

**To the owners of the Compensation Board of Polygon One of  
"Cortijo Cabrera"**

Dear owners:

In my capacity as President of the Compensation Board of Polygon One, Sector R-3 Cortijo Cabrera de Turre, I am writing to all of you to convey different considerations that, for the moment we are in, I consider of great importance.

First of all, I would like to convey to you that on October 24, 2023, the Cortijo Cabrera Compensation Board has been notified of Judgment number 2822/2023 of the High Court of Justice of Andalusia in which the Contentious Administrative Appeal filed by the Association of Neighbours of Cabrera is dismissed, in which the declaration of nullity of the agreement of the Plenary of the City Council of Turre of December 19, 2016 was requested, which dismissed the ex officio review of the agreement of the Cortijo Cabrera Compensation Board of January 14, 1993 on the distribution of the Costs to develop urbanization among developers (Peter Grosscurth, Urbanización Cortijo Cabrera S.L.) and those of "maintenance and services" among homeowners.

For this purpose, and in application of the aforementioned Judgment, the AGREEMENT OF THE GENERAL ASSEMBLY OF JANUARY 14, 1993, remains fully in force since, in its ruling, the Judgment establishes that:

"We must dismiss and dismiss the contentious administrative appeal filed by the Prosecutor D. José Manuel Gutiérrez Sánchez, on behalf of the ASSOCIATION OF NEIGHBORHOODS OF CABRERA, filed against the agreement of the Plenary of the City Council of Turre, adopted on December 19, 2016, which dismissed the initiation of the ex officio review procedure for the DECLARATION OF NULLITY OF AGREEMENT ADOPTED BY THE COMPENSATION BOARD OF CORTIJO CABRERA, FOR BEING IN ACCORDANCE WITH THE LAW"

To this end, it should be remembered that in the scope of action of the Compensation Board of Polygon One, Cortijo Cabrera, on January 14, 1993, the Ordinary General Assembly of the Compensation Board was held with the assistance, present or through representation, of owners who accounted for 94.399% of the area of the action polygon.

In this Assembly, different issues were discussed, raising in point 4<sup>o</sup> of the Agenda "APPROVAL OF SURFACES AND COEFFICIENTS AND ADOPTION OF COMMITMENTS REGARDING THE EXPENSES OF CONSERVATION AND MAINTENANCE OF URBANIZATION" the following points in the debate:

- “4.1.- The vote that each of the members of the Board is in relation to the percentage of land on their property.
- 4.2.- The provision of services and the execution of maintenance works are the responsibility of the Board of Delegates.

4.3.- Since the owners of the houses in Cabrera are the only beneficiaries of the services provided and the maintenance carried out, it is neither correct nor fair that they participate in these costs only according to the percentage of land in their property.

4.4.- Therefore, and also considering that there are contracts between each owner and the promoting company, it is considered correct that the owners pay the costs incurred so that they can live in Cabrera".

And that finally, they led to the adoption of the following AGREEMENTS by UNANIMITY:

"That the expenses to develop the urbanization correspond to the developer, and that the expenses of maintenance and services correspond to the owners of houses for their use."

In compliance with this agreement, since 1993 the costs of urbanization have been paid by the developers and those of conservation and services by the homeowners.

Depending on the criterion approved in the assembly, the distribution percentages were adequate to the new constructive situations, taking into account the new homes that were incorporated into the urbanization. Therefore, the percentages of distribution of expenses were adapting to the modifications in terms of the number of homes that were incorporated into the Compensation Board, being divided among them the COSTS OF MAINTENANCE AND CONSERVATION OF THE URBANIZATION in the functional units where they were located, and the WATER SUPPLY AND SEWERAGE SERVICES, in particular, were passed on to each of the homes by the consumption it made in each and the cost of providing the service.

This form of distribution of expenses was called into question by some owners, and finally, after different judicial vicissitudes, the agreement of January 14, 1993, that was appealed by the owners of the Association of Neighbours of Cabrera before the Administrative Court, ENJOYS FULL LEGAL EFFECTIVENESS with the effects that it entails after the judgment of the High Court of Justice of Andalusia.

Secondly, I want to show in the interest of all the owners of the Compensation Board, that during this time, although in some cases, in an interested way, the REGULATORY REGULATIONS OF SECTOR R-3 CORTIJO CABRERA have been questioned, the legal reality is that all of it is adjusted to the law without any ruling that has called into question. In this regard, I would like to remind you of the regulations that apply to all the owners of Polygon 1, Sector R-3, of the NNSS of Turre, and that we must all assume and respect, since it binds us all.

