

**Fil-Prim Awla tal-Qorti Ċivili**



Fl-atti tas-subbasta numru 27/23

Philip Camilleri et  
Vs  
Mary Rose Attard

**Rapport tal-Perit David Felice**

**Perit David Felice**  
ID: 379363M  
Warrant: 238

*06 Ġunju 2024*

**Valutazzjoni ta' Proprjeta' Immobbli**  
Rif: C01021.00\_G01

**'Madonna ta' Pompei'**  
**Triq Birzebbuġa**  
**Birzebbuġa**  
**Malta**

**6 ta' Ġunju 2024**

4, Sappers Street,  
Valletta VLT 1320  
Malta

tel +356 21 243 981  
fax +356 21 243 997

6 ta' Ġunju 2024

Rif: C01021.00\_G01

Fond: 'Madonna ta' Pompei', Triq Birzebbuga, Birzebbuga, Malta

Is-sottoskritt gie maħtur bħala espert fl-atti tal-Mandat ta' Qbid ta' Hwejjeg Immobbli Nru 27/23 (*Philip Camilleri KI 237657M et vs Mary Rose Attard KI 204363M*) sabiex ihejji deskrizzjoni tal-fond bl-isem "Madonna ta' Pompei" li jinsab fi Triq Birzebbuga, Birzebbuga, Malta, u sabiex ifisser il-pizijiet, kirjiet u jeddijiet oħra, sew reali kemm personali, jekk ikun hemm, li għalihom dan il-fond huwa sugġett, kif ukoll l-aħħar trasferiment tiegħu, skond l-informazzjoni miġbura kif deskritt fir-rapport anness. Hu mifhum ukoll li s-sottoskritt gie maħtur sabiex jagħti stima tal-valur fis-suq tal-fond in kwistjoni.

Is-sottoskritt wasal għall-valur hawn taħt imsemmi abbażi tal-fatti u l-kunsiderazzjonijiet kollha msemmija fir-rapport anness.

Fuq il-bażi ta' dawn il-fatti u kunsiderazzjonijiet, kif ukoll tenut kont tas-sitwazzjoni kurrenti tas-suq tal-proprjeta', l-istima tal-valur tal-fond imsemmi fl-istat odjern huwa ta' **€235,000** (*mitejn u ħamsa u tletin elf Ewro*).

  
.....  
**Perit David Felice**  
Numru tal-Warrant: 238

Anness: Rapport ta' Valutazzjoni

- 6 JUN 2024  
Illum.....

Ippreżentata mill- *Perit D. Felice*

B/blu dok. *eebatar* dokumenti

*(14)*  
**Rose Marie Vella**  
Deputat Registratur  
Deputy Registrar  
Qorti tal-Gustizzja (Malta)  
Law Courts (Malta)

6 ta' Ġunju 2024

Rif: C01021.00\_G01

## Rapport ta' Valutazzjoni

- 1. Klijent** Prim' Awla tal-Qorti Ċivili, Malta.
- 2. Indirizz tal-fond** 'Madonna ta' Pompei', Triq Birżebbuġa, Birżebbuġa, Malta
- 3. Emfitewta** Mhux applikabbli
- 4. Bażi tal-valutazzjoni** Dan ir-rapport iwassal għal stima tal-valur fis-suq (*Market Value*) tal-fond, kif definit fid-Direttiva tal-Kunsill Ewropew 2006/48/EC, u cioè' *"the estimated amount for which the property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion."*

Mingħajr preġudizzju għall-fuq imsemmi, il-valur indikat f'dan ir-rapport huwa l-aħjar prezz in fondi likwidi li huwa raġonevolment mistenni li jinkiseb minn bejgħ tal-proprjeta' mingħajr kundizzjonijiet, fid-data ta' din il-valutazzjoni, u a bażi ta' dawn il-premessi:

- il-bejgħ tal-fond ma kienx sfurzat;
- qabel id-data tal-valutazzjoni kien hemm perjodu raġonevoli biex isir reklamar dwar il-bejgħ tal-fond, għan-negozjar u qbil dwar il-prezz u t-termini tal-bejgħ, u għall-konkluzjoni tal-bejgħ;
- is-sitwazzjoni tas-suq, in-natura ta' valuri tal-proprjeta' u ċirkustanzi oħra rilevanti kienu, fid-data li jsir il-kuntratt tal-bejgħ, l-istess bħal fid-data tal-valutazzjoni;
- ma hemmx xi offerta addizzjonali minn xi xerrej li għandu interessi speċjali fl-akkwist tal-fond;
- it-titlu tal-fond jista' jiġi stabbilit u l-fond ma huwiex soġġett għal xi restrizzjonijiet inużwali jew onerużi, jew għal xi dejn;
- il-fond ma huwiex soġġett għal xi Notifiki Statutorji u kemm il-fond kif ukoll l-użu tiegħu, eżistenti jew intenzjonat fil-futur, jikkonformaw mal-Kundizzjonijiet Statutorji rilevanti;
- il-fond m'għandux difetti moħbija u l-materjali li ntużaw għall-kostruzzjoni (jekk applikabbli) kienu ta' kwalita' tajba;

- h. il-kundizzjoni tal-fond gie stabbilit minn ispezzjoni viżwali biss, u, sakemm mhux indikat mod ieħor fir-rapport u f'tali każ fl-estent speċifikat biss, dawk il-partijiet tal-fond li kienu mgħottija, inesposti jew mhux aċċessibbli ma kienux spezzjonati, u l-ebda testijiet ma saru fuqhom biex jiġi stabbilit jekk għandhom xi difett jew ieħor, u għalhekk il-valutazzjoni tassumi li jekk isir studju strutturali fuq il-fond ma jirriżultawx diffetti serji li jistgħu jwasslu għal spejjeż sostanzjali.

## 5. Kundizzjonijiet speċjali

Dan ir-rapport huwa kunfidenzjali għall-klijent msemmi hawn fuq u gie ppreparat għall-iskop speċifiku msemmi hawn taht. Jista' jiġi rreferit lil esperti li qed jgħinu lill-klijent għall-istess skop, iżda lil ebda persuna jew entita' oħra. Ir-rapport, jew partijiet minnu, ma jistgħux jiġu ppublikati mingħajr il-kunsens tas-sottoskritt.

Is-sottoskritt huwa responsabbli biss lejn il-klijent, u kwalunkwe persuna li tagħmel użu minn din il-valutazzjoni tagħmel hekk unikament a riskju tagħha.

## 6. Aċċess

Sar aċċess fuq il-post mis-sottoskritt nhar l-24 ta' Mejju 2024, fil-preżenza tal-intimata Mary Rose Attard.

## 7. Skop

Deskrizzjoni tal-fond indikat u stima tal-valur fis-suq ta' tali fond għall-finijiet ta' Mandat ta' Qbid ta' Hwejjeġ Immobbli.

## 8. Deskrizzjoni Ġenerali

### Tipoloġija:

Il-fond jikkonsisti f'*maisonette* fl-ewwel sular ta' blokka. Il-fond jinkludi tlett ikmamar tas-sodda, li waħda minnhom għandha WC ensuite, kamra tal-banju u kamra kbira li sservei bħala kċina, salott u kamra tal-ikel. L-aċċess tal-fond huwa minn bieb li jiffaċċa fuq Triq Birzebbuġa. Il-parti tal-fond li jinsab fl-ewwel sular għandu faċċata fuq Triq Zarenu Dalli, u jinkludi żewġ galleriji li jiffaċċjaw fuq l-istess triq. Il-fond jinkludi wkoll bitha fuq in-naħa ta' wara, u bitha interna.

### Kostruzzjoni:

Il-proprjetá tikkonsisti f'hitani interni u esterni tal-ġebbla tal-franka, li fuqhom iserrhu soqfa tal-konkos.

## 9. Titlu

It-titlu tal-fond ma kienx investigat, u tali investigazzjoni ma kienitx parti mill-iskop ta' dan ir-rapport. Skond il-kuntratt tal-2008 (*vide* l-Anness 10), il-fond huwa liberu u frank u jgawdi d-dritt ta' installazzjoni ta' "*tank ta' l-ilma ta' kapacita mhux akbar minn elf litru (1000 lt) li jkun iservi il-maisonette ... kif ukoll aerial fuq il-bejt tal-blokk, bid-dritt ta' access għal fuq il-bejt tal-blokk għal skop ta' munutenzjoni u riparazzjoni bil-permess ta' sid il-bejt.*"

- Ukoll, skond il-kuntratt ta' l-2008, "Johann Schembri nomine jirriserva id-dritt a favur tieghu u a favur is-successuri tieghu fit-titolu illi minn zmien ghal zmien jibni sulari fuq l-imsemmi maisonette li eventwalment jinbena minn Catherine Camilleri dment li jkun hemm il-permessi necessarji tal-awtoritajiet kompetenti, f'liema kaz il-kumpratur Johann Schembri nomine jew is-successuri tieghu ikun jista minghajr il-htiega tal-kunsens ta' Catherine Camilleri u minghajr l-obbligu li jhallas xi kumpens jestendi is-servizzi komuni ghal fondi li jinbnew aktar 'il fuq inkluz li jestendi u jqabbad mas-sistema komuni tal-katusi tad-drains, drenagg u ilma tax-xita, jiftah twieqi, aperturi u gallariji fuq il-faccata, fuq il-btiehi u x-xaftijiet tal-maisonette sottopost u a spejjez tal-istess Johann Schembri nomine jaqla' it-tank ta' l-ilma u aerial tat-televizjoni minn fuq il-bejt fejn ikunu imwahhlin u jinstallahom fuq l-oghla bejt eventwali."

- 10. Okkupazzjoni** Fid-data tal-aċċess, il-fond kien okkupa mill-intimata Mary Rose Attard u membri tal-familja tagħha.
- 11. Awtorita' Lokali** Kunsill Lokali Birzebbuga.
- 12. L-inħawi tal-madwar** Il-fond jinsab f'żona ikkaratterizzata minn użi kummerċjali bħal ħwienet, u bars fil-livell ta' mat-triq, u użi residenzjali fis-sulari sovrastanti. Il-fond jinsab eżatt faċċata tal-Knisja Parrokkjali ta' Birzebbuga.
- 13. Toroq** Triq Birzebbuga u Triq Zaren Dalli huma miksija bit-tarmac u jinsabu f'kundizzjoni tajba. It-toroq adjaċenti jinkludu sistema ta' dawl ta' barra (*street lighting*).
- 14. Is-Sit**
- Konfini:* Il-konfini tas-sit huma definiti b'mod ċar minn hitan tal-appoġġ mad-dawra tal-fond u minn faċċata fuq Triq Birzebbuga fil-livell ta' mat-triq u minn faċċata fuq Triq Zaren Dalli fl-ewwel sular.
- Karatteristiċi fiżiċi:* Is-sit li fuqu hi mibnija l-blokka jinsab fuq art f'it għan-niżla. Ma saret ebda investigazzjoni dwar in-natura tas-sottosuol, u ma giet ipprezentata ebda evidenza ta' karatteristiċi inużwali. Din l-istima tassumi li ma hemm ebda kundizzjonijiet fis-sottosuol, inkluz iżda mhux biss il-preżenza ta' fissuri, ta' tafal, jew ta' kontaminazzjoni, li jistgħu ikollhom impatt fuq il-valur tal-proprjeta'.
- Il-fond għandu kejl superfiċjali ta' madwar 126 metri kwadri, inkluzi t-taraġ, il-btiehi u l-gallariji.
- Servitujiet:* Waqt l-ispezzjoni, ma kienx jidher li kien hemm servitujiet gravanti fuq il-fond ħlief għal dawk li jirriżultaw b'mod naturali mill-posizzjoni tal-fond fuq u taħt proprjeta' ta'

terzi. Is-sottoskritt ma ngħata ebda informazzjoni rigward l-eżistenza ta' xi servitù ulterjuri.

#### 15. Partijiet komuni

Qiegħed jiġi meqjus li l-fond jinkludi sehem indiviż tal-ħitan tal-appoġġ flimkien mas-sidien tal-proprjetajiet adjaċenti. Qiegħed jiġi meqjus ukoll li l-fond jinkludi sehem indiviż tal-art u tas-saqaf tiegħu flimkien mas-sidien tal-proprjetajiet sottostanit u sovrastanti rispettivament. Il-proprjeta' għandha *"is-sistema tal-katusi tad-drains, drenagg u ilma tax-xita komuni mal-fondi sovrastanti u b'hekk ser ikun suggett għad-dritt ta' access favur il-proprjetarji tal-istess fondi sovrastanti għal fini ta' manutenzjoni u riparazzjoni tal-imsemmija katusi u ser ikollu dritt ta' access fil-fondi sottostanti għall-istess skop"*, u dan kif indikat fil-kuntratt ta' l-2008 (vide l-Anness 10).

#### 16. Kunsiderazzjonijiet tal-Ippjanar

Il-fond jinsab f'lokalita' li taqa' taħt ir-rekwiżiti tal-Pjan Lokali magħruf bħala *Marsaxlokk Bay Local Plan* (MBLP) ppublikat mill-Awtorita ta' Malta dwar l-Ambjent u l-Ippjanar (MEPA). Il-funzjonijiet ta' ippjanar tal-MEPA ġew mgħoddija lill-Awtorita' ta' l-Ippjanar li twaqqfet fl-2016.

Il-fond jinsab fiż-żona ta' l-iżvilupp u f'Design Priority Area. (vide l-Anness 5). Is-sit jinsab f'żona fejn l-gholi permissibbli hu ta' 3 sulari (vide l-Anness 5a), li skond l-Anness 2 tad-*"Development Control Design Policy, Guidance and Standards 2015"* jikkorrispondi għal għoli massimu ta' 16.3m.

Ma jirriżultax li hemm xi azzjoni ta' infurzar fuq il-fond.

Skond is-sit elettroniku ta' l-Awtorita' ta' l-Ippjanar, jirriżulta li l-blokka in kwistjoni hi munita b'dawn il-permessi:

- **PA/06654/07:** Demolition of existing dwelling and reconstruction of two maisonnettes, two garages, and two Class 4 shops.
- **DN/01246/08:** Construction of washroom at roof level
- **PA/01519/13:** Change of use from garage & class 4 to class 5, including minor internal alterations.
- **PA/03261/21:** Change of use from previously approved Class 4A (Class 5 - PA/1519/13) to Class 4C, inclusive of changes to facade which comprise of the removal of vinyl sign to be replaced with timber sign and additions of signage within facade apertures.

Kopja ta' dawn il-permessi, hlief għal DN/01246/08, huma annessi ma' dan ir-rapport (vide l-Annessi 6, 7 u 8).

B'mod generali, il-fond kif inhu mibni huwa konformi mal-permess PA/06654/07



**17. Kunsiderazzjonijiet  
statutorji**

Fid-data ta' l-aċċess ma setax jiġi aċċertat jekk il-blokka tinkludix bir għall-ilma tax-xita. Għall-fini ta' din il-valutazzjoni qed jiġi preżunt li hemm bir u li dan huwa mibni skond ir-regolamenti vigenti meta nbena l-fond.

**18. Kundizzjoni tal-fond**

Il-fond huwa komplut (*finished*) u jinsab f'kundizzjoni generalment tajba, hliet f'xi partijiet fejn il-finituri għandhom bżonn ftit irtokki (ara ritratti fl-Anness 4).

L-istruttura tidher li hi f'kundizzjoni tajba.

**19. Servizzi**

Il-fond hu munit bis-servizzi normali ta' dawli, ilma, u drenagg. Ma saru ebda testijiet sabiex jiġi aċċertat li s-servizzi huma fi stat tajjeb jew oltre.

**20. Kunsiderazzjonijiet  
ambjentali**

Ma ġew innutati ebda fatturi ta' natura ambjentali ta' rilevanza għal din il-valutazzjoni.

**22. Metodologija**


Il-proprjeta' sugġett ta' din il-valutazzjoni giet meqjusa skond il-metodu kumparattiv (*comparative method*). Skond ricerka fis-suq u skond trasferimenti riċenti fil-lokalita' li s-sottoskritt għandu aċċess għalihom, u wara li ġie kkunsidrat l-istat tal-proprjeta' in kwistjoni, il-fond għandu jkollu valur fis-suq ta' madwar €235,000 fi stat liberu u frank.



.....  
Perit David Felice  
Numru tal-Warrant: 238

**Annessi:**

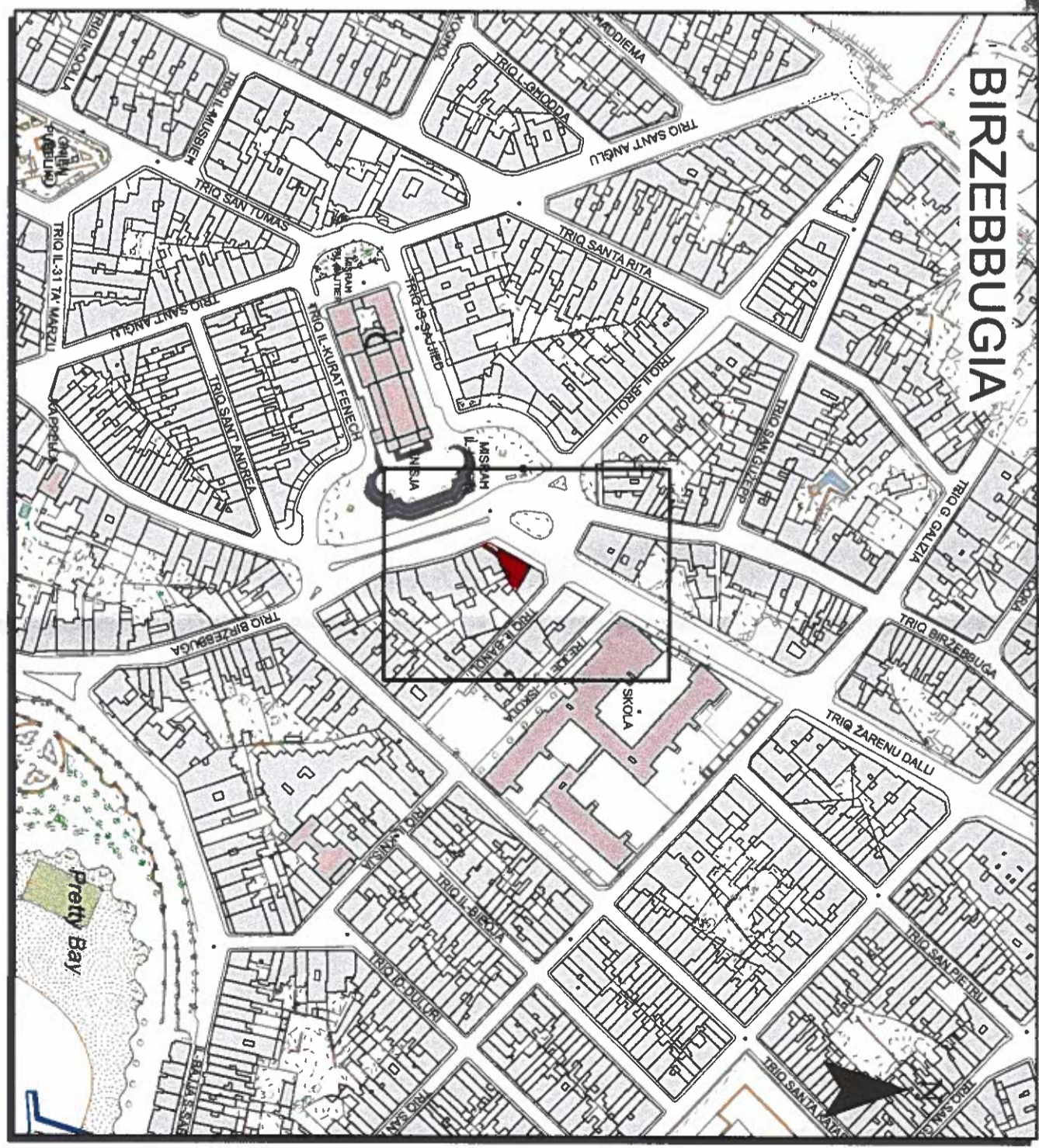
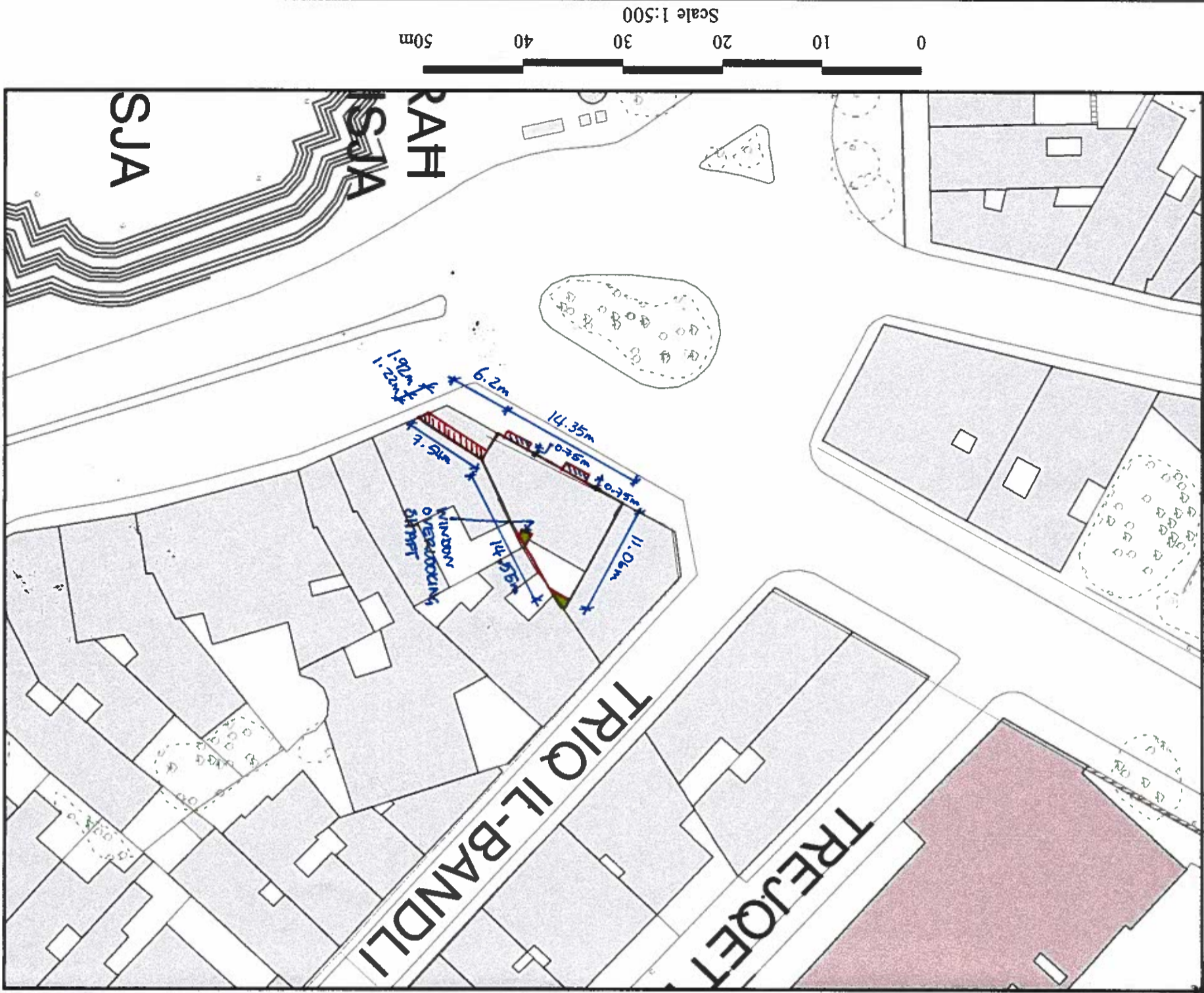
1. Pjanta tas-sit (*site plan*), 1:2500
2. Pjanta tar-Registru ta' l-Artijiet
3. It-Tmien Skeda
4. Ritratti
5. Estratti mill-Pjan Lokali (*Marsaxlokk Bay Local Plan*)
6. Dokumenti relatati mal-permess tal-ippjanar PA/06654/07
7. Dokumenti relatati mal-permess tal-ippjanar PA/01519/13
8. Dokumenti relatati mal-permess tal-ippjanar PA/03261/21
9. Skizz tal-fond fl-istat odjern
10. Kuntratt tal-24 ta' April 2008
11. Korrispondenza
12. Inkartament mill-Prim Awla tal-Qorti Ċivili
13. Irċevuti ta' xiri ta' *site plan* mill-Awtorita' ta' l-Ippjanar
14. Irċevuti ta' xiri ta' pjanti mir-Registru ta' l-Artijiet

Ilum <u>17 ta' Lulju 2024</u>
Deher il-Perit Legali / Tekniku: <u>David Felice</u>
Li wara li ddkjara li tneha jammont mill-dovut, halef/halfet li qeda/qdlet fedelment u onestament l-inkarigu mogħti lilu/ha.
 Deputat Registratur

**Anness 1**  
**Pjanta tas-sit (site plan), 1:2500**



**Anness 2**  
**Pjanta tar-Registru ta' l-Artijiet**



**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: **351096 E** Pożizzjoni Ċentrali: **x = 57407**  
 Map Number: **Centre Coordinates: y = 65096**

Perit: **DAVID FELICE** Qies (metri kwadri): **126 m.k.**  
 Architect: **DR AP VALETTA** Area (square metres):

Timbru tal-Perit: **06/06/2024** Firma ta' l-Applikant:  
 Architect's Stamp: **AP Valletta** Applicant's Signature:

4 Sappent Street  
 Valletta VLT 1320 Malta  
 Tel: +356 2124 3981

**LR 352901** Dritt imħallas  
 Fee Paid

- STAIRCASE FROM GROUND TO FIRST FLOOR
- APARTMENT AT FIRST FLOOR
- THIRD PARTY SHAFT
- BALCONY COVER
- PUBLIC PAVEMENT

**Anness 3**  
**It-Tmien Skeda**



# EIGHTH SCHEDULE

## PHYSICAL ATTRIBUTES OF (IMMOVABLE PROPERTY)

Locality	Birzebbuga
Address	'Madonna ta' Pompei', Triq Birzebbuga, Birzebbuga
Total Footprint of Area Transferred*	126 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 checked="" type="checkbox"/> Maisonette	<input type="checkbox"/> Farmhouse
	<input type="checkbox"/> Terraced House	<input type="checkbox"/> Ground Floor Tenement		
Age of Premises	<input checked="" type="checkbox"/> 0-20 years	<input 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 type="checkbox"/> Quiet	<input checked="" 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 type="checkbox"/> With Garden	<input type="checkbox"/> With Pool	<input type="checkbox"/> With Lift	<input type="checkbox"/> With Basement
	<input checked="" 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: 6th June 2024

Perit's Signature: David Felice  
obo AP Valletta

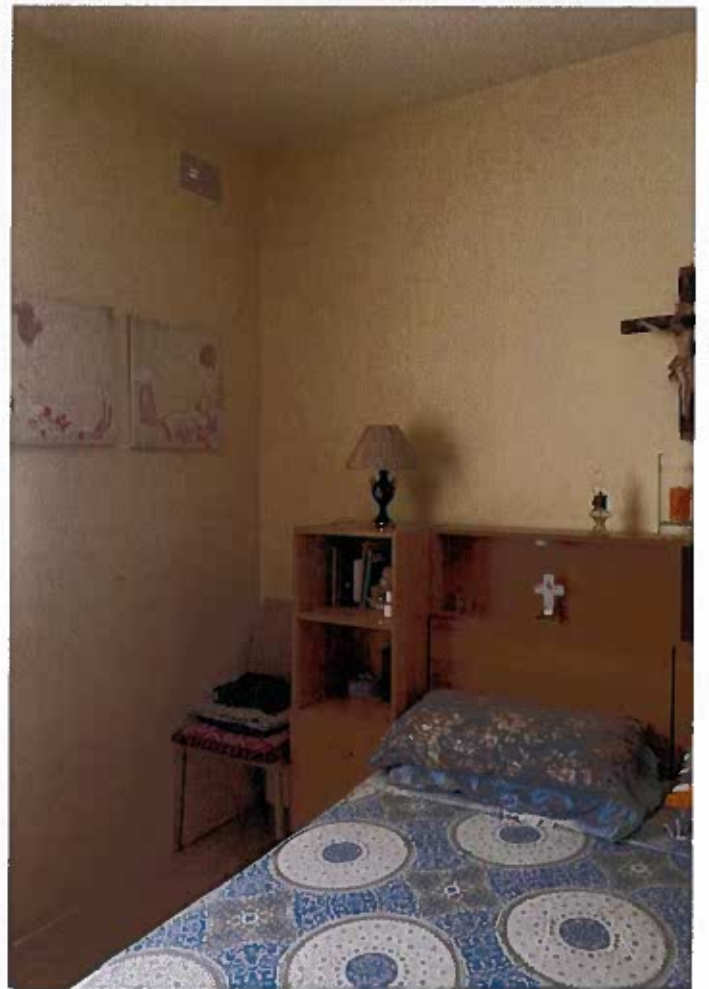
Warrant Number: P/2

Rubber Stamp: AP Valletta  
4 Sappers Street  
Valletta VLT 1320 Malta  
Tel: +356 2124 3981

