

Jeremy Oliver

From: Open Cabrera [OpenCabrera@outlook.com]
Sent: Tuesday, November 23, 2021 8:41 AM
Subject: JC_0066 AGM Proxy Voting Debacle

Dear Homeowners

On 15 November, we were invited to the AGM scheduled for 26 November by the Junta Board.

On 18 November, we were informed of the following in a 'Zoom call notification':

As usual you will be required to log in and be registered at the doors to the meeting on the top floor. Here you will also present any proxy votes you possess for registration and be issued any voting slips that may be necessary.

On 22 November, the Junta Board changed their mind in another 'Zoom call notification', inventing some more rules of their own and stating the following:

Responding (OC) requesting owners to send them a blank unnamed of their representative proxy vote, we have been told by the lawyers is invalid.

A Proxy vote can only be given by a paid up member to another paid up member of the same community sent previously to the Junta Secretary stating the name of their representative at the Assembly.

A Paid up Junta member wishing to name their representation to a non-member can do so by presenting an original notarized power of attorney, not a copy, to the Junta before 25 November 2021.

Owners who have given their proxy votes to another owner to represent them at this coming Assembly please send confirmation to the Junta secretary not later than the 25 November, otherwise proxy votes unconfirmed presented on the day will not be valid.

We believe that this is absolute nonsense and contradicts what the Junta Board said on 18 November - proxies could be presented at the door. The Junta Board is making up rules as they go along, presumably in an effort to obstruct voting against the illegal items they have proposed in the AGM Agenda. This is taking place only days before the meeting is to be held.

Such is their fervour, they are even trying to prevent an Open Cabrera founder from voting by referring to 'rules in the Statutes' that do not exist. For your information, please see the correspondence below.

Please note that there is no reference to any of these so-called Proxy Voting rules in the Statutes – it has all been invented by the Junta Board. ("John" is the Junta Secretary)

On 19 Nov 2021 17:13, malcolm.linfield wrote:

Hi again John

First off, apologies for thinking I'd met you today with José, but I've just been told I met a Bob Hall instead. So please accept my apologies for any confusion.

I'm sure José or Bob will fill you in on the details but they left me a little confused on how the proxies are supposed to work, indicating that I wouldn't be able to act as Pernille's proxy.

I'm pretty sure that can't be right, but José dug his heels in and seemed pretty insistent. My mail is just to seek clarification as otherwise Pernille could be left unrepresented at the meeting.

All the very best

Malcolm Linfield

Begin forwarded message:

From: malcolm.linfield
Date: 19 November 2021 at 17:25:54 CET
To: juntadecompensacion@hotmail.com
Cc: Pernille Loenberg
Subject: Query on AGM Proxy Voting

Hi John,

It was nice to meet you earlier and thank you for your helpful contributions to the discussion with José Jerez in the Arch Bar on the Junta accounts and the forthcoming Junta meeting.

José seemed very sure that I would not be able to attend the meeting to act as proxy for Pernille Loenberg because the statutes of the Junta require that all proxies attending on behalf of Cabrera homeowners must also be Cabrera homeowners. He made very clear that I would be denied access.

I have just read through a translation of the current Junta statutes and can find nothing to require that proxy holders must also be a Cabrera homeowner in order to attend a General Meeting.

I also understand that a lawyer, who is not a Cabrera homeowner, is planning to attend the General Meeting to represent a good number of Cabrera homeowners and, if what José claims is true, he would, under the statutes, also have to be denied access to the meeting.

Could you please clarify the situation by pointing me at the rule in the statutes that precludes my attendance and if, like me, you cannot find such a rule, could you please confirm that I will be able to act as proxy for Pernille and so be welcome to attend the forthcoming general meeting in her absence.

I look forward to hearing from you.

All the very best
Malcolm Linfield

We know that you will think that this 'beggars belief' but it has come to be exactly what we expect from this Junta Board – out of control, uncontrolled and untrustworthy.

How is it that the Town Hall is standing by and allowing all this to take place?

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