

OPEN CABRERA UPDATE PRIOR TO 2022 AGM

24 November 2022

Fellow Homeowners,

In anticipation of the 2022 AGM on Friday 25 November 2022, we provide a summary of the situation in Cabrera.

In the run up to the AGM, a flurry of emails have been circulated by the Junta at the request of three 3 homeowner supporters who value the 'very reasonable fees', 'fear loss of any convenience' and are therefore willing to tolerate and financially support the corrupt Junta operation.

This email distribution service is, of course, not open to all Homeowners which is one of the reasons why **Open Cabrera** was formed in the first place.

CONTROL OF THE MESSAGES & THE AGENDA

In Appendix A below, you will see that a similar request was made to the Junta Secretary to circulate an open letter from Homeowner Jeremy Oliver. The JDC did not circulate this letter. **Open Cabrera** has therefore published the letter to demonstrate how the JDC exerts tight control over the Agenda content and does not consult Homeowners, but only circulates letters from Homeowners who enable its corrupt way of working. The JDC do not wish to answer the questions that have been proposed (attached for your information).

We hope that you will get the opportunity to ask these questions at the AGM.

JUNTA TREASURER ASKS HOMEOWNER WHY SHE QUESTIONS THE LEGALITY OF THE AGM

We also publish a recent email exchange between a Homeowner and the Junta Treasurer which should provide some insight to Homeowners:

Hello Pernille.

Thank you for your email and questioning the legalities of the assembly this coming Friday.

I have an inquisitive mind and would genuinely like to know why you believe that the assembly we are about to hold next Friday the 25th is illegal, whereby the Junta having dedicated hundreds of hours speaking and understanding the opinion from various lawyers including the City Hall confirms we are doing everything possible to comply with legalities this given situation.

I don't know on what basis your argument is but if you wish to let me know I will be happy to respond

Regards.

Jose Luis.

HOMEOWNER REPLIES TO TREASURER AND ADVISES WHY THE AGM IS NOT LEGAL

Hello Jose,

The assembly can only be legal under the statutes as required by the court ruling, if the Junta board is properly and legally established.

It is not.

You and other delegados must be invoiced according to the statutes for your share of Cabrera costs. Payment of these invoices then qualifies you for the delegado role. How much have you invoiced? How much have you paid?

You have not issued legal invoices so we know that you will not have paid your correct share of costs and are therefore disqualified from serving on the Junta board.

You have also failed to explain or detail how costs will be distributed under the court approved statutes and you are still asking for donations/advances in order to avoid having to follow the court ruling that you issue invoices. Why are you not doing your job? Where are the detailed invoices?

These failures by the Junta, I would respectfully suggest, make it impossible for you to call a legal AGM.

I would also note that the proposed agenda has been designed to force through changes to the statutes to facilitate the further avoidance of legal charges by the developer delegados.

Open Cabrera and the new Home Owners Association have published a lot of information where areas of potential criminality in your approach to the Cabrera issues have also been identified. I doubt we will see any answers given to the questions that they have asked to be raised, at the AGM.

I would note that your actions and those of the other delegados do need to be considered very carefully. Further legal action against the Junta is now a distinct possibility. Please also remember that the law does not look kindly on those seeking to avoid or subvert the law. It really isn't worth it.

I hope this clarifies my concerns.

All the very best

Pernille

TREASURER SAYS HOMEOWNER DOES NOT UNDERSTAND ANYTHING

From: Junta De Compensacion <juntadecompensacion@hotmail.com>

Date: Wednesday, 23 November 2022 at 5:47 AM

To: Pernille Loenberg

Hello Pernille.

I am not going to argue or debate with you seeing that you haven't read or understood the statutes nor have you understood the legalities of the court ruling, you are only responding to what

you are told by others who only interpret the statutes and the court ruling to suit their own naïve argumentative point.

But time will tell how misguided, severely misguided you and many many owners have been over the past.

Regards

CONCLUSION:

The arrogance and entitlement shown by this Treasurer is breath-taking. He repeatedly claims that Homeowners have not read the Statutes.

He does not seem to appreciate the irony of the fact that it is the Homeowners that want the Statutes to be followed. **It is only the Treasurer himself and the President that want to change the Statutes because they do not wish to meet their obligations.** They believe that they know better than the Court and think they can outwit the Spanish Legal system.