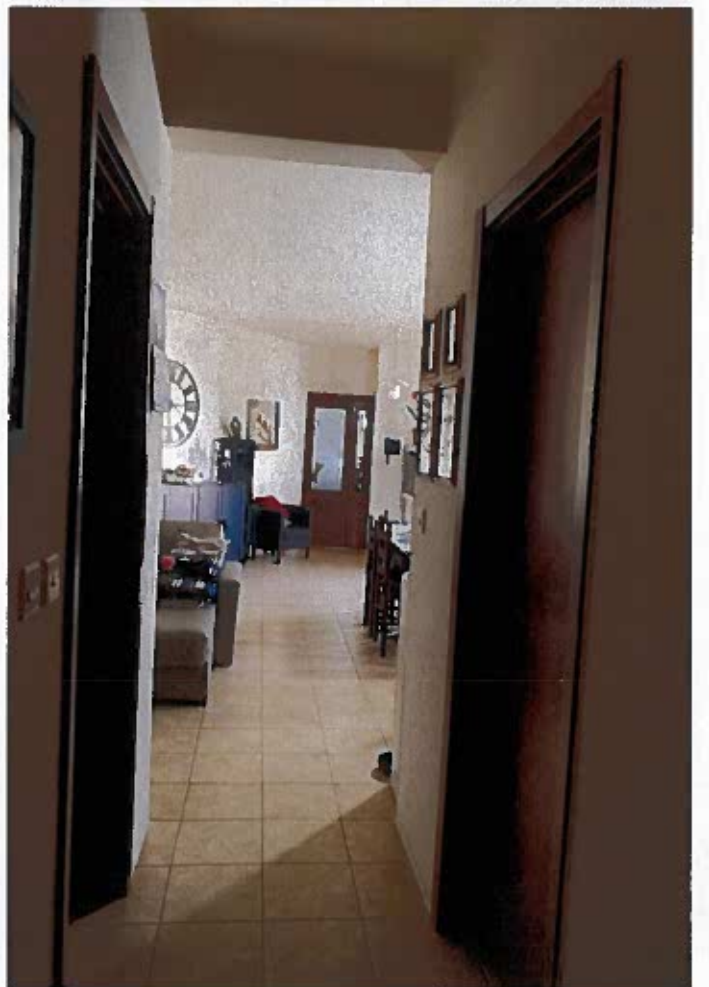
**Anness 4**  
**Ritratti**



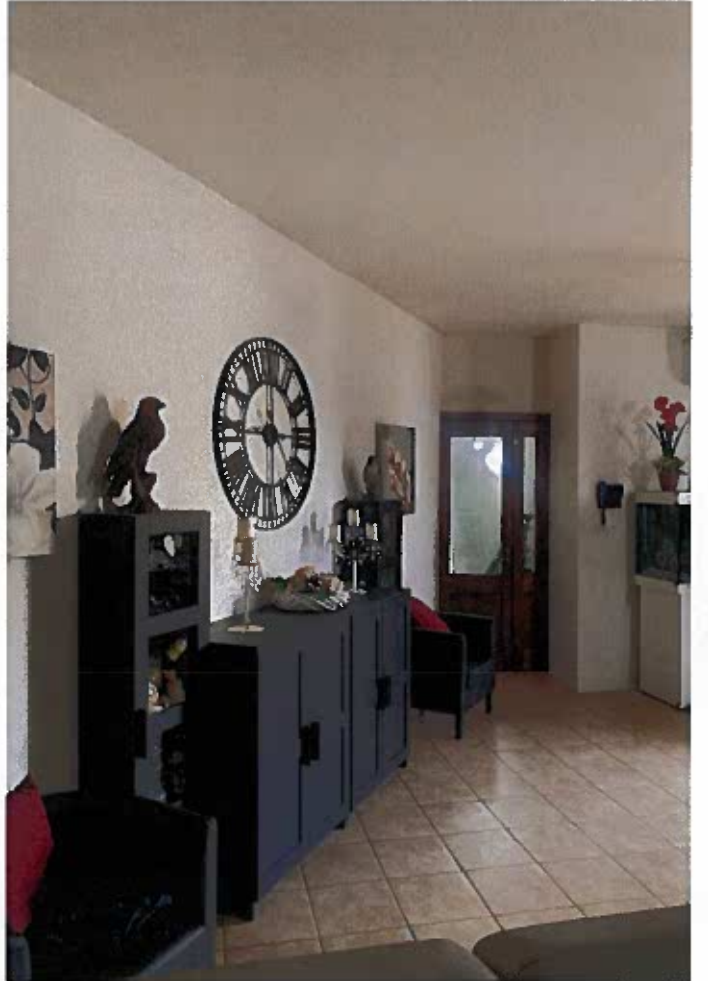
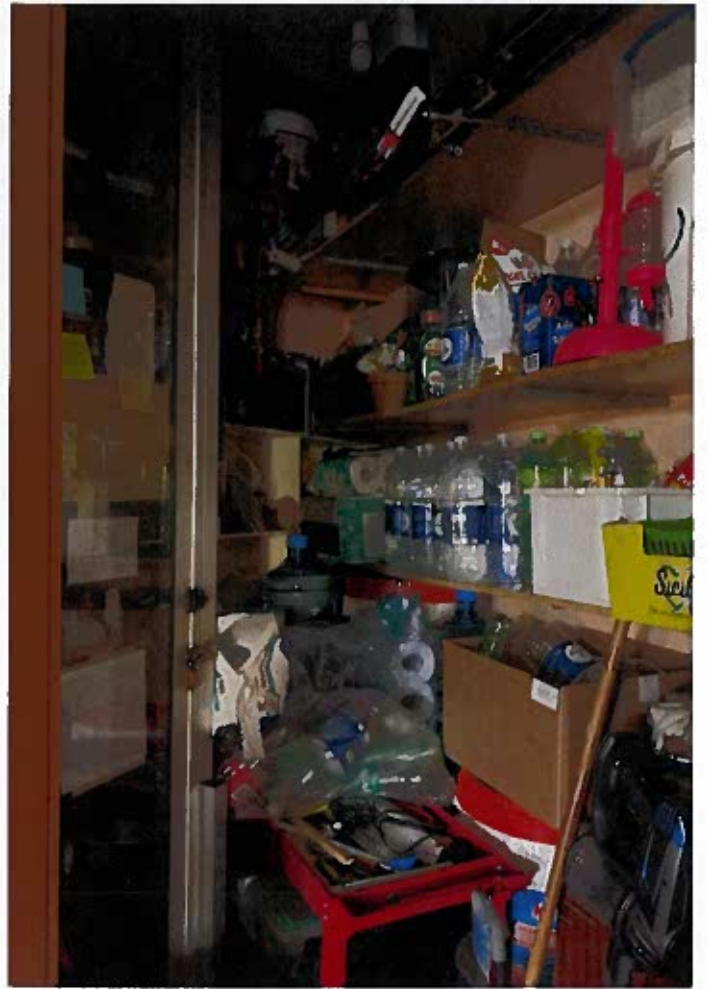














**Anness 5**  
**Estratti mill-Pjan Lokali (Marsaxlokk Bay Local Plan)**



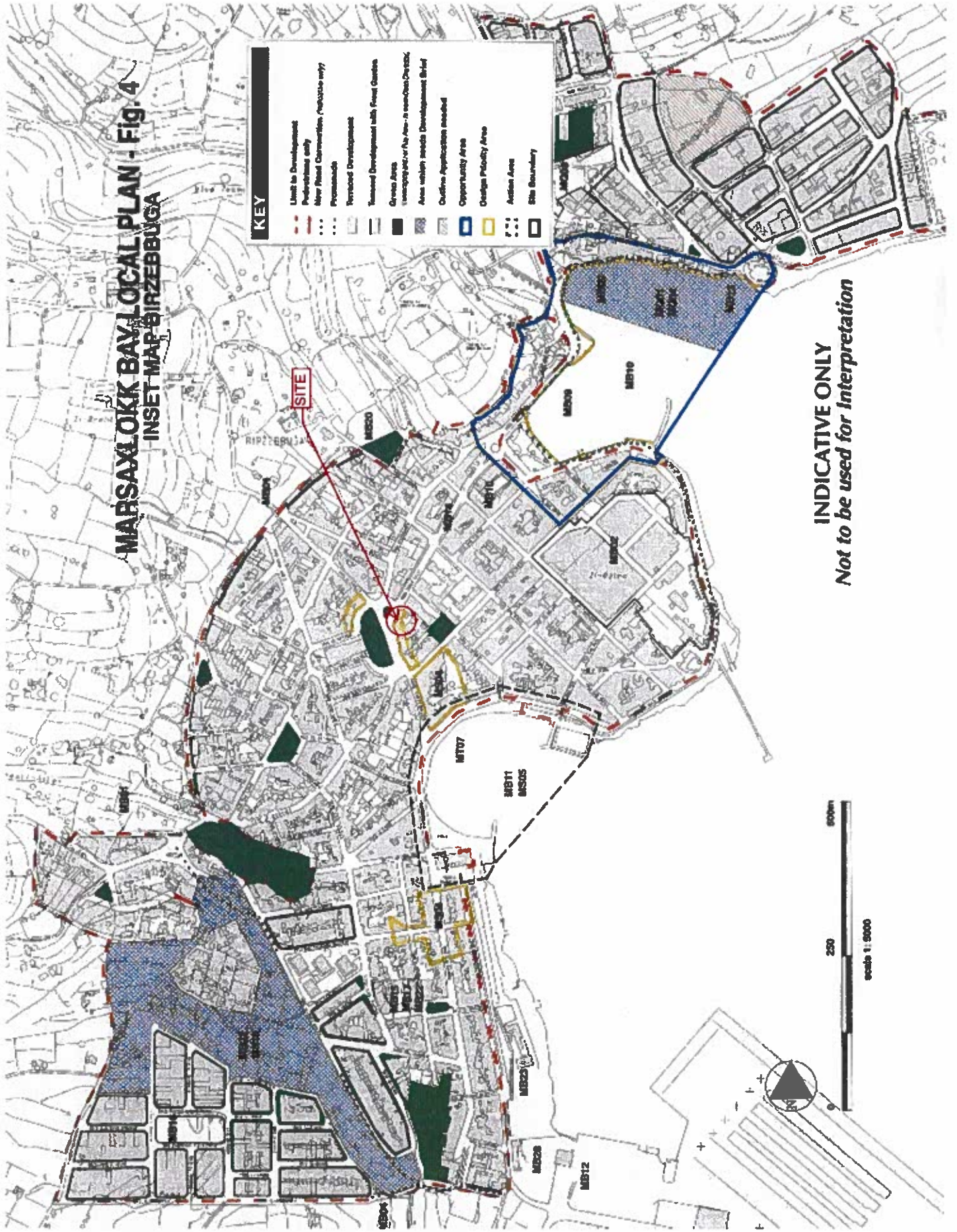
**MARSAXLOKK BAY LOCAL PLAN - Fig. 4**  
**INSET MAP - BIRZEBBUĠA**

**KEY**

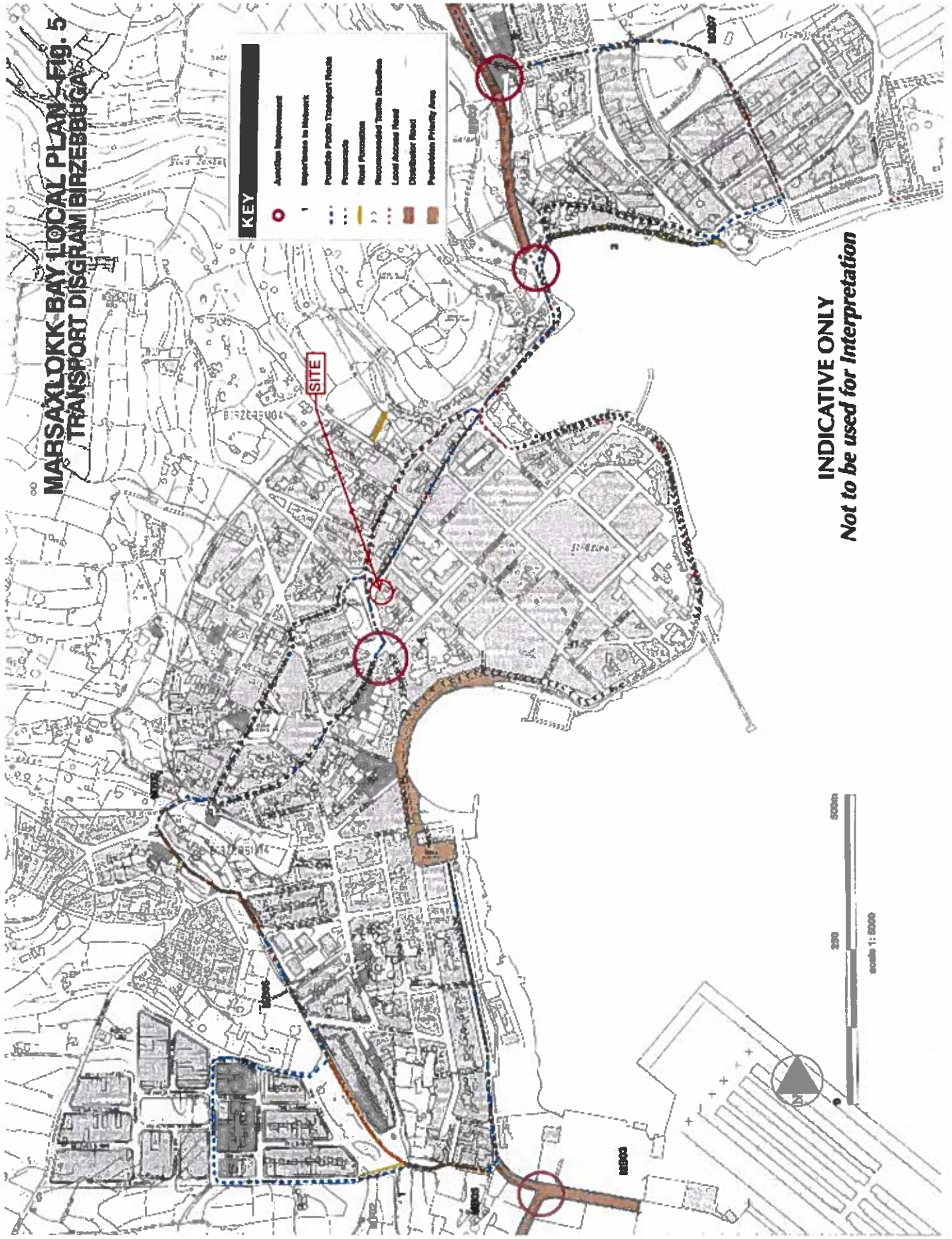
	Limit to Development		Outline Application included
	Prohibitive only		Opportunity Area
	New Final Commitment (Provision only)		Design Priority Area
	Provisional		Active Area
	Restricted Development		Site Boundary
	Unrestricted Development with Forest Corridor		
	Green Areas		
	Temporary Use of the Area - to remain Open Space		
	Areas which require Development Brief		
	Outline Application included		
	Opportunity Area		
	Design Priority Area		
	Active Area		
	Site Boundary		

**SITE**

**INDICATIVE ONLY**  
*Not to be used for Interpretation*



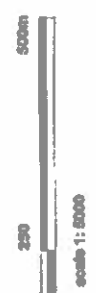
**MARSAXLOKK BAY LOCAL PLAN - FIG. 5  
TRANSPORT DISGRAM BIRZEBBUGA**



**KEY**

- Junction Improvement
- Improvement in Movement
- Possible Public Transport Route
- Recommended
- Road Improvement
- Recommended Traffic Circulation
- Local Access Road
- Distributor Road
- Pedestrian Priority Area

**INDICATIVE ONLY**  
*Not to be used for Interpretation*



**MARSAXLOKK BAY LOCAL PLAN - FIG. 6  
CONSERVATION MAP BIRZEBBUĠA**

**KEY**

- 1<sup>st</sup> Degree of Protection
- 2<sup>nd</sup> Degree of Protection
- Limit to Development
- Urban Conservation Area

**SITE**

18005

18007

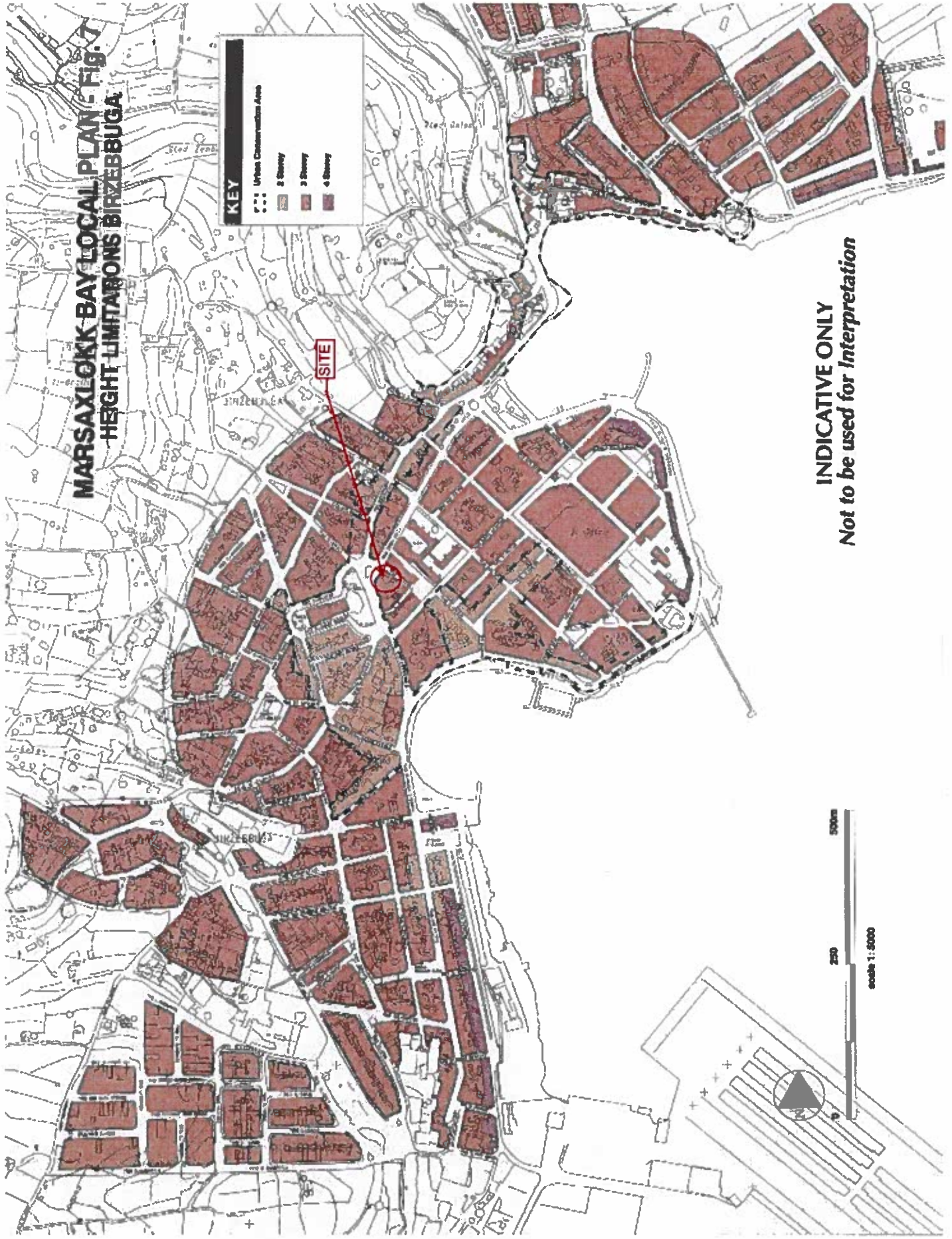
**INDICATIVE ONLY  
Not to be used for Interpretation**



scale 1: 5000



**MARSAXLOKK BAY LOCAL PLAN - FIG. 7  
HEIGHT LIMITATIONS BIRZEBBUĠA**



KEY	
Urban Conservation Area	(Dotted pattern)
2 Storey	(Light red)
3 Storey	(Medium red)
4 Storey	(Dark red)

**INDICATIVE ONLY  
Not to be used for Interpretation**



**Anness 6**  
**Dokumenti relatati mal-permess tal-ippjanar PA/06654/07**

— Full Development Permission —

Documents : PA 6654/2007/1C/14B/19A/31A

Planning Authority hereby grants development permission in accordance with the application and plans described above, subject to the following conditions:

- 1 - The shopfronts shall be designed as indicated on the approved drawings.
- 2 - The shop hereby being permitted may only be put to one of the Class 4 uses listed in Tables 3.1 and 3.2 of the Policy Paper (1997) on 'Parking Provision for Local Shops, Offices and Catering Establishments', excluding a supermarket, mini market, butcher and fishmonger.
- 3 - No approval is hereby granted for the display of any sign or advertisement. These must form the subject of a separate application for advertisement consent.
- 4 - Air conditioning units shall not be located on the facades of the building which are visible from a public space. Any such units located at roof level shall be set back from the facade by at least 1 metre.
- 5 - There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street.
- 6 - The garage door openings at ground floor level, overlooking the public street, shall be fitted with a solid aperture at street level, along the street alignment. This aperture shall be finished to match the other apertures of the elevation. This aperture shall be fitted prior to the issue of any Compliance Certificate (partial or full) on the whole or any part of the development hereby approved. No gates are permitted on this opening.
- 7 - Doors and windows, the lower edge of which is less than 2m above road level, shall not open outwards onto a public pavement or road.
- 8 - All services located on the roof of the building shall be clustered together and surrounded by a 1.5 metres high non-solid screen. The services shall not exceed the height of this screen, which shall be set back 2 metres from the front and back edges of the roof of the underlying building.
- 9 - a) This development permission is valid for a period of FIVE YEARS from the date of this notice but will cease to be valid if the development is not completed by the end of this five year period.  
  
b) It should be noted that a third party may have the right of appeal against this permission. Any development which is carried out when such an appeal has been made, or until the time limit for the submission of such an appeal has expired, is undertaken at the risk that this permission may be revoked by the Planning Appeals Board or quashed by the Court of Appeal.  
  
c) This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out.

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

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

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

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

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

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

i) Where the street bordering the site is unopened, it shall be opened up **prior to the commencement of the building operations** hereby permitted.

j) Where applicable hoarding should be erected in accordance with Schedule 2 of the Environmental Management Construction Site Regulations, LN 295 of 2007

k) No building material, waste material, machinery or plant shall obstruct the pavement or the smooth flow of traffic on the road in the vicinity of the site. The deposit of materials or the placing of equipment in the street must be authorised.

l) Any soil on the site shall not be built over but shall be collected for reuse. A permit from the Director of Agriculture is required to remove the soil from the site. All soil shall be deposited at the place indicated by the Director of Agriculture.

m) Rock spoil, boulders and other waste materials resulting from excavations or from demolition on this site shall be deposited at an official waste disposal site or used as fill material. If waste materials from the development are not to be reused, they shall not be disposed of other than at an official waste disposal site. A permit from the Environmental

Protection Directorate is required to this effect.

n) The height of the building shall not exceed the permitted number of 3 floors as indicated on the approved drawings.

o) The facade of the building shall be constructed in local stone, except where other materials, finishes and colours are indicated on the approved plans and drawings.

p) Apertures and balconies shall not be constructed of gold, silver or bronze aluminium.

q) A water cistern with a volume in cubic metres of 30% of the total roof area (in square metres) of the building(s) shall be constructed to store rainwater run-off from the built-up area of the development. This cistern shall be completed and available for use prior to the development hereby permitted being first brought into use.

r) The development hereby permitted shall not be brought into use until the Final Compliance (Completion) Certificate, certifying that the development has been carried out in full accordance with the plans approved by this permission and with the other conditions imposed in this permission, has been issued by the Malta Environment & Planning Authority.

s) The permit is issued on condition that, where applicable, any excavation shall be subject to the requirements of the Civil Code regarding neighbouring tenements.

t) Where applicable, the development, hereby permitted, shall be carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, LN 295 of 2007.

10 - The garages/parking spaces shall only be used for the parking of private cars and they shall be kept available at all times for this purpose.

11 - This permission for change of use is subject to Trading Licence approval and to any other approval or clearance which may be required from other Government Departments.

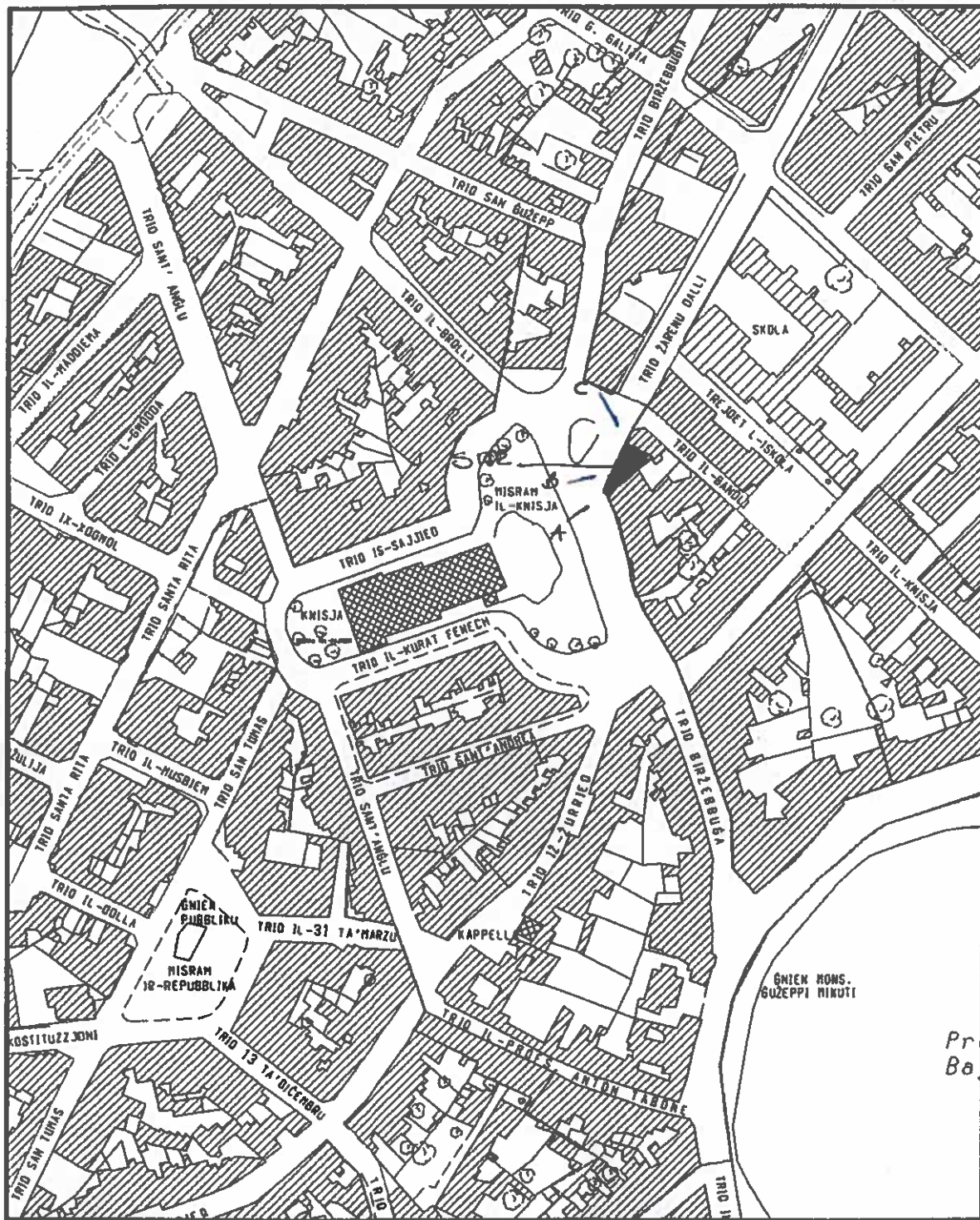
12 - All apertures, including garage doors, shall be in painted timber.

A number of additional conditions, standard at the time of issue of the permission, would also have been imposed in the original permission. It would have included conditions such as (but not limited to): Permit is granted saving third party rights. The applicant is not excused from obtaining any other permission required by law.



