

**OPEN CABRERA RESPONSE TO LETTER FROM JUNTA DELEGADOS
(Excluding the Treasurer and President)**

15 January 2021

Dear Homeowners and Junta Board

Further to our immediate statement on the letter of 12 January 2021 from the unnamed Junta Delegados (independent of the Treasurer and President), we thought it might be useful to just remind home-owners of the points raised by Open Cabrera that were *not* addressed by the authors.

These are comments that they failed to address:

Why are we hearing from the Treasurer rather than the President of the Junta given the events that are taking place?"

The Treasurer's 'experienced opinion' does not over-rule the law. The residents were duped by the 1993 agreement ruse. The 1993 Agreement is void.

The Town Hall and the Junta Board simply need to abide by the law and follow the Statutes. This is the only system.

Cabrera is basically lawless at the moment and has been for 27 years.

We look forward to seeing the Developer budgets for the very first time. That's what the Junta Board should be doing – managing the development of the urbanisation; not simply taking advantage of the Homeowner contributions.

The Treasurer seems very anxious to differentiate between what constitutes "Maintenance" and what constitutes "Services" for some reason.

This is similar to the sleight of hand adopted when we were positioned to buy €276,580 of transformer Infrastructure using the Maintenance Budget.

The Cabrera Statutes set out clearly how the costs are apportioned. There is no problem here.

If the Developers had managed to muster up €4m between them, the urbanisation would be complete. Instead, the only budget that is available is the Homeowners budget which is being exploited.

The Petition made the point abundantly clear to the Town Hall and the Junta Board: The Home Owners do not want to have their pockets picked by a dysfunctional Junta Board anymore. We do not object to the provision of the transformers themselves but there is a conversation to be had as to who pays for them.

In 2016, according to the Mayor of Turre, the treasurer admitted to defrauding the government by not declaring the correct Social Security payments for the Junta workers. Does this sound like a suitable Treasurer?

Water Deposit: It should never have been 'single sourced' to the Treasurer's own company. It was agreed that 3 competitive quotes should have been obtained – they were not obtained.

So, what other special arrangements were being brokered for Vaitier SL as part of the transformer discussions with Endesa? Is this the reason that the Treasurer will not supply the quotations from Endesa to the Home owners? Does Vaitier S.L intend to put a 'management fee' on top of Endesa invoices before presenting them to the Junta?

The lack of response to a whole series of points, comments and observations is an ongoing source of concern.

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An Open Cabrera supporter describes the letter produced by the three Delegados:

"As for the content, the obfuscation and dissimulation, so neatly wrapped in whataboutery and a distinct failure, across the board, to address the questions, I think you were right to dismiss the screed"

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OPEN CABRERA, having considered the claims made by the Delegados in their letter, feels that some responses and a little correction would be helpful.

The Junta Delegado statements are in black.
The Open Cabrera responses are in *blue italics*.

Junta: The current delegados would welcome the opportunity to relinquish their time-consuming voluntary contribution to the residents and give the task to others.

The Junta certainly needs open, transparent, and importantly, competent management. But we do not believe that the current Treasurer would allow himself to be replaced. To do so would mean opening the books which we doubt will be allowed to happen.

The complete absence of any responses to our very many questions on the Junta finances might be a strong indicator as to why this would be the case.

We note that the Treasurer has indicated that he is again standing for the role of Treasurer. This should not be a surprise to anyone. For as long as he remains Treasurer, the books of the Junta will remain closed and this should be a major concern for all owners.

Openness, transparency and competence are needed for this key role if the future of Cabrera is to be assured.

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Junta: If the person requesting this information viewed the AGM minutes for each year they would see who the delegados were and currently are.

Mrs Elizabeth Longden is recorded in the 2019 Minutes as a Delegado. She is not a delegado and has not been a delegado since early 2020. However, the Junta Board did not advise the members of her resignation or seek a replacement.

There is a delicious irony associated with the above Owner Delegado response. Here, we have received a letter from unnamed Owner Delegados (Independent of the Treasurer and President) complaining that OPEN CABRERA is unnamed.

Perhaps a sincere apology is due to former Delegado Liz Longden as she may not wish to have been associated with your appalling letter. She is shown as an Owner Delegado in the AGM minutes to which you refer but was not a co-author.

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Junta: The way that one long serving homeowner delegado is pointed out as being related to the treasurer is a very unpleasant innuendo.

It is not an innuendo. It's a fact.