SUMMARY OF REASONS THAT THE AGM IS INVALID

One reason that the AGM is illegal is that the JDC have not calculated the Debtor-Creditor position back to 1993. This calculation would show that the two Developers are huge Debtors to the Junta. As Debtors (non-payers), they would not be able to hold a position on the JDC or vote on any issues. Hence, they are imposters who are exercising control and a vote that they are not entitled to have.

Another reason that the AGM is invalid is because the Developers have not obeyed the law and have not invoiced according to the Statutes following the enactment of the Court Order on 17 June 2021. This means that they have not paid their fair share into Cabrera and most certainly makes them Debtors from the date of the Court Order. This was also the case at the last AGM – they were debtors then. This means that they have no right to hold a position on the JDC or vote on any issues. (both in 2021 and 2022).

Another reason that the AGM is invalid is because the Developers are proposing a budget to which they have no intention of contributing their fair share according to land ownership. In addition, the budget proposes charges for items which are clearly not maintenance and conservation items.

Another reason that the AGM is illegal is that the Developers have unilaterally changed the Voting rights by reducing the Town Hall's vote share from 29.7% to 10% after the 2021 AGM. The Vote share has been the same for 30 years but the Developers have now allocated the majority of this 19.7% reduction of vote share to themselves. The change has no sound basis.

Another reason that the AGM is invalid is that there are multiple items on the Agenda that do not belong in an AGM. There are single line descriptions without any supporting documentation so nobody actually knows what they are being asked to vote on. There has been no consultation or communication prior to the AGM and the Agenda does not follow the format prescribed in the Statutes. Many of the items do not belong in an AGM.

THE TREASURER'S ADMISSION OF MALPRACTICE – EFFORTS TO CIRCUMVENT THE LAW

Please see the attached document (JC 0111) in which the Treasurer makes some astonishing statements in an attempt to justify his legally non-compliant invoicing.

The attached letter from the Treasurer is a written admission of guilt (JC_0111). The Treasurer has admitted that he is not obeying the Court Order which was enacted on 17 June 2021. He has revealed that, instead of raising invoices to Landowners in accordance with the Law, he wishes to rewrite the Statutes to suit himself. The man is apparently above the Law. He certainly seems to think he knows best!

The Treasurer states:

“These invoices are a request on account as permitted in our Statutes as we cannot change the format previously establish for the past 30 years until we approve the updated Statutes, hopefully they will be ready to present to the Assembly early next year which our lawyers jointly with the Town-Hall are busy preparing.”

WRONG, because:

1. The Statutes do not make provision for random payments on account or requests for donations.
2. The Statutes do not make provision for the Treasurer to delay the issue of legal invoices while he rewrites the Statutes to suit himself in an effort to circumvent the Law.
3. The Statutes do not state that you can invoice or ask the Homeowners for donations while not invoicing the Developers.
4. If you cannot change the format of the past 30 years, where do you get the right to reduce the Town Hall's vote share earlier this year from 29.7% to 10% to increase your Developer Vote Share dramatically?
5. The Statutes state that the legitimate costs, as agreed in the budget at the AGM, should be apportioned in accordance with the % land ownership of every Junta Member (Homeowners **and** Developers)

At the 2022 AGM, it would be interesting to ask the Town Hall whether they really are in cahoots and collaborating with the delinquent Developers to re-write the Statutes. It is worth remembering that the Town Hall was complicit with the Developers in the creation of the (null and void) 1993 Agreement and is, today, obliged to enforce the Court Order of 21 June 2021. Is this assertion by the Treasurer of Town Hall collaboration with the JDC to re-write the Statutes a fabrication or a lie? The Town Hall needs to provide a clear answer to the Homeowners.

The Town Hall has been questioned, in writing, about their support for the Junta de Compensacion but has failed to respond.

The answer to this question is quite important when it comes to advancing criminal contempt of Court charges.

The Treasurer also states:

“Once the updated Statutes have been approved, separating property service charges and the maintenance charges according to the land size of homeowners only for services and land size for all landowners for maintenance of infrastructure, revised invoices will be submitted for the period of the year 2023 and adjustments made on amounts received by each individual owner.”

This is the very first time that the Treasurer has declared exactly how he wishes to modify the Statutes in order to avoid his obligations.