441021

500m



0m

Min Easting = 57151.2, Min Northing = 64777.14, Max Easting = 57551.2, Max Northing = 65277.63

0m

400m

# MEPA

[www.mepa.org.mt](http://www.mepa.org.mt)

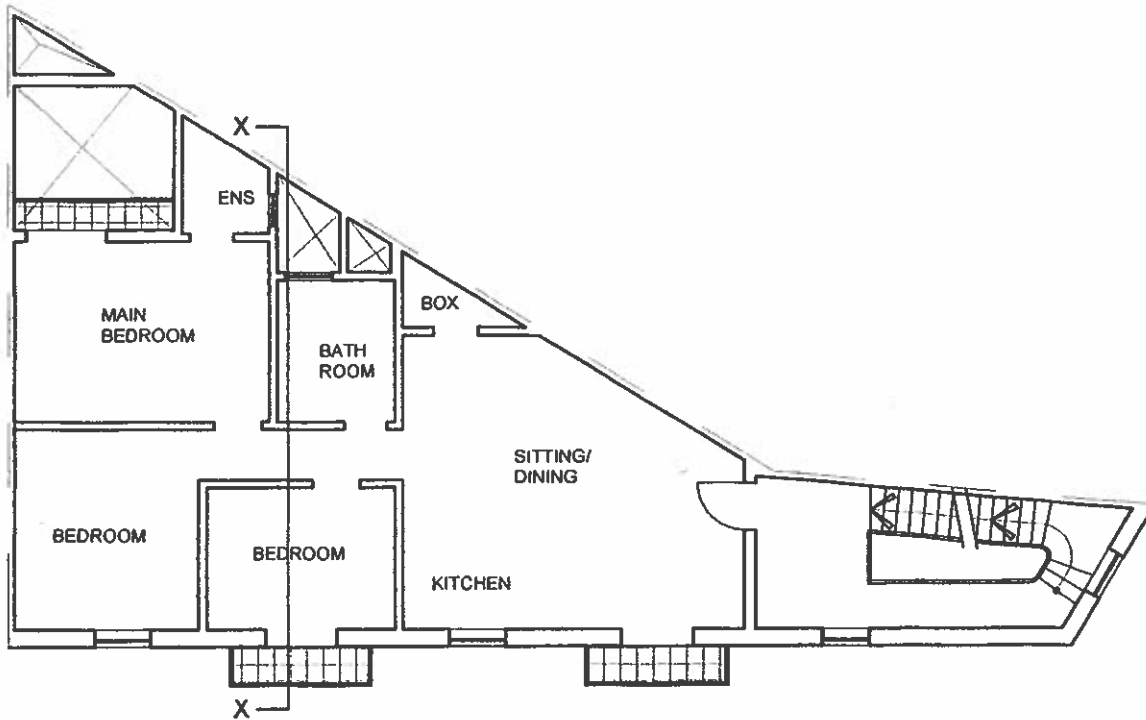
St. Francis Ravelin  
Floriana  
PO Box 200, Valletta, Malta  
Tel: +356 240976 Fax: +356 224846

**MARIO AXISA**  
B.E. & A. (Hons) A. & C.E.  
Architect & Civil Engineer  
156, Triq Luigi Billion,  
Pembroke STJ 05, Malta.

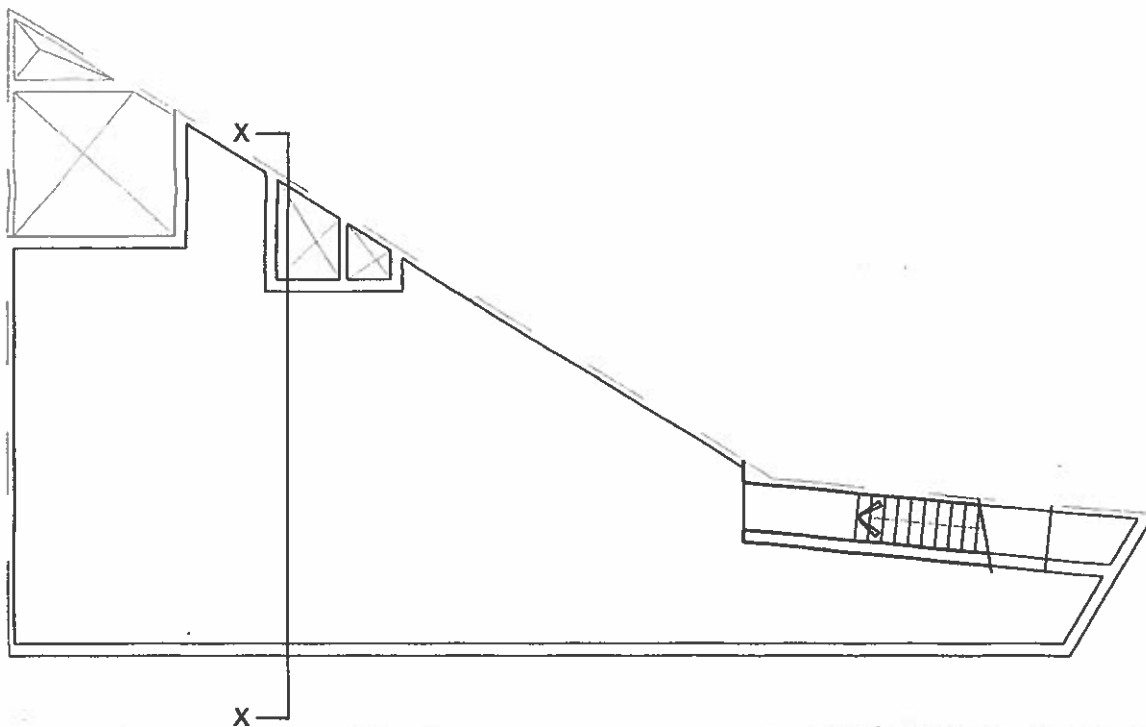
Site Plan, Scale 1:2500 Printed on: Wednesday, October 17, 2007

Not to be used for interpretation or scaling of scheme alignments

Copyright © Malta. Not for resale.

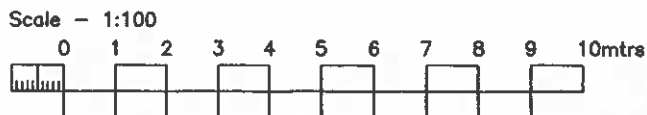


SECOND FLOOR PLAN - as proposed

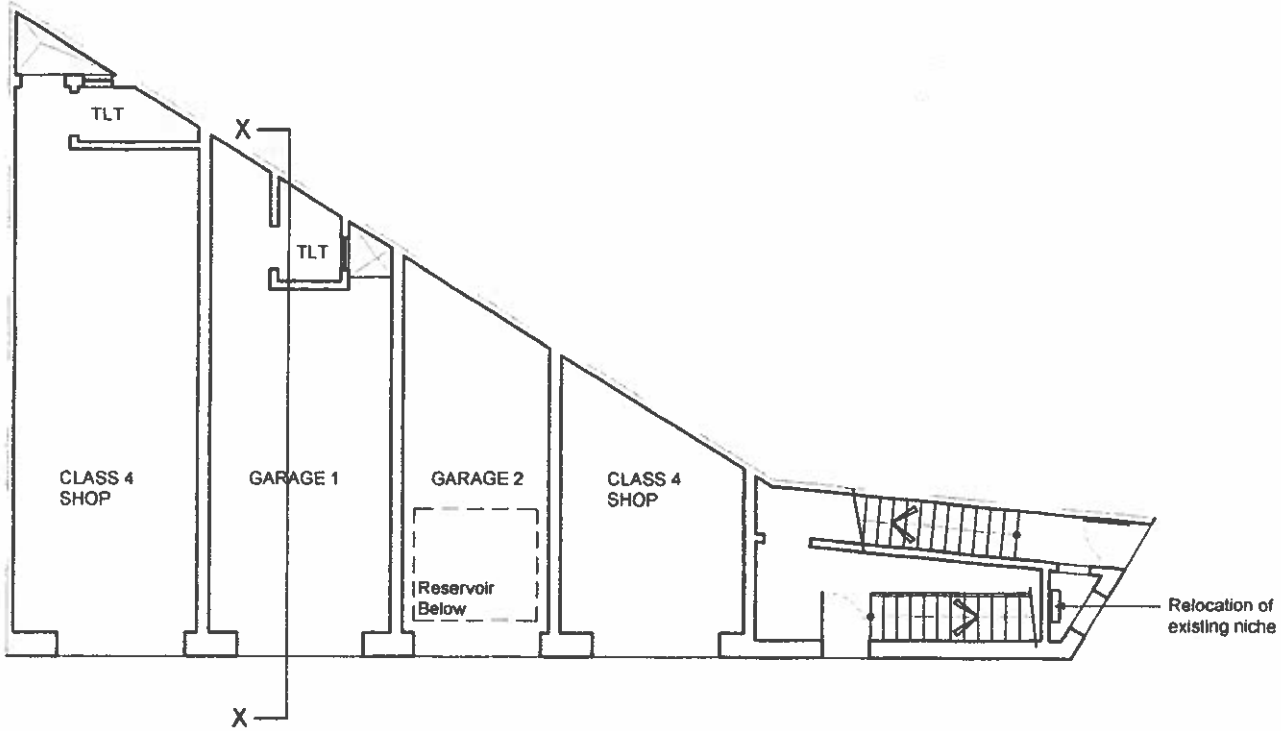


ROOF PLAN - as proposed

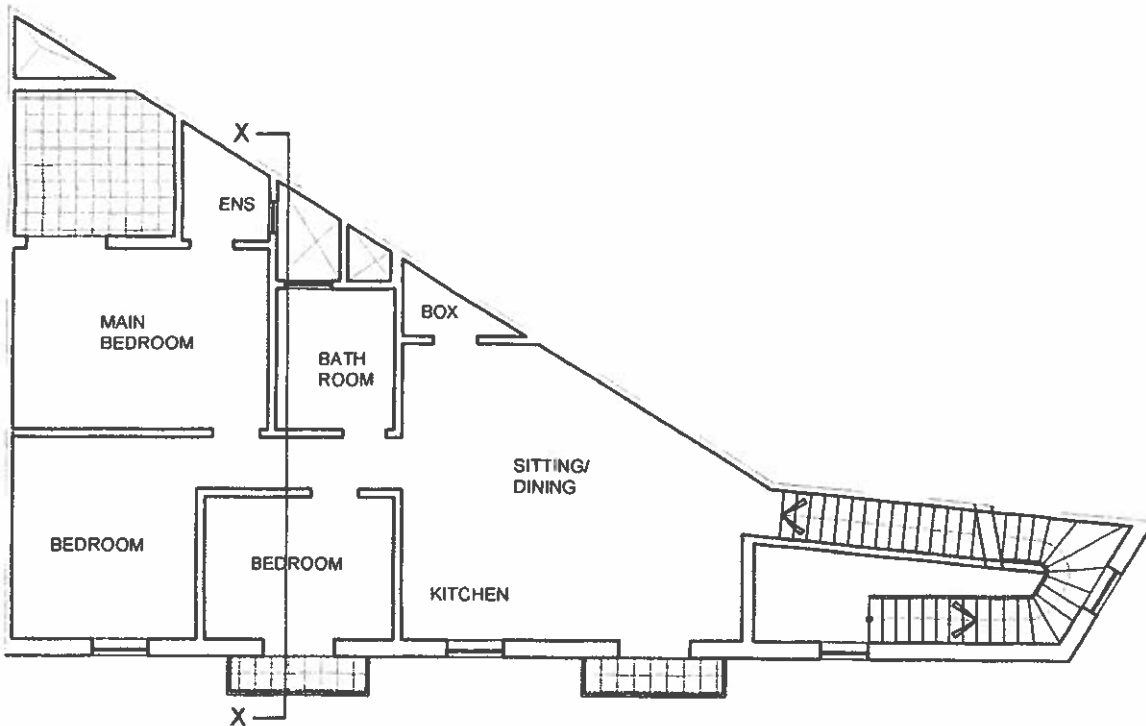
642967



<b>MARIO AXISA</b> B.E.&A.(Hons.)A.&C.E. ARCHITECT & CIVIL ENGINEER			
196, TRIO LUIGI BILLION, PEMBROKE STJ-07		21384853	
Project Construction of maisonettes, shops & garages at B'Bugia.			
Drawing Title Second floor & roof plan As proposed			
Drawn By: C.G.	Checked By: M.A.	Scale: 1:100	
Date: 08.10.2007	Project Ref. No.1: 4407	Dep. No.2: 4	
Revisions: A. Amended as requested by Mepa			04.12.2007



GROUND FLOOR PLAN - as proposed



FIRST FLOOR PLAN - as proposed

661470

Scale - 1:100

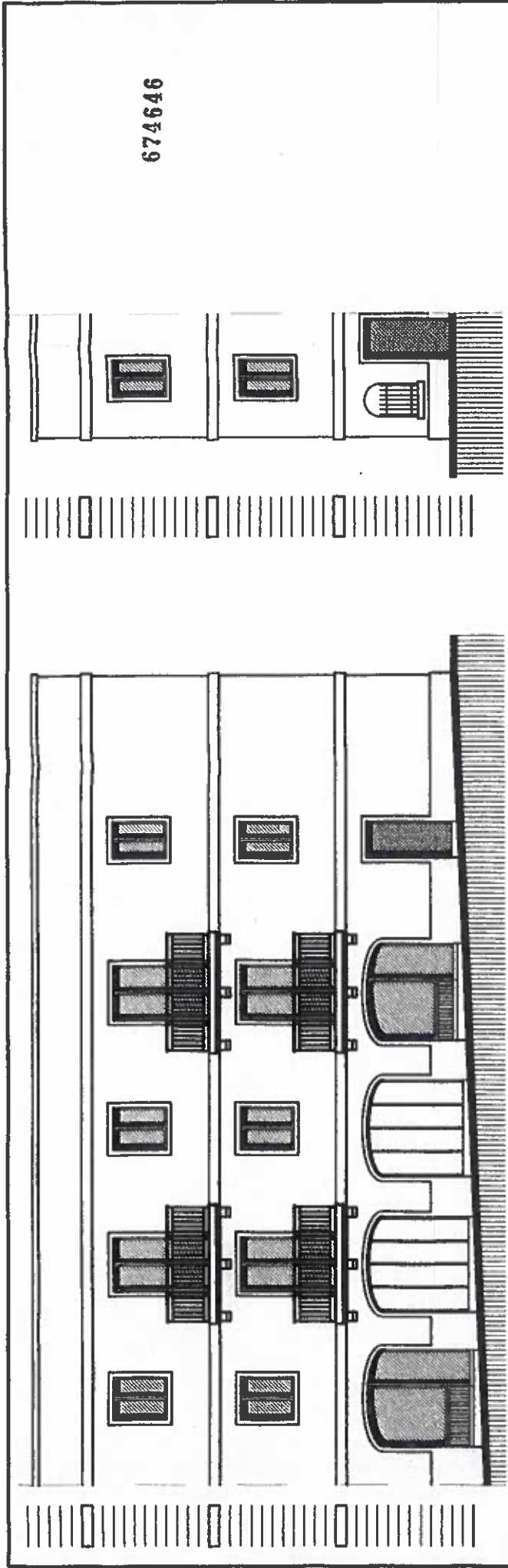


**MARIO AXISA** B.E.&A.(Hons.)A.&C.E.  
 ARCHITECT & CIVIL ENGINEER

156, TRIO LUIGI BILLION, PEMBROKE STJ-07 21384853

Construction of maisonettes, shops & garages at B'Bugia.

Drawing Title: Ground & first floor plan As proposed		
Drawn By: C.G.	Checked By: M.A.	Scale: 1:100
Date: 08.10.2007	Project Ref. No.: 4407	Dep. No.: 3
Revisions: A. Amended as requested by Mepa		04.12.2007
B. Amended as requested by Mepa		05.02.2008



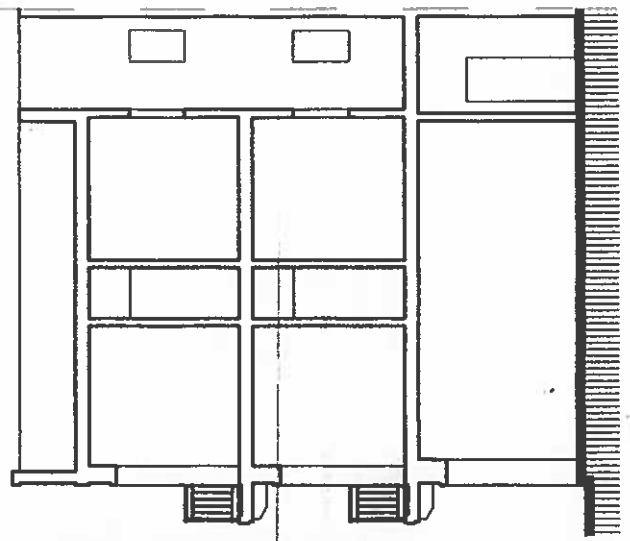
674646

FRONT ELEVATION - as proposed

SIDE ELEVATION - as proposed

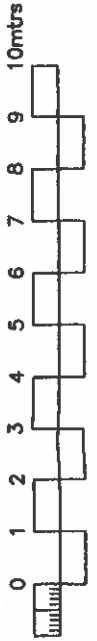
**FINISHES:**

- Exposed masonry walls
- Painted timber apertures
- Wrought iron railing painted black



SECTION X-X - as proposed

Scale - 1:100



**MARIO AXISA B.E.&A.(Hons) A.&C.E.**  
 ARCHITECT & CIVIL ENGINEER

156, TRIO LURU BILLION, PEMROKE STJ-07 21384853

Project	Construction of maisonettes, shops & garages at B'Bugja.		
Drawing Title	Elevations & Section X-X As proposed		
Client Ref.	C.G.	Contract No.	M.A.
Date	08.10.2007	Project Ref. No.	4407
Revision		Scale	1:100
		Proj. No.	5
		Issue Date	05.02.2008
		Issue Description	D. Amended as requested by Mepa 18.03.2008

**Anness 7**  
**Dokumenti relatati mal-permess tal-ippjanar PA/01519/13**

Mr Carmel Bugeja  
Geranium  
Triq Gulinu Maniscalco  
Marsaxlokk MXK 1085

Date: 6 September 2013  
Our Ref: PA/01519/13

Application Number: PA/01519/13  
Application Type: Full development permission  
Date Received: 25 January 2013  
Approved Documents: PA 1519/13/1A/J/1K

Location: Garage & Shop, Triq Birzebbugia c/w, Triq Zarenu Dalli, Birzebbugia, Malta

Proposal: Change of use from garage & class 4 to class 5, including minor internal alterations.

### **Environment and Development Planning Act, 2010 Full Development Permission**

The Malta Environment & Planning Authority hereby grants development permission in accordance with the application and documents described above, subject to the following conditions:

- 1 This development permission is subject to a contribution amounting to the sum of EUR 1164.69 in favour of MEPA's Urban Improvements Fund for the locality of the site. The funds raised shall be used to fund traffic management, green transport, urban improvements or similar projects in the locality of the site. The contribution shall not be refundable and funds shall be utilized as required and directed by the Malta Environment and Planning Authority.
- 2
  - a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.
  - b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.
  - c) Copies of all approved drawings and documents shall be available for inspection on site by MEPA staff at all reasonable times. All works shall be carried out strictly in accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Policy and Design Guidance shall take precedence and shall modify the drawings and documents accordingly.

d) Where applicable, all building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by MEPA's Land Surveyor. The Setting Out Request Notice must be submitted to the Land Survey Unit of MEPA when the setting out of the alignment and levels is required.

e) Where an officially schemed street, within the development zone, bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted.

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

g) The enclosed Commencement Notice shall be returned to MEPA so that it is received at least five days prior to the commencement of any works hereby permitted.

h) Where applicable, the development hereby permitted shall be carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

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

j) Doors shall not open outwards onto a public pavement or road.

k) Air conditioning units shall not be located on the facades of the building which are visible from a public space/street.

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

3 a) The approved premises shall be used as indicated on the approved drawings or as limited by any condition of this permission. If a change of use is permitted through the Development Planning (Use Classes) Order, 1994 (or its subsequent amendments), and it is not restricted by a condition of this permission, approval from the National Commission for Persons with Disability may still be required. Reference needs to be made to Circular to Periti 3/10 or its subsequent amendments.

b) Where provided, loading and unloading shall take place solely within the premises, and not from/on the public pavement or street.

c) Unless shown on the approved drawings, no approval is hereby granted for the display of any sign or advertisement. These must form the subject of a separate application for advertisement consent.

d) No activity is to take place outside the premises, unless clearly indicated on the approved drawings, and no crates or other items are to be stored outside. The placing/installation of any structures or facilities in front of the premises, unless indicated

on the approved drawings, must be the subject of a separate clearance/permission from MEPA.

e) The office hereby being permitted may only be put to one of the uses listed in Table 3.3 of the Policy Paper (1997) on 'Parking Provision for Local Shops, Offices and Catering Establishments.

A third party may have the right of appeal against this permission. Any action taken on this permission when such an appeal has been made, or until the time limit for the submission of such an appeal has expired, is undertaken at the risk that this permission may be revoked by the Environment and Planning Review Tribunal or quashed by the Court of Appeal.

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority (including MEPA), as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment Protection Directorate (within MEPA) to obtain any necessary operational permit or registration. This requirement does not apply to Class 4, 5, 7 and 8 uses as listed in the Development Planning (Use Classes) Order (1994), or its subsequent amendments.



**This decision is being published on 14 September 2013.**

David Cassar  
f/Head EPC Secretariat  
Environment and Planning Commission

## **Notes to Applicant and Perit**

### **Right for reconsideration**

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 10 of Legal Notice 514 of 2010.

### **Right for appeal**

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of article 41 and the Second Schedule of the Environment and Development Planning Act, 2010.

### **Time limits**

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 6(6) of Legal Notice 514 of 2010.

### **Fees to submit a request for reconsideration or appeal**

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €186.35.

### **Submission of request for reconsideration or appeal**

With regards to requests for reconsideration, Form MEPA 6/10 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

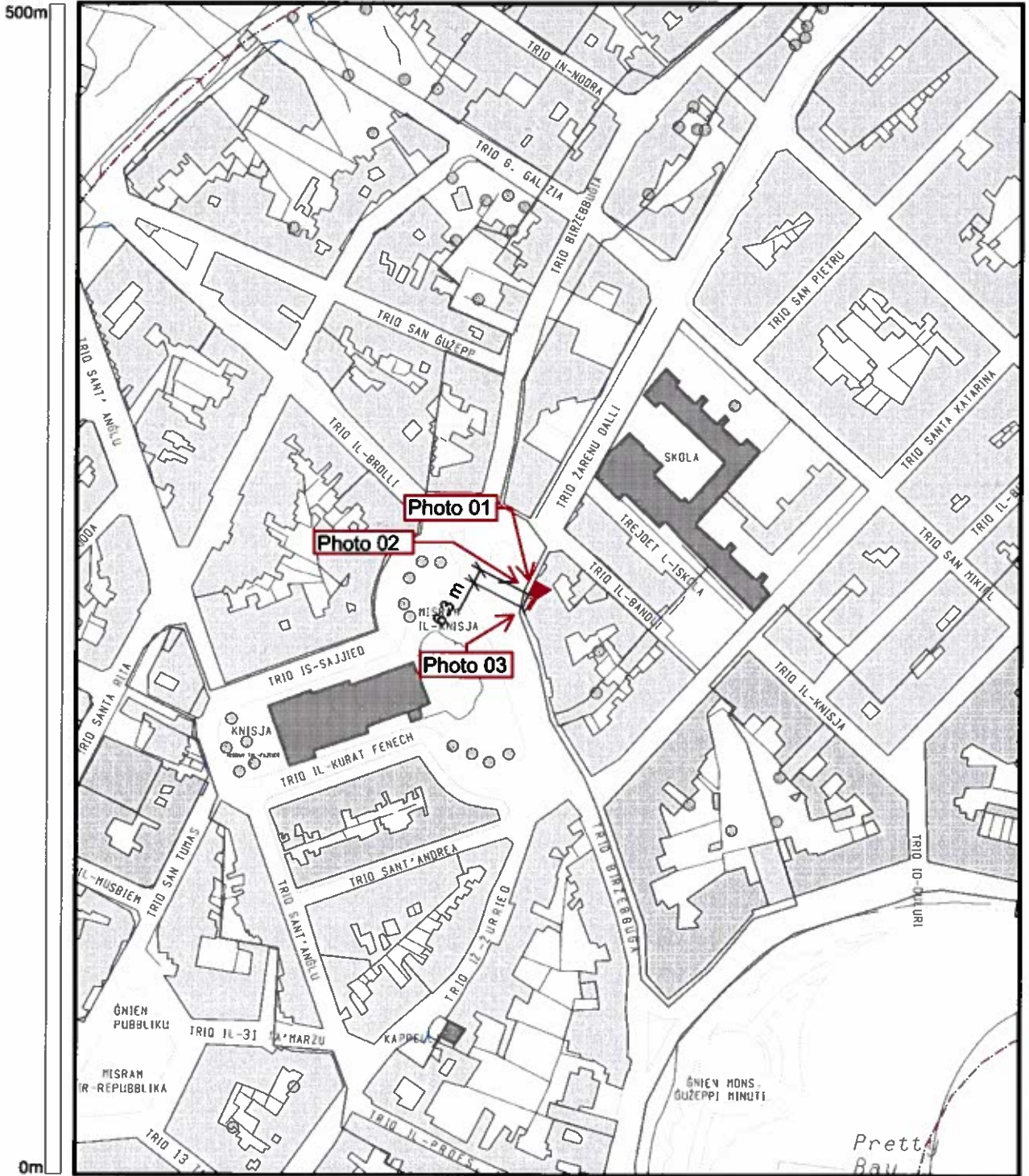
With regards to appeals, as required by the Second Schedule of the Act, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.

### **Submission of an appeal — General Services Board**

If this application has been refused on sanitary issues, an appeal to the General Services Board may be submitted within one month from publication of Decision Notification on the press.

Perit Jean Luke Zarb  
Design & Technical Resources Ltd  
25, Triq Il-Karmnu  
Birkirkara BKR 1248

[PADCN]



Min Easting 57205.71, Min Northing 64837.1, Max Easting 57605.71, Max Northing 65337.1

0m

400m

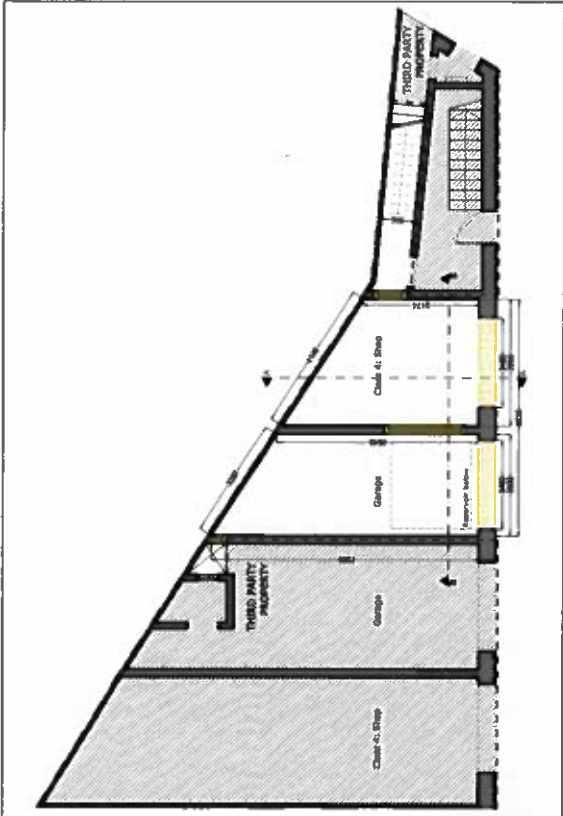
### MEPA - [www.mepa.org.mt](http://www.mepa.org.mt)

St. Francis Ravelin  
Floriana FRN 1230, Malta  
PO Box 200, Marsa MRS 1000, Malta  
Tel: +356 2290 0000 Fax: +356 22902295

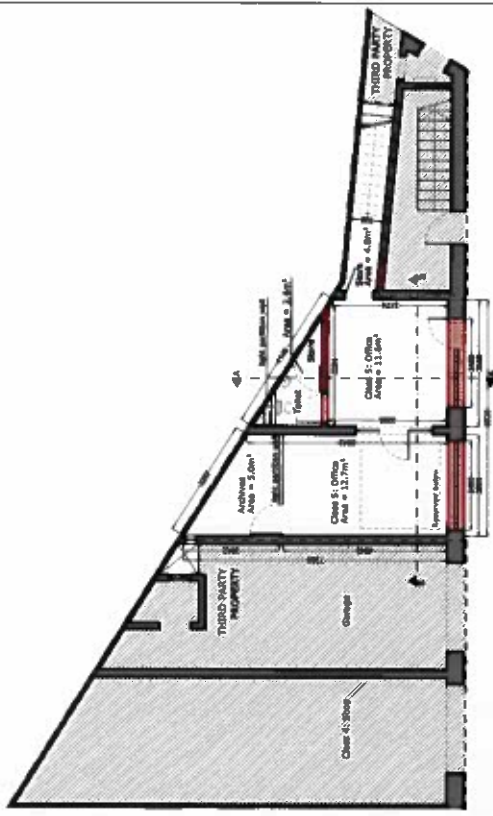
Site Plan, Scale 1:2500  
Printed on: Monday, January 21, 2013

Not to be used for interpretation or scaling of scheme alignments  
Copyright © MEPA - Malta Environment & Planning Authority. Not for resale.

