

# Junta de Compensación de Cortijo Cabrera

Apartado 2, Cortijo Cabrera, E-04639 Turre, Almería, España

ENGLISH



Cortijo Cabrera 4 October 2022

Dear Owners

This message to Homeowners and Landowners is intended to give additional information and clarification to the recent message emailed by the newly forming Homeowners Association (HA).

As the HA message states, the Junta de Compensacion have been in discussions with this group for some months, exploring the possibility of forming a Homeowner run Services entity. The Junta and the HA agreed that it was pointless informing residents of ongoing discussions or naming those involved until a concrete plan could be presented.

However, because we were not progressing fast enough on this front, and with funds that were depleting, compounded by the lack of voluntary payments, the Junta Delegados met with a legal advisor who specialised in urbanisation disputes. This lawyer also has political experience which should greatly aid liaison with Turre Town Hall, which must be involved.

Briefly, the advice that we have been given by the newly contacted lawyer confirms all the other legal advice that we have been given, that the statutes do not empower the Junta to provide services, and the statutes need updating to reflect the current situation.

The Junta is the only recognised legal body in Cabrera that has the power to enforce payment for the running of the urbanisation, ensuring that it functions.

The objective of the change to the statutes would be to separate the services from infrastructure within the Junta as effectively two separate sections or departments. The department dealing with services would be detailed in the statutes and would also include defining the water service supplier as the Junta.

Newly defined Junta delegados would be created to control and finance the services, **but at the same time having guarantees to legally pursue non-payers.**

The percentage payments and voting rights would be redefined as “per household” for services, and the rights for infrastructure would remain as “per land ownership”.

In simple terms the Junta would be the legally established recognised body with a sub group of owners managing services with a separate independent set of statutes defined, offices, assemblies and finance.

The lawyer also advised that an independent services association could not have any legal status to recover unpaid fees.

In addition, an association cannot legally provide drinking water as it is not registered with health or sanitation.

Updating the statutes will not be a quick fix and could take some months, but in his opinion, which is backed up by our other legal advisors, it is the way to proceed.

We are awaiting full details of his proposals to present to an owner’s assembly. An assembly that he can organise and present for us all.

This brings us to the point where we need to ensure that Cabrera survives in the meantime.

Owners have been encouraged by some persons not to pay voluntarily for services. Some have not contributed because they now realise that they must now also contribute towards

infrastructure costs. This is a direct result of cancelling the 1993 agreement where the court order makes the Junta not liable to charge for services, but it is still required to charge for infrastructure work. Therefore, until the statutes are amended, the Junta budget will only be for infrastructure work.

As we have pointed out many times, because owners objected to funding infrastructure, the 1993 agreement was voted in; defining the services as a separate item to be paid per property. There was never any payment for infrastructure included in the budgets to homeowners.

The recent court ruling imposed by the CRA case against the 1993 agreement, for whatever reason, has reinstated payments for infrastructure by land ownership and cancelled charging for, and implementation of, services.

As a result, the Junta cannot charge for, or therefore supply, daily services such as water, sewage, rubbish etc, etc, as we have detailed on many occasions.

At the moment only about 50% of owners recognise the fact that unless there are funds to pay the workmen, the electricity bills for pumping water, processing sewage, street lighting, diesel for well water pumping, etc, etc, then we cannot continue to live here.

We urge all owners to ensure that they have paid their request for voluntary payments.

In order to assist owners in identifying which voluntary payment period they have or have not contributed to; we will be sending out a list identifying what has been paid and what is unpaid.

If you find that you need to make a payment you can contact the Junta to supply a voluntary invoice and give instructions to make payment by DD or bank transfer.

This is a high workload for the accounts to keep track of and answer the many queries that owners have in this transient situation, so please be patient on replies.

The following is an explanation of the voluntary payments temporarily replacing normal biannual invoices.

There should have been requests for voluntary payments to keep Cabrera services running on the following dates:-

6 monthly payment June 2021

6 monthly payment January 2022 (no request was issued for this period, see below)

6 monthly payment July 2022

Each voluntary payment has been set at the amount, that was issued prior to the court judgement, of the last services invoice issued, which was on 1 Jan 2021.

**So far less than 50% of owners have made the June 2021 payment**

**No request for January 2022 was made as the Junta was working to have the services situation resolved by Feb 2022. This has proved to be unachievable.**

**Therefore, we will be sending out emails requesting payment for the 6 month January 2022 voluntary amount.**

**So far less than 50% of owners have made the June 2022 payment**

**Any excess service funding available when a new system is introduced will be transferred to the Services group account. An adjustment will be made on the voluntary amounts paid which are estimates, and any owner over payments will be refunded. Similarly any owner who did not contribute voluntarily will be legally forced to pay for the missed back payments that kept services running.**

The Junta is the only entity that is legally registered to run Cabrera.

But we now have 3 additional entities that have opinions and take actions that affects all of us living in Cabrera.

We have the Cabrera Residents Association,(CRA) The Open Cabrera website, (OC) and now a Homeowners Association (HA).

The OC website and the CRA have continually encouraged owners NOT to pay the voluntary contributions. Some of the volunteer members of the new HA have also refused to pay and we asked them to join with us in encouraging all owners to contribute, including themselves. We were saddened to see that they did not include our request in their email to owners. Whatever the final outcome of implementing a fair and legal services entity for Cabrera, the services must obviously be paid for in the meantime.

We sincerely hope that things will proceed quickly to resolve the situation and will keep owners informed when significant progress has been made.

Regards

Junta de Compensación Cortijo Cabrera, polg. 1.