

COLIVINGLIGURIA

Factual Declaration Memorandum: Casa del Noce Partition Wall

Reconstruction of facts, legal limits, and regularization within the CILA
file

The Company

ColivingLiguria S.r.l.

Benefit Company

Registered Office:

Strada Chiappella, 21, 17014 Cairo Montenotte
(SV), Italy

Fiscal Data:

P.IVA/C.F.: 01939660096

REA: SV - 248967

Cap. Soc.: € 26.500,00

Contact:

PEC: colivingliguria@pec.it

Responsible team

Legal Team

Operational lead: Simone Testino

Contact:

colivingliguria@gmail.com

+39 339 637 9372

LinkedIn: ColivingLiguria

Document Details:

Code: L-NO-001

Version: 1.0

Location and Date of Issue:

Cairo Montenotte, July 10, 2026



***Public Document.** Free consultation and sharing are permitted.*

Abstract

This memorandum reconstructs, on the basis of the declarant's statements and the photographic and video evidence to be attached, the factual condition observed during the moving of furniture at Casa del Noce and the subsequent removal of an internal non-load-bearing brick partition that was already fragile and partially disaggregated. The document does not replace a technical certification, building filing, or binding legal opinion; it serves to fix a cautious chronology, separate observed facts from verifications still required, and indicate how to bring the episode into the CILA file for non-structural works.

Table of Contents

§ 1 Statement of Facts	2
1.1 Entry, furniture moving, and first observation	2
1.2 Structural elements declared untouched	2
1.3 Material perimeter of the event	2
§ 2 Cautious Legal Framework	3
2.1 Partitions, CILA, and administrative risk	3
2.2 Free building activity, urgency, and limits of this memorandum	3
2.3 Subsequent conduct and regularization	4
§ 3 Evidence, Date Certainty, and File	4
3.1 Photographic and video attachments	4
3.2 Signature, PEC, and date certainty	4
3.3 Public folder, privacy, and traceability	5
§ 4 Declaratory Conclusion	5
4.1 Cautious statement	5
4.2 Immediate commitments of the declarant	6
4.3 Intended use within the CILA file	6

To complete: photo/video attachments, PEC transmission for date certainty, technical check on non-load-bearing partition.

Legal source register: Source: bibliography entries for Presidential Decree 380/2001, Legislative Decree 222/2016, the free-building glossary under Ministerial Decree 2 March 2018, MIT Salva Casa guidelines, and the municipal building regulation stored in the EC regulations folder. Institutional URLs are maintained in the BibTeX entries in `Sources/legal_sources.bib`.

§ 1 Statement of Facts

1.1. Entry, furniture moving, and first observation

The declarant states that, during the first access and internal arrangement activities at Casa del Noce, some furniture present in the rooms was moved, including a wardrobe placed against or near an internal brick partition. That movement was not planned as a standalone building intervention, but as a material activity of clearing, checking, and organizing the spaces. During that activity, the partition was observed to have a fragile consistency: the plaster appeared sandy, incoherent, and largely already detached or easily detachable; the bricks lacked adequate surface cohesion and some elements could be removed individually without heavy demolition.

The removal of individual bricks is therefore described by the declarant as an immediate consequence of the deterioration observed and of the practical need to make the area safe and understand the real consistency of the partition. It is not declared that a structural demolition was performed, nor that beams, pillars, ring beams, lintels, or other load-bearing elements were cut. The memorandum records, however, that the final effect of the removal was the elimination of the internal dividing partition and the opening of physical contact with the adjacent property portion. For this reason, the fact must be brought to the technician and treated within the building file, without reducing it to a mere furniture-moving activity.

1.2. Structural elements declared untouched

According to the statement, vertical timber elements were present in the area, described as posts or supports connected to a beam. These elements are indicated as distinct from the brick partition and were not removed, cut, moved, or replaced in the activity described here. Any future removal, replacement, integration, or structural check of them remains expressly excluded from this memorandum and must be treated only in the competent building and technical filing, with survey, drawings, assessment by the qualified technician, and, if required, a title different from a non-structural CILA.

This distinction is central. The memorandum does not state that the entire construction context has no structural relevance; it states only that, according to the declarant, the material activity that occurred concerned bricks and plaster of a fragile internal partition, while the timber supports and beam remained in place. The photographic evidence must therefore show not only what was removed, but also what was not touched. The images must show the supports, the beam, the edge of the opening, and the absence of cuts or tampering on the elements declared independent from the partition.

