

RESPONSE TO JUNTA NOTIFICATION OF 2021 AGM

18 November 2021

We received a Notification from the Junta Board on 15 November 2021 (including documents variously dated 16 November 2021 and 11 November 2021) about the forthcoming AGM on 26 November 2021.

This was accompanied by a variety of loose and vague proposals.

Many of you have asked us to act as a Proxy on your behalf. Instead, we are working on a mechanism where Homeowners could choose, if they wish, to appoint a Lawyer as their Proxy at the AGM. The Lawyer will be Eduardo Gonzalez, the Lawyer that has successfully conducted the legal proceedings against the Town Hall and the Junta Board. We will provide clearer details in due course.

Although it is buried in Item 5 on the Agenda, the most significant proposal is to modify the Cabrera Statutes in some undisclosed way.

It should be noted that none of the financial proposals put forward by the Junta Board in the AGM Agenda would be achievable unless the Statutes were to be heavily modified in favour of the delinquent developers. The financial proposals are illegal.

It is very clear that the Developer-led Junta Board has no intention of following the Statutes as instructed by the Court. Instead, they wish to modify the Statutes to favour themselves.

So, we believe that any Homeowners with any inclination to support the proposals made by this discredited Junta Board would be, to coin a phrase, 'dancing like hypnotised chickens'.

As the Treasurer has previously stated, a 100% vote would be required to modify the Statutes. Therefore, we can conclude that it will not be possible to modify the Statutes because the two Open Cabrera founders will not be lending their vote to this. It is therefore a “non-starter” which makes all the other Junta Board financial proposals “non-starters”.

The Statutes declare that the Junta Board acts under the control and guidance of the Town Hall.

This AGM Agenda and accompanying communication strongly suggests that the Town Hall has had no influence at all on the Junta Board despite the enactment of the Court Order against both the Town Hall and the Junta Board.

We address the proposed AGM Agenda items in turn below:

1. Approval minutes of Annual General Assembly 29th November 2019

The Town Hall (holding a 29.73% vote) abstained from approving the minutes of the 2018 AGM and therefore clearly have no confidence in the Junta Board themselves.

As Homeowners (holding about 24.4% of the vote), we know that the Junta Board is operating illegally, and we should therefore reject the minutes of the Annual General Assembly 29th November 2019. If we were to approve the 2019 Minutes, we would be enabling and lending credence to an

illegal operation which is controlled by the Developers (about 45.9% of the vote) and which is taking advantage of all of us.

If ALL the Homeowners vote against the Developers and the Town Hall also votes against the Developers we could potentially stop the abuse with a majority vote.

[2019 AGM MINUTES REJECTED]

2. Ratification of Annual Accounts for the year ending 2019-2020

We cannot ratify the accounts for 2019-2020 (FY20) because our questions on the FY18 and FY19 accounts have not been answered. These accounts feed into and form the basis for the FY20 accounts, so it is impossible to ratify the FY20 Accounts.

Furthermore, the FY20 accounts involved expenditure against a budget which was simply rolled over from 2019 and never approved. There was no AGM in 2020.

Our questions on the FY18 accounts were translated into Spanish and registered with the Town Hall. We have been assured by the Town Hall that they issued them to the Junta Board for a response. No response has been forthcoming from the Junta Board or the Town Hall.

This again strongly indicates that the Town Hall has lost control of the Junta Board.

[2019-2020 ACCOUNTS REJECTED]

3. Reading and approval of the maintenance and investment budget for year 2021

We assume that the Junta Board means the budget for year 2022.

We cannot approve the maintenance and investment budget for the year 2022 because it is not in accordance with the Statutes. The Statutes are not being followed as instructed by the Court Order.

The 2022 budget provided by the Junta Board is predicated upon a change to the Statutes. This change to the Statutes has not happened and will not happen as explained above.

The Court judgement was for an immediate implementation of the 1991 Statutes in June 2021. This did not mean that the Junta Board should delay implementation until a possible EGM in January or February 2022 with the sole purpose of trying to change the Statutes to suit themselves. The Junta Board is not obeying the court.

The idea of issuing invoices for the 2nd half of 2021 in January 2022 is also contrary to the court judgement.

