

*Fl-Atti tas-Subbasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited*

<i>Subbasta Nru.</i>	<b>57/2022</b>
	<b>Fil- Prim Awla' tal-Qorti Ċivili</b>
<i>Imħallef (Onor.)</i>	<b>S.T.O Prim Imħallef Onor. Mark Chetcuti LL.D.</b>
<i>L-Attur</i>	<b>APS Bank PLC (C 2192)</b>
<i>Konvenuti</i>	<b>Ambassador clothing limited (C 22440)</b>
<i>Referenza</i>	<b>FR139/22</b>

## **Relazzjoni tal-Perit Tekniku**

Perit AUDREY ANN ATTARD B.E.&A. (Hons.), Msc. Proj. Mng., Dip. Con. Tech., A.&C.E.

Maħruġ / Revizjonijiet:

1. 14/01/2023

Magħmul minn:

Perit Audrey Ann attard  
"Ave Maria"  
Triq Mikelang Żammit, Hal Ghaxaq  
GXQ 1130  
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Klarifikasi u dettalji ta' spejjeż tax-xogħil

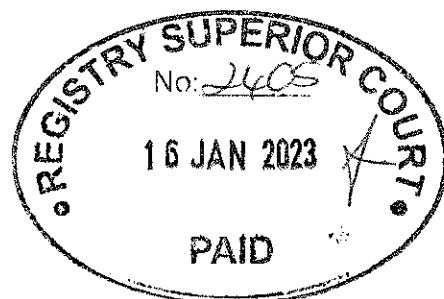
6 ittri posta registrata – 2.87 euros each – 17.22 euros

1 ittra ġiet lura – 2.87 euros

Spezzjoni ta' siegħa fit 23 ta' Diċembru – ma ġie hadd

Spezzjoni ta' siegħha u nofs fid-9 ta' Jannar

Xiri ta' Land Registry Plan – 6 euros



## **Deskrizzjoni ta' I-Inkarigu u Preliminari**

- 1.** Illi b'digriet mogħti datat it-Tlieta, it-15 ta' Novembru, 2022, ir-rikorrent ġiet nominata bħala perit tekniku mill-Qorti Ċivili f'dawn il-proċeduri legali. Dan sabiex "ai termini tal-Ligjiet ta' Malta", jiġi deskrītt il-fond indikat fir-rikors promutur u sabiex infisser il-piżżejiet, kirjet u jeddijiet ohra, sew reali kemm personali, jekk ikun hemm, li għalihom dan il-fond ikun suġġett kif ukoll l-aħħar trasferimenti tiegħu, skond l-informazzjoni ottenut mill-kreditur jew mid-debitur.
- 2.** Illi in segwitu għal din in-nomina, l-esponent membru tekniku
  - 2.1** Bagħtet notifikasi biex issir spezzjoni fit- 23 ta' Diċembru fil-16:15 ta' wara nofsinhar, imma ħadd ma kien preżenti biex jiftaħ l-post, kopja tal-ittra qed tiġi annessa bhala **Annex 1: DOC I.**
  - 2.2** Għamlet kuntatt mal- avukat tal-Atturi Dr. Kris Balzan li jirrapreżenta lil APS Bank Plc biex tikkonferma hemmx mod ieħor ta' kuntatt minbarra l-indirizzi mogħtija:  
'10, The Strand, Sliema' u 'Aps Bank Plc, Tower Street, Birkirkara'; kopja tal-ittra tal-ingaġġ qed tiġi annessa bhala **Annex 1: DOC H.**
  - 2.3** Ingħatat numri telefoniċi u indirizzi digitatli ġodda tal-atturi u instabu indirizzi mir-registru elettorali tal-intimati u reġgħu intabtu notifikasi ġodda biex issir spezzjoni fid- 9 ta' Jannar fis-14:15, kopja tal-ittra qed tiġi annessa bhala **Annex 1: DOC I.**
  - 2.4** Żammet aċċess fil-fond 435, 'Mifson', Triq Fleur De Lys, Birkirkara nhar id-disa' (9) ta' Jannar 2023, fil-ħin tas-sagħtejn u kwart ta' wara nofsinhar (14:15).
- 3.** Illi fl-adempiment mogħti, wara l-kundizzjoni tad-digriet, ir-rikorrent hejjha verbal tekniku u ikkonstata l-fond msemmi fid-digriet u hekk kif muri mil-intimati George Caruana u Alessia Caruana waqt l-aċċess.
- 4.** Illi waqt l-imsemmi access ittieħdu serje ta' ritratti li qed jigu annessi ma' din l-valutazzjoni. (**Annex 1: DOC B**)

A.L. 465 tar-rekwiżit tal-2014 (2)(3A)(2a)	
Data tal-Aċċess	09/01/2023
Isem u kunjom	George Caruana, Ivan Caruana, Marion Caruana, Desiree Darmanin, Alessia Caruana and Mirco Caruana obo Ambassador Clothing Limited.
L.N. 465 of 2014 tar-rekwiżit (2) (3A) (2b)	
Indirizz tal-proprietà spezzjonata	'MIFSON', 455, Triq Fleur de lys, Birkirkara.
Pjan tas-Sit	Dokument mehmuž: <b>Annex 1: DOC A (Iż-żona tas-Sit)</b>
Tip ta' proprietà	Il-fond 237, 'MIFSON', 455, Triq Fleur de lys, Birkirkara. jikkonsisti f'hanut mhux użat mal-livell tat-triq b'kejl ta' circa 33.80 metri kwadri, b'faċċata ta' kejl circa 5.93m. Il-parti ta' quddiem li tikkonsisti minn targha, sinjal tal-ħanut u ħtiegħa li toħroġ l-barra mill-linja tal-bini għalkemm ġiet mkejja u murija fil-pjanta ( <b>Annex 1: DOC C</b> ) imma mhux tiġi ikkunsidrata fil-kejl msemmi.  Il-propjeta' għandha abitazzjoni ta' terzi fuqha (antika) u tidher abbandunata. Din l-abitazzjoni ta' terzi għandha l-entratura tat-

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	<p>taraġ ħdejn genb minnhom tal-ħanut u tibqa tgħaddi minn fuq l-kamra tal-banju ta' l-istess ħanut ikkonċernat. Minn naħha l-oħra hemm proprietà kummerciali li għandha ukoll ħajt komunitar mal-propjeta kkonċernata.</p>
<b>Access</b>	<p>Dakinhar tal-access kien hemm preżenti Marvic Gauci (obo soċjeta esponenti 'APS Bank Plc'), George Caruana u Alessia Caruana (obo l-intimata soċjeta 'Ambassador Clothing Ltd.').</p> <p>Deputy Registrar, Ivan Caruana, Marion Caruana, Desiree Darmanin, Mirco Caruana u L-Avukat tal-Esponenti ma kienux preżenti.</p>
<b>Deskriżzjoni qasira tal-akkomodazzjoni</b>	<p><b>Illi l-fond huwa mqassam hekk kif ġej:</b>  <b>Annex 1: DOC B (Ritratti tas-Sit)</b>  <b>Annex 1: DOC C (Pjanti tas-Sit)</b></p> <p><b>1.01</b> Hġiega twila b'bieg inkluz, tul il-faċċata kollha, riekba fuq targa fil-wisa' tal-ħajt, li jieħdok immedjatamente ġol kamra principali li tiehu d-dawl mill-imsemmija entratura u minn tieqa fuq il-faċċata magħmula totalment mil- 'hg griz. (Firxa bejn il-ħitan (Gibsum): <i>circa 19.31 m.k.</i>);</p>

	<p><b>1.02</b> Mil kamra msemmija f'paragrafu 1.01 tasal għat-tieni kamra minn fetħa fir-rokna tal-kamra (daqs ta' bieb).</p> <p><b>1.03</b> Preżentament mil-fetħa msemmija f'paragrafu 1.02 tasal f'kamra vojta li kienet tintuża bħala post għall-ħażna tal-elementi li mhux se jkunu se jinbiegħu (<b>Store</b>).  (Firxa bejn il-ħitan (Gibsum): <i>circa 4.82 m.k.</i>);</p> <p><b>1.04</b> Mil kamra msemmija f'paragrafu 1.01, appart i-imsemmija fetħa f'paragrafu 1.02, tinstab fetħa oħra ir-rokna opposta tal-kamra li twassal f' kamra oħra li tintuża għaž-żamma tal- 'meters' tad-dawl u bħala kamra tal-banju żgħira (<b>WC</b>).  (Firxa bejn il-ħitan (Gibsum): <i>circa 3.2 m.k.</i>);</p>
<b>Deskrizzjoni qasira taż-żona tal-madwar, il-veduti u l-post</b>	Il-ħalli skont il- Pjan Lokali relativ (Central Malta Local Plan), dan il-fond jinsab go żona 'Primary Town Centre' fejn allura tapplika I-Policy CG 12 ta' Central Malta Local Plan, skond il- Map BKM1. In piu', skont il-Map BKM4 ta' l-istess pjan, dan is-sit jista' jinbena sa '3 floors plus 1 recessed floor CG06' (without basement). F'dan il-każ ma jaapplikax minħabba li s-sit li qiegħed jiġi valutat huwa hanut fil-livell 0.

	<p>Noti ulterjuri: Limitazzjonijiet fuq is-Sit</p> <ol style="list-style-type: none"> <li>1. Żoni ta' Konservazzjoni Urbana</li> <li>2. Skema ta' Hlas ta' Parkegg Mibdul</li> <li>3. Gewwa ż-żona tal-izvilupp</li> </ol>
<b>Età approssimattiva tal-proprjetà</b>	Qabel is-sena 1967 ( <b>Annex 1: DOC D</b> )
<b>Kundizzjoni tal-finituri interni u esterni</b>	<p><u>Finituri Interni u esterni:</u></p> <p>Il-maġġioranza tal-ħitan huma mgħottija b'ħitan tal-ġibsum d-dawra kollha inkluž l-biebin li jwasslu minn kamra għall-oħra; Is-soqfa huma miżbugħha biż-żeiegħha bajda b'sinjal ta' dħul ta' ilma mil-faċċata tal-propjeta u mil-kamra ta' wara ukoll;</p> <p>Il-faċċata principali hija magħluqa b' metal abjad, inkluż sinjal kbir b'isem il-ħanut preċedenti u kaxxa li tagħlaq l-unita' ta' barra tal-'air condition' li jinstab fuq l-fetħha principali tal-ħanut.</p> <p>Il-finituri interni u esterni għandhom bżonn manutenżzjoni u tibdil minħabba s-sitwazzjoni eżistenti. Il-ħasrat kollha ma setgħux jiġu kollha nnutati minħabba l-ħitan li kienu mogħtija bil-ġibsum.</p>
<b>Karatteristici strutturali</b>	<p><u>Struttura tas-sit</u></p> <p>Nota: 'L-istruttura ma ġietx ittestjata waqt l-access tas-sit għall-integrità strutturali, appartu minn hekk mil-limiti permessibbli tal-vizwal fuq is-sit, t-tipologija tas-soqfa ma setgħatx tigħi determinata. Il-ħitan ma setgħux jiġu osservati imma mit-tipologija tal-bini kollhu qed jiġu meħuda bħala tal-franka.'</p>

<b>Kumditajiet u servizzi</b>	Is- servizzi bħal dawl, ilma u drenaġġ huma stallati imma xejn mhu funzionabbi; u kollox jeħtieġ manutenzjoni u aġġornar tas-servizzi u installazjoni ġidha.
<b>L.N. 465 of 2014 tar-rekwiżit (2) (3A) (2c)</b>	
<b>Attributi legali – Permessi għall-Ippjanar</b>	<p><input type="checkbox"/> Il-proprietà hija konformi mal-permess għall-iżvilupp</p> <hr/> <p><input type="checkbox"/> Til-proprietà hija konformi mal-permess għall-iżvilupp b'varjazzjonijiet elenkat hawn taħt:</p> <hr/> <p><input checked="" type="checkbox"/> Il-proprietà hija żvilupp Pre-1967 *(b' alterazzjonijiet).</p> <p><input type="checkbox"/> Mhux applikabbli.</p> <p><b>Aktar kummenti u/jew osservazzjonijiet:</b>  <u>Il-proprietà tinsab fiż-żona tal-iżvilupp skont il-pjan lokali relattiv taż-żona. (Annex 1: DOC G)</u></p> <p><u>Mis-sit elettroniku tal-Awtorità tal-Ippjanar (<a href="http://www.pa.org.mt">www.pa.org.mt</a>), iirriżulta li l-ebda ordni/azzjoni attiva ta' infurzar ma tirriżulta fuq l-imsemmija proprietà sal-lum.</u></p> <p><u>Permessi ma nstabux fuq l-proprieta in kwestjoni u licenzja tal-ħanut ma għixx provduta lis-sottoskritta.</u></p> <p><u>ID-Desinniazzjoni tal-faċċata joħrog parti minnha fuq l-bankina (Annex 1: DOC B Pic10)</u></p>
<b>L.N. 465 of 2014 tar-rekwiżit (2) (3A) (2d)</b>	
<b>Kirjet/ Drittijiet / interassi</b>	<p><input type="checkbox"/> Freehold: <u>Le</u></p> <p><input checked="" type="checkbox"/> Enfitewsi perpetwa : <u>Iva ta' żewġ ewro u qħaxar ċenteżmi fis-sena (€2.10). – Valur ripagabbi = 42 ewro (tnejn u erbgħin ewro)</u></p> <p><input type="checkbox"/> Enfitewsi Temporanja: <u>Le</u> Jekk Iva ddeskrivi:</p>

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**L.N. 465 of 2014 tar-rekwiżit (2) (3A) (2e)**