1.3. Material perimeter of the event

This memorandum limits the event to a precise material sequence: access and moving of furniture; observation of the partition's fragility; manual removal of bricks already incoherent or easily separable; interruption of spontaneous factual reconstruction in order to bring the facts into an orderly technical file. It does not describe the opening as completion of a distributive project already executed, nor as the start of a building or cadastral merger between units. The opening that resulted is treated

as a factual condition to be represented, verified, and regularized, not as a final result to be taken as acquired without design. This point is important because it avoids two opposite errors: denying that anything changed or turning a partition removal into an unverified declaration of a new property configuration.

Until the technician's verification, the area must be managed as a zone to document and not as a new fully usable passage. If there are level differences, sharp edges, unstable parts, dust, residual bricks, or risk of impact with timber elements, those elements must be made safe with light and temporary protections, without further demolition. The declarant should also avoid removing other masonry portions, creating new thresholds, moving systems, or completing finishes that would make it harder to distinguish the original condition from the subsequent one. The file discipline starts exactly here: stop transformation, photograph, describe, involve the technician, and then decide the correct title.

§ 2 Cautious Legal Framework

2.1. Partitions, CILA, and administrative risk

From a building-law standpoint, modification or removal of non-load-bearing internal partitions may fall within non-structural extraordinary maintenance when it changes internal distribution without affecting structural parts. Presidential Decree 380/2001 and Decree 222/2016 require distinguishing between free building activity, CILA, SCIA, and heavier titles according to the actual nature of the work [5, 2]. The fact that the divider was fragile or already deteriorated does not automatically remove the need to regularize the distributive effect produced by its removal, especially if the removal created communication between property portions previously separated.

The cautious reading is therefore the following: on the basis of the stated facts, no structural works materially performed emerge, because the timber supports and beam were not touched; however, a factual modification of internal distribution and room relationship emerges and must be submitted to the technician and included in the general CILA or in an integrative communication. If the authority classified the activity as subject to CILA before removal, the issue would be administrative and must not be hidden. Presidential Decree 380/2001 provides monetary consequences for omitted communication in CILA cases, with a reduction if the communication is voluntarily made during the works under the statutory conditions [5].

2.2. Free building activity, urgency, and limits of this memorandum

The free-building glossary remains useful for understanding minor works, but it must not be used to convert an internal distributive change into free activity when the real effect exceeds minor maintenance [3]. This memorandum may explain that the situation emerged while moving furniture and that the divider appeared already disaggregated; it may also explain that removal of bricks occurred in a context of making safe and observing deterioration. It must not state, however, that every partition demolition is always free, nor that the resulting opening has no administrative relevance.

For this reason, the document adopts a defensive but transparent position: it does not deny the fact, it does not inflate it into structural work, and it does not leave it without follow-up. The correct follow-up is to attach photos and videos, have the technician verify the non-load-bearing nature of the divider, describe the opening in the factual condition, and decide whether to include it in the CILA already being prepared or in an integrative communication. State guidance on the building framework and regularizations confirms the importance of distinguishing the concrete situation from the abstract title, leaving the technician and Municipality to verify the correct procedure [4, 1].

2.3. Subsequent conduct and regularization

Subsequent conduct is decisive for correctly qualifying the declarant's position. A memorandum drafted immediately after the observation, accompanied by photos, videos, and transmission to the technician, demonstrates conduct oriented toward transparency. The memorandum itself does not erase any omitted prior communication if demolition should have been included in CILA before being performed; however, it prevents the event from being reconstructed as a hidden intervention or as a choice to conceal the real distribution. In this sense, the document does not seek an absolute justification, but creates an orderly basis for asking the technician which integration to submit and with which wording.

The technician must verify at least four points: non-load-bearing nature of the removed partition; independence of the timber elements and beam; effects of the opening on the relationship between units or property portions; need for graphic representation in existing and proposed conditions. If the technician confirms that no structural parts are involved, the ordinary path remains CILA or an integration to CILA for non-structural internal works. If, instead, load-bearing elements, relevant system interferences, or changes exceeding internal distribution emerge, the memorandum must be read as a stop signal and not as authorization to continue.