This long-serving Delegado asked Open Cabrera to translate the queries on the FY18 accounts into Spanish. We went to the effort of doing so in early 2020. This individual, together with his brother-in-law, the Treasurer, then refused to respond.

We asked clear, simple, basic questions about the finances and management of our money that somehow still cannot be answered. We don't think you should be worrying about innuendo. We would suggest you focus more on the monetary concerns and perhaps answering some long outstanding questions.

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Junta: It leads one to wonder what is the hidden agenda and who is behind this?

You are all fully aware who is behind this. It is the people that you 'no platformed' when we wished to communicate a message to the Homeowners about the malpractice associated with the proposed purchase of transformers for the Developers in late 2019. Please do not feign ignorance.

The Agenda is not "hidden". We wish to see some openness, honesty and integrity restored to Cabrera.

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Junta: We understand that despite being recently in Cabrera, no attempt was made to contact any delegados or any residents to clarify the various points or accusations raised in the website emails or to detail their plans.

So, you claim that you didn't know who was 'behind this' but you knew they were 'recently in Cabrera' and are angry that they didn't contact the Delegados to share their 'plans' and 'clarify various points'.

As for our plans, we have made clear that we want openness and transparency on the full Junta operation so that we can all see how our money is spent. It is for the Junta to lay plans. Where are they? We are keen to see the back of the 1993 agreement and the Junta operating in accordance with the law.

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Junta: Especially as in the past, many fervent anti Junta agitators, after stirring up discontent mainly aimed at the treasurer, have either left Cabrera or succumbed to the passage of time.

An interesting claim, but perhaps you could remind us all how asking pertinent questions about the finances and the competence of the Junta management makes you an “anti-junta agitator”? Why not drop the inferences and simply answer the questions?

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Junta: Without the 1993 agreement ALL owners in Cabrera will have to pay towards ALL new infrastructure costs as was threatened in 2016.

Since the 1993 agreement, it is primarily the home-owners that have covered, either directly, or indirectly, the cost of all new Cabrera infrastructure. Without examining the books in detail, it will be difficult to make a full assessment of the cost avoided by the developers.

With a return to the legal Junta Statutes, the developers will be required to pay a share of costs. If they do not, the Homeowners will still be covering the costs just as they do today.

However, the difference this time is that the developers’ debt will not be hidden and can legally be recovered.

Under the Statutes, those that are registered as Developers in the Junta are required to develop the urbanisation at their own expense. This cost is recovered from home owners only when the developers sell their houses. It can not and should not be recovered by hiding infrastructure costs in the maintenance costs paid for by owners.

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Junta Treasurer: “You cannot delete one agreement without deleting the other.”

This statement is nonsense. The 1993 Agreement is void. The CABRERA STATUTES are valid, confirmed by the courts, twice. They have always been valid.

Junta: NO, without the 1993 agreement the Junta would not have been formed and there would be no statutes and no further Cabrera just the few initial villas and the village area with the services falling into disrepair.

For the record, please note the timeline :

The Junta de Compensacion Statutes were produced in 1991.

The Junta was registered on 30 September 1992.

The Statutes were “bastardised” by the 1993 Agreement on 14 January 1993.

ie. The 1993 Agreement did not lead to the Statutes as the 3 delegados suggest.

The 1993 Agreement did nothing but hand the Developers 27 years of free Services and Maintenance. There has never been any incentive to finish the development. It became a cash cow, a never-ending 'pay as you go' operation funded entirely by the home-owners.

*The above Junta Delegado response **(NO)** seems to suggest that they will continue to resist the implementation of the Statutes. Does this indicate that, in spite of the two legal judgements, the Junta Delegados are contemplating continuing to invoice Home-owners in an illegal manner? ie. A pre-meditated action in collaboration with the Developers which would be in contempt of the Court judgements?*

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Junta: Again questions are asked by a website and an anonymous "we". The Junta cannot supply information to an unidentified source that will publish confidential information, private to owners, on a website open to the world wide web.

Your multiple allegations of anonymity are surprising. The names, as you well know, are Jeremy Oliver and Pernille Loenberg.

However, there should be nothing confidential about the published Junta accounts with, perhaps the exception of names on payroll details. We have not asked any questions on the accounts that require the disclosure of those names. So why are we still waiting for answers?

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Junta: The history and complex reasons for the Endesa connection problems have been explained to owners on many occasions. Your source of information must have omitted to give you these details.

OPEN CABRERA has access to expertise that we use from time to time to clarify our understanding of the issues causing concern. Claims of complexity seem to be an often used excuse to avoid providing details. Perhaps our Treasurer should look further than his own company when seeking solutions to our long-term problems.

