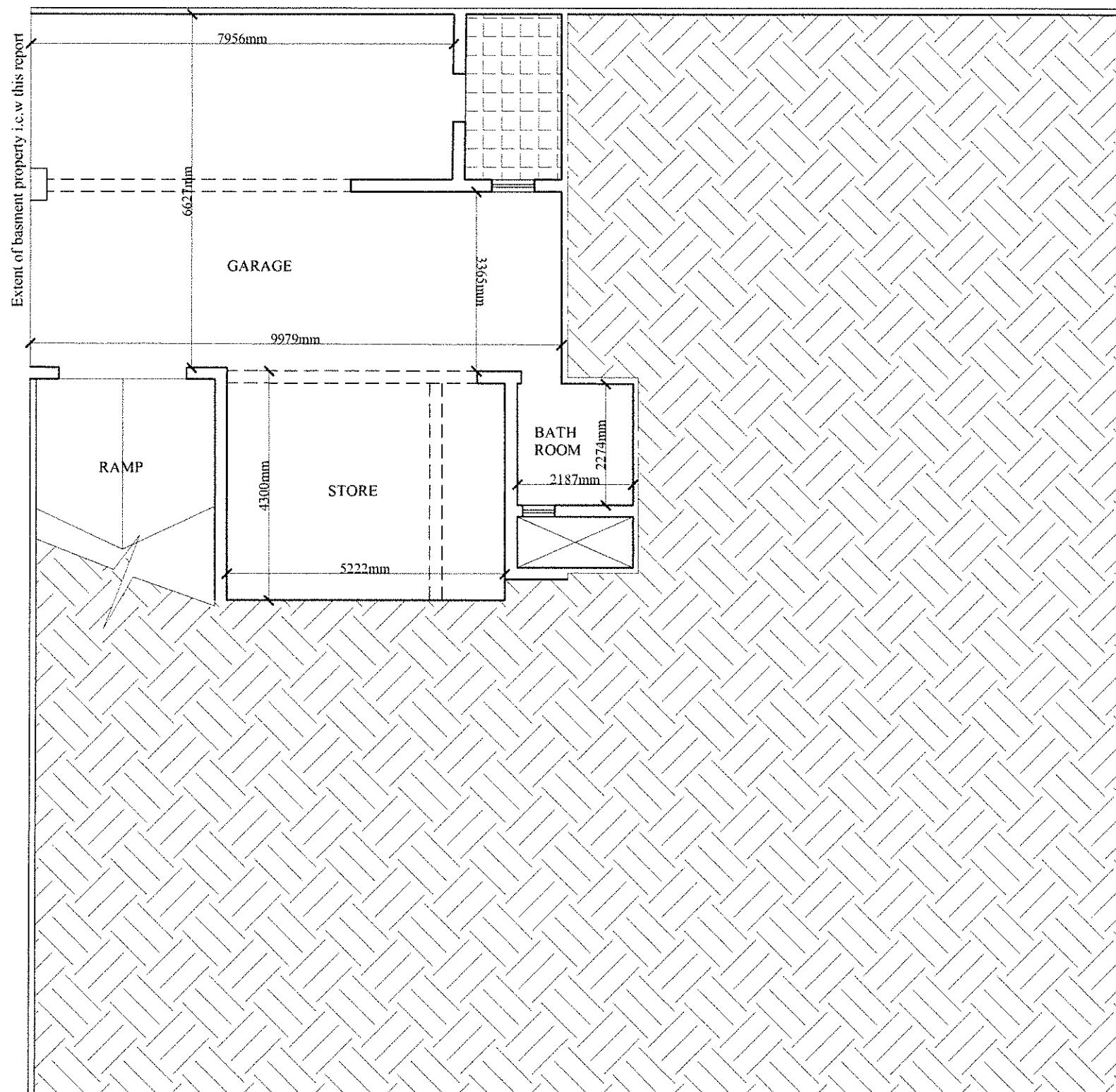
**Ritratt nru. 19** - Ritratt tat-tieqa ta’ l-‘istore’ li hemm fl-istess ‘basement garage’ li tagħti għal fuq ir-rampa.



**Ritratt nru. 20** - Ritratt tal-saqaf 'tal- 'basement garage' hekk kif tidhol mill-bieb ta l-istess 'garage'.

## **DOK ‘D’**

. Pjanta tal-fond kif inhu eżistenti.



### EXISTING BASEMENT FLOOR LEVEL

SCALE 1:100

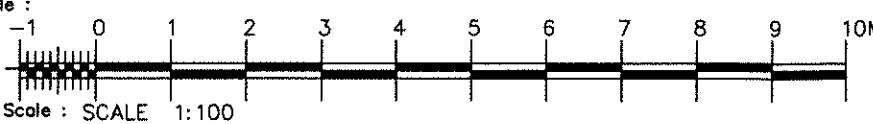
TRIQ IL-LACCI

Karl Cutajar  
B.E.&A.(Hons), M.Sc. Structural Engineering (Surrey,UK), A.&C.E.  
ARCHITECT & CIVIL ENGINEER  
42, Il-Ferha, Triq Karlu Maratta, Tarxien TXN 2353  
Tel.: (356) 21800341 Mob. (356)79046730

Client :  
Subbasta Prim Awala Civili

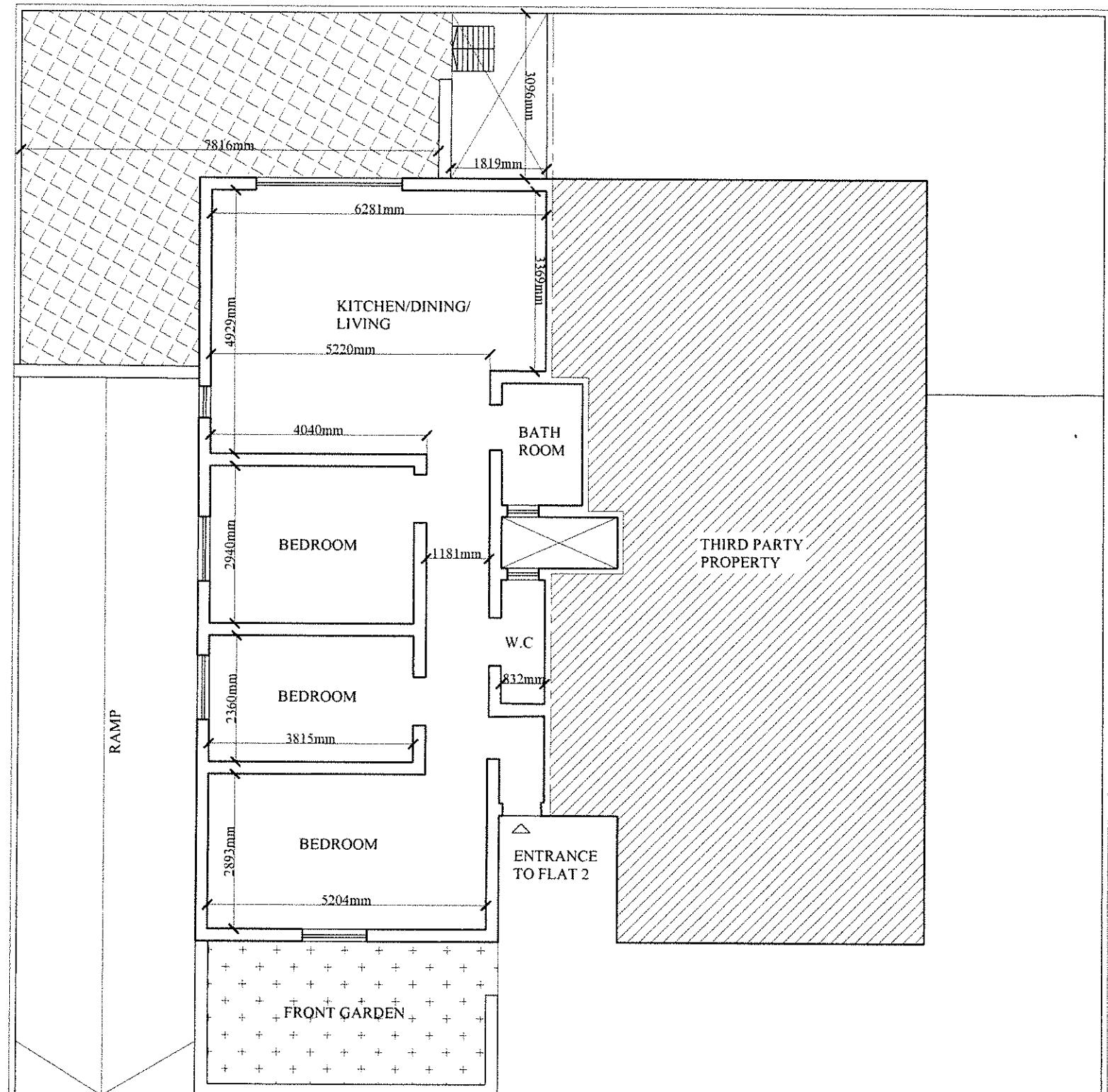
Project Title :  
FLAT 2,  
WINDSOR HOUSE,  
TRIQ IL-LACCI,  
SAN PAWL IL-BAHAR

