

COMUNIDAD VILLACANA

MINUTES OF THE ANNUAL GENERAL MEETING

Held at the Hotel Exe Estepona Thalasso Spa in Estepona on 15th of April 2023
at the second call at 10:00 a.m.

There were present at the meeting Owners representing 86 houses and proxies had been received from owners of 147 houses.

The President, John McNulty, welcomed owners to the meeting, in person and via zoom.

With respect to the voting the president explained that if anyone who is on Zoom wishes to modify their vote after listening to the discussion in the room they can do so before the voting takes place. They need to state this on the zoom chat box and it will be considered when the votes are counted at the end of the discussion related to that resolution. However, owners on zoom must also send an email immediately to the community office confirming this change.

When the majority of owners are in favour of the resolution only those owners who voted against will be named in the minutes. However, when the votes are very close then those in favour and against will be named as well as those who abstained.

The president made a brief review of the last twelve months.

"I would like to emphasise that Carol Holmes, her team and the Villacana employees have done an incredible job to keep Villacana beautiful and to keep our finances in such a healthy condition.

Over the last year, on top of normal duties, Carol and her team have had unimaginable pressures and demands on them in dealing with the Coastal path and the many related issues that arose with that. Those pressures and demands have been exacerbated in a rather egregious manner by the pernicious behaviour of a very small minority of owners. Myself and Carol have received baseless accusations and misinformation which has also been published and amplified on social media which made matters worse. Carol, Natalia and Antonio have had to deal with ugly and confrontational behaviour. All of this has caused considerable harm to the wellbeing of these people who serve the Community so well.

It is all counterproductive and it wastes time and energy and it is also destructive. I know that the vast majority of owners will wish to admonish and reject these behaviours.

I also have to say it's been detrimental to the mental health and wellbeing of myself and my wife to the point where we are thinking whether we would like to continue being in Villacana.

Everybody has a right to express their opinion freely as I said when I took the job a year ago. We will not prevent or discourage that but it should always be done in a respectful, constructive, productive manner.

I did not sign up to this and no one in their right mind would want to be president if you are the lightning conductor for people's bad feelings.

When I took this job on at the AGM I said that we must have mutual respect for each other. In the UK there is a saying which says play the ball not the man or the woman. Stick to the topics but don't make personal attacks.

If anybody wants information, clarification or reassurance on any issue just ask politely and constructively.

It is relatively easy for me or Carol to respond to a polite constructive email. However, if an email contains a lot of offensive language you most probably will not receive a response.

On another matter, I would like to point out that owners have a right to see administrative documents that



are relevant to the Community. Therefore, on advanced request, owners can go into the office and will be shown the documents. As a general principle we will not issue such documents because quite often they are commercially sensitive or personal to those parties involved."

The Minutes of the Annual Assembly held on the 23rd of April 2022

It was agreed that they were a true and correct record of the meeting and there were no matters arising.

Resolution A – Embargo Proceedings

There are no longer any embargo proceedings in process or to be initiated as the only one we had, has now been resolved.

The president pointed out that this illustrates the fantastic work which Carol and her team carry out for the Community.

Resolution B – Approval and Adoption of Accounts for 2022

That the Revised Accounts of the Comunidad for the year ending 31 December 2022 be accepted.

Joseph Fay, the partner of Fay and Co, explained that the accounts of the community have been audited as they have been done for the last thirty odd years. They have found no reason to doubt that the accounts are properly formulated and they agree that they represent the true and fair situation of the financial position of the community. The only exception which, in terms of the audit, they would consider is that a small amount of the payments made to salaried employees have not been paid in the way they should be, but they only represent about 1.1% of the expenses of the community.

The financial position of the community has always been very healthy. The community reserve fund is in excess of legal requirements with 156,000 Euros.

In reply to Silvia Kessels question regarding how many employees the Community has, Carol Holmes said that there were 12: 1 receptionist, 6 maintenance and 5 gardeners.

Silvia Kessels introduced Olga Pardo as her legal adviser regarding the accounts. Ms. Pardo asked Carol Holmes what her functions were as Administrator. Carol Holmes replied that the functions included accounting, control the jobs to be carried out by the employees, send the quotas to the owners, keep in touch with owners and look after Villacana.

Olga Pardo said that this was the role of a normal administrator. However, Carol Holmes is paid €11,666 per month (including VAT).

Rafael Muñoz said that Olga's question is very relevant to the audit report. The auditors are paid 7.080€. This amount is very high. An audit should cost around 5,500€ to 6,000€ at most (VAT included). An audit report should specify all employees, by department, whether they are men or women. It should be much more specific. Villacana's audit report is very brief, very simple.

In terms of bank interest, the Actual 2022 amounts to 110.95€ when interest rates are at 1% or 2%. This means that for every 100,000€ the Community could receive 1,000€ in interest.

The community quota is being increased by 6.22%, so the amount corresponding to the discounts to the owners should also be increased in the budget by the same amount.

Joseph Fay replied that as far as the audit is concerned, whether it is expensive or cheap depends primarily on the size of the organisation being audited. The fees for the audit of Banco Santander are in the region of 20 million Euros.



Rafael Muñoz pointed out that an audit report for a limited or public limited company costs between 5,500 and 6,000€.

Mr. Fay pointed out that he has been in this profession for almost forty years and does not agree with what Mr. Muñoz says. Mr. Fay explained that his company has very few companies amongst the many, many clients of his firm that that amount is charged.

Mr. Fay explained that it is not the auditor's role to state the number of employees of the company. The auditor's role is to verify whether in his opinion, having done the necessary audit tests, the accounts give a true and fair view of the financial situation of the company. It has nothing to do with stating the number of employees, or the number of trucks, or the number of tractors or the number of branches it may have.

Mr. Muñoz said that if he lived in Manchester or Madrid he cannot come every day to the community. To assess if it is effective, when he is given an amount of costs of employees, he needs to know how many there are to see if it is correct.

Mr. Fay explained that it is the job of the administration to provide this information.

Mr. Muñoz said that the administration should produce a monthly balance sheet of income and expenditure as all communities do.

Mr. Fay explained that not all communities do this, it is not a general rule. His firm has audited a large number of communities on the Costa del Sol and he can assure Mr. Muñoz that this is not done.

Mr. Muñoz said that he has been working for the same number of years as Mr. Fay in homeowners' associations and every month they send a balance sheet of income and expenses and some send it quarterly. Mr. Fay is trying to sneak things through.

Mr. Fay said that he is not trying to sneak anything through and asked Mr. Muñoz not to use words like that at least in the context of an audit which is a very serious verification of the community's financial situation.

To a request from Mr. Muñoz about knowing the amount in the bank and petty cash at the 31st of each month, Mr. Fay told him that he should go to the administration and ask for it, as it is not the auditor's job to give that detail.

James Southworth said that the beginning of this meeting has not been very encouraging in terms of the way in which the exchanges has started. He pointed out that it is already difficult for the interpreters to keep up with the questions and answers so he asked everyone to ask questions and then stop and listen to the answers and to be respectful throughout this meeting

After discussion amongst the owners, the acceptance of the audited accounts of the Community for the year ending 31 December 2022 was put to the vote and, there being a greater number of votes in favour, they were ADOPTED BY MAJORITY, with 6 votes against and 13 abstentions.

Votes against:

Teodoro 9	0.1387%
Jorge 3	0.1592%
Jorge 1	0.2122%
Jorge 2	0.2065%
Jorge 17	0.1123%
Silvia 14	0.4513%



Abstentions

Patricia 9/11	0.3452%
Guillermo 10	0.1533%
Silvia 30	0.3686%
Silvia 38	0.3898%
Silvia 16	0.3423%
Patricia 31/35	0.4020%
Patricia 13	0.2648%
Patricia 15	0.2005%
Patricia 1	0.2065%
Guillermo 04	0.2065%
Miguel 4	0.1487%

Resolution C – Approval and Adoption of the Budget for 2023

	Actual 2022	Budget 2023	
INCOME			
Community quotas	925.194,00	982.747,00	
Bank interest	110,95	-	
Maintenance Income	1.402,00	1.500,00	
Rental Income	58.599,68	42.710,00	
Other Income	11.282,10	12.400,00	
INCOME	996.588,73	1.039.357,00	
EXPENSES			
Personnel expenses	399.456,21	420.243,00	
Life guards	12.558,34	13.200,00	
Maintenance	69.629,91	67.260,00	
Painting of blocks	6.169,47	6.500,00	
Administration	139.601,40	139.601,00	
Professional fees	23.093,36	20.100,00	
General Meeting expenses	4.921,48	5.000,00	
Insurance	17.388,94	17.400,00	
Water & Electricity	39.890,77	39.500,00	
Office & communications & WIFI	9.596,12	8.710,00	
Taxes	17.422,37	17.500,00	
Discount to owners	106.975,88	107.000,00	
Security company	158.908,68	175.308,00	
Desfibrilator	613,00	1.235,00	
Financial expenses	334,93	800,00	
TOTAL EXPENSES	1.006.560,86	1.039.357,00	
ORDINARY RESULT FOR THE PERIOD	- 9.972,13		
Extraordinary income for the period			
Extraordinary expense for the period	- 7.757,16		
RESULT FOR THE PERIOD			
Surplus/(Deficit) for the period	- 17.116,29		
Contingency fund			
TOTAL SURPLUS FOR THE PERIOD	- 17.116,29		-



Olga Pardo said, on behalf of Silvia Kessels, that the budget seems to her to be excessive as it has excessive staff and administration costs. The administration does normal administration work. It is not possible to pay 11,666€ to an administrator. Although the administrator has exclusive dedication, it is a lot of money. The Community has hired a self-employed professional, not an employee. Carol Holmes is being treated as if she were a full-time employee. She is being paid at the price of gold for a job when more estimates have not even been requested to compare.

