

Aires Pinto Furtado

B.Sc.(Hons) LL.B.

Susan Pinto Furtado

B.A.(Hons) LL.B.

ADVOCATES

**FONTAINHAS
PANJIM GOA.**

Ph. No.: Off.: 2423190

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OPINION ON TITLE

This opinion on title is given at the request of M/s Models Real Estate Developers, with office at Panaji, Goa, with respect to the property known as "BELANCORANCHI NOMOXI," or OILI TOLLOI or MOLOGE, situated at Colva, within the jurisdiction of Colva Grampanchayat, Sub-District of Salcete, District of Goa, State of Goa, surveyed under Survey Nos. 58/1 (part), 58/2 and 58/5 of Village Colva, included in description in the Land Registration Office under No. 27280 New Series and enrolled in the Matriz Predial under No. 565. The said property bearing survey No. 58/5 admeasures about 5900 sq.mts and is bounded on North by property bearing Survey no. 58/1, on the South by property bearing Survey No. 58/8 & 58/9, on the East by property bearing Survey No. 58/1 and on the West by property bearing survey No. 58/1. The said survey No. 58/2 admeasures 350 sq.mts and is bounded on all sides by the survey No. 58/1 of Colva Village and the survey No.

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58/1(part) admeasures 604 sq.mts and is bounded on the North by balance area of property bearing no. 58/1, on the South property bearing survey No. 58/8 & 58/9, on the East property bearing survey Nos. 58/5 & 58/6 and on the West by property bearing survey Nos.58/5, 57/1 & 57/2. As already mentioned, the said three survey numbers form a part of a bigger property bearing Land Registration No. 27280 of New Series and bears Matriz predial No. 565 and the said entire property is surveyed under survey No. 58/1, 58/2, 58/3 and 58/5.

The description No. 27280 was done prior to liberation and the same inscribed in the Conservatoria in favour Mr. Ciriaco Xavier Menino Jesus Santimano. The said inscription was made under No. 17464 on 19th July 1921. Consequently, the ownership of the said Ciriaco Menino Jesus Santimano stands established.

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The said Ciriaco Menino Jesus Santimano was married to Mrs. Maria Antonia Souza e Santimano and being Goans their marriage was in the regime of community of assets. Hence, both Ciriaco Meninio Jesus Santimano and his wife Maria Antonia became the owners in possession of the suit property.

On the passing away of the said Ciriaco Menino Jesus Santimano inventory proceedings were instituted which came to be registered under No.3376/948 in the Court of the Civil Judge Salcete, at Margao, and in the said inventory proceedings the said property was described as item No. 6 and the same was allotted in the said proceedings to Mr. Innocencio Braz Xavier Santimano by Judgement dated 29/2/1964.

Upon the death of the said Innocencio Braz Xavier Santimano, his widow Maria Antonia Souza e Santimano initiated inventory proceedings registered under No. 115/68 in the

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Court of the Civil Judge at Margao and the said property was described as Item No. 25 and the said property came to be allotted to Maria Antonia Souza e Santimano . This allotment was confirmed by the Judgement dated 16/1/1976.

Later the said Maria Antonia Souza e Santimano expired on 2/3/2004 leaving behind as her sole and universal testamentary heir, Mr. Joseph Rosa de Lima Fernandes by virtue of the will executed in Book No. 308 at pages 48 on 23/10/2003 before the Sub-Registrar cum Notary Ex-officio at Margao, Goa.

This fact is further confirmed by the deed of succession, which is duly confirmed by a deed of succession, dated 2/4/2004 executed before the Notary Ex-Officio, Salcete, Division at Margao.

The said Mr. Joseph Rosa de Lima Fernandes was married to Evelyn Fernandes

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and hence both of them came to own and possess the said property.

The said Mr. Joseph Rosa de Lima Fernandes and Mrs. Evelyn Fernandes sold the said property to M/S Queeny Realty Pvt. Ltd., represented by its Director Mr. Agnelo Alcacoas, vide deed of sale dated 24th May 2005, registered under Serial No. 3128/05 and registered under No. 4124 at pages 254 to 278 of Book No. I Volume No. 1857 dated 5/8/2005.

The said property had been converted for non-agricultural purposes by the said M/S Queeny Realty Pvt. Ltd by the sanad issued on 12/4/2006 bearing No. AC-II/SG/CONV/13(1)/2000 by the Additional Collector II South Goa District, Margao, in terms of the plan annexed thereto which shows the area converted to be 860 sq.mts.

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Thereafter by a deed of sale dated 1/6/2006 registered under No. 2578 of Book No. I Volume 2040 on 9/6/2006 before the Sub-Registrar of Margao, Salcete, Goa, the said M/S Queeny Realty Pvt. Ltd sold the said property to M/S Models Real Estate Developers, a partnership firm with the above mentioned address.

In the form I and XIV necessary mutation has been carried out in the name of M/s Models Real Estate Developers with respect to all the said three survey Nos. 58/1, 58/2 and 58/5.

Some parts of the said property had been acquired by the Government and the present area owned and possessed is 6854 sq.mts.

In terms of the Nil Encumbrance certificate issued by the Sub-Registrar of

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Margao, Salcete, Goa, there is no encumbrance or onus on the said property.

In view of the above, I am of the opinion that Models Real Estate Developers has a clear and marketable title to the said property.



(Adv. Aires Pinto Furtado)