

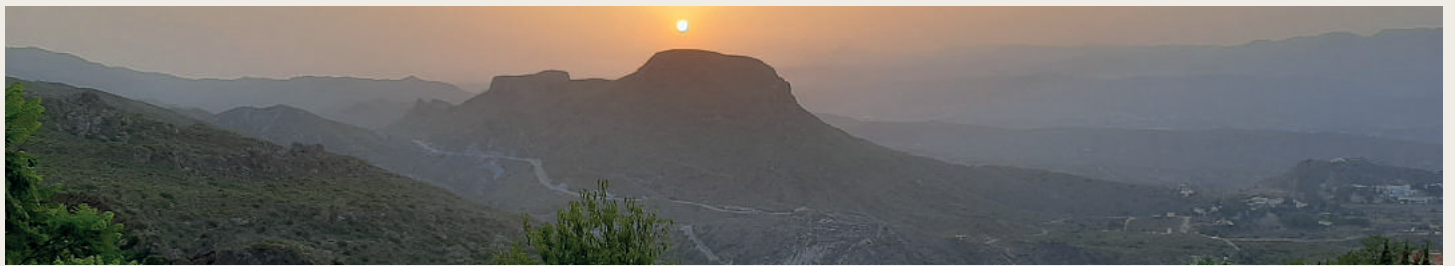


# CORTIJO CABRERA

**A New Future**

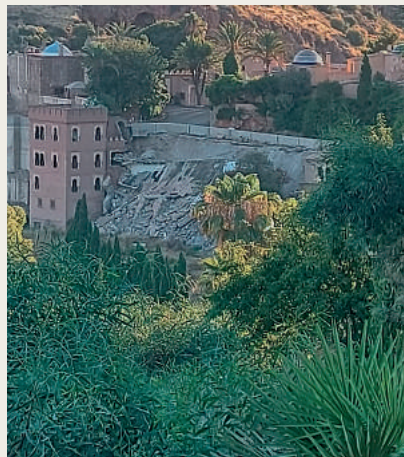
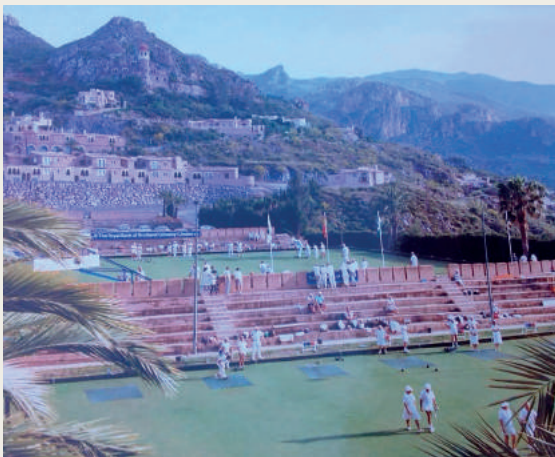


Building a new Village in a Mountain took vision, it took bravery. This led to the creation of something truly magical, something we all fell in love with, the beautiful, the unique Cortijo Cabrera.



For too long our beautiful village has been in limbo. Not living up to the majesty of its surroundings but existing in a “half done” development status. A development that was due to finish in 2004. The once great vision crumbling like the infrastructure that underpins it.

An area of development where no development is happening and the infrastructure is unfinished. An area of development where building is no longer financially viable so it doesn't happen. An area of development where, because of a lack of development, the infrastructure is starting to decay and even collapse.



A place managed by developers who have no financial ability to either restart development or finish what they started.

A place which really should be highly sought after by those with future holiday home dreams or those that wish to retire to with the majestic views, but where the “status” creates concerns and fear with potential buyers.

A place full of enormous yet unfulfilled potential.

# We have a choice. Imagine if you will...

- Smooth roads
- Appropriate street lighting that makes it safe, but doesn't pollute the night sky
- Secure supply of key services
- The beautiful landscaping tended to appropriately
- A thriving sense of community free from the politics of division. Community resources and spaces once again vibrant and welcoming.



A village which looks like it is loved by the whole community, where the community areas are as beautiful and well looked after as the homes. A place where people come together to enjoy the good times, not voice their anxiety or argue about the best way forward.