The cost of personnel also seems excessive, her client proposes that a serious study be made of the budget to try to reduce the costs receiving the same services and to contract a company, for example. The employees except for the concierge, in this case the receptionist, are valued in all communities, but as far as for the gardeners, a company could be contracted to take care of all the gardeners' contracts and it would probably cost less than what the Community is paying now for personnel.

Silvia Kessels clarified that one of her complaints is that the community is paying 140,000€ a year for our administration for two people in the office. Silvia said that she would be prepared to pay that amount of money if there were four or five people in the office. Silvia pointed out that when she requested a zoom meeting she was told that Carol Holmes was unable to have the meeting as she was busy with the audit. If we are paying 140,000€ a year then she expects a better service. There are communities whose administrations are charging 40,000€ a year for three hundred plots of land. The community needs to obtain comparative estimates.

Eva Oliver introduced herself as a representative of her mother who has three properties in Villacana and her father was the architect of Villacana, which he lovingly built and which we all enjoy. Eva Oliver said that she does not know if the administration does its job well or badly and she is not questioning Carol Holmes or the administration, simply that when a community has an administration that has been in place for a long time it has to have the option of looking at other alternatives. It is not necessary to change, but to be able to assess whether the change is convenient and to be able to assess whether what is being paid is a market price. This price does not include the auditor, nor the settlement of taxes, nor other functions that are not those of a normal administrator. She is not performing any extraordinary functions. She is being paid three times the market price. To give an example, Guadalmina, a luxury urbanisation in Marbella, has 300 villas, has more employees than Villacana, has street lights, has avenues, has gardens, has its accounts, has a wonderful dedicated person and charges 42,000€ a year.

Before proposing to ratify the same administration, Eva said we should ask for at least three more estimates, detailing their fees and the functions they include.

Lynn Williamson pointed out that if the owners who brought up the costs of the administration felt so strongly about it would have been useful if they would have come to the meeting with examples rather than just a verbal example of other communities and what the administration charge. It might be a good idea to present the president with actual budgeted estimates from another community so that owners can do the comparisons. At the moment we just have the owner's hearsay as to what other communities charge, of which other owners have no knowledge, we need a proper comparison and then we would be able to make an informed decision as the information that is being provided so far does not give owners any solid information to vote on.

In response to the question raised by Conchi Ruiz on what is included in the professional fees item Joseph Fay explained that the audit report details this item which includes:

Labour:	3,600.71€
Legal:	4,625.45€
Audit:	7,080.23€
Personal data protection:	229.90€
Preparation and Submission Tax Form 184	1,149.50€
Title Deed	10.92€
Orto Geo Consulting:	4,779.50€
Document translation:	715.60€



Attendance of the lawyer general assembly 847.00€
Fees for the presentation of the minutes 54.55€

A total of 23,093.36€.

Eva Oliver points out that as far as administration costs are concerned, it is the president of a community who hires the suppliers and before contracting a supplier he must always evaluate other suppliers and choose between at least three estimates, looking for the best supplier at the best price. Eva Oliver suggested that when it comes to the agenda item of the election of the administration, that three alternatives should be evaluated before ratifying the administration. Eva Oliver suggested that the budget should not be approved until an adequate estimate for the administration at a market price is included. This is very important as the owners' fees will be calculated on the basis of the estimate.

John McNulty presented this breakdown of the Administration fees in 2022

Fees:	139,601
VAT:	(24,228)
Assistant (Natalia Ramirez)	(41,740)
Bookkeeper:	(15,462)
Total disbursements:	(81,430)
Gross income:	58,163

This leaves a gross income of 58,163€ for Carol Holmes to cover her own Social Security, Insurance, company tax, general business overheads and herself.

In reply to a question from Julie Nicholson, Carol Holmes explained that the reason that the budgeted amount of the rental income is less than last year is related to the Aztec restaurant. Until the courts deliver a judgement the tenants are allowed to stay in those premises. At the moment they are paying a rent. However, the amount received cannot be budgeted as we are unaware how long the proceedings will take.

In response to Rafael Muñoz's question regarding Other Income Carol Holmes explained that this is what is charged to the owners at the end of the year for paying their electricity and water bills. It is an income for the community.

Rafael Muñoz also pointed out that the owner discounts should have been adjusted according to the increase in fees, by 6.22%.

Rafael Muñoz asks that in the same way that the community fees are going up, the rents should be increased by the same percentage, if the community fees are going up by 6.22%.

John McNulty said that the reality is that with Covid these businesses have been struggling and are now recovering. Now is probably not the time to be increasing rent. They do provide a good service to our community and they are valued by our community and we would be jeopardizing their presence if we drove them into closure.

After discussion amongst the owners, the Budget for 2023, which was sent to the owners together with the notice of the meeting, was put to the vote and as the number of votes in favour were greater, it was ADOPTED BY MAJORITY with 20 votes against and 16 abstentions.

Votes against:

Teodoro 9	0.1387%	Picasso 30	0.1939%
Marta 19	0.3481%	Elena 33	0.3235%
Jorge 3	0.1592%	Picasso 2	0.5245%
Jorge 1	0.2122%	Isabel 2	0.4404%
Jorge 2	0.2065%	Jorge 5/7	0.2075%
Jorge 17	0.1123%	Patricia 39	0.4111%
Silvia 14	0.4513%	Patricia 25	0.2667%
Miguel 4	0.1487%	Picasso 20	0.1939%



Patricia 41	0.2631%	Eva 11	0.1668%
Patricia 20	0.0955%		

Abstentions:

Patricia 9/11	0.3452%	Patricia 13	0.2648%
Guillermo 10	0.1533%	Patricia 15	0.2005%
Silvia 30	0.3686%	Patricia 1	0.2065%
Miguel 17	0.2203%	Guillermo 04	0.2065%
Jorge 33	0.3735%	Picasso 34	0.1553%
Miguel 10	0.4017%	Dali 27	0.3681%
Silvia 38	0.3898%	Jorge 18	0.1371%
Silvia 16	0.3423%		

Update on Court Proceedings against Lopali 2000 SL (Aztec Restaurant)

Pilar Mayor explained that at last year's AGM it was agreed not to renew the contract with the company Lopali 2000 SL and to require them to vacate the premises, which belong to the community of owners. A formal notice was sent to them, with a copy of the minutes with the agreement of non-renewal. They had already been warned about this non-renewal before the AGM was held, saying that it would be the community that would have to agree or not to the renewal and that until the meeting was held, they could not consider their contract renewed. And as they have not accepted the termination of the contract, a legal proceeding has been filed requesting the termination due to expiration of the term.

Lopali has contested the legal proceedings claiming that the expiry of the term has not occurred, using a different calculation of terms than the ones used by the community. We are now waiting for the court to decide to schedule a hearing for a trial or to decide to resolve the controversy with the documents because the documents that have been provided are sufficient to issue a sentence. In the meantime, Lopali's lawyer has contacted Pilar Mayor on several occasions in an attempt to reach an agreement. The agreement they are proposing is either that the contract be renewed for another five years or that they be compensated with an amount that they do not specify, but that they be compensated for some investments and some furniture and installations that they have in the premises. For the moment, no agreement has been accepted and we are waiting for the court to decide. The procedure was filed last year, however, due to the workload of court number four, which is where we are, and the strike by the lawyers, it is not possible to give a date for a ruling.

Pilar Mayor explained that what Lopali was also proposing as a last step is that if Villacana leases the premises again, the new tenant should compensate Lopali for the equipment they have in the premises.

Olga Pardo says that Lopali, by de facto means, are occupying a plot of land when they do not have a lease contract, especially in the garden area. She understands that the lease is limited to the premises. The garden is a common area and it is not possible with a lease contract to change its use and have it occupied exclusively by a tenant.

Pilar Mayor explained that the contract refers exclusively to the premises, but they have been allowed to use common areas while the contract has been in force, such as renting the sun loungers on the community lawn or the chairs and tables on the terrace, when the contract is terminated, everything else will be resolved.

Eva Oliver pointed out that common areas cannot be allowed to be used on the basis of a lease. Just because it has been done badly does not mean that it has to continue to be done badly. However, if there were still a contract that supports its use, it could be understood. But what does not make any sense is that there is no contract and something that is already illegal is allowed, that is, the occupation of a common space with chairs and tables. The administration should try to limit this use. If they put chairs and tables in common areas, the employees of the Community should remove them.



Pilar Mayor explained that it is not an opportune moment right now to act in this way. It is in court. Lopali can prove that the community has allowed them to use this space throughout the duration of their contract, and now that we have a judicial procedure to terminate the contract in which we are involved, it is not in the best interest of the community to initiate restrictive action in this sense.

Eva Oliver said that in a verbal trial the subject matter of the dispute is already set, it cannot be changed, so any action would lead to another procedure again. It is irrelevant what we do because everything has already been said in the proceedings. So, they can't argue the fact that we took the chairs away from them in the procedure because it is a procedure in which everything has already been said. We are awaiting trial or judgement. It is no longer possible to add a new argument either on our side or on the side of the defence, on our part or on theirs. In the same way that they continue to abuse through the de facto system, we are going to stop this abuse. The obligation of the administrators is to look after the common elements.

Pilar Mayor pointed out that she does not agree and that she advises waiting for the judicial decision.

Mariola de Burgos asked why Lopali's contract was not renewed when he pays his rent and does not cause any problems.

