

## **MOVING TOWARDS A CABRERA WHERE HOMEOWNERS DECIDE**

Dear Fellow Cabrera Homeowners,

We appreciate the many responses to our last communication and for the overwhelming show of support for the formation of a homeowners association. We know that a lot of you are concerned about the continuation of services in Cabrera, as we are. Some also questioned the reasoning behind those homeowners that have been unwilling to make “voluntary payments” to the JDC during the past year. These are fair questions and we address them below.

As mentioned previously, **our aim is to unite all homeowners** - whatever their views may be - into a single group that can work collectively towards a better future and prioritizing what’s most important for homeowners. **Attached you will find a form to be returned with some basic information along with your expression of interest in and support for the creation of a Cabrera Homeowners Association.** Once we have the initial membership, we will arrange a meeting to run through an initial program. We are proposing the establishment of a WhatsApp Group (English/Spanish/French) so that all homeowners who wish to subscribe can be directly connected

**For those homeowners who attended last year's AGM, it was clear that the JDC Board was aware of the legal implications** of the Almeria court ruling at that time. Observing those proceedings, and later learning about the enforcement judgement, it was hard to witness the behavior of the JDC Board members who were already looking at ways to avoid implementing the court decision. From that point, it quickly became obvious that, instead of heeding the courts, and transitioning towards a new, more forward-looking management structure, **the JDC Board was intent on confrontation with homeowners.**

Nevertheless, despite the intransigence demonstrated by the JDC Board in the AGM, some of us still harbored hope of finding a compromise solution with the JDC that would allow us to avoid continued strife and bring some **common sense solutions** to Cabrera. However, the developers are convinced that, by keeping the JDC under their control, they will be in a position to “retaliate” against all homeowners for the ruling which forces them to pay for services and maintenance in proportion to the land they hold in Cabrera. How will they do this? The treasurer has made no secret of this since last November. His intention is to invoice all homeowners for past and future infrastructure costs in Cabrera. In order to do this, he and the President will attempt to push through changes to the original statutes using their block votes.

**Those of us that purchased houses directly from the developer, and those that purchased from a previous homeowner, are adamant that we already paid for infrastructure in the original price of the house.** In fact, the statutes (Art. 14) state that if an original member wishes to transfer rights and liabilities for infrastructure costs it **MUST** be communicated to the JDC members and explicitly included in the conveyancing documents, i.e. included on the deed of sale and land registration documents when the property is sold by the

original developer. **In short, the infrastructure costs in Cabrera are to be borne by the property developers or any subsequent property developers that they have explicitly transmitted their development rights to. This is part of their cost of building houses and making a profit.**

We have had this discussion with the developers, but they refuse to accept this point and are convinced they will be able to force ALL homeowners to be charged with costs of infrastructure. Their motives have become quite personal due to the acrimonious atmosphere within Cabrera over the past few years. Given this intransigent - even destructive - attitude, we reached the conclusion that we could no longer engage further to try to find common ground.

Fortunately, as we will soon witness, the legal process is in favour of Cabrera Homeowners. We hope and expect that it will lead to the end of the developer-dominated JDC and replace it with an administration that protects the interest of Homeowners.

### **So why have so many been unwilling to make “voluntary payments”?**

For some, it is about not giving in to threats and blackmail. For others, it has been about following the law or even following the advice of their own legal counsel. For others it has been about forcing the JDC Board to implement the court ruling. Lastly, not only do these payments contravene the ruling of the courts, but they also are prolonging the life of a JDC Board which has put its own interests ahead of homeowner interests.

**Using the term "non-payers" and threatening to cease providing basic services ( which are guaranteed under law ) has been a mean-spirited and manipulative attempt to sow divisiveness and discord, distracting away from the real issue: the developer-controlled JDC Board's refusal to implement the court order, their own legal jeopardy and the developers' refusal to pay their fair share.**

We have spent our time and efforts in understanding what is required for the future, and we are prepared to work with a restructured JDC to provide technical and legal support to ensure services are ensured. In this case non-payment is not a protest, but it is a way to stop this current administration from continuing in office and continue to administer based on pure developer self-interest. **We are telling the JDC: obey the law and invoice according to the statutes; Once legal invoices are issued, everyone will pay.**

**JDC Invoice to each landowner:**

***“X” euros ( % cost of service and maintenance proportionate to land ownership)***

We demand that the JDC issue such invoices ASAP so that all homeowners and developers can pay towards the service and maintenance budget. At that point, there will be no reason for anyone to withhold payment.

## **Why have the JDC not issued such invoices up until now?**

We assume it is because the developers do not want to pay their share. They know that, if they were not to pay, they would be considered “debtors” under the statutes and lose their right to block vote.

**There are 2 developers on the JDC and there are 200 homeowners** for which the JDC is our representative body. Under the current set up, the developers prolong their dominance over all of us by using their block vote (based on land ownership). They are planning to abuse this power further by introducing a change to the statutes to the benefit of the developers.

The court decision states categorically that the developers **MUST** follow the statutes. Therefore, they cannot use the power of their block vote unless they pay for their share of services and maintenance proportionate to the land they own. Forcing the JDC to comply with the court ruling is the only way to ensure that homeowners interests are secured and further recognised in the future administration of the Cabrera development.

The coming weeks will be important. The JDC is short of funds, and AGM is due, and we can expect developer self interest to dominate the agenda. We need to be well prepared with legal support to challenge whatever the JDC Board is planning in their determined efforts to avoid abiding by the law.

**PLEASE JOIN US IN ADVOCATING FOR HOMEOWNER RIGHTS OVER  
DEVELOPER SELF-INTEREST BY RETURNING YOUR COMPLETED  
FORM TO US.**

**CONFIRMATION OF INTEREST IN FORMING PART OF THE  
CORTIJO CABRERA HOMEOWNERS' ASSOC.**

Please complete, sign and scan this form back to us at:

[cabrerapol1services@gmail.com](mailto:cabrerapol1services@gmail.com)

Name 1: \_\_\_\_\_

Name 2: \_\_\_\_\_

House Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone 1:\* \_\_\_\_\_

Phone 2:\* \_\_\_\_\_

**\*If you would like to be included in the WhatsApp Group (ENG/FR/ESP), please add your phone numbers above.**

Email 1: \_\_\_\_\_

Email 2: \_\_\_\_\_

**By providing this information, you give consent for us to communicate with you on Cabrera homeowners issues only. We will not divulge this information to any third party. You can ask for removal of your data at any time. All data will be duly registered with the Spanish Data Protection Agency upon the formation of the association.**

Signed 1: \_\_\_\_\_

Signed 2: \_\_\_\_\_

Date:

