

Dear Fellow Cabrera Homeowners,

With reference to our email dated 5th October 2022, we were pleased to receive a significant number of positive replies in support of the creation of a homeowner's group that would represent the interests of Homeowners and help resolve the current crisis that is seriously affecting the administration of Cabrera.

We are a group of Homeowners who initially came together at the request of the JDC to attempt to solve their internal problems affecting the provision of services and maintenance, particularly water and sewage to all homes.

The JDC have previously provided these services and invoiced homeowners according to the **1993 Agreement**. This was an agreement decided at an AGM of the JDC by the then developers and homeowners to apportion the cost of services and maintenance to homeowners, and not to developers.

The system worked and many now comment on its success in maintaining services and harmonic relations across Cabrera over a long period. However, things started to break down after the last financial crisis and it is clear that the dynamic and reality changed greatly since 1993 as more homes were built and an established community was formed with clear homeowner interests.

1. A group of homeowners became unhappy with the way the JDC were operating the service budget and they (Cabrera Residence Association) eventually took legal advice and challenged the legality of the 1993 agreement. The legal case was successful, and the JDC has been forced by the courts since July 2021 to abandon the 1993 Agreement and comply with the legal statutes on which the Cabrera development was founded.
2. This change enforced by the law **DOES NOT** stop the JDC from providing services. In fact it is their duty. It only forces them to apportion the cost of the services according to land ownership. **If they were to follow the court judgement, and invoice according to land ownership (as per the statutes), the JDC would not be facing a lack of funds.**
3. One issue that the JDC is fully aware of, should they follow the law and issue service costs proportionate to land ownership, and the developers decide not to pay (as they did not when using the 1993 agreement) the developers would in fact become debtors and lose their right to vote at the general assembly, thus

losing control of the JDC. **This is a significant issue that influences the current decision making by the Delegados on the JDC.**

4. Many of you will have seen the CRA lawyer in action at the AGM on 26th November 2021. His actions are supported by the sentence of the Courts of Almeria. He is fighting on behalf of all homeowners to stop what is now an illegal administration by the JDC and accepted by the Turre Town Hall. To ensure that both bodies comply with the court judgement the legal actions will continue and, eventually, the JDC and the Town Hall will be forced to comply or face the consequences of ignoring the rulings of the courts.
5. All homeowners have a **legal right** to water and sewage. The JDC and the Town Hall will be forced to provide these services if the current administration fails to comply and collect funds according to the statutes.

### **Now the situation becomes critical**

We as a group of Homeowners are advocating to bring all homeowners together under an association to ensure that, whatever happens from here is in the best interests of all homeowners. We believe that a lot of these problems could have been avoided had the JDC adopted a balanced approach instead of enabling the developers to control an agenda which is biased towards their own self interests.

It is not our intention to discredit the past role of the developers in bringing Cabrera to its current status and providing management over the past 30 years. We believe that the developers have played a significant role in developing the Cabrera village, but their role is greatly diminished as their construction of houses dwindles to nil. It is now time for Homeowners to step up and become the deciders of their own future.

**We are happy to work within the legal structure of the JDC but the collective voice of the homeowners must be heard and cannot be voted down by the developers block votes.**

### **What can be done?**

Fortunately, the homeowners find themselves in a relatively positive situation due to the legal successes funded by the CRA. It means that the JDC and the Turre Town Hall,

which has supervisory authority, have to obey the law and comply with the Cabrera statutes.

**Simply put, if the landowning developers wish to continue to control the running of the JDC, they will need to pay their proportionate share of the costs of services and maintenance. Assuming they do not pay, then they will lose their right to vote and should be removed as delegados on the JDC.**

In this situation, the Homeowners could support a restructured JDC by way of their soon-to-be established Homeowners association (HOA) and, within the legal structure of the JDC, will oversee a system that would guarantee the provision of services and maintenance without the involvement and control of the developers. **We have suitable technical, managerial and legal resources ready to step in.**

A strong HOA would be founded on the following basic objectives:

- An **OPEN FORUM** for direct discussion/debate amongst **ALL** homeowners
- A focus on **HOMEOWNER PRIORITIES** and continual improvement of Cabrera
- Give **PARTICIPATION & VOICE** to all homeowners on issues affecting Cabrera
- A fully supported body that can **ENGAGE WITH ONE VOICE** with the JDC and TH
- A structure with **OVERSIGHT** of JDC budget and activities

### **What do we do from here? Towards a Homeowners Association**

We have spoken to many of you in the past months about a sensible, moderate way forward. We have tried to gauge sentiment on both sides of the current divide. All that we have spoken to seem to now support a "middle way" that will get us away from the divisiveness that has plagued Cabrera for the past years, and that keeps us mired in distracting internal battles rather than managing, and improving, our community.

In searching for consensus, we have also been in contact with the CRA committee. They also seek a pragmatic, common-sense way forward. We believe that now is the time to integrate their efforts into a new, unified homeowner organisation. They are keen to contribute their experience, and the benefits of their costly legal efforts, to a structure that represents homeowners' interests in a forward-looking Cabrera.

Regardless of the eventual outcome of legal actions, **what we are proposing is that all homeowners join us now to create the Cortijo Cabrera Homeowners Association.**

We believe we can bring all homeowners together and determine a legally based future for the village of Cabrera. We have seen several emails supporting the current JDC actions and here we must state that a future run by the current Delegados, following an agenda of developer self-interests and at the same time failing to comply with the law simply will not work.

**We have tried over the past few months to get the JDC to see sense and effectively drop the one-sided support of the developers but they seem unwilling to do so ! They seem under the false belief that by staying in power and somehow changing the statutes they will solve the problems.!! It will not happen.**

**So now we need support in numbers.** We are the group that will pull together the support of the Homeowners and challenge the self interest of the developers with a view to finding the best solution for Cabrera. We are not interested in the past, we have no ill feelings in either direction, we simply want to put Homeowners first and re-establish harmony across the community.

**All homeowners will have a seat at the table** - and a vote - to discuss with their neighbours in a civil and open fashion, the future of Cabrera. To kick this off we will be circulating a survey, together with a list of foundational principles, and would ask for your approval of the creation of this new entity. The next step would be to convene a Cabrera "town meeting", either physically or virtually, with a list of priority agenda items for discussion. We will be actively soliciting proposals for the agenda items from all homeowners. **Of course, we also would welcome any volunteers that want to help shape the future of Cabrera and have something to contribute to this process.**

We appreciate your patience in reading through this very long document and hope to hear from all of you in the coming days.

Your neighbours,

Tony Butt

David Levin

Damon Golder