Carol Holmes explained that as it was known that the coastal path was going to be built and that part of Villacana was going to be fenced off, we did not want the chiringuito customers to have free access to our communal areas. As Lopali also run the Baraka it was going to be difficult to control the access of his chiringuito customers to the communal areas as they will leave the access gates open, for example. Every summer we received many complaints about Barraka customers accessing the Community swimming pool because Lopali left the white door open. It will be much easier to control this if there are two different tenants for these premises.

Mariola de Burgos pointed out that clients of Bistro Enrique also use the swimming pool.

RESOLUTION D: Change of Auditors

That the Community change Auditors to AB INTEGRO, S.R.L.

Rafael Muñoz explained that he basically finds the fees charged by Fay & Co high. They are probably very good professionals, but they give very generic information, items should be broken down more, it should be much more explicit and less expensive.

Joseph Fay said that the reason professional fees are high depend on many things, including the quality of the work being undertaken and the quality of the work required. Fay & Co is governed by UHY International norms and they are among the top twenty firms in the world and which possibly are much more demanding than a firm that does not have such obligations. This obviously makes the product more expensive, but it also increases the guarantees. Having an international network in the case of Villacana, for example, also gives owners the possibility, at a given moment, if they have a complaint or an issue with the audit, to go to the UHY office in Manchester or Frankfurt.

Silvia Kessels said that it is her understanding that the firm competing against Fay & Co would be charging 3.900€ and that now Fay & Co would be willing to reduce their fees to 3.900€, and she asked whether that means that now the Community would be losing the quality of service.

Joseph Fay said that that is a relevant question because it can also give the impression that Fay & Co has been overcharging the community for 30 years, but that is not the case, for Fay & Co, as a firm, and for Joseph Fay in particular as a professional, Villacana has been very important in the past. Being the auditors of Villacana brings prestige within the area and, at that time, it really helped Fay & Co to prosper with other clients who trusted them, possibly among other reasons, because they were the auditors of Villacana. It is a relationship of so many years in which they have participated in the resolution of problems such as the famous Gibraltar companies' problem when important areas of the community were



owned by Gibraltarian companies. All of that, over the years and the importance that Villacana has had for them, and for Joseph in particular, makes him very fond of the community. The price that has been charged to Villacana, if they were to estimate it for a new client, it would be approximately that price. Twenty years ago, because of the size of their firm, they could not afford to reduce the fees to Villacana to the levels they are willing to reduce them now. Their commitment is to devote the same hours to the assignment as they have in the past and therefore they will not reduce the quality of service.

Answering Eva Oliver's question Joseph Fay said that he has been working in Villacana for about thirty years. Eva Oliver said that it was probably time to change auditors.

Rafael Muñoz pointed out that AB Integro is a company that is also part of a large group.

After discussion amongst the owners a vote was taken on this point on the agenda and there were 31 votes in favour of AB Integro and 161 votes in favour of Fay & Co. and therefore the Community accounts will continue to be audited by Fay & Co.

Votes in favour of AB Integro:

Jorge 67	0.5099%	Jorge 1	0.2122%
Dali 03	0.3900%	Jorge 2	0.2065%
Jorge 33	0.3735%	Jorge 17	0.1123%
Jorge 4	0.1386%	Silvia 14	0.4513%
Teodoro 9	0.1387%	Miguel 4	0.1487%
Teodoro 3	0.1387%	Elena 33	0.3235%
Marta 19	0.3481%	Picasso 2	0.5245%
Isabel 31	0.2179%	Isabel 2	0.4404%
Eva 13	0.2554%	Jorge 5/7	0.2075%
Alberto 11	0.0926%	Patricia 25	0.2667%
Silvia 32	0.3672%	Picasso 20	0.1939%
Elena 4	0.3920%	Patricia 41	0.2631%
Miguel 20/24	0.6913%	Picasso 36	0.0958%
Teodoro 6	0.3600%	Jorge 53	0.3465%
Jorge 3	0.1592%		

Votes in favour of Fay & Co.:

Patricia 9/11	0.3452%	Isabel 9	0.4024%	Eva 20	0.3414%
Eva 7/9	0.4910%	Miguel 19	0.3618%	Alberto 25	0.3246%
Teodoro 24	0.5223%	Alberto 23/27	0.3011%	Elena 06	0.3686%
Picasso 16	0.1667%	Elena 22	0.3681%	Teodoro 2	0.3726%
Silvia 08	0.3684%	Teodoro 11	0.2065%	Jorge 25	0.5092%
Alberto 43/45/47	0.4644%	Alberto 26	0.3649%	Eva 14	0.3246%
Elena 20	0.3912%	Elena 05	0.3725%	Jorge 34	0.2005%
Picasso 48	0.1324%	Alberto 17	0.1939%	Elena 16	0.3333%
Miguel 7	0.3662%	Alberto 2	0.3959%	Dali 17	0.5086%
Miguel 13	0.3662%	Jorge 20/24	0.3818%	Dali 29	0.3212%
Jorge 10/12	0.3452%	Elena 11	0.3250%	Elena 1	0.3966%
Jorge 16	0.2005%	Teodoro 36	0.4443%	Eva 4	0.4390%
Patricia 4	0.2436%	Isabel 19	0.3370%	Alberto 24	0.3882%
Jorge 27	0.3735%	Jorge 29	0.3326%	Alberto 28	0.3649%
Alberto 08	0.3725%	Jorge 55	0.3625%	Jorge 63/65	0.7044%
Miguel 17	0.2203%	Marta 15	0.3423%	Marta 13	0.4520%
Eva 1/5	0.3097%	Eva 18	0.3414%	Isabel 15	0.3814%
Elena 24	0.3681%	Isabel 25	0.3603%	Elena 32	0.3363%
Silvia 11	0.3158%	Teodoro 12	0.3157%	Elena 15	0.3404%
Silvia 20	0.3503%	Patricia 31 / 35	0.4020%	Silvia 3	0.3726%
Miguel 10	0.4017%	Jorge 30/32	0.2522%	Patricia 12	0.2142%
Jorge 19/21/23	0.4665%	Jorge 28	0.1897%	Miguel 11	0.3246%

Picasso 50	0.2282%	Teodoro 30/32	0.7622%	Alberto 22	0.3882%
Silvia 12	0.3256%	Jorge 35	0.6341%	Marta 7	0.3684%
Alberto 4	0.3959%	Eva 21	0.2002%	Isabel 1	0.2894%
Dali 07	0.3666%	Eva 16	0.3246%	Patricia 2	0.2447%
Eva 3	0.1592%	Dali 27	0.3681%	Elena 25	0.3686%
Alberto 21	0.1072%	Patricia 39	0.4111%	Silvia 4	0.3917%
Alberto 36	0.3395%	Dali 21	0.3912%	Isabel 27	0.4513%
Marta 11	0.3125%	Marta 5	0.3684%	Elena 31	0.3649%
Eva 17	0.2428%	Jorge 41	0.3826%	Alberto 30	0.3235%
Elena 18	0.3912%	Teodoro 34	0.3893%	Picasso 32	0.3004%
Isabel 11	0.4024%	Picasso 34	0.1553%	Silvia 18	0.2216%
Jorge 9/11	0.3811%	Picasso 38	0.1324%	Picasso 28	0.1788%
Teodoro 20	0.2002%	Silvia 7	0.3612%	Alberto 34	0.3395%
Alberto 10	0.3250%	Alberto 7	0.2241%	Alberto 32	0.3235%
Alberto 14	0.3404%	Guillermo 6	0.1386%	Miguel 22	0.3543%
Elena 29	0.3649%	Patricia 6/8	0.2253%	Isabel 23	0.3543%
Miguel 28	0.2257%	Patricia 27	0.1897%	Teodoro 18	0.2002%
Elena 41	0.3649%	Picasso 42	0.1152%	Eva 12	0.3662%
Isabel 7	0.2893%	Isabel 4	0.4404%	Miguel 05	0.4464%
Alberto 38	0.3605%	Patricia 43	0.43985	Silvia 36	0.4337%
Teodoro 07	0.1133%	Miguel 18	0.3370%	Jorge 43	0.3482%
Miguel 14	0.3814%	Alberto 1	0.4445%	Elena 14	0.3333%
Alberto 15	0.2897%	Silvia 44	0.4028%	Silvia 34	0.3741%
Teodoro 4	0.3726%	Eva 24	0.4028%	Jorge 49	0.3149%
Silvia 40	0.4371%	Teodoro 8	0.3600%	Jorge 47	0.3149%
Alberto 29/31/33	0.4644%	Patricia 45	0.5542%		

Rafael Muñoz said that in the same way that the auditors' fees have been reduced by €2,000, the same could be done with the administration, suppliers, etc.

RESOLUTION E:Solar panels for electricity generation

That solar panels be installed on the roof of the administration building to generate electricity for the common areas at a cost of 49,381.01€, which would be taken from the contingency fund.

The meeting was attended for this resolution discussion by Mario Ruiz, the representative of a photovoltaic company, which is the preferred supplier out of three that provided quotes.

Mario Ruiz explained: *I have come to present the photovoltaic project at the level of collective self-consumption, about what it consists of for the community electricity supply.*

This installation has been calculated considering the consumption of the community in which all of the points are included and is based on the power required by all these consumptions.

We have prepared the study and this is the solution which has been proposed. It is a solution of 40 nominal kilowatts with a little more peak power, which would be 46.87. We use modules with a photovoltaic power of 545kWh and this includes monitoring so that you can see in real time exactly how much is the generation and how much consumption the community is having. In the end, the important thing is that the percentage of savings will be around 46% per year, which could be increased if some consumption habits are adjusted. Possibly a lot of the consumption that takes place during the night could be transferred to daytime hours and then we will be able to have a much more significant saving.