In the relationship with the Municipality, the recommended wording is sober: describe the event as a factual condition observed and documented, indicate that no structural elements were touched according to the declarant's observation, and state that the technical verification is attached or will follow in the building file. Aggressive wording is not advisable, nor is stating that the authority cannot contest anything. The strongest position is the verifiable one: the Municipality must be able to see that the intervention is brought to light, that structural parts remain excluded, that photographic documentation is available, and that future works will be performed only after the correct title.

§ 3 Evidence, Date Certainty, and File

3.1. Photographic and video attachments

Attachments must be organized as a simple and readable evidence file. The minimum set includes: pre-work or immediately subsequent photographs of the partition condition; details of sandy plaster and detached bricks; images of removed bricks; views of the open passage; images of the timber elements and beam declared untouched; a short panoramic video connecting details to the room context. Each file should record date, time, description, and, if available, location. When an image is selected for sending to the technician or Municipality, it must not be altered except to obscure irrelevant personal data.

To strengthen the documentary chain, the declarant may prepare an attachment register with file name, description, acquisition date, and SHA-256 hash. Such a register is not mandatory to make the CILA admissible, but it helps demonstrate that the images were not selected afterwards in an opaque way. Future photographs of CILA works should then be kept in the same style: pre-work, during works, and after works, with special attention to points that will no longer be visible after closure or finishing.

3.2. Signature, PEC, and date certainty

Private signature of this memorandum is useful because it connects the declarant to the reconstruction of facts, but it must not be confused with strong date certainty. To make the document more robust, the signed memorandum should be transmitted by PEC to the technician, to a PEC controlled by the declarant, or, if agreed with the technician, attached to the municipal filing. Alternatively or additionally, a digital signature with timestamp may be used. The PEC receipt or timestamp does not

automatically turn the content into technical truth, but it crystallizes the existence of the document at a certain date.

The memorandum must be preserved together with CILA file EC-NO-004, technical reports, and publishable photographs in the Casa del Noce evidence folder. If the Municipality or technician requires a different classification, the document should not be used as an adversarial act, but as a factual memorandum: it states when and how the condition of the partition was observed, what was removed, what was not touched, and which verifications were initiated. This approach reduces the risk of later contradictions and makes it easier to correct the administrative path if necessary.

3.3. Public folder, privacy, and traceability

Since the Casa del Noce project provides for a public evidence folder for the works, the memorandum must distinguish between complete archive and publishable selection. The complete archive may contain photos, videos, metadata, PEC receipts, drafts, technician notes, and unfinished materials. The public part should instead contain only what serves transparency: signable or signed PDF, essential photographs, attachment register, and technical documents without unnecessary personal data. If images show people, documents, personal objects, license plates, or irrelevant details, those elements must be obscured before publication. Obscuring must not alter the technical content relating to the partition, bricks, or untouched elements.

Traceability must be easy to maintain. Each attachment may be named with a progressive sequence, for example 'L-NO-001-FOTO-001', date, room, and short description. Videos may follow the same logic. The register must indicate which attachments are included in the PDF or transmitted package and which remain only in the internal archive. This prevents confusion when, later, 3D survey drawings, CILA drawings, or photographs of subsequent works are produced. An orderly file also allows responses to technician or Municipality requests without reconstructing everything each time.

The most important point is not to overlap evidence and interpretation. A photograph shows physical condition; a caption describes where and when it was taken; the memorandum interprets cautiously; the technician assesses building classification. If these levels remain separate, the document is more credible. If, instead, the photograph is loaded with unverified legal conclusions, or the memorandum attempts to replace the technician, the file becomes weaker. The public folder must therefore be readable by an external person: facts first, then verifications, then administrative decisions.

§ 4 Declaratory Conclusion

4.1. Cautious statement

On the basis of the facts reported above, the declarant states that the material removal concerned bricks and plaster of a fragile internal partition, already incoherent and not identified as load-bearing by the declarant; the declarant further states that the timber supports and beam present in the area were not removed, cut, or modified. The declarant acknowledges that the technical verification of non-load-bearing status and correct building classification must be performed by a qualified professional and that the distributive effect of the removal must be represented in the CILA file or in the integrative communication that the technician considers appropriate.

The declarant undertakes not to present this memorandum as a substitute for the CILA, any SCIA that may be required, or structural assessment. The declarant further undertakes to preserve and make photographic and video evidence available to the technician, not to intervene on the timber supports or beam without a specific design, and to integrate the Casa del Noce file with any technical or municipal prescription that may emerge. This memorandum is drafted for transparency, documentary continuity, and faithful reconstruction of the factual condition observed.