Scale :



Drawing :  
EXISTING BASEMENT LEVEL

Job No. : 0105 Drawing No. : AL(2 ) 01  
Date : 01.11.2022 Scale : 1:100 (A3 SHEET)

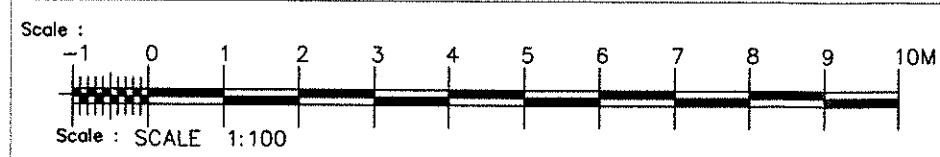


### EXISTING GROUND FLOOR LEVEL

SCALE 1:100

TRIQ IL-LACCI

Karl Cutajar B.E.&A.(Hons), M.Sc. Structural Engineering (Surrey, UK), A.&C.E. ARCHITECT & CIVIL ENGINEER 42, Il-Ferha, Triq Karlu Maratta, Tarxien TXN 2353 Tel.: (356) 21800341 Mob. (356) 79046730	Client : Subbasta Prim Awala Civili	Project Title : FLAT 2, WINDSOR HOUSE, TRIQ IL-LACCI, SAN PAWL IL-BAHAR
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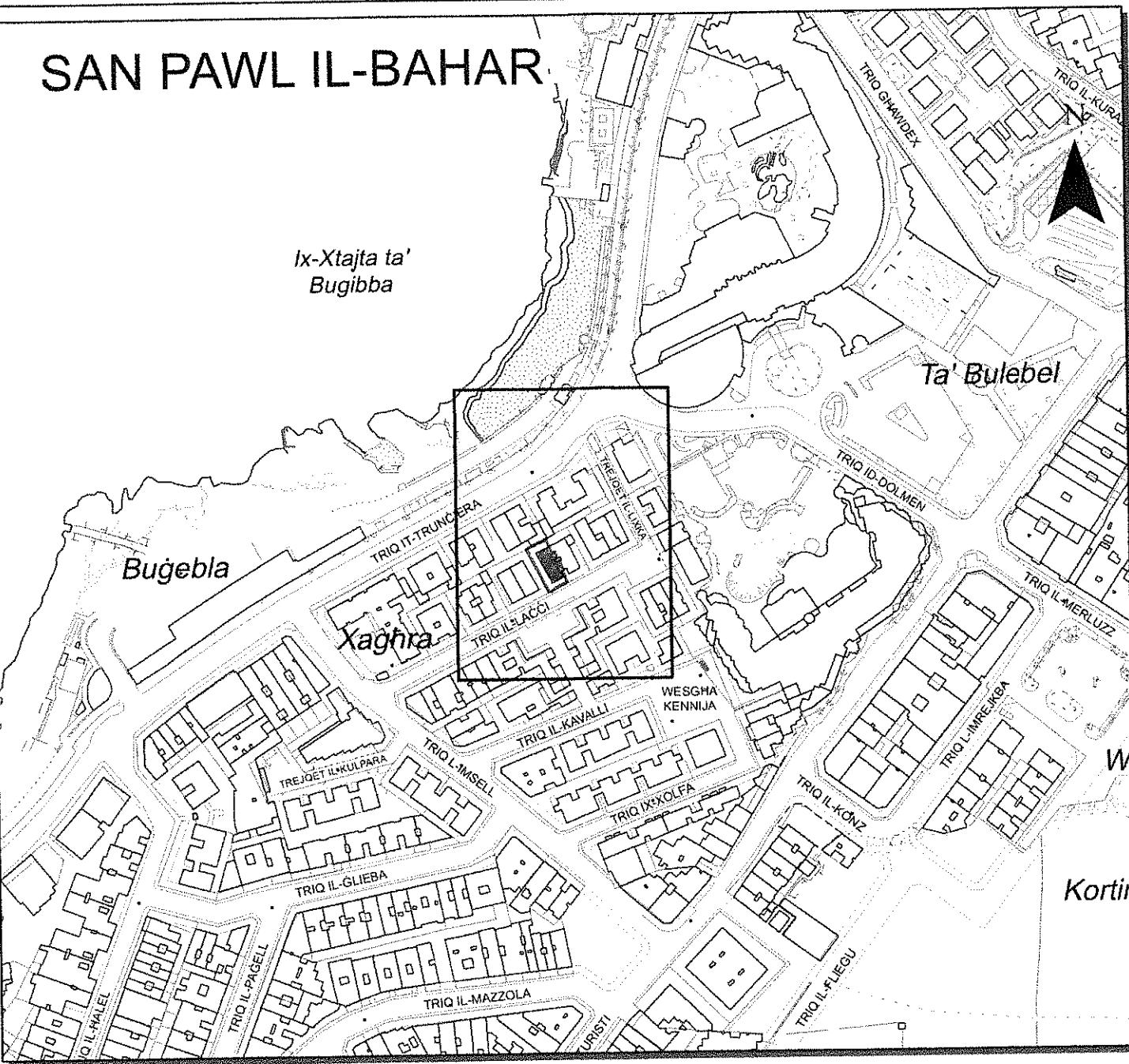
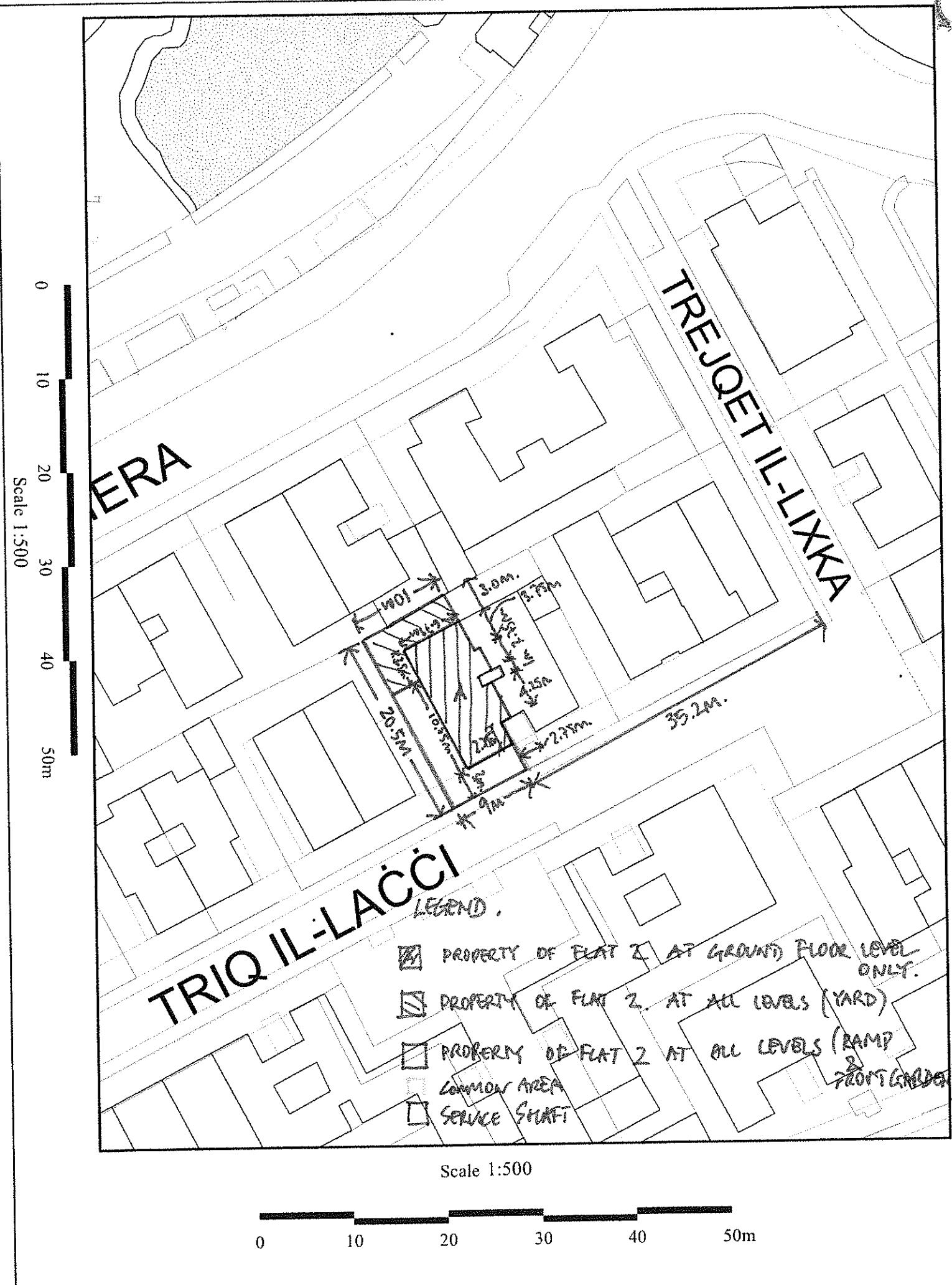