Turre's Subsidiary Standards were definitively approved on July 26, 1991. Subsequently, on January 14, 2010, published in BOP number 80 of April 29, 2010, the Partial Adaptation of the Subsidiary Standards to the LOUA was approved. They include the Urbanizable Land Sector R-3 Cortijo Cabrera within the Ordered Urbanizable Land (SUEO).

In development of the R-3 Sector Planning, the Partial Plan of the R-3 Cortijo Cabrera Sector was approved on November 24, 1988. It establishes that the Action System will be Privately Managed through Compensation.

For its part, the Delimitation Project of Polygon 1 of the Partial Plan of Sector R-3, was definitively approved in Plenary on June 7, 1990, and published in BOP number 174 of July 28, 1990.

In the same way, the Plenary of the City Council of Turre definitively approved, on June 7, 1990, the Statutes and Bases of Action of the Compensation Board of the R-3 Cortijo Cabrera Sector.

The Compensation Project for Polygon 1 of the Cortijo Cabrera Partial Plan was definitively approved in the Plenary of August 17, 1995. In turn, the Complete Legal Operations Project of the Polygon 1 Compensation Project had its definitive approval in the Plenary session of March 26, 1998.

The Urbanization Project of Polygon 1 was definitively approved in the Plenary of the City Council of Turre on November 30, 2000, and was published in BOP number 42 of March 1, 2001.

The Local Government Board of the City Council of Turre agreed, on March 18, 2008, the Division of the Urbanization Project of Polygon 1 into Functional Units. Functional Units 8, 9 and 10 were modified by agreement of the Local Government Board dated October 22, 2014, published in BOP nº 215 dated November 10, 2014.

In the same way, several Punctual modifications of the Partial Plan (modification in public lighting conditions,) and Detail Studies (adjustment alignments,) have been made in the last 20 years in order to adapt it to the physical reality, to the urban needs and to the legal modifications that have been made.

Both the General Planning instruments of the Municipality of Turre, as well as the Development Planning instruments of Polygon 1, Urbanizable Land Sector R-3 Cortijo Cabrera ARE FULLY IN FORCE, and the agreement of the Compensation Board adopted on January 14, 1993, which during the last few years has generated a lot of controversy among some owners, and which was challenged by the Association of Owners of Cabrera, has been declared in accordance with Law by Judgment number 2822/2023 of the High Court of Justice of Andalusia, as I have explained above.

Consequently, these instruments of General Planning and Development, together with the Statutes and Bases of Action, and THE AGREEMENTS OF THE COMPENSATION BOARD ARE THE FRAMEWORK OF ACTION and the rules to which all the owners of the Compensation Board of Sector R-3 Cortijo Cabrera. Without any other actions outside of these Planning instruments. With these rules we have to continue advancing, improving and developing Cortijo Cabrera.

In the same way, in the basis of law of the Judgment, it is stated that:

"(in reality the Assembly of the JC Cabrera what it did was the adoption of an expense distribution agreement, distinguishing between urbanization expenses (to be covered by the promotion), and SERVICE MAINTENANCE EXPENSES (FOR PROPERTY OWNERS)".

Consequently, AT ANY TIME, THE COMPENSATION BOARD CAN DECIDE, THROUGH THE NECESSARY AGREEMENTS OF ITS ASSEMBLY TO MODIFY THE CRITERIA WITH WHICH THE EXPENSES ARE DISTRIBUTED FROM THE YEAR 1993 TO THE PRESENT, and even agree on a review and compensation between the properties, if it is considered that the same expenses were not made in accordance with the law. But the current reality is that the Courts of Justice have issued a judgment and with that decision we have to continue to comply with the obligations that fall to the Compensation Board.

All homes located in Sector R-3, "Cortijo Cabrera", have been provided with the service of home water supply, and it continues to be provided, by the Compensation Board based on articles 59 to 63 and 66 of the Urban Management Regulations (RGU), applicable at the time of the Constitution of the Compensation Board, as well as the application regulations subsequently approved, since the urbanization HAS NOT BEEN RECEIVED BY THE CITY COUNCIL OF TURRE, and it is an obligation legally imposed on the Compensation Board as an Entity Corporate of Public Law that assumes before the City Council of Turre the direct responsibility for the execution of the urbanization works, as well as the maintenance of the same and the necessary services until the total reception by the City Council of the urbanization.

Currently, since the approval of Law 7/2021, of December 1, on the promotion for the sustainability of the territory of Andalusia (LIST), and Decree 550/2022, of November 29, which approves the General Regulation of Law 7/2021, of December 1, on the promotion for the sustainability of the territory of Andalusia, these services have continued to be provided based on art. 189.2 of the Decree, by establishing that:

"(2. It also corresponds to the ownership of the land, in case of application of the compensation system, the EXPENSES RELATED TO THE MAINTENANCE OF ALL THE WORKS AND SERVICES provided for in paragraph 1 until the reception of the urbanization by the municipalities)".

