

Minutes from AGM 2008

COMMUNITY OF OWNERS LA CALA HILLS PHASE I

Minutes of the Annual General Meeting for the La Cala Hills Fase I Community of Owners, held on the 29th October 2008 at 10.30 hrs. at the Hotel Tamisa.

Attendance:

OWNER	APT	COEF	PROXY	VOTE
Mrs P Shellcock	101	0,880	Michael Foot	Yes
Mr C Burton & Mrs Jennifer Burton	102	0,670		Yes
Mr Hein Lans Jans	104	0,880	Elsie Bakker	Yes
Felipe Cano García	105	0,880		Yes
Mr P Koster	112	0,880	Elsie Bakker	Yes
Mr Van Der Wal	115	0,910	Elsie Bakker	Yes
Mr Derek Hills	201	0,880	Ian Leader	Yes
Mr Van Der Heij	203	0,670		Yes
Mr E Myerscough	204	0,880	Ian Leader	Yes
Mr. Age Johnny Ulvedalen	206	0,670	Karin Edgoe	Yes
Mr Steve Wedge	207	0,670	José María Mariscal	Yes
Mrs Margaret Smith	210	0,670	Michael Foot	Yes
Mr. Willem Sluijter	214	0,900		Yes
Mr M Foot	302	0,670		Yes
Mrs. Charo van Hulst	305	0,880	José María Mariscal	Yes
Mr Kenneth J & Patricia M Norris	310	0,670	Michael Foot	Yes
Mr Taylor	311	0,670	Ian Leader	Yes
Mr Leader	312	0,880		Yes
Mr Michael Owen Reilly & Wendy	314	0,900	Michael Foot	Yes
Mr Duin	401	0,880	Elsie Bakker	Yes
Mr G Treco	405	0,880	Patricia Senker	Yes
Mr A Marshall	406	0,670		Yes
Mrs E C Taylor	407	0,670		Yes
Mr A Hess	411	0,670	A. Marshall	Yes
Mr D Hayde	414	0,900		Yes
D ^a . Dolores Caballero Montañez	501	0,880	José María Mariscal	Yes
Mr K A Rhodes & Mrs P Williams	503	0,670	Howard Franklin	Yes
D Rafael Espejo -Saavedra Vinuesa	504	0,880		Yes
D. Kurt Berthelsen	505	0,880	Elsie Bakker	Yes
Mr Howard M Franklin & Mrs V Woolf	507	0,670		Yes
Mr F Bakker	508	0,880		No
Mr A Van Velzen	509	0,880	Elsie Bakker	Yes
Mr & Mrs. N. B. Smith	510	0,670	Howard Franklin	Yes
Mr Van de Vossenbergh	511	0,670	Elsie Bakker	Yes
Mr B J Lubbers	512	0,880	Elsie Bakker D	Yes
Mr A J Van Wijk	514	0,900	Elsie Bakker	Yes
Robert Luijendijk	603	0,670	Patricia Senker	Yes
Mr R De Jong	609	0,880	Elsie Bakker	Yes
Mr R De Jong	610	0,670	Elsie Bakker	Yes
Mr R De Jong	611	0,670	Elsie Bakker	Yes
Mr R Dove	614	0,900	R. Emerson	Yes

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Pleun y Hein Smits	703	0,670		Yes
Mr R Müller	704	0,880	Karin Edgoe	Yes
Mr M Mann	706	0,670		Yes
Jan Egdoe	707	0,670		Yes
Mr M Emerson	709	0,880		Yes
Mr R Wright	710	0,670		Yes
Mr H E Staufeldt	712	0,880	Elsie Bakker	Yes
Mr Horst Erbacher	805	0,880		Yes
Mr B Harris	809	0,880		Yes
Michael & Patricia Senker	812	0,880		Yes
Mr. H. & Mrs. P. J. Anderson	904	0,880		Yes
D. S. R. Wedge y D. S. J. Gayler	905	0,880	José María Mariscal	Yes
Mrs Dolores Perujo	907	0,670		Yes
Mr A Nelms	909	0,880		Yes
Mr D Phillips & McMillen	910	0,670	José María Mariscal	Yes
Creative Accounting 2002 SL	911	0,670		No
Mr R Small	914	0,900	Patricia Senker	Yes
And Lázara Barranquero Arroyo & Jose Luis Navarro Rosado for Intercala Asesores, S.L., the Administrators.				

The President declared the Meeting officially open at 10.30 hrs. at the second calling, a quorum not reached in the first. Prior to opening the Meeting the list of attendees was read out and agreed as being correct. The President then welcomed those in attendance and proposed to change the order of the agenda items in order to discuss items no. 6, Approval of the Budget 2008/2009 & 7, Any Other Business before item no. 5, Election of Officers. This was agreed and she then proceeded with the first item on the Agenda.