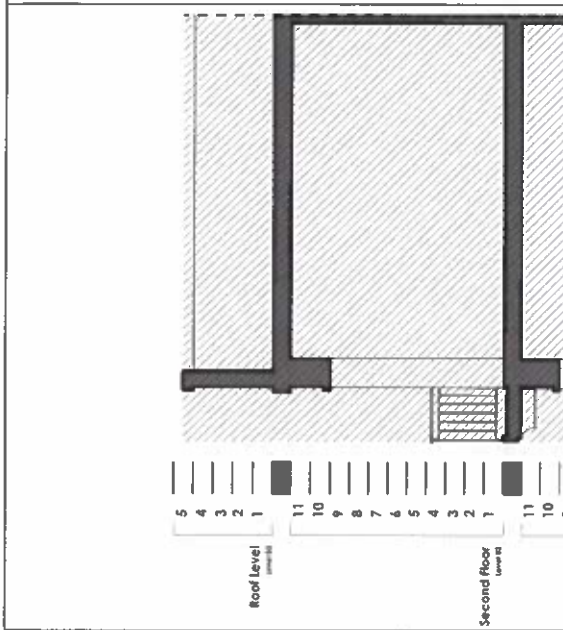




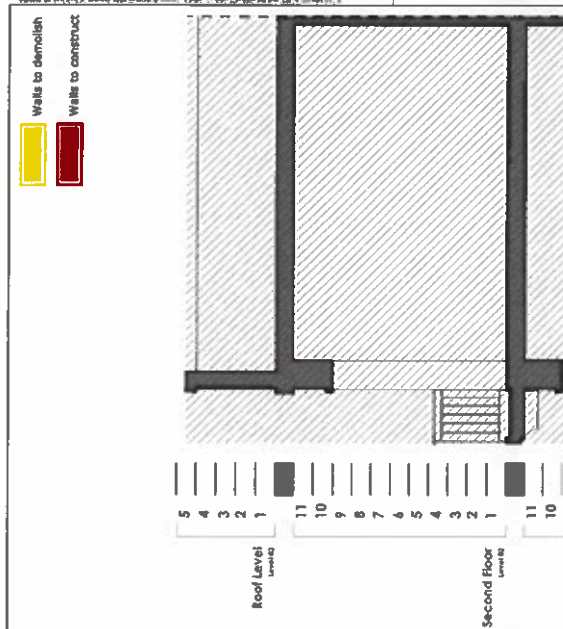
Existing plan  
 Scale 1:100



Proposed plan  
 Scale 1:100



Existing section A-A  
 Scale 1:50



Proposed section A-A  
 Scale 1:50

Walls to demolish  
 Walls to construct

Revisions

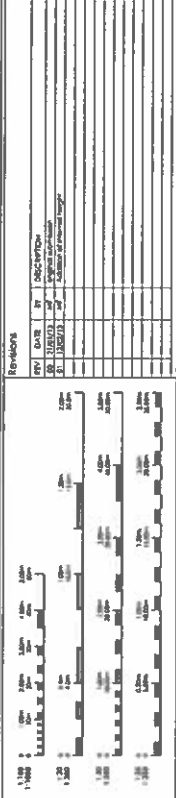
REV	DATE	BY	DESCRIPTION
01	12/05/23	MF	Initial design
02	13/05/23	MF	Revised design
03	15/05/23	MF	Final design

23. Current level: 12th floor, 13th floor  
 24. Proposed level: 12th floor, 13th floor

client: Charles Buggie  
 project: Minor Internal Alterations and Change of Use  
 location: Triq Brambuge c/w Triq Zorrnu Doll, Brambuge

drawn by: MF  
 checked by: MF  
 date: 12/05/2023

scale: 1:100 / 1:50  
 sheet: 2425  
 of: 01/001/01



NOTE: General

- All dimensions in mm unless noted otherwise.
- All levels in metres unless noted otherwise.
- Dimensions are to the face of the work unless otherwise stated.
- The drawings shall be read in conjunction with other architectural, structural and services drawings or other consultants' documentation as may be applicable.
- Any omissions and inaccuracies in the drawings shall be brought to the attention of the architect in writing within 7 days of receipt.

**Anness 8**  
**Dokumenti relatati mal-permess tal-ippjanar PA/03261/21**

is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority, as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment and Resources Authority to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

**This decision is being published on 4 August 2021.**

Lorna Vella  
Secretary Planning Commission  
Within Development Scheme

## **Notes to Applicant and Perit**

### **Right for reconsideration**

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 14 of Legal Notice 162 of 2016.

### **Right for appeal**

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016.

### **Time limits**

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 14(1) of Legal Notice 162 of 2016.

### **Fees to submit a request for reconsideration or appeal**

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of DPF (Development Permit Fee) paid in respect of the original application, subject to a minimum of €150 + €50 administrative fee (LN 112 of 2016).

### **Submission of request for reconsideration or appeal**

With regards to requests for reconsideration, Form PA 4/16 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

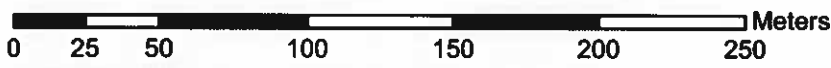
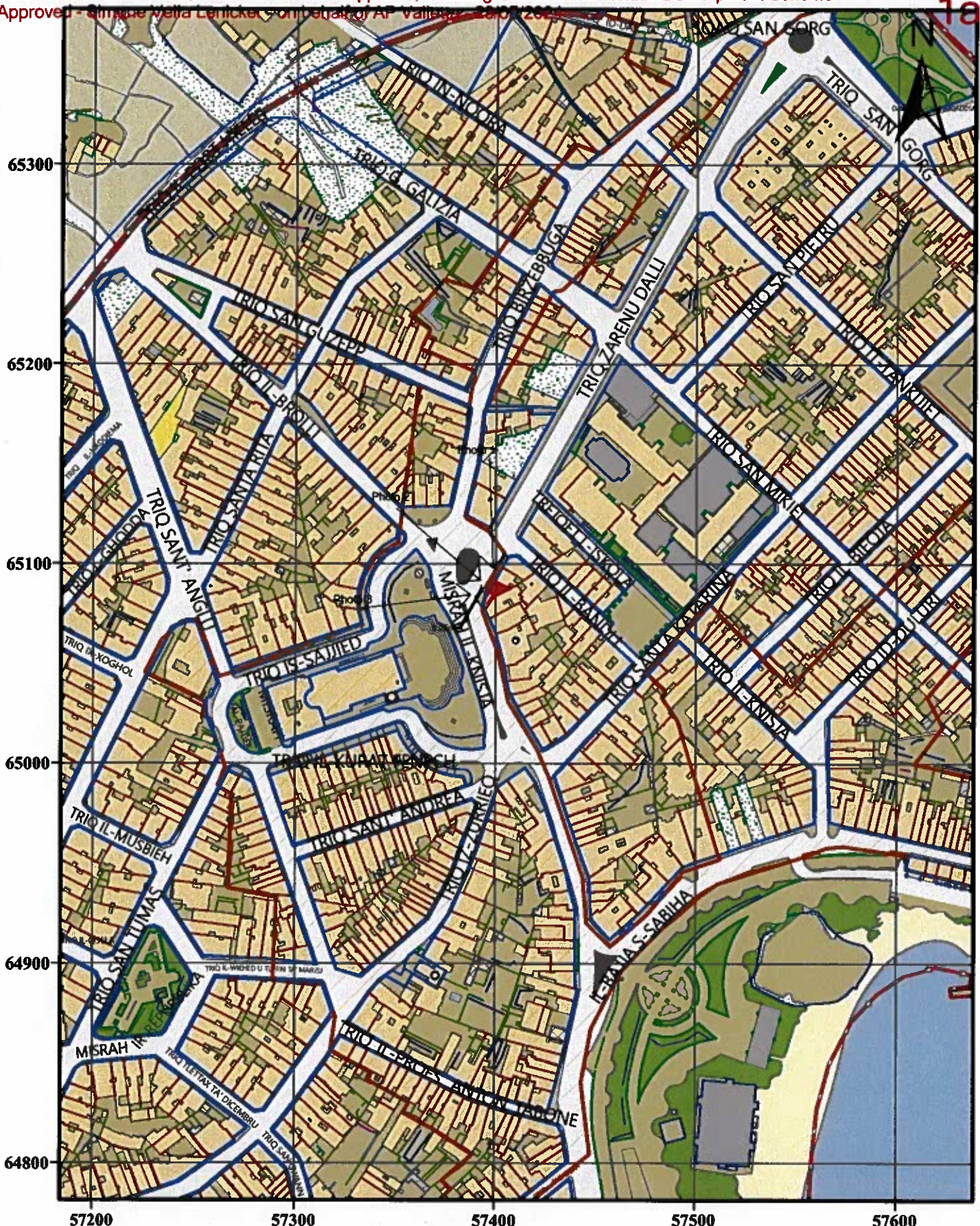
With regards to appeals, as required by Article 13 of the Environment and Planning Review Tribunal Act, 2016, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.



## **Important Notice**

**In view of the provisions of Article 72(4) of the Development Planning Act (2016), a Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised.**

-PADCN-

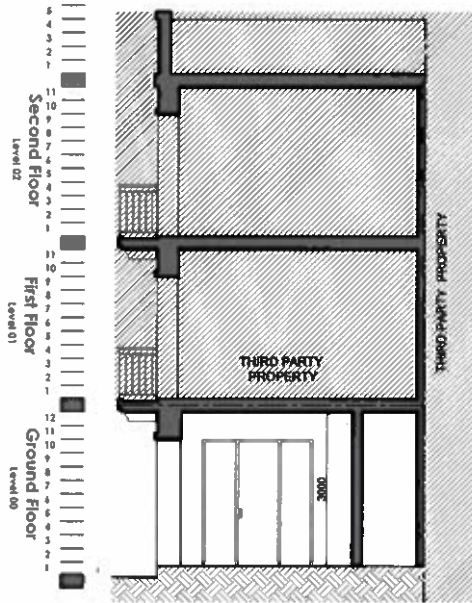


1:2,500 Date Printed: 09/04/2021

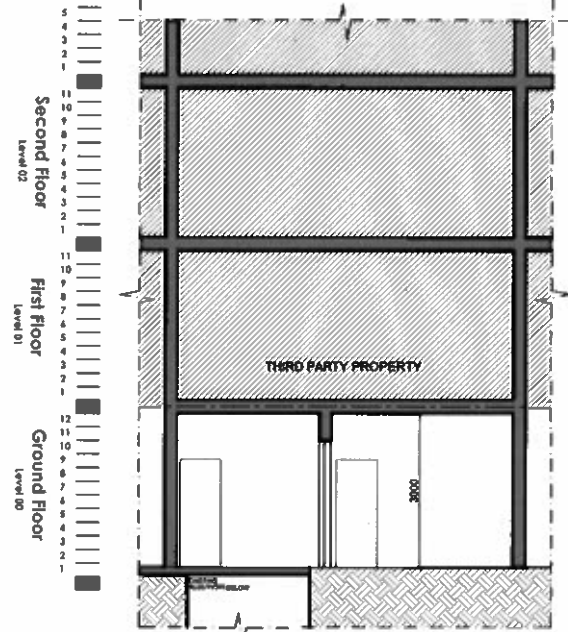
**Public Geoserver**

Compiled for and published by the Mapping Unit, Planning Authority ©PA.  
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 Developing Spatial Data Integration for the Maltese Islands, Planning Authority.  
 Data captured from: 2018 aerial photography. Truncated U.T.M. Coordinates.  
 Levelling Datum M.S.L. (Mean Sea Level).  
 Not to be used for interpretation or scaling of scheme alignments.

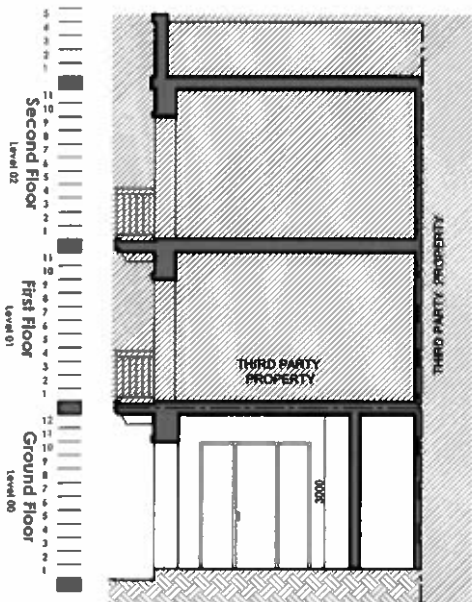
PA  
**PLANNING AUTHORITY**  
 St. Francis Ravelin, Floriana.  
 Tel: +356 2290 0000, Fax: +356 2290 2295  
 www.pa.org.mt, mappingshop@pa.org.mt



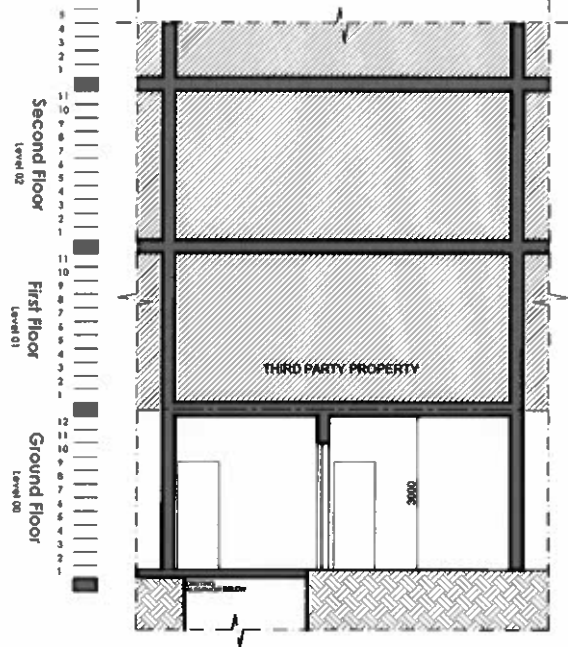
**As Approved Section B-B'**  
Scale 1:100



**As Approved Section A-A'**  
Scale 1:100



**Proposed Section B-B'**  
Scale 1:100

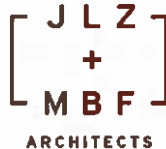


**Proposed Section A-A'**  
Scale 1:100

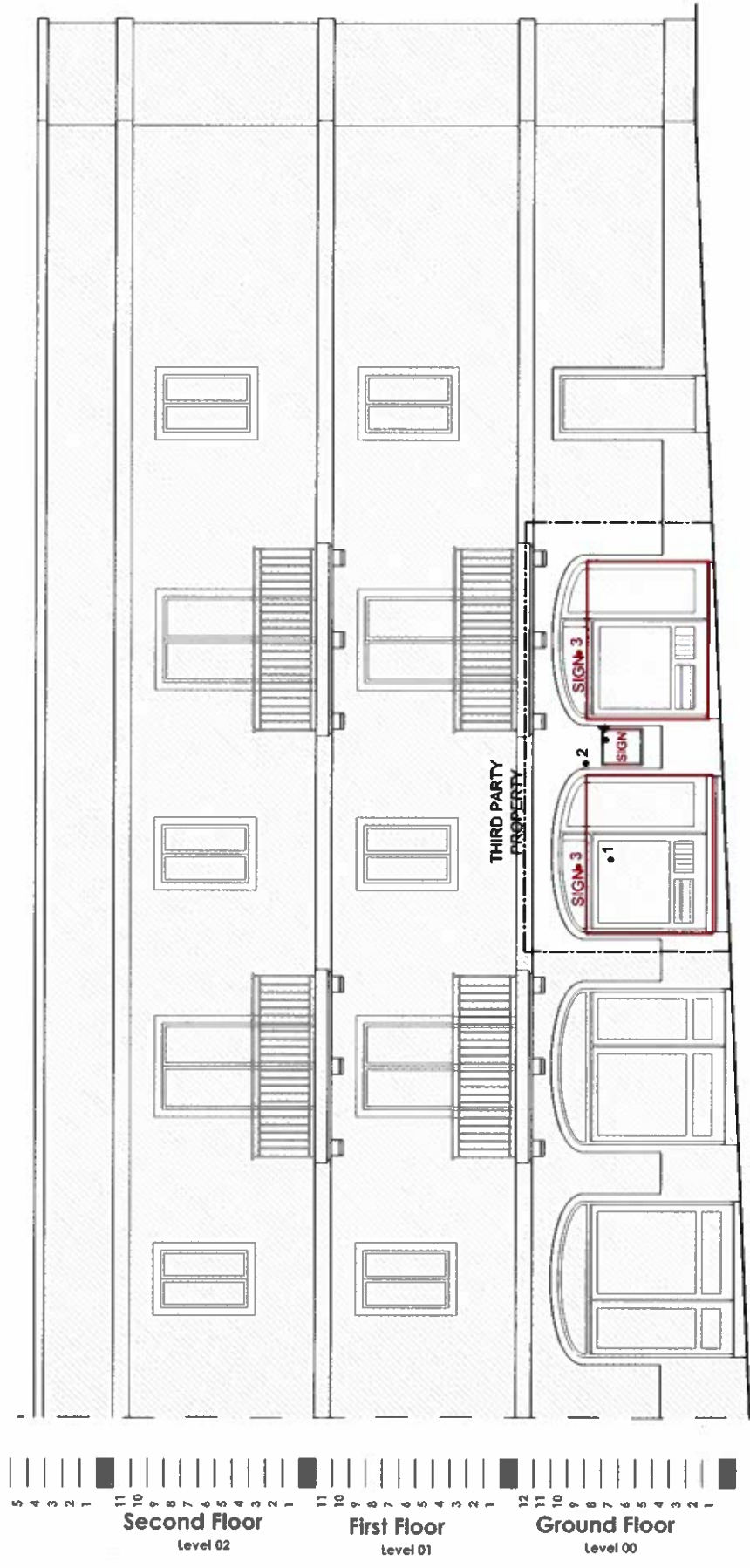
**NOTES** General

1. All dimensions in mm unless noted otherwise.
2. All levels in metres unless noted otherwise.
3. Drawings should not be scaled. Use indicated dimensions only.
4. This drawing is to be read in conjunction with other architectural, structural and services drawings or other consultant's documentation as may be applicable.
5. Any discrepancies and inaccuracies in the drawing shall be brought to the attention of the architect in charge within 7 days of receipt.

REV	DATE	DETAILS
1.	09.04.2021	Original Submission



<b>CLIENT</b>	Carmel Bugeja	<b>SCALE</b>	1:100
<b>LOCATION</b>	Nicodola, Triq Zareni Dalli c/w Triq Birzebbuga, Birzebbuga	<b>DATE</b>	09.04.2021
<b>PROJECT</b>	Change of use from previously approved Class 4A (Class 5 -PA/1519/13) to Class 4C, including changes to facade.	<b>DRAWING NO.</b>	02
<b>DWG TITLE</b>	Existing / Proposed Sections	<b>JOB NO.</b>	21022

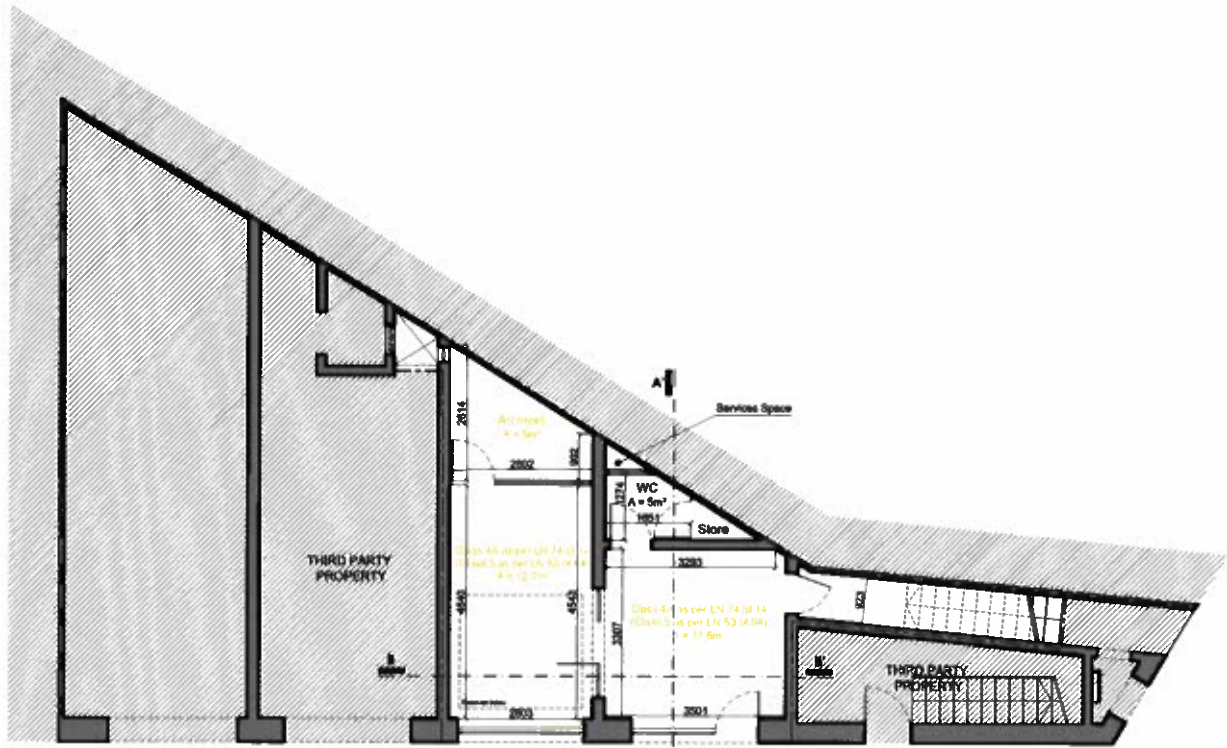


Proposed Elevation  
Scale 1:50

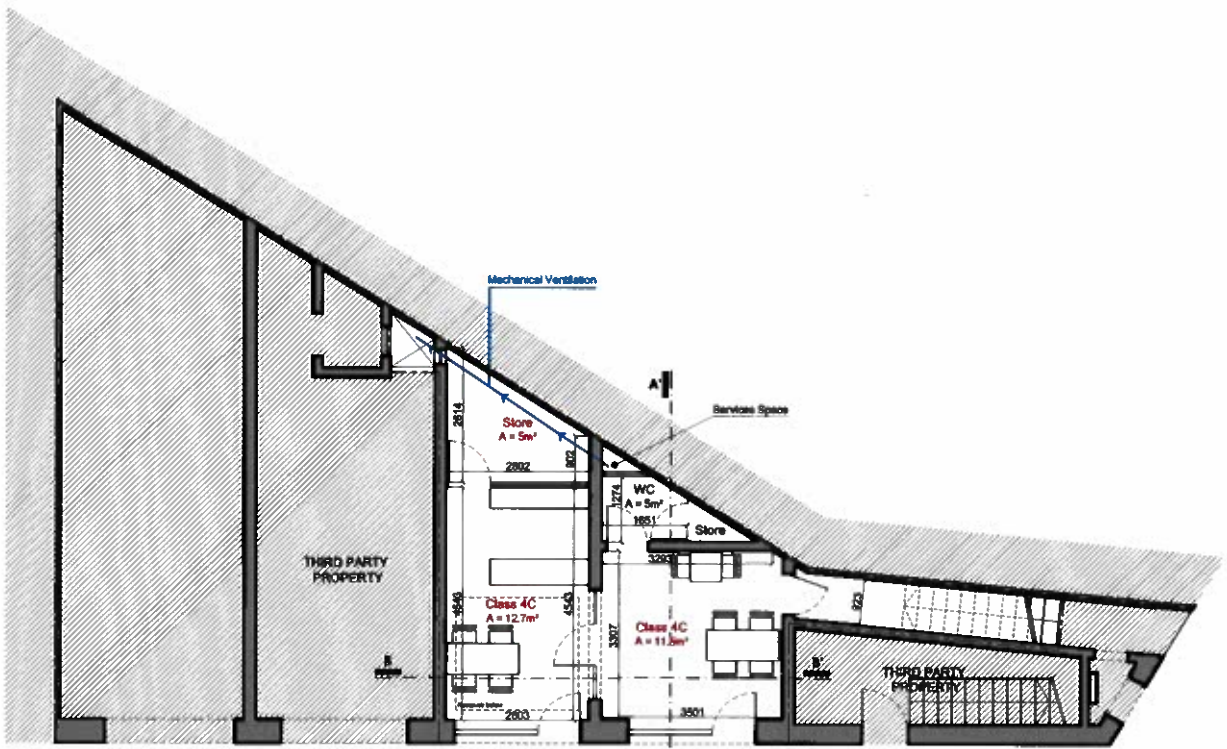
- Materials**
1. Glass Apertures with timber frames
  2. Exposed Masonry Walls
  3. Vinyl Sign encased in glazing
  4. Sign with timber frame

<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li><span style="color: yellow;">■</span> As Existing</li> <li><span style="color: red;">■</span> As Proposed</li> <li><span style="color: green;">■</span> As Approved</li> <li><span style="color: blue;">■</span> As Constructed</li> </ul>	<p><b>NOTES</b> Overlaid</p> <ol style="list-style-type: none"> <li>1. All dimensions in millimetres unless otherwise stated.</li> <li>2. All work to be done in accordance with the approved plans.</li> <li>3. The contractor is to verify all dimensions with the architect and the client.</li> <li>4. The contractor is to verify all dimensions with the architect and the client.</li> <li>5. The contractor is to verify all dimensions with the architect and the client.</li> <li>6. The contractor is to verify all dimensions with the architect and the client.</li> </ol>	<p><b>SCALE BAR</b></p> <p>1:50</p> <p>0 1m 2m 3m 4m 5m 6m 7m 8m 9m 10m 11m 12m</p>	<p><b>CLIENT</b> Conrad Supply</p> <p><b>LOCATION</b> Mooloolah, The Shire, QLD</p> <p><b>PROJECT</b> Change of use from previously approved Class 1A (Class 1 - July 18/2023) to Class 1C, including changes to floors.</p> <p><b>DATE</b> 26.08.2024</p> <p><b>ISSUED</b> 26.08.2024</p> <p><b>JOB NO.</b> 21022</p>
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**As Approved Ground Floor Plan**  
Scale 1:100

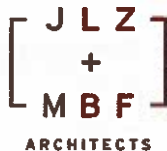


**Proposed Ground Floor Plan**  
Scale 1:100

**NOTES** General

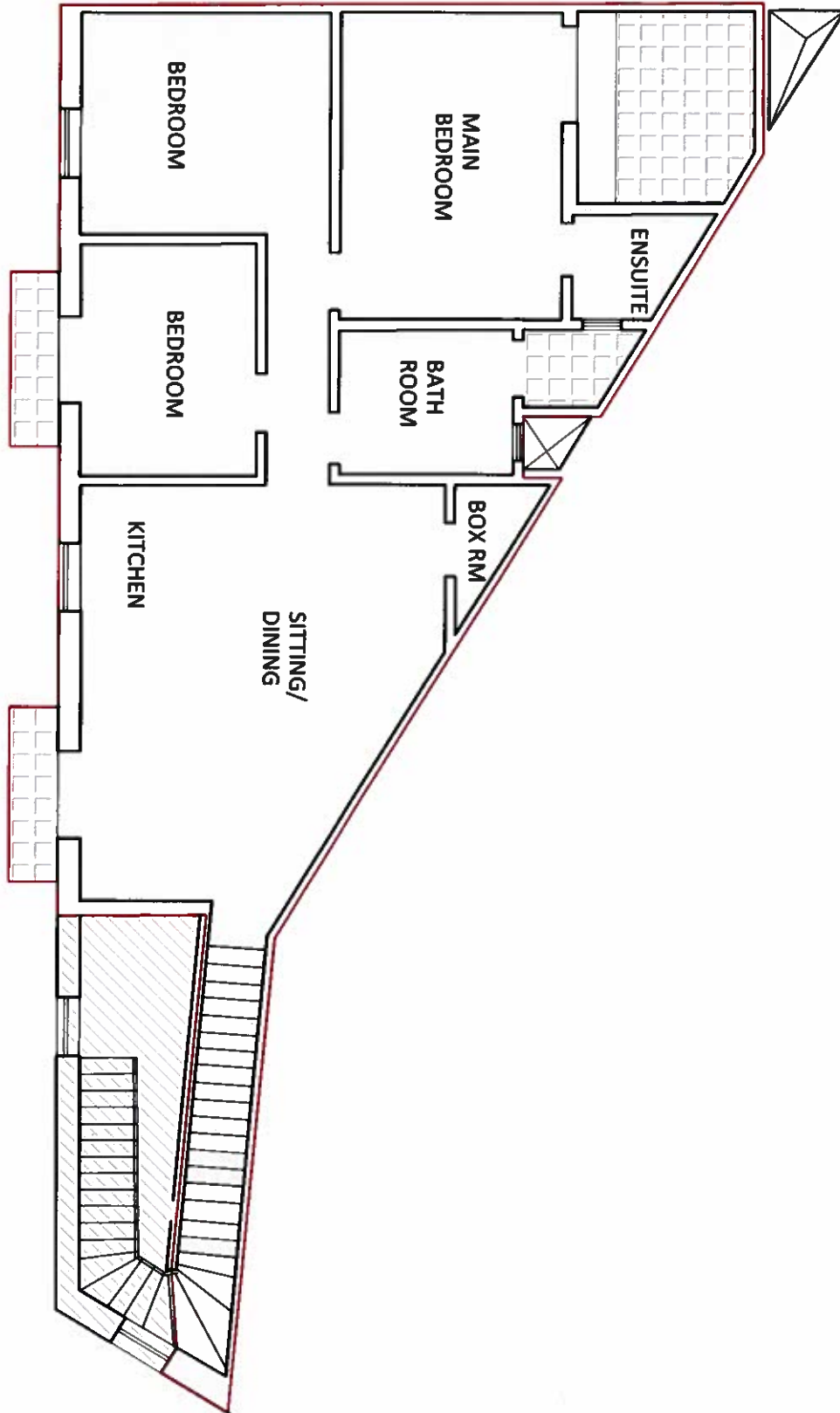
1. All dimensions in mm unless noted otherwise.
2. All levels in metres unless noted otherwise.
3. Drawings should not be scaled. Use indicated dimensions only.
4. This drawing is to be read in conjunction with other architectural, structural and services drawings or other consultant's documentation as may be applicable.
5. Any discrepancies and inaccuracies in the drawing shall be brought to the attention of the architect in charge within 7 days of receipt.

