

Junta de Compensación de Cortijo Cabrera

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My Personal notes on Cabrera informative Communication.

These are my personal and accurate information, from a voluntary Delegate since its formation in 1993. I am one of the few people who have the knowledge and understanding the complexity of Cabrera. I hope these details will clarify all erroneous and ill-advised information that is being circulated by people who hypothetically know it all. For the benefit of Cabrera and all Owners, I sincerely hope you will dedicate 10 minutes of your time, to read this informative communication to further understand and differentiate fact from the constant inaccurately and theoretically data circulated,

Dear Cabrera owners.

I confess having read the latest court decision, my immediate reaction was that I should resign and admit defeat defending the 1993 agreement, which in my experienced opinion is the only long-term fair and just system, for the benefits of all owners, especially residential property owners.

The proceedings presented by the CRA to cancel the 1993 agreement has been upheld by the courts. By doing so, it opens Pandora's box, and I must confess the implications, legal, financial, responsibilities, disharmony, and time, it is beyond my scope of understanding. I can only envisage paralysis and legal conflicts that will entail for several years.

Whichever system we must agree on, it will still have to be approved by the vote based of the percentage of the land at the assembly, with each affected party legally challenging whichever new decision is proposed, possibly we may have to go back to prior the formation of the Junta de Compensacion 1993. if that becomes the case, without a unanimous agreement, there will be no new Junta de compensation administrative legal body, therefore Cabrera become law-less and will collapse.

This is a response from the Junta lawyer

The current situation is as follows:

The court has declared the 1993 agreements void, as we already know.

As of now, the Compensation Board has two options.

The first option is to abide by the sentence and not appeal it.

This implies that from now on the Compensation Board would have to abide by the registered Statutes, and in addition, a complex process of recalculation of the urbanization expenses paid so far would have to be initiated, as well as the recalculation of how and which expenses would have to be paid from now on. The differences in criteria or calculation that may occur during this process will be decided by the Court.

The second possibility is the one entrusted to me, that is, to appeal the sentence.

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Appealing the sentence is not a breach of the obligations of the Delegates, nor is it an act of disobedience. It is the exercise of the legitimate right to appeal judicial decisions. Therefore, if the Junta de Compensación considers it is in its best interest to appeal the ruling, it is their obligation to do so. All this, respecting the criteria of those who consider that the best interest of the Compensation Board may be another.

Once the sentence has been appealed, it is no longer appropriate to initiate any type of recalculation, since the legal effect of the appeal is the suspension of the effects of the sentence. The CRA may request the court, if it so wishes, the provisional execution of the sentence if it wants to avoid this suspension, and if it does so, it will be the court who decides whether this suspension continues or not. Until then, the effects of the sentence are suspended. Therefore, only in the event that the court decides to suppress the suspension of the effects of the sentence, will it make sense to talk about recalculations and new ways of working.

It is not appropriate now to argue whether the court will make one decision or another. I simply want to confirm that to this day the 1993 agreements are still in force and to act contrary to them would be against the law.

I hope this explanation helps you so that the owners of Cortijo Cabrera can better understand the situation from a legal point of view.

These dark and gloomy periods that now faces Cabrera, will destroy what has been a successful practice unanimously voted on all Annual General Assembly for over the past 27 years, it may not be 100% legal but it has protected the rights of all owners of large and small properties.

The objectives of certain owners who believe, if they circulate false, erroneous or malicious storeys, it will put pressure on me to resign. I confess that over the years, on more than one occasion I have seriously considered it, however yet again my integrity is being challenged, therefore I have decided I will not do so and will stand for re-election at the next General Assembly, owners who want, can then contest.

Substantial one-sided erroneous information has been circulating drawing the opinion that the smaller landowner's responsibility for the maintenance of Cabrera will be minimal without taking into consideration of what is maintenance and what is services. As in all urbanisations, in all countries, the services are paid by the end users of the services.

