

**TO: MR DAOUD (DAVID) AZZOUNI, PRESIDENT OF RESIDENCIAL “LOS PINOS”,
LOS ARQUEROS GOLF & COUNTRY CLUB**

Dear Mr President,

31st July 2023

WITHOUT PREJUDICE

This is an open letter from a number of Owners in the Community of “Los Pinos”, some of who have appended their names hereto.

The purposes of this letter are (i) to raise certain matters concerning stories which have been heard by these Owners, (ii) to raise some concerns of Owners, (iii) to request that certain documentation be sent to the writers, or to all Owners as a body and (iv) to request that you furnish a “trusted” person with the contact details of all owners to hold and use in the same responsible matter that you would.

Since this letter was originally drafted you have sent out notice calling for the 2023 A.G.M. to be held on 6th September 2023. You mentioned that it had not being held before 30th June, as required by our Statutes, because, to quote *“This we also would have preferred had we not faced major difficulties which required our urgent attention to resolve. In a nutshell, all had to do with how Los Pinos was administered over the past many years and what we had to do to reorganise it.”*

This seems rather odd as you have been in office for more than two years. If the past administration of Los Pinos is causing such great problems we would expect to have heard something about this as Owners.

As last year you again propose for arrangements and contracts to be “ratified” by the meeting. It is quite clear in law that a person cannot possibly ratify the terms and conditions of any contract which he or she has not had sight of and so not had the opportunity to consider those terms and conditions.

Your full response to this letter is requested within 10 days of the date of the letter so that Owners have ample time to consider the matters fully before the A.G.M.

1. RUMOURS CONCERNING LEGAL ISSUES FOR THE COMMUNITY

1.1 Some Owners have been informed by John Walsh of SAGESA that his company has issued legal proceedings against our Community , *inter alia*, for breach of contract, in connection of the cessation of their contract last year. He has said that this is in process with one case set for November this year and a further case awaiting a hearing date.

We stress that we only have the word of Mr. Walsh on this and no other evidence of such proceedings. It would seem extreme for him to falsely make these statements. However, if we have heard these rumours it seems likely that you will also have heard them, and if so you should have broached the matter with Owners.

This, if true, is a very serious matter and potentially very damaging to the Community.

What we require from you now are the following actions:

- (i) a clear statement from you advising “All Owners of Apartments in Residencial Los Pinos” (hereinafter “the Owners”) situated within Los Arqueros Golf & Country Club, whether or not any legal proceedings, or threat of legal proceedings or other similar actions, have currently been issued, and remain unsettled, by SAGESA to you in your position as President of the Los Pinos Community. Legal proceedings should be taken to include any similar process by which SAGESA may be contesting the recent cancellation of their contract and/or seeking any monetary compensation or compensatory rights and such like.

If there has been any legal or similar process issued or threatened by SAGESA then we ask you to send copies of all correspondence and legal acts between you and SAGESA, SAGESA’s lawyer(s) and the Courts to the above specified “All Owners of Apartments in Residencial Los Pinos “ at this email address. It can be confirmed to you that this email address is controlled by, and can only be accessed by a small group of Owners in Los Pinos aforesaid.

- (ii) a similar statement covering the possibility of any other legal actions being taken by any other entity, to the best of your knowledge. Again if there are any other legal actions of which you are aware you should likewise forward full documentation held by you, or available to you.
- (iii) Whether or not any proceedings are currently in process, there is the danger of these arising and so you are asked to furnish the Owners with copies of the following:
- a copy of the contract claimed to have been signed by the Community with Belcam Administración de Fincas S.L.P. together with your explanation of why that company insisted on “walking-away” from that agreement within a few weeks.
 - a copy of the contract between the Community and Habisben Services S.L.L. under which the latter claims to be currently providing their services to the Community.
 - copies of any other contracts claimed to have been signed by the Community with other service providers and which were claimed to have been “ratified” at the 2022 A.G.M. of the Community.
 - explanatory details of actions and copies of any contracts proposed to be “ratified” in the Notice of the Meeting to be held on 6th September 2023.

If there any possibilities of any legal action being taken against the Community then full information needs to gathered now and disseminated to all Owners for consideration.

1.2 Some Owners have heard another story which concerns them. It is rumoured that last year, or the year before, you, in the name of the Community and as its President, were charged, contrary to Law, with destroying the nests of birds which at the time were rearing young under the various overhangs which the property has.

Now is not the time to moralise, but if true this raises several issues. First, did this happen and what was the outcome? Second, why was the Community not informed? And three, has the Community now got a “black mark” against it in the Town Hall?

You should make a statement of complete denial or explain the event.

2. GENERAL OWNERS CONCERNS

Owners have mentioned the following items. These are not in any particular order and this is not a definitive list. It is hoped that you will be able to comment positively on these items to re-assure Owners.

- there is concern about an increasing lack of transparency between the managing committee and the Owners.
- Owners feel that you have a policy of just ignoring any correspondence you receive from them as few receive a response.
- Owners feel they are not receiving financial information which they had received the past. This relates to annual accounts, budgets and total budgetary performance.
- Owners are concerned about operating costs. Many have had problems with their direct debits not being processed by the Administrator in a timely manner. They wonder if there have been shortfalls and how costs were paid. In particular they wonder if the "Painting" fund is still intact.
- On a similar note they would like to know what the re-painting timetable currently is.
- Some express concern about the longevity of repairs and touch-ups being made these days.
- At the same time they have no understanding of how repairs etc. are being carried out when Habisben seem to have only a staff of two (ladies in the office). Perhaps people are being "employed" incorrectly and labour law problems may result. It is of course proper that Owners shouldn't have to worry about such day-to-day issues and expect that the necessary things will be properly dealt with. But as things are that confidence is not there.
- There is a general worry about preservation of asset value and some Owners have recently sold or are selling. That may be down to their own circumstances but some feel that there may be a sense of negativity settling over Los Pinos.

3. DOCUMENTATION

Most of the documentation Owners need is covered above but it has also been requested before with no success. To comply now will ease future difficulties and help in a "legal audit".

In principle useful documentation such as the renewed insurance policy should always be distributed to Owners when received.

4. COMMUNICATIONS WITH AND BETWEEN OWNERS

It will be quite obvious to you that the Owners always need to communicate and discuss between themselves. This is something which is absolutely necessary and this is not what Data Protection is set up to prevent. Common owners in a property should always be able to communicate with their common rights-holders and we believe that communality takes it outside of the purely commercial

aspects of Data Protection Law.

We do not believe that the effect of the Law is that only you can hold the list of Owners details and control its use [REDACTED]

Regardless, one request made above is that you release a copy of the list to a Trustee of the Community who would hold it and allow its use only internally and in proper circumstances.

It will also be obvious to you that as a result of some of the above-mentioned items there will be a time when the relationship between you and the Owners as a whole may become contentious and private correspondence will be necessary. Of course, you are an Owner anyway but this is just mentioned for good order.

Your full reply within 10 days is eagerly anticipated.

Yours faithfully

Eric O'Brien Apt - 3-2

Arnold Maschke - Apt 6-2

Jens Rasmussen - Apt 9-2

Leif Hannelius - Apt 11-3

Marie Carmen Rodriquez Granados - Apt 12-1

Emma Maguire - Apt 13-1

Denis Ryan - Apt 13-2

Susan Oliver - Apt 13-3

Colin Magee - Apt 15-2