<b>Id-data li fiha l-il-valutazzjoni tapplika</b>	15/01/2023
<b>Data tal-ispezzjoni</b>	09/01/2023
<b>Kummenti Oħra</b>	<p>Huwa rakkomandat li jsir permess biex il-ħanut jiġi regolarizzat minħabba l-alterazzjonijiet li saru u l-użu tiegħu li bħalissa m'għandux permessi li kienu jħallsu licenzja tal-ħanut jew qatt ġiex irrikonoxxut bħala ħanut mill-Awtorita tal-Ippjanar jew mil-Pulizija.</p>

<p>L.N. 465 of 2014 tar-rekwiżit (2) (3A) (2f) (2g) (2h)</p> <p><b>Konklužjonijiet tar-rapport ta' valutazzjoni inkluž il-Valur iddikjarat u kwalunkwe suppožizzjoni jew fattur ieħor mhux imsemmi hawn fuq li jista' jkollhom effett fuq il-valutazzjoni.</b></p>
<p>Meta tigi kkunsidrata l-baži tal-valutazzjoni, jien rreferejt lejn l-'<i>Appraisal and Valuation Manual</i>' ippublikat mir-'Royal Institute of Chartered Surveyors' kif ukoll id-dokument intitolat 'Valuation standards for Accredited Valuers' ippublikat mill-Kamra tal-Periti (2012), u d-dokument intitolat 'Consolidated Document on Property Valuation' ippublikat (2017) mill-Awtorita' tal-Artijiet.</p> <p>a. Wara li l-esponent innota il-kunsiderazzjonijiet materjali kollha li jirregolaw l-imsemmija proprjetà, l-esponent ikkunsidra li juža l-approċċ komparativ bi proprjetajiet simili għal-kera bħal 'ħwienet' jew 'propjeta kummerċjali' fid-data tal-aċċess u fiż-żona ta' Birkirkara; (33.8sqm – spazju globali) L-applikazzjoni tagħha għall-fond in kwestjoni: - € 405.00 x 33.8 sqm = <b>13,689 say 13,700 ewro kera annwali.</b></p> <p>Din ir-rata tvarja skond il-livell ta' finituri, kundizzjoni strutturali, potenzjal ta' žvilupp u diversi fatturi oħra. Dan għaliex il-valor tal-lokatizju huwa funzjoni tal-valor tal-proprjetà libera u franka, meta jitqiesu l-fatturi rilevanti kollha. Il-valor mogħti jqis ukoll il-parametri pertinenti tas-suq li jirregolaw id-domanda għal tali proprjetà, kif ukoll il-karatteristici fīżi kollha li jappartjenu għal din il-proprjetà li essenzjalment jinkludu l-post tas-sit, id-daqs u l-istat tal-proprjetà kif ukoll l-izvilupp mill-ġdid potenzjali ta' tali proprjetà.</p> <p>c. Is-sottoskritta għamlet dak kollu li titlob l-arti, biex gew ikkunsidrati l-punti elenkti f'dan ir-rapport inkluži l-andament tas-suq, l-potenzjal tal-post, spejjeż maħsuba, proprjetajiet oħra ta' dan it-tip, l-valor taċ-ċens, permessi u licenzji; sabiex tasal għall-valor fis-suq tal-propjeta' mertu tas-subbasta. In konklužjoni l-esponent qiegħda tistma' l-fond kif deskritt (wara d-differenzi tal-fond ikunu regolariżzati jew sanżjonati ma' l-Awtorita ta' l-Ippjanar u jitnaqqsu l-kummisjoni tal-ġġeni mis-somma totali kif ikun irriklamat (5%), twassal għal-valor ta' <b>210,000 Ewro (Mitejn u għaxar t'elef Ewro.)</b></p> <p><i>Nota: Il-prezz iddikjarat jassumi li m'hemm l-ebda restrizzjonijiet oneruži jew ħruġ mhux tas-soltu li s-sottoskritti tagħha m'għandhom l-ebda għarfien.</i></p>

L.N. 465 of 2014 tar-rekwiżit (2) (3A) (2i)

*Notamenti generali*

Dan ir-rapport huwa intiż għall-użu indikat hawn fuq biss. L-esponent ma taċċettax ebda responsabbilta jekk din ir-relazzjoni tiġi użata għal skop oltre indikat u tiddikjara li ma kellha l-ebda kunflitt ta' interessa fid-data tal-valutazzjoni.

Daqstant l-esponenta għandha l-unur umilment li tissottommetti għall-interpretazzjoni u l-ġudizzju ta' din l-Onorabbli Qorti u tiddikjara li fedelment qdiet l-inkarigu mogħti lilha bl-aħjar mod possibl u abilita'.



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99987303

**Perit Audrey Ann Attard**  
B.E.&A. (Hons.), M.Sc. Project Man., A&C. E  
Warrant no. 1021

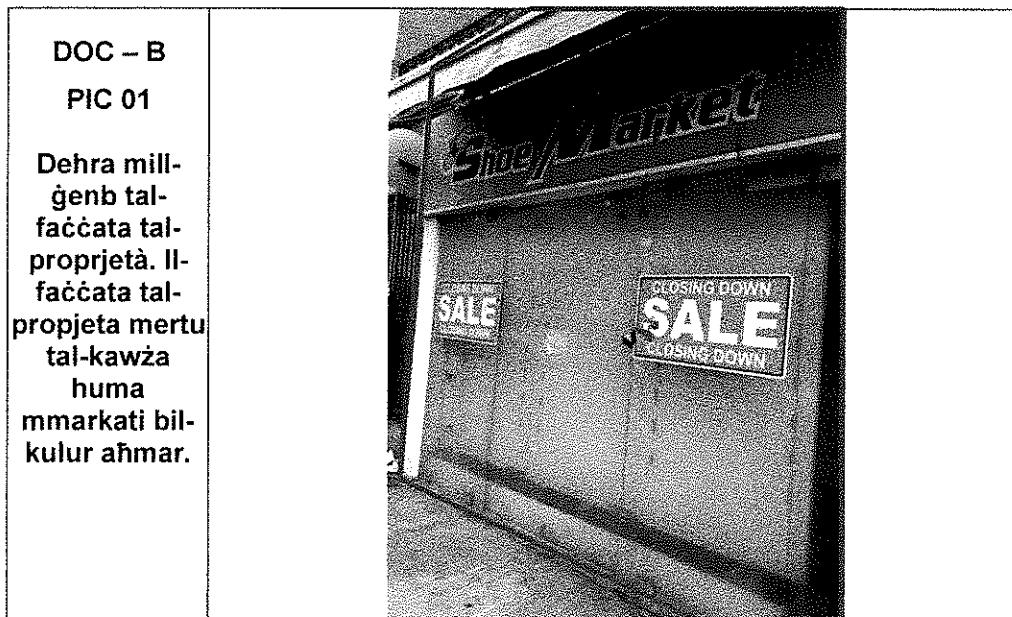
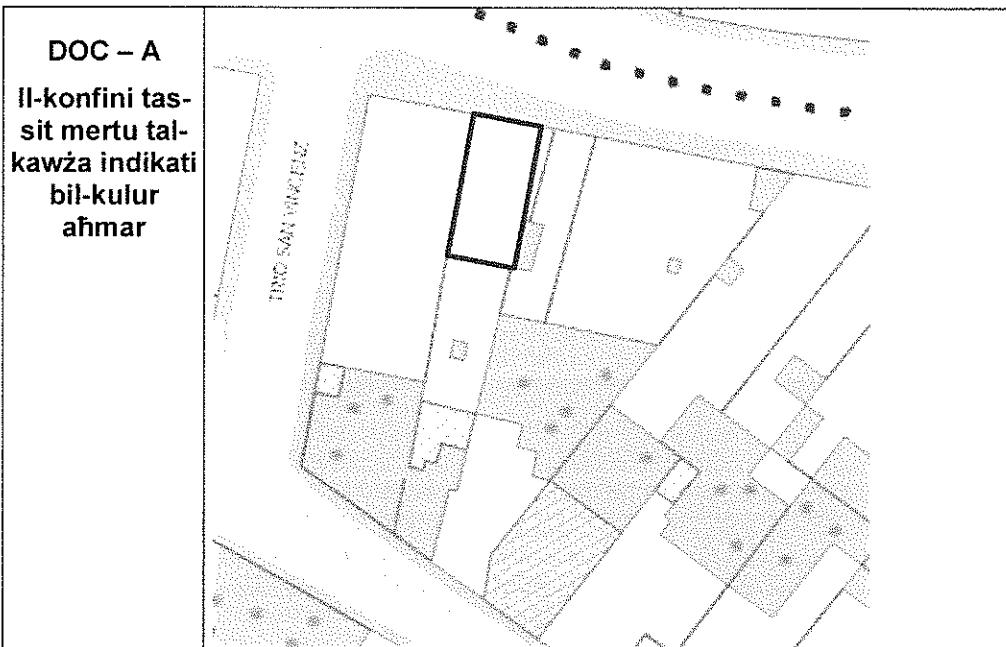
Illum 22 ta' Frar 2023  
Deher il-Perit Legali / Tekniku:  
Audrey Ann Attard  
Li wara li ddikjara li thallas l-ammont illu dovut, ħalef/ħalfet li qedha/qdiet fedelment u onestament l-Inkarigu mogħti illu/ha.  
Deputat Registratur

Ippreżżentat minn  
Perit Audrey Ann Attard  
illumin 16 ta' Jannar 2023  
bla/ b' dokumenti.  
Deputat Registratur  
Annalise Spiteri  
Deputat Registratur  
Orati tal-Ġustizzja (Malta)

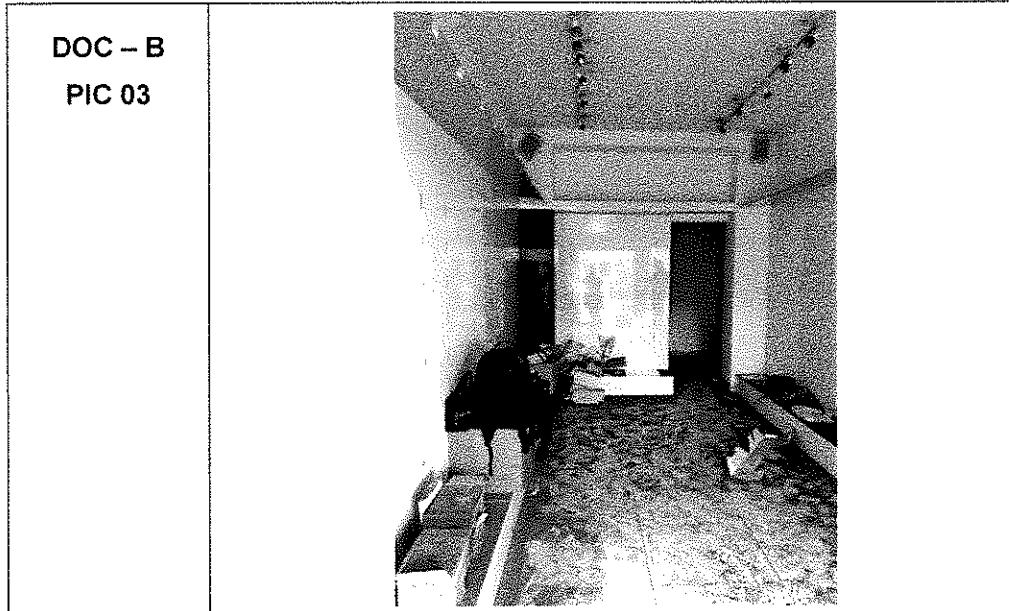
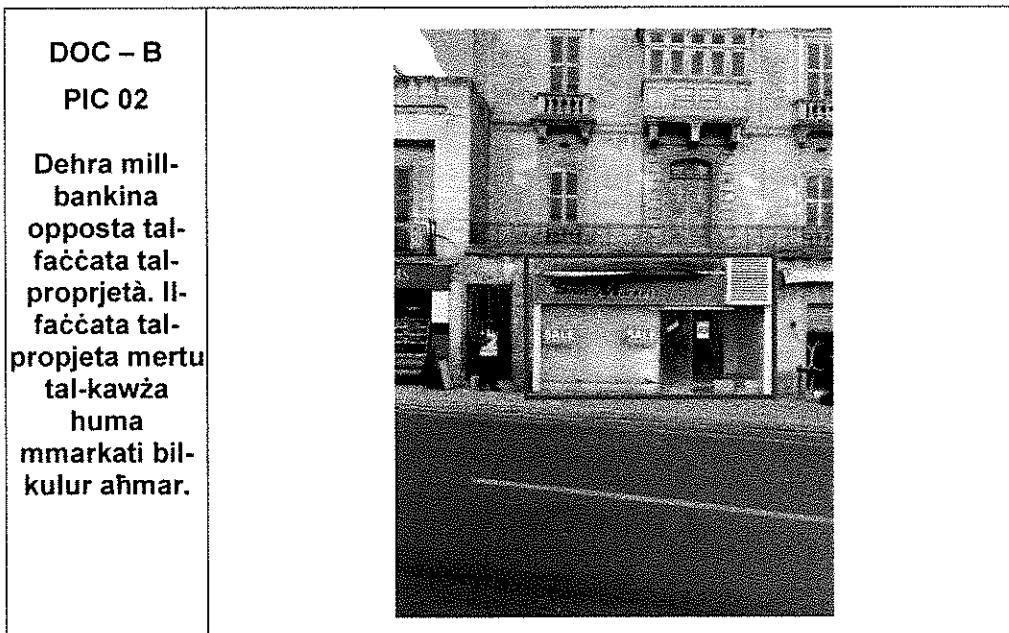
**Annex 1: Lista ta' Dokumenti Mehmuža**