I am convinced very few owners realize the complexity and legal requirements that is necessary to maintain an urbanization like Cabrera, equally the services which are required. For example, this instant we have four treatment pumps being serviced or repaired for the two-purifier plants at a cost of 5,500 euros, our additional reserve pump is already being used, thereby the standby pump has been ordered at a cost of 2,300 euros. This equipment is constantly being serviced and regularly replaced due to the 24 hours 7 days per week functioning.

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Equally, we have a time bomb slowly ticking with our water well. Our 147-meter-deep steel shaft, with the movement of the mountain it has bent, prohibiting removing the 3.5-meter-long pump for servicing. This pump has been in operation for more than 15 years. For some time, we have been unable to raise the pump for fear by doing so, it will break and leave Cabrera without water, so, any day it could cease to function, and Cabrera will be without quantity of water and only be supplied by the two natural springs which is minimal and totally insufficient for basic needs of this urbanization. It is most urgent we drill a new borehole and steel lined, and leave ready to insert a new pump, as and when the existing one fails. Earlier this year, we contacted a Geologist water engineer, to prepare the necessary documentations to apply for the necessary permit for a new borehole. These and dozens of other similar situations is what consists of services, not developer infrastructure cost.

By revoking the 1993 agreement, a team of specialists will have to be employed and dedicate a substantial amount of time as well as cost, calculating what contribution owners have made for the maintenance, and amounts corresponding to services, as well as the financial contribution the developers have made to build Cabrera to the standards it is today. No doubt whichever the outcome it will be challenged by the various groups in court. A legal process of many years.

An appeal to the court decision has been lodged by the Juntas lawyers, the outcome is still in the air, but it will give the possible new committee some time to organise themselves. Until the final hearing of the appeal is decided, Cabrera continues to legally operate as it has done for these past 27 years, using our dedicated workmen. Unless of course, the new committee decides not to continue and instruct the Junta lawyers to cancel the appeal, but first they must be elected, and their proposal be approved by the assembly.

Over the past years, I have put up with Intimidation, frustration, falsely accused with circulating erroneous and malicious information, whilst I have legally been defending Cabrera for the benefit of all. I have had my office window smashed, I have had glued Inserted into the locks, my car scratched, and my name smeared to prospective purchasers, renters, and the general media. Owners have asked me why I have not defended these erroneous malicious circulations, and my comment has, and will always be, "I do not have to prove my innocence or competence ". My conscience is clear, my sleep is deep and relaxed. I am not saying this seeking sympathy, I am merely stating a fact to the extreme some people who opposes the majority will go to.

Cabrera maintenance and water fees and the services it provides, are the lowest in the area for an urbanisation of this calibre, due to the efficiency of your Delegado's maintaining expenditure to the minimum necessary.

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The administration costs for the office, electricity for lighting, heating, and air conditioning. office telephone, accounts, and personnel. storage for years of files, storage for the generator, for the workmen's tools and machinery, workmen rest room, as well as for materials, Cabrera social functions tables and chairs and other items. In total contributes 12,000€ per annum, owners are paying just 60€ per year per property for administration and ample storage.

Mr Grossgurth was the original developer with his company Urbanization Cabrera S.L. Since then, land has been sold to more than 220 distinctive owners, some with more land, others with properties built, others still retain land for future building. By revoking the 1993 agreement, all owners become developers and are responsible for all the future developing of Cabrera to the Plan Parcial. But first, it is possible that the existing Junta de Compensacion will have to be dissolved and a new one will have to be unanimously agreed. It will be a case of repeating the 1993 AGM discussion and the agreement adopted which is the very reason that the assembly approved the formation of the Junta de Compensation at that time. You cannot delete one agreement without deleting the other. No doubt Lawyers, owners, the Town Hall, Notaries, and the Land Registry will be having a field day on this one.