Drawing :	EXISTING GROUND FLOOR LEVEL	
Job No. :	0105	Drawing No. : AL(2 ) 02
Date :	01.11.2022	Scale : 1:100 (A3 SHEET)

## **DOK ‘E’**

Pjanta mir-Registru ta’ l-Artijiet, Skeda 8 u rċevuta ta’

spejjez



Aġenzija għar-Registrazzjoni tal-Artijiet

116, Casa Bolino, Triq il-Punent, Il-Belt Valletta



Land Registration Agency

116, Casa Bolino, Triq il-Punent, Il-Belt Valletta

Nru tal-Mappa:

281936 E

Map Number:

Pożizzjoni Ċentrali: x = 47491

Centre Coordinates: y = 79130

Parti min S.S.:

4679

Extracted from S.S.:

Date:

02/11/2022

Perit:

KARL CUTAJAR

Architect:

Timbru tal-Perit:

Architect's Stamp:

Perit Karl Cutajar

B.E. & A. (Mons.), M.Sc. Structural Engineering (Surrey, UK), A. & C.S.  
ARCHITECT, CIVIL & STRUCTURAL ENGINEER  
42, Il-Ferla, Triq il-Karru, Marsaxlokk, Ta'xien XKN 2353  
Tele: 21830241 / 21804640 Mob.: 79046730