As there are six supply points, there is an option called collective self-consumption in which a net generation meter is installed, which ensures that everything generated by the photovoltaic system, all the energy that we inject into this meter, we communicate to the distribution company what percentage of all the energy that we have injected into this meter we then want to divert to the other supplies that we have.

The depreciation period is quite short, less than four years.

Iago Millet asked about the type of consumption in the community, what type of consumption it was.

Mario explained that there are six supply points in question, he does not know exactly what each supply is for. They have been provided with these points, they have accessed the annual consumption history of each one of them and based on this annual consumption history, seeing what consumption they have during generation hours and at night, the company has calculated the consumption.

Iago Millet referring to the 86 panels that there are, it is practically equivalent to three or more large houses, which seems a very high consumption. Obviously, it would have to be checked in detail to see if there are any anomalies.

Mario explained that the consumptions are those that were downloaded from the distributor itself, they are real consumptions. There is one supply in question that consumes almost fifty percent of the total.

Iago Millet pointed out that he has no technical data to justify this high consumption and this should be studied.

On the subject of subsidies, Iago Millet asked to what extent the Community could benefit from subsidies from the Junta de Andalucía and, on the other hand, if any type of battery is planned for storing the energy that is generated or if any company could have a virtual battery, which also seems to be what is being developed at the moment and which is an option to avoid having to install a real battery, which is more expensive and has a lower or limited durability.

On the subject of subsidies, Mario explained that there is currently a programme of the Junta de Andalucía, which is managed by the Andalusian Energy Agency, in which you can apply for this subsidy. We (Mario's company) would manage all the subsidy with the consultancy department and that subsidy, in the case of communities of owners, as well as for companies, always the steps to follow is to apply for the subsidy before any type of installation and payment. As for the amount, which in the end is what may be of most interest to the Community, is between 30 and 35%, but the exact figure will depend above all on the fiscal data of the community itself.

Mario explained that at present, there is a waiting list, they are not direct subsidies that as soon as you apply for them you get them. We (Mario's company) manage the subsidy, they apply for it and they go on a waiting list. As of today, for example, they are receiving replies to those they sent six or seven months ago to inform them whether they have been processed. It can take a year or more from the time you apply for a subsidy to the time it is granted. Although obtaining the subsidy is not guaranteed, it is possible that it will be granted, but it is obviously a very good option, especially in terms of savings.

Iago Millet said that he understands that apart from the subsidy from the Junta de Andalucía, the Town Hall itself, when installing this type of photovoltaic panels, grants a reduction of the Municipal Tax for the next four years, which would be a 25% reduction.

Mario pointed out that there is one more saving you can take advantage of. This project is a turnkey project in which we include absolutely everything with the exception of the building and installations tax which is 3.5% of the estimate without VAT in Estepona, but if it is for a project that involves the installation of photovoltaic solar energy it is 50% tax deductible.

Eva Oliver asked whether this estimate included the company's obligation to manage the subsidy. It would be important to obtain the subsidy before undertaking the investment.

Mario explained that the only thing that has to be done beforehand is to present the application for the subsidy.



Eva Oliver asked if there is an excess that has to be sent to the grid and if there are any plans to sell the excess to the grid.

Mario replied that 72% of the energy that is being generated is going to be used, which means that 100% of the energy that is being generated is consumed directly by itself. As it is generated it is consumed and the remaining 28% would be injected into the grid. The most recommended options we have so far have been simplified surplus compensation. One can take advantage of this compensation, which would mean that all energy that is not being consumed is fed into the grid. The electricity supply company deducts it from the monthly bill, which is the most common option today.

As for the batteries, Mario explained that they do not manage the issue of the virtual battery, that would have to be managed with the supplier with whom the Community has its contract. At present, Mario does not recommend this solution as he has had several experiences with this issue, such as the fact that the supplier charges a fee for the virtual battery service, others that provide a cap, i.e. that they only deduct €50 per month, for example. There are some small details that it would be good to discuss with the supplier. If it improves, it is a good solution, especially because the physical batteries, although they are in the process of improvement, are still the weak point of photovoltaics in terms of costs, which tend to be quite high, increasing the estimate of an installation, and they also take up a lot of space, especially for this power. For an installation of a 2 or 3 kW house, the battery would not be very large, but the batteries that would be needed for this type of installation would require a fairly large space to house them and, in addition, their useful life is not very long. Both the photovoltaic modules and the inverters and the whole installation are assumed to have a useful life of 25 or 30 years, and the batteries usually have a useful life of between 10 or 15 years. In this case we have not considered batteries, we have calculated the installation on the basis of the daytime consumption during the hours of sunshine.

Barbara Baskerville said that in their business in the UK they installed 120 panels over 10 years. They now have batteries and cover all the electricity they use in their business. The cost of the batteries has been repaid over the course of three years. The batteries are not that big anymore. The batteries would store up the energy which can then be used in the evening when the lighting comes on in the community. Batteries have improved and their lifespan is 15 to 20 years.

Mario said that does not mean that we are only going to use 72% of what we are generating, it means that at the same time that 72% is being generated it is being consumed. It is obviously not susceptible to being stored in any battery, be it virtual or physical. If consumption habits can be adapted to a more diurnal consumption, obviously that 28% could be lower because we can transfer consumption at night to daytime, so we do not dump that 28% into the grid. However, if we have that 28% of energy that we are injecting as surplus, we would have to store all that energy. The reality is that for a 40-kW installation the batteries are quite large. We have calculated the size of the photovoltaic installation based on daytime consumption. We are focusing on the consumption during solar hours because a priori we consider that in such a large installation, perhaps in the end the batteries are going to be an excess cost and we would not only need to add batteries and the number of panels would not be reduced, but on the contrary, in order to have a sufficiently large amount of energy so that we can store it and for it to make sense to have batteries and be able to amortise them, in fact we would need to have slightly more power generation to be able to store it. From our point of view, we think that this technical solution may be the most convenient, however, if the community wishes to have a physical battery we obviously have no problem in offering it.

Mario explained that the modules that have been estimated are single-sided. The two-sided modules, are currently somewhat more expensive, although it is true that you can have a plus in performance due to the fact that both sides of the panel can be used. It could be a good option because the surface on which they are installed is a clear surface and therefore there would be enough radiation that would then affect the photovoltaic module and it could be a perfectly good solution.

Paul Kimberley said that he agrees with the necessity for batteries in the long term. It may be something we could look into, as a community, as a phase 2 to allow the capability for battery storage to gain more



efficiency. Secondly, there's provision within your proposal that states annual servicing but there is no pricing as to how much that servicing is likely to be.

Mario explained that in terms of maintenance, his proposal includes maintenance in the first year. This maintenance involves a six-monthly visit to the installation in which the entire installation is checked to ensure that it is working properly. What is usually done in this type of installation is that the maintenance staff of the community ensures that the photovoltaic modules are clean. It is also very important that the inverter is located in a place where it does not have a high accumulation of dust that can obstruct the filters for cooling. These are the two key points to ensure that the efficiency of the installation is as high as possible.

Bill Morris, asked whether in the company's proposal the 28% which is returned back to the grid has been considered or is it an additional savings.

Mario explained that the 28% that the Community transfers to the grid is paid by the utility company. The Community can make use of what is known as Simplified Surplus Conversion, which can be fixed or variable. For example, if the Community pays 0.20 € per kW, the suppliers at present, at a fixed price level, have the kW close to 0.10 €. They do not pay back 100%.

Mario explained the savings presented in the proposal consider the amount of kW that is being invested in the grid as surplus. It has been priced at 0.10€ per kW at a fixed price and this has been added to the savings to be considered in the financial study.

Eva Oliver said that, although it is a good idea for the community to install photovoltaic, there are some points that need to be analysed before deciding as it is an important investment. To study the possibility of installing two-sided panels; the possibility of injecting the energy into the grid or storing it in batteries; to make a study of energy consumption in the Community and to study how this investment will be paid for as the proposal proposes that the reserve fund be used, and if this is done together with other investments that are being proposed at this meeting, the fund would be below the legal minimum which is 100,000€.

Balazs Szilvagyl said that he looked into this matter and he thinks that first of all a study of the Community's consumption should be carried out. There may be areas where electricity consumption may be able to be reduced. When this is done more estimates should be obtained as he said that he obtained an estimate from a local company which was 10,000€ less with better conditions. This company has green farms around Tarifa. All this has to be looked into before the proposal is voted upon.

Mario explained that effectively one supply point supports almost 50% of the consumption, which is justified on the basis of how the Community has distributed the electrical installation: lighting and motors for the swimming pools. The former has a higher consumption and the others more residual. It could be feasible to carry out an energy efficiency study in which it would be possible to analyse whether all the Community's consumption could be optimised. His company considers that it is a fairly efficient and optimal solution and above all that it provides a saving of almost 50% of the bill and a payback period of less than three and a half years.

John McNulty thanked Mario for his explanations at the meeting.

In response to a question raised by James Southworth Pilar Mayor explained that the reserve fund is an item that is mandatory in a community of owners with a minimum of 10%. This does not mean that the reserve fund cannot be touched, it is there to be used in certain circumstances and to be replenished year by year in the budget from the community fees paid by the owners. There is always a part that can go to the reserve fund, as well as the surplus of each year.

Eva Oliver explained that the purpose of the reserve fund, which can be used and then replenished, is for contingencies, for extraordinary circumstances. A photovoltaic project must be included in the budget, it is not a contingency, it is not an emergency, it is not an extraordinary need. The legal obligation is to



maintain the fund at 10%. We must use it for the right purpose and not use it for ordinary actions that have to be included in a budget. If you change the use of the reserve fund you are breaking the law.