WRONG, because:

1. The enacted Court Order of 21 June 2021 stated that the existing Cabrera Statutes must be followed with immediate effect. It did not say that the JDC should request donations or payments on account until the Developers can re-write the Statutes to burden the Homeowners with the financial obligations of the Developers.
2. In his letter, the Treasurer has effectively admitted that he is avoiding compliance with the Law and seeking to circumvent the Law by amending the Statutes. For the first time, he has declared how he wishes to modify the Statutes in his favour. It is worth noting that the 1997 AGM Minutes record the Treasurer himself stating that it would require a vote from 100% of the Junta Members to change the Statutes.

THE 2022 AGM AGENDA

The 2022 Agenda is another effort by the Treasurer and President to circumvent the Law.

The AGM should be a forum to discuss business as usual in Cabrera. There is a standard format which should be followed but, instead, the Treasurer and President have listed multiple items **without providing any supporting detail whatsoever**. They have simply put down a few sentences and tried to lend them some credence by referring to Clauses in the Statutes.

There is no way that Homeowners will understand what is meant by the Agenda items and it is unlikely that ‘explanations’ by the Treasurer will at the AGM will result in them being better informed. There is no possibility that any Homeowner could vote on these extraordinary items so the only possible response is to reject them. We are completely uninformed.

The ‘modus operandi’ is for the Developers to use their overwhelming Developer **BLOCK VOTE** to force through their wishes by changing the Statutes to transfer **THEIR FINANCIAL OBLIGATIONS** onto the **HOMEOWNERS**.

The Treasurer really thinks that he can get away with this.

THE PROPOSED BUDGET FOR 2023

Another reason that the AGM is invalid is because the proposed budget is complete nonsense. It has simply been designed to extract as much cash as possible out of the Homeowners to **bankroll the Developers** intentions.

The Treasurer's 2023 budget has provided for €27,000 for "Forecast amount for payments to technicians and advisors". We don't need €27,000 worth of technicians and advisors to tell €80,000 worth of Junta workers (no doubt future "service providers" who the Treasurer wants to be funded by the Homeowners rather than the Developers according to his master plan) how to carry out maintenance and conservation in Cabrera. If the Developers need €27,000 worth of advice, they need to pay for it themselves instead of extorting money from the Homeowners.

The Treasurer's 2023 budget has proposed an amount of €10,000 to chase the debtors who have not paid their maintenance and conservation fees. This means that the Treasurer has earmarked €10,000 of **Homeowner money** to chase himself, Jose Jerez, and the President, Segundo Ramirez, for paying nothing into Cabrera! Those people who have chosen not to pay voluntary contributions to the Junta are not Debtors. They are fully up to date with their required fee payments.

The Treasurer's 2023 budget has proposed another €9000 for Landrover maintenance. This is on top of the +/- €9000 invoice of 11/4/22, the €1,546.39 gearbox invoice of 7/4/22 and the €398.96 invoice of 26/2/22. An amount of €6,430.53 was spent on the Landrover in 2020 and €11,101.21 was spent on vehicle repairs in 2021.

So, we (**Homeowners**) will have spent around €37,000 repairing by this very special Landrover by the end of 2023 (over a period of only 4 years). All the work is, of course, carried out by the Treasurer's good friend, Ramos Garcia, who also receives a large proportion of the Junta fees for remedial works, wall construction and asphaltting.

The Treasurer's 2023 budget has also provided €35,000 for "Extraordinary Rainy Expenses Repair" in 2022. This is simply ridiculous. The budget is for the future, not the past. In any event, a significant portion of the expenses incurred in 2022 were on his own Office and Arch bar drainage and wall arrangements...at the sole expense of the Homeowners. This was not on Junta land.

The Treasurer's 2023 budget also contains an "Administration Contribution" of 15,600. This is an amount that the Treasurer awards himself each year. He very generously increased it from €12,000 to €15,600 last year – roughly 7.5% of all Homeowner fees for the year. This is not value for money. It is simply self-enrichment by the Treasurer.

The Treasurer's 2023 budget also includes an amount of €9,000. Depreciation is a non-cash expense so should not be charged to the Junta members. It should be removed.

The Treasurer's 2023 budget provides for a €1600 AVAL payment. Ironically, this is a bank guarantee provided by the **Developers** to the Town Hall that they will complete the urbanisation. Only, in recent years it has been paid for **solely by the Homeowners**.

If you add up the amount spent on small tools and ironmongery over the years, you will realise that the Junta is better stocked than Lopez hardware store in Mojacar!