REV	DATE	DETAILS
0.	09.04.2021	Original Submission
1.	03.05.2021	Reply to Initial Req.
2.	28.05.2021	Reply to RF1 210614



<b>CLIENT</b>	Carmel Bugeja	<b>SCALE</b>	1:100
<b>LOCATION</b>	Nicodola, Triq Zarenu Delli c/w Triq Birzabbuga, Birzabbuga	<b>DATE</b>	26.05.2021
<b>PROJECT</b>	Change of use from previously approved Class 4A (Class 5 -PA/1519/13) to Class 4C, including changes to facade.	<b>DRAWING NO.</b>	01
<b>DWG TITLE</b>	Existing / Proposed Plans	<b>JOB NO.</b>	21022

**Anness 9**  
**Skizz tal-fond fl-istat odjern**



AP Valletta Ltd. | 4 sappers street  
 valletta | vlt 1320 | malta  
 tel: +356 2124 3981  
 info@apvalletta.eu | www.apvalletta.eu

project	SUBBASTA 27 2023 CAMILLERI VS ATTARD		
address	"Madonna ta' Pompei", Triq Birzebbuga, Birzebbuga		
photo sheet no.	C01021.00_SK01	date	29.05.2024
ref no.			

**Anness 10**  
**Kuntratt tal-24 ta' April 2008**



Att Nru.

Illom erbgħa u għoxrin (24) ta' April tas-sena elfejn u tmienja (2008).

Bejgh u Cessjoni ta' Drittijiet

Quddiem Nutar Dottor Ritieme Bugeja Fenech deheru personalment:

Insinwat  
8/5/08

Catherine Camilleri, armla ta' Carmelo, bint il-mejtin Vincent Farrugia u Maria Concetta nee' Farrugia, imwielda Zejun u residenti Birzebbuga, bin-numru tal-karta ta' l-identita 144528(M);

Ins. No.  
7095/08

Anthony, impjegat l-Airmalta, Joseph, self-employed, Mary Grace, mart Joseph Zammit, Emanuela sive Lilian, mart Anthony Portelli, Philip, kok, Mary Rose, mart Martin Attard, ulied Carmelo Camilleri u Catherine nee' Farrugia, imweldin Zejtun, Zejtun, Marsaxlokk, Marsaxlokk, Marsaxlokk, u Marsaxlokk rispettivament u residenti kollha Birzebbuga hlief għal Grace li toghqod iz-Zejtun u bin-numru tal-karta ta' l-identita rispettiva 535147(M), 533848(M), 867849(M), 145651(M), 237657(M), 204363(M); Joseph Zammit, iben Angelo u Nazzareno nee' Sacco, imwieled Zejtun u residenti Zejtun, bin-numru tal-karta ta' l-identita 755648(M) qed jidher fuq dan l-att għan-nom u in rappresentanza ta' Andreana sive Diana Pamford, mart Terry, bint Carmelo Camilleri u Catherine nee' Farrugia, imwielda Marsaxlokk u residenti Lincolnshire, l-Ingilterra, bin-numru tal-passaport Malti 763360, kif debitament awtorizzat permezz ta' prokura li kopja tagħha qegħda tigi annessa' ma' dan l-att markata bħala Dokument "A"; imsejja flimkien il' quddiem "il-vendituri";

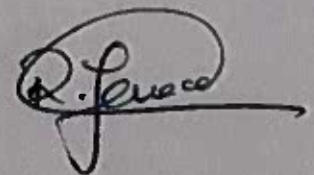
Ins. Vol. I  
7041/08 (gpp)  
7042/08 (gpp)

L-imsemmija Mary Rose Attard qegħda tidher fuq dan l-att kemm f'isimha proprju kif ukoll għan-nom u in rapresentanza ta' l-imsemmija oħta Emanuela sive Lilian, mart Anthony Portelli kif debitament awtorizzata permezz ta' prokura generali li qegħda tigi annessa ma' dan l-att markata bħala Dokument "B".

Johann Schembri, self-employed, iben George Schembri u Maria nee' Cassar, imwieled Pieta u residenti Xghajra, bin-numru tal-karta tal-identita 556577(M) li qed jidher fuq dan l-att għan-nom u in rappresentanza ta' Soutwin Properties Limited C. 40933, aktar 'il quddiem imsejjah "il-kumpratur".

Il-partijiet gew minni Nutar identifikati permezz tad-dokumenti imsemmija.

Bis-sahha ta' dan l-att il-vendituri flimkien u solidalment bejniethom qegħdin ibiegħu u jittrasferixxu lill-kumpratur li jaccetta jixtri u jakkwista mingħandhom: id-dar bin-numru ufficcjali disgha u tmenin (89), bl-arja libera tagħha, bl-isem 'Madonna ta' Pompei' li tinsab Triq Zaren Dalli



kantuniera ma' Birzebugia Road, Birzebugia, libera u franka, bid-drittijiet u l-pertinenzi kollha taghha u bil-pussess vakanti,

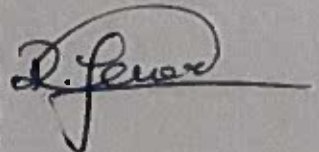
Espressament eskluż minn dan il-bejgh hi l-arja ta' hdax -il filata gholi, liema arja fiha kejl ta' circa mija u ghoxrin metru kwadru (120mk), kalkolata minn-tlettax (13) -il filata mil-livell tat-triq sa' l-gholi ta' hamsa u ghoxrin (25) filata 'il fuq mil-livell tat-triq, inkluz l-gholi fejn ser isir is-saqaf, liema arja hija intiza ghall-kostruzzjoni ta' maisonette fil-first floor level, liema maisonette ser ikollu access independenti minn tarag li ser ikun jizbokka fi Triq Birzebugia, Birzebugia u li ser jinbena fil-porzjoni diviza ta' arja tal-kejl ta' circa sitta punt hamsa metri kwadri (6.5mk), kalkolata mill-livell tat-triq sa l-gholi ta' hamsa u ghoxrin filata mil-livell tat-triq, intiza ghall-bini tat-tromba tat-tarag, li ser ikun jaghti access ghall-istess sular, liema porzjoni eskluza hi dik li tirrizulta markata bl-ahmar fuq il-pjanta u front elevation plan annessi ma' dan l-att markati bhala Dokumenti "C" u "G", u liema arja hi dik li tirrizulta mis-site plan annessa' ma' dan l-att markat bhala Dokument "D", konfinanti mill-lbic ma' Triq Birzebugia, mill-Majjistral ma' Triq Zaren Dalli u mill-Grigal ma' proprjeta ta' terzi. Eskluż ukoll minn dan il-bejgh hu il-garaxx anness ma' l-istess darli hu bla numru ufficcjali, accessibbli minn Triq il-Bandli Birzebugia, konfinanti mill-Grigal ma' Triq il-Bandli, Majjistral ma Triq Zaren Dalli u mill-Lbic mal-fond in vendita.

Ghal kull fini u effett tal-ligi qed jigi iccarat illi l-arja kollha sottoposta ghall-imsemmi tarag qeghda tigi trasferita lil kumpratur u ghaldaqstant ma' hiex ser tibqa proprjeta tal-vendituri.

Il-partijiet jiddikjaraw li il-kumpratur Johann Schembri nomine qed jixtri il-proprjeta hawn fuq deskritta f' Birzebugia bil-ghan li l-imsemmija dar tigi demolita u minflokha jinbena a spejjez tal-kumpratur blokk bini konsistenti f' garaxxijiet u jew hwienet fil-ground floor level, maisonette u appartamenti sovrapposti. Ghaldaqstant il-vendituri qeghdin minn issa jaghtu l-kunsens taghhom sabiex il-kumpratur iwaqqa' l-imsemmija dar u jibda ix-xoghol ta' kostruzzjoni. Il-partijiet qeghdin jifhemu wkoll li l-maisonette li ser jinbena minflok l-arja li ser tibqa proprjeta tal-vendituri u li ser tibiegh lil komparenti Catherine Camilleri aktar 'l isfel f' dan l-att ghandu jigi konstruwit a spejjez tal-kumpratur.

Dan it-trasferiment qieghead isir taht dawn il-pattijiet u kundizzjonijiet:

1. Bil-prezz ta' mija u tmint elef seba mija u erba' Euro u disa' centezmi (€ 108,704.09) ekwivalenti ghal sitta u erbghin elf sitt mija sitta u sittin Euro sebgha u sittin centezmu (LM46,666.67), mil-liema somma il-vendituri jiddikjaraw illi qeghdin jircievu is-gomma ta'



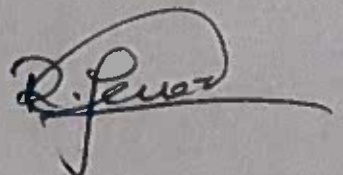
mija u wiehed elf seba' mija u hmsitax –il Euro sebgha u disghin centezmu (€ 101,715.97) ekwivalenti ghal tlieta u erbghin elf sitt mija sitta u sittin lira Maltin sebgha u sittin centezmu (LM43,666.67) presenzjalment fil-waqt illi il-bilanc ta' sitt elef disa' mija tmienja u tmenin Euro u tmax –il centezmu (€ 6,988.12) ekwivalenti ghal tlett elef lira Maltin (LM 3,000) jiddikjaraw illi ircevewh qabel il-gurnata tal-llum u ghalhekk il-vendituri qeghdin ihallu ricevuta ghas-somma intiera.

2. Il-vendituri flimkien u solidalment bejniethom qeghdin jiggarrantixxu favur il-kumpratur li jaccetta il-pacifiku pussess u r-reali godiment fuq l-immobbli trasferit u ghal dan l-iskop jikkostitwixxu ipoteka generali fuq il-beni kollha taghhom prezenti u futuri favur il-kumpratur accettanti.
3. Il-fond in vendita qiegħed jigi trasferit bil-pussess vakanti u liberu minn kwalsiasi dritt favur terzi.
4. Spejjez ta' l-att jithallsu mill-kumpratur.
5. Il-vendituri jiddikjaraw illi l-ispejjez relattivi għall-road u drainage contribution u għall-asfaltar tat-toroq huma imhallsin u rigward appoggi l-kumpratur la jhallas u lanqas jithallas.
6. Il-vendituri jiddikjaraw illi ma' tezisti ebda litigazzjoni ma' terzi in konnessjoni mal-fond in vendita.
7. L-istess proprjeta qegħda tigi trasferita hielsa minn kull xorta ta' dejn u jew ipoteka.
8. Kontijiet pendenti in konnessjoni mad-dawl u ilma u kwalunkwe servizzi ohra sal-llum jithallsu mill-vendituri.
9. Il-vendituri jobbligaw ruhhom illi jivvakaw il-fond in vendita mhux aktar tard minn gimgha mill-llum.

Għall-finijiet ta' l-Att dwar Taxxa fuq Dokumenti u Trasferimenti tal-elf disa' mija tlieta u disghin (1993), qiegħed jigi dikjarat illi l-boll dovut fuq dan l-att jammonta ghas-somma ta' hamest elef erba' mija u erbghin Euro (€ 5440) ekwivalenti għal elfejn tlett mija hamsa u tletin lira Maltin (LM 2335) minn liema somma l-kompratur Johann Schembri nomine diga hallas fuq il-konvenju s-somma ta' elf mitejn u disghin Euro sebgha u tmenin centezmu (€ 1290.87) ekwivalenti għal hames mija erbgha u hamsin lira u sbatax –il centezmu (LM554.17) hekk kif jirrizulta mill-hawn annessa ricevuta mahruġa mill-Kummissarju tat-Taxxi Interni u mmarkata bhala Dokument ittra "E".

Johann Schembri ghan-nom ta' Soutwin Properties Limited jiddikjara illi l-istess kumpanija tikkwalifika sabiex takkwista il-proprjeta fuq trasferita mingħajr bzonn ta' permess ta' l-akkwist ta' proprieta immobbli minn persuni mhux residenti u dan peress illi:

Mhux anqas minn hamsa u sebghin fil-mija (75%) ta' l-ishma ta' l-istess Kumpanija kif ukoll mhux anqas minn hamsa u sebghin fil-mija (75%) tal-'controlling shares' relattivi huma



ta' Cittadini tal-Unjoni Ewropeja u li ghexu Malta ghal perijodu kontinwu matul hajjithom ta' hames snin u li d-diretturi kollha huma wkoll cittadini ta' l-Unjoni Ewropeja u li ghexu f' Malta ghal perijodu kontinwu matul hajjithom ta' hames snin. Din id-dikjarazzjoni qeghda ssir wara li n-Nutar sottofirmat spjega l-importanza taghha skond il-ligi.

Kontestwalment u bis-sabha tat-tieni parti ta' dan l-att il-vendituri ahwa Camilleri hlief ghal ommhom Catherine Camilleri qeghdin ibieghu lil istess Catherine Camilleri li taccetta u takkwista minnghandhom tlieta minn tmien partijiet indivizi (3/8) ta' l-arja ta' hdax -il filata gholi, liema arja fiha kejl ta' circa mija u ghoxrin metru kwadru (120mk), kalkolata minn-tlettax (13) -il filata mil-livell tat-triq sa' l-gholi ta' hamsa u ghoxrin (25) filata 'il fuq mil-livell tat-triq, inkluz l-gholi fejn ser isir is-saqaf, liema arja hija intiza ghall-kostruzzjoni ta' maisonette fil-first floor level, liema maisonette ser ikollu access indipendenti minn tarag li ser ikun jizbokka fi Triq Birzebbugia, Birzebbugia u li ser jinbena fil-porzjoni diviza ta' arja tal-kejl ta' circa sitta punt hamsa metri kwadri (6.5mk) kalkolata mill-livell tat-triq sa l-gholi ta' hamsa u ghoxrin filata mil-livell tat-triq, intiza ghall-bini tat-tromba tat-tarag, li ser ikun jaghti access ghall-istess sular, liema arja hi dik li tirrizulta markata bl-ahmar fuq il-pjanta u front elevation plan annessi ma' dan l-att markati bhala Dokumenti "C" u "G", u liema arja hi dik li tirrizulta mis-site plan annessa' ma' dan l-att markat bhala Dokument "D", konfinanti mill-lbic ma' Triq Birzebbugia, mill-Majjistral ma' Triq Zaren Dalli u mill-Grigal ma' proprjeta ta' terzi.

Ghal kull fini u effett tal-ligi qed jigi iccarat illi l-arja kollha sottoposta ghall-imsemmi tarag giet trasferita lil kumpratur Johann Schembri nomine u ghaldaqstant ma' hiex qeghda tigi trasferita lil Catherine Camilleri.

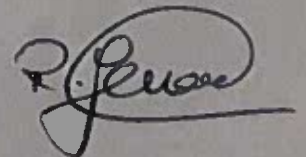
Dan it-trasferiment qiegheed isir taht dawn il-pattijiet u kundizzjonijiet:

1. Bil-prezz ta' ghoxrin elf tlett mija tnejn u tmenin Euro u zewg centezmi (€ 20,382.02) ekwivalenti ghal tmint elef seba' mija u hamsin lira Maltin (LM8,750), liema somma il-vendituri ahwa Camilleri jiddikjaraw illi ircevewha u ghalhekk qeghdin ihallu ricevuta ghas-somma intiera.
2. Il-vendituri ahwa Camilleri flimkien u solidalment bejniethom qeghdin jiggarrantixxu favur il-kumpratrici Catherine Camilleri li taccetta il-pacifiku pussess u r-reali godiment fuq l-immobbli trasferit u ghal dan l-iskop qeghdin jikkostitwixxu ipoteka generali fuq il-beni kollha taghom prezenti u futuri favur il-kumpratrici accettanti.
3. L-arja in vendita qeghda tigi trasferita bil-

- pussess vakanti u libera minn kwalsiasi dritt favur terzi.
4. Spejjez ta' l-att jithallsu mill-kumpratrici.
  5. Il-vendituri jiddikjaraw illi l-ispejjez relattivi ghall-road u drainage contribution u ghall-asfaltar tat-toroq huma imhallsin u rigward appoggi l-kumpratrici la thallas u lanqas jithallas.
  6. Il-vendituri jiddikjaraw illi ma' tezisti ebda litigazzjoni ma' terzi in konnessjoni ma' l-arja in vendita.
  7. L-istess proprjeta qeghda tigi trasferita hielsa minn kull xorta ta' dejn u jew ipoteka.
  8. Il-faccata tal-mezzanin li eventwalment jinbena fuq l-istess arja u tal-fondi li eventwalment ser ikunu jiformaw parti mill-istess blokk iridu jinzammu uniformi ma' dik tal-kumplement tal-blokk, inkluz il-kultur u d-disinn tal-aperturi.
  9. Jekk isiru xi airconditioning units dawn ghandhom isiru fl-istess livell u gol-fond in vendita u ma' jistghux isiru fil-partijiet komuni jew fuq il-bejt.
  10. Permessi tal-bini u tat-triq jithallsu mill-komparenti Johann Schembri.

Din l-arja hija soggetta ghas-servitujiet passivi u tgawdi id-drittijiet u servitujiet attivi li jirizultaw mill-posizzjoni relattiva taghha bhala sottoposta u sovraposta ghal proprjeta tal-kumpratur Johann Schembri nomine, altrimenti libera u franka bid-drittijiet u l-pertinenzi kollha taghha. Il-kumpratur Johann Schembri nomine ikollu id-dritt li jghaddi fi kwalunkwe zmien u minghajr l-obbligu li jhallas xi korrispettiv lil komparenti Catherine Camilleri jew l-aventi kawza taghha kwalunkwe servizzi inkluz katusi u pajpijiet tad-drains, drenagg u ilma, bid-dritt ta' access ghall-istess proprjeta ta' Catherine Camilleri wara pre-avviz xieraq ghal skop ta' installazzjoni manutenzjoni u riparazzjoni tal-istess servizzi. Ghaldaqstant il-maisonette li ghad talvolta jinbena minflok l-arja li ser tkun proprjeta esklussiva ta' Catherine Camilleri ser ikollu is-sistema tal-katusi tad-drains, drenagg u ilma tax-xita komuni mal-fondi sovraposti u b' hekk ser ikun suggett ghad-dritt ta' access favur il-proprjetarji tal-istess fondi sovrastanti ghal fini ta' manutenzjoni u riparazzjoni tal-imsemmija katusi u ser ikollu dritt ta' access fil-fondi sottoposti ghall-istess skop.

Inoltre il-komparenti Catherine Camilleri ikollha dritt li tinstalla tank ta' l-ilma ta' kapacita mhux akbar minn elf litru (1000 lt) li jkun iservi il-maisonette li ghad talvolta jinbena minflok l-istess arja kif ukoll aerial fuq il-bejt tal-blokk, bid-dritt ta' access ghal fuq il-bejt tal-blokk ghal skop ta' manutenzjoni u riparazzjoni bil-permess ta' sid il-bejt.



Il-kumpratur Johann Schembri nomine jirriserva id-dritt a favur tieghu u a favur is-successuri tieghu fit-titolu illi minn zmien ghal zmien jibni sulari fuq l-imsemmi maisonette li eventwalment jinbena minn Catherine Camilleri dment li jkun hemm il-permessi necessarji tal-awtoritajiet kompetenti, f' liema kaz il-kumpratur Johann Schembri nomine jew is-successuri tieghu ikun jista minghajr il-htiega tal-kunsens ta' Catherine Camilleri u minghajr l-obbligu li jhallas xi kumpens jestendi is-servizzi komuni ghal fondi li jinbnew aktar 'il fuq inkluz li jestendi u jqabbad mas-sistema komuni tal-katusi tad-drains, drenagg u ilma tax-xita, jiftah twieqi, aperturi u gallarji fuq il-faccata, fuq il-btiehi u x-xaftijiet tal-maisonette sottopost u a spejjez tal-istess Johann Schembri nomine jaqla' it-tank ta' l-ilma u aerial tat-televizjoni minn fuq il-bejt fejn ikunu imwahhlin u jinstallahom fuq l-oghla bejt eventwali.

Ghal kull fini u effett tal-ligi qed jigi dikjarat illi l-istess Catherine Camilleri hi il-proprjetarja tar-rimanenti hamsa minn tmien (5/8) partijiet indivizi tal-istess arja u ghalhekk permezz ta' dan l-att saret proprjetarja esklussiva tal-intier tal-istess arja.

Il-kumpratrioi Catherine Camilleri tiddikjara illi hi tikkwalifika li takkwista il-proprjeta li qeghda tigi trasferita aktar 'il fuq minghajr il-bzonn ta' permess ta' l-akkwist ta' proprjeta immobbli minn persuni mhux residenti u tiddikjara illi hi residenti cittadina ta' l-Unjoni Ewropeja u li ghexet f' Malta ghal perjodu kontinwu matul hajjitha ta' hames snin. Din id-dikjarazzjoni qeghda ssir wara li n-Nutar sottofirmat spjegalha l-importanza taghha skond il-ligi.

Ghall-finijiet ta' l-Att dwar Taxxa fuq Dokumenti u Trasferimenti ta' l-elf disa' mija tlieta u disghin (1993) jiena Nutar niddikjara illi dan it-trasferiment mhux imponibbli peress: Illi il-proprjeta in vendita hi mibnija fuq parti mill-porzjoni art li missier il-vendituri ahwa Camilleri u r-ragel tal-komparenti Catherine Camilleri, ossia Carmelo Camilleri, kien akkwista mill-poter ta' Agatha u Maria Carmela ahwa Formosa Gauci permezz ta' kuntratt ta' bejgh pubblikat fl-atti tan-Nutar Alex Sciberras Trigona tal-hdax (11) ta' Ottubru tas-sena elf disa' mija wiehed u sebghin (1971) liema akkwist sar matul iz-zwieg tieghu ma' martu u ghalhekk jiffirma parti mill-komunjoni ta' l-akkwisti gia ezistenti bejniethom.

Illi l-imsemmi Carmelo Camilleri miet nhar l-ghaxra (10) ta' Gunju tas-sena elfejn u sebgha (2007) in forza ta' testament unica charta pubblikat fl-atti tan-Nutar Carmel Gafa tas-sitta (6) ta' Ottubru tas-sena elf disa' mija disgha u disghin (1999) li permezz tieghu halla lil martu il-komparenti Catherine Camilleri b'titolu ta' legat kwart indiviz ta' l-assi in piena proprieta u l-uzufrutt fuq ir-rimanenti tlett kwarti indivizi, fil-waqt illi innomina bhala eredi universali lis-seba' uliedu li jisimhom

Anthony, Joseph, Grace, mart Joseph Zammit, Lilian, mart Anthony Portelli, Diana, mart Terry Pamford, Philip u Mary Rose, mart Martin Attard, ahwa Camilleri, il-vendituri fuq dan l-att.

Illi d-dikjarazzjoni causa mortis preskritta mil-ligi dwar l-eredita ta' Carmelo Camilleri saret permezz ta' kuntratt pubblikat illum stess fl-atti tan-Nutar Maria Briffa.

Ghall-finijiet ta' l-Att dwar Taxxa fuq Dokumenti u Trasferimenti tal-elf disa' mija tlieta u disghin (1993), il-kumpratrici Catherine Camilleri tiddikjara illi qeghda tixtri l-arja fuq deskritta bil-ghan li fiha tibni il-fond li fuqu tistabbilixxi l-unika residenza ordinarja taghha, liema dikjarazzjoni qeghda tigi maghmula minnha wara li jiena nutar sottofirmat iccerzjorajtha dwar l-importanza tal-veracita ta' din id-dikjarazzjoni taghha. Inoltre a bazi ta' din id-dikjarazzjoni qieghed jigi dikjarat illi l-boll dovut fuq dan l-att mill-komparenti Catherine Camilleri jammonta ghas-somma ta' seba' mija u erbatax -il Euro (€ 714) ekwivalenti ghal tlett mija u sitt liri Maltin (LM306).

Ghall-finijiet tal-Att dwar l-Amministrazzjoni tat-Taxxa tas-sena elf disa' mija erbgha u disghin (1994) li jemenda l-Att dwar it-Taxxa fuq l-Income, qed jigi dikjarat illi t-taxxa finali dovuta fuq dan l-att mill-vendituri tammonta ghas-somma ta' sitt elef hames mija tnejn u ghoxrin Euro hamsa u ghoxrin centezmu (€ 6522.25) ekwivalenti ghal elfejn u tmien mitt lira Maltin (LM2,800), liema somma hi kollha dovuta mill-komparenti Catherine Camilleri, fil-waqt illi l-ebda taxxa ma' hi dovuta fuq dan l-att mill-ahwa Camilleri peress illi il-valur tal-propjeta mibjugha ma' eccedix il-valur dikjarat fid-dikjarazzjoni causa mortis.

Ghall-finijiet ta' l-Att dwar ir-Registrazzjoni tal-Artijiet tal-elf disa' mija wiehed u tnenin (1981) jiena Nutar niddikjara illi l-fond in vendita ma' jinsabx f' zona ta' registrazzjoni.

Kontestwalment u bis-sahha ta' dan l-att il-komparenti Johann Schembri nomine qieghed jassenja u jittrasferixxi lil komparenti Catherine Camilleri li taccetta id-drittijiet tieghu naxxenti minn konvenju datat dsatax (19) ta' Settembru tas-sena elfejn u sebgha (2007), in kwantu dawn jolqtu tlieta minn tmien partijiet indivizi (3/8) ta' l-arja ta' hdax -il filata gholi, liema arja fiha kejl ta' circa mija u ghoxrin metru kwadru (120mk), kalkolata minn-tlettax (13) -il filata mil-livell tat-triq sa' l-gholi ta' hamsa u ghoxrin (25) filata 'il fuq mil-livell tat-triq, inkluz l-gholi fejn ser isir is-saqaf, liema arja hija intiza ghall-kostruzzjoni ta' maisonette fil-first floor level, liema maisonette ser ikollu access independenti minn tarag li ser ikun jizbokka fi Triq Birzebbugia, Birzebbugia u li ser jinbena fil-porzjoni diviza ta' arja tal-kejl ta' circa sitta punt hamsa metri kwadri (6.5mk) kalkolata mill-

livell tat-triq sa l-gholi ta' hamsa u ghoxrin filata mil-livell tat-triq, intiza ghall-bini tat-tromba tat-tarag, li ser ikun jaghti access ghall-istess sular fuq imsemmija liema cessjoni qeghda issir minghajr l-ebda korrispettiv.

Ghall-finijiet tas-subartiklu tmax (12) ta' l-Artiklu hamsa ittra "A" (5A) ta' l-Att Dwar it-Taxxa fuq l-*Income* il-partijiet qeghdin jiddikjaraw illi ddikjaraw lin-Nutar sottofirmat il-fatti kollha li jiddeterminaw jekk it-trasferiment hux wiehed li japplika ghalih l-Artikolu hamsa ittra "A" (5A) u li jkunu rilevanti biex jigi accertat l-ammont xieraq ta' taxxa li ghandha tithallas jew xi ezenzjoni, inkluz il-valur li, fl-opinjoni taghhom, juri ragonevolment il-valur fis-sug ta' l-imsemmija proprjeta', jekk dan il-valur ikun oghla mill-prezz tat-trasferiment, liema dikjarazzjoni qeghda tigi mghamula mill-partijiet wara li jiena Nutar sottofirmat wissejthom dwar l'importanza tal-veracita' ta' din id-dikjarazzjoni taghhom.

Ghall kull fini u effett tal-ligi qeghda tigi hawn annessa markata bhala Dokument "F" ittra rilaxxjata mill-Kummissarju tat-Taxxi Interni skond l-Avviz Legali Numru hamsa tas-sena elfejn u hamsa (A.L. 5/2005) li tikkonfermi li ghalkemm wahda mill-vendituri Andreana sive Diana Pamford ma' hieix residenti f' Malta, ma' hemm l-ebda oggezzjoni ghal pubblikazzjoni ta' dan il-kuntratt.

Peress illi in-numru ta' dokumenti annessi ma' dan l-att jeccedu hamsa qeghda tigi annessa ma' dan l-att markata bhala Dokument "X" lista ta' Dokumenti.

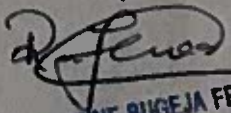
Dan l-att gie maghmul moqri u ppublikat previa d-debita cerzjorazzjoni skond il-ligi f' Malta, Birzebugia, Madonna ta' Pomei Numru disgha u tmenin (89), fil-presenza tax-xhieda Carol Micallef, mart Joseph, minnu legalment separata, bint Jose Pace u Modesta nee' Camilleri, residenti Birzebugia u Carmen Francalanza, xebba, bint Francis u Giovann nee' Cachia, residenti Birzebugia fil-presenza ta' min il-komparenti Catherine Camilleri tiddikjara illi ma' tistghax tiffirma minhabba inkapacita fizika.

Firmati: Anthony Camilleri  
Mary Grace Zammit  
Philip Camilleri  
Mary Rose Attard  
Joseph Zammit  
Johann Schembri  
Carol Micallef  
Carmen Francalanza

Dr. Ritienne Bugeja Fenech  
Nutar Pubbliku Malti

A TRUE COPY OF  
THE ORIGINAL  
TODAY

15/5/08

  
Dr. RITIENNE BUGEJA FENECH B.A., LL.D.  
Notary Public - Malta  
Commissioner for Oaths  
8, Wesgha ta' Bir id-Deheb, Għaxaq  
Tel: 21822186 Mob: 99864712



**Anness 11**  
**Korrispondenza**

Lil: **Mary Rose Attard**

'Madonna ta' Pompei'  
Triq Birzebbuġa  
Birzebbuġa

Rif Tagħna: C01021.00\_G01

15 ta' Mejju 2024

Għandi ngħarrfek li jiena ġejt maħtur bħala espert mill-Prim' Awla tal-Qorti Ċivili biex nagħmel stima tal-valur ta' dan il-fond: "Madonna ta' Pompei", Triq Birzebbuġa, Birzebbuġa

Dan skond il- Mandat ta' Qbid ta' Hwejjeġ Immobbli b'riferenza 27/23 maħruġ mill-istess Onorabbli Qorti.