1. DOC – A: Limiti tal-post ('site plan')
2. DOC – B: Ritratti 01 sa 09
3. DOC - C: Pjanta tal-Proprietà
4. DOC - D: Orthophotomaps Pre-67
5. DOC – E: Metodu tal-kalkulazzjoni
6. DOC – F: Operazzjonijiet Paragonabblî
7. DOC – G: Kopji tal- Policies u Mapep minn Pjani Lokali
8. DOC – H: Kopja tal-Ittra tal-Ingaġġ mill-Awtorita
9. DOC – I: Kopja tal-ittra li intbagħtet lil partijiet konċernati (23rd Dec u 9th Jan)
10. DOC – J: Land Registry site Plan & CFR It-Tmien Skeda (8th Schedule)

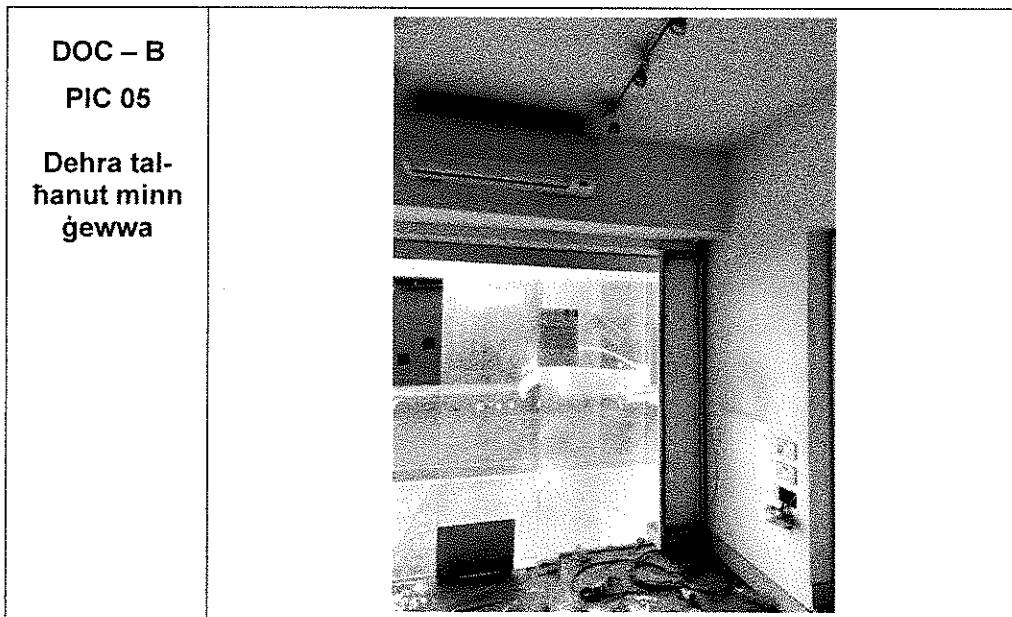
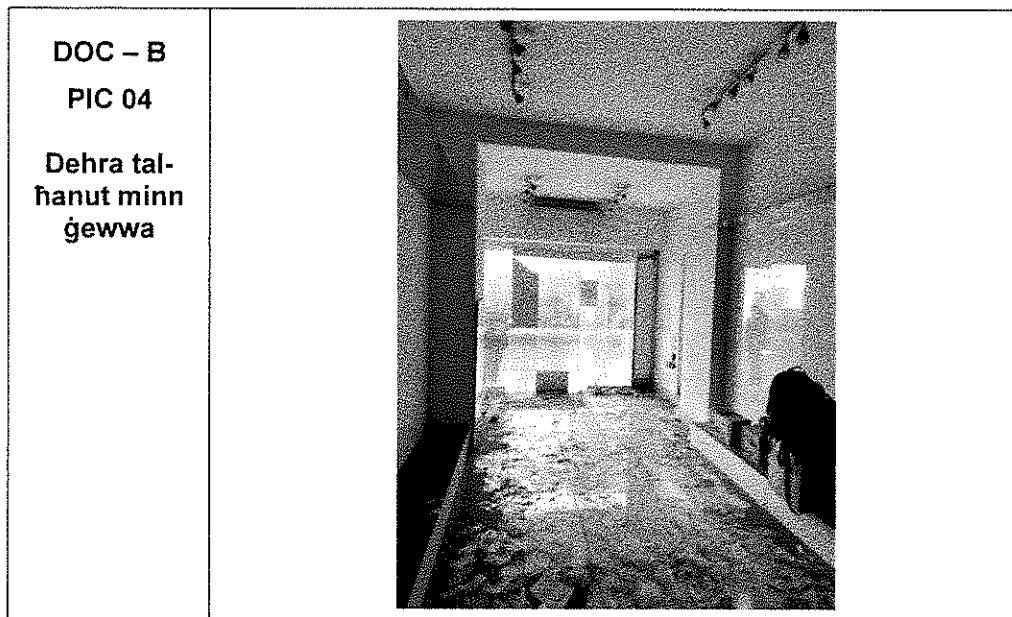
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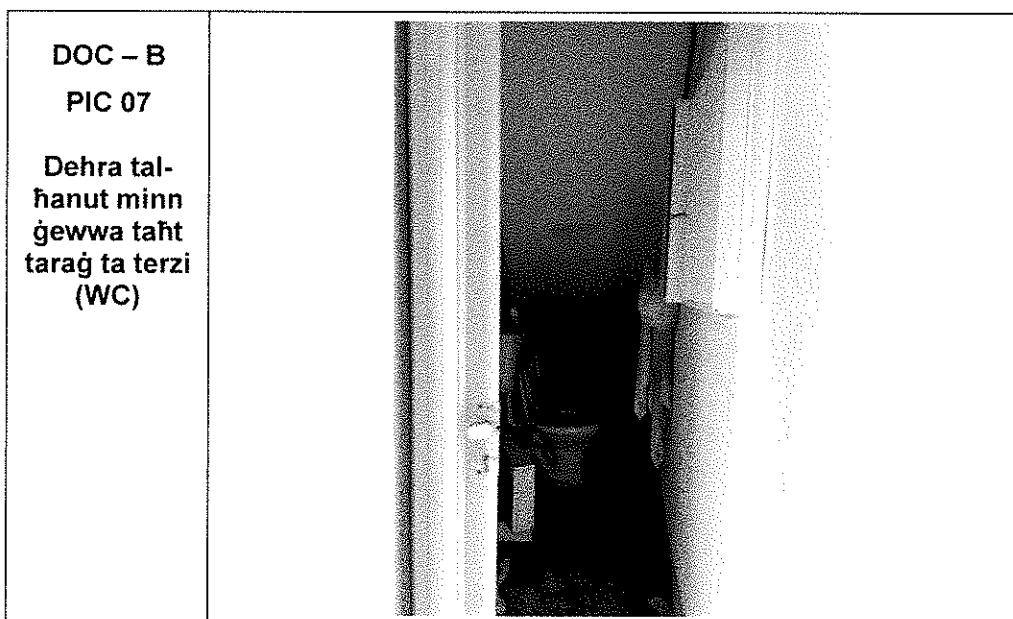
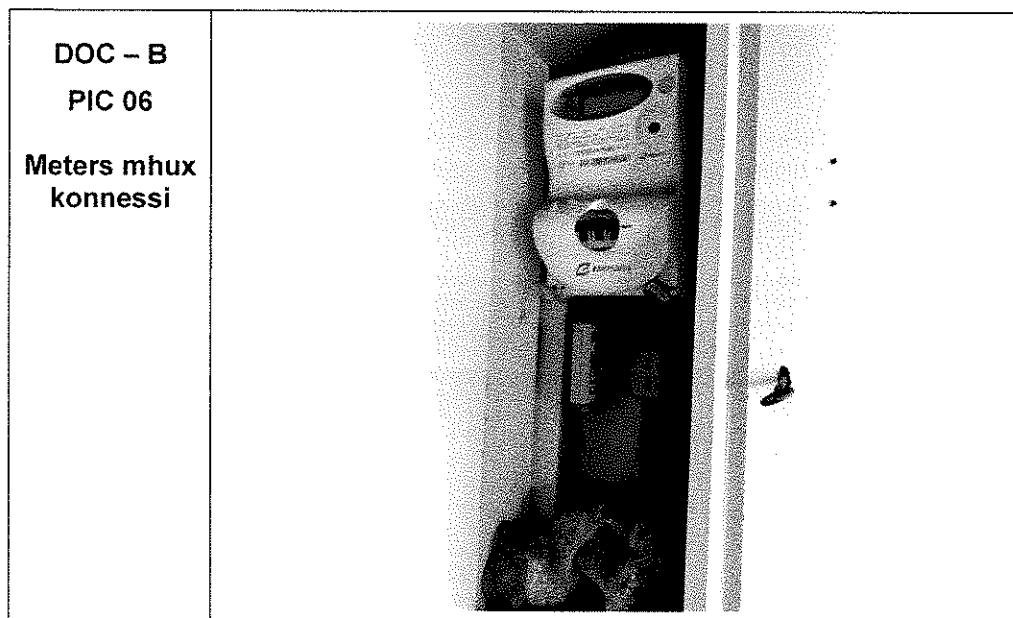
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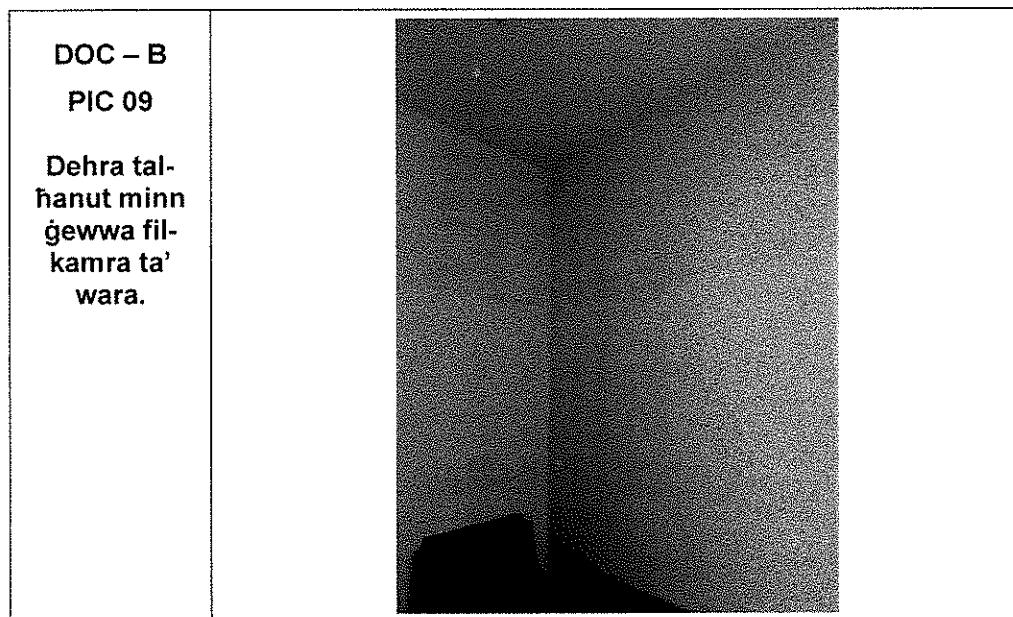
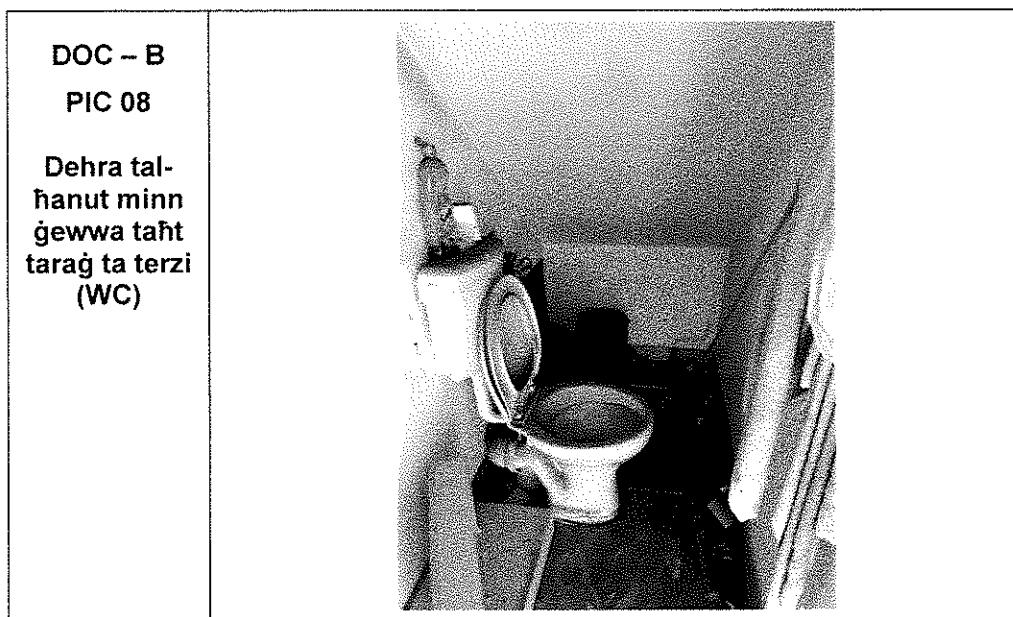
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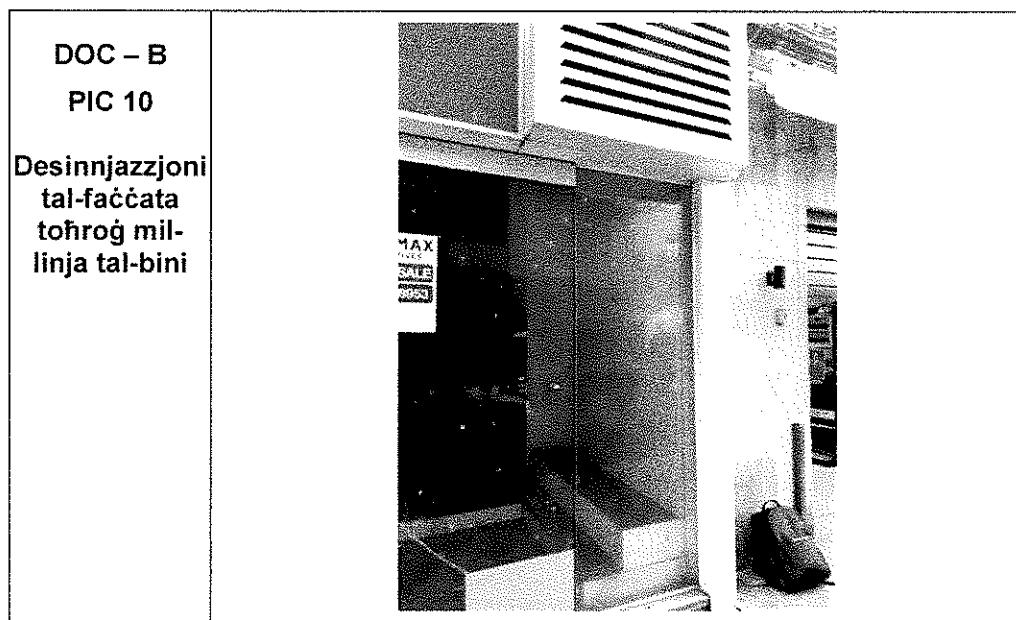
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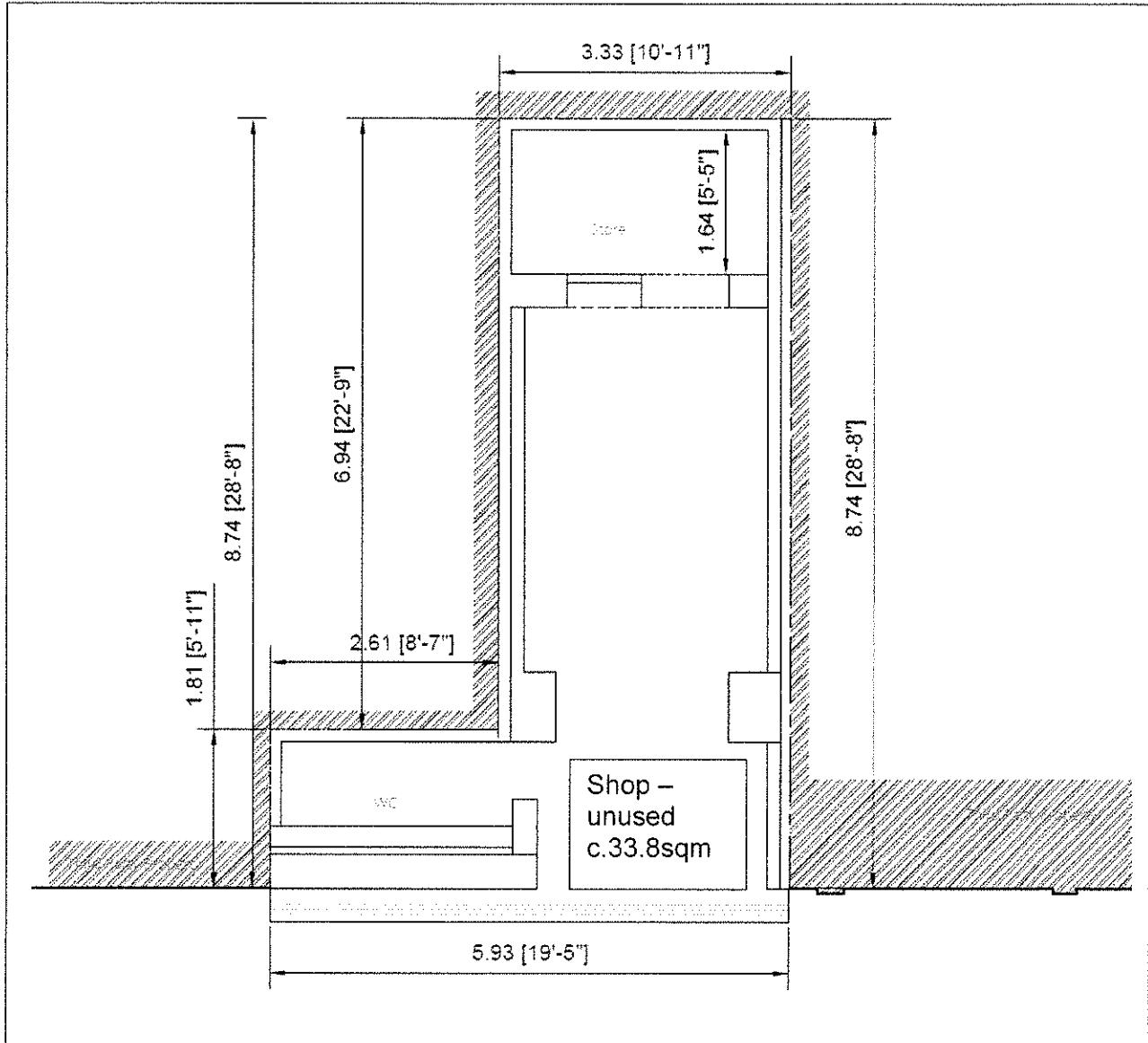
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Fl-Atti tas-Subasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited



Fl-Atti tas-Subasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited



*DOC C: Pjanta tal-propjeta'*

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## D: Orthophotomaps Pre-67

### **DOC E: Metodu tal-kaikulazzjoni**

- Filwaqt li jinnota n-negozjar b'rata ħiesa tar-riskju preżenti ta' madwar 2.75%, kif ikkalkulat medja fl-aħħar 5 snin, flimkien ma' riskju tal-kerrej ta' 1.25% u fattur ta' deprezzament ta' 1.5%. Barra minn hekk, mogħtija is-sitwazzjoni attwali tal-Pandemija tal-COVID-19 ġie applikat primjum ta' riskju miżjud bi 3%. U fuq. Dan il-primjum tar-riskju jirrifletti wkoll kwalunkwe incertezza tad-dħul futur. Għalhekk, rata adegwata ta' skont fuq proprjetà tingħata ta' 8.5%.
- Meta wieħed iqis ir-riforma reċenti tal-kera li tidħol fis-seħħi f'Jannar 2020 il-prezz tal-kera huwa jitħallew jogħilew matul il-perjodu kuntrattwali, biż-żieda tkun marbuta mal-Prezz tal-Proprijetà Indiči u b'limitu massimu ta' 5% żieda fis-sena.
- Meta jitqiesu r-rati ta' hawn fuq rispettivament, ir-rendiment inizjali jingħata b'6.0%.
- Tnaqqis nozzjonali ta' 5% fis-sena mill-Valur Stima tal-Kiri jsir biex ikopri ħlasijiet ta' gestjoni u/jew manutenzjoni.
- Il-Valur tas-Suq għal bini residenzjali fil-kundizzjoni preżenti huwa stima kif gej:

***Tnaqqis nozzjonali x-rata tal-kiri fis-sena x-YP perp @ 6.00% @ ħin preżenti  
0.95 x € 13,700.00 x (1/0.06%) = € 216,916.00 say € 220,000 ('to the nearest 5,000')  
(Two hundred twenty thousand euros)***

#### **Noti u kunsiderazzjonijiet**

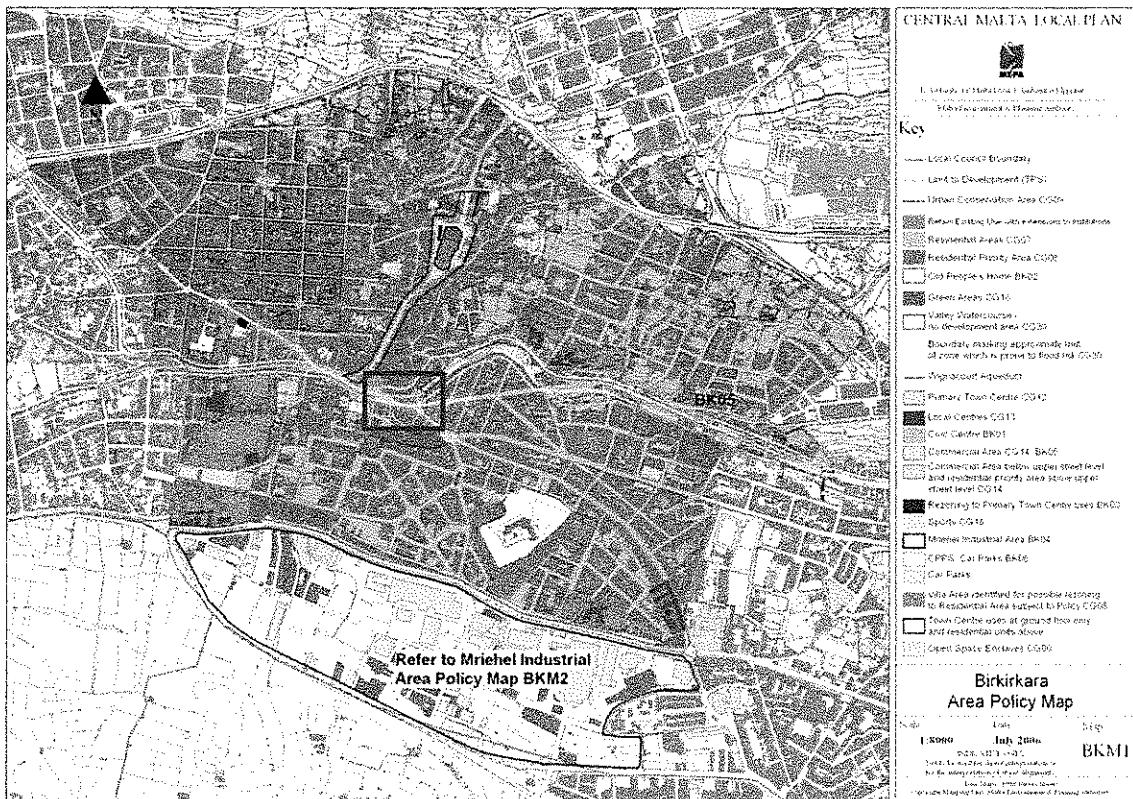
Ir-rata taċ-ċens li jrid jiġi mħallas ġiet ikkunsidrata L-ispejjeż biex iġġib l-permessi ġew ikkunsidrati u Ix-xogħlilijiet li jridu jsiru biex jittrangha l-post minn kif inhu.

**DOC F: Operazzjonijiet Paragunabbli**

Property reference	Remax: 240451013-222 DB	Alliance: LSHP25325
Locality	Birkirkara	Birkirkara
Views	Urban Views	Urban Views
Finishing	Fully finished	Fully finished
Internal area (m <sup>2</sup> )	95	23.25
External area (m <sup>2</sup> )	0	0
Total weighted area (m <sup>2</sup> )	95	23.25
Yearly rent (€)	31,025	8,030
Rent/m <sup>2</sup> /year (€)	327	345
	Type: Class 4	Type: Class 4
Property reference	Easy Rent: 50161	Easy Rent: 43552
Locality	Birkirkara	Birkirkara
Views	Urban Views	Urban Views
Finishing	Fully finished	Fully finished
Internal area (m <sup>2</sup> )	60	22
External area (m <sup>2</sup> )	0	0
Total weighted area (m <sup>2</sup> )	60	22
Yearly rent (€)	18,000	10,800
Rent/m <sup>2</sup> /year (€)	300	491
	Type: Class 4	Type: Class 4 – Near a busy area
Property reference	Remax: 240361009-317	Malta Property.com: 55227
Locality	Birkirkara	Birkirkara
Views	Urban Views	Urban Views
Finishing	Fully finished	Fully finished
Internal area (m <sup>2</sup> )	120	67
External area (m <sup>2</sup> )	0	0
Total weighted area (m <sup>2</sup> )	120	67
Yearly rent (€)	36000	32,880
Rent/m <sup>2</sup> /year (€)	300	490.75
	Type Cafe/Bar (not central)	Type Snack Bar (with permits)
Average Rate/m <sup>2</sup> (€)	Lower range: 327+345+300+300 = 318 Higher range: 491.00 + 490.75 = 490.88 Ideal range is Mid- 404.44 euros per sqm say 405 euros. (very good location and commercial commitments but without permits and needs extensive upgrading incl. services)	
Average Rate/m <sup>2</sup> (€) – shop 33.8 sqm - c. 34 sqm	405 euros x 33.8 sqm = 13,689(€) say 13,700(€) – c. 1,150(€) monthly	