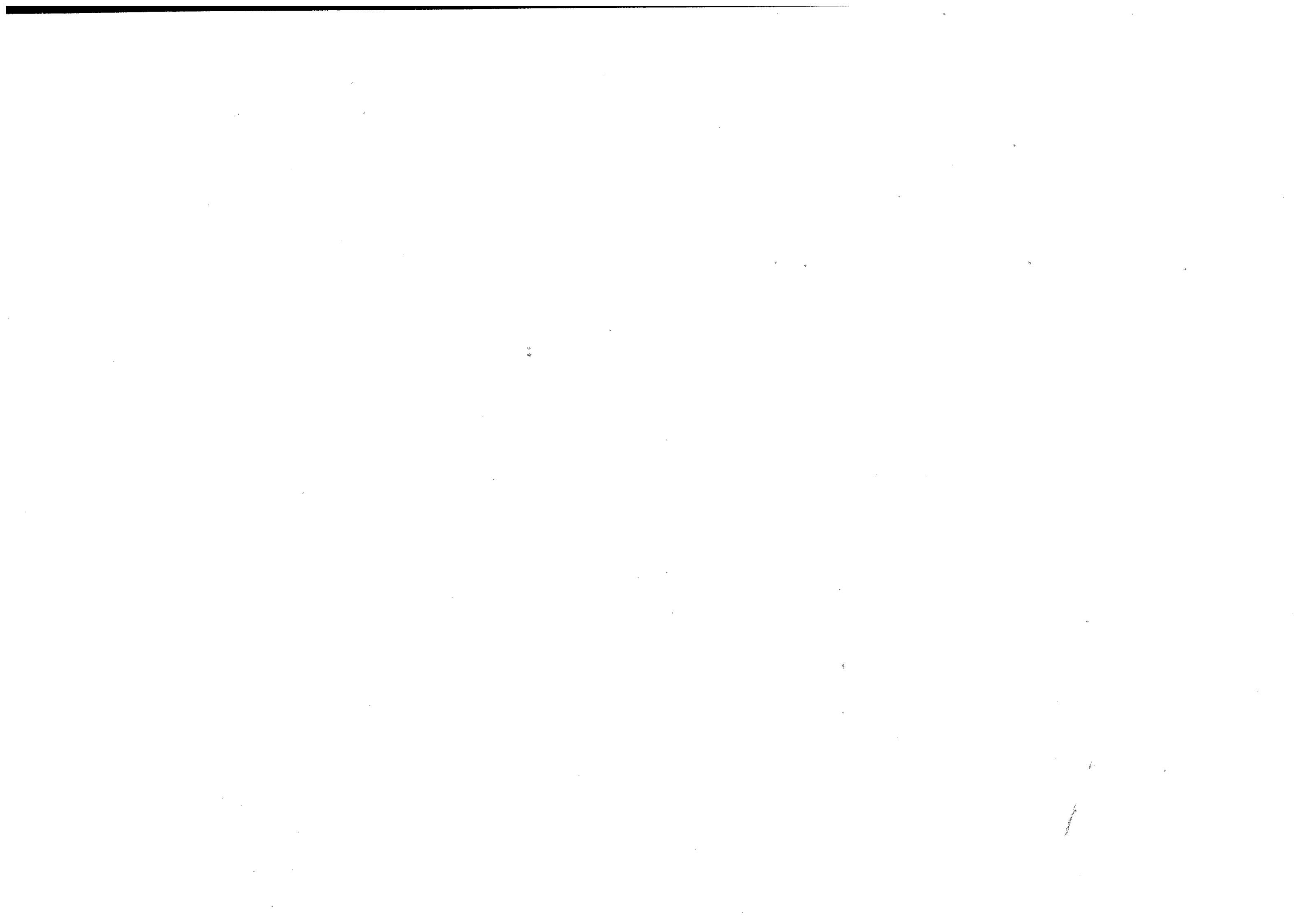
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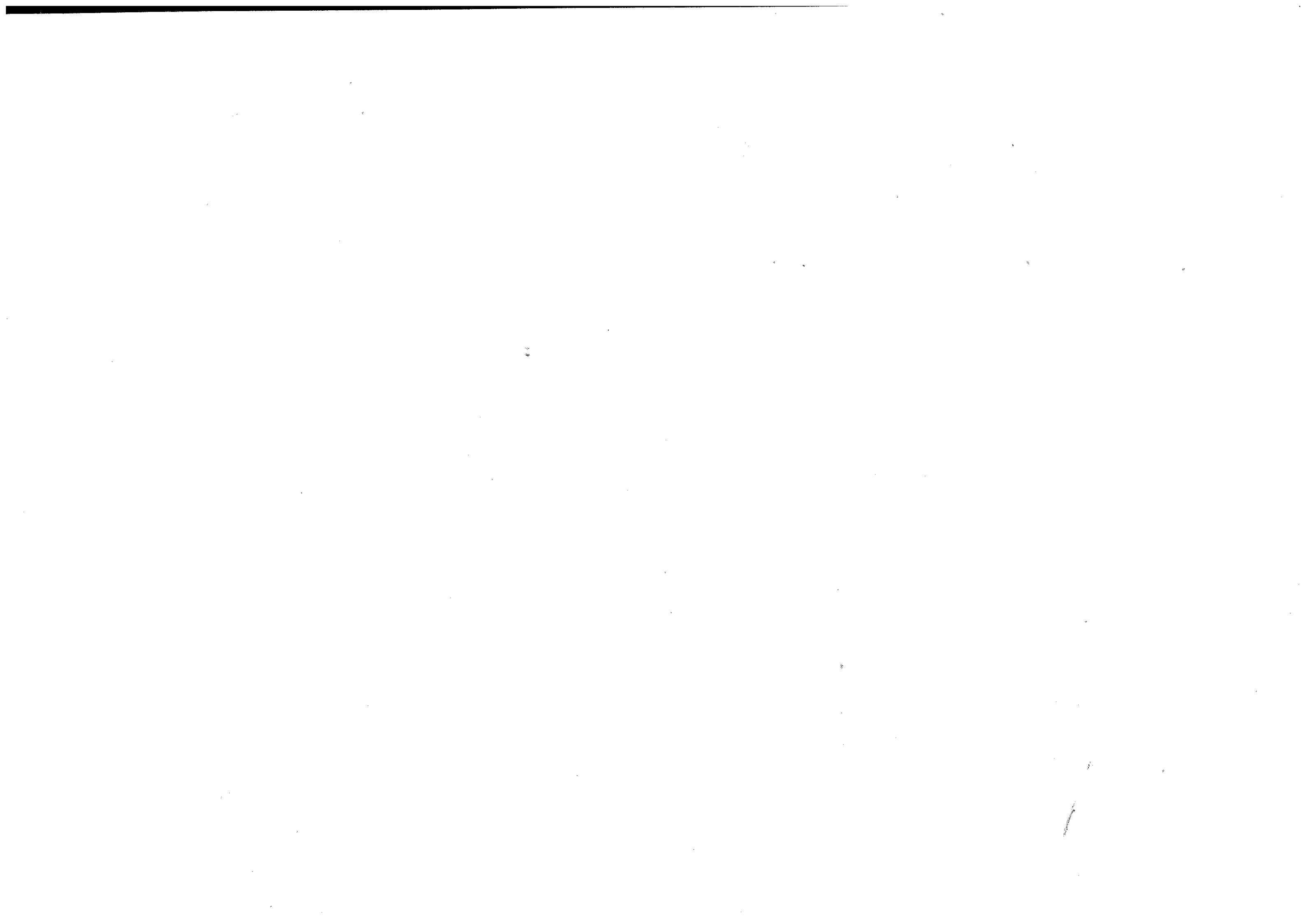
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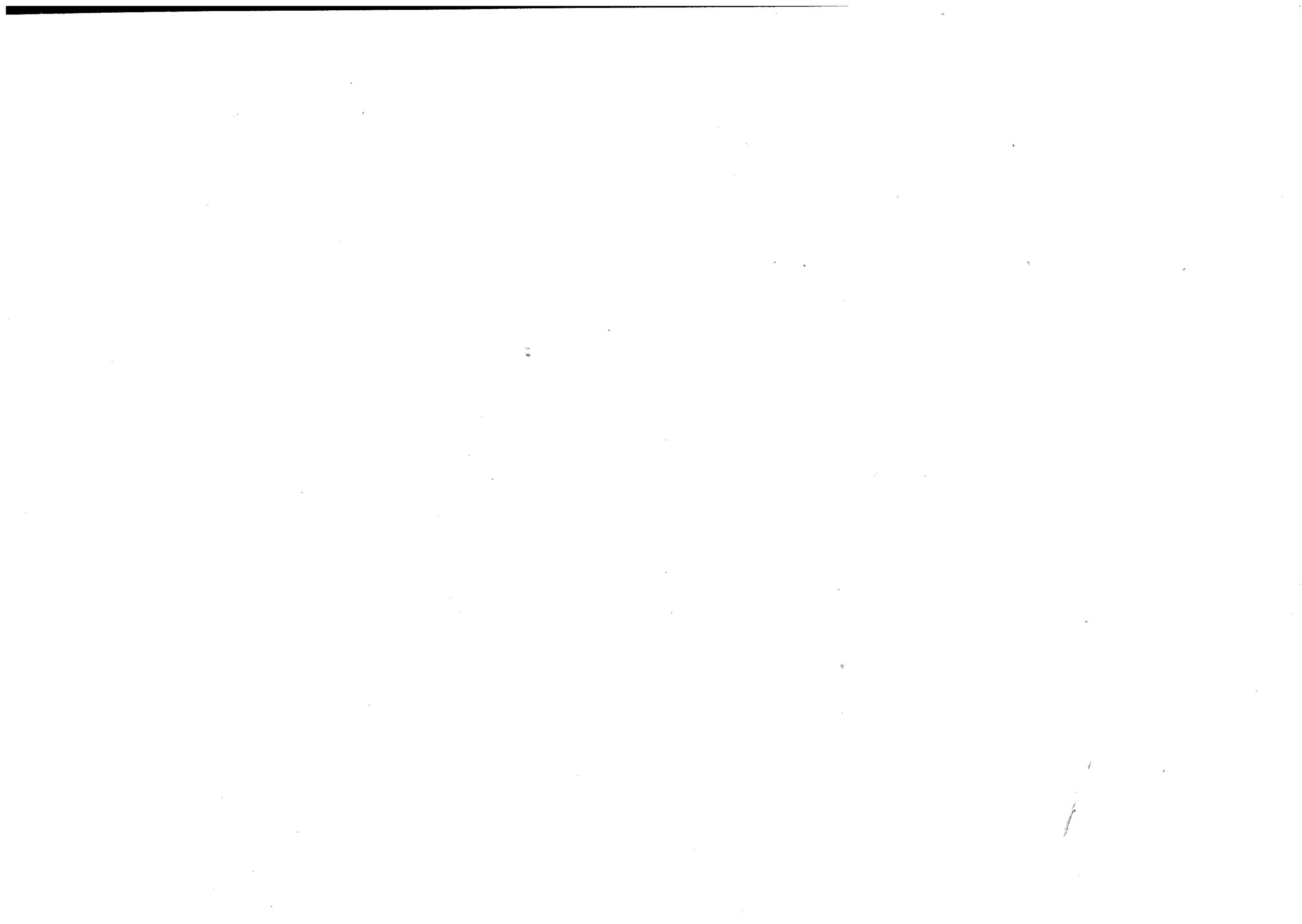
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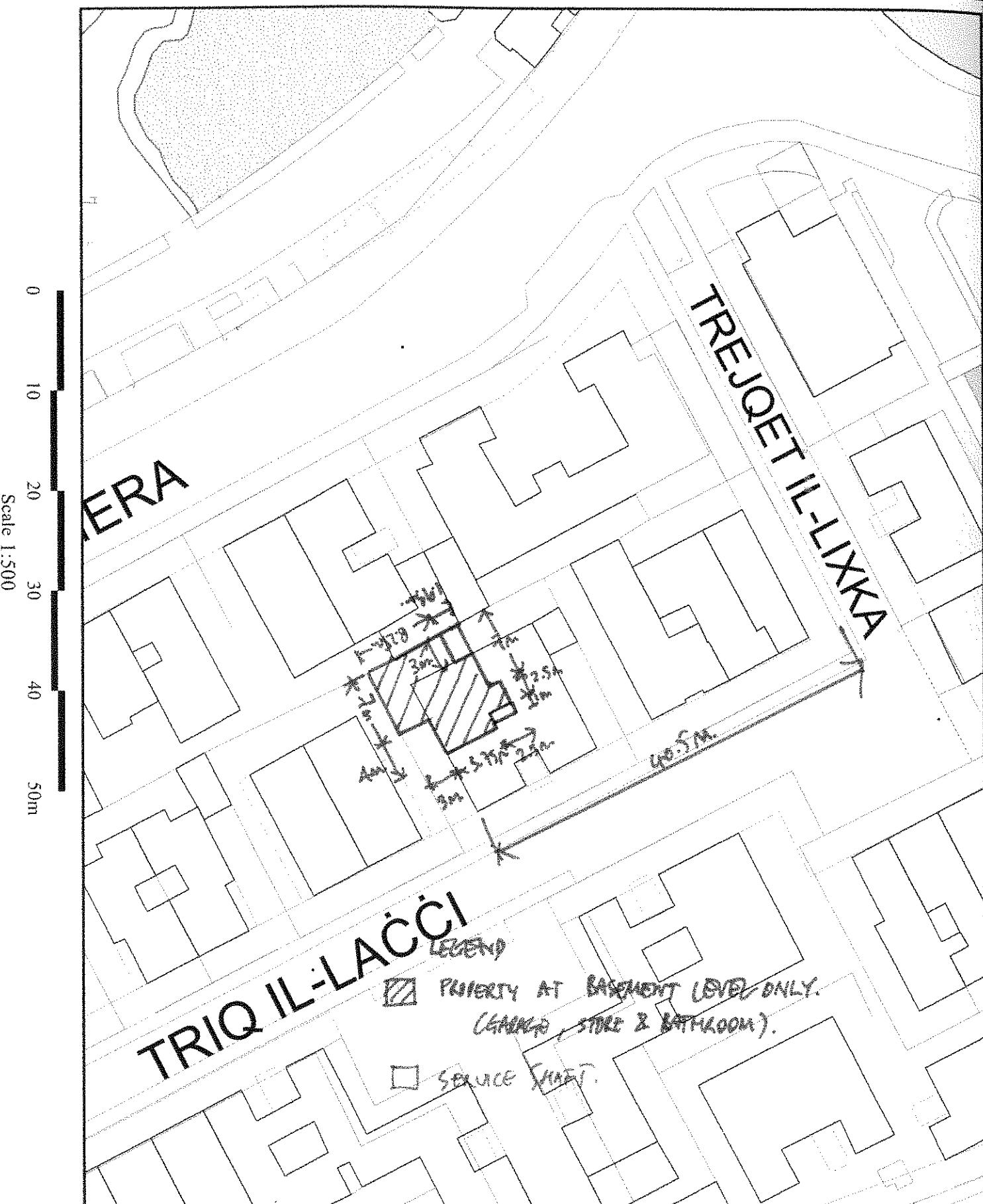
282674