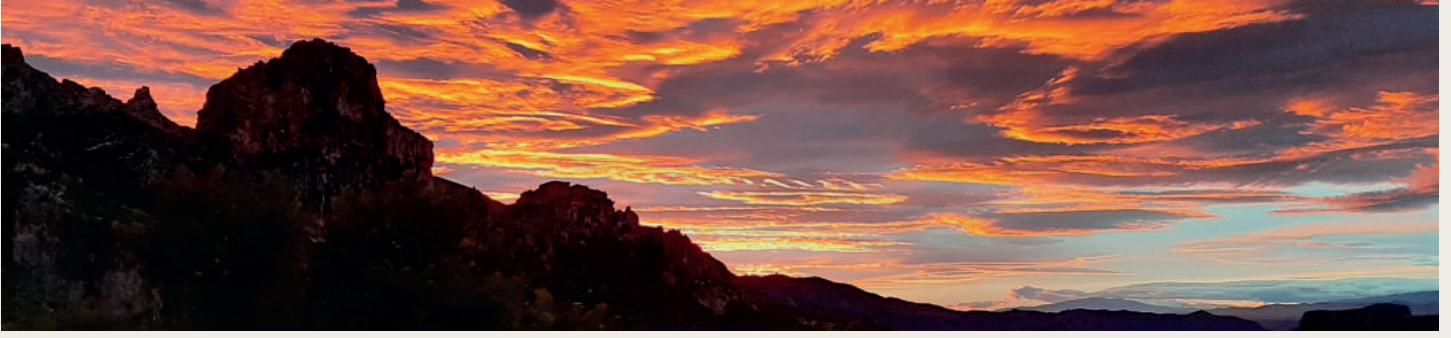


1. A place where the infrastructure and architecture is as beautiful as its surroundings.
2. A place where the development work is finished.
3. An exclusive place where there will potentially only **EVER** be **200** homes. Where the homes are valued because of this exclusivity and the uniqueness of their surroundings. A place with a waiting list of potential buyers who are desperate to own their own slice of this paradise.

It doesn't take much imagination to see this potential. It doesn't take much imagination to see how sought after this will be and the impact it will have on the value of our homes. It doesn't take much imagination to see how Cabrera can live up to the vision of those who started this unique project.



# The Plan



We need to collectively decide it is time for a change. A time to say “no more” to the ongoing development status where nothing gets built. A time to take control of our village as the owners of the properties within it. A time to say the project is complete and now we are going to help it live up to its huge potential, to become what the location deserves, what we deserve.

A time to say a respectful thank you to those that had the vision to start this amazing development, but who are now holding onto something that isn't reality and in doing so are undermining their own vision and our future.

A time for us, as homeowners, to say we are ready to lead our own village, to control our own fate, to create the next chapter for the village.

That time is now, with a simple four step plan...

## Step one

Force the Town Hall to accept that there is not a viable ongoing development plan and close the development at the 200 homes that have been already built.

## Step two

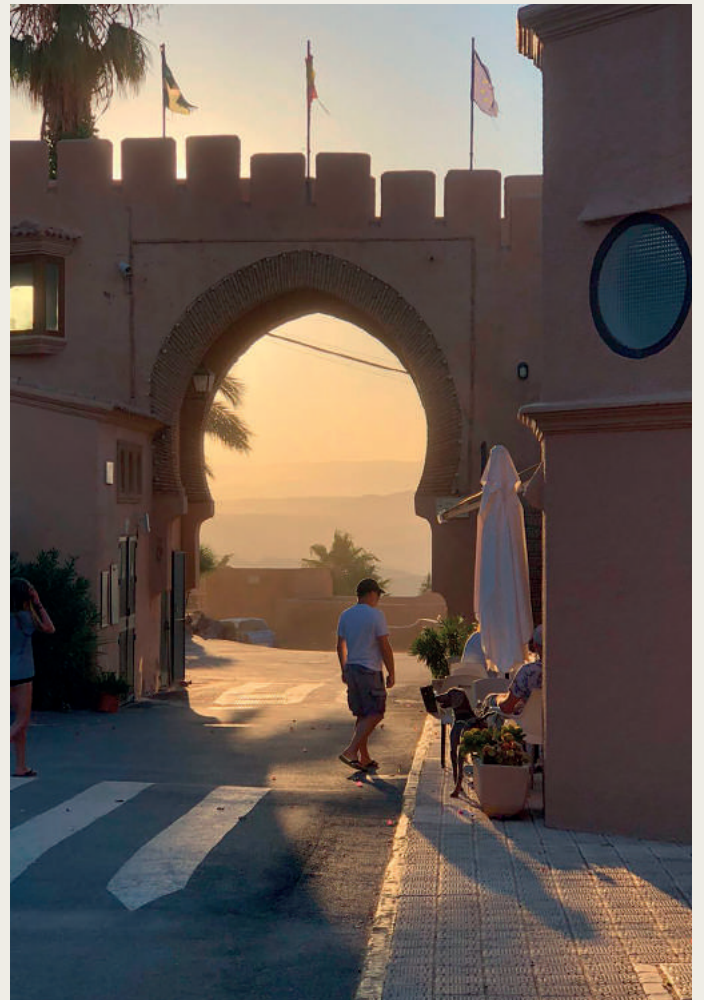
Complete a survey to determine exactly what is required to bring the 200 home village up to the standard required.