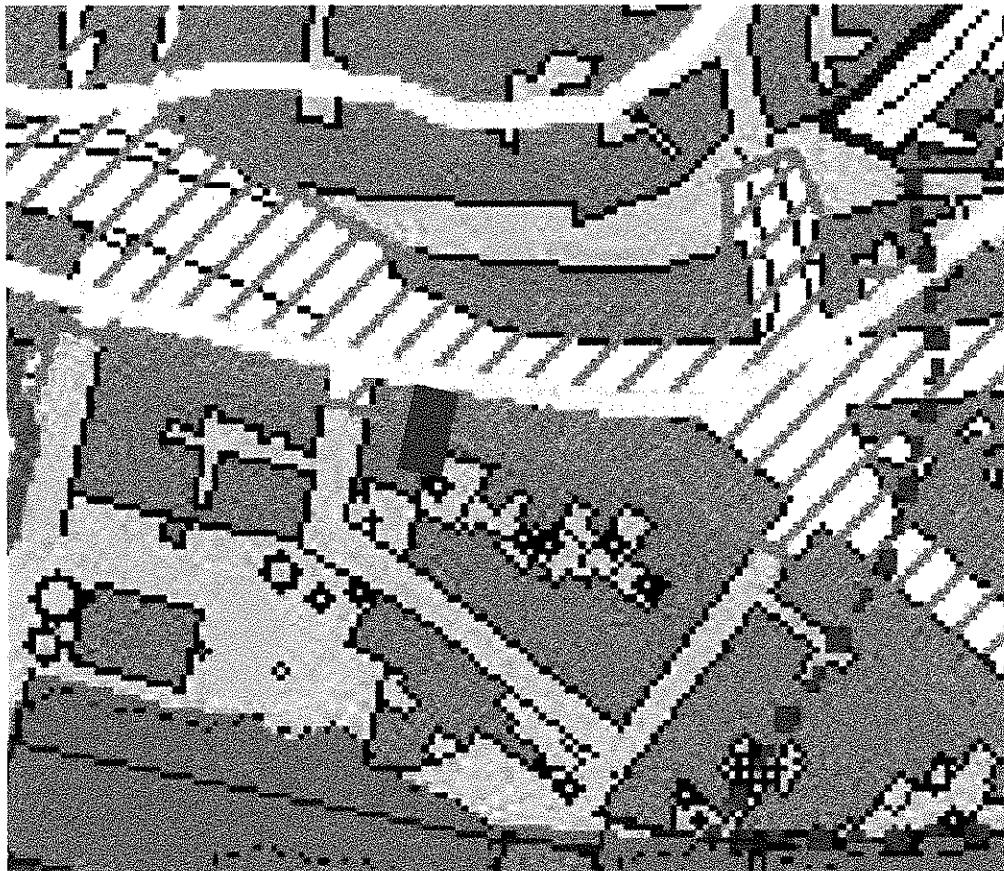
Fl-Attie tas-Subbasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited

**DOC G: Kopji tal- Policies u Mapep minn Pjani Lokali  
BKM4 – ZONE OUTLINED IN RED**



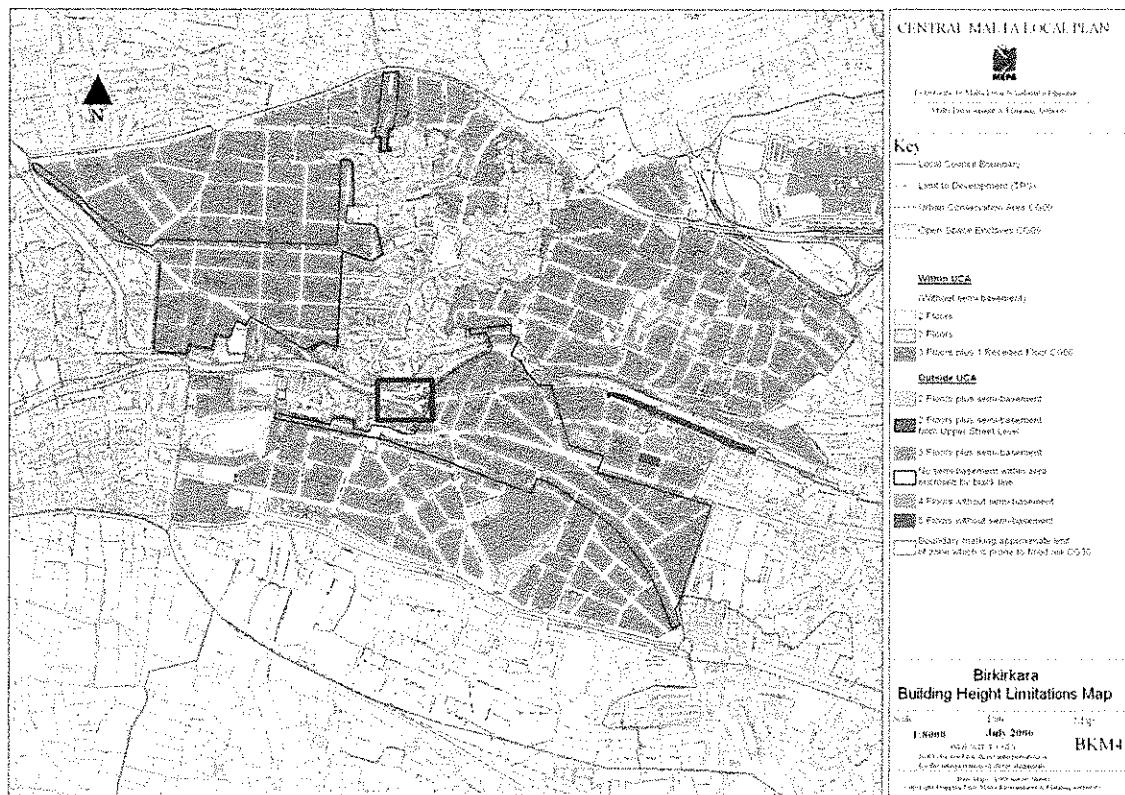
Fl-Atti tas-Subbasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited

**DOC G: Kopii tal- Policies u Mapep minn Pjani Lokali**  
**BKM1 – SITE MARKED IN RED**



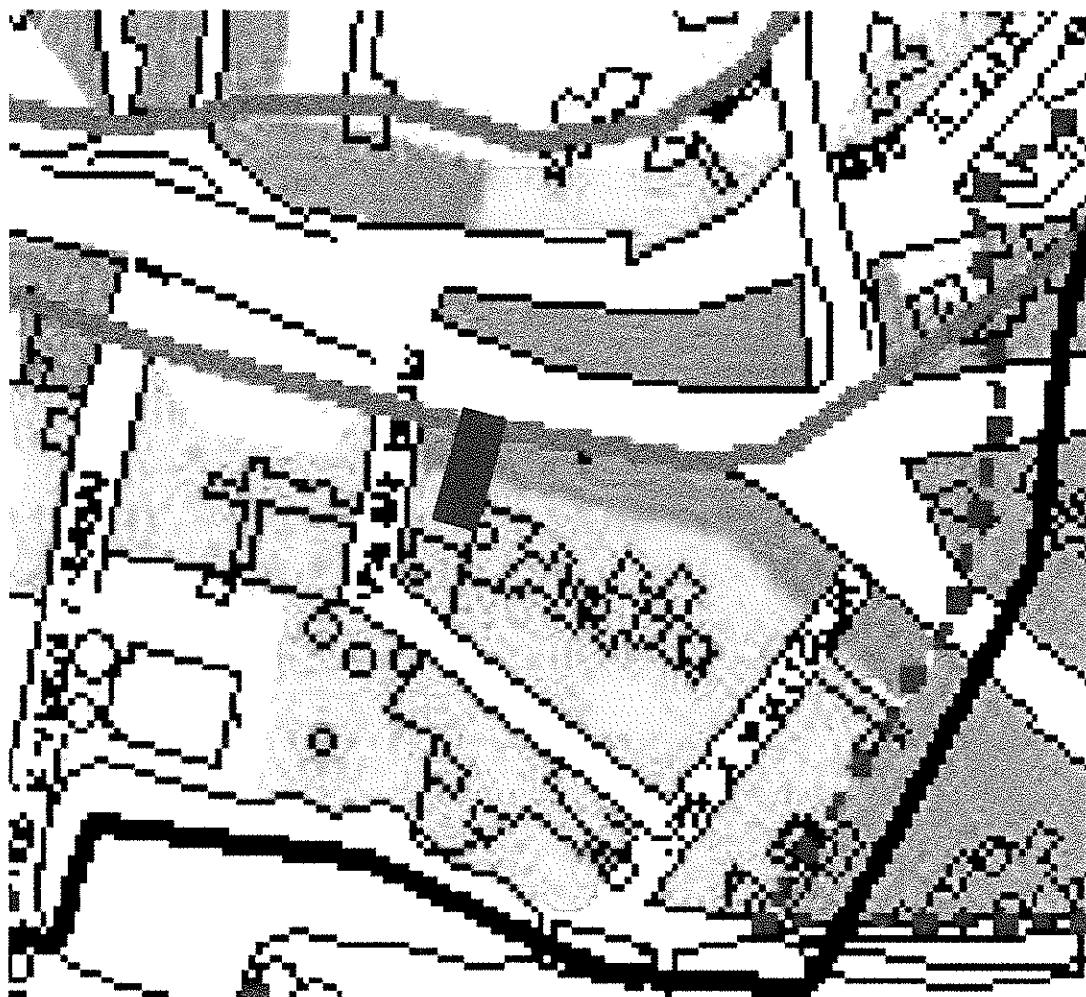
Fl-Attie tas-Subbasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited

**DOC G: Kopii tal- Policies u Mapep minn Piani Lokali  
BKM4 – ZONE OUTLINED IN RED**



| Fl-Atti tas-Subbasta Nru. 57/22 APS Bank plc vs Ambassador Clothing  
Limited

**DOC G: Kopji tal- Policies u Mapep minn Pjani Lokali**  
**BKM4 – SITE MARKED IN RED**



## DOC G: Kopji tal- Policies u Mapep minn Pjani Lokali

### 3.5 Commerce and Industry

CG12

Town Centres

MEPA designates the following town centres within the local plan area:

Type of Centre	Locality	Area Policy Map
Primary Centres	Birkirkara	EKM1
	Hamrun	HAM1
	Mosta	MOM1, MOM2
Secondary Centres	Naxxar	NAM1, NAM2
	Qormi	QOM1

The boundaries of these town centres are indicated in the relevant Area Policy Maps. The acceptable land uses (new user, extensions to existing uses, and change of uses) within all frontages located within these designated town centres are listed below. However the listed town centre uses are only allowed at ground floor level in Triq il-Kbira, Triq Mike Pulis, Triq is-Sanvarju and Triq Tumas Fenech in the designated Birkirkara town centre, with dwelling units allowed on upper floors.

- i. Class 1 (Use Classes Order, 1994) dwelling unit; on upper floors only. Proposals for residential development at ground level will only be considered by MEPA provided that the proposed development scheme includes one dwelling unit only. Conversions from existing Commercial Uses at Ground Floor level to new Residential units will not be permitted by MEPA.
- ii. Class 2 (Use Classes Order, 1994) residential institution; on upper floors only.
- iii. Class 3 (Use Classes Order, 1994) hostels.
- iv. Class 4 (Use Classes Order, 1994) retail uses including, shopping malls and speciality shopping, but excluding showrooms, provided they comply with the provisions of MEPA's Interim Retail Planning Guidelines (2003).
- v. Supermarkets provided that they comply with all the provisions of Policy CG17.
- vi. Class 5 (Use Classes Order, 1994) offices.
- vii. Class 6 (Use Classes Order, 1994) Food and Drink, including hot food take-away. However take-aways are not to be allowed above ground level.
- viii. Class 7 (Use Classes Order, 1994) non-residential institutions including interpretation centres. However public halls are to have a floor area that does not exceed 150 sqm.
- ix. Class 8 (Use Classes Order, 1994) educational facilities.
- x. Class 9 (Use Classes Order, 1994) assembly and leisure.
- xi. Class 11 (Use Classes Order, 1994) business and light industry provided that:
  - The gross floor area of the premises does not exceed 50 sqm (including storage of materials and/or finished products);
  - The activity conducted within the premises does not use heavy duty and/or noisy electrical/mechanical (including pneumatic) equipment, and equipment which requires a 3 phase electricity supply;
  - The activity conducted within the premises does not entail extensive and/or prolonged use of percussion hand tools (eg. hammers, mallets etc);
  - The activity employs less than 5 people; and
  - The activity conducted within the premises does not inherently entail the generation of combustion, chemical or particulate by products.

Examples of acceptable uses considered by MEPA include tailor, cobbler and computer repair. Moreover, examples of unacceptable uses include carpentry, panel beating, mechanic, mechanical plant servicing and spray painting.

*Fl-Attie tas-Subbasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited*

Proposals to convert from existing Class 12 (Use Classes Order, 1994) general industry to Class 11 (Use Classes Order, 1994) business and light industry within designated Town Centres shall only be considered acceptable by MEPA if all the conditions listed above are adhered to, and provided that it can be proven that the Class 12 Use (general industry) operation is a permitted one and the Class 11 Use (business and light industry) operation is actually more neighbourhood compatible than the Class 12 Use operation it intends to replace.

- xii. Class 17 (Use Classes Order, 1994) storage facilities only provided that the gross floor area does not exceed 75 sqm.
- xiii. Taxi Business or for the hire of motor vehicles.
- xiv. Band club and social club.
- xv. Cleaning of clothes in venues where articles are brought by the public, provided that the gross floor area does not exceed 75 sqm.
- xvi. Conference Centre.
- xvii. Indoor shooting range provided that all the conditions of the Guidance on Shooting Ranges are fully adhered to.
- xviii. Bakery and Confectionery with provision for outside catering.

MEPA will support initiatives from public agencies and the private sector that contribute to the enhancement of the external environment of town centres and add to their attraction as a community and retail hub. Proposals for appropriate pedestrianisation schemes, landscaping schemes and traffic management will also be considered favourably. MEPA will strongly encourage the establishment of town centre management initiatives in the primary town centres.

