

LEGAL OPINION - RECENT INVOICES / UPCOMING AGM

Dear Homeowners,

It has been a busy period with the JDC following up their AGM announcement with an agenda and the issuance of new “ invoices” .

Our Homeowner's Association is progressing well, and the response remains extremely positive. For those that have not yet returned their confirmation of membership, we attach a new copy that you can print, sign and return and you will be added to our growing group. Our plans and procedures for the Association will be published shortly, but be assured we are already working continuously on the various topics with the objective of defending and promoting homeowner interests. In the meantime, we would like to share the legal opinion that many of you have inquired about:

Regarding the AGM and the recent invoices, we have sought legal consultation, including with the lawyers representing the CRA in their successful lawsuit against the JDC. They have confirmed to us the following:

1. These invoices **are not in compliance with the court ruling** and, therefore, are not legal and should not be paid.

2. Before any invoices are issued, **there should be an up-to-date assessment of participation as per the ruling.** From the analysis of the invoices issued, it is clear that this process simply has not been followed. On the contrary, the JDC Board continues to defy the ruling of the courts and attempts to confuse homeowners with wording such as “request” or “payment on account”.

Regarding the call for the AGM on Nov. 25, 2022:

This AGM does not meet the conditions set out by the courts in their ruling and, therefore, must and will be challenged as invalid. We will keep all of you updated on this matter after the AGM. **All homeowners have the right to challenge the validity of the AGM within a 15 day period.**

Indeed, last year's AGM has been challenged in the courts on a number of substantive and procedural points, none the least of which that voting rights had not been correctly established as per the court ruling and the instructions for compliance with the statutes. **Again, the JDC Board continues to defy the court order. Nothing has changed from November of last year.**

In terms of the AGM agenda items, there is a lack of clarity in the information received from the JDC Board. Therefore, we remind all homeowners that, as members of the JDC, they have the right, *as per Art. 24 of the Statutes of June 7, 1990*, to review all documents that are mentioned in the agenda items. Only in this manner may members have the opportunity to consult with their own legal advisors. **We urge all homeowners to request**

this documentation in advance of the AGM and we will be sending out a template in this regard.

With regards to the points of order, because the AGM is being carried out in defiance of the court order, **we urge all homeowners to vote “NO/Against” on all points.**

We believe that homeowners must challenge the developer-controlled JDC Board’s continued abuse of a block vote, while they continue to defy the court order and refuse to implement the terms of the statutes.

For those not able to attend in person and who have not appointed a proxy, if you need help finding someone, please let us know. **Proxy forms should ideally be sent to the proxy and the JDC by this Sunday the 20th the latest.**

For those who have not done so already, a reminder to please send in your forms in support of YOUR Homeowners association. We will be actively updating our group as we approach the AGM.

Cabrera, the 17th of November, 2022