John McNulty pointed out that, after listening to all the discussion, probably the installation of photovoltaic panels needs to be studied in more detail before a decision is taken. To further analyse the proposal. He asked the floor whether they agreed to postpone this decision until more work has been done and bring it back to the next AGM. The owners present agreed with this decision and therefore the proposal is withdrawn.

Balazs Szilvagyil pointed out that if this decision is postponed until the next AGM it would mean that the Community will lose a lot of money on electricity. The Community should begin looking into it immediately and then in a few weeks it could be sorted.

John McNulty explained that there are two aspects one is doing the work to better understand the proposition and the other is the question about demands on the reserve fund and the second one probably requires more time. A proposal will be worked on and the owners will be consulted on that.

William Morris said that his concern is that in order to get this project approved we would need to hold an EGM or leave it until the next AGM or, he asked whether it be done virtually by postal vote. As the previous speaker pointed out the community wants to move quickly in order to take advantage of these savings.

John McNulty pointed out that it would have to be taken to a General Meeting, either an EGM or next year's AGM. We will start work on the proposals and we can then communicate with owners and update them on the progress and then a decision can be made as to whether we take it to an EGM or next year's AGM.

James Southworth asked whether an EGM can be carried out virtually rather than in person.

John McNulty asked Pilar Mayor whether it is possible to hold a General Meeting virtually if it is only addressing a single issue and it is well documented and we consult people in advance so we can address all the questions.

Pilar Mayor said that it could be done, but the problem is that if there are going to be many interventions, doing it by zoom does not guarantee the right for everyone to speak. A first presentation could be made as is done at the AGM, with a single point on the agenda, with all the explanations, the estimates so that the owners can simply vote for or against as they normally do with their proxy vote.

John McNulty said that by doing sufficient consultation and advance to tease out all the questions and all the concerns so that by the time we take it to a vote that it's pretty much ironed out.

RESOLUTION F: Screening on roofs

That screening on roofs be allowed but they cannot be more than 60cm in height on top of the wall, with the objective of not restricting the view of neighbours. They must be removable and thus taken down when the property is not occupied. They can only be installed on the boundary walls between roof areas and NOT on the external parapet walls.

John McNulty said that he proposed this resolution simply because a number of owners had approached him to ask for this.

Barbara Baskerville said that her concern is that all sorts of screenings could be erected, so the type of fencing that people can put up should be specified. A white trellis which would then blend with the white walls.

John McNulty said that a picture of the approved screening will be included in the minutes.





After discussion among the owners, this point on the agenda was put to the vote and as the number of votes in favour was greater, it was ADOPTED BY MAJORITY, with 36 votes against and 11 abstentions.

Votes against:

Picasso 12	0.1408%	Elena 11	0.3250%
Miguel 15	0.3407%	Teodoro 36	0.4443%
Miguel 7	0.3662%	Isabel 19	0.3370%
Dali 39	0.3421%	Teodoro 12	0.3157%
Miguel 08	0.2893%	Eva 20	0.3414%
Silvia 20	0.3503%	Teodoro 2	0.3726%
Jorge 33	0.3735%	Eva 13	0.2554%
Jorge 4	0.1386%	Jorge 61	0.4428%
Miguel 10	0.4017%	Teodoro 10	0.1357%
Jorge 19/21/23	0.4665%	Jorge 63/65	0.7044%
Miguel 19	0.3618%	Silvia 3	0.3726%
Miguel 6	0.1487%	Silvia 28	0.3556%
Teodoro 11	0.3452%	Eva 3	0.1592%
Elena 05	0.3725%	Alberto 21	0.1072%
Teodoro 9	0.1387%	Elena 4	0.3920%
Jorge 20/24	0.3818%	Miguel 28	0.2257%

Abstentions:

Eva 7/9	0.4910%	Patricia 18	0.1126%
Elena 24	0.3681%	Jorge 55	0.3625%
Alberto 17	0.1939%	Alberto 4	0.3959%
Patricia 14/16	0.3810%	Miguel 20/24	0.6913%

RESOLUTION G: Mirrored windows

That all mirrored windows in the Community be removed.

John McNulty explained that this proposal is on the basis that mirrored windows are deemed not to be in keeping with the look of Villacana. The statutes do not specifically preclude mirrored windows but they

do preclude material changes to the appearance of the external facades and the proposition is that mirrored windows breach that clause.

Lisa Maxwell said that in her property she has one set of doors that face the pool with mirrored windows and she has them for privacy and for security. She explained that people press their faces up to her windows constantly. She explained that her husband was mugged in the back-car park, her son was robbed at gunpoint outside Villacana and it makes her nervous to think that people want to look at her.

Mariola de Burgos said that in her opinion the houses overlooking the swimming pools have very little privacy. It must be understood that this family is having a hard time.

James Southworth said that he just wants to be very clear on this. He asked whether Resolution H would address the issue and Resolution G can be opposed in favour of resolution H. We would then be achieving both things, namely Lisa Maxwell's privacy and security, but not fundamentally changing the external appearance of the community.

Lisa Maxwell said that the main privacy issue for her is on the pool when people are staring into the windows and that can only be stopped by having a reflective film. On the frontline houses the people are far enough away on the path that you could have the darker film.

Lynn Williamson said that the previous owners of Lisa Maxwell's property did not have the upstairs window mirrored and they lived in that house for a long time.

After discussion among the owners, this item on the agenda was put to the vote and as the number of votes in favour was greater, it was ADOPTED BY MAJORITY, with 34 votes against and 70 abstentions.

Votes against:

Patricia 9/11	0.3452%	Teodoro 4	0.3726%
Jorge 6/8	0.2267%	Picasso 2	0.5245%
Jorge 10/12	0.3452%	Elena 33	0.3235%
Miguel 6	0.1487%	Picasso 36	0.0958%
Teodoro 11	0.2065%	Jorge 35	0.6341%
Jorge 14	0.2648%	Isabel 2	0.4404%
Teodoro 9	0.1387%	Jorge 5/7	0.2075%
Dali 13	0.3333%	Isabel 4	0.4404%
Elena 11	0.3250%	Miguel 18	0.3370%
Marta 3	0.3917%	Silvia 44	0.4028%
Patricia 31 / 35	0.4020%	Marta 7	0.3684%
Marta 13	0.4520%	Isabel 1	0.2894%
Miguel 11	0.3246%	Picasso 20	0.1939%
Patricia 1	0.2065%	Patricia 41	0.2631%
Alberto 36	0.3395%		

Abstentions:

Picasso 12	0.1408%	Teodoro 2	0.3726%
Guillermo 10	0.1533%	Patricia 13	0.2648%
Dali 5	0.3666%	Patricia 15	0.2005%
Alberto 08	0.3725%	Picasso 50	0.2282%
Miguel 17	0.2203%	Miguel 16	0.3814%
Eva 1/5	0.3097%	Dali 07	0.3666%
Dali 25	0.3681%	Elena 2	0.3920%
Patricia 14/16/18	0.3810%	Eva 17	0.2428%
Marta 15	0.3423%	Miguel 20/24	0.6913%
Jorge 30/32	0.2522%	Teodoro 20	0.2002%
Jorge 28	0.2522%	Alberto 10	0.3250%
Elena 06	0.3686%	Alberto 14	0.34045%



Elena 29	0.3649%	Alberto 30	0.3235%
Elena 41	0.3649%	Patricia 20	0.0955%
Teodoro 07	0.1133%	Eva 11	0.1668%
Silvia 14	0.4513%	Picasso 32	0.3004%
Alberto 29/31/33	0.4644%	Silvia 18	0.2216%
Picasso 36	0.0958%	Picasso 28	0.1788%
Eva 21	0.2002%	Alberto 34	0.3395%
Eva 16	0.3246%	Alberto 32	0.3235%
Patricia 43	0.4398%	Miguel 22	0.3543%
Alberto 1	0.4445%	Isabel 23	0.3543%
Teodoro 34	0.3893%	Teodoro 18	0.2002%
Picasso 34	0.1553%	Eva 12	0.3662%
Teodoro 8	0.3600%	Miguel 05	0.4464%
Patricia 45	0.5542%	Silvia 36	0.4337%
Eva 24	0.3662%	Jorge 43	0.3482%
Patricia 2	0.2447%	Elena 14	0.3333%
Isabel 27	0.4513%	Silvia 34	0.3741%
Jorge 53	0.3465%	Jorge 49	0.3149%
Patricia 25	0.2667%	Jorge 47	0.3149%
Elena 31	0.3649%		

RESOLUTION H: Privacy film

That the front-line house owners are permitted to add interior privacy film to the path-facing windows and doors.

After discussion among the owners, this item on the agenda was put to the vote and as the number of votes in favour was greater, it was ADOPTED BY MAJORITY, with 8 votes against and 15 abstentions.

Votes against:

Picasso 48	0.1324%
Jorge 33	0.3735%
Alberto 2	0.3959%
Jorge 20/24	0.3818%
Jorge 29	0.3326%
Jorge 63/65	0.7044%

Abstentions:

Picasso 12	0.1408%	Elena 32	0.3363%
Miguel 15	0.3407%	Patricia 12	0.2142%
Jorge 19/21/23	0.4665%	Dali 07	0.3666%
Patricia 14/16/18	0.3810%	Isabel 7	0.2893%
Elena 06	0.3686%	Teodoro 07	0.1133%
Patricia 13	0.2648%		

James Southworth said that possibly for consideration at the next AGM. Resolution G and H were closely linked. It was interesting particularly with Resolution G that the number of advance votes that you had against the mirrored windows versus the number of votes in this room, having heard the benefit of the points that were being made in person, which illustrates one of the difficulties of a process where by proxy votes and advance votes are sought without people having had the benefit of hearing the arguments that are put for and against. It is something that needs to be considered by the president and his advisory group ahead of the next AGM because we need to find a way to make sure we franchise all of the people in Villacana who want to take part in the AGM. He does not think today has quite achieved that. Those owners who are in the room are in a better position of being informed on the issues but many people, as was illustrated by resolution G, did not have the benefit of that and have voted in advance in good faith.