4.2. Immediate commitments of the declarant

The declarant assumes as an immediate operational commitment the suspension of any further transformation connected to the opened passage, except for light and temporary protection, cleaning, and safety works. Timber supports must not be removed, beams must not be modified, new supports must not be created, definitive finishes must not be installed, and system passages must not be created that make the current condition irreversible. The function of the memorandum is to freeze the framework, not accelerate the works. Every subsequent choice must pass through the technician and the CILA file or through a different title if required.

The declarant also undertakes to deliver this document, the photographic sequence, and any further useful information to the technician, including indication of how furniture was positioned before being moved. If there are witnesses to the activity, they may be indicated in a separate register, without including their personal data in the public PDF. If new images are acquired after drafting the memorandum, they must be added as a dated integration and not retroactively replace the initial images. The reconstruction must remain progressive: what was seen first remains distinct from what is observed after cleaning or clearing.

4.3. Intended use within the CILA file

In the CILA file, the memorandum may be used as a contextual attachment to explain why the current condition already shows an opening that was not represented before. The technical drawing must then decide whether to represent the partition as removed in the updated existing condition, as an intervention to be regularized, or as a transitional condition to be managed with a specific technician indication. The memorandum does not decide this graphic choice; it provides the professional with elements so as not to work on a silent photograph or incomplete oral description. In this sense, the document is useful precisely because it separates the narrative level from the certification level.

If the technician considers a late filing, an integration, or a different procedure necessary, the declarant must follow that indication without invoking this memorandum as an exemption. If, instead, the technician confirms that the removal falls within the perimeter of non-structural internal works already subject to CILA, the memorandum may remain as a transparency attachment and chronological justification of the observed condition. In both cases the document's usefulness is the same: avoiding ambiguity, preventing later divergent reconstructions, and demonstrating that the issue was brought into the procedure instead of being left outside the file.

The concluding statement is therefore made cautiously: the declarant does not ask that the memorandum be considered an authorization, does not claim that it replaces technical checks, and does not attribute implicit acknowledgement to the Municipality. Instead, the declarant asks that the document be preserved as an immediate and verifiable reconstruction of facts, to be read together with photographic attachments, the technician's verification, and the building filing that will be submitted or integrated. This is the most coherent position for orderly management of the Casa del Noce renovation.

Place and date: _____

Declarant signature: _____

Declarant

(Digitally signed document)

ColivingLiguria S.r.l.

Benefit Corporation
Tax Code: 01939660096
Sole Admin: Simone Testino
C.F.: TSTSMN03L01D969Y
PEC: colivingliguria@pec.it



*Ref. Art. 24 D.Lgs 82/2005 (CAD)
Valid only if actually digitally generated.*

References

- [1] Comune di Cairo Montenotte. Regolamento Edilizio Comunale. Fascicolo interno ColivingLiguria, cartella regolamenti edilizi, n.d. Fonte locale conservata nel fascicolo regolamenti interni, da verificare dal tecnico prima del deposito CILA.
- [2] Governo Italiano. Decreto legislativo 25 novembre 2016, n. 222, individuazione di procedimenti oggetto di autorizzazione, SCIA, silenzio assenso e comunicazione. Gazzetta Ufficiale della Repubblica Italiana, 2016. Fonte statale per la tabella dei regimi amministrativi edilizi.
- [3] Ministero delle Infrastrutture e dei Trasporti. Decreto 2 marzo 2018, Glossario contenente l'elenco non esaustivo delle principali opere edilizie realizzabili in regime di attività edilizia libera. Gazzetta Ufficiale della Repubblica Italiana, 2018. Fonte statale usata per distinguere edilizia libera e interventi da titolo.
- [4] Ministero delle Infrastrutture e dei Trasporti. Linee guida sul decreto-legge Salva Casa. Pagina istituzionale MIT, 2025. Fonte istituzionale di contesto per verifiche edilizie e regolarizzazioni.
- [5] Presidenza della Repubblica. Decreto del Presidente della Repubblica 6 giugno 2001, n. 380, Testo unico delle disposizioni legislative e regolamentari in materia edilizia. Normattiva, 2001. Fonte statale per definizioni edilizie, CILA e sanzioni amministrative.