1.- Reading and Approval of the Previous Minutes

Mr. Mariscal said that at the last AGM only the posts of President and Vice President had been elected and that the President had said that she would possibly elect a third member of the board, and asked if this had been done. The Administrator explained that it was in this item that the Minutes are acknowledged as a true record of the Meeting, Mr. Mariscal said if this agreement is not recorded, then the Minutes should not be agreed. Mr. Foot said that Mr. Leader is shown as attending the EGM when in fact he was not there. The President reported that two letters have been received in respect of items that were part of the EGM. The Minutes were then approved with the votes against of:

Mr Steve Wedge	207	0,67
Mrs. Charo van Hulst	305	0,88
D ^a . Dolores Caballero Montañez	501	0,88
D. S. R. Wedge y D. S. J. Gayler	905	0,88
Mrs Dolores Perujo	907	0,67
Mr D Phillips & McMillen	910	0,67

2.- President's Report.

The President's report had been sent to the Owners together with the Agenda and those present were asked if there were any questions.

Quote:

As another year comes to a close it is time to review activity and update owners on the current situation regarding our Community.

FINANCES

After a difficult year the Community remains in a healthy financial position with the reserve fund currently at 35,000 euros.

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Collection of community fees remains a constant challenge with the same persistent offenders refusing to pay for as long as they possibly can. The outstanding amount for the final quarter of the year was 24,248.55 euros at 1 September 2008. Please remember you cannot vote at the AGM unless your fees are paid to 30 September 2008.

POOLS & GARDENS

For some considerable length of time there had been problems with floor tiles lifting in Pool 2 (Rear of Block 8). It was decided this year to bite the bullet and carry out the necessary repairs. As so often happens, when the damage was investigated it was more serious than originally thought and so the decision was taken at the end of January to lay a completely new floor. The old tiles were completely removed, reinforcing grids were laid which were then covered with concrete and then new tiles laid at a special price negotiated with Salva Piscina of € 12,000. This repair could not be funded from the Operating Budget because of its unforeseen nature and therefore was taken from the Reserve Fund. At the same time a major leak was discovered in the pipe work which was also repaired, and new, larger shower trays were built and new showers, with push button controls, were installed, thus preventing water leaks and wastage. The intention was to replace the showers at all the pools from the reserves, but because of the cost of repairs to Pool 2, shower replacement to Pools 1 and 3 has been postponed and will hopefully be carried out next year.

Our pools have always been a major drain on resources for a variety of reasons and additional work has therefore been carried out to try to minimise problems in the future. Leaks have been repaired to Pool 1 (Rear of block 2) which also was re-grouted and cleaned while it was empty, Pool 3 (Rear of block 4) was repaired and the whole filter system with sand was replaced, pumps to remove excess water installed in all 3 pump houses as well as a new pump in the water deposit and filters have been replaced as and when necessary. The entrances to the pool toilets now have non-slip tiles and all the toilet doors and pump house doors have all been re-painted. We still do not have the necessary opening licenses in place for the pools and this forms part of the on-going court case against Seven Hills.

Because of the huge expenditure on the pools I gave instructions to everyone, including our gardening company, that no money was to be spent on anything other than essential items. This has naturally resulted in less money being spent on new planting but our gardens are still looking fantastic and are, I believe, maintained to a very high standard.

GARAGE DOORS AND MAIN GATES

One other area where we had no choice but to spend unexpected amounts of money was on major overhaul and repairs to the garage doors and main gates. Once again we are having to deal with problems caused by inferior materials being used in construction. Motors to the garage doors will eventually need to be replaced but I took the decision to do this as and when needed. Remote controls can now be obtained from Openmatic, Avda. De Mijas and they have the facility to deactivate the remotes when people move out and don't hand over remotes to new owners/tenants. Over time the old remote controls will fail to work on the garage doors and owners will therefore eventually have to replace them.

RUBBISH BINS

Once again this year, and particularly through the busy summer months, we have had major problems with rubbish disposal. During the week the gardeners empty the bins twice a day and at weekends we pay someone to empty them. This is a job no-one likes doing and it is made worse by the fact that some people refuse to ensure their rubbish is placed in bags which are securely tied. The rules request this along with the request that rubbish bags are not left on the ground next to the bins but these most simple things seem to be too much to ask of some people. We came very close this summer to the weekend bin emptying being withdrawn because of the filth that was having to be dealt with. Personally I would like to see the bins gone altogether and for everyone to have to take their own rubbish to the large containers outside the main gates. I think the block bins are unsightly and smelly and spoil the look of our beautiful urbanisation. But, if they are to remain, then I for one certainly don't want to have to look at other people's rubbish piled high or dumped on the ground and I am sure there are many who agree with me. The unsatisfactory situation regarding the large bins outside the main gates is an item which will need to be addressed by the Macrocommunity once established.