Dritt imħallas  
Fee Paid



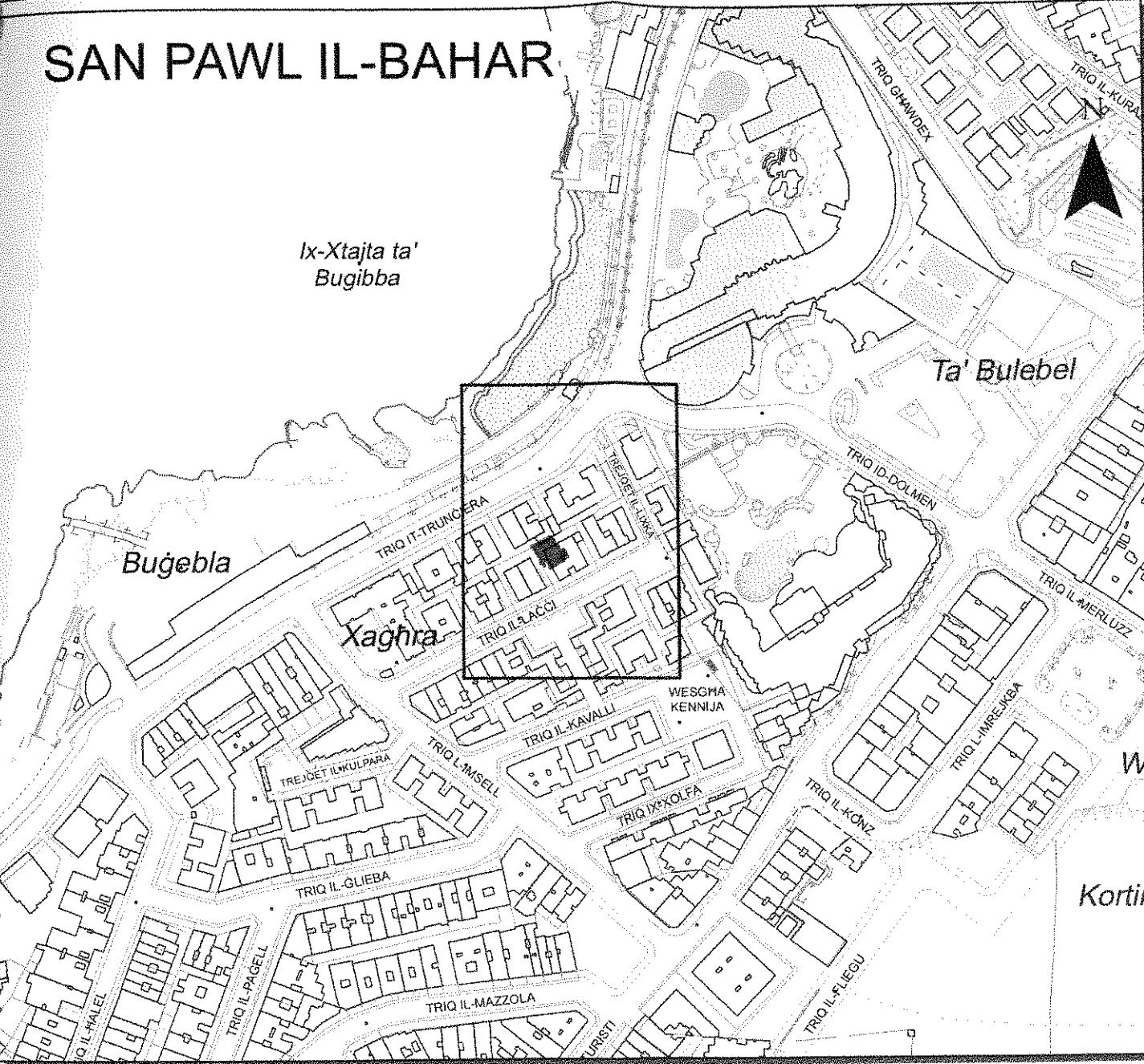






Scale 1:500

0 10 20 30 40 50m



Pjanta tas-Sit 1:2500 Site Plan

Aġenzija għar-Registrazzjoni tal-Artijiet

116, Casa Bolino, Triq il-Punent, Il-Belt Valletta



Land Registration Agency

116, Casa Bolino, Triq il-Punent, Il-Belt Valletta

Nru tal-Mappa:

**281936 E**

Map Number:

Pożizzjoni Ċentrali: x = 47491

Centre Coordinates: y = 79130

Parti min S.S.: **4679**

Extracted from S.S.:

Data: **02/11/2022**

Date:

Perit:

*Karl Cutajar*

Architect:

Timbru tal-Perit:

Architect's Stamp:

*Karl Cutajar*

**M. A. (Hons.), M.Sc. Structural Engineer, MSc (Fury, UK), A. & C.E.**  
ARCHITECT, CIVIL & STRUCTURAL ENGINEER  
42, Il-Ferma, Triq Kieni, Msida, Ta' Xbiex, TAN 2353  
Tel.: 21800341 / 21389341 Mob.: 77046739

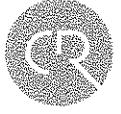
Firma ta' l-Applicant:

Applicant's Signature:

Dritt imħallas  
Fee Paid

LR

**282673**



## EIGHTH SCHEDULE

### PHYSICAL ATTRIBUTES OF IMMOVABLE PROPERTY

Locality	St Paul's Bay.
Address	FLAT 2 WINDSOR HOUSE TEIR IL-LAČI; ST PAUL'S BAY.
Total Footprint of Area Transferred*	LICCA 201.2 Sq.m.

### TICK WHERE APPLICABLE (Tick one box in each case except where indicated otherwise)

Type of Property	<input type="checkbox"/> Villa	<input type="checkbox"/> Semi-Detached	<input type="checkbox"/> Bungalow	<input checked="" type="checkbox"/> Flat/Apartment
	<input type="checkbox"/> Penthouse	<input type="checkbox"/> Mezzanine	<input type="checkbox"/> Maisonette	<input type="checkbox"/> Farmhouse
	<input type="checkbox"/> Terraced House	<input type="checkbox"/> Ground Floor Tenement		
Age of Premises	<input type="checkbox"/> 0-20 years	<input checked="" type="checkbox"/> Over 20 years	<input type="checkbox"/> Pre WWII	
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 <small>Tick as many as appropriate</small>	<input checked="" type="checkbox"/> With Garden	<input type="checkbox"/> With Pool	<input type="checkbox"/> With Lift	<input checked="" type="checkbox"/> With Basement
	<input type="checkbox"/> No Garage	<input type="checkbox"/> One car Garage	<input type="checkbox"/> Two Car Garage	<input type="checkbox"/> Multi Car Garage
Airspace	<input type="checkbox"/> Ownership of Roof	<input checked="" type="checkbox"/> No Ownership of Roof	<input type="checkbox"/> Shared Ownership	

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

\*\* Includes \*\* plus bathrooms and apertures

\*\*\* Includes plastering, electricity, plumbing and floor tiles

Date: 3/11/2022

Perit's Signature:

Perit Karl Cutajar

B.E. & A. (Hons.), M.Sc. Structural Engineering (Surrey, UK), A. & C.E.

ARCHITECT, CIVIL & STRUCTURAL ENGINEER

Rubber Stamp: 42, Il-Ferha, Triq Kermit Mizzi, TAQQA 1 TXN 2353

Tel: 21800341 / 219001010 / 99846739

Warrant Number: 655



## EIGHTH SCHEDULE

### PHYSICAL ATTRIBUTES OF IMMOVABLE PROPERTY

Locality	ST PAUL'S BAY
Address	BASMENT GARAGE UNDERLYING WINDSOR HOUSE TRIQ IL-CATCI ST. PAUL'S BAY.
Total Footprint of Area Transferred*	circa 99 sq.m.

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

Type of Property	<input type="checkbox"/> Villa	<input type="checkbox"/> Semi-Detached	<input type="checkbox"/> Bungalow	<input type="checkbox"/> Flat/Apartment
	<input type="checkbox"/> Penthouse	<input type="checkbox"/> Mezzanine	<input type="checkbox"/> Maisonette	<input type="checkbox"/> Farmhouse
	<input type="checkbox"/> Terraced House	<input type="checkbox"/> Ground Floor Tenement	✓ Basement Garage.	
Age of Premises	<input type="checkbox"/> 0-20 years	<input checked="" type="checkbox"/> Over 20 years	<input type="checkbox"/> Pre WWI	
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 Tick as many as appropriate	<input type="checkbox"/> With Garden	<input type="checkbox"/> With Pool	<input type="checkbox"/> With Lift	<input checked="" type="checkbox"/> With Basement
	<input type="checkbox"/> No Garage	<input type="checkbox"/> One car Garage	<input type="checkbox"/> Two Car Garage	<input type="checkbox"/> Multi Car Garage
Airspace	<input type="checkbox"/> Ownership of Roof	<input checked="" type="checkbox"/> No Ownership of Roof	<input type="checkbox"/> Shared Ownership	

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

\*\* Includes " plus bathrooms and apertures

\*\*\* Includes plastering, electricity, plumbing and floor tiles

Date: 3/11/2022

Perit's Signature:

Warrant Number: 655

Perit Karl Cutajar  
B.E. & A. (Hons.), M.Sc. Structural Engineering (Surrey, UK), A. & C.E.  
Rubber Stamp: ARCHITECT, CIVIL & STRUCTURAL ENGINEER  
42 Il-Ferla, Triq Karlu Mamo, Torkleq TXN 2359  
Tel: 21800341 / 21384848 Mob: 79048730

**Land Registration Agency**

Karl Cutajar  
MONTSERRAT  
TRIQ MARJANU GERADA, TARXIEN  
Troxien  
TXN 2353  
Malta

**Cash Sale**

02/11/2022

281936E

No of Copies	2
Fee Per Site Plan	€6.00
<hr/>	
Total	€12.00
<hr/>	

Land Registration Agency  
116, Casa Bolino  
Triq il-Punent  
Il-Belt Valletta  
VLT 1535

Tel: +356 21239777, 25904700

Email: [enquiries@landregistry.gov.mt](mailto:enquiries@landregistry.gov.mt)

[www.landregistryplans.gov.mt](http://www.landregistryplans.gov.mt)

## **DOK 'F'**

Kuntratt ta' l-akkwist datat 14 ta' Dicembru 2000, fl-atti

tan-Nutar Dottor Pierre Cassar u l-esponenti.

