
From: Cabrera HOA [cabrerapol1services@gmail.com]
Sent: Wednesday, July 12, 2023 9:23 PM
Subject: Cabrera Home Owners Association Update
Attachments: Homeowners Sign up form Rev 1.pdf

Dear Fellow Homeowners,

July is a month in which we can typically expect the second half year invoice from the JDC , but until now we have heard nothing since the debacle over the technical report and the cancelled EGM.

Notification from The Court of Almería

We do know that the JDC has received an official communication from the courts re-enforcing the court ruling and instructing them to comply. For them to do so, they must issue legal invoices which means that all landowners should be charged proportionally to their land ownership.

Invoices

We all will surely welcome the moment when we all finally receive legal invoices, but until that happens the advice from the HOA lawyers is to follow the court instructions and insist that the JDC provide incontrovertible evidence that invoice calculations have been carried out properly. Furthermore, it is clear that the current improvised and piecemeal funding is merely perpetuating the mismanagement and abuse of power by the developer controlled JDC. Once again, the legal advice we are receiving is to pay the water charge. There must be no excuse for anyone to claim that essential services cannot be provided.

If “invoices” are issued now in July, some may ask “how do we know that the invoices are not legal?” Very simple: In order for them to be legal, they must be based on the calculations that the Court called for and which must be presented in an independent technical report. Until this happens, they cannot legitimately issue invoices.

Furthermore, for those that are in the process of selling their houses, we are told by the HOA lawyers that they cannot be obliged to pay any amount which has accrued as a result of these recent “invoices” and charges since the delivery of the court ruling. Similarly, owners who have recently bought in Cabrera cannot be forced to pay “JDC Fees”, until they can be correctly and legally calculated, and certainly cannot be required to establish a direct debit.

Charges for Maintenance / Essential Services

Regarding service charges, our personal feeling is that, even though a large majority of HOA members are not contributing under the conditions described above, we all believe that at some time it will be necessary to address the balance. The decision to withhold payment is not one made in spiteful protest, but rather due to the continued manipulation by the JDC Board to avoid legal compliance (i.e. avoiding invoicing the developers).

Members would be advised to set aside funds for future payments, when our JDC is finally being administered lawfully and fairly. In the event that there is some emergency at a future date, homeowners will certainly need to be prepared to provide funds, some backdated, as required to ensure that there is no disruption of services. We would reiterate, once again, that we find it extremely unlikely that this would happen, in large part because the Town Hall has been reminded of its fundamental legal responsibility to safeguard these services.

In any case, we also want to assure homeowners that we have access to local experts with the technical skills and knowledge of the workings on the mountain, to be able to act in the unlikely event that their services are required.

As usual in these communications, we like to reiterate our hope that the current dispute might be resolved, between homeowners and the Developer-controlled JDC, in a responsible and open-minded manner. We have always been ready to meet with the JDC to discuss a sensible way forward. Nevertheless, the developers remain firmly entrenched and focused on “controlling the agenda” and are therefore unwilling to consider any options that are not in their strict interest (or that might cost them more money personally).

But things are different now. Today residents in Cabrera have a strong Homeowners Association with funds available for the protection and defense of homeowners' interests, while on the other side the developers use homeowner contributions to fight to fight against us in court actions. Indeed, they just used €27,000 of homeowner money on the ill-fated “technical report” which will have to be re-done due to its deficiencies. And how much will that cost us?

In summary, the aim of the HOA is to achieve a solution by sensible means, if possible, but at the same time to ensure that we have the power to fight for homeowners' basic rights if need be.

Meeting with the Mayor of Turre

The meeting between David Levin, the Ombudsman from Andalucía and the mayor of Turre took place on July 4th. It was an opportunity to inform the mayor, not only of the acute problems that exist due to the abuse of power by the developers that control the JDC, but also to point out that the Town Hall has a duty to ensure that the JDC administration is compliant with the JDC statutes and that it abides by Spanish law. We are waiting to see what the outcome from the talks may be, but it is fair to say that we do not expect miracles. The Mayor had an opportunity to take up the challenge and act responsibly, but she did not convey any particular commitment, at this point, to respond to our demands. However, the involvement of the Ombudsman provides hope that our constant pressure on the Turre Town Hall will bear some positive outcome for the homeowners of Cabrera. Certainly they now understand that they will need to deal with a vocal and well-organized group of homeowners from now on. We will, of course, keep up the pressure from all angles and their dealings with the developers will be under the microscope.

Workmen on JDC Payroll

Several of our members responded to our survey with comments on the two workmen in our community, Diego and Damián. These comments centered on concern for their continuity and the important role that they play in keeping the community in working order. We are also aware that there is similar sentiment in the wider Cabrera community, amongst those that are not yet HOA members. As such, we feel that it is important to make a statement on this matter so as to clear up the existing confusion. What we can say is that we know of no one that has voiced an extreme position of wanting to “get rid” of these two employees. On the contrary, all considerations of excessive leaf blowing aside, there seems to be universally held high regard for these two gentlemen and the experience they bring to bear in Cabrera. So, in essence, it is untrue that homeowners, or the association that represents them, wish to put the workers at risk. Clearly, there may be a time when we all will need to consider all sorts of “practicalities” related to their contracts. However, until that time comes, we can safely say that the vast majority wish for their continuity. Quite another thing is how they are to be paid. The Treasurer insists that homeowners are putting their jobs in jeopardy. However, we can all see quite clearly that the “Emperor has no clothes”. If the developers would simply pay their legally mandated fair share, Diego and Damián would have no

reason at all to be concerned about their jobs. Sadly, once again the Treasurer prefers to manipulate and inflame rather than to find a way to resolve disputes to the satisfaction of all.

First Annual HOA Meeting

We usually send out these communications to update our HOA members and we do so on a regular basis. However, we decided to send this email out to all Cabrera Pol. 1 homeowners with the focus on the expected and possibly imminent illegal invoices. We believe we have demonstrated over the past twelve months that we are engaging purely in the interests of protecting homeowner's rights. We also believe that over the past twelve months the JDC has certainly demonstrated the acute need for a homeowner's association. We welcome all non-members to join the only group on the mountain that have homeowners collective interests at heart and we hope to be able to return Cabrera to a well run, fun village free of infighting and conflicts. Please join us, feel free to share your opinions and help us to prepare Cabrera for a brighter future.

Regards

Damon , David , Tony , Jennifer and Manuel