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Sent: Friday, August 6, 2021 9:02 AM
To: juntadecompensacion@hotmail.com; juntadecompensacioncabrera@gmail.com
Subject: Non-compliance with the Cabrera Statutes

Dear Homeowners

The provisional enactment of the recent Court Order (17 June 2021) has created a bit of a stir in Cabrera. This has resulted in a proliferation of Facebook activity and some propaganda messaging, often with feigned ignorance of the facts.

We understand that there have been calls for Open Cabrera to provide Facebook responses but our platform of choice for communicating with Homeowners has always been the Open Cabrera website and by email. Over the past 20 months, we have responded to all those who have written in and we have also published informative documents which can be found in the Document Library:

<http://www.opencabrera.com/document-library.html>

This library holds all the FACTS and we are pleased to say that there have been very few challenges or changes that have had to be made in order to correct any inaccuracies.

Certain people have berated us for only criticising the Junta Board and not 'delivering a workable plan to change things'. The Junta Board has said that Cabrera runs the risk of collapsing without their ability to continue as before (ie. Contrary to the law).

We have to point out that the '**workable plan**' is simply for the Junta Board to follow the Statutes, abide by the law and treat the homeowners with the respect that they deserve. If the Junta Board does this, everything will be fine. So, the continuity of the operation of Cabrera is in their hands.

After the Junta Board made some ill-judged comments about our neighbours in Cortijo Grande, they were duty bound to circulate an open letter from the Chairman of Cortijo Grande Owners which set the record straight. This letter is in the document library:

http://www.opencabrera.com/uploads/4/8/0/4/48042949/jc_0051_clarification_of_the_true_situation_in_cortijo_grande_210729.pdf

As one Cabrera resident pointed out, he was very surprised that the Junta Board had actually distributed the letter as it seemed to be a blueprint for running Cabrera, a 'cut and paste' as he put it.

It seems that all our Junta Board has to do is to follow the law, adopt a culture of openness and transparency and establish trust with the Homeowners. Why does this seem to be such a difficult 'ask'?

It seems that one of the biggest fears on the part of the Homeowners is that the Developer landowners will not contribute their fees in accordance with the Statutes. This may well be the case, but we must remember that this is exactly what has happened for the past 28 years – the Developers (also Junta Members) have not contributed to the maintenance of the roads and water supplies at all. This means that the Homeowners will, in all probability, have to cover the shortfall and this means that the current fee payment amounts are unlikely to reduce.

However, anyone who is in arrears with their fees may not hold a role on the Junta Board or have a vote. So, the control of the use of the fees will be in the hands of those who do pay the fees. At the

moment, the control over the use of the fees is in the hands of those that do not pay any fees and we have seen what has happened. If you are in any doubt, take a look at the Case Studies in the document library.

Contrary to what you may have read on Facebook, the Town Hall has not "passed on the responsibility and emphasis for a possible practical and working formula to the Junta de Compensacion, this **implies** that it is our Assembly that has to decide how best to comply with the Provisional Court Judgement and the practical way to prevent Cabrera suffering"

The Junta Board is responsible for following the Law and the Statutes and this does not **"imply"** anything at all.

It is not **"implied"** that the Junta Board needs to pass the problem over to the Assembly (us) in a last gasp effort to invent a new replacement for the illegal 1993 Agreement. The Assembly has no power to break the law again.

The holding of a General Assembly will have no impact on the immediate requirement to apply the Law.

The Court Order is clear:

I declare the NULLITY of the Agreement of January 14, 1993 of the General Assembly of the Compensation Board of Cortijo Cabrera as well as that the maintenance / conservation expenses and urbanization expenses of the Compensation Board Cortijo Cabrera must be paid in accordance with the manner set out in the Bylaws protocolized in the Public Deed of Incorporation granted before the Notary Mr. José Ma Calvo on August 2, 1991 under number 79 of its protocol, with the defendant City Council being ordered to pay costs.

It is known that the Town Hall met with the Junta Board representatives during the week commencing 25 July 2021. We have subsequently had discussions with the Town Hall and it is our understanding that the Town Hall intends to put out a formal, written guidance statement to the Junta Board and the Homeowners by the end of next week. (Friday 13th August 2021 but, of course, this may change!)

As we have stated before, Open Cabrera's role in this is to communicate all the facts to the Homeowners to foster a clear understanding of the situation. We are not a political party with candidates in the wings, ready to take over the running of Cabrera. While we have (like others) many ideas about how Cabrera could be run under various scenarios, we believe that the main focus at the moment is to get the Junta Board to operate in strict compliance with the law, no matter how unpalatable that may be to them. Once this is achieved, alternative delivery models can be explored in a controlled environment.

Our suggestion to the Homeowners is that this is not the time to panic. The hard legal work has been done by committed Homeowners over several years and we now need to bide our time while the Court Order is properly implemented. This will require a complete change of culture within the Junta Board so it might be a bit emotional.

As the Junta Board increasingly comes to terms that it will have to change its ways, the more we will hear about future doom and gloom, 'suffering' and how 'Cabrera, as we know it, will not be able to

exist'. In reality, this is simply the sound of the Junta Board finger-nails scratching at the surface of the burnt orange cliffs of Cabrera.

For all the current commotion, it should not be too difficult to implement the Court Order.

And that would have been the end of this communication but we received a request from the Junta Treasurer for Fee **Donations** yesterday. So, we have some observations:

1. The **donations** requested by the Junta seem to cover the full maintenance costs for the next 6 months (circa €100k).
2. The amount requested from the Homeowners does not seem to have been reduced in the slightest. This indicates very clearly that a similar request for donations has not been made to the Developers.

So, in spite of the Court Order dated 17 June 2021, the Junta Board is still looking for ways for the Developers to avoid sharing in the maintenance costs of Cabrera. It seems clear that the Developers still have the intention of paying nothing at all.

We trust that the Junta reserves will contain sufficient money to cover the costs for the Junta workmen to be able to carry out the maintenance activity until such time as the Junta operates according to the Law. If not, we are convinced that suitable **donations** will be made by the Developers to ensure continuity of the Cabrera urbanisation which is in development.

As with most entrenched leaders, the usual starting point in negotiations is:

1. Without me, you will all suffer, we will not survive
2. You all "owe me", I am "owed"

Apparently, the **donations that have been requested** will go some way to covering an analysis back to 1993 of the finances. As the Developers do not seem to be making any donations, it seems inappropriate that Homeowner funds will be used to calculate what Developers feel that they are "owed" and that this activity will be overseen by the Developers. The Developers should pay for their own financial audit and legal services.

In the meantime, it is up to individual Homeowners to decide whether they wish to sponsor the regime with donations – Homeowner donations which the Developers will no doubt use to prolong the status quo and use for legal and financial services which will further their own interests rather than those of the Homeowners.

The requested donations do not seem to align very well with the Cabrera Statutes.

Have a good weekend!

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