CLEANERS

Nati, one of our cleaners who had been with us since we took over from Golf Valley, was suffering medical problems and as a result we negotiated a settlement payment and cancelled her contract with the Community. A replacement cleaner – Sandra – has been with us during the busy summer months on a temporary contract which finished the first week of September. This means that we currently only have one full-time cleaner – Lola. I am reluctant for the Community to directly employ another cleaner as we have now had problems with two cleaners, both of which we have had to pay settlement amounts. The cleaning rota has been amended to enable Lola to do the best that she can on a day to day basis and the

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intention is to bring in temporary staff as and when needed, for example when light fittings or other major cleaning jobs need to be carried out.

WATER METERS

Work required by Mijas Agua has finally been completed to enable individual water meters to take effect from 1st October. The work was fairly extensive and involved installing new pipes and meters which are housed to the right of the main gate as well as additional works in the main water tank storage area. All 126 individual meters had to be identified and labelled and the work was carried out with the minimum of disruption by our security guard, cleaners and gardeners who all pitched in to help and who got the job done quickly and efficiently. We have a great team of people all working together in Phase 1 which contributes to so many things in so many ways.

Owners should have received instructions from Intercala about setting up their individual water contracts which needs to be done before 30 September 2008.

MANCOMMUNIDAD

Progress has finally been made and the Mancomunidad will be constituted to take effect from 1 October 2008. From that date the Junta de la Compensacion will relinquish all responsibility for the common areas. At the moment it is too early to know what the contribution of Phase 1 to the Mancomunidad will be although provision will be made in the proposed budget for 2008/2009.

CATS

In April we held an EGM to discuss, amongst other things, the problem with increased numbers of domestic cats being allowed to wander freely in the community gardens. At that EGM owners voted to take legal action against the relevant cat owners who are contravening the Law of Horizontal Property. Following the EGM one owner re-homed his cat and another owner moved taking his two cats with him. The 'problem' cats which remain belong to long term renters and in spite of requests made to them and the owners of their apartments all refuse to keep their cats inside. Legal action has not yet commenced.

LONG TERM RENTERS

It is very apparent that some owners who choose to rent out their apartments on a long term basis seem to abdicate all responsibility to this Community. Maybe it is a case of out of sight, out of mind and as long as they continue to receive their rent, they are happy. They choose not to attend Community meetings and not to vote. However, these owners presumably have a desire to maintain the value of their investment as we all do. It is for that reason alone that they should be even more concerned about what goes on in this Community and if it is their tenants which are causing problems they should be dealt with by the property owner and not be left to someone else to do their dirty work. Long term renters have the same rights as owners to enjoy the benefits of the community in which they live, but they also have the responsibility to respect our community and its rules and that should be impressed upon them by their landlord and enforced. By the same token their landlords also have to bear responsibility for the consequences of the actions of their tenants. If you are one of these owners I hope this has given you something to think about and that maybe you will change your ways.

ELECTION OF OFFICERS AT AGM

It is always a shame when a minority spoil things for the majority as so often happens and it is particularly because of problems with long term renters that I have decided not to stand for re-election as President at the AGM in October and, in fact, not to offer myself for election of any post on the Governing Board. I have simply had enough abuse, threats and anonymous intimidating actions directed at me personally particularly by this minority group. I am very proud of what has been achieved since we wrestled the community from the clutches of Golf Valley in 2004 and I have worked very hard, along with Horst Erbacher and Mike Howarth, to improve and maintain our Community and its financial position. I also think that someone else now needs to take responsibility and make a contribution. Horst Erbacher, for similar reasons, has also decided not to stand for election as President. Of course, both of us are willing to help the new Governing Board in the transition, if and when needed. So, if you are prepared to offer yourself to stand as President or Vice President please contact myself, Horst or Intercala. Please remember that someone has to take the job on and if no-one volunteers then a random selection has to take place and if you are chosen you have to do it! The AGM will take place on Wednesday 29th October 2008 at Hotel Tamisa Golf.

Patti Senker
President – Phase 1
September 2008

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people not agreeing with the rules that have been prepared to enable the Community to live together as good neighbours. It was suggested that the letting agents be approached, but she said that not all rentals have agents and that only the good nature of the people could be raised in this matter. An owner asked what could be done, the Administrator replied saying very little, as the Courts are very slow and that by the time the court procedure, as set out in the Law of Horizontal Property, is set up the tenant will probably have gone. He said that the best option was to call the police for criminal offences and security for other offences. Owners, in general, felt that the President should not have been put in the position of having to take this abuse and said that they regretted this sort of behaviour.

The President then explained that she had informed cat Owners that an EGM had been held to start legal action against any cat Owners and that the result of this vote had been in favour of taking those Owners who allow their cats to roam the Community to court, but because the result of the vote was so close she had not taken any action. Mrs. Anderson asked how the Community could sanction them; the President replied that no sanctions could be imposed.