Inti mgħarrfa li spezzjoni tal-fond msemmi ser issir nhar il-Ġimgħa, 24 ta' Mejju 2024, fid-9.15a.m. Inti mitluba li tkun preżenti fid-data u l-ħin indikat, u li tipprovdu aċċess sħiħ għall-fond lis-sottoskritt.

Inti mitluba wkoll biex ġentilment tipprovdi l-informazzjoni segwenti lis-sottoskritt fid-data ta' l-ispezzjoni:

- Kopja tal-kuntratt ta' akkwist;
- Kopja ta' permissi tal-bini u pjanti approvati;
- Kejl tal-fond (survey).

Inti mgħarrfa li, f'każ li ma tipprovdix aċċess għall-fond msemmi fid-data u l-ħin indikati, ma jhalli l-ebda alternattiva hlief li s-sottoskritt jitlob li l-Qorti tordna li jsir aċċess skond kif tipprovdi l-liġi.

F'każ ta' kjarifika, tista' tikkuntattja lis-sottoskritt fuq in-numru tat-telefon 21 243 981.



**Perit David Felice**  
f/ AP Valletta

**Anness 12**  
**Inkartament mill-Prim Awla tal-Qorti Civili**

FIL-PRIM AWLA TAL-QORTI CIVILI



Prez €200.00  
2 Reg 02.00  
2 Not €2.40  
€214.40

de quli  
me in authors  
in 26 Jan  
2023 giet  
ghid u gijh  
fi mtebri.

Subbasta immobbli numru:

Philip Camilleri [K.I. Nru. 237657(M)]

Telga l-kuord  
kate pass

Mary Grace Zammit [K.I. Nru. 867849(M)]

mandat  
u kien balle

Joseph Zammit [K.I. Nru. 755648(M)] bhala mandatarju specjali tal-assenti Diana Pamford

ghaddeu  
kate

Vs

soni mtebri  
u mtebri  
kate u pass

Mary Rose Attard [K.I. Nru. 204363(M)]

ghid pass  
kate u

Rikors ta' Philip Camilleri [K.I. Nru. 237657(M)], Mary Grace Zammit [K.I. Nru. 867849(M)], Joseph Zammit [K.I. Nru. 755648(M)] bhala mandatarju specjali tal-assenti Diana Pamford

soni mtebri  
u pass

Jesponu bir-rispett: -

ammont  
mtebri

1. Illi r-rikorrenti kienu atturi f'kawza numru 865/2014 JVC, liema kawza giet deciza nhar 1-20 ta' Mejju 2021 (annessa u mmarkata bhala "Dok A").
2. Illi permezz tas-sentenza suriferita, din l-Onorabbli Qorti kif deversament presjeduta, iddikjarat lill-intimata Mary Rose Attard bhala debitrice ta' hutha bniet u cioe' Mary Grace Zammit, Emmanuela sive Lilian Portelli, u Diana Pamford u giet ordnata thallas lill-istess f'ishma ugwali ta' 1/4 kull wiehed, mill-valur tad-deheb formanti parti mill-eredita' ta' Catherine Camilleri valutat fis-somma komplessiva ta' sitt elef, disa' mija u tmienja u tmenin ewro (€6988);
3. In oltre, permezz tad-decizjoni suriferita, l-intimata Mary Rose Attard giet ukoll iddikjarata bhala debitrice tal-eredi ta' Catherine Camilleri u giet ordnata thallas lill-partijiet l-ohra fil-Kawza Nru. 865/2014 JVC, ahwa Camilleri u ulied Catherine Camilleri is-sehem taghhom (ishma ugwali ta' 1/7 kull wiehed) mis-somma komplessiva ta' mija u tmint elef, seba' mija u erba Ewro u disa' centezmi (€108,704.09) rapprezentanti ammonti mizmuma mill-intimata Mary Rose Attard u formanti parti mill-eredita', kif ukoll parti mill-ispejjez (taxxa annessa u mmarkata bhala "Dok B").
4. Illi l-intimata Mary Rose Attard giet interpellata mir-rikorrenti permezz ta' ittra ufficjali Nru. 4204/2021 sabiex thallas dak dovut minnha lill-esponenti.
5. Illi minkejja li hi giet interpellata permezz tal-ittra ufficjali suriferita, hi baqghet inadempjenti.
6. Illi sa fejn jafu r-rikorrenti, l-intimata Mary Rose Attard m'ghandiex mezzi sabiex thallas il-flus dovuti lill-esponenti, skont id-decizjoni precitata, u l-unika proprjeta' u assi li ghandha hija l-proprjeta' Madonna ta' Pompei, Zejtun Road, Birzebbugia.

ghid u kien

8/10/2023

b' digriet tat-30 ta' Novembur 2023 ara wara

€ 304/8

7. Illi ghar-ragunijiet premessi, ir-rikorrenti jixtiequ illi l-proprjeta msemmija u cioe' l-fond \* Madonna ta' Pompei, Zejtun Road, Birzebbugia jigi mibjugh bis-subbasta. *Korre. awt b' idgriet tat-30 ta' Novembw 2023 ara isfel*
8. Illi ghal kull buon fini jinghad illi fil-proceduri tal-Kawza Nru. 865/2014 JVC, kien diga' gie appuntat perit u cioe' l-perit Joseph Grech, sabiex jivvaluta l-istess proprjeta' u pprezenta l-valutazzjoni konsegwenzjali tieghu, liema valutazzjoni qieghda tigi hawn annessa u mmarkata bhala 'Dok C'.

Ghaldaqstant, l-esponenti jitolbu bir-rispett illi in ezekuzzjoni tat-titolu ezekuttiv, precitat, dina l-Onorabbli Qorti, joghgobha:

1. Tordna l-qbid tal-proprjeta' immobili in kwistjoni u cioe':

Il-fond 'Madonna ta' Pompei', Zejtun Road, Birzebbugia \* *Korre. awt b' idgriet*

2. Tordna l-bejgh bis-subbasta tal-istess proprjeta' hawn fuq imsemmija u ghal dan il-ghan tiehu konjizzjoni tal-valutazzjoni tal-perit Joseph Grech.

U

3. Tappunta jum, hin u lok ghall-bejgh bl-irkant tal-istess proprjeta'.

U dan taht dawk il-provvedimenti kollha li din l-istess Qorti jidhrilha xierqa u opportuni.

Bl-ispejjez.

*Dr. Daniel Cutajar*

Avv. Franco Galea  
58, Triq il-Fran, Valletta

*P.L. Jean Pierre Busuttill*  
58, Triq il-Fran, Valletta

Rikorrenti: 14, La Vallette Court, Flat 2, Triq Herakles, Birzebbugia, BBG 05

Intimata: 'Madonna ta' Pompei', Zejtun Road, Birzebbugia

*tat - 30 ta' Novembw 2023*

*'Madonna ta' Pompei',*

*Birzebbugia Road,*

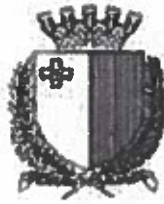
*Birzebbugia*

illum..... *02 JUN 2023*

lpprezentata mill-*P.L. J.P. Busuttill*

B/bla dok ..... *Bi tliet (3) Doki*

*30/11/23*



## **QORTI CIVILI - PRIM'AWLA**

**IMHALLEF**

**ONOR. DR JOANNE VELLA CUSCHIERI  
B.A., MAG. JUR. (EUR. LAW.), LL.D.**

**Illum it-Tlieta , 20 ta' Mejju 2021**

**Kawza Numru: 1**

**Rikors Ġuramentat Numru:- 865/2014 JVC**

**Philip Camilleri ;**

**Mary Grace Zammit;**

**Joseph Camilleri u permezz ta' digriet datat 20  
ta' Mejju 2021 l-atti gew trasfuzi f'isem Doris  
Camilleri u Glenn Paul Camilleri stante li  
Joseph Camilleri miet fil-mori tal-kawza;  
Joseph Zammit bhala mandatarju specjali tal-  
assenti Diana Pamford**

**vs**

**Mary Rose Attard u b'digriet tal-10 ta'  
Novembru 2016 gew kjamati in kawza  
Emanuela Portelli bhala eredi ta' Catherine  
Camilleri u Anthony Camilleri**

**Il-Qorti,**

**Rat ir-rikors gurantat fejn ir-rikorrent Philip Camilleri et kkonferma bil-gurament u talab kif isegwi:**

1. 'Illi il-kontendenti kif ukoll Emanuela Portelli u Anthony Camilleri huma kollha ulied id-defunta Catherine Camilleri, bint il-mejtin Vincent Farrugia u Maria Concetta nee' Farrugia, armla ta' Carmelo Camilleri, detentrici tal-karta tal-identita numru 144528(M) li mietet nhar il-25 ta' Frar tal-2010;
2. Illi l-eredita ta' Catherine Camilleri hija regolata bi tlett testmenti.
  - A. Testment Unica Charta in atti Nutar Dott. Carmel Gafa tas-6 ta' Ottubru 1999
  - B. Testment Pubbliku in atti Nutar Dott. Maria Briffa tal-31 ta' Lulju 2007
  - C. Testment Pubbliku in atti Nutar Dott. Maria Briffa tat-13 ta' Mejju 2008
3. Illi minn dawn it-testmenti jirrizulta li l-eredi tal-imsemmija Catherine Camilleri huma l-ulied kollha tal-istess Catherine Camilleri izda l-intimata Mary Rose Attard kif ukoll zewgha u uliedha thallew ukoll bhala legatarji.
4. Illi l-intimata Mary Rose Attard, approprijat ruhha minn assi tal-massa ereditarja tad-decuius Catherine Camilleri u

qiegħda tokkupa propjeta immobli ta' l-istess massa ereditarja.

- 5. Illi ir-rikorrenti għandhom biza' fondata li għalkemm qua eredi huma intitolati għas-sehem riservat lilhom mill-massa ereditarja, id-dispozizzjonijiet testamentarji ta' ommhom għal dak li jirrigwarda l-legati mhollija, jeccedu dak li setgħet tiddisponi minnu l-istess decuius.
- 6. Illi r-rikorrenti nterpellaw lill-intimata permezz ta' ittra ufficjali datata 25 ta' Gunju 2013 u ittra legali tal-21 ta' Ottubru 2013 sabiex tersaq għall-likwidazzjoni u d-divizjoni tal-assi ereditarji ta' ommhom Catherine Camilleri, izda l-intimata baqgħet inadempjenti.
- 7. Illi għalhekk kellha issir din il-kawza.

Għaldaqstant in vista tal-premess, l-esponenti umilment jitolbu li din l-Onorabbli Qorti jogħgobha:

- 1. Tiddikjara lill-partijiet kollha flimkien ma' Emanuela Portelli u Anthony Camilleri, eredi tad-decuius Catherine Camilleri fi kwoti ndaqs bejniethom.
- 2. Tiddetermina okkorrendo bl-assistenza ta' periti nominandi il-konsistenza tal-massa ereditarja tal-istess Catherine Camilleri
- 3. Tillikwida okkorrendo bl-assistenza ta' periti nominandi s-sehem riservat lil kull wiehed mill-eredi ta' Catherine Camilleri.



4. Tordna r-riduzzjoni tal-legati mhollija mill-istess decuius f'kaz li l-massa ereditarja ma tkunx bizzejjed sabiex jinghata lil kull eredi s-sehem riservat lilu skond il-ligi.
5. Tfassal pjan ta' qasma tal-eredita tad-decuius Catherine Camilleri.
  
6. Tordna d-divizzjoni tal-eredita ta' Catherine Camilleri skond il-pjan hekk imfassal

Bl-ispejjez inkluz dawk ta' l-ittra ufficjali tal-25 ta' Gunju 2013 u tal-ittra legali tal-21 ta' Ottubru 2013 u bl-imghax dekorribli skond il-ligi kontra l-intimata li hija minn issa ingunta in subizzjoni.

B'riserva ta' kull azzjoni ulterjuri, spettanti lir-rikorrenti fil-ligi.'

Rat ir-risposta guramentata ta' Mary Rose Attard li eccepjet kif isegwi:

1. 'Illi t-talbiet attrici huma nfondati fil-fatt u fid-dritt stante illi d-decuius agixxiet fil-parametri li tikkoncedilha l-ligi u bl-ebda mod ma cahdet lill xi hadd mill-eredi mid-drittijiet necessarji tieghu.

Salv difizi ulterjuri.'

Rat it-talba rikonvenzjonali ta' Mary Rose Attard kif isegwi:

1. 'Illi l-esponenti qieghda tezercita d-dritt mghoti lilha mill-ligi a tenur tal-artikolu 398(3) tal-Kap 12 tal-ligijiet ta' Malta sabiex tintavola din it-talba rikonvenzjonali.

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2. Illi ghal snin twal, ir-rikonvenzjonanta rrendiet servizzi u pprestat servigi lid-decuius, ommha Catherine Camilleri li mietet nhar il-25 ta' Frar 2010.
  3. Illi sabiex ir-rikonvenzjonanta tiehu hsieb u ddur bl-istess ommha hija qatt ma setghet tillarga mid-dar sew bhala hrug kif wkoll bhala safar.
  4. Illi ommha dan kollu dejjem irrikonoxxieta u dejjem wegħditha li ser ittiha xi forma ta' kumpens.
  5. Illi in vista ta' din il-wegħda r-rikorrenti qatt ma thallset jew giet mghotija xi forma ta' kumpens għas-servigi prestati u servizzi resi u qatt ma thallset għall-ispejjez li għamlet.

Jghidu għalhekk ir-rikonvenzjonati, għaliex din l-Onorabbli Qorti m'għandhiex, prevja kull provvediment li din l-Onorabbli Qorti jidhrilha xierqa;

- (i) Tiddikjara u tiddeciedi li r-rikonvenzjonanta prestat servigi lid-defunta Catherine Camilleri u għalhekk hija ntitolata għal-kumpens li għandu jigi likwidat minn din l-Onorabbli Qorti.
- (ii) Tikkundanna lir-rikorrenti ihallsu lir-rikonvenzjonanta l-ammont hekk likwidat'.

Rat ir-risposta guramentata ta' Philip Camilleri et għall-kontrotalba li eccepew kif isegwi:

1. 'Illi preliminarjament l-azzjoni rikonvenzjonali mressqa minn Mary Rose Attard hija nulla in kwantu r-risposta tagħha għar-

rikors guramentat mressaq mill-esponenti hija nulla ghaliex ma tissodisfax ir-rekwiziti ad validitatem stipulati mill-Kap 12 tal-Ligijiet ta' Malta u per conseguenza ghandha tigi dikjarata fi stat ta' kontumacja u kwindi l-azzjoni rikonvenzjonali taghha hija nulla in kwantu l-ezistenza u s-sussistenza taghha tiddependi necessarjament fuq il-fatt li tkun pprezentat att validu sabiex tilqa ghat-talbiet mressqa fil-konfront taghha fir-rikors guramentat promotur;

2. Illi minghajr pregudizzju ghas-suespost l-azzjoni rikonvenzjonali mressqa minn Mary Rose Attard hija nulla in kwantu ma gietx intavolata kontestwalment mar-risposta mahlufa ta' l-istess Mary Rose Attard ghar-rikors guramentat pprezentat mill-esponenti fil-konfront taghha stante li kif jidher mill-atti li gew notifikati lill-esponenti waqt li r-risposta guramentata giet pprezentata nhar it-18 ta' Novembru 2014, t-talba rikonvenzjonali giet pprezentata l-ghada id-19 ta' Novembru 2014;
3. Illi minghajr pregudizzju ghas-suespost t-talbiet rikonvenzjonali ta' Mary Rose Attard huma nfondati fil-fatt u fid-dritt stante li dawn it-talbiet huma minghajr fundament guridiku u fattwali u intizi biss biex jilqghu ghat-talba ta' l-esponenti li tithallas lilhom l-legittima spettanti lilhom fil-ligi ghaliex mhux biss Mary Rose Attard, ma rrendietx servigi lid-defunta Catherine Camilleri izda kif ser jigi ppruvat bhala prokuratrici ta' ommha hija approprijat hwejjeg ommha sabiex thallas ghal debiti konsiderevoli li hija ghandha u qatt ma tat rendikont ta' l-amministrazzjoni mwettqa minnha ta' hwejjeg ommha;

4. Illi minghajr pregudizzju ghas-suespost, qatt qabel din it-talba rikonvenzjonali, Mary Rose Attard ivvantat dawn il-pretensjonijiet taghha ghaliex taf ben tajjeb li ma jezistux l-elementi necessarji sabiex tirnexxi t-talba taghha u dato ma non concesso li rrendiet xi servigi, tenut kont li d-decuius giet nieqsa fil-25 ta' Frar 2010, il-parti l-kbira tat-talba taghha hija lllum preskritta ai fini u l-effetti kollha tal-ligi;

Salv eccezzjonijiet ulterjuri.'.

Rat l-affidavits, xiehda, testmenti, ittri ufficjali, kuntratt, prokura, statements ta' kontijiet bankarji, ricerki, dokumenti u l-provi kollha esebiti fl-atti;

Rat illi fil-verbal tas-seduta tal-20 ta' Jannar, 2015 l-Qorti dehrilha li stante li gew issollewati zewg eccezzjonijiet procedurali ghar-risposta ghall-kontro-talba tal-intimata dawn kellhom jigu ndirizzati separatament u ghalhekk halliet il-kawza ghall-provi u trattazzjoni tal-ewwel zewg eccezzjonijiet preliminari ghall-kontro-talba;

Rat it-trattazzjoni tad-difensuri tal-partijiet fuq iz-zewg eccezzjonijiet preliminari sollevati ghall-kontro-talba tal-atturi a fol. 49 *et seq* tal-process;

Rat illi in segwitu ghad-deposizzjoni tal-Assistent Registratur Eunice Grech Fiorini, Dr Franco Galea rtira l-parti tal-eccezzjoni tieghu li kienet tirreferi ghal fatt li r-risposta u l-kontro-talba ma kienux gew ipprezentati kontestwalment;

Rat illi fil-25 ta' Gunju, 2015 inghatat sentenza preliminari a fol. 54 *et seq* tal-process fuq l-ewwel eccezzjoni tar-rikorrenti

rikonvenzjonanti u ddikjarat li l-intimata Mary Rose Attard hija kontumaci filwaqt li ddikjarat ir-risposta u t-talba rikonvenzjonali tal-intimata bhala nulli u bla effett;

Rat illi fil-verbal tal-10 ta' Novembru, 2016 a fol. 220 tal-process wara li l-Qorti rat l-ewwel talba minn fejn jirrizulta li hemm zewg eredi ohra tad-decuius li mhumiex parti mill-kawza ghaddiet sabiex ordnat il-kjamat in kawza *ex officio* minhabba ragunijiet ta' integrita' tal-gudizzju u ghalhekk ordnat il-kjamat fil-kawza ta' Emanuela Portelli u Anthony Camilleri, bhala eredi ta' Catherine Camilleri;

Rat illi fil-verbal tal-14 ta' Frar, 2017 a fol. 228 tal-process Dr Franco Galea ghar-rikorrenti ddikjara li l-kjamat in kawza kemm ta' Anthony Camilleri kif ukoll ta' Lilian Portelli sar biss ai fini ta' integrita' tal-gudizzju u r-rikorrenti m'ghandhomx pretensjonijiet fil-konfront tal-kjamat in kawza;

Rat illi fil-verbal tal-21 ta' Marzu, 2017 a fol. 240 tal-process il-Qorti ddikjarat lill-kjamati fil-kawza Lilian Portelli u Anthony Portelli kontumaci salv li fil-kaz ta' Anthony Portelli rriservat stante s-sitwazzjoni medika tieghu li minn dakinhar jipprezenta risposta guramentata f'kaz li r-rikorrent jitolb xi kundanna fil-mertu tieghu;

Rat illi fil-verbal tal-5 ta' Frar, 2019 a fol. 313 tal-process fejn id-difensuri tal-partijiet qablu fuq valur tad-deheb mertu tal-kawza fl-ammont ta' €6988 u talbu differiment rigward transazzjoni;

Rat illi fil-verbal tas-6 ta' Gunju, 2019 il-Qorti giet infurmata li t-transazzjoni ma sehhitx;

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Rat illi fis-seduta tal-24 ta' Ottubru, 2019 a fol. 316 tal-process Dr Franco Galea talab il-hatra ta' Perit sabiex jaghmel valutazzjoni tar-residenza tal-intimata Mary Rose Attard fil-fond Madonna ta' Pompei, Zejtun Road, Birzebbugia li huwa l-ahhar immobbli mhux mibjugh mill-massa ereditarja fid-data tal-mewt fil-25 ta' Frar, 2010 u l-valur prezenti u rat id-digriet ta' Qorti moghti seduta stante fejn innominat lill-Perit Joseph Grech sabiex jaghmel l-valutazzjoni kif mitluba, bil-fakulta' li jara l-atti u jaccedi fuq il-post. Il-Perit ma giex awtorizzat jisma' xhieda u f'kaz li tinstab xi diffikulta' mill-Perit sabiex jaccedi fuq il-post dan ghandu jitlob lil Qorti l-awtorizzazzjoni sabiex isir l-iscass;

Rat ir-rapport tal-Perit Tekniku Joseph Galea a fol. 322 *et seq* tal-process;

Rat illi fil-verbal datat 15 ta' Settembru, 2020 il-kawza giet differita ghal-lum ghad-decizjoni in difett' ostacolo u l-partijiet inghataw il-fakulta' li jipprezentaw noti ta' sottomissjonijiet b'termini mposti fuqhom;

Rat in-nota ta' sottomissjonijiet tal-atturi esebita fl-atti;

Rat illi fit-12 ta' Novembru, 2020 Dr Mario Mifsud ipprezenta nota a fol. 354 tal-process fejn permezz taghha rrinunzja ghall-patrocinat tal-intimata stante li tilfu kull kuntatt maghha u ghalhekk kien impossibbli ghalihom li jaghmlu n-nota ta' sottomissjonijiet finali;

Rat l-atti kollha tal-kawza.

**Ikkunsidrat;**

**Fatti:**

L-atturi, l-konvenuta u l-kjamati in kawza huma lkoll ahwa, ulied il-mejtin Carmelo Camilleri u Catherine nee' Farrugia. L-atturi qed jitolbu li jigi dikjarat li huma flimkien mal-konvenuta u l-kjamati in kawza huma l-eredi tad-decuius Catherine Camilleri fi kwoti ndaqs bejniethom, tigi determinata l-konsistenza tal-massa ereditarja tal-istess Catherine Camilleri u konsegwentement jigi likwidat s-sehem riservat dovut lilhom. Talbu wkoll sabiex fil-kaz li l-massa ereditarja ma tkunx bizzejjed sabiex jinghata s-sehem riservat lil kull eredi, tigi ordnata r-riduzzjoni tal-legati mhollija mid-decuius, tfassal pjan ta' qasma tal-eredita' tad-decuius u tordna d-divizjoni tal-eredita' tad-decuius Catherine Camilleri.

Il-konvenuta ressqet l-eccezzjonijiet taghha permezz ta' risposta guramentata datata 18 ta' Novembru, 2014 a fol. 26 tal-process, kif ukoll resqet kontro-talba a fol. 27 *et seq* tal-process, madanakollu fuq eccezzjoni preliminari tal-atturi ghall-kontro-talba, permezz ta' decizjoni preliminari datata 25 ta' Gunju, 2015 ir-risposta guramentata tal-intimata Mary Rose Attard giet dikjarata nulla u t-talba rikonvenzjonali giet ukoll meqjusa bhala nulla stante li din tiddependi fuq risposta valida sabiex tirnexxi. Konsegwentement bid-decizjoni msemmija l-intimata giet dikjarata kontumaci (ara decizjoni a fol. 54 *et seq* tal-process).

Illi Catherine Camilleri mietet fil-25 ta' Frar, 2010. Mill-atti jirrizulta li l-wirt tal-imsemmija Catherine Camilleri huwa regolat b'testment 'unica charta' maghmul ma' zewgha Carmelo Camilleri datat 6 ta' Ottubru, 1999 fl-atti tan-Nutar Dottor Carmel Gafa (a fol. 4 *et seq* tal-process), segwit b'zewg testmenti addizzjonali maghmulin wara li romlot datati 31 ta' Lulju, 2007 (a fol. 8 *et seq* tal-process) u 13 ta'

Mejju, 2008 (a fol. 11 *et seq* tal-process) entrambi fl-atti tan-Nutar Maria Briffa.

Bit-testment 'unica charta' Carmelo u Catherine konjugi Camilleri hallew b'titolu ta' prelegat lil binthom Mary Rose Attard mart Martin Attard diversi ghamara li jinsabu fil-fond Madonna ta' Pompei, Triq Zaren Dalli, Birzebbugia filwaqt li gew elenkati daww l-oggetti li gew eskluzi mill-prelegat. Fl-istess prelegat hallew ukoll lil binthom Mary Rose Attard l-uzu u l-abitazzjoni tal-imsemmi fond f' 'Birzebbugia ghal zmien erba' (4) snin dekorribbli mid-data tal-mewt ta' l-ahhar fost iz-zewg kontestaturi, minghajr kera. Wara d-dekors tal-erba' snin il-fond kellu jigi stmat minn Perit u jinbiegh ghall-oghla offerta. Permezz tal-istess testment hallew ukoll b'titolu ta' prelegat lil uliedhom bniet u cioe' Grace Zammit, Lilian Portelli, Diana Pamford u Mary Rose Attard f'ishma ndaqs bejniethom id-deheb u hagar prezzjuz kollu li jkun ghad fadal fid-dar residenzjali. Mill-kumplament istitwew u nnominaw bhala eredi universali taghhom, propjetarji u padruni assoluti tal-gid taghhom kollu lil uliedhom kollha subien u bniet li huma sebgha f'sehem indaqs bejniethom u bis-sostituzzjoni volgari ghar-rispettivi wliedhom.

Rat illi bit-testment addizzjonali datat 31 ta' Lulju, 2017, Catherine Camilleri ziedet mat-testment 'unica charta' billi fir-rigward il-prelegat imholli lil bintha Mary Rose Attard fil-parti tad-dritt ta' uzu u abitazzjoni fuq il-fond Madonna ta' Pompei, Triq Zaren Dalli, Birzebbugia ghal perijodu ta' erba' snin estendiet dan id-dritt fuq Martin Attard u ulied Mary Rose Attard cioe' Marco, Samuel, Maria, Noelene u Anselm ahwa Attard u dan tul hajjithom kollha. Fil-kumplament ikkonfermat id-disposizzjonijiet kollha testamentarji taghha fl-atti tan-Nutar Carmel Gafa tas-6 ta' Ottubru, 1999 (ara testment a fol. 8 *et seq* tal-process).



Permezz tat-tielet testament li wkoll kien wiehed addizzjonali datat 13 ta' Mejju, 2008 fl-atti tan-Nutar Maria Briffa it-testatrici fl-ewwel artikolu filwaqt li emendat u ziedet mat-testment 'unica charta' maghmul ma' zewgha Carmelo Camilleri, hassret it-testment addizzjonali li kienet ghamlet precedentament datat 31 ta' Awwissu, 2007 fl-atti tal-istess Nutar Maria Briffa. Il-prelegati relatati mal-oggetti mhollija u mad-dritt ta' uzu u abitazzjoni ta' Mary Rose Attard, Martin Attard u wliedhom thalla l-istess bhal dak precedenti tal-31 ta' Awwissu, 2007. Madanakollu zied l-obbligu fuq Mary Rose Attard li tiehu hsieb huwha Joseph Camilleri tul hajtu kollha (ara testament a fol. 11 *et seq* tal-process).

Illi permezz ta' kuntratt ta' bejgh datat 24 ta' April, 2008 fl-atti tan-Nutar Ritienne Bugeja Fenech il-partijiet kollha fil-kawza odjerna, nkluz Catherine Camilleri llum mejta kienu bieghu u trasferew lis-socjeta' Soutwin Properties Limited (C 40933) il-fond bin-numru ufficjali 89, bl-isem Madonna ta' Pompei fi Triq Birzebbugia, Birzebbugia eskluż l-arja ta' hdax-il filata gholi ntiza ghall-kostruzzjoni ta' maisonette fil-first floor level b'access indipendenti minn tarag li ser ikun jizbokka fi Triq Birzebbugia (ara kuntratt a fol. 72 *et seq* tal-process). Dan il-maisonette kellu jservi bhala d-dar residenza ta' Catherine Camilleri.

Wara l-mewt ta' Catherine Camilleri l-atturi bdew billi baghtu ittra ufficjali datata 25 ta' Gunju, 2013 (ara kopja tal-ittra ufficjali a fol. 14 tal-process) u ittra legali datata 21 ta' Ottubru, 2013 (ara kopja tal-ittra legali a fol. 15 tal-process) lill-konvenuta Mary Rose Attard fejn interpellawha sabiex tersaq ghal-likwidazzjoni u divizjoni ta' l-assi ereditarji ta' ommhom Catherine Camilleri. Inoltre saħqu li ser jinsistu ghal-hlas tas-sehem riservat spettanti lilhom.