Again, this strongly demonstrates that the Town Hall has lost control of the Junta Board.

[2022 MAINTENANCE BUDGET REJECTED]

4. Approval of the completion works in the Action Units

We cannot approve the "completion works in the Action Units" as we have no idea what these works entail. No details have been provided. If we are to approve anything, it needs to be in an approved Urbanisation Plan, it needs to be awarded planning permission by the Town Hall and any utility companies, and the Developers need to lodge their funds for the work with the Junta.

Only when these aspects are fully addressed, it will be possible for the Junta to go out to tender and oversee the work.

We know that this will not happen under the present regime. The present regime is intent on manipulating the existing Homeowners into believing that they must fund the infrastructure provision in Cabrera as "captive investors".

If the Homeowners enable this this regime and their ridiculous ideas, they can look forward to a massive drop in the value of their properties.

Who would buy into this Cabrera world of uncontrolled and lawless exploitation? It is believed that the only reason that new arrivals buy property in Cabrera now is because they are blissfully unaware of the way it is being managed.

Where is the control and guidance from the Town Hall, even though there is a court order against them?

[WHATEVER THIS IS - REJECTED]

5. Approval of the proposal for the initiation for the modification of the Statutes in compliance with the order of provisional execution of the sentence

Here, we get to the crux of the matter – the Developers still do not want to follow the Statutes that they signed up to in 1991. They wish to be able to continue to exploit the homeowners and to write their own rules.

We do not need to modify the Statutes to comply with the Court Order as is **deviously** implied by the Junta Board. The Statutes simply need to be followed rather than modified once again to the advantage the Developers and to the disadvantage of the Homeowners. The '1993 Agreement' confidence trick also involved precisely this – illegal modifications to the Statutes.

The Developers have not even stated what modifications they intend to make. However, it is clear from their communications that they wish to try to make us all 'Developers' to pay for the infrastructure that they should have provided. They wish to try to draw us in to their Promoter - Developer world as 'captive investors' without any return on investment.

Again, this indicates that the Town Hall is not controlling and guiding the Junta Board appropriately.

[PROPOSAL TO MODIFY THE STATUTES - REJECTED]

6. Inform of the nomination of technicians who will be in charge of the assessment of infrastructure costs

This proposal is rejected because the Developers are responsible for funding the development of the infrastructure and the assessment of the associated costs, not the Homeowners. The Homeowners should not be regarded as "captive funders" for the cost of development works that should have been completed decades ago. The misappropriation of any homeowner funds to further the interests of the Developers could logically be viewed as theft if it takes place.

Once again, the Town Hall has lost control of the Junta Board.

[PAYMENT OF SERVICES FOR DEVELOPERS - REJECTED]

7. In compliance with the Statutes the following delegates must resign: Sr. Segundo Ramirez Perez, President, willing to re-stand for election Sr. Jose Luis Jerez Requena, Treasurer, willing to re-stand for election Sr. John Bailey, Secretary , willing to re-stand for election Sr. Bob Hall, Minority Delegate, willing to re-stand for election Sra. Noeline Ramsay – Estate Manager Delegate willing to re-stand for election The presentation of the candidatures of the people who voluntarily offer themselves for the position of Delegate, must be notified to the Secretary before noon on 18th November, 2021.

Our view on this is that we should leave it to this dysfunctional band of cronies and family members to re-elect themselves once more. There may be some advantage to this as it would be impossible for any suitable, morally upright Homeowner candidates to work with those Developers who will probably re-elect themselves in any event because of their huge majority in voting rights.

We should nevertheless indicate our displeasure and vote to reject them and their ideas.

[RE-ELECTION OF EXISTING BOARD MEMBERS - REJECTED]

The Town Hall enabled the Developers to corrupt the Statutes in 1993 and caused decades of misery for so many Homeowners.

We now have:

- Incomplete infrastructure
- Homeowners being positioned as 'captive investors' for the Developers to exploit

We should definitely not allow the Statutes to be corrupted again.

The Statutes declare that the Junta Board acts under the "control and guidance" of the Town Hall.

The Town Hall failed us in 1993.

Is the Town Hall going to fail us again in 2021?

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