Mr. Mariscal said that he had been given information that court action could be taken for fees outstanding without having to hold a Community Meeting. The Administrator responded that as it has been explained in Meetings before, this is not the case, as the debt have to be agreed a General Meeting to present the court claim. He went on saying that this is so to protect the right of defence. Mr. Mariscal insisted that he has been given this information by a Lawyer and Mr. Navarro asked to have this report in writing. Owners understood Mr. Navarro's explanation.

Mrs. Anderson asked whether the fees will be reduced as the Owners will be paying for their own water. The President said that the water item will be reduced in the budget.

3.- Rendering of Accounts for 2007/2008

The year end accounts showing the expenses against the budget, the results account and the balance sheet had been sent to the Owners together with the Agenda to this Meeting. Mr. Ian Leader had audited the accounts and prepared a report which was handed to the owners prior to commencing the Meeting and which is also available to all the owners on request.

The President passed the floor to Mr. Erbacher who presented the accounts and proposed to present Mr. Leader him with a box of wine, this was seconded by all the attendees. Mr. Leader thanked him for the proposal but said that he felt that he should decline as he is embarrassed to compare the amount of hours he has put in to those put in by Mrs. Senker and Mr. Erbacher. Mr. Erbacher said he was pleased to report that Mr. Leader's report says that the financial records were properly accounted for and the funds were properly managed by the Committee.

Mr. Erbacher presented the accounts and said that the main discrepancies in the accounts was due to:

- Repairs in the pools and pumps. Repairs in pool n° 2; they were lifting and that when the pool company started to replace the tiles, they realise that the whole floor was lifting, therefore all the tiles have to be removed and the whole floor has to be reinforced, re-concreted and re-tiled. Seal of the joinings of the pipes and the lights, new showers and construction of shower trays in pool number 2. Pool n° 1 had a big leakage and it had to be drained, therefore the opportunity was also taken to acid clean it and re-grout it, pumps were installed in each pump house as they had been flooded with the rain
- a pump has had to be replaced in the domestic water pumps

There was a question as to whether all these problems were due to a poor construction. Mr. Erbacher said that in the main it was due more to poor workmanship by handymen.

Mr. Harris asked about the lifting tiles around the outlet in pool n° 3. Mr. Erbacher said that this had been noticed. Mr. Erbacher said that repairs were also carried out on the garage gates and the main gate and that a new company has been employed, Openmatic, and on making an inspection of the gates and motors had found that the motors installed were those that are normally installed in individual properties and are not fit for heavy usage, therefore more expenditure should be expected to rectify this.

Mr. Mariscal asked why the chlorine is manually put into the pools when the Community has installed an automatic device. Mrs. Senker replied that that was not the case.

Mr. Erbacher pointed out that the water and the electricity items have also overspent, and concluded that the overall over expenditure was around 4000€.

He said that the Committee took 15,000 € out of the reserve fund last year, and this year 10,000 €, but this was not due to a deficit but to aid the cash flow problems that is largely due to the debtors. He also said that a deposit has been paid to Mijagua as a guarantee whilst all the contracts are being made and paid for by the Owners, and that this deposit will be paid back after 18 months.

Mr. Mariscal asked about the payment made to Natividad. It was reported that the settlement figure is in the cleaning item but that the amount paid was 2.500€ for four years work. He also asked about the

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interest on the Treasury Bond. The Administrator explained that the interest in this type of investment is not consolidated but that will be paid when cashing the investment. Mr. Erbacher said that all the funds are now matured and that they could be moved to a different fund. An Owner asked why the cleaners are directly employed by the Community. The President confirmed that this was the case and said that she has reduced the service to only one employee and that should it be required, she proposed to have a thorough clean done by an external service. The President then said that by dropping one cleaner this has reduced our budget with only a very slight decrease on the services.

Mr. Foot said that there is an Owner that owes money to the Community but pays the rental of the store room that they have renting. Mrs. Bakker said that he was referring to her property and that the reason for this non payment is that the property is in the process of being sold.

After these discussions 909, Mr A Nelms proposed that the accounts be approved. The accounts were then approved as follows by all those present, with the following owners against:

Mr Steve Wedge	207	0,67
Mrs. Charo van Hulst	305	0,88
D ^a . Dolores Caballero Montañez	501	0,88
D. S. R. Wedge y D. S. J. Gayler	905	0,88
Mrs Dolores Perujo	907	0,67
Mr D Phillips & McMillen	910	0,67