Sussegwentement nhar it-3 ta' Ottubru, 2014 l-atturi istitwew il-kawza odjerna fejn talbu fost affarijiet ohra li jigi likwidat is-sehem riservat mill-eredita' ta' Catherine Camilleri u li jigi mfassal pjan ta' qasma u divizjoni tal-eredita' ta' Catherine Camilleri.

Illi fil-mori tal-kawza precisament fl-24 ta' Awwissu, 2016 b'kuntratt fl-atti tan-Nutar Dottor Joseph Tabone l-partijiet kollha fil-kawza bieghu u trasferew lil Kevin Briffa l-fond ossia garage bla numru li qieghed kantuniera bejn Triq il-Bandli u Triq Nazzareno Dalli, Birzebbugia li kien jiforma parti mill-wirt ta' Catherine Camilleri u dan versu l-prezz ta' tlieta u hamsin elf ewro (€53,000) (ara kuntratt a fol. 218 u 219 tal-process).

**Assi tal-mejta Catherine Camilleri:**

Illi l-assi tal-mejta Catherine Camilleri li jirrizultaw mill-atti huma s-segwenti:

i. Maisonette bl-isem ta' Madonna ta' Pompei, Triq Birzebbugia, Birzebbugia. Dan l-appartament gie stmat mill-Perit Tekniku Joseph Grech ghal valur ta' mitejn u ghaxart elef ewro (€210,000) u ghall-valur ta' mija u ghaxart elef ewro (110,000) fid-data tal-25 ta' Frar, 2010 (li tirrapprezenta data tal-mewt ta' Catherine Camilleri) (ara rapport a fol. 322 *et seq* tal-process) kif suggett ghal dritt ta' uzu u abitazzjoni ghal hajjithom kollha favur l-intimata Mary Rose Attard u l-familjari taghha;

ii. Garage bla numru li qieghed kantuniera bejn Triq il-Bandli u Triq Nazzareno Dalli, Birzebbugia. Dan il-garage gie mibjugh permezz ta' kuntratt datat 24 ta' Awwissu, 2016 fl-atti tan-Nutar Dottor Joseph Tabone (ara kuntratt a fol. 218 *et seq* tal-process) versu l-prezz ta' tlieta u hamsin elf ewro (€53,000);

iii. Deheb li nzamm mill-konvenuta u li allegatament inghata b'rahan u li tieghu l-konvenuta nghatat is-somma ta' sitt mitt lira tal-munita l-antika ekwivalenti ghas-somma ta' elf tlett mija sebgha u disghin ewro u tnejn u sittin centezmu (€1,397.62). Jigi izda rilevat li fil-verbal tal-5 ta' Frar, 2019 a fol. 313 tal-process fid-difensuri tal-partijiet qablu fuq il-valur tad-deheb mertu tal-kawza fl-ammont ta' sitt elef, disa' mija u tmienja u tmenin Euro (€6988) u ghalhekk din il-Qorti tqis li dan huwa l-valur ppruvat fl-atti. Permezz tat-testament unica charta dan thalla bi prelegat lil ulied bniet u cioe' Mary Grace Zammit, Emanuela sive Lilian Portelli, Diana Pamford u Mary Rose Attard f'ishma ndaqz bejniethom.

iv. Oggetti tad-dar li ghalkemm gew indikati, mhux car mill-atti jekk ghadhomx jezistu fil-massa ereditarja u wisq anqas gew ivvalutati u ghalhekk ma jirrizultawx pruvati;

v. Flus fl-ammont ta' mija u tmint elef, seba' mija u erba Ewro u disa' centezmi (€108,704.09) rapprezentanti flus mizmuma mill-intimata wara l-bejgh tal-fond l-iehor, u precedentii ghal dak suespost, cioe' Madonna ta' Pompei fi Triq Birzebbugia, Birzebbugia bil-kuntratt tal-24 ta' April, 2008 fl-atti tan-Nutar Ritienne Bugeja Fenech liema fond kien formanti parti mill-eredita'.

#### **Kunsiderazzjonijiet:**

Illi minn harsa lejn it-talbiet jirrizulta li l-kawza odjerna tirrigwarda zewg affarijiet u cioe':

i. L-istitut tas-sehem riservat ai termini tal-Artikolu 615 *et seq* tal-Kodici Civili (Kapitolu 16 tal-Ligijiet ta' Malta) fuq l-eredita' tal-mejta Catherine Camilleri, u,

ii. Id-divizjoni tal-eredita' tal-mejta Catherine Camilleri.

Illi mit-talbiet atturi mhux car jekk l-atturi hux qed jirrinunzjaw ghall-wirt jew le, stante li ghalkemm iressqu talbiet relatati mal-likwidazzjoni tas-sehem riservat, fil-hames u s-sitt talba jaghmlu referenza ghal pjan ta' qasma u divizjoni tal-eredita' tal-mejta Catherine Camilleri. Il-Qorti tqis li ghalkemm il-kawza principalment saret ghal-likwidazzjoni u hlas tas-sehem riservat, it-talbiet huma piuttost ingarbuljati bejn talbiet ghas-sehem riservat u talbiet ghall-pjan ta' qasma u divizjoni u ghalhekk fil-verbal tat-23 ta' Frar, 2021 u b'digriet li jgib l-istess data din il-Qorti ssospendiet il-prolazzjoni tad-decizjoni u ordnat lill-atturi jipprezentaw nota li permezz taghha jissostanzjaw il-bazi legali tat-talbiet kollha taghhom kif kontenuti fir-rikors guramentat. Rat in-nota tal-atturi datata 23 ta' Marzu, 2021 fejn l-istess atturi zammew ferm it-talbiet kollha taghhom kemm dawk fil-vesti ta' eredi kif ukoll fil-vesti ta' legittimarji fejn principalment gie sottomess kif isegwi:

'Dwar it-tielet u r-raba' talba riprodotti hawn taht, dawn iridu jigu kkunsidrati flimkien. Dan fid-dawl tad-disposizzjonijiet tal-Art. 647 sa 653 tal-Kap 16 tal-Ligijiet ta' Malta. Ir-rikorrenti ma humiex jirrinunzjaw ghal wirt ta' ommhom u jitolbu l-legittima. Il-kalkolu tas-sehem riservat irid isir akkademikament biss sabiex il-Qorti tara jekk hemmx htiega li tirriduci l-legati mhollija permezz tat-testment. Jaf l-ezercizzju tal-Qorti jwassal ghal sejbien li anke jekk wiehed ma jirriducix il-legat, ir-residwu mholli mit-testatrici jeccedi dak li setghet tiddisponi minnu t-testatrici u ghalhekk ir-rikorrenti jkunju dovuti mill-eredita' sehem ikbar mis-sehem riservat li huwa protett lilhom bil-ligi. Gialdarba l-esponenti ma kellhomx taghrif dwar xiex kienet tikkonsisti fiha l-massa ereditarja tad-decuius u kellhom jistitwixxu din il-kawa biex jigi stabbilit dan, certament li

ma kienux ser jirrinunzjaw ghal dritt li jircievu sehem li jista' jeccedi s-sehem riservat spettanti lilhom mil-ligi.'

Illi mill-assjem tal-atti u partikolarment jekk tinghata harsa lejn innota ta' sottomissjonijiet tal-atturi pprezentata precedentement ghal dik suesposta nhar it-12 ta' Novembru, 2020 (a fol. 341 *et seq* tal-process) jirrizulta izda li l-atturi ressqu t-talbiet li jsir il-pjan ta' qasma u divizjoni sabiex la darba jigi stabbilit l-massa ereditarja, jkun jista' jithallas s-sehem riservat. Proprju, tant li l-atturi kienu qeghdin jinsistu fuq is-sehem riservat, li l-Perit Tekniku gie nominat sabiex jaghmel valutazzjoni tar-residenza tal-intimata Mary Rose Attard u cioe' tal-fond Madonna ta' Pompei, Zejtun Road, Birzebbugia fid-data tal-mewt fil-25 ta' Frar, 2010 u jistabbilixxi l-valur prezenti u ma ntalab ebda pian ta' qasma.

Il-Qorti f'dan l-istadju taghmel referenza ghad-decizjoni fl-ismijiet **Mary Ellul -vs- Joseph Coleiro** et deciza mill-Qorti ta' l-Appell fis-6 ta' April, 1959 fejn il-Qorti rriteniet li min ikun ghadu ma ddecidiex jekk jaccettax l-wirt jew jekk jiehux il-legittima ma jistax jippromwovi kawza ghall-likwidazzjoni tal-wirt. Hekk inghad illi:

'Hu principju ormaj pacifiku fil-gurisprudenza nostrali illi, biex il-likwidazzjoni ta' wirt tista' tintalab bhala pre-ordinata ghad-divizjoni, jehtieg li l-attur ikun werriet, jew ghall-anqas legittimarju; u li ghalhekk, min ikun ghadu ma ddeliberax li jaccetta l-eredita', jew li ma jaccettahix u minflok jiehu l-legittima, ma jista jippromwovi kawza ghall-likwidazzjoni tal-wirt. Ghax hu ma jkunx jista' jigi kunsidrat la bhala werriet u lanqas bhala legittimarju.'

Illi s-sehem riservat ai termini tal-Artikolu 615 tal-Kodici Civili (Kapitolu 16 tal-Ligijiet ta' Malta) huwa dak il-jedd fuq il-beni tal-

mejjet riservat mil-ligi favur id-dixxendenti tal-mejjet. L-Artikolu 616 tal-Kodici Civili mbaghad ighid illi:

'616.(1) Is-sehem rizervat li jmiss lit-tfal kollha, kemm jekk innissla jew imwielda matul iż-żwieg jew innissla jew imwielda barra miż-żwieg jew adottati, ghandu jkun terz tal-valur tal-beni jekk dawk it-tfal ma jkunux iżjed minn erba' fl-ghadd jew nofs ta' dak il-valur jekk ikunu hamsa jew iżjed.

(2) Is-sehem rizervat jinqasam f'ishma indaqs bejn it-tfal li jmisshom minnu.

(3) Jekk ma jkunx hemm hlief tifel wiehed, dan jiehu wahdu t-terza parti kollha hawn qabel imsemmija.'

Sabiex legittimarju jkun intitolat ghas-sehem riservat irid jirrinunzja ghall-wirt, u ma jtitlifix il-jedd tieghu ghas-sehem riservat kemm-il darba jirrinunzja ghall-wirt. Hekk inghad fid-decizzjoni fl-ismijiet **Gio Maria Debono -vs- Carmela Licari** et deciza mill-Prim'Awla tal-Qorti Civili nhar is-16 ta' Dicembru, 1954 illi:

'Il-legittima tista' tintalab anke minn dak li jkun nominat eredi, però wara li jkun irrinunzja ghall-eredità.

Xejn ma jiswa li fil-premessi tac-citazzjoni jinghad li l-attur ma jridx joqghod ghad-disposizzjoni testamentarja billi jaghzel li jiehu l-kwota lilu rizervata mill-ligi, ghax ir-rinunzja ghall-wirt ma tistax tkun prezunta, u tista' ssir biss b'dikjarazzjoni formali prezentata fir-Registru tal-Qorti ta' Gurisdizzjoni Volontarja fil-Gzira fejn id-decujus kien joqghod fiz-zmien tal-mewt tieghu. Il-ligi hija kategorika, u ma tammettix, ghalhekk ekwipollenza.

Konsegwentement, fin-nuqqas ta' rinunzja għall-eredità bil-forma legali, l-azzjoni ta' l-attur li jitlob l-assenjazzjoni tal-legittima lilu talvolta kompetenti fuq l-eredità in kwistjoni hija intempestiva.

U intempestiva wkoll huma d-domandi l-oħra dedotti fl-istess citazzjoni li għandhom bhala kawzali l-likwidazzjoni u assenjazzjoni tal-legittima; għaliex, jekk il-kawzali ma hix sostenibili dawk id-domandi kellhom jibqghu, l-azzjoni tigi jkollha kawzali għida w diversa kontra l-principju procedurali li l-kawzali, element sostanzjali ta' l-azzjoni, ma tistax tibiddel.'

Applikati dawn il-principji għall-fatti tal-kaz odjern, jirrizulta li l-atturi, flimkien mal-konvenuta u l-kjamati in kawza bit-testment unica charta tas-6 ta' Ottubru, 1999 ta' Carmelo u Catherine konjugi Camilleri gew istitwiti u nnominati bhala werrieta universali tal-gid tagħhom kollu (ara testament a fol. 4 *et seq* tal-process). Hekk jistipula s-seba' artikolu tat-testment imsemmi:

**'Is-seba' artikolu**

Salv il-premess l-istess kontestaturi jistitwixxu u jinnominaw bhala eredi universali, propjetarji u padruni assoluti tal-gid tagħhom kollu li għandhom u li għad jista' jkollhom għal wara mewthom lill-uliedhom kollha subien u bniet, li llum huma sebgħa u jisimhom Anthony, Joseph, Grace mart Joseph Zammit, Lilian mart Anthony Portelli, Diana mart Terry Pamford, Philip, u Mary Rose mart Martin Attard, ahwa Camilleri, f'sehem indaqs bejniethom, bis-sostituzzjoni

**volgari ghar-rispettivi wlied u dixxendenti u in mankanza ta' wlied u dixxendenti bid-dritt ta' l-akkrexximent bejniethom.'**

**Jirrizulta li din id-disposizzjoni ma gietx varjata biz-zewg testmenti addizzjonali sussegwenti li saru minn Catherine Camilleri datati 31 ta' Lulju, 2007 (a fol. 8 et seq tal-process) u 13 ta' Mejju, 2008 (a fol. 11 et seq tal-process) fl-atti tan-Nutar Maria Briffa, b'dan ifisser li l-atturi kienu werrieta universali tal-mejta ommhom Catherine Camilleri.**

**Illi sabiex l-atturi jiehdu s-sehem riservat bhal ma gja inghad precedentement, kellhom jirrinunzjaw ghall-wirt ai termini tal-Artikolu 860 tal-Kodici Civili (Kapitolu 16 tal-Ligijiet ta' Malta) illi jistipula illi:**

**'860. (1) Ir-rinunzja ghal wirt ma tistax tkun prezunta.**

**(2) Ir-rinunzja tista' ssir biss b'dikjarazzjoni pprezentata fir-registru tal-qorti ta' gjurisdizzjoni volontarja fil-gzira fejn il-mejjet kien joqghod fiz-zmien tal-mewt tieghu jew b'dikjarazzjoni maghmula b'att ta' nutar pubbliku.**

**(3) Id-dikjarazzjoni tar-rinunzja msemija f'dan l-artikolu m'ghandhiex ikollha effett kwantu ghall-partijiet terzi hliet miz-zmien meta din tigi registrata fir-Registru Pubbliku skont id-dispozizzjonijiet tal-artikolu 330(2).'**

**Mill-atti minn imkien ma jirrizulta li l-atturi rrinunzjaw ghall-wirt ta' ommhom Catherine Camilleri. Di fatti ma giet ipprezentata l-ebda kopja ta' dikjarazzjoni ta' rinunzja ntavolata fir-registru tal-Qorti ta' Gurisdizzjoni Volontarja, u lanqas kopja ta' dikjarazzjoni maghmula ghand Nutar Pubbliku. Ghalhekk gjaladarba l-atturi ma**



rrinunzjawx ghall-wirt ta' ommhom ma jistghux juzufuwixxu mill-istitut tas-sehem riservat.

Apparti dan, mill-atti jirrizulta li fil-mori tal-kawza precizament nhar l-24 ta' Awwissu, 2016 l-atturi permezz ta' kuntratt fl-atti tan-Nutar Joseph Tabone bieghu u trasferew '*...il-fond ossia garaxx bla numru li qieghed kantuniera bejn Triq il-Bandli u Triq Nazzareno dalli Birzebbugia sottopost ghall-gid ta terzi li jmiss mill-foant ma Triq Zaren Dalli mit-tramuntana ma Triq il-Bandli u min-nofs in-nhar ma gid il-vendituri jew aventi kawza jew irjeh verjuri liberu u frank bil-gustijiet drittijiet u pertinenzi kollha tieghu.*', lil wiehed certu Kevin Briffa (ara kuntratt a fol. 218 u fol. 219 tal-process). Jidher li l-fond mibjugh kien jiffirma parti mill-wirt u successjoni tal-mejta Catherine Camilleri. Difatti l-atturi nfushom fin-nota a fol. 207 li permezz taghha esebew il-kuntratt ta' bejgh li gie mmarkat bhala Dok PCX3 bhala deskrezzjoni nghad illi '*Kopja ta' kuntratt in atti Nutar Joseph Tabone ta' 24 ta' Awwissu, 2016 fejn il-partijiet bieghu proprjeta' mill-eredita' mertu tal-kawza.*' (enfazi tal-Qorti). L-istess referenza saret fin-nota ta' sottomissjonijiet intavolata mill-atturi nhar it-12 ta' Novembru, 2020 a fol. 341 *et seq* tal-process fejn taht is-sezzjoni ndikata bin-numru 5 intitolata bhala '*Il-porzjon riservat*', il-garaxx li nbiegh mill-ahwa gie ndikat bhala wiehed mill-oggetti formanti parti mill-massa ereditarja tad-decuius Catherine Camilleri li fuqhom kellu jithallas is-sehem riservat.

Illi l-fatt li l-atturi bieghu u trasferew u hadu r-rikavat mill-bejgh tal-garage bla numru li qieghed kantuniera bejn Triq il-Bandli u Triq Nazzareno Dalli, Birzebbugia hija ndikazzjoni ta' accettazzjoni tal-eredita' tal-mejta Catherine Camilleri. Dwar l-accettazzjoni ta' wirt jitkellem l-Artikolu 850 tal-Kodici Civili (Kapitolu 16 tal-Ligijiet ta' Malta) li jiddisponi kif isegwi:

'850.(1) L-accettazzjoni tista' tkun espressa inkella tacita.

(2) Hija espressa, meta wiehed jiehu l-kwalità ta' werriet f'att pubbliku jew f'kitba privata.

(3) Hija tacita, meta l-werriet jagħmel xi att li bilfors ifisser li huwa ried jaċċetta l-wirt, u li ma kienx ikollu l-jedd jagħmel jekk mhux bħala werriet.'

Dwar accettazzjoni tacita l-Prim'Awla tal-Qorti Civili fid-decizjoni fl-ismijiet **Lorenza Cauchi -vs- Carmelo Cilia** et deciza nhar it-30 ta' Settembru, 1985 inghad illi:

*'Di diritto* ghandu jinghad li l-artikolu 891 (3) tal-Kodici Civili jipprovdi li hemm accettazzjoni tacita meta l-eredi jagħmel atti li jissupponu necessarjament il-volontà tieghu li jaccetta l-eredità, liema atti ma kienx ikollu d-dritt li jagħmel jekk mhux fil-kwalità ta' eredi;

Fuq decizjoni in re '**Amadeo Mea et vs Albert Borg et** tat-28 ta' Gunju, 1952 (Prim'Awla Civili) intqal li biex tirrikorri din l-accettazzjoni, jehtieg:

- (a) li jkun hemm successibbili;
- (b) li dana s-successibbili jkollu l-intenzjoni li jaccetta l-eredità;
- (c) li huwa jagħmel xi att li jista' jagħmel biss bħala werriet; u
- (d) li minn dan l-att tidher necessarjament il-volontà tieghu li jaccetta l-wirt;

Fost dawn ir-rekwiziti l-aqwa wahda hija l-intenzjoni. Jghid ir-Ricci, *'si ha riguardo piu' alla volontà dalla quale l'atto procede,*

*che all'atto stesso materialmente considerato'* (ara Diritto Civile Vol. 14 paragrafu 35) in re: **Azzopardi vs Mallia** (Qorti ta' l-Appell, 6 ta' Novembru, 1916) gie insejat inoltre:

*'che l'atto da cui voglia inferire l'accettazione debba essere tale da supporre, non solo certamente, ma necessariamente, la volontà di accettare';*

Fid-dawl ta' dak ikkwotat m'hemmx dubju li meta l-atturi hadu r-rikavat mill-bejgh tal-garaxx awtomatikament accettaw il-wirt tal-mejta ommhom Catherine Camilleri. Jikkonsegwi ghalhekk li la darba l-atturi accettaw il-wirt ma jistghux konvenjentement jitolbu wkoll il-hlas tas-sehem riservat.

Fi kwalunkwe kaz, gjaladarba rrizulta li l-atturi ma rrinunzjawx ghall-wirt, pjuttost fil-mori tal-kawza rrizulta li accettaw il-wirt meta bieghu proprjeta' formanti parti mill-eredita' li fuqha qed jitolbu s-sehem riservat, u hadu r-rikavat, l-atturi huma prekluzi milli jitolbu l-likwidazzjoni u hlas tas-sehem riservat.

L-istess jista' jinghad dwar it-talba tar-rikorrenti sabiex din il-Qorti tiddikjara jekk it-testatrici eccedietx permezz tal-legati mhollija minn dak li setghet legalment tiddisponi u l-konsegwenti riduzzjoni tal-legat. Meta t-testatur jaqbez is-sehem li seta' jiddisponi minnu jkun hemm lezjoni tal-legittima. F'dan il-kaz il-Qorti jkun jehtieg li tistharreg jekk thalliex legat u jrid jigi kkunsidrat ukoll jekk dak ricevut minghand it-testatur inter vivos (li hu suggett ghal kollazzjoni), dan sabiex jigi stabbilit jekk is-sehem riservat thallasx. Fejn dak li ddispona minnu t-testatur jaqbez is-sehem disponibbli, irid isir l-ezercizzju maghruf ta' riduzzjoni ai termini tal-Artikoli 650 sa 653 tal-Kodici Civili. Fejn it-testatur ma jkunx qabez dak is-sehem, il-legati ma jintmissux.

Illi b' referenza ghan-nota ta' sottomissjonijiet tal-atturi jirrizulta li skont il-kalkoli li ghamlu huma stess mill-provi fil-process, dejjem skont l-atturi, in vista tal-legati mhollija mit-testatrici, ma hemmx bizzejjed proprjeta' rimanenti fl-eredita sabiex kull wild jithallas il-porzjon riservat li gie kkalkulat minnhom fis-somma ta' €12,435.84 kull wiehed. Ghalhekk fin-nota taghom l-atturi jinsistu li l-legat tal-fond 'Madonna ta' Pompei', Triq Zarenu Dalli, Birzebugia li inghata lill-ohtom il-konvenuta u l-familjari taghha ghandhom jigi kompletament eliminat sabiex jew il-konvenuta hi stess thallas is-sehem riservat lil hutha kollha jew jigi mibjugh il-fond u minnu jithallas is-sehem riservat.

Illi izda l-pretensjonijiet u l-kalkoli tal-atturi ghandhom zball fatali fil-kawza odjerna. Ir-riduzzjoni tal-legat u l-hlas tas-sehem riservat kif gia suespost jiddependu fuq li l-eredi u cioe' l-atturi fil-kaz odjern kellhom jirrinunzjaw ghall-wirt qabel ma giet intavolata l-kawza odjerna u dan fit-termini tal-artikolu 860 tal-Kodici Civili. L-atturi dan ma ghamluhx anzi wettqu atti ta' eredi u fit-tieni nota taghom lil din il-Qorti insistew li mhux qed jirrinunzjaw ghall-wirt.

Fic-cirkustanzi suesposti din il-Qorti ma ghandhiex alternattiva ghajr li tghaddi sabiex tichad it-tielet u r-raba' talba tar-rikorrenti bl-ispejjez kollha kontra taghom.

**L-ewwel, it-tieni, l-hames u sitt talbiet atturi:**

Illi in vista tal-kunsiderazzjonijiet suesposti l-Qorti ser tghaddi f'dan li stadju sabiex tilqa' l-ewwel talba attrici u tiddikjara lill-partijiet kollha ahwa Camilleri lkoll ulied Catherine Camilleri bhala eredi tal-mejta Catherine Camilleri lkoll fi kwoti ndaqs bejniethom.

Rat izda li stante li din il-Qorti cahdet it-tielet u r-raba' talbiet attrici, l-Qorti hija legalment prekluzza milli tirriduci l-legati mhollija mit-testatrici partikolarment id-dritt ta' uzu u abitazzjoni ghal hajjithom kollha moghti lill-konvenuta Mary Rose Attard u familjari taghha tal-fond Madonna ta' Pompei, Triq Zarenu Dalli, Birzebbugia.

Illi kif gia accennat aktar il-fuq jirrizulta mill-atti li l-assi tad-decujuj kienu s-segwenti:

i. Mezzanin bl-isem ta' Madonna ta' Pompei, Triq Birzebbugia, Birzebbugia. Dan l-appartament gie stmat mill-Perit Tekniku Joseph Grech ghal valur ta' mitejn u ghaxart elef ewro (€210,000) u ghall-valur ta' mija u ghaxart elef ewro (110,000) fid-data tal-25 ta' Frar, 2010 (li tirrapprezenta data tal-mewt ta' Catherine Camilleri) (ara rapport a fol. 322 *et seq* tal-process). Kif inghad dan il-mezzanin izda huwa suggett ghad-dritt ta' uzu u abitazzjoni tul hajjithom kollha tal-intimata Mary Rose Attard, ir-ragel taghha Martin Attard u uliedha u ghalhekk mhux divizibbli f'dan l-istadju.

ii. Garage bla numru li qieghed kantuniera bejn Triq il-Bandli u Triq Nazzareno Dalli, Birzebbugia. Dan il-garage gie mibjugh permezz ta' kuntratt datat 24 ta' Awwissu, 2016 fl-atti tan-Nutar Dottor Joseph Tabone (ara kuntratt a fol. 218 *et seq* tal-process) versu l-prezz ta' tlieta u hamsin elf ewro (€53,000) mill-eredi kollha partijiet fil-kawza odjerna u kull parti jirrizulta li gia hadet sehemha.

iii. Deheb fl-ammont ta' sitt elef, disa' mija u tmienja u tmenin Euro (€6988) li thalla bi prelegat lil ulied bniet u cioe' Mary Grace Zammit, Emanuela sive Lilian Portelli, Diana Pamford u Mary Rose Attard f'ishma ndaqs bejniethom.

iv. Oggetti li jinsabu fid-dar cioe' mezzanin Madonna ta' Pompei, Triq Birzebbugia, Birzebbugia li izda ma tressqitx prova dwar jekk dawn ghadhom jezistu fl-istess proprjeta.

v. Flus fl-ammont ta' mija u tmint elef Ewro, seba' mija u erba Ewro u disa' centezmi (€108,704.09) liema ammonti gew mizmuma mill-konvenuta meta sar il-bejgh tal-fond Madonna ta' Pompei fi Triq Birzebbugia, Birzebbugia bil-kuntratt tal-24 ta' April, 2008 fl-atti tan-Nutar Ritienne Bugeja Fenech.

**Assi rimanenti u pruvati fl-eredita:**

i) Mezzanin bl-isem ta' Madonna ta' Pompei, Triq Birzebbugia, Birzebbugia. Dan l-appartament gie stmat mill-Perit Tekniku Joseph Grech ghal valur ta' mitejn u ghaxart elef ewro (€210,000) u ghall-valur ta' mija u ghaxart elef ewro (110,000) fid-data tal-25 ta' Frar, 2010 (li tirrapprezenta data tal-mewt ta' Catherine Camilleri) kif suggett ghad-dritt ta' uzu u abitazzjoni tul hajjithom kollha tal-intimata Mary Rose Attard, ir-ragel taghha Martin Attard u uliedha u ghalhekk mhux divizibbli f' dan l-istadju.

Il-Qorti tqis li f' dan l-istadju dan il-fond ma ghandux jitpogga ghall-bejgh bil-licitazzjoni u ghandu jibqa' mizmum in proprjeta' bejn l-eredi b' mod indiviz sakemm il-legat mholli fuq dan il-fond ma jibqax fis-sehh. Li kieku din il-Qorti tghaddi sabiex dan il-fond jinbiegh bil-licitazzjoni f' dan l-istadju jkun ifisser li dan l-immobbli jinbiegh b' valur irrizorju bi hsara ghad-drittijiet tal-eredi lkoll partijiet f' din il-kawza.

ii) Valur ta' deheb fl-ammont ta' sitt elef, disa' mija u tmienja u tmenin Euro (€6988) li thalla bi prelegat lil ulied bniet u cioe' Mary

Grace Zammit, Emanuela sive Lilian Portelli, Diana Pamford u Mary Rose Attard f'ishma ndaqs bejniethom.

iii) Is-somma komplessiva ta' mija u tmint elef, seba' mija u erba' Ewro u disa' centezmi (€108,704.09) rapprezentanti ammonti mizmuma mill-intimata Mary Rose Attard u dovuti f'shem ugwali lill-eredi kollha ta' Catherine Camilleri derivanti mill-bejgh tal-fond precedenti bl-isem 'Madonna ta' Pompei' u fondi tad-decujus mizmuma mill-istess intimata.