Although there was a mechanism to allow people to change their vote however he is not sure how effective that is in this short time. This is just an observation for future consideration.

John McNulty said that there are two issues there. The first one is that long before Zoom we had a proxy or postal vote system. With the advent of Zoom owners who are listening have the opportunity to post a message and change their votes as a result. However, James's point will be taken into consideration.

Eva Oliver said, in terms of Zoom and attendance at the meeting, participation should be encouraged to allow people to change their vote according to what is said in the room. Nowadays, with technological advances, zoom voting cannot be banned. People abroad must be allowed to speak and vote, especially when there are so many people living abroad. There are too few people present in relation to the total number of community members. They should be encouraged not only to participate remotely, but also to change their vote. On the other hand, in no community of owners in which there is an agenda with proposals made by the owners, can the president make comments at the bottom of the proposal to influence the vote. This is completely illegal. If an owner proposes an item on the Agenda he or she must have the right to present it, but the president cannot write a subjective opinion in relation to an item on the Agenda that must be dealt with freely. This is a practice that we should not allow.

Pilar Mayor explained that this is a consequence of the voting system for owners who do not attend the meeting in person. For the Assembly, the owners can delegate their vote and the person to whom they have delegated their vote decides which way they are going to vote. There is another system, which is the one used in this community, where the topics are explained and the person delegates the vote. If that person delegates the vote to the president, the president can indicate what the position is so that the person can delegate the vote to the president, but can vote for or against the opinion of the president. Just as the owner states his reasons for proposing this item on the agenda, the president, on behalf of the community, does state the opinion or feeling of the community in this respect. He is not influencing the vote.

Olga said that he is influencing the vote and should not do so in the official notification.

Pilar Mayor confirmed what Olga said that it is not possible to vote by Zoom, it is forbidden by the Horizontal Property Law.

Pilar Mayor said that it is not compulsory to allow owners to participate verbally via Zoom. It can be allowed, but in this case, with some technical limitations.

Eva Oliver said that in a community like Villacana in which there are many owners, they should be able to speak and give their opinion. There are ways of running a community, there are other ways of giving more freedom so that there is a possibility of real debate, of changing votes and the right of information. Owners should come to the meeting with an open mind, to listen and vote freely.

Pilar Mayor, referring to the Supplementary Agenda the proposal of any owner is well accompanied by an explanation defending their proposal.

Olga points out that the role of the President, whether we like it or not, always influences the owners, especially those who are unable to attend the meeting. This is an advantage that the president has over the owners who submit the proposal or the rest of the owners, and she considers that this is not a common practice. It should be recorded in the Minutes that this is not repeated.

James Southworth asked whether there is any legal impediment on voting being done via zoom if people are not able to attend in person. An observation is whether or not people who are attending remotely are properly enfranchised in this whole process. If there is a situation in which in advance people receive a proposal and they then there that they receive comments from the president in relation to that proposal, and then they don't have realistically the benefit of a debate in the room like this to inform their vote. James Southworth said that he is concerned that the views of the president will obviously carry significant weight because he is the person who has been voted into this role and people who are doing this purely



in advance, reviewing the material, reviewing the notes are going to be heavily swayed by the views of the president. There is not anything wrong with the president having views on things but it's not fair to suggest that those will be given equal weight to those of other individual owners, they will be given more weight. Therefore, it is even more important that the people who are voting remotely get the opportunity to have the benefit of the debate and discussion so that their vote is fully informed in the same way as it is for those here in this room.

John McNulty said that if owners look carefully at his comments on resolutions, they are quite objective they are not subjective they are not opinions. If the president has information that he thinks owners should have, he has a duty of care to say that, and he's damned if he does and he's damned if he doesn't.

James Southworth pointed out that he was not challenging the content of what the president said, he was making a point about the weight his comments have as opposed to other normal owners and that is because of the office the president holds.

Pilar Mayor said that right now the Horizontal Property Law does not allow the voting to be done by Zoom, we do not know in the future, but, at the moment it is not allowed. What the law does foresee is, for agreements requiring a qualified majority, owners who are not present and have doubts about their vote can listen to the debate beforehand, this is known as the absentee vote, they can vote afterwards, after having participated in the meeting by zoom or after having received the Minutes, and they can indicate how they intend to vote. Therefore, the vote of those who are not present is protected by law in agreements which require a qualified majority for their adoption.

Bill Heximer said that he just wanted to make the point that he found the president's comments on these issues very helpful in understanding what the issues are. He found them to be helpful and non-directional in any way whatsoever.

**RESOLUTION I: A third access gate to coastal path by Baraka Beach bar
That an access gate to the coastal path be installed where the white gate is at present by Baraka Beach.**

Silvia Kessels explained that the reason for proposing this access to the left side, next to Baraka was that in the past the whole front of the main grass area used to be open to the beach. Now, considering that there are 330 properties in Villacana plus those of Villacana North, each property will have 3 or 4 people staying in it and therefore around 1000 people will be using the gate daily at the end of Calle Guillermo to access the beach. She felt that another access on to the beach is required as the one at the end of calle Dali will hardly be used as it is at the other end of the Community. She pointed out that her property is right next to the gate and it will be very noisy with so many people using the Guillermo gate. Her idea was therefore to divide the amount of people who use the Guillermo gate by putting one where the white gate is at the moment. Nevertheless, she would like to change her proposal after witnessing how the waiters from Baraka come and go between Aztec and Baraka. The proposal would be to build a door, similar to the one at the end of Guillermo, where the white door is at the moment, but not do it yet, at present the white door will be kept closed until the tenants of Aztec leave.

Iago Milet said that the access on Calle Guillermo was moved a slightly towards the East so that it would not be too close to the residential buildings, as the gate can have its usual inconvenience of opening and closing and the accumulation of people. The problem is that practically one hundred per cent of the traffic of the residents of Villacana who are going to the beach will be concentrated at this point, which will be detrimental to the owners with houses near this access. An alternative exit could be interesting. We should continue to think about an access at the Jorge swimming pool which would be with four or five steps to the footpath and so the traffic would not be concentrated at one point as the one at Calle Dali is will be used relatively little.

Conchi Ruiz pointed out that the door that was by the Jorge swimming pool should be reinstated.



Silvia Kessels withdrew her proposal regarding the third access gate by Baraka Beach Bar as the gate is already there and it only needs to be refurbished to look similar to the one at the end of Calle Guillermo. To a question from Carol Holmes Silvia Kessels agreed that this door can remain sealed until the tenants of Aztec Restaurant leave.

After considerable discussion regarding the gate by the Jorge pool some owners felt that a gate should now be provided here as they thought owners had not been asked to vote on the removal of the original access gate in the Jorge pool. The president corrected this by reminding all that the fence approved at last year's AGM had only two gates – one at Guillermo and one at Dali. It did not include a gate at this location (or at the corner by Baraka). He said he would be happy to consult owners on the retro-fitting of a gate here. He asked Iago Milet if he would draw up a design for it, with costings to be obtained and everything will be sent to the owners for their approval. Also, permission must be obtained from the Town Hall.

Neil Norman pointed out that he believes that this issue is wider than just one gate. We are moving into a new world, we have a new path which is introducing new traffic. There is also issues about caravan park. What it means is the we have enjoyed a pretty open community, in terms of access rights. He believes it would be prudent if any study is widened to look at the overall flows in and out of the community, both from the path and from the car park. A point has been made that there is a thousand people, however we have not had a summer yet in this new world, it may be a thousand, two thousand or two hundred people, we do not know yet. He believes that it would be prudent to move away from a key code because it is too easy for anyone to find out what it is. He would implore any study to accommodate all of the access points and then come back with they a feasible proposal. We need to understand what the flow of people is, both for security and ease of access to the community from both sides. One fundamental change is that it is the first time the beaches has been perimeterised which make a big difference because people used to freely walk on and off the beach and this introduces a fundamental change.

RESOLUTION J: Sun Loungers on main grass

That Casitas Villacana SL rent out sun loungers to residents of Villacana on the grass area by the main swimming pool.

Francisco Valadez said that he was withdrawing the proposal because at the moment there is an open judicial process and he does not want conflict until the sentence is executed and becomes definitive.

RESOLUTION K: Landscape Gardener

That a landscape gardener be hired to advise on the choice of vegetation adapted to the marine environment, both for the new fencing of the pedestrian walkway and the gardens of the main swimming pool.

Iago Milet explained in detail his proposal of the landscaping design on the Community side along the coastal path. The president asked Iago if he would kindly prepare a brief for the landscape gardener which sets out clear objectives and which will then be sent to owners for their comment.

Barbara Baskerville pointed out that the planting by the side of Baraka, on the beach, do protect us from the wind and the sand, they act as a very good barrier. Mrs. Baskerville also asked whether the Community is responsible for maintaining the plants which are outside Villacana. She also said that she would like some palm trees replanted as they are icon to Villacana.

John McNulty explained that anything outside our boundary is clearly Costas land however we would continue maintaining the plants which Barbara mentioned that act as a barrier.

To a suggestion regarding the building of a white wall behind Baraka the president said that the fencing proposed along the wall is already on order and will soon be installed. However, the blocking of the view of Baraka can be addressed by having the right landscaping. If sufficiently dense landscaping is planted across that area, it would look more attractive than a white wall and achieve the same objective.