Presupuestado / Gastado - Budgeted expenditures 01.10.07 – 30.09.08

	Ingresos Income	Gastos Spent	Resultados Results
JARDIN Y PISCINA / GARDEN & POOL			
Mantenimiento / Maintenance (IVA incluido / VAT included)	87.000,00	87.000,00	0,00
Análisis/ Pool analysis	1.500,00	1.629,54	-129,54
Material vario piscina/ Miscelanea pool	7.000,00	27.555,33	-20.555,33
Material vario jardín/ Miscelanea garden	6.000,00	6.373,26	-373,26
contenedores / skips		2.365,50	
material vario / various materials		1.937,62	
plantas, amoniaco, mantilla / plants, fertilizer,		927,14	
Retirar basura / Rubbish removal		1.143,00	
REP. Y CONSERVACIÓN / REPAIRS & MAINTENANCE			
Limpieza escaleras / Stairway cleaning	39.000,00	39.967,84	-967,84
Desratización / Pest Control	1.250,00	1.273,58	-23,58
Reparaciones Generales / General Repairs	10.000,00	11.622,59	-1.622,59
varios almacén/ decoration - security hut		127,77	
prop plusbombines, llaves, cerrad, arqueta, tubo		2.104,82	
Rivas, tope suelo, fotocelula, puerta, motor		670,00	
fontaneria gonzalez, inst bomba / Install new pump		2.051,92	
trabajo lozas levantadas / work on lifted tiles		580,00	
pepe nuñez, limp tuberias / cleaning of pipes		835,20	
montaño, rep tubo general riego / Repairs to sprinklers		174,00	
reparaciones eléctricas / electrical repairs		767,66	
pintar puertas / painting of doors		560,00	
Openmatic, reforzar puertas / Strengthening of doors		3.440,63	
Cartels / Letters		216,00	
Psalva rep motores riego / Repair to sprinkler motor		94,59	
Mantenimiento Ascensores / Lift Maintenance	14.000,00	14.624,07	-624,07
Instalación contra incendios / Fire security system maintenance	400,00	938,32	-538,32
Porteros y Telecomunicaciones / Intercom & Digital	3.300,00	3.355,72	-55,72

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Gastos TV / TV Expenses	2.000,00	3.075,91	-1.075,91
SUMINISTROS / UTILITIES			
Electricidad / Electricity	20.000,00	23.383,11	-3.383,11
Agua / Water	22.000,00	26.282,68	-4.282,68
ADMINISTRACIÓN / ADMINISTRATION AND BANK			
Honorarios Administración / Administration Fees	12.930,00	12.930,00	0,00
IVA Administración / VAT Administration Fees	2.070,00	2.070,00	0,00
Material Oficina / Office Materials	1.200,00	919,13	280,87
Gastos Bancarios / Bank Charges	1.500,00	1.480,75	19,25
SEGURO / BUILDINGS INSURANCE	6.500,00	6.865,92	-365,92
IMPREVISTOS / UNFORESEEN EXPENDITURES	8.000,00	2.829,82	5.170,18
Flores AGO / Flowers AGM	120,00		
Traductor / Interpreter	612,48		
Alquiler Hotel tamisa / Venue rental	391,43		
Propina personal de seguridad / Tip to security staff	250,00		
compra mandos, llaves cerradura /	274,48		
uniformes / uniforms	29,39		
Aguinaldo / Christmas present	650,00		
Prev Riesgo laboral / Health & Safety Insurance	502,04		
FONDO DE RESERVA / RESERVE FUND	18.000,00	0,00	18.000,00
MANTENIMIENTO ADSL / ADSL MAINTENANCE	24.000,00	24.512,14	-512,14
24 Hrs SEGURIDAD / SECURITY	72.000,00	72.000,00	0,00
MANCOMUNIDAD / MACROCOMMUNITY			
NETO / NETT	359.650,00	370.689,71	-11.039,71
DTO. PRONTO PAGO / PROMPT PAYMENT DISC,	38.666,00	37.080,58	1.585,42
TOTAL / GRAND TOTAL	398.316,00	407.770,29	-9.454,29
Diferencia en emisión oct-dic 07 / Budget difference	-1.941,29	0,00	-1.941,29
descuento factura piscinas salva / Discount on invoice	2.086,28	0,00	2.086,28
Alq trast oct/07-sep/08 / block 5 store room rental	1.200,00	0,00	1.200,00
Regularización cuentas / Accounts	4.032,91	0,00	4.032,91
	403.693,90	407.770,29	-4.076,39
BALANCE DE SITUACIÓN		Activo	Pasivo
Remanente ejercicio anterior/Accumulated surplus			53.893,99
Remanente ejercicio / Surplus for the period			-4.076,39
Partidas Pendientes de Aplicación / Suspens account			1.292,84
Proveedores / Suppliers			9.898,66
Controladores Málaga	-6.000,00		
Intercala	-1.250,00		
Tesorería (petty cash)	400,66		
Ecojardin Andaluz	-7.532,41		
Prosagar	-1.720,00		
arroyo	-340,00		
La Cala Hills Prop Plus	-104,40		
Sr Bakker (tarjeta)	-274,35		
Sandra	-233,33		
Sr Bakker (alquiler tratero sep/08	100,00		

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Mijaguas Fianza contadores	7.132,03
Jose M Solis (abogado)	3.500,00
Cala Hills 2	3.179,61
Cala Hills 3	921,72
Cala Hills 4	83,90
Cala Hills 5	137,82
Previsiones	-7.899,91