### **Decizjoni:**

Ghaldaqstant ghar-ragunijiet kollha suesposti din il-Qorti taqta' u tiddeciedi din il-kawza kif isegwi:

1. Tilqa' l-ewwel talba u tiddikjara lill-partijiet kollha lkoll ahwa Camilleri ulied Catherine Camilleri cioe' Anthony, Joseph, Mary Grace mart Joseph Zammit, Emmanuela sive Lilian mart Anthony Portelli, Diana mart Terry Pamford, Philip u Mary Rose mart Martin Attard eredi tad-decuius Catherine Camilleri fi kwoti ndaqs bejniethom, 1/7 kull wiehed.
2. Tilqa' t-tieni talba u tiddetermina l-konsistenza tal-massa ereditarja tal-istess Catherine Camilleri bhala dak kollu ndikat fis-sezzjoni suesposta ntitolata 'Assi rimanenti u pruvati fl-eredita'.
3. Tichad it-tielet u r-raba' talba attrici;
4. Tilqa' l-hames u s-sitt talba u tfassal pjan ta' qasma tal-eredita' hekk indikata fit-tieni talba kif deciza u tordna d-divizjoni tal-eredita' kif isegwi:

i) F'dan l-istadju l-Mezzanin bl-isem ta' Madonna ta' Pompei, Triq Birzebbugia, Birzebbugia kif suggett ghad-dritt ta' uzu u abitazzjoni tul hajjithom kollha tal-intimata Mary Rose Attard, irragel taghha Martin Attard u uliedha, ghar-ragunijiet kif gia suesposti f'din id-decizjoni, ghandu jibqa' mizmum in proprjeta' bejn l-eredi b'mod indiviz sakemm il-legat mholli fuq dan il-fond ma jibqax fis-sehh.

ii) L-intimata Mary Rose Attard qed tigi dikjarata debitrici tal-partijiet l-ohra ulied bniet ta' Catherine Camilleri u cioe' Mary Grace mart Joseph Zammit, Emmanuela sive Lilian mart Anthony Portelli u Diana mart Terry Pamford, fil-vesti taghhom ta' pre legatarji u tordna lill-intimata Mary Rose Attard thallas lill-istess Mary Grace mart Joseph Zammit, Emmanuela sive Lilian mart Anthony Portelli u Diana mart Terry Pamford, f'ishma ugwali ta' 1/4 kull wiehed, mill-valur tad-deheb formanti parti mill-eredita ta' Catherine Camilleri valutat fis-somma komplessiva ta' sitt elef, disa' mija u tmienja u tmenin Euro (€6988);

iii) L-intimata Mary Rose Attard qed tigi dikjarata debitrici tal-partijiet l-ohra eredi ta' Catherine Camilleri u ghandha thallas lill-partijiet l-ohra kollha f'din il-kawza ahwa Camilleri u ulied Catherine Camilleri is-sehem taghhom (ishma ugwali ta' 1/7 kull wiehed) mis-somma komplessiva ta' mija u tmint elef, seba' mija u erba Euro u disa' centezmi (€108,704.09) rapprezentanti ammonti mizmuma mill-intimata Mary Rose Attard u formanti parti mill-eredita kif deciz.

L-ispejjez tat-tielet u r-raba' talba ghandhom jigu sopporati mir-rikorrenti, l-ispejjez rimanenti ghandhom jigu sopportati mill-partijiet fis-sehem ta' 1/7 kull wiehed.



**Bl-imghax mid-data li giet intavolata din il-kawza sad-data tal-pagament effettiv.**

**Moqrija.**

**Onor. Imhalled Dr. Joanne Vella Cuschieri  
B.A., Mag. Jur. (EUR.LAW), LL.D.  
20 ta' Mejj, 2021**

**Karen Falzon  
Deputat Registratur  
20 ta' Mejj, 2021**

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Taxxa ufficjali tad-drittijiet u spejjez ta' Rikors Guramentat Numru: 6865/14JVC fl-ismijiet " Philip Camilleri vs Mary Rose Attard " deciza fil-Qorti Civili-Prim'Awla fil-20 ta' Mejju 2021 fl-atti relattivi u sussegwenti.

Rilaxxata fil- 26-Sep-2022

Mahduma fil- 26-Sep-2022

DATA	DETTALJI	ATTUR	KONVENUT
		€	€
09-Oct-14	Rikors Guramentat	712.77	0.00
	Kopji - € 4.66	9.32	0.00
18-Jan-17	Zidiet	35.34	0.00
18-Nov-14	Risposta Guramentata u kontro talba	0.00	1,020.23
	Kopji - € 4.66	0.00	4.66
01-Dec-14	Zieda	0.00	13.98
05-Dec-14	Risposta Guramentata ghall-kontro talba	409.97	0.00
	Kopji - € 4.66	4.66	0.00
17-Feb-15	Rikors	0.00	0.00
	Dritt avukat u pl	0.00	46.59
12-Nov-15	Nota	0.00	0.00
	Affidavits - €23.29	23.29	0.00
28-Dec-15	Ingunzjoni	24.75	0.00
	Dritt avukat u pl	9.32	0.00
05-Feb-16	Ingunzjoni	21.60	0.00
	Dritt avukat u pl	9.32	0.00
28-Mar-16	Ingunzjoni	24.75	0.00
	Dritt avukat u pl	9.32	0.00
18-Jan-17	Ingunzjoni	8.25	0.00
	Dritt avukat u pl	9.32	0.00
25-May-18	Zieda	7.00	0.00
06-Jan-20	Perit Tekniku Joseph Grech	1,018.62	0.00
12-Nov-20	Nota ta' sottomissjonijiet	0.00	0.00

COPY

Fil-Qorti Ċivili – Prim' Awla

L-Imhalled Dottor Joanne Vella Cuschieri

Każ Numru 865/14 (JVC)

Philip Camilleri

kontra

Maryrose Attard

Rapport tal-Perit Tekniku

Joe Grech

9 ta' Diċembru, 2019

**Inkarigu**

Minhabba l-htiega ta' Perit Tekniku l-esponent Perit Joe Grech gie nkarigat mill-Imhalled Dottor Joanne Vella Cuschieri sabiex skont id-digriet datat 24 t'Ottubru, 2019 ihejji valutazzjoni tal-proprjeta hekk kif indikata fir-rapport.

**Access**

L-access sar nhar l-4 ta' Diċembru, 2019 fis-2.00p.m. fil-prezenza tal-intimata Mary Rose Attard u persuni ohra li m'humiex parti fil-kawza.

L-attur Philip Camilleri kien ukoll prezenti meta l-esponenti wasal ghall-access pero fuq xewqa tal-istess attur huwa ma dahalx fil-proprjeta waqt l-access.

Il-partijiet ma' kinux assistiti mir-rapprezentanti legali taghom.

**Deskrizzjoni tal-Proprjeta**

**Madonna ta' Pompeii, Triq Birzebbuġa, Birzebbuġa**

Dan il-fond jinsab fi Triq Birzebbuġa kantuniera ma' Triq Zaren Dalli kif muri fis-site plan annessa bhala Dok JG 01 u li jikkonsisti f'mezzanin sottopost u sovrappost ghall-proprjeta ta' terzi. Il-fond iservi bhala r-residenza ta' l-intimata. (Ara wkoll ritratti annessi bhala Dok JG 02 sa 04).

Il-fond huwa mibni fuq sit li jkopri 'area' superficjali ta' madwar 138 metru kwadru, accessibli minn Triq Birzebbuġa b'indana taraġ li twassal ghal 'living area'; u jinkludi wkoll tliet kmamar tas-sodda, kamra tal-banju u 'boxroom' zghira. Il-kamra tas-sodda magguri thares ghal fuq terrazin u tinkorpora 'ensuite shower', filwaqt li l-kmamar tas-sodda l-ohra u l-'living area' jaghtu ghal fuq Triq Zaren Dalli. (Ara wkoll skizz anness bhala Dok JG 05).

Il-fond huwa komplet u fi stat abitabbli, mibni skont il-ligijiet sanitarji u hieles minn kull ċens u servitu hlief, għal servitujiet naxxenti mill-pożizzjoni tiegħu.

**Valur**

Wara li ħa konjizzjoni tal-fatturi kollha inkluż il-pożizzjoni tal-fond fiċ-ċentru tar-rahali u viċin tax-xatt, l-esponenti jistma l-valur kurrenti tal-fond 'Marija ta' Pompeii', Triq Birzebbuga, Birzebbuga bhala li jammonta għal mitejn u għaxart elef ewro (€ 210,000).

L-esponenti jistma wkoll li l-istess fond fid-data tal-25 ta' Frar, 2010 kellu valur ta' mija w għaxart elef ewro (€ 110,000).

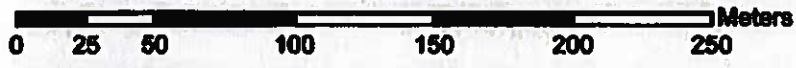
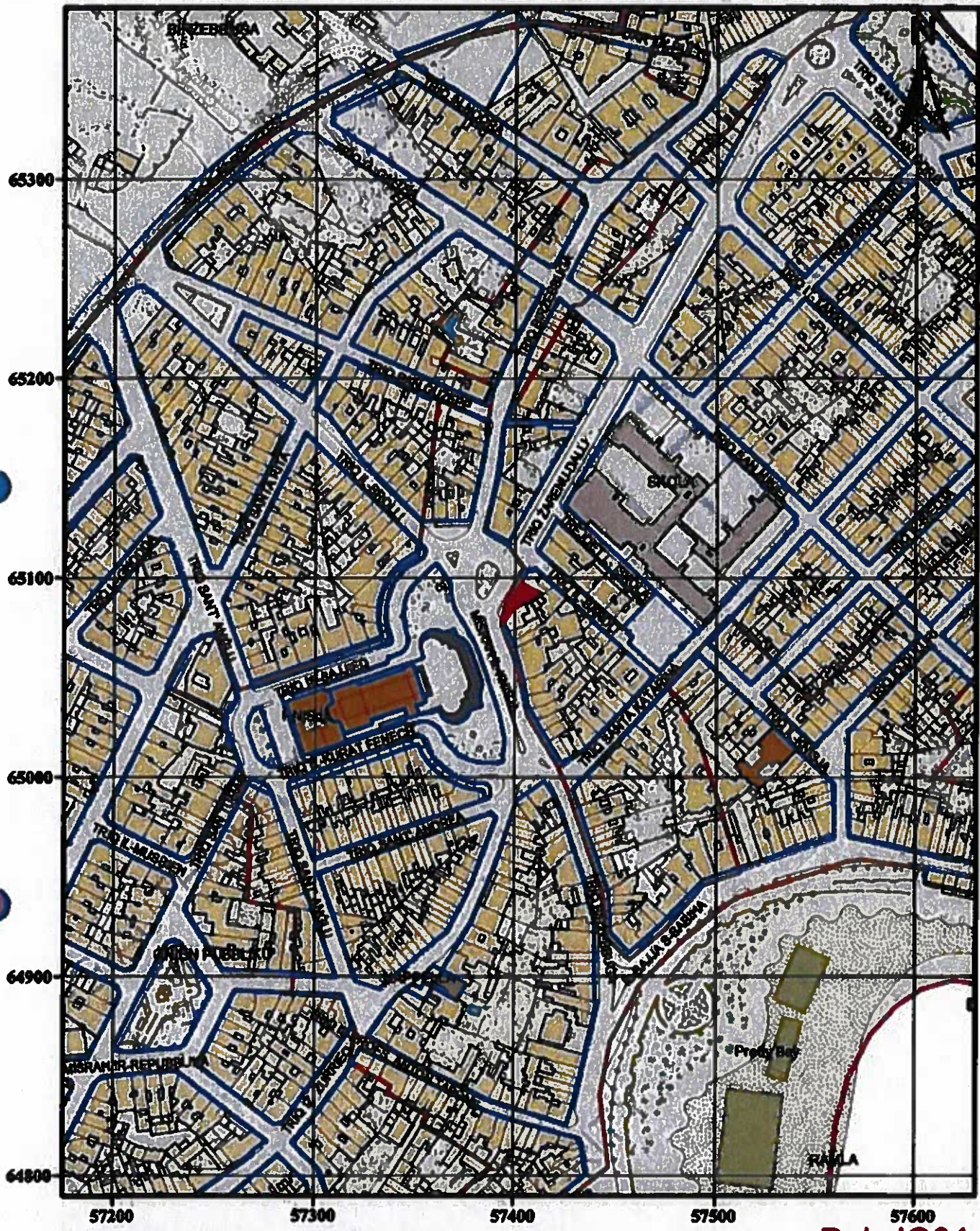
  
Perit Joe Grech  
Perit Tekniku

23 DEC 2019

Illum .....  
Ippreżentata mill Perit Joe Grech.

bl-Forma (S) dok/b ..... Dokumenti

  
Rose Marie Vella  
Deputat Reġistratur  
Deputy Registrar  
Qrati tal-Gustizzja (Malta)  
Law Courts (Malta)



**Dok JG01**

**1:2,500**      Date Printed: 08/12/2019

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 Truncated U.T.M. Coordinates. Levelling Datum M.S.L. (Mean sea level). Contours when shown are at

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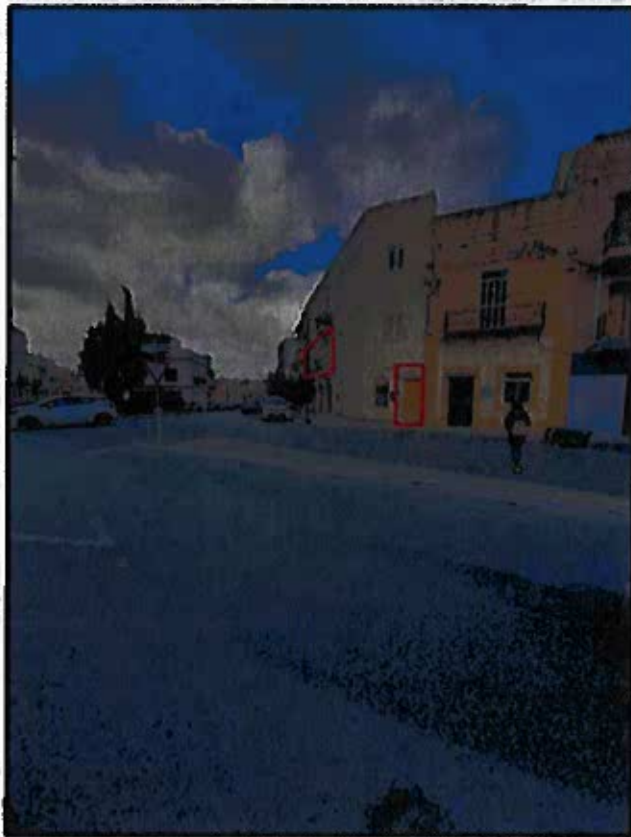


Dok JG02



Dok JG03

A handwritten signature or mark in the bottom right corner of the page.

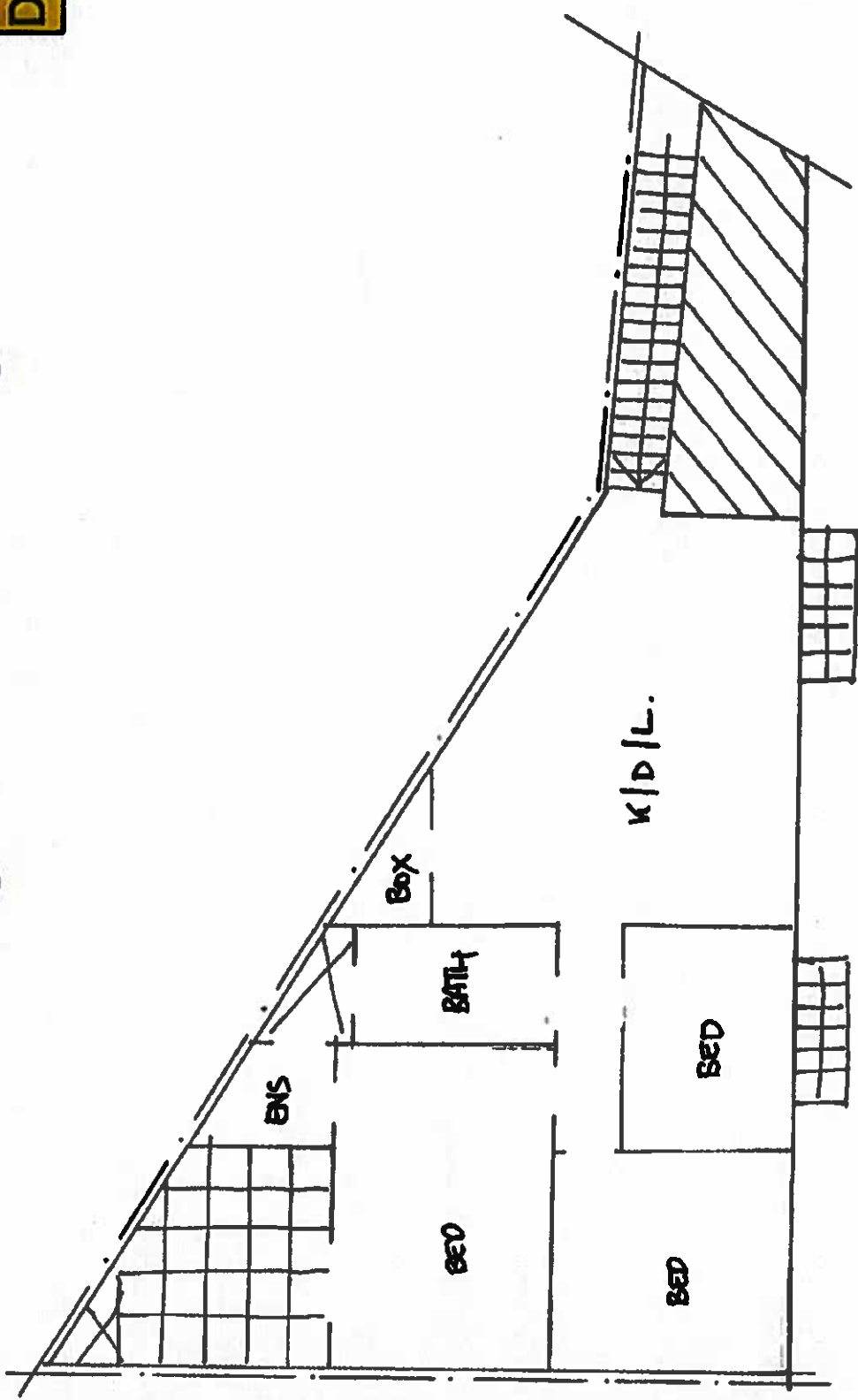


Dok JG04

*[Handwritten signature]*



Dok JG05



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MADONNA TA' PORPEI, TRIG. B' BUGIA,  
B' BUGIA.

**Fil-Prim'Awla tal-Qorti Ċivili**

**S.T.O. Prim Imhalled Mark Chetcuti LL.D.**

**Fl-atti tas-subbasta numru 27/2023**

**fl-ismijiet:**

**Paul Camilleri KI 237657M et**

**vs**

**Mary Rose Attard KI 204363M**

**Il-Qorti,**

**Rat ir-rikors tat-2 ta' Ġunju 2023 għal qbid u bejgh fis-subbasta.**

**Tilqa' l-ewwel talba, però tichad it-talba billi għaddew erba' snin mill-istima u iktar ekwu u gust għal partijiet kollha li issir stima permezz ta' Perit nominat mill-Qorti skont it-turn.**

**Illum, 8 ta' Ġunju, 2023**



**Marvic Farrugia  
Deputat Registratur**

**FIL-PRIM AWLA TAL-QORTI CIVILI**

**FI-Atti tas-Subbasta immobbli numru 27/2023MC**

**Philip Camilleri [K.I. Nru. 237657(M)]**

**Mary Grace Zammit [K.I. Nru. 867849(M)]**

**Joseph Zammit [K.I. Nru. 755648(M)] bhala mandatarju specjali tal-assenti Diana Pamford**

**Vs**

**Mary Rose Attard [K.I. Nru. 204363(M)]**

Pre € 200.00  
Reg € 6.00  
not € 1.20  
€ 207.20.



**Rikors ta' Philip Camilleri [K.I. Nru. 237657(M)], Mary Grace Zammit [K.I. Nru. 867849(M)], Joseph Zammit [K.I. Nru. 755648(M)] bhala mandatarju specjali tal-assenti Diana Pamford**

**Jesponu bir-rispett: -**

**1. Illi fit-2 ta' Ġunju 2023 l-esponenti kienu ntavolaw rikors fl-ismijiet hawn fuq citati fejn esponew;**

**1. Illi r-rikorrenti kienu atturi f'kawza numru 865/2014 JVC, liema kawza giet deciza nhar l- 20 ta' Mejju 2021 (annessa u mmarkata bhala "Dok A").**

**2. Illi permezz tas-sentenza suriferita, din l-Onorabbli Qorti kif deversament presjeduta, iddikjarat lill-intimata Mary Rose Attard bhala debitrice ta' hutha bniet u cioe' Mary Grace Zammit, Emmanuela sive Lilian Portelli, u Diana Pamford u giet ordnata thallas lill-istess f'ishma ugwali ta' 1/4 kull wiehed, mill-valur tad-deheb formanti parti mill-eredita' ta' Catherine Camilleri valutat fis-somma komplessiva ta' sitt elef, disa' mija u tmienja u tmenin ewro (€6988);**

**3. In oltre, permezz tad-decizjoni suriferita, l-intimata Mary Rose Attard giet ukoll iddikjarata bhala debitrice tal-eredi ta' Catherine Camilleri u giet ordnata thallas lill-partijiet l-ohra fil-Kawza Nru. 865/2014 JVC, ahwa Camilleri u ulied Catherine Camilleri is-sehem tagghom (ishma ugwali ta' 1/7 kull wiehed) mis-somma komplessiva ta' mija u tmint elef, seba' mija u erba Ewro u disa' centezmi (€108,704.09) rapprezentanti ammonti mizmuma mill-intimata Mary Rose Attard u formanti parti mill-eredita', kif ukoll parti mill-ispejjez (taxxa annessa u mmarkata bhala "Dok B").**

**4. Illi l-intimata Mary Rose Attard giet interpellata mir-rikorrenti permezz ta' ittra ufficjali Nru. 4204/2021 sabiex thallas dak dovut minnha lill-esponenti.**

*Il-Qorti  
Rat u-subers  
Rat l-imbhela  
1/5 tal-kap 2  
Tilqa l- karta fuq  
decizjoni*

*De  
30/11/23*

5. *Illi minkejja li hi giet interpellata permezz tal-ittra ufficjali suriferita, hi baqghet inadempjenti.*
  6. *Illi sa fejn jafu r-rikorrenti, l-intimata Mary Rose Attard m'ghandiex mezzu sabiex thallas il-flus dovuti lill-esponenti, skont id-decizjoni precitata, u l-unika proprjeta` u assi li ghandha hija l-proprjeta` Madonna ta' Pompei, Zejtun Road, Birzebbugia.*
  7. *Illi ghar-ragunijiet premessi, ir-rikorrenti jixtiequ illi l-proprjeta msemija u cioe` l-fond Madonna ta' Pompei, Zejtun Road, Birzebbugia jigi mibjugh bis-subbasta.*
  8. *Illi ghal kull buon fini jinghad illi fil-proceduri tal-Kawza Nru. 865/2014 JVC, kien diga` gie appuntat perit u cioe` l-perit Joseph Grech, sabiex jivvaluta l-istess proprjeta` u pprezenta l-valutazzjoni konsegwenzjali tieghu, liema valutazzjoni qiegħda tigi hawn annessa u mmarkata bhala 'Dok C'.*
2. *Illi permezz tal-istess rikors l-esponenti talbu lil din l-Onorabbli Qorti sabiex;*
1. *Tordna l-qbid tal-proprjeta` immobbli in kwistjoni u cioe`:*  
*Il-fond 'Madonna ta' Pompei', Zejtun Road, Birzebbugia*
  2. *Tordna l-bejgh bis-subbasta tal-istess proprjeta` hawn fuq imsemija u ghal dan il-ghan tiehu konjizzjoni tal-valutazzjoni tal-perit Joseph Grech.*
- U*
3. *Tappunta jum, hin u lok għall-bejgh bl-irkant tal-istess proprjeta`.*
3. *Illi din l-Onorabbli Qorti laqghet dawn it-talbiet u ordnat illi l-bejgh subbasta ser issir fis-7 ta' Dicembru 2023 fl-10:30am;*
  4. *Illi madankollu, bi zvesta tal-avukat sottofirmat l-esponenti fir-rikors suiċitat indikaw it-triq tal-proprjeta` mertu tal-proceduri odjerni bhala 'Zejtun Road' minflok 'Birzebbugia Road';*
  5. *Illi dan l-izball sar fis-sitta u fis-sebgha premessi kif ukoll fl-ewwel talba u għalhekk jehtieg` illi tigi korretta t-triq tal-proprjeta`.*

Għaldaqstant, l-esponenti umilment jitolbu lil din l-Onorabbli Qorti sabiex joghġobha tawtorizza t-tibdil tal-indirizz tal-imsemmi fond minn 'Madonna ta' Pompei, Zejtun Road, Birzebbugia' għal 'Madonna ta' Pompei, Birzebbugia Road, Birzebbugia' fir-rikors promotur tal-bejgh bl-irkant bin-numru ta' referenza 27/2023MC.

Salv ghal kull provvediment iehor li dina l-Onorabbli Qorti thoss xieraq u opportun fiċ-ċirkostanzi tal-każ.



**Avv. Franco Galea**  
58, Triq il-Fran, Valletta



**P.L. Jean Pierre Busuttil**  
58, Triq il-Fran, Valletta

*PL Petra Lican*

**Rikorrenti:** 14, La Vallette Court, Flat 2, Triq Herakles, Birzebbugia, BBG 05  
**Notifika:** 'Madonna ta' Pompei', Birzebbugia Road, Birzebbugia

23 NOV 2023

Ilum \_\_\_\_\_  
Ippreżentata mill *P.L. Jean*  
bla dok/b \_\_\_\_\_ *ad* dokumenti

*Rose Marie Vella*  
Deputat Administratur  
Deputat (Għ. 1)  
Qorti ta' Ġustizzja (M. 1)  
Law Courts (M. 1)

**Fil-Prim'Awla tal-Qorti Ċivili**

**Onor Imhalled Doreen Clarke LL.D.**

**Fil-atti tas-subbasta numru 27/2023**

**fl-ismijiet:**

**Philip Camilleri KI 237657M et**

**vs**

**Mary Rose Attard KI 204363M**

**Il-Qorti,**

**Rat ir-rikors;**

**Rat l-artikolu 175 tal-Kap 12;**

**Tilqa' t-talba kif dedotta.**

**Illum, 30 ta' Novembru, 2023**



**Marvic Farrugia  
Deputat Registratur**

**Rikors ta' Philip Camilleri datat 23.11.23**



**Qorti Ċivili – Prim' Awla**

**Fl-atti tal-bejgh bl-irkant numru: 27/23**

**Fl-ismijiet:  
Philip Camilleri KI 237657M et  
Vs  
Mary Rose Attard KI 204363M**

Il-Qorti rat ir-rikors ipprezentat fit-2 ta' Ġunju 2023 u d-dokumenti hemm eżebiti;

Rat id-digrieti mogħtija fit-8 ta' Ġunju 2023 u fit-30 ta' Novembru 2023;

1. Tordna lir-Registratur jahtar Arkitett u Inġinier Ċivili – li lilu jmiss it-turn skont il-lista pubblikata skont id-dispożizzjoni tal-artikolu 89 tal-Kodiċi ta' Organizazzjoni u Proċedura Ċivili (Kap 12) – bhala espert sabiex jagħmel l-istima tal-proprjeta' immobbli, liema stima għandha tinkludi r-ritratti tal-fond jew sit inkwistjoni, pjanta tar-Registru tal-Artijiet, l-iskema tal-MEPA u r-raġunijiet tal-valutazzjoni;
1. Tordna lill-espert hekk mahtur sabiex jipprezenta l-istima tiegħu kif trid il-liġi fi żmien xahar wara li jagħlaq iż-żmien imsemmi fl-artikolu 307 tal-Kap. 12;
2. Tordna lir-Registratur jahtar irkantatur pubbliku – li lilu jmiss it-turn skont il-lista pubblikata skont id-dispożizzjoni tal-artikolu 89 tal-Kodiċi ta' Organizazzjoni u Proċedura Ċivili (Kap. 12) – sabiex imexxi l-irkant;
3. Tordna li l-bejgh *sub hasta* tal-immobbli jsir fid-data, hin u lok imsemmija hawn taht:
  - a. Il-Hamis 9 ta' Mejju, 2024 fl-ghaxra u nofs ta' filghodu (10:30 a.m.) .
  - b. F' Kamra numru 78 biswit l-Arkivju, livell -1, Qrati tal-Ġustizzja, Triq ir-Repubblika, il-Belt Valletta
5. Tordna lir-Registratur sabiex iġharraf lid-Direttur tar-Registru Pubbliku u lir-Registratur tal-Artijiet b'dan id-digriet tallum;
6. Tordna lid-Direttur tar-Registru Pubbliku sabiex jirreġistra dan id-digriet minnufih;
7. Tordna n-notifika ta' dan id-digriet lid-debitur li għandu, kif iġhid u jrid l-artikolu 307 tal-Kap. 12, żmien għoxrin gurnata min-notifika sabiex jitlob li ma ssirx stima ġdida u, minflok, jipprezenta stima mahlufa b'nota li għandha tiġi notifikata lir-rikorrent kif trid il-liġi.

**Onor. Imħallef. Doreen Clarke LL.D.**

1/12/2023

**Illum**

**Anness 13**

**Irċevuti ta' xiri ta' pjanti mill-Awtorita' ta' l-Ippjanar**



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malta

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VLT 1535

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