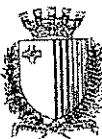
- 3.5.1 The town centre is the focus for a range of commercial and community activities, resulting in a mix of, often interdependent, land uses that provide a focus for identity, social interaction and business opportunities. It includes a combination of features: historic buildings, cultural, civic and governmental buildings, as well as public open spaces. This physical form and mix of functions, which have evolved over a considerable period of time, makes a town centre different from a shopping centre and provides much of its character which can be further enhanced by introducing appropriate new uses into historic buildings. It also has a high level of accessibility to employment, services, and facilities for all the community. Shopping provision is a key component of town centres, and makes a major contribution to their vitality and viability. It is important therefore that they retain retailing as a core function.
- 3.5.2 The term "town centre" is used generally to cover city and town centres which provide a broad range of facilities and services and act as a focus for both the community and for public transport. It excludes small clusters of shops of purely local significance. The size of the centre will influence the range of activities that it offers and its function. The scale of development possible and the opportunities available will differ from place to place.
- 3.5.3 The Retail Strategy defined a primary town centre as a town centre with a regional or sub-regional function for non-food shopping. A secondary centre is a town centre with a significant non-food shopping element but serving local residents or residents of closely neighbouring villages and used at least by 1,500 people for non-food shopping. Non-food shopping is to be considered as companion goods, which include clothing, footwear, furniture, household textiles, electrical goods, hardware, chemist goods, jewellery, recreational and other miscellaneous goods. Convenience

goods retail outlets are to be directed towards local centres that are the appropriate commercial areas for this type of shopping.

- 3.5.4 Although retailing is a dominant activity in a town centre, the attraction of each centre for the location of other businesses and social and community facilities were taken into account in identifying the acceptable range and mix of uses indicated in the policy. The vitality and viability of town centres depends on a varied mix of uses and activities that encourage people to visit the centre whilst ensuring that they remain an attractive place to live in.
- 3.5.5 Creating liveable communities requires integrated initiatives aimed at improving the quality of life of citizens. A quality physical external environment can act as the catalyst for investment, economic growth and social well-being.

*Fl-Atti tas-Subbasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited*

**DOC H: Kopja tal-Ittra tal-Inqaġġ mill-Awtorita**



**Fil-Prim Awla' tal-Qorti Ċivili**

**Fl-Atti tas-Subbasta Nru: 57/22**

**APS Bank plc**

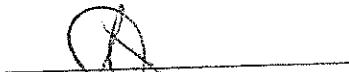
**Vs**

**Ambassador Clothing Limited**

Lill: Perit Audrey Ann Attard

Inti mgħarraf illi gejt maħtur bħala espert fl-atti tal-Mandat ta' Qbid ta' Hwejjeg Immobblī hawn fuq imsemmi sabiex tagħmel deskrizzjoni tal-fond jew fondi indikat fir-rikors promotur u sabiex tfisser il-pizijiet, kirjiet u jeddiet ohra, sew reali kemm personali, jekk ikun hemm, li għalihom dan il-fond jew fondi ikun suggett kif ukoll l-aħħar trasferiment tiegħu, skond l-informazzjoni li jkun ha mill-kreditur jew mid-debitur.

Inti mitlub sabiex tīgi tiġib l-inkartament relativ mil-15 ta' Novembru, 2022 'i quddiem filwaqt illi mgħarraf illi għandek sas- 16 ta' Jannar, 2023 sabiex tipprezenta r-rapport dettaljat tiegħek.

  
Gaetana Aquilina  
Deputat Registratur

*Fl-Atti tas-Subasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited*

**DOC I: Kopja tal-ittra li intbagħtet lil partijiet konċernati (23rd Dec u 9th Jan)**



"Ave Maria" Triq Mikelang, Zammit, Il-Gejara

audreyannattard@gmail.com

99987303

Friday, 16 December 2022

**PRIM'AWLA TAL-QORTI ĊIVILI**

**S.T.O PRIM IMHALLEF ONOR. MARK CHETCHUTI**

**FL-ATTI TAS-SUBBASTA NRU: 57/22**

**FL-ATTI TAL-KAWŻA:**

**APS BANK PLC (C 2192)**

**VS.**

**AMBASSADOR CLOTHING LIMITED (C 22440)**

**EREDI: ALESSIA CARUANA (ID 460793M) & MIRCO  
CARUANA (ID 503695M)**

**B'REFERENZA GHALL-KAWŻA MSEMMIJA, SER ISIR AČCESS, FUQ IL-POST MERTU TAL-KAWŻA. MANDAT TA' QVID TA' HWEJJEG IMMOBLI B' SUBBASTA TAL-ĦANUT BL-ISEM 'MIFSON', 455, TRIQ FLEUR DE LYS, BIRKIRKARA.**

**NHAR IT- 23 TA' DIĊEMBRU FL- 16:15 PM**

**IL-PARTIJIET TAGħHOM GRANDOM JATTENDU GRALL-AČCESS U JINFURMAW LILL-AVUKATI TAGħRHOM DWAR DAN L-AVVIŽ**

**Soċjetas' Esponenti: APS Bank plc, Tower Street, Birkirkara**

**Intimata: Ambassador Clothing Limited: 10, the Strand Sliema**

**Deputy Registrar: Gaetana Aquilina, Courts of Justice, Republic street Valletta**



Audrey Ann Attard  
"Ave Maria" Triq Mikelang  
Zammit, Hal-Għaxaq  
audreyannattard@gmail.com  
99987303

**Perit Tekniku - Audrey Ann Attard**

**B.E.&A.(Hons.), M.Sc. Project Man., A.&C.E.**



AUDREY ANN ATTARD  
ARCHITECT

Msida, Malta - 1010  
audreyannattard@gmail.com  
99987303

Friday, 02 January 2022

**PRIM'AWLA TAL-QORTI ĆIVILI**  
**S.T.O PRIM IMHALLEF ONOR. MARK CHETCHUTI**  
**FL-ATTI TAS-SUBBASTA NRU: 57/22**

**APS BANK PLC (C 2192)**

VS.

**AMBASSADOR CLOTHING LIMITED (C 22440)**  
GEORGE CARUANA (554458M), IVAN CARUANA (244563M) & TONIO CARUANA (EREDI: ALESSIA CARUANA (ID 460793M) & MIRCO CARUANA (ID 503695M)); MARION CARUANA (503695M) & DESIREE DARMANIN (24468M) BHALA GARANTI TA' AMBASSADOR CLOTHING LIMITED

**B'REFERENZA GHALL-KAWŻA MSEMMIJA, SER ISIR AĆCESS, FUQ IL-POST MERTU TAL-KAWŻA. MANDAT TA' QBID TA' HWEJJEĞ IMMOBLI B' SUBBASTA TAL-ĦANUT BL-ISEM 'MIFSON', 455, TRIQ FLEUR DE LYS, BIRKIRKARA.**

**NHAR IT- 9 TA' JANNAR FL- 14:15 PM**

**IL-PARTIJET TAGHHOM GHANDOM JATTENDU GHALL-AĆCESS U JINFURMAW LILL-AVUKATI TAGHHOM DWAR DAN L-AVVIŻ**

**Soċjetà Esponenti:** Marvic Gauci obo APS Bank plc, Tower Street, Birkirkara, BKR 4012

**Avukat Esponenti:** Dr Kris Balzan - 55 Kingsway Palace, 29,30, 3rd Floor Triq ir-Repubblika, Valletta, VLT 1115

**Intimata:** Ambassador Clothing Limited: 10, the Strand Sliema, SLM 1026

**Indirizzi registrati fuq Registru Elettorali tal-intimati diretturi u eredi:**

**George Caruana:** Flat 8, Chalet Mansions, Ghar id-Dud Street, Sliema, SLM 1570

**Ivan Caruana & Marion Caruana:** 130, Clover Court, Flt 2, Tigne Street, Sliema, SLM 3174

**Desiree Darmanin, Alessia & Mirco Caruana:** 49, Zinnia, Triq it-Tamal, San Giljan, STJ 1940

**Deputy Registrar:** Gaetana Aquilina, Court Services Agency, Republic street Valletta, VLT 1112

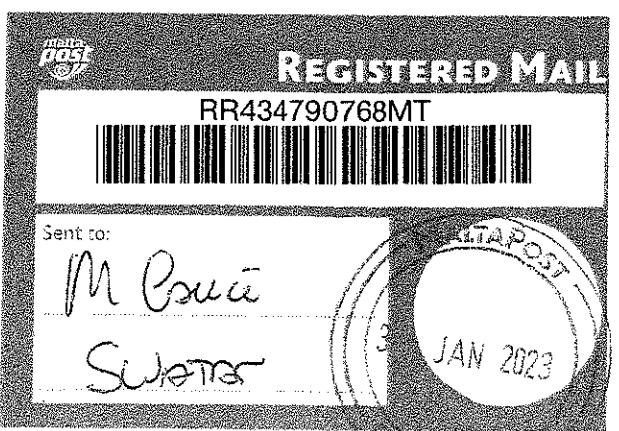
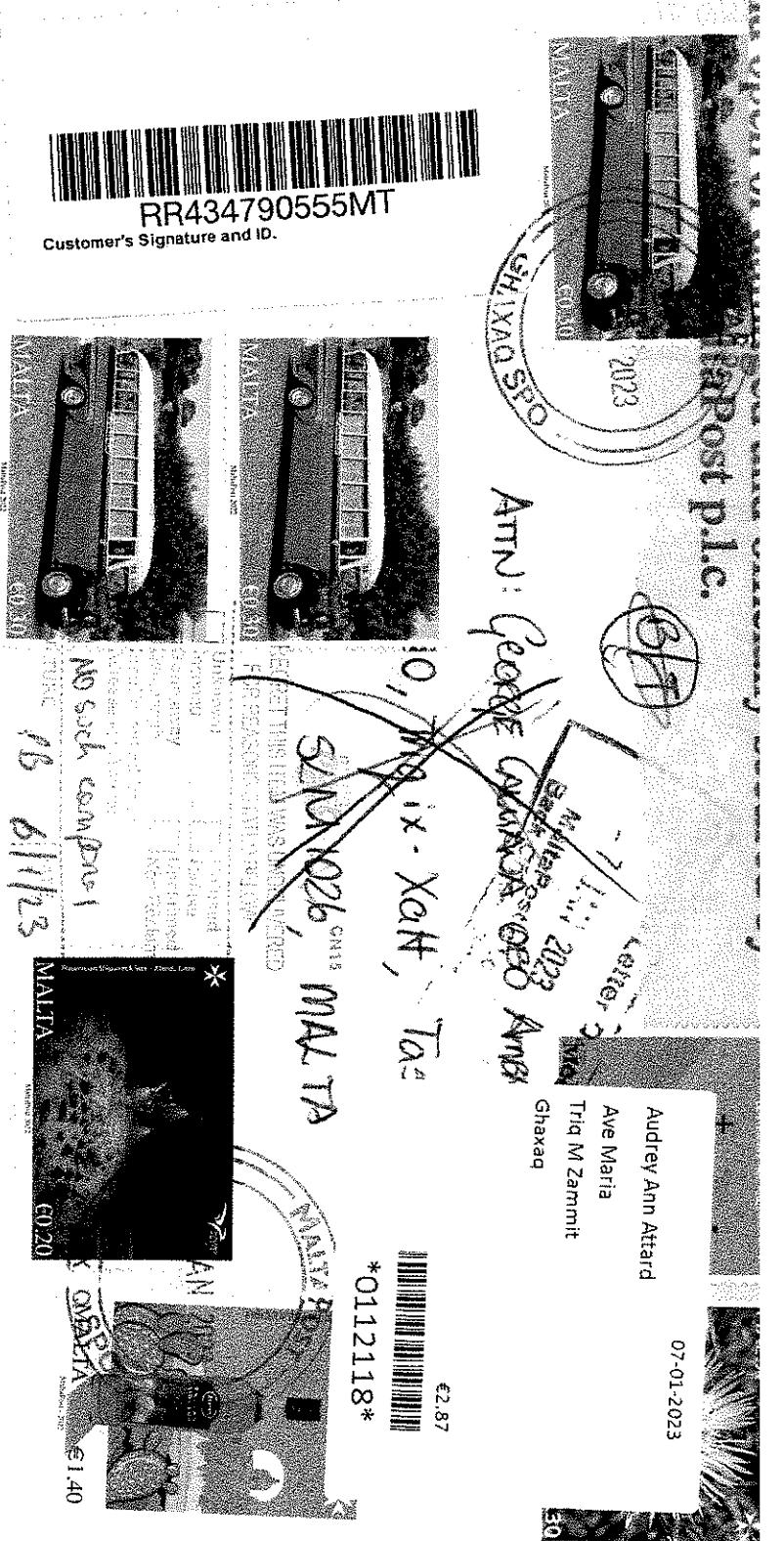
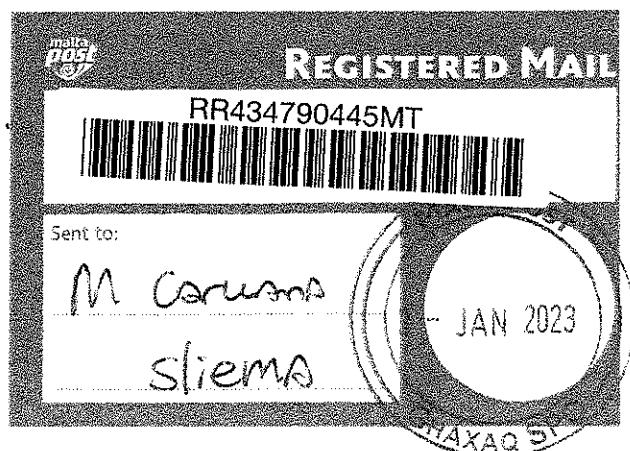
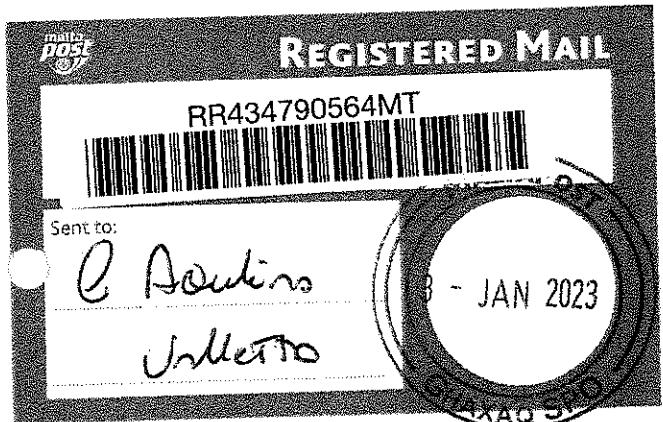
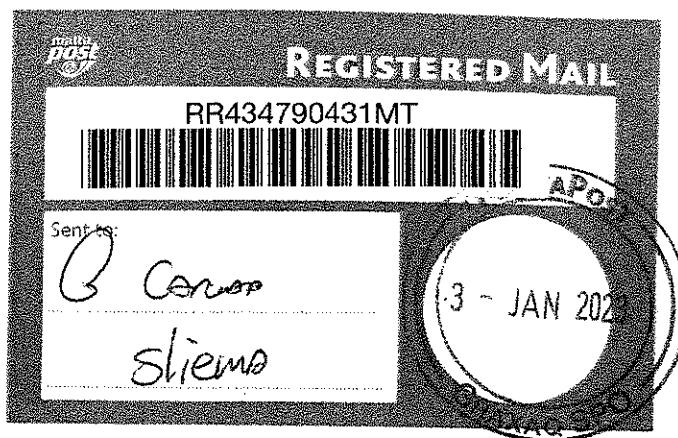