Therefore, the expenses related to the services provided for home water supply, sanitation and maintenance of the urbanization have been provided by the Compensation Board and borne by the owners of the homes.

These expenses derived from the provision of the home water supply and sanitation service to already built homes have been included year after year, both in the budgets and in the accounts, and their subsequent approval, in the annual agreements adopted by the Assembly of the Compensation Board within the maintenance and services section. Without ever having been appealed to the Courts of Justice, being, consequently, assumed by all the owners the agreements adopted during the last 30 years.

Thirdly, and in relation to the ECONOMIC SITUATION OF THE COMPENSATION BOARD, no one escapes that we are going through a critical situation that is leading us to collapse, possibly intentionally caused by some owners, as a result of their personal decision of non-payment and of encouraging and confusing others so that they do not pay. Ignoring, irresponsibly, that this situation can lead to the termination of progress in the urbanization, the termination of the provision of maintenance services, conservation of the urbanization and, if economic resources are not available, to the termination of providing basic services in the urbanization, with all that this would mean for Cortijo Cabrera.

I want to remind you all of the economic obligations that we have and that are established in the Statutes and Bases of the Compensation Board. This is reflected in chapter 5 of the Statutes where the ECONOMIC REGIME of the Compensation Board is regulated, in this regard art. 32 establishes that:

“(Ordinary and extraordinary contributions will be fixed by the Assembly. The distribution of the contributions among the associates will be made in proportion to the right or economic interest of each associate, defined by the participation fees of which they are the owner, determined according to the bases of action)”.

For its part, Base 10<sup>a</sup> of the Bases of Action regulates:

“(COSTING OF URBANIZATION: The urbanization costs will be paid by the associates in proportion to their respective rights or participation quotas)”.

In the same way, Base 16<sup>a</sup> regulates:

“(CONSERVATION OF THE URBANIZATION:) the conservation of the urbanization will be in charge of it, being the criterion of general proportionality between the members of it, applicable to the distribution of benefits and charges, for the payment of the conservation fees)”.

Therefore, we all have the obligation to contribute to the expenses that correspond to us for the development of the urbanization, the maintenance, conservation and support of the services provided. But, regardless of the legal

obligations we have, I think, that after these difficult years we have had, and the ruling of the High Court of Justice of Andalusia, it is time to resume development, good coexistence and focus our efforts on the future of Cortijo Cabrera.

To do this, it is necessary for the owners to pay their bills normally, as they have always done, so that Cortijo Cabrera can continue to develop and operate without having to resort to the road of urgency and the Courts of Justice to collect the bills, or what is worse, stop providing services and advance in the urbanization.

On the part of THE BOARD OF DELEGATES, at the last meeting held on November 23, 2023, several agreements were adopted, which we consider important, in order to continue advancing in the development of Cortijo Cabrera. On the one hand, the agreement was adopted to send a communication by the President of the Compensation Board to all the owners explaining the content of the Judgment, the current situation of Cabrera and the actions that are going to be implemented. In compliance with this agreement of the Board of Delegates, I am sending this letter.

It is also necessary to obtain economic resources that allow us to cover the costs of maintenance, conservation, and services, as well as to continue advancing in the development of urbanization. To do this, in the coming days the agreement was adopted to send the invoices corresponding to the second half of 2021, the year 2022 and the year 2023 REGULARIZED, according to the expense sharing system approved in the Assembly of January 14, 1993, and that the High Court of Justice has said in its Judgment number 2822/2023 of October 19, which is the one we must apply.

On the other hand, the Board of Delegates has decided to appoint, in use of its powers set forth in art. 19.g) of the Statutes, APPOINT A GENERAL MANAGER, appointing for these functions an independent professional, lawyer with more than 20 years of experience in management of Collaborating Urban Entities and Property Administration, who will be in charge of Administering and managing the Compensation Board in accordance with the laws and Statutes. For this purpose, the Board of Delegates has decided to hire the services of Mr. Rodrigo Sánchez Haro.

All these agreements by the Board of Delegates are adopted with the full conviction that it is necessary to resume the path of harmony and good relations that should never have been left aside among the neighbours of Cortijo Cabrera. With that wish, I am sending you this letter.

Without further ado, receive a cordial greeting, in Cortijo Cabrera on November 28th, 2023.

Fdo. Segundo Ramírez Pérez.  
President of the Junta de Compensacion Cortijo Cabrera.