## Step three

Complete the work detailed in the survey.

## Step four

Set up a new management committee of homeowners to facilitate the wishes of the owners and create the future we want.



# Step one - Legal

- 1 The HOA lawyers will file an administrative appeal to the Town Hall asking it to replace the current urban plan, due to the failure and irregularities of the Cabrera Development Plan and due to the fact that it is no longer economically viable.
- 2 We will then meet with the Town Hall in the hope that it will agree to voluntarily substitute the current Cabrera development plan for a new “Special Plan” for Cabrera (as it almost did in 2016)
- 3 If this is not possible, we would bring the case before the Almería Administrative Litigation Court with the objective of forcing the Town Hall to replace the current plan. We could expect a ruling in 1 - 2 years.
- 4 If we are successful, we would then be in a position to present a new, “Special Plan”, ring fencing the development around the area occupied by the existing 200 homes.
- 5 The Town Hall could, of course, appeal the ruling to the Almerían Supreme Court and could call the JDC as a co-defendant in the trial. In this case, a final ruling may take another 1 - 2 years.

## We have found expert help



### Juan Enrique Serrano López

Graduated in Law in the 1978-79 Course, at the Faculty of Law of the University of Murcia, Don Juan Enrique Serrano López, practicing lawyer, specialized in Administrative and Urban Law, founded the law firm SERRANO & ASOCIADOS in 1980. He has held positions of responsibility in different administrations. He complements the practice of law with the teaching activity that he has taught at the Ceu San Pablo University of Elche, the Catholic University of Murcia, and the University of Murcia. He is a regular speaker in forums specialized in Administrative Law and Urban Planning.

With more than 30 years of professional career, since its beginning he has participated and directed numerous Courses, Masters, Seminars and Conferences, being a regular collaborator in the training activities of different Universities, Administrations and Professional Colleges.

Author of several professional books on Urban Law, he sporadically participates in monographs and articles in legal journals.



### Maximiliano Gómez Hita

Graduated in the 1989-90 academic year, from the Faculty of Law of the University of Murcia. Lawyer specialized in Civil and Mortgage Law, as well as Administrative Law. Since 1996 he has worked at the SERRANO & ASOCIADOS firm, as a partner.

He has been a speaker in various Courses, Seminars and Masters, being a collaborator of the University of Murcia in its training activities. Co-author of several monographs specialized in Urban Planning, he participates in the periodical publications of SERRANO Y ASOCIADOS.

## Step two

The HOA, in conjunction with its legal advisors, will select a team composed of architects, engineers and technicians, who would be tasked with drawing up a new urban plan to replace the current failed development plan. This new “Special Plan” would cover the area in Pol. 1 occupied by the existing 200 houses and would include the necessary infrastructure, as determined by law and in consideration of environmental factors.

### **This will include, but not be limited to:**

- Finishing/upgrading roads
- Installing pavements and lamp posts where required
- Ensuring adequate water distribution & treatment infrastructure, access to the same
- Ensuring adequate supply of electrical transformers to meet the need of the community and comply with legislation

## Step three

The areas to be included in the “Special Plan” are those where the current 200 homes lie as well as some other areas that contain the necessary infrastructure to serve these homes. It is worth noting that, of the 7 “functional units” (development areas) where the vast majority of the homes are located, very little infrastructure investment was pending according to a 2016 assessment by the Town architect (all units were from 84 - 100% complete).

In order to have an accurate estimate of the cost to complete the infrastructure in the area of the “Special Plan”, a thorough survey will be required. However, based on the Town Hall’s own estimates in 2016, we believe the cost may be as low as €300,000, whereas a high end estimate might be as much as €950,000.

## Step four

Once the “Special Plan” is approved by the relevant authorities, a new homeowner run entity will be established. This entity will be in charge of executing the remaining infrastructure works to provide the homes with all the essential urban services. It will also be responsible for the on-going maintenance of the village. Its membership will be composed exclusively of homeowners who will prepare and manage an annual budget as part of a democratic and participative process. We anticipate that an initial maintenance budget is likely to be in the range of €200 - 250,000 but this could potentially be increased by expenditures for capital improvements, as agreed by homeowners.





Of course, this require us all to make an additional investment in our home and community.