Dde C  
S7

Loan, Sale and Waiver

Vol. P. No.  
19246/2000

Enrolled in the Public Registry  
99/2001

Vol. I. No.  
19247/2000

Vol. R. No.  
7456/2000

This, fourteenth day of December of the year two thousand  
(14.12.2000).

Before me Doctor of Laws Pierre Cassar Notary Public in Malta  
there personally came and appeared.

Pierre Cassar

Doctor of Laws George Brancalione, advocate, son of Emanuel and Ludgarda nee' Farrugia, born in Qormi and residing at Sliema, holder of identity card number 136061(M) who appears on this deed for and on behalf of "HSBC Home Loans (Malta) Limited", as duly authorised; hereinafter called the Bank.

Alfred Testa, in business, son of the late Alfred and the late Carmela nee Micallef, born in and residing at Birkirkara, number one hundred and eighty three (183), F.S. Caruana Street, identity card number 106154(M), and his wife Silvana Testa, daughter of Carmel Cutajar and Cecilia nee Mazzoleni, born in Marsa and residing at Birkirkara, identity card number 604956(M), - hereinafter called the purchasers and/or Customers.

Mary Carmen sive Carmelina Gatt, pharmacist, widow of pharmacist John Gatt, daughter of the late Joseph Sciberras and Emanuela nee Micallef, born in Mosta and residing at "Caprice", Constitution Street, Mosta, identity card number 580244(M).

Architect and Civil Engineer Kevin Gatt, son of the late John Gatt and Mary Carmen sive Carmelina nee Sciberras, born in Sliema and residing at "Caprice", Constitution Street, Mosta, identity card number 269567(M), hereinafter called the Vendors.

Identified by me, the undersigned Notary, by virtue of the above mentioned documents.

By virtue of this deed the Bank hereby grants on loan to the Customer who accepts, the sum of twenty thousand lira (Lm20,000) -

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hereinafter called the loan - to be used for purchasing the property hereinmentioned, which loan the Customers delegate the Bank, which accepts, to pay to the vendors later on in this deed.

In warranty of the proper observance of the conditions of this deed and in particular of the repayment of the loan and the payment of interest thereon, as well as charges and disbursements made by the Bank, the Customers in solidum between them hereby grant to the Bank, which accepts, a general hypothec over all their property present and future, over and above a special hypothec and a special privilege over the property to be described hereunder and such other security as may be mutually agreed from time to time.

The Bank and Customers hereby agree that the loan and security therefor shall be regulated by such conditions including repayments as have been and/or shall be from time to time notified by virtue of the attached facility letter marked letter "A" in writing by the Bank and accepted by the Customers but the following shall be overriding conditions namely;

The interest rate shall not exceed the maximum rate allowed by law and shall be reckoned on the amount due for balance of loan by the Customers from time to time according to recognised banking practice the said rate of interest is to be fixed by the Bank in its sole discretion from time to time;

The loan shall be repayable on demand (a simple request in writing to be deemed good and sufficient for this purpose) in the event of any of the above mentioned present or future conditions for the loan not being adhered to provided that the Bank shall grant the

Customers fifteen days from the date of filing of a judicial letter advising default and requesting regularisation of the deficiency.

It is furthermore agreed that all fees and expenses in connection with this deed are to be borne by the Customers who further undertake to refund to the Bank all expenses including legal fees and administrative charges made for bringing up to date from time to time the researches into their liabilities and transfers as also for maintaining all the Bank's security in good order to the satisfaction of the Bank in its sole discretion from time to time.

Furthermore the Customers authorise the Bank to make and/or follow any application for registration which may be necessary with the Land Registrar and to obtain registration of the property, the subject of this deed, in case the said property is declared to be in a registration area or if the Bank deems necessary or convenient to do so and this at the expense of the Customers. It is also agreed that the Bank reserves the right to retain the Land Certificate and Certificate of Hypothecation or the Cautionary Charge Certificate until the loan is fully repaid.

The Customers delegate the Bank to pay the undersigned Notary on his first demand an amount representing notarial fees and expenses relative to this deed by the debit of Customers' account/s with the Bank and that it shall not be incumbent upon the Bank to verify whether such amount is justified.

Also in virtue of the second part this same deed the Vendor Mary Carmen sive Carmelina Gatt as to the usufruct and Architect Kevin Gatt as to the nuda proprietा, do hereby sell, transfer and

57

convey unto the Purchasers who accept, purchase and acquire (1), the flat internally marked number two (2), underlying flat number four (4) and overlying a basement garage, and a small storeroom hereinmentioned, forming part of the block of buildings without a number named "Windsor House", in Triq il-Lacci, Bugibba, limits of Saint Paul's Bay, bounded the said block on the south with the said street, west with property of family Vella or its successors in title, and east with property of William Joseph Rees and his wife or their successors in title, whilst the tenement sold on this deed is bounded on the south with the said street, west with property of family Vella or its successors in title, and east with the remainder of the said block; as well as (2) the underlying basement garage without a number and without a name, together with the ramp in front of the said garage and the small storeroom, which storeroom is situated on the right hand side of said ramp as you go down the said ramp, bounded the said garage, ramp and storeroom on the south with the said street, west with property of family Vella or its successors in title, and east with another basement garage property of Notary Anthony Gatt and his wife Therese Gatt, subject together the said tenement and garage to the annual perpetual groundrent and subgroundrent of thirteen Malta Liri and fifty four cents (Lm13.54c), payable yearly in advance with effect from the sixteenth day of November of the year two thousand (16-11-2000), which groundrent and subgroundrent shall be revisable every fifty years with effect from the sixteenth day of November one thousand nine hundred and sixty (16-11-1960), which revision shall be based on the value of money in those future dates compared to its value in the year nineteen hundred and sixty (1960), without any consideration being taken of the value of the buildings existing therein, and this as results from the deed of acquisition of pharmacist John Gatt and Notary Doctor

John Gatt

Anthony Gatt, both published in the acts of Notary Doctor Paul Pullicino, one on the second (2) day of August one thousand nine hundred and sixty five, (1965), and the other dated twenty fifth (25) February of the year one thousand nine hundred and sixty six (1966), and in the original deed of emphyteuses published by Notary Anthony Carbonaro on the sixteenth day of November nineteen hundred and sixto (16-11-1960), with all its rights and appurtenances.

This sale is being made for the sale price and in consideration of thirty thousand lira (Lm30,000) out of which sum the Purchasers are paying out of their own personal funds the sum of ten thousand Malta Liri (Lm10,000) to the Vendors who accept and receive the said amount and give due receipt.

The balance of twenty thousand thousand Malta lira (Lm20,000) is being paid presently by the Bank in execution of the delegation given to it earlier on in this deed, to the Vendors, who accept, and give due receipt.

For the purposes of the Duty on Documents and Transfers Act of the year one thousand nine hundred and ninety three (1993), it is hereby being declared that the the said maisonette and underlying garage and small storeroom were assigned to Pharmacist Carmelina Gatt as to the usufruct and Architect Kevin Gatt as to the nuda proprietा, in the deed of partition published in the acts of Notary Doctor Joseph Bonello of the twenty fourth day of October of the year two thousand (24-10-2000).

It is hereby being stated that Pharmacist John Gatt, husband of Carmelina Gatt and father of Architect Kevin Gatt owned one half

(S7)

undivided part of Windsor House, and he died on the thirteenth day of February nineteen hundred and ninety four, and in virtue of a will in the acts of Notary Vincent Miceli of the fifth day of April one thousand nine hundred and eighty (5-4-1980), he left to his wife Carmelina Gatt the usufruct of all his property and appointed as his heir his only son Architect Kevin Gatt. The deed of Causa Mortis was published by Notary Doctor Joseph Bonello on the first day of October nineteen hundred and ninety four (1-10-1994), in which deed the one half undivided part of the whole block Windsor House was duly notified.

The stamp duty ad valorem on this deed amounts to one thousand two hundred Malta lira (Lm1200).

Vendors are hereby declaring that the said tenement is to be their sole future house of residence, and I the undersigned Notary do hereby declare that I have fully explained to them the importance of the veracity of their declaration.

No provisional capital gains tax is due on this transfer whereas the plot on which the said Windsor House is built was acquired by Notary Anthony Gatt and his brother Pharmacist John Gatt by title of perpetual emphyteusis previous to the marriage of John Gatt to his wife Carmelina, and thus Architect Kevin Gatt acquired the said tenements by title of inheritance from his father as stated above.

In warranty of the peaceful possession and true enjoyment of the property above transferred, the Vendors hereby hypothecate all their property in general present and future in favour of the Purchasers who accept.

(S7)

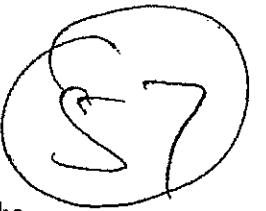
This sale is subject to the following conditions:

The said tenement and underlying garage and storeroom are being sold without any guarantees for any defects, whether apparent or latent, and thus purchasers are purchasing the said tenements "tale quale" and in the state as existing.