I will remind new owners, the 1993 agreement was eventually reached after an 8-hour long meeting at the Town Hall with all owners present or proxy votes, with lawyers, Town Hall secretary, and the Mayor, to establish the legal body "Junta de Compensacion, Poligono 1, Cortijo Cabrera" legally representing all the owners which required a unanimous approval. In the day long debate, the house owners did not want to be responsible for future expensive mountain infrastructure cost, to areas of Cabrera not yet started. (In a Plan Parcial ALL owners are responsible for the completion of the urbanisation). An agreement was finally reached, the developer assumes the responsibility of all new infrastructure and the house owners the maintenance and services they were using, the vote was taken and finally unanimously agreed.

We have been battling with Endesa for years. Again, some uninformed will say it is because the developer did not install the correct infrastructures. In fact, the problem initiated when Endesa decided to install an additional ring main up to Cabrera (upgrading their system) via Cortijo Grande and insisted the 4 urbanisations, Cortijo Grande, Cabrera Poligono 1 and 2, as well as La Pelica, should finance this new medium tension power line, putting pressure on Cabrera that they would not connect any further properties until this new ring main was installed.

This problem was finally resolved after seven years of legal dispute between Cortijo Grande and Endesa. Finally, the Courts ruling was Endesa responsibility for the medium tension overhead Installation through Cortijo Grande because Endesa was supplying properties before their Plan Parcial was applied.

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The next section was via Cabrera. Vaitier S.L. paid and installed the 2 kilometers of infrastructure underground installation medium tension powerline, from the tower by the water filling area, and up to La Pelica. An agreement was reached; Vaitier would sign over the 2km infrastructure to Endesa, who can then complete the ring main circuit, and they would connect the list of the 34 pending properties throughout Cabrera on condition, Cabrera upgraded the transformer by the arch.

This agreements with Endesa took several years with dozens of meetings, in the Town Hall, in Endesa offices in Vera, Almeria, and in Granada. With the upgrading of the transformer by the arch, in 2018 Endesa would start connecting the area with the maximum properties, 22, and then continue with the remaining 12, in various areas, to complete connection of the agreed list of 34 properties.

Mr. Morales, the Mayor of Turre at the time, and in support of the CRA, then submitted a communication to Endesa stating that the connection list Endesa was working too, had been provided by an individual company (Vaitier S.L.) in 2006 and not from the Cabrera official body, the Junta de Compensación. Thereby the list is unofficial and should be ignored. This appeared to have removed Endesa responsibility from the agreement reached and from that point on is when Endesa became difficult. Insisting on the installation of the two upgrading demand transformers, to connect the remaining 12 properties.

The upgrading finance is not Endesa responsibility, as the possible new committee will learn, and neither is the so-called large landowners. It is the need to upgrade the old 35-year-old electrical system as well as to the additional increase power demand per property.

For the original planning approval for Cabrera, it was necessary to present to the Junta de Andalucía, a certificate from Sevillana, now Endesa, guaranteeing 850 properties at 3.5 kw per unit, which was then the normal back in 1986. Most properties in Cabrera electrical power supply, uses on average 5.5kw minimum to 8kw, and are utilizing the power supply rights of vacant plots. Endesa is preparing the future need per property to an average of 11kw, especially for the connections of the electrical vehicles to the properties. If the EU follows the UK, then you will only be able to buy electric vehicles in 9 years' time. The only logical place to charge them will be at home rather than queue at the few local garage points when we get them installed in this region.

I cannot understand the attitude of some owners, objecting to the installation to these two transformers. For 8 years, Cabrera maintenance, services and water charges have not been increased, the financing for these works has already been taken into consideration within the budget, approved at last year's AGM, which consisted of an increase only seven percent (after 8 years), permitting connecting the remaining 12 properties to be connected to Endesa electrical supply.

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Explanation extracted for the funding from the treasurer's report November 2019

“Due to the continual Endesa upgrading of the requirements for the increase of power of the 35-year infrastructure installation, two additional transformers must be installed, one at, Avenida Abenjoar and the other on Avenida de Cortijo Grande at an estimated cost of 198,000€.