All in all, we have identified €107,200 of highly questionable budget items above. And we have not even considered the other budget lines on the list.

The Homeowners are being asked to pay into this war-chest for the Developers. It is clear that the intention of the Developers is to use Homeowner money to fund technicians and advisors and Lawyers to act against Homeowner interests.

The appalling (if not fraudulent) 2023 Budget must be firmly rejected.

SO, WHAT CAN WE EXPECT FROM THE 2023 AGM ON FRIDAY?

- Treasurer Jose Jerez Luis Requena wriggling and ranting about people ‘not reading’ and ‘not understanding’ the Statutes?
- President Segundo Ramirez thumping the table and saying that you can only give your proxy vote to someone who has formal Power of Attorney (yes, he made this up this nonsense last year)?
- Various suspect ‘dignitaries’ and ‘specialists’ wheeled in at the Head Table to drone on about their ‘expert’ knowledge in support of the Developers?
- The Treasurer’s false mantra: “You Homeowners are all Developers now”?
- The Treasurer’s false mantra: “You all owe me millions”?
- “You Homeowners need to save Cabrera through voluntary donations or you will lose the upkeep of your services”?
- “Your donations are required for the future survival of Cabrera as we know it”
- “You can all come to make individual appointments at the Junta office if you want to find out what’s going on.”?
- “Here is a piece-meal infrastructure budget for you to pay – the work will be done by my company (or my friend’s company) which will get the revenue at a price which I will determine. 😊”?
- “I am owed so much by you Homeowners that I will not be paying towards infrastructure costs”?

Of course, the 2022 AGM will be utter **CLAPTRAP** as usual – but it should be quite entertaining to watch a few old-school wheeler-dealers at work!!

The unscrupulous Developers continue to take advantage of the Homeowners. Therefore, the Homeowners should **reject all the proposals made by this discredited Junta Board of Delegates.**

Homeowners will need to be patient for the Law to take its course. There are numerous legal initiatives currently in progress and we are confident that the Law will prevail. These legal processes are all coming to a head.

Until this happens, the shameless Developers will unfortunately continue to stick to Cabrera like shit to a shoe!

All the Best

OPEN CABRERA

APPENDIX A

From: Jeremy Oliver
Sent: Friday, November 18, 2022 2:40 PM
To: 'Junta De Compensacion'
Subject: RE: AGENDA ITEMS for CABRERA P1 2022 AGM

Dear Mr Bailey

Please could you confirm that the Agenda items that I put forward (in English and in Spanish) will be included in the 2022 AGM and circulated to all Junta Members in advance.

It is quite telling that only 5 members of the Junta were included in the preparation of the Agenda for discussion with the Town Hall representatives. The other 195 or so members of the Junta were not consulted or invited to contribute.

The attached Agenda items would help to clarify matters to the 195 or so homeowner Junta members.

It is unacceptable to say that the points 'may' be considered in AOB. They should be considered and answered in the meeting and not relegated to AOB. As happened last year, the meeting is likely to be closed by the President before any AOB can be considered.

I therefore request that you give these points the time they deserve at the 2022 AGM. The Homeowner concerns should be addressed by the Board of Delegates and the Town Hall.

I would appreciate it if you could circulate this email to all Junta members, taking care to remove my personal email address.

Regards

Jeremy Oliver

From: Junta De Compensacion [<mailto:juntadecompensacion@hotmail.com>]
Sent: Thursday, November 10, 2022 2:31 PM
To: Jeremy Oliver
Subject: RE: AGENDA ITEMS for CABRERA P1 2022 AGM

Dear Mr Oliver

As per usual, the date and agenda of the AGM has to be discussed and agreed at a formal meeting of the Junta Delegados and the Town Hall representatives.

To meet the AGM date of 25November, the formal meeting was held on Friday 4 November 2022 at which the AGM date and agenda were agreed and finalised.

Your points may be considered in AOB on the agenda.

Regards

John Bailey

Secretario de la Junta de Compensacion Cortijo Cabrera Polygono 1

From: Jeremy Oliver

Sent: 08 November 2022 15:37

To: juntadecompensacion@hotmail.com

Subject: AGENDA ITEMS for CABRERA P1 2022 AGM

Dear Mr Bailey

Please find some Agenda items which I would ask you to formally include for the 2022 AGM.

A Spanish translation has also been provided for the benefit of others including the Town Hall.

Many Thanks

Jeremy Oliver