## Costs Breakdown

Legal Fees €65,000 - depending on how many people sign up

	100 Homes	150 Homes	200 Homes
2024	€200	€133	€100
2025	€200	€133	€100
2026	€250	€166	€125
<b>Total</b>	<b>€650</b>	<b>€433</b>	<b>€325</b>

Urban Plan - All homes will be required to pay if the legal challenge is successful  
€200,000

	All homes
2026	€333
2027	€333
2028	€333
<b>Total</b>	<b>€1,000</b>

Infrastructure Plan - All homes will be required to pay if the legal challenge is successful  
€200,000

	All Homes €300k	All Homes €950k
2026	€300	€950
2027	€300	€950
2028	€300	€950
2029	€300	€950
2030	€300	€950
<b>Total</b>	<b>€1,500</b>	<b>€4,750</b>

It is worth noting that these costs are going to have to be paid by the homeowners at some point because the developers simply do not have the financial ability to cover them, despite it being their responsibility. It is either that or the village will eventually stop being able to function.

**Total Yearly Costs - assuming all 200 home contribute to the legal fees**

	<b>Low infrastructure costs</b>	<b>High infrastructure costs</b>
2024	€100	€100
2025	€100	€100
2026	€758	€1,404
2027	€633	€1,283
2028	€633	€1,283
2029	€300	€950
2030	€300	€950
<b>Total</b>	<b>€2,824</b>	<b>€6,000</b>

**If only 100 homes join in the legal fight it will cost an additional €325**

**If only 150 homes join in the legal fight it will cost an additional €108**

We all chose to purchase a home in Cortijo Cabrera because of its unique beauty. We now have a choice to cement its beauty and in doing so ensure it can be enjoyed by all. Enjoyed by us and enjoyed in the future by our children and grandchildren or whoever decides to purchase our home from us. Of course this will also have the added benefit of ensuring that our financial investment reaches the potential it deserves and is no longer held back by the ongoing confusion of the “development” status of our community.

This great, unique place was born from a strong vision and the bravery of the developers. The future success of the project now requires us to be brave and sign up to a new future vision.

**This is meant to be illustrative only and present the potential best and worst case scenarios. It is very likely that these costs (apart from the legal costs) can be financed over a 10 year period to spread the costs for everyone.**

# Questions & Answers

Question	Response
Why do homeowners have to pay and not developers?	Developers have neither the inclination nor the ability to pay. Why should homeowners pay? Because we reduce our risks and uncertainty while increasing potential upside as owners and community members
How will costs be proportioned? If some people don't join in do others need to cover their share? How will it work if everyone gets the benefit and only some people foot the cost?	Initial legal costs would be covered by the HOA members but, if successful, costs would be split amongst all 200 homeowners. In the New Cabrera, everyone will pay their fair share. Everything will be above board and transparent to all.
Time: how long will the legal route take, including inevitable appeals?	It could take 2 - 3 years
Is there a threshold – i.e. do 51% of owners need to agree to start taking legal action that impacts everyone?	A majority is needed but we are looking for an overwhelming show of support
What do we imagine the future annual costs will be? Will there be a requirement to start paying local tax as well as management fees?	Maintenance/service should be in line with current (depending on what owners wish to do to improve Cabrera) but there will be additional legal + infrastructure costs for a period of time as per the plan presented
I'm paying my annual fee now and it's ok, why do things need to change?	You won't pay much more p.a. under the new plan, but you will reduce your current risks and increase your benefits as a homeowner. And you will have a vote on how money is spent that counts, unlike now.
Things are working ok, if it ain't broke don't fix it.	There will be a strong, homeowner run management where you will have a say; the same workers can continue. Many of the same services will be provided.
It's another attempt to bring about change, others have failed, why will this one be any different?	We are no longer arguing about points of law regarding the statutes, rather an agreement on the obvious; Cabrera is not finished and won't be under the current leadership. This is a much simpler, objective question for the courts to consider.
This is only fair if everyone wants to do it.	We hope we can show why this is good for everyone and hope to have broad support. No plan will ever have 100% approval, but we believe this plan is for the benefit of all in the long run.
What about fees to the Junta, should we pay?	The legal strategy is very much focused on dissolving the Junta. In the interim, we do believe that is prudent that members put funds aside for the upkeep of Cabrera, including what they may have withheld so far. These funds would then be available for the benefit of the community and for the continual improvement of our New Cabrera. They might also be available to transfer to the JDC if it were to provide the necessary background information that has been requested. We are exploring approaches such as an HOA escrow account and whether it could be utilized for such purposes and for emergency uses if required.





**CORTIJO CABRERA POL.1**

No 7494. Secc. 1, R.A.A