Propietarios en crédito / Owners in credit		6.559,02
Banco / Bank	11.840,25	
Banco Depósito / Deposit Bank Account	34.999,99	
Clientes / Outstanding Fees	20.727,88	
	67.568,12	67.568,12

4.- Debtors

The following Owners are in arrears as follows as at 26th September 2008:

303	Mr. C. M. Bird	1.338,70 €
307	Mr. Dermot J. Sullivan	651,66 €
402	Mr & Mrs E Baker	50,35 €
408	Mr S Hooper	879,14 €
508	Mr F Bakker	1.758,28 €
512	Mr B J Lubbers	879,14 €
515	Mr E Walsh	909,11 €
615	Mr & Mrs P Buckley	2.750,92 €
705	Mrs E Ratchford	3.488,09 €
714	Mr B Chalmers	2.539,36 €
806	Mr D Higgs	2.655,72 €
906	Ms L Chapman	669,35 €
911	Creative Accounting 2002 SL	600,49 €

The Meeting unanimously agreed to start whichever actions might be necessary to recover these fees, including the starting of court proceedings. The President was then given full authority to sign whichever documents were necessary to that effect. It was also unanimously agreed that all expenses due to this claim, judicial or extrajudicial will be charged to the debtor.

6.- Approval of the Ordinary Budget 2008/2009

The President presented the budget which has been sent to the Owners together with the Agenda which the President propose that the Community agrees.

Mr. Foot asked why the gardening costs were not reduced last year. The President said that this year in view of the difficult economical situation for those outside the Euro Zone, she has told the gardener the amount budgeted for gardening and asked whether he could do the work within this budget. She confirmed that the bank on the perimeter works is included and that two times a year they bring extra workforce at their own cost. Mr. Foot said that he was not happy with the garden maintenance. Mr. Erbacher thanked him for being one of the few Owners who takes an interest and that he has spoken with the proposed gardening company and it then came out that they were private home gardeners and that when they were asked to show gardens that they are maintaining they never came back. Mr. Mariscal said that he and Mr. Foot are the only people who present alternative quotes. He said that he has asked for alternative prices on the gardening, he then presented his quotes to the Meeting. The President asked why she has not been given this information before. Mr. Mariscal said that the President knows that he is always looking for alternatives and asked her why did she had not ask him what information he had. The

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President asked the owners whether they want him to present his quotes. The owners said no and it was then agreed that he presents them to the forthcoming President.

Mr. Mariscal said that he has proposed alternative administration companies. The President said that she has met with another company based in La Cala and he has met them and did not find them satisfactory. Mr. Foot then said that he has proposed another administration company and the President said that this company was actually one person running the business from his own house which again she did not find satisfactory enough. She finally said that she have asked Intercala to reduce their fees and that they agreed and reduced them by 1.200€ yearly.

After these discussions D. Rafael Espejo -Saavedra Vinuesa proposed that the budget be accepted which seconded by Mr A Nelms was then approved as sent with the votes against of:

Mr Steve Wedge	207
Mrs. Charo van Hulst	305
D ^a . Dolores Caballero Montañez	501
D. S. R. Wedge y D. S. J. Gayler	905
Mrs Dolores Perujo	907
Mr D Phillips & McMillen	910
Mrs P Shellcock	101
Mrs Margaret Smith	210
Mr M Foot	302
Mr Kenneth J & Patricia M Norris	310
Mr Michael Owen Reilly & Wendy	314

JARDIN Y PISCINA / GARDEN & POOL

Mantenimiento / Maintenance	70.000,00 €
(IVA incluido / VAT included)	
Análisis/ Pool analysis	1.500,00 €
Material vario piscina/ Miscelanea pool	5.000,00 €
Material vario jardín/ Miscelanea garden	5.000,00 €

REP. Y CONSERVACIÓN / REPAIRS & MAINTENANCE

Limpieza escaleras / Stairway cleaning	24.500,00 €
Desratización / Pest Control	1.250,00 €
Reparaciones Generales / General Repairs	10.000,00 €
Mantenimiento Ascensores / Lift Maintenance	14.000,00 €
Instalación contra incendios / Fire security system maintenance	400,00 €
Porteros y Telecomunicaciones / Intercom & Digital	3.300,00 €
Gastos TV /TV Expenses	2.000,00 €

SUMINISTROS / UTILITIES

Electricidad / Electricity	24.000,00 €
Agua / Water	12.500,00 €

ADMINISTRACIÓN / ADMINISTRATION AND BANK

Honorarios Administración / Administration Fees	12.930,00 €
IVA Administración / VAT Administration Fees	2.070,00 €
Material Oficina / Office Materials	0,00 €
Gastos Bancarios / Bank Charges	1.500,00 €

SEGURO / BUILDINGS INSURANCE	7.000,00 €
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IMPREVISTOS / UNFORESEEN EXPENDITURE	6.000,00 €
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FONDO DE RESERVA / RESERVE FUND	15.000,00 €
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MANTENIMIENTO ADSL / ADSL MAINTENANCE	24.000,00 €
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24 Hrs SEGURIDAD / SECURITY	72.000,00 €
MANCOMUNIDAD / MACROCOMUNITY	5.000,00 €
NETO / NETT	318.950,00 €
DTO. PRONTO PAGO / PROMPT PAYMENT DISC,	35.438,00 €
TOTAL / GRAND TOTAL	354.388,00 €

a) Extraordinary Budget, Painting

The Vice President said that the blocks are starting to look dirty and on answering a question he explained that in theory the finishing of the blocks are of material that does not require painting but that for this it should have had a varnish finish. He said that he has tried to clean it with water pressure only to discover that the render comes off.