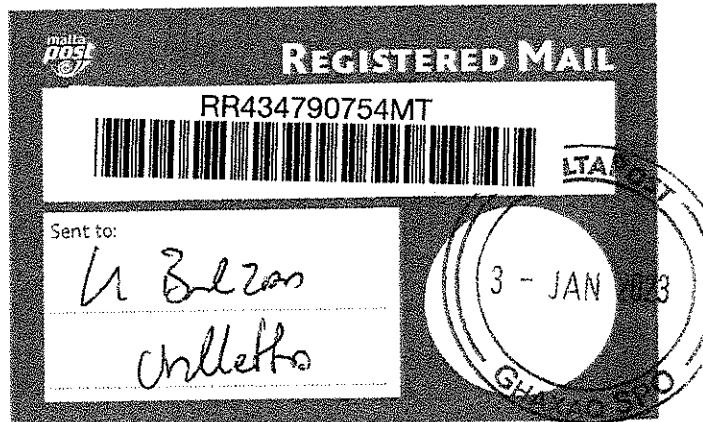
Audrey Ann Attard  
"Ave Maria" Triq Mikaelang  
Zammit, Hal-Għaxaq  
audreyannattard@gmail.com  
99987303

**Perit Tekniku - Audrey Ann Attard**  
B.E.&A. (Hons.), Msc. Proj. Mng., Dip. Con. Tech., A.&C.E.

*Fl-Atti tas-Subbasta Nru. 57/22 APS Bank plc vs Ambassador Clothing Limited*

**DOC J: Land Registry site Plan & CFR It-Tmien Skeda (8th Schedule)**





MaltaPost p.l.c.  
4, Wiegħha Bir Id-Deheb, Ghaxaq  
SPO - Marcham Stationery  
Tel: (+356) 21224421  
EXO No: EX0947  
VAT No: MT15114134

GXQ003516S 12 Jan 2023 09:53:46

USER: ACH134 CASH SALE CLIENT NA

Contact Name: Vat Number:

Sale Number: GXQ0089220B

RETURN LETTER OFFICE

Sequence no: 0112118

Paid E €2.87

Grand Total: €2.87

Total Tendered: 2.87  
Cash Tendered 2.87

Change: €0.00

VAT Analysis €

Full F	18%	0.00
Reduced R	5%	0.00
Exempt E	0%	2.87
Non-Vatable NV	0%	0.00

VAT Paid: €0.00



\*GXQ0089220B\*

Receipt is invalid if  
cheque is dishonoured.  
This is a non-fiscal Proforma Invoice  
for payments against Local Purchase Orders

Audrey Ann Attard

Ave Maria

Triq Mikelang Zammit

Hal Ghaxaq

GXQ 1130

Malta

## Cash Sale

19/12/2022

287291E

No of Copies 2

Fee Per Site Plan €6.00

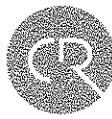
Total €12.00

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

Tel: +356 21239777, 25904700

Email: [enquirieslandregistry@gov.mt](mailto:enquirieslandregistry@gov.mt)

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



## EIGHTH SCHEDULE

### PHYSICAL ATTRIBUTES OF IMMOVABLE PROPERTY

Locality	Birkirkara
Address	455, 'Mifson' Triq Fleur De Lys, Malta
Total Footprint of Area Transferred*	33.8 sqm

### 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	<input checked="" type="checkbox"/> x - Ground floor shop	
Age of Premises	<input type="checkbox"/> 0-20 years	<input checked="" type="checkbox"/> x Over 20 years	<input type="checkbox"/> Pre WWII	
Surroundings	<input type="checkbox"/> Sea View	<input type="checkbox"/> Country View	<input checked="" type="checkbox"/> x Urban	
Environment	<input type="checkbox"/> Quiet	<input checked="" type="checkbox"/> x Traffic	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Industrial
State of Construction	<input type="checkbox"/> Shell	<input checked="" type="checkbox"/> x Semi-Finished**	<input type="checkbox"/> Finished***	
Level of Finishes	<input type="checkbox"/> Good	<input type="checkbox"/> Adequate	<input checked="" type="checkbox"/> x Poor	
Amenities Tick as many as appropriate	<input type="checkbox"/> With Garden	<input type="checkbox"/> With Pool	<input type="checkbox"/> With Lift	<input type="checkbox"/> With Basement
	<input checked="" type="checkbox"/> x 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"/> x 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: 16.01.2023

Perit's Signature:

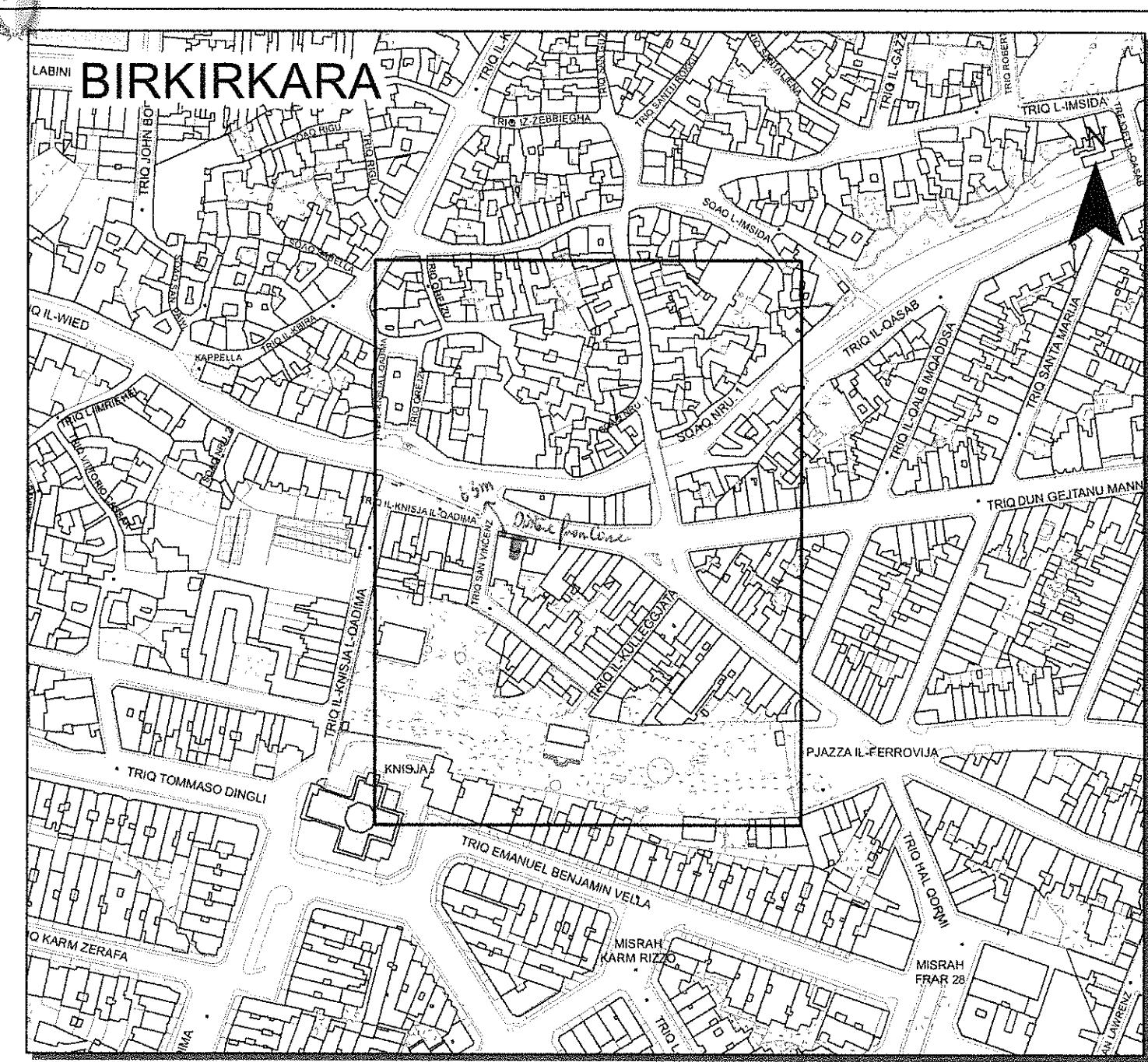
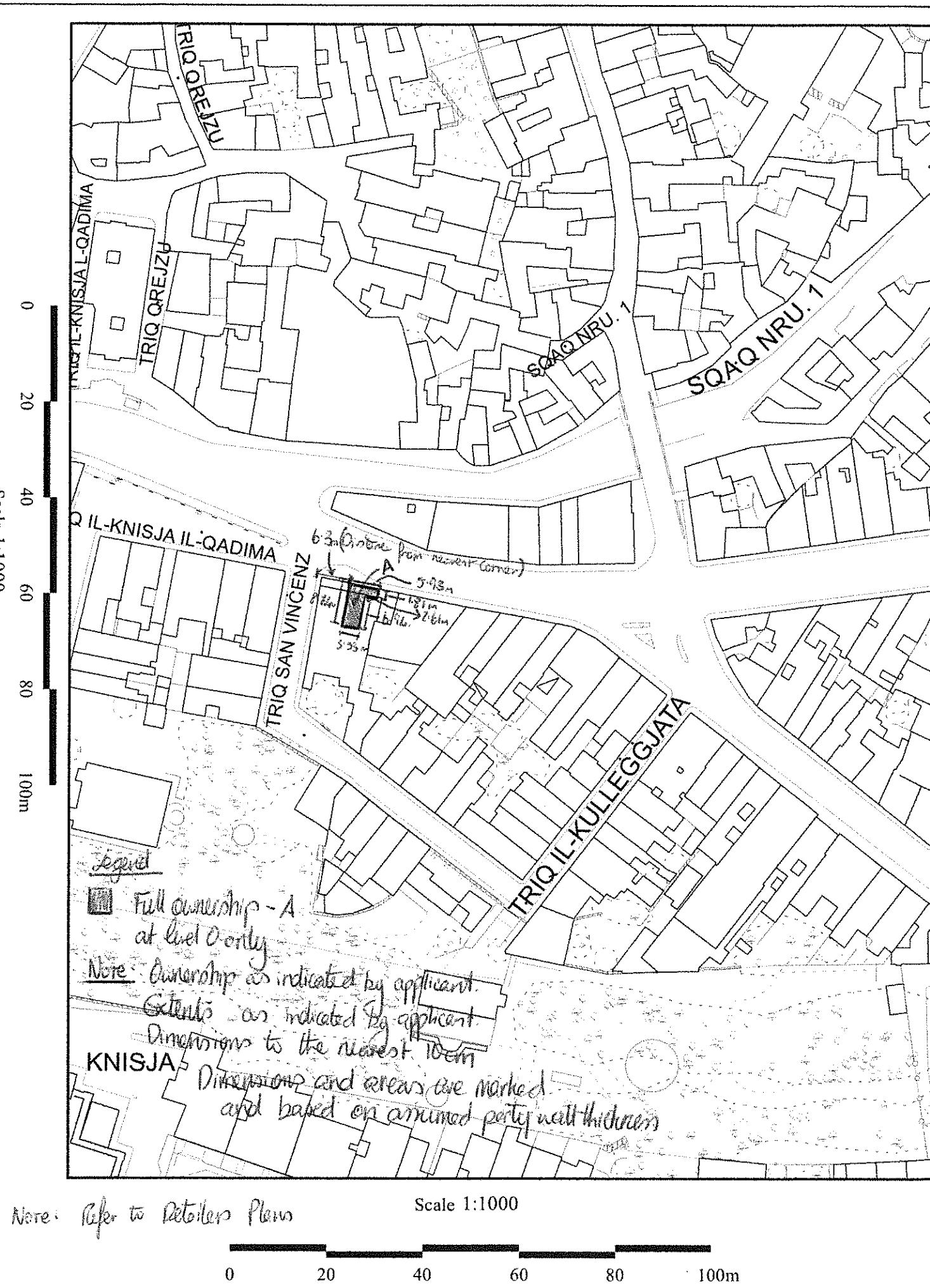