James Southworth asked if there a possibility to negotiate some form of concession with Costas to allow Villacana to have some responsibility and a degree of control over the land outside Villacana.

John McNulty explained that Costas are quite strict about the usage of their land, they do not explicitly approve such things but we can talk to them about it especially as further along the coast they have allowed some landscaping on the outside. He said that the brief for the landscape gardener should define landscaping proposals for the public land on the outer edge of the coastal path, in a way that might help us make a stronger case to Costas to permit this.

William Morris said that the flower bed which is now on Coastal land, give us the visual appearance and a degree of screening. He also referred to storms that many years ago took place which ended up with debris landing in the main swimming pool. Owners must remember that this can happen again and therefore we must carefully consider a type of landscaped barrier on the outside.

With regard to the fence, Iago Milet explained the fence will be installed as close to the external edge of the wall as possible prevent it from people climbing over it and to prevent people from sitting on the wall. Special measures have been taken to secure the fence. As for the plants on the outside, what Villacana has to try to consider is a series of slightly raised dunes with vegetation and thus give us protection from the sand, but also from the occupation of Baraka or any beach business.

After discussion among the owners, this item on the agenda was put to the vote and as the number of votes in favour was greater, it was ADOPTED BY MAJORITY, with 36 votes against and 8 abstentions.

Votes against:

Picasso 12	0.1408%	Teodoro 2	0.3726%
Miguel 15	0.3407%	Eva 13	0.2554%
Silvia 30	0.3686%	Dali 29	0.3212%
Miguel 7	0.3666%	Alberto 24	0.3882%
Patricia 4	0.2436%	Alberto 28	0.3649%
Dali 39	0.3421%	Silvia 3	0.3726%
Miguel 08	0.2893%	Patricia 1	0.2065%
Silvia 11	0.3158%	Dali 07	0.3666%
Jorge 19/21/23	0.4665%	Eva 3	0.1592%
Silvia 38	0.3898%	Guillermo 04	0.2065%
Miguel 6	0.1487%	Jorge 9/11	0.3811%
Teodoro 9	0.1387%	Teodoro 6	0.3600%
Dali 13	0.3333%	Elena 33	0.3235%
Jorge 29	0.3326%	Picasso 02	0.5245%
Silvia 16	0.3423%	Picasso 24/26	0.2144%
Isabel 31	0.2179%	Miguel 4	0.1487%

Abstentions:

Eva 7/9	0.4910%
Dali 5	0.3666%
Alberto 23/27	0.3011%
Alberto 17	0.1939%
Picasso 50	0.2282%
Teodoro 07	0.1133%

RESOLUTION L: Legal proceedings against the Estepona Town Hall

That all the owners of the Community participate in the overall cost of the legal action which a group of owners have initiated against the Estepona Town Hall for invading common land in Villacana without the unanimous consent of the entire Community, and, where appropriate, to join the same.

Eva Oliver explained the following:

Silvia Kessels and my mother Isabel López de Carrizosa have filed a lawsuit against the Town Hall of Estepona. What we are requesting through this proposal is the economic support of the community because I think it is an obligation of the community.

This lawsuit only refers to the strip of land that is being occupied by the coastal pathway behind the beach bar, occupying almost 100 square metres of land that is private property of the community. The Town Hall has not expropriated this land because it has preferred to rush, it has preferred to build the coastal pathway and it has preferred to seize this land without giving anything in return. This action is completely illegal in Spain, so it is a lawsuit that is bound to be won. What is being requested with this lawsuit is that the land be restored to its original state, that this part of the promenade be removed, to return the land that is private property to the Community. Then the promenade would pass in front of the beach bar as it cannot occupy privately owned land.

The president of the Community, in his reply to this point, said that the judicial procedure could end up forcing the Town Hall to expropriate and, in this case, it would be better to negotiate this expropriation. This is where the error lies, this judicial procedure, this sentence that is going to appear sooner or later can never force the Town Hall to expropriate. Expropriation is an act that the Town Hall decides unilaterally. The purpose of the lawsuit that we have filed is to restore the original situation because the Town Hall has no right to occupy privately owned land. It is true that as a result of this lawsuit the Town Hall may say, when it loses the lawsuit, that it is going to initiate an expropriation. In that case it will have to be discussed whether this expropriation is going to be successful. Expropriation is not always possible, certain requirements have to be met, there has to be a justification, there has to be an interest of the whole community. Here we are not talking about expropriation to build a coastal pathway because they can build the pathway in front of the beach bar, occupying public land, in the same way as they have done with the rest of the coastal pathway.

The Town Hall of Estepona has requested permission from Costas to occupy public land so we ask that this promenade continues in front of the beach bar also occupying public land instead of expropriating privately owned land. In this theoretical, hypothetical, but not certain expropriation procedure that the Town Hall could initiate when it loses the lawsuit before removing the promenade, the community of owners could say that there is no general interest that justifies the expropriation of private land. There is an interest of the Baraka beach bar that the walkway passes behind it, which is the opposite of the interest of Villacana, which is to retain its property. What the Town Hall is doing is balancing the interests of the community against the interests of the beach bar and has given priority to the interest of the beach bar for the walkway to pass behind it. It is putting the right of a licensee first because Baraka is going to be there for the duration of its concession, five years. It is going to sacrifice our property right, which is permanent. We are giving up a property that we have had since the origins of Villacana and we are not going to get that land back and we are going to have a promenade that makes a bend, four metres wide, instead of continuing straight ahead. As for the cost of the lawyer, which is only 12,000€, that is 36€ per property and which we have paid, the president in the proposal says that in the end it will be more money than what they are going to offer us in an expropriation. I say that there does not have to be an expropriation, the Town Hall has to decide to carry out the procedure and it has not yet done so. It has preferred to occupy the land. If it decides to expropriate, we will be able to oppose it, saying that there is no general interest and defend our rights. If, in the end, they do end up expropriating it, the value of those eighty or one hundred square metres is much greater than twelve thousand euros. We have a valuation that says it is 40,000€. Before we reach that point we are going to ensure that they remove the pathway from our property and, if they lose the lawsuit and initiate an expropriation, we must oppose the expropriation and if the time comes we must seek a fair price.



A president, by law, has to defend the common elements, he cannot allow this property to be seized without an expropriation. I insisted that he file this lawsuit and, in the face of his omission, his inactivity, we have filed it ourselves, doing his job. There are many sections of the coastal promenade in Estepona that are interrupted because there are difficulties. The elections are in May, the mayor wanted to have the promenade inaugurated before the elections, that is why he has not expropriated it and probably will not do so because it is a long, complex and costly procedure. We are throwing in the towel and not defending what is ours.

The implication that 12,000€ is more money than what we are losing is completely absurd because we are not negotiating the price of an expropriation, we are saying that this land is ours and that they have occupied it without anything in return, we have opened the door of our house to them. This is a rather fierce criticism that I have of the president's actions. In no community is private land allowed to be occupied without lifting a finger in a country with the rule of law, courts and justice within our reach. All I am saying is that the procedure is ongoing. With regard to the information that I provided to the Assembly, there is a change because in that information it says that a precautionary measure has been requested, a provisional measure, which is to stop the works, we have arrived late because the works are finished before we were able to present the procedure because we were trying to persuade the community. We have modified the request for precautionary measures and we have asked that instead of stopping the works that have been completed, that the small part of the promenade that runs behind the beach bar be closed so that it cannot be used.

While the judgement is being reached, which could take a year, we have asked for this modified precautionary measure, that the pathway be closed in that section. The judges do not want to anticipate the result of a lawsuit with a precautionary measure, but we believe that we have grounds and that it is possible that they will grant us this precautionary measure and close the promenade until there is a ruling. What we want the owners to vote on is, given that we have paid for this court action between Silvia Kessels and ourselves and some of the owners and our limited resources, we believe it is only fair that the community has an obligation to defend its common elements from encroachment. We would like the community to logically oppose an expropriation that makes no sense because all it does is give priority to the rights of the beach bar and we are making life easier for this beach bar that commits so many illegalities. The Town Hall has recognised that it does not have the right to occupy our land, it has recognised this in writing and this is in our legal proceedings; that is why I say that it is a lawsuit that has been won because the Town Hall has recognised that without expropriating it has occupied the land without having the right to do so.

I would ask you to please vote in favour of the community paying the twelve thousand euros that we have advanced because the action will continue.

Neil Norman pointed out that there was a lot of information to digest over and above what was actually put into the motion itself. He believes that it is somewhat disingenuous to suggest that success is guaranteed. In his experience of law, it is not a straight path and you may go on with strong convictions and may believe that you are right but you still have to navigate the legal process, otherwise there wouldn't be one. Some costs have been put forward and he does not think it is sincere to cap the costs; either the costs of investing for the action or equally the costs it will be incurred if the action was to be lost. Everybody has to be aware here that if they commit to this course of action the community would be obligated, which is somewhat ironic given the pressures on the budget that have already been discussed.

Eva Oliver said it is 12,000€ and there is no additional expense. They have advanced 6,000€ and there is 6,000€ left to pay which they will pay if the community does not pay for it and, if the community agrees to pay for this claim, they will have to reimburse them the 6,000€ they have already paid and pay another 6,000€ in a few months' time, a total of 12,000€. 36€ per property. As for the fact that it may involve a prejudice with the Coastal Authority, in Spain there is a state administration, an autonomous administration and a local administration. The Coastal Authority has nothing to do with the Town Hall of Estepona. Eva Oliver said that the head of the Spanish Coastal Authority in Malaga, Angel Castañeira told



her personally that Costas has no intention of recovering the public domain, it is the Town Hall that wants to build a pedestrian walkway, Costas is independent of the Town Hall, it does not interfere at all with the disputes of a Town Hall that occupies privately owned land. This claim can in no way prejudice the Community's relationship with the Coastal Authority.