He also said that outlets were being installed on the terraces in order to avoid water falling into the walls. Mr. Bengt and other owners said that they have manually cleaned and that it works. It was agreed to hire a cherry picker and while the bigger outlets are installed to have the worst parts hand cleaned. He reported that the outlets are being manufactured.

7.- Any Other Business

The President said that there were some items that she wanted to present before giving up her post.

Water - the President reminded Owners that the water contracts have to be in place by the 4th November 2008. Mr. Harris said that Golf Valley have paid back the amount for the water contract. Mr. Harris explained that it only requires asking for the refunding of the part of the provision of funds paid on the signing of the Deeds for the fees on the water and the electricity contracts and that Golf Valley have paid back the amount of the water contract, he said that this refund has to be requested in writing to:

Golf Valley Administrations, S.L.
Urb. Aloha Gardens, bloque 11, local 3
29660 Nueva Andalucía – Marbella
Tel. 952 817500 – 952 816603, Fax 952 812387
Email: golfvalley@amarbella.com

Court Procedure against the Promoter - The Administrator informed the Meeting that he has requested information from the community lawyer dealing with the claim to the promoter but that it has not been possible to speak with him. Mr. Bengt asked what the Community prepared to do during the time it takes waiting for the courts to make a ruling. Mr. Erbacher said that the Promoter has done the work in question on two occasions to stop the entering of water in the garage of block 4 without success and that therefore he did not think that the community should do any repairs. It was reported that the community is claiming the following issues:

1. Lift hole in block 4.
2. Water entering in the garage area of block 4
3. Cracks in the tennis courts walls and settling in the grass and pool area.
4. Entering of water in the foyer from the aluminium carpentry.

Macrocommunity. The President explained that the Constitutional Meeting of the Mancomunidad had been called and that following this the Community will then have to pay their share to this Entity and explained that the difference in the water item goes toward the payment of this fee. The community authorise the President to represent the Community in this Entity and to pay the fees.

Basura Bins outside the Blocks – Mrs. Bakker said that the bins outside the blocks are overloaded with domestic rubbish which the cleaner and the gardeners have to clear and proposed to have these bins removed. The vote was taken and the motion was unanimously approved. The Meeting congratulate for the unanimity of the vote.

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Instructions were given to the President to ask the Mancommunity to have the basura point as far away as possible from the blocks.

5.- Election of Officers

There were several candidates for the post of President:

Mr. Foot volunteered and was seconded by Mr. Harris.

The President said that Mr. Bill Moss had also volunteered.

Mr. Senker proposed Mr. Mariscal, but he did not accept the nomination.

Mrs. Bakker and her proxies nominated Mr. Erbacher, which he accepted.

Mr. Foot and Mr. Erbacher candidatures were put to the vote, with the following results:

Those in favour of Mr. Foot:

Mrs P Shellcock	101
Mr Steve Wedge	207
Mrs Margaret Smith	210
Mr M Foot	302
Mrs. Charo van Hulst	305
Mr Kenneth J & Patricia M Norris	310
Mr Michael Owen Reilly & Wendy	314
D ^a . Dolores Caballero Montañez	501
Mr K A Rhodes & Mrs P Williams	503
Mr Howard M Franklin & Mrs V Woolf	507
Mr & Mrs. N. B. Smith	510
Mr R Dove	614
Mr M Emerson	709
Mr R Wright	710
Mr B Harris	809
D. S. R. Wedge y D. S. J. Gayler	905
Mr D Phillips & McMillen	910

Those in favour of Mr. Erbacher:

Mr C Burton & Mrs Jennifer Burton	102
Mr Hein Lans Jans	104
Felipe Cano García	105
Mr P Koster	112
Mr Van Der Wal	115
Mr Derek Hills	201
Mr Van Der Heij	203
Mr E Myerscough	204
Mr. Age Johnny Ulvedalen	206
Mr. Willem Sluiter	214
Mr Taylor	311
Mr Leader	312
Mr Duin	401
Mr G Treco	405
Mr A Marshall	406
Mrs E C Taylor	407

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Mr A Hess	411
Mr D Hayde	414
D Rafael Espejo -Saavedra Vinuesa	504
D. Kurt Berthelsen	505
Mr A Van Velzen	509
Mr Van de Vossenberg	511
Mr A J Van Wijk	514
Robert Luijendijk	603
Mr R De Jong	609
Mr R De Jong	610
Mr R De Jong	611
Pleun y Hein Smits	703
Mr R Müller	704
Mr M Mann	706
Jan Egdoe	707
Mr H E Staufeldt	712
Mr Horst Erbacher	805
Michael & Patricia Senker	812
Mr. Henry & Mrs. Patricia J. Anderson	904
Mrs Dolores Perujo	907
Mr A Nelms	909
Mr R Small	914

Abstention:

Felipe Cano García	105
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There were no votes for Mr. Moss.