To finance this upgrading, it is proposed to increase the budget by 7% (it's the first increase for the past 8 years) and taking a 5-year bank loan of 110,000€ as well as a voluntary loan/contribution with interest paid from some owners, amounting to approximately 80,000€.

The upgrading of our electrical system will satisfy the Endesa requirements allowing them to connect main electricity and resolve the negative publicity that has prevented some owners selling their property and ensure realistic market prices, equally it is proposed to increase the charge from 1,000€ to 5,000€ per future NEW properties that will be constructed in Cabrera for the purpose of refunding the updating and enhancement of the existing infrastructure.”

Much has been speculated and criticised by those the “theoretical knowhows”, of the errors and inefficiency of the Junta de Delegado's, in particularly against me, they will shortly have the opportunity to take over the administration of the Junta and demonstrate their competence, assuming they get voted in.

The present team has formed working relationships with the most experienced experts in the area. Who knows better the planning and terrain of Cabrera than the renowned architect, Lucas Marquenie, who did his apprenticeship training and gained his love for Cabrera, working with the founder of Cabrera, Peter Grossgurth for many years and knows Cabrera like the back of his hand?

The industrial electrical engineer, Miquel Carra who has worked for 27 years with Sevillana, which is now its Endesa.

Segundo Ramirez, an electrical Installer of many urbanisations including the original installer of Cabrera, as well as knowing his way-around the public administration personal, having been Mayor of Los Gallardos for 12 years.

Our professional certified accountants Bartolomes Garcia.

A sincere recognition and appreciation to all past and present Delegado's whom unselfishly have dedicated their time and expense and often suffered similar verbal abuse. Without them, it would have been impossible to have the efficiently smooth running of Cabrera with the countless daily trials and tribulations that exist. Also, the owner's contribution for the maintenance and services would have been substantially more.

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Finally, myself, I consider myself a professionally qualified and knowledgeable builder with 50 years of quality experience in all kinds of constructions, including civil engineering, in the UK and in Spain.

Apart from the personal insults and attacks towards me that I have ignored, and which are circulated, such as for not claiming back the 12,000 Iva on purchases. The possible future committee can if they wish would do so, but before that we will have to register for Hacienda (Tax authorities) and the invoices sent to owners will have 21% Iva added, 200,000€ approximate budget at 21% = 42,000€ we will all have to contribute to the taxmen so we can claim back 12,000€.

There appears to be anger by some owners because I legally requested and received, the full list of signatures of owners rejecting the installation of the 2 transformers presented to the Town Hall. The organisers collecting the signatures should have advised these people that the only signatures legally valid are those that has the full names, ID number, the address of the property in Cortijo Cabrera Poligono one, and only one name representing the property. All those surplus names are irrelevant.

No one has been singled out for signing this petition.

It is simply that the number of owners (60 out of 220) has confirmed my opinion that my 30+ years of effort in creating Cabrera as a unique special upmarket development in Spain, coupled with all the facilities that I have supported plus help that I have given to many, many owners over the years in personal as well technical help, is considered worthless.

In anger and retaliation, (yes, I recognize a childish conduct) I took the stand that I would withdraw all the facilities and help that I have given to Cabrera over the years, however time has now lapsed, and I have mellowed, therefore I will now not be closing the Arch Bar, Los Pastores Restaurant, Patanque as well as the Garden.

If one wishes to manipulate people's minds, invent problems and unjust practise, circulate them and Wala!! you have created new friends.

No-one is perfect, we all commit mistakes, but if you feel the need to criticise the voluntary work that your delegados have been doing for the past years, it is logical and common decency to verify the information before jumping onto the bandwagon of what everybody else is saying before giving an uninformed and damaging opinion.

Another of the many false information circulated and which some owners wholeheartedly believe that the water deposit story, that they should have been paid by large landowners.