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Please note that the Cabrera project should have been finished after 4 years such that our IBI Contributions would now be paying for everything except electricity, water and waste collection. The failure to complete to plan is costing all of us.

Junta: We feel sorry for those that spend their time and effort complaining about what are in fact trivial amounts of expenditure in the long run, rather than just enjoying the convivial company of our neighbours whilst sitting back and watching the inspiring landscapes, sunsets, and clear blue skies.

Open Cabrera are surprised at this comment. Please do not try to dress our valid concerns and questions as complaints. Do not try to dress the unexplained expenditure of hundreds of thousands of home-owner euros as trivial amounts.

We know that the Junta Board would prefer us to focus on the inspiring landscapes, sunsets, and clear blue skies rather than examine the operation of the Junta Board.

However, we need a Junta Board that recognises their responsibilities to owners, that deals with their valid queries and that is capable of seeing a question as a question rather than as an unwarranted attack. This will only happen with change. We need to see honesty and integrity returned to the Cabrera.

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Junta: Cabrera has had approximately 17millions euros value invested in new infrastructure by several developers over 35 years.

Please show us the numbers, show us the budgets, show us the Junta Infrastructure accounts, and show us the urbanisation plans to prove your claim. You are supposed to furnish this information to all Junta members each year. It doesn't happen. Is this is all information too complex for home owners to take in and understand?

*We would note that the Town Hall architect recognised a total of €1.4 million of infrastructure investment in the Cabrera in 2016. The claimed additional €15.6 million investment **since** 2016 should therefore be obvious to everyone. Where is it?*

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*It will not be a disaster for Cabrera now that the 1993 Agreement has been declared void. The reason that the Developers are so firmly against it is that it puts them into the position where they will theoretically have to **pay their way** in future. This is very uncomfortable, and it will have to be seen whether they ever make any contribution.*

If the Developers default and do not make payments, this leaves us exactly where we are now as Homeowners. We will have to fund the €200k annual budget but have to supplement the non-paying Developers who become Debtors. Homeowners have been doing this for 27 years. However, Debtors are not able to vote or, we would suggest, hold a role on the Junta Board.

Junta: The developers have created an existing infrastructure estimated at a value of 17 million euros at todays prices. Hardly not paying their way. Without the 1993 agreement ALL owners would have had to contribute a fair proportion of that and would be liable for any future new infrastructure.

Before we address this point we need to discount the claimed developer "created" valuation of €17 million and further note that under the 1993 Agreement, for 27 years, the developers did not pay their way.

Owners, however, DID pay their full contribution towards the infrastructure. Their infrastructure contribution was a pre-determined amount (in terms of the Urbanisation Plan) which was included in the purchase price which each owner paid to the Developers who sold them the property.

The ONLY real thing that the 1993 Agreement achieved was to relieve the Developers of their need to pay anything towards Services and Maintenance.

The Homeowners still paid their infrastructure contribution whilst being told that they were being 'let off' paying. Some homeowners are still under the misconception that they were 'let

off' the infrastructure contributions. They should perhaps have listened to the lawyer back in 1993.

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Junta: As you are there has been no development in Cabrera for 12 years so you correctly presume that it is unlikely that the theoretical 65% will be forthcoming. How do you propose to legally invoice us owners for the shortfall? Taking people to court is a long-term exercise and only worthwhile if you are certain that the money from any judgement will be forthcoming.

We are confident that our successful Developers have sufficient assets to pay their way so court action may not be necessary.

We recognise that some unscrupulous individuals may try to take advantage of the slow moving legal system. We also note that the Junta Board has had some success with debtors in the past.

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Junta: We all could have carried on with enjoying the peaceful atmosphere of this magical place at a cost which we all accepted as being perfectly fair for the services and maintenance that we enjoy.

We are not foolish enough to accept malpractice, even if it is regarded as 'petty' and 'good value for money' .

An amount of €276,000 for transformers is not insignificant and we have still not had an explanation as to the value for money of the €82,575.13 expenditure against irregular invoices including asphalt in 2019.

Why are there always so many unanswered questions???

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Finally, could we ask that the Junta Board take the time to address the many questions that we have asked regarding the Junta operation and management of its finances. These questions were first raised a year ago. They remain unanswered.

The Junta seems to have put a lot of effort into finding reasons to avoid answering these questions, with the delegados letter being perhaps the latest example.

This serves only to increase our concern.

Kind Regards

OPEN CABRERA
www.opencabrera.com