Mr. Erbacher was then elected President.

Mr. Erbacher thanked Mrs. Senker for all her good work and dedication to Community issues for many years.

Vice President - Mr. Erbacher nominated Mr. Ray Small.
Mr. Mariscal volunteered.

It was therefore put to the vote, with the following results:

Those in favour of Mr. Small:

Mr C Burton & Mrs Jennifer Burton	102
Mr Hein Lans Jans	104
Mr P Koster	112
Mr Van Der Wal	115
Mr Derek Hills	201
Mr Van Der Heij	203
Mr E Myerscough	204
Mr. Age Johnny Ulvedalen	206
Mr. Willem Sluijter	214
Mr Taylor	311
Mr Leader	312

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Mr Duin	401
Mr G Treco	405
Mr A Marshall	406
Mrs E C Taylor	407
Mr A Hess	411
Mr D Hayde	414
D Rafael Espejo -Saavedra Vinuesa	504
D. Kurt Berthelsen	505
Mr A Van Velzen	509
Mr Van de Vossenberg	511
Mr A J Van Wijk	514
Robert Luijendijk	603
Mr R De Jong	609
Mr R De Jong	610
Mr R De Jong	611
Pleun y Hein Smits	703
Mr R Müller	704
Jan Egdoe	707
Mr H E Stauffeldt	712
Mr Horst Erbacher	805
Michael & Patricia Senker	812
Mr A Nelms	909
Mr R Small	914
Those in favour of Mr. Mariscal: 22 votes	
Mrs P Shellcock	101
Felipe Cano García	105
Mr Steve Wedge	207
Mrs Margaret Smith	210
Mr M Foot	302
Mrs. Charo van Hulst	305
Mr Kenneth J & Patricia M Norris	310
Mr Michael Owen Reilly & Wendy	314
D ^a . Dolores Caballero Montañez	501
Mr K A Rhodes & Mrs P Williams	503
Mr Howard M Franklin & Mrs V Woolf	507
Mr & Mrs. N. B. Smith	510
Mr R Dove	614
Mr M Mann	706
Mr M Emerson	709
Mr R Wright	710
Mr B Harris	809
Michael & Patricia Senker	812
Mr. Henry & Mrs. Patricia J. Anderson	904
D. S. R. Wedge y D. S. J. Gayler	905
Mrs Dolores Perujo	907
Mr D Phillips & McMillen	910

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There were no abstentions.

Mr. Harris asked if there was an option to vote in a third member.

Mr. Erbacher nominated 407, Mrs E C Taylor and asked for the authority to elect other members.

Mr. Mariscal then volunteered as a Committee member.

El Sr. A. Nelms proposed to leave the election of his Committee members to the President. This was seconded by 504, D Rafael Espejo -Saavedra Vinuesa. Mr. Anderson asked for a vote to be taken on this issue. A vote was taken with everyone in agreement for the President to select his own Committee, except for the following owners:

Mr Steve Wedge	207
Mrs. Charo van Hulst	305
D ^a . Dolores Caballero Montañez	501
D. S. R. Wedge y D. S. J. Gayler	905
Mrs Dolores Perujo	907
Mr D Phillips & McMillen	910

The President proposed Intercala Asesores SL stay on as Administrators and said that he will meet with Mr. Mariscal and Mr. Foot so that he can evaluate any companies that they put forward, and to call an EGM if any of this companies are of his trust. This was unanimously agreed by all those present.

Therefore the Board was then constituted:

President: Mr. Horst Erbacher

Vice President: Mr. Ray Small

Auditor: Mr. Ian Leader

Committee: Mrs. E.C. Taylor and the President was authorise to selected any other Committee members.

Administrator: Intercala Asesores, S.L. in the person of the registered administrator n° 1880 of the Málaga province D. José Luis Navarro.

The President and Mrs. E.C. Taylor in his absence were given the power to be the bank signatories together with Lázara Barranquero for the Administration.

The President mentioned what a good job the translator had performed at the Meeting.

And there being no further business, the Meeting closed at 13.30 hrs.

Seen by

THE PRESIDENT



THE SECRETARY-ADMINISTRATOR.

Comunidad de Propietarios
LA CALA HILLS I
C.I.F.: H - 92.441.617