For Cabrera to obtain the approval for the Plan Parcial, as for the electricity supply, a certificate was also an equally needed that it had sufficient water and storage capacity. It was approved it had, with the well and the two natural

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springs sufficient source of water supply and storage capacity, with over 170m³ of water, situated next to the arch bar, underneath the terrace, plus an additional 20m³ in 5 tanks of 4m³ each, in later years and due to gardens needs as well as 110 swimming pools together with mis-use, it was felt that an additional deposit was needed and this was built, and again later on, the third water deposit was built, there is no guarantee a fourth and fifth might not be needed in the future. Each of the two latter deposit equally contains 160m³ each, on land freely donated by my companies, making Cabrera total storage capacity 490m³, well over and above any urbanisation of this size needs, including the village of Turre. For this reason, Cabrera has never been short of water, and not underestimating the conscientious labour of our workmen keeping a strict control.

A long-standing owner of Cabrera has said, in his period in Cabrera, he has seen six different Cabrera associations formed, each with their better know-how than the way it was administered. Sadly, there will always be new association with its main objective is to manipulate opinion and bring unrest and discontent, inventing problems rather than seeking solutions.

In closing, this is my input to Cabrera and financed by my companies over the years:

Supplying, installing, and connecting the two treatment plants. (For the inquisitive mind, each treatment plant consists of a cylinder 23m long by 3m in height which was transported from Barcelona.

1. After the original well dried up in 2005, funding and drilling of many exploratory pilot holes, steel lining one that was found to have sufficient drinking water to supply Cabrera, my companies paid for the drilling, steel lining, and the Junta paid only for the supply of the motor pump. (Credit and thanks to Antonio for his water divining instinct and allocating points to drill)
2. The entire infrastructure, roads, sidewalk, street lighting, water installation, main drainage, medium and low tension electrical and Telefonica underground inspection and connexion chambers installation, as well as for Telefonica (Cables and installation by Segundo) to the area from where the water lorries fill and up to La Pelica and the Ranch.
3. Street lighting and some re-asphalting to the village area.
4. Asphalt entire road from the car park up to Jasmine and the Alcazaba developments.
5. The entire infrastructure, roads, sidewalk, street lighting, drinking water installation, main drainage, low tension electrical underground installation, (Cables and installation paid by Segundo) to the entire Fuente and the Cascada area.

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6. The new transformer to the La Pelica area.
7. Investigating for a no-mans-land, which I was extremely lucky to find in the right place, which means it belongs to Cabrera, I designed, and built (at cost) the post room. financed by Junta. Again, I was maliciously criticised, and I was denounced having to appear in court to defend the building of the post room, which I successfully did.
8. Battled for 3 years and finally negotiated that in Cabrera, we do not have several big unsightly rubbish bins throughout the urbanization, with the rubbish collection lorry circulating during the middle of the night, and we contribute only 10€ for these services instead of the average 30€ per month. (we are probably one of the few urbanizations, if not the only one).
9. Despite contrary believe that my finances came from Cabrera, I can say I am one of three partners in the Development Huerta Nueva, Los Gallardos, where in the past 20 years we have built over 450 houses, and my benefits from that project has been invested in Cabrera.
10. The fiber optic installation to the village and the new developed area is now possible, thanks to the infrastructure that I installed.
In the early days there was only four telephone lines to the entire Cabrera with no infrastructure capacity for additional lines. I negotiated with Telefonica and build the required inspection chambers and underground tubing for their installation, as well as allowing them space in my storeroom by the arch for them to instal 2 large telephone exchange cabinets.
Again, I was then spitefully criticised by the same people who later formed the CRA, of the unsightly and unnecessary telegraph poles in Cabrera.
11. Over the years, my workmen and lorry, have always been available and have assisted the Junta Workman, as and when it was necessary to take the generator to the well and for the rubbish collection, when the Land Rover broke down and being repaired. (free of charge).

In my lifelong working experience, action speaks louder than words.

Jose Luis Jerez Requena