Neil Norman said that he is concerned about the costs, he is concerned about being obligated to any losses for the community. Neil Norman brought up one other point which is that legal proceedings also consume time and emotion. He said that for him personally, having been in Villacana for forty odd years with his parents, Villacana has always been a place of tranquillity, peace, beauty, friendship and so on. He believes that for the sake of what is a small consideration, although he understands the principal, to continue this for an extended period of time will continue the polarization of the issue instead of perhaps allowing everyone to move forward.

Regarding Neil Norman's comment about the possibility of winning or not winning the lawsuit, Eva Oliver said that nobody can guarantee anything, there is only one guarantee, that we are all going to die. All clients are very likely to ask what the success rate is and for a lawyer it is very difficult to answer because judges make mistakes, they are human beings. But in these proceedings, only one thing is being disputed, whether the Town Hall has the right to occupy privately owned land. The Town Hall has recognised that it is private, they have recognised that they do not have the right to occupy it, they have recognised that the letter signed by the former president authorising them to occupy the land is not sufficient, there is no expropriation. If the laws that Eva knows and studied at the university work, the procedure will be won and if you ask her as a lawyer with what percentage of success Eva Oliver would say 99%. It is a simple procedure, we are right and if justice exists we are right and nothing else.

After discussion among the owners, this item on the agenda was put to the vote, with the following result: 69 votes in favour, 110 votes against and 18 abstentions.

Votes in favour:

Eva 7/9	0.4910%	Elena 41	0.3649%
Miguel 15	0.3407%	Alberto 13	0.1500%
Jorge 67	0.5099%	Patricia 20	0.0955%
Silvia 30	0.3686%	Eva 11	0.1668%
Miguel 17	0.2203%	Silvia 4	0.3917%
Dali 39	0.3421%	Elena 31	0.3649%
Miguel 08	0.2893%	Eva 24	0.3662%
Jorge 33	0.3735%	Alberto 22	0.3882%
Miguel 10	0.4017%	Picasso 38	0.1324%
Silvia 38	0.3898%	Silvia 7	0.3612%
Alberto 2	0.3959%	Alberto 7	0.2241%
Jorge 20/24	0.3818%	Guillermo 6	0.1386%
Marta 19	0.3481%	Patricia 6/8	0.2253%
Silvia 16	0.3423%	Patricia 27	0.1897%
Isabel 25	0.3603%	Picasso 42	0.1152%
Dali 29	0.3212%	Isabel 4	0.4404%
Jorge 61	0.4428%	Patricia 43	0.4398%
Teodoro 10	0.1357%	Miguel 18	0.3370%
Eva 4	0.4390%	Alberto 1	0.4445%
Jorge 63/65	0.7044%	Picasso 34	0.1553%
Marta 13	0.4520%	Jorge 3	0.1592%
Alberto 11	0.0926%	Jorge 1	0.2122%
Silvia 28	0.3556%	Jorge 2	0.2065%
Alberto 4	0.3959%	Jorge 17	0.1123%
Eva 3	0.1592%	Silvia 14	0.4513%
Guillermo 04	0.2065%	Teodoro 4	0.3726%
Elena 2	0.3920%	Isabel 2	0.4404%
Marta 11	0.3125%	Picasso 36	0.0958%

Dali 21	0.3912%
Marta 5	0.3684%
Jorge 41	0.3826%
Jorge 5/7	0.2075%
Patricia 39	0.4111%

Dali 27	0.3681%
Eva 16	0.3246%
Eva 21	0.2002%

Votes against:

Patricia 9/11	0.3452%
Jorge 8 / 10	0.2267%
Picasso 12	0.1408%
Silvia 08	0.3684%
Alberto 43/45/47	0.4644%
Elena 20	0.3912%
Picasso 48	0.1324%
Miguel 7	0.3662%
Miguel 13	0.4246%
Jorge 10/12	0.3452%
Jorge 16	0.2005%
Patricia 41	0.2436%
Jorge 27	0.3735%
Alberto 08	0.3725%
Eva 1/5	0.3097%
Elena 24	0.3681%
Silvia 11	0.3158%
Silvia 20	0.3503%
Jorge 4	0.1386%
Jorge 19/21/23	0.4665%
Isabel 9	0.4024%
Miguel 19	0.3618%
Alberto 23/27	0.3011%
Miguel 6	0.1487%
Elena 22	0.3681%
Teodoro 11	0.2065%
Dali 25	0.3681%
Alberto 26	0.3649%
Elena 05	0.3725%
Alberto 17	0.1939%
Teodoro 9	0.1387%
Dali 13	0.3333%
Isabel 19	0.3370%
Jorge 29	0.3326%
Teodoro 3	0.1387%
Jorge 55	0.3625%
Marta 15	0.3423%
Eva 18	0.3414%
Teodoro 12	0.3157%
Patricia 31 / 35	0.4020%
Jorge 28.30.32	0.4419%
Isabel 31	0.2179%
Miguel 26	0.3603%
Eva 20	0.3414%
Elena 6	0.3686%
Jorge 36	0.2648%

Teodoro 2	0.3726%
Jorge 25	0.5092%
Eva 14	0.3246%
Patricia 13	0.2648%
Jorge 34	0.2005%
Eva 13	0.2554%
Elena 16	0.3333%
Dali 17	0.5086%
Elena 1	0.3966%
Alberto 24/28	0.7531%
Elena 32	0.3363%
Elena 15	0.3404%
Silvia 3	0.3726%
Patricia 12	0.2142%
Miguel 11	0.3246%
Patricia 1	0.2065%
Picasso 50	0.2282%
Silvia 12	0.3256%
Silvia 32	0.3672%
Miguel 16	0.3814%
Dali 07	0.3666%
Alberto 21	0.1072%
Elena 4	0.3920%
Alberto 36	0.3395%
Eva 17	0.2428%
Miguel 20/24	0.6913%
Elena 18	0.3912%
Isabel 11	0.4024%
Jorge 9/11	0.3811%
Teodoro 20	0.2002%
Alberto 10	0.3250%
Alberto 14	0.3404%
Elena 29	0.3649%
Teodoro 6	0.3600%
Miguel 28	0.2257%
Isabel 7	0.2893%
Alberto 38	0.3605%
Picasso 32	0.3004%
Isabel 27	0.4513%
Jorge 53	0.3465%
Miguel 14	0.3814%
Patricia 2	0.2447%
Teodoro 34	0.3893%
Teodoro 30/32	0.7622%
Alberto 29/31/33	0.4644%
Alberto 15	0.2897%

Abstentions:

Guillermo 10	0.1533%
Teodoro 24	0.5223%
Picasso 16	0.1667%
Dali 5	0.3666%
Dali 03	0.3900%
Jorge 14	0.2648%
Elena 11	0.3250%
Marta 3	0.3917%
Teodoro 36	0.4443%
Patricia 14/16/18	0.4936%
Alberto 25	0.1788%
Patricia 15	0.2005%
Isabel 15	0.3814%
Elena 17	0.3396%
Teodoro 07	0.1133%
Picasso 30	0.1939%

Majority was not reached and therefore the resolution proposed in item 15 (Proposal L) of the agenda was NOT ADOPTED.

Silvia Kessels pointed out that it was interesting to see that many people had voted by proxy, and therefore no comments should be made at the foot of the proposals and asked that this be recorded in the minutes.

Resolution M: Partial removal of glass around main swimming pool and make main grass area into a restricted zone**To remove part of the glass security fence around the main swimming pool and close off access to the main grass area with gates**

Iago Milet explained that the fencing conditions of the main pool have changed with the incorporation of the coastal path, there are more enclosed green area. So, they considered that this area could be fenced off with four accesses. The glass fencing that now exists around the pool does not seem to them to be the best solution either aesthetically or practically. Taking into account the concerns of some owners who fear, as is normal for the safety of small children, it could be solved in another way, different from what was originally proposed, which is to remove the stretch of glass fencing that surrounds the pool on the south side and take advantage of the small wall which is approximately 40cm high between the lawn area and the concrete area around the pool on which could be installed a small metal fence decorated with low hedges to create a barrier. This would allow us to eliminate the glass fence which is so impractical because it is too close to the pool and does not allow us to circulate around the pool. In terms of landscaping, this new fence would integrate much better with the vegetation and would be much more attractive. This is a question that should be considered for this pool because it is the only pool where we can make this type of improvement.

Neil Norman asked why this is being proposed.

Iago Milet replied that it is a functional and aesthetic change. In his opinion it would be positive to make this improvement. The plan that was sent with the notice of the meeting changed, after listening to the concerns of the owners, and now he proposes fencing on the dwarf wall, which will make the current pool look more aesthetic and practical, and the terrace next to the pool will be much easier for people to move around, as it used to be in the past. Now it seems that the pool is like a small glass prison.

Bill Morris said that the glass fencing around the main pool and the glass fencing around all the pools was put there for one reason and one reason only, to stop young children going into the pool when their parents were not supervising them. The problem we have is that people come to Villacana and



understandably relax, unfortunately, when you relax and you leave young children to do their own things, accidents can happen. We had one very close near miss in the main swimming pool where a mother took her eye off the pool and the child sank to the bottom of it, if it hadn't been for the attention of our pool attendant who dived in and got the child out, the community would have had a serious problem. Bill Morris pointed out that he does not like the fence, it is not attractive and it is not aesthetic, particularly around the main pool, but he cannