

## **To the attention of Treasurer José Jerez and the Board of the JDC:**

We appreciate the email dated 18<sup>th</sup> November 2022, and welcome the opportunity to engage in such a debate among all members of the JDC.

You are correct in stating the complexity, made worse by the long running period of the development and the implementation of a "1993 Agreement", which ran for 27 years and is now deemed illegal. Several of us foresaw the implications of reversing the 1993 agreement which had effectively allowed the landowning developers to use (and abuse) their 60% block votes without paying into the budget for maintenance and services. Not allowed under the original statutes.

Therefore, where you explain in your letter under obligations 13(b) b):

*Pay punctually the sums necessary to meet the normal costs of management of the Junta to which end, the Junta de Delegados (Board of the Junta) will fix the sum corresponding to **each member** in accordance with the sum allotted to him*

You fail to mention that each member includes you, the developers, with your 60% block votes. By not invoicing all "members" as indicated in the Statutes, and by refusing to provide a comprehensive explanation of how these new "invoices" have been calculated as per land ownership (indeed, our analysis of many "invoices" shows a complete lack of consistency), the JDC is not complying with the court ruling.

**Now we might ask you to explain why the recent invoice requests were not issued to ALL members, including yourselves, the large landholders of Vaitier, Sierra Leisure, Gestión y Desarrollo & Cortijo Green. Are you not "members" of the JDC?**

You state that the JDC is complying with the court ruling by delaying the issue of legal invoices until you have managed to change the statutes, **statutes on which the court of Almeria has ruled**. In the meantime, you seem to believe it to be legal to issue requests for voluntary payments in order to circumvent the court ruling ???

You will recall that we, as a volunteer group that you yourself called for, recommended that due to the complexity of the long period of development, and due to the fact that the law had reversed the 1993 Agreement, the best option for the benefit of all Cabrera would be to discuss in good faith a future system that both parties, landowning developers and Homeowners could live with: **accommodate the past and concentrate on the future**.

The response? It was flatly refused, particularly by the developers on the JDC who, it seems, are intent on manipulating the legal process and dragging Cabrera further down an unsettling and financially damaging future. The reason given for refusing such a reasonable suggestion of compromise, was that the developers feel that the court ruling damages their interests, that individual's characters have been questioned, and that Homeowners must suffer the consequences.

So, what is the takeaway from all of this? The JDC Board seems hell bent on taking actions against us, the "minority members" (the 200 homeowners who have less votes than 2 property developers). This in spite of the fact that we have ALL paid for our right to determine how our village is governed and maintained.

Mr. Jerez seems to take pleasure at the end of his email asserting his rights, and those of the TH, over Cabrera homeowners.

What he fails to acknowledge (as he fails to fulfil his developer obligations to complete the development), is that Cabrera is no longer just "a project", but rather a functioning community of 200 homeowners and their families who have put their savings into their homes, which were purchased in good faith and without any prior warning of this "mess" that is the JDC of Cabrera. In fact, the "mess" is precisely the result of the developers not finalizing and delivering Poligono 1 as was required under the Plan Parcial. It's truly ironic, therefore, that they continue to benefit from the very "contract" that they have failed to fulfil.

With the offer of reasonable compromise being completely rebuffed by the developer-controlled JDC Board, we have no other course but to form a homeowner's association which will be set up by homeowners, for homeowners. Not because we want to, but because it is an absolute necessity to defend the rights of homeowners against a JDC Board which is run solely on the grounds of developer self-interest.

Tony Butt, David Levin, Damon Golder  
Founder members of the Cabrera Homeowners Association