The said tenements are being sold with vacant possession.

This sale is being made subject to all the conditions, without exception, stipulated in the deed of acquisition of the land on which is built the above described block, published in the acts of Notary Doctor Paul Pullicino one on the second (2) day of August one thousand nine hundred and sixty five, (1965), and the other dated twenty fifth (25) February of the year one thousand nine hundred and sixty six (1966), which conditions purchasers are hereby declaring to have knowledge of, are accepting them and bind themselves to observe them, amongst which are the following:

- a) the revision of the groundrent and subgroundrent above mentioned.
- b) The right of payment of laudemium in all transfers of the said tenements equivalent to one year's groundrent and subgroundrent, and the obligation on the part of the purchaser to send a free legal copy to the direct owner of the land Doctor Anthony Demajo and the company "England Sant Fournier and Son Limited", under a penalty of ten Malta Liri for non observance of this condition.
- c) Should purchasers fail to pay two years groundrent and



subgroundrent, the direct owners will have the right to demand the dissolution of the emphyteusis.

d) The building on the said land cannot be higher than two storeys from road level, and may not exceed the height of twenty seven feet.

e) the tenements hereby sold cannot be used for any illicit or immoral purposes which go against the teachings of the Catholic Church., and the said tenement are to be used solely as residences, and no shops may be opened therein.

f) the dividing wall between the front gardens and the adjacent streets, and that between the front garden up to a depth of ten feet from the road cannot be higher than four feet from the level of the pavement, however on these walls, iron railings or railings made of other material can be erected.

Said flat number two has its own front garden, and the garage and the storeroom have their own ramp giving access to them from Triq il-Lacci.

The said flat has in common together with the other flats in the said block the uncovered entrance from Triq il-Lacci, with the uncovered passage to the stairs leading up to the roof of the overlying flat number four (4).

In the garage above sold there is a common shaft which has a common small well, which shaft has its door giving access thereto in the above sold garage, and it is common with the adjoining garage property of Notary Anthony and Therese spouses Gatt, and the adjacent garage of Notary Gatt and his wife has a window overlooking the said shaft. There is another small common shaft



accessible only from the windows of the flats in Windsor House, and in which latter small shaft each of the four flats forming the block has three windows overlooking it and through this shaft pass all the water, drains and drainage system's serving all the four flats in the said block, and the other owners of all the flats in Windsor Block and their successors in title shall have the right of access to the said shaft to effect repairs and/or maintenance required for their flats.

The said tenements are being sold as subject and as enjoying all servitudes as actually existing.

All fees and expenses in connection with the said deed shall be paid by the purchasers.

There also appears on this deed Saviour Micallef, Bank Manager, son of William and Pauline nee' Mifsud, born Rabat residing at Attard, holder of identity card number 443849(M) who appears on this deed in the name and on behalf of Bank of Valletta PLC, duly authorised, hereinafter referred to as the creditor.

Duly identified by me the undersigned Notary.

In virtue of this deed the creditor does hereby waive its hypothecary rights arising out of the general hypothecs inscribed in the public registry in its favour and against Alfred and Silvana spouses Testa, bearing numbers eighteen thousand three hundred and three of the year one thousand nine hundred and ninety nine (18303/1999); five thousand four hundred and fifty five of the year one thousand nine hundred and ninety seven (5455/1997); five thousand four hundred and fifty six of the year one thousand nine



hundred and ninety seven (5456/1997); and eight thousand three hundred and eighty one of the year one thousand nine hundred and ninety two (8381/1992), which waiver of rights is being effected solely in so far as said rights affect the immovable property hypothecated on this deed, and at the same time the creditor retains firm and unimpaired the hypothecary guarantees granted in its favour in the above mentioned hypothecary notes.

This deed was done read and published after the contents thereof had been duly explained according to law in Malta, Valletta, Republic Street, number fifteen (15).

Signed: George Brancalione

Alfred Testa

Silvana Testa

Mary Carmen Gatt

Kevin Gatt

Saviour Micallef

Pierre Cassar

Notary Public in Malta

Vera kopja tal-original  
Blum, 01/04/2015

Pierre Cassar LL.D.  
Nutar Pubbliku Malti



## **DOK'H'**

Kopji tal-pjani lokali tal-Awtorita ta' l-Ippjanar

## NORTH WEST LOCAL PLAN



Malta Environment & Planning Authority  
L-Aw辛苦 ta' Malta Dvora u Ambjent u Ifryja

Malta Environment & Planning Authority

### Key

	NWTPS 1 Land to Development Boundary
	NWTPS 1 Secondary Town Centre for St Paul's Bay
	NWTPS 1 Locality Centre for Cava
	NWTPS 1 The Entertainment Priority Area of Bugibba
	NWTPS 1 Tourism Zone
	NWTPS 3 St Paul's Bay Village Bugibba Qormi Residential Area
	NWTPS 4 Bogibba & Għajnejha Residential Priority Areas
	NWTPS 6 Urban Open Space
	NWTPS 11 Open Space Areas Between Settlements
	NWSP 1 Site for Public Eas Tat-Tamarruz
	NWSP 4 Facilities in Urban Commercial Zone
	NWSP 5 Parks within the Entertainment Priority Area
	NWSP 5 Development on the San Antoni Hotel Site
	NWSP 6 Development of Dolmen Hotel Site
	NWSP 7 Comprehensive Development Scheme on Ta' Xbiex Roman Ruins
	NWSP 8 Site for Primary School
	NWSP 8 Open Park
	NWSP 9 Recreational Sports Complex
	NWSP 11 Re-Development Schemes for Ta' Xbiex Pongkorha sites
	NWSP 13 Commercial site of Pongkorha and Foshoġħ
	NWSP 14 Cavall Cassar Development Brief
	NWSP 16 Site designated for Recreation
	NWSP 17 Offices previously on St Paul's Pav
	NWTPS 1 Sites previously zoned for villas in TPS 1988
	Ref to NWTPS 1
	North West Local Plan
	Buġibba & Qawra Policy Map
	Map

Scale : 1:7000 Date : July 2006 Map No. 40

Note to be used for measurement or direct interpretation  
Maps to be used in conjunction with Policy Document

Base Maps - 1994 Survey Sheets

Copyright Mapping Full Malta Environment & Planning Authority

BAK/TP/152/H/0/R



## NORTH WEST LOCAL PLAN



L-Awtorita` ta' Malta Environment & Planning Authority

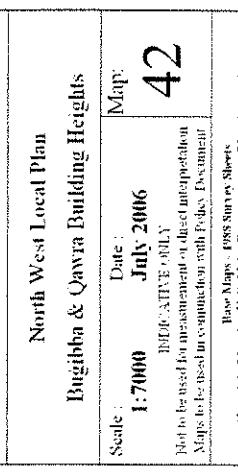
Malta Environment & Planning Authority

### Key

- NWLS 1**  
Limit to Development Boundary
- 2 Floors**
- 3 Floors plus 6 courses semi - basement**
- 4 Floors**
- 5 Floors**
- To retain existing height**

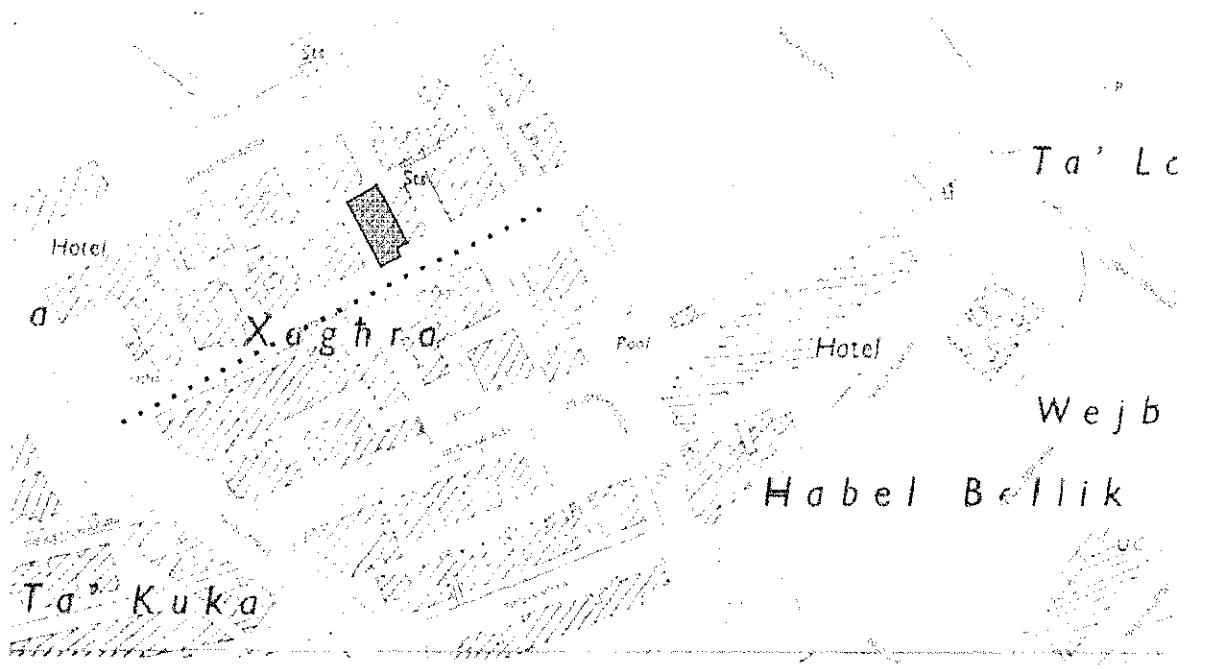
### Applicable Policy

- NWLS 5**  
Building Height Limitations



**DOK 'J'**

Kopja tas-survey sheet ta 1968.



Estratt mis-Survey Sheet tal-1968 (propjeta' immarkata b'kulur aħmar)

**Aquilina Gaetana at Court Services Agency**

---

**From:** Karl Cutajar <karlcut84@hotmail.com>  
**Sent:** 07 November 2022 15:17  
**To:** Aquilina Gaetana at Court Services Agency  
**Subject:** Subbasta 50/2021 - Postage Receipts  
**Attachments:** Receipt 1.pdf; Receipt 2.pdf

CAUTION: This email originated from OUTSIDE the Government Email Infrastructure. DO NOT CLICK LINKS or OPEN attachments unless you recognise the sender and know the content is safe.

Ms Aquilina,

Qiegħed nibatlek 2 receipts tal-posta:-

1. Euro 5.60 dated 22<sup>nd</sup> Feb 2022
2. Euro 10.74 dated 26<sup>th</sup> August 2022 (annessa kopja tal-pink card u tal-post rates)

Tislījiet,

Perit Karl Cutajar



41  
Letter, 11 form  
2244  
1134

22 Feb 2022 12:21:15

User: ACROSS  
Contact Name:  
Vat Number:

Sale Number: 04204B

Qty	Description	T	€
2	€2.80 Olympic Games 2 E	5.60	
		5.60	

€5.60  
Total Required 20.00  
20.00

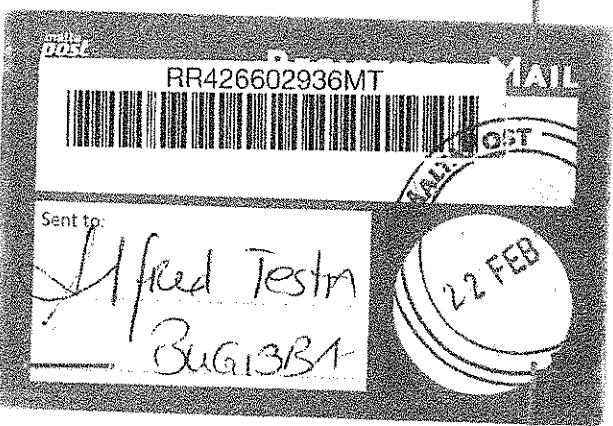
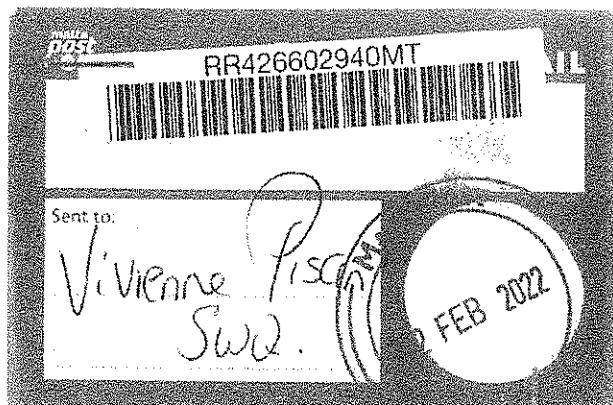
€14.40

€ Analysis

€ 0.00  
€ 0.00  
€ 0.00

04204B

This receipt is issued to  
if cheque is deposited  
or payment against local Purchase Order



Postal Administration of origin MALTA  
Office of Posting: Fgura Post Office Date: 26/8/22 Reg. No:  
Addresser Name: Mr Alfred Testa  
Flat 3, Windsor Flats  
Triq il-Lageg  
Town: Buuabba Post Code:  
For Office Use  
The item mentioned above has been duly delivered Date: 30/8/22  
Signature of Addressee: *ALFRED TESTA* Signature of Postal official:  
Name in Block Letters: ALFRED TESTA ID No: 106154 M  
This advice may be signed by the addressee or by another authorised person

ADVICE of receipt - Registered Mail CN 07  
malta post  
DOMESTIC  
Return To:  
Pent Karl Cutajar  
Montserrat  
Ta, Mariana Gerardo  
Town: TAIXIEN Post Code: TMX 1627  
To be filled in by the sender  
The item mentioned above has been duly delivered Date: 30/8/22  
Signature of Addressee: *Y* Signature of Postal official:  
Name in Block Letters: Frank PISAR ID No: 96108(M) Post Code: TMX 1627  
This advice may be signed by the addressee or by another authorised person

Postal Administration of origin MALTA  
Office of Posting: Fgura Cht Date: 26/8/22 Reg. No:  
Addresser Name: Ms Vivienne Pisani  
44 Eureka  
Triq il-Kwarrada  
Town: Inrroġġ Swieqi Post Code:  
For Office Use  
The item mentioned above has been duly delivered Date: 30/8/22  
Signature of Addressee: *Vivienne Pisani* Signature of Postal official:  
Name in Block Letters: Frank PISAR ID No: 96108(M) Post Code: TMX 1627  
This advice may be signed by the addressee or by another authorised person

ADVICE of receipt - Registered Mail CN 07  
malta post  
DOMESTIC  
Return To:  
Pent Karl Cutajar  
Montserrat  
Ta, Mariana Gerardo  
Town: TAIXIEN Post Code: TMX 1627  
To be filled in by the sender  
The item mentioned above has been duly delivered Date: 30/8/22  
Signature of Addressee: *Y* Signature of Postal official:  
Name in Block Letters: Frank PISAR ID No: 96108(M) Post Code: TMX 1627  
This advice may be signed by the addressee or by another authorised person



MaltaPost p.l.c.  
305, Qormi Road, Marsa, MTP 1001, Malta  
(+356) 2122 4421 | info@maltapost.com | maltapost.com  
Co. Reg. No.: C22796 | VAT Reg. No.: MT15114134

## Local Postage Rates Including Registered Mail

Weight in grams up to	Letter/printedmatter	Registered	Advice of Delivery
50	€0.37	€ 2.87	€5.37
100	€0.57	€ 3.07	€ 5.57
150	€0.77	€ 3.27	€ 5.77
200	€2.20	€ 4.70	€ 7.20
250	€2.40	€ 4.90	€ 7.40
300	€2.60	€ 5.10	€ 7.60
350	€2.80	€ 5.30	€ 7.80
400	€3.00	€ 5.50	€ 8.00
450	€3.20	€ 5.70	€ 8.20
500	€3.40	€ 5.90	€ 8.40
550	€3.60	€ 6.10	€ 8.60
600	€3.80	€ 6.30	€ 8.80
650	€4.00	€ 6.50	€ 9.00
700	€4.20	€ 6.70	€ 9.20
750	€4.40	€ 6.90	€ 9.40
800	€4.60	€ 7.10	€ 9.60
850	€4.80	€ 7.30	€ 9.80
900	€5.00	€ 7.50	€ 10.00
950	€5.20	€ 7.70	€ 10.20
1000	€5.40	€ 7.90	€ 10.40
1050	€5.60	€ 8.10	€ 10.60
1100	€5.80	€ 8.30	€ 10.80
1150	€6.00	€ 8.50	€ 11.00
1200	€6.20	€ 8.70	€ 11.20
1250	€6.40	€ 8.90	€ 11.40
1300	€6.60	€ 9.10	€ 11.60
1350	€6.80	€ 9.30	€ 11.80
1400	€7.00	€ 9.50	€ 12.00
1450	€7.20	€ 9.70	€ 12.20
1500	€7.40	€ 9.90	€ 12.40
1550	€7.60	€ 10.10	€ 12.60



## Local Postage Rates Including Registered Mail

1600	€7.80	€10.30	€12.80
1650	€8.00	€10.50	€13.00
1700	€8.20	€10.70	€13.20
1750	€8.40	€10.90	€13.40
1800	€8.60	€11.10	€13.60
1850	€8.80	€11.30	€13.80
1900	€9.00	€11.50	€14.00
1950	€9.20	€11.70	€14.20
2000	€9.40	€11.90	€14.40

Fil-Prim Awla tal-Qorti Ċivili

**Subbasta nru. 50/2021**

Fl-atti tas-subbasta:

Vivienne Pisani et.al

-vs-

Alfred Testa et.al

**Nota korrettora tal-Perit Karl Cutajar**

L-aċċess li sar il- ġimgha 2 ta' Settembru 2022, beda fit-3.30pm u spicca fil-5.15pm.

---

Perit Karl Cutajar

9 ta' Settembru 2022

illum 09 ta' Novemburu, 2022

Ippreżentata mill- Perit Karl Cutajar

B'Bla dok / dokumenti