Warrant Number: 1021

Rubber Stamp:



Audrey Ann Attard  
"Ave Maria" Triq Mikaelang  
Zammit, Hal-Għaxaq  
audreyannattard@gmail.com  
99987303



Pjanta tas-Sit 1:2500 Site Plan

## *Agenzija għar-Registrazzjoni tal-Artijiet*



*Land Registration Agency*

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

## Nuova Mappa:

Nru tal-Mappa: **287291 E** Pozizzjoni Centrali: x = **51692**  
Map Number: **Centre Coordinates: y = 72754**

### Parti min. S.S. :

Parti min S.S.: **5072** Data: **19/12/2022**  
*Extracted from S.S.* Date:

Perit: Andrew Ann Alford

Architect: 

Qies (metri kwadri):  $A \approx 33.829 m^2$

卷之三

Timbru tal-Pariti

Ambito di stampa



**Audrey Ann Attard**  
"Ave Maria" Triq Mikelang  
Zammit, Hal-Għaxaq  
audreyannattard@gmail.com  
99887303

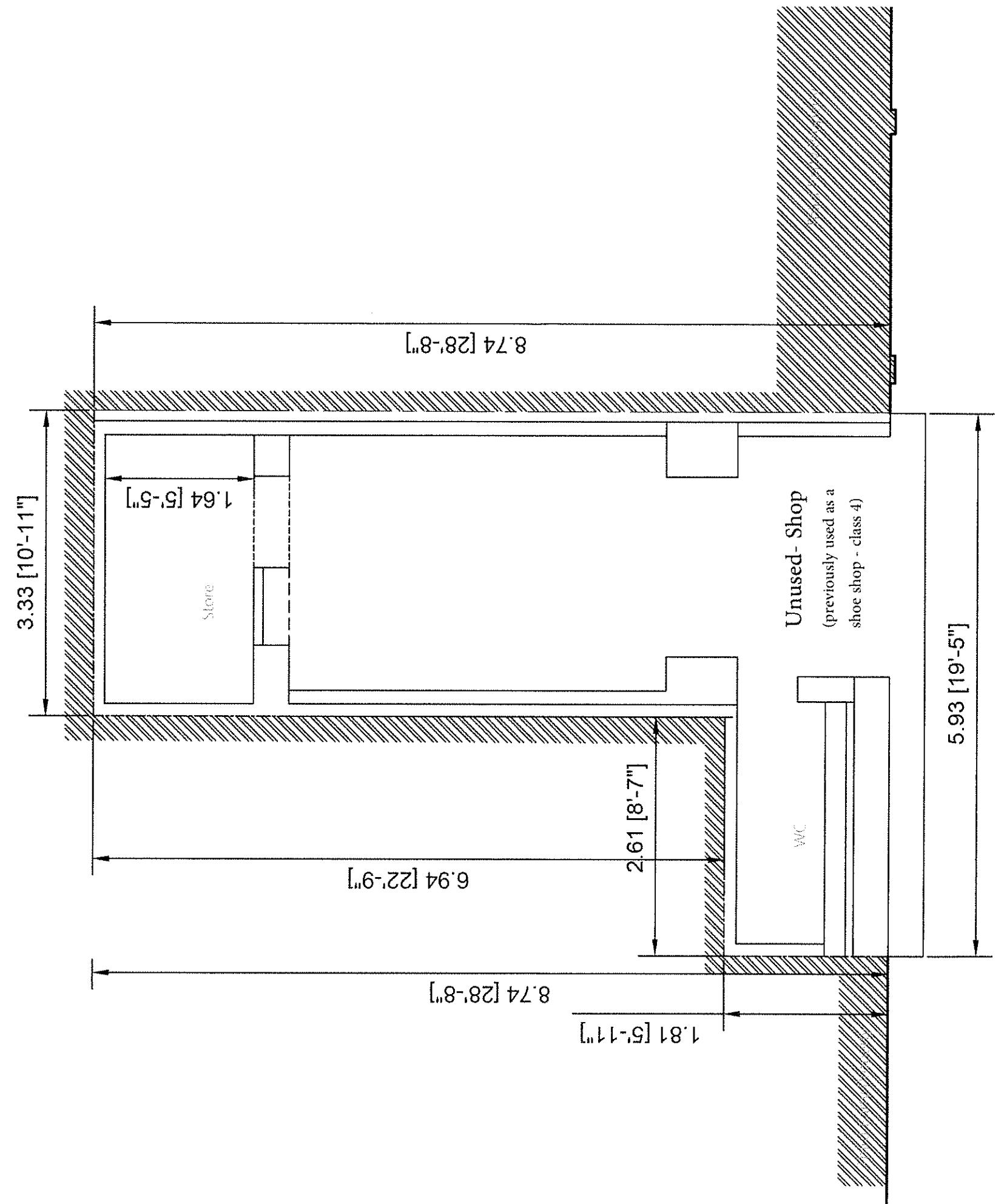
Firma ta' l-Applicant:

*[Signature]* *[Applicant's Signature]*

LR

288962

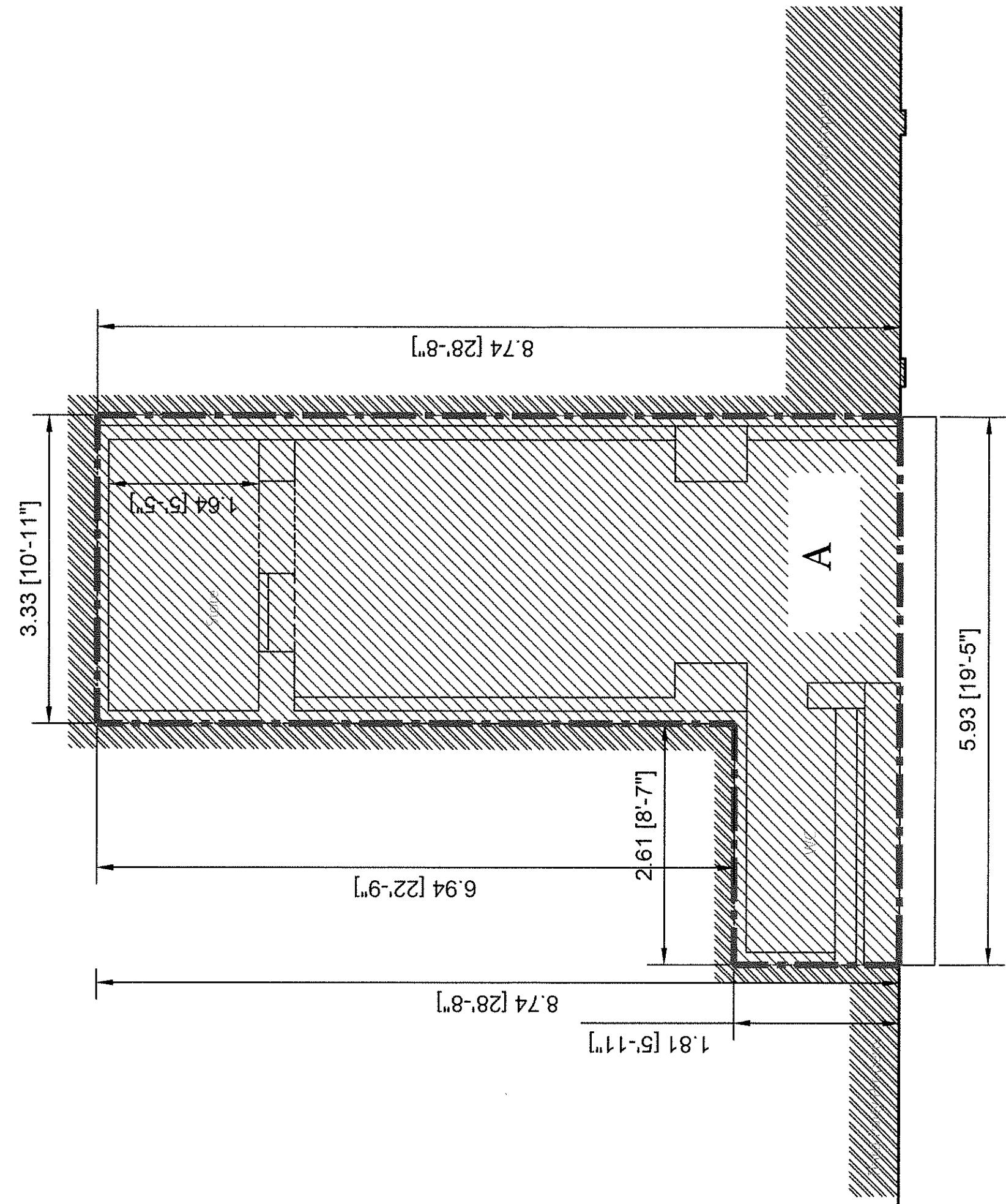
Dritt imhallas  
*Eaa Raid*



Scale 1:50															
0	0.5	1	1.5	2	3	4	5m								
B.E.&A (Hons.), M.Sc. Project Man, A&C.E.															
"Ave Maria" Triq Mikaelang Zammit Hal-Għaxaq															
455, Triq Fleur De Lys, Birkirkara															
Prima Awla Qorti Civili															
audreyannattard@gmail.com															
+356 99987303															
<b>AUDREY ANN ATTARD</b> <b>ARCHITECT</b>															
<table border="1"> <tr> <td>Existing Floor Plan</td> <td>Year</td> <td>15.01.2023</td> <td>1:50</td> </tr> <tr> <td>REV 0</td> <td>Detailing</td> <td>Detailed Plan Drawings - Original</td> <td>01</td> </tr> </table>								Existing Floor Plan	Year	15.01.2023	1:50	REV 0	Detailing	Detailed Plan Drawings - Original	01
Existing Floor Plan	Year	15.01.2023	1:50												
REV 0	Detailing	Detailed Plan Drawings - Original	01												

## Legend

A - ■ Full ownership at Level 0 only - 33.8 sqm



5m

Scale 1:50

No. To Attach to LR Plan

*[Handwritten signature]*

ISSUED BY	DATE ISSUED	EXPIRY DATE	ISSUED TO
B.E&A (Hons.), M.Sc. Project Man., A&C.E.	15.01.2023	1.50	Prima Awla Qorti Civili
"Ave Maria" Triq Mikaelang Żammit Hal-Għaxaq			455, Triq Fleur De Lys, Birkirkara
<input checked="" type="checkbox"/> audreyannattard@gmail.com			+356 99987303

AUDREY ANN ATTARD  
ARCHITECT

## Aquilina Gaetana at Court Services Agency

---

**From:** Audrey Attard <audreyannattard@gmail.com>  
**Sent:** 18 January 2023 16:11  
**To:** Aquilina Gaetana at Court Services Agency  
**Subject:** Re: 57.22

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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.

Dear Ms Aquilina,

I kindly confirm the below as my VAT number:

**VAT No. 27264702 (vat exempt)**

**However, I do not charge VAT as yet because although I am VAT registered, I am exempt from VAT.**

Hope this clarifies.

Regards,  
Perit Audrey Ann Attard  
B.E.&A. (Hons.), Msc. Proj. Mng., Dip. Con. Tech., A.&C.E.  
Architect

On Wed, Jan 18, 2023 at 3:30 PM Aquilina Gaetana at Court Services Agency <[gaetana.aquilina@courtservices.mt](mailto:gaetana.aquilina@courtservices.mt)> wrote:

Perit,

From our records, you are listed with a VAT number. Is it possible that you send me a new email, stating that you are VAT exempt? I will file the email with your report, and you may sign the email when you come to be administered the oath.

I will send you an updated version afterwards.

Thank you,

Gaetana Aquilina  
Deputy Registrar

t +356 25902504

e [gaetana.aquilina@courtservices.mt](mailto:gaetana.aquilina@courtservices.mt) w [www.courtservices.mt](http://www.courtservices.mt)

*Kindly consider your environmental responsibility before printing this e-mail*



MAIN COURTS, REPUBLIC  
STREET  
VALLETTA

**From:** Audrey Attard <[audreyannattard@gmail.com](mailto:audreyannattard@gmail.com)>  
**Sent:** 18 January 2023 15:22  
**To:** Aquilina Gaetana at Court Services Agency <[gaetana.aquilina@courtservices.mt](mailto:gaetana.aquilina@courtservices.mt)>  
**Subject:** Re: 57.22

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.

Hi Ms Aquilina,

Thanks for this attachment. However, just wanted to tell you that although I have a VAT number I am VAT exempt  
What is the next step now?

My Details are as follows:

Beneficiary name: Audrey Ann Attard

Beneficiary bank name: BOV Bank

IBAN: MT34VALL22013000000040018240540

VAT No. 27264702 (vat exempt)

Regards,

Perit Audrey Ann Attard

Architect

On Tue, Jan 17, 2023 at 1:49 PM Aquilina Gaetana at Court Services Agency <[gaetana.aquilina@courtservices.mt](mailto:gaetana.aquilina@courtservices.mt)> wrote:

Good Afternoon Perit,

Qed nibghatlek it-taxxa annessa tas-subbasta 57/22.

Grazzi,

**Gaetana Aquilina**  
Deputy Registrar

t +356 25902504

e [gaetana.aquilina@courtservices.mt](mailto:gaetana.aquilina@courtservices.mt) w [www.courtservices.mt](http://www.courtservices.mt)

*Please consider your environmental responsibility before printing this e-mail*



MAIN COURTS, REPUBLIC  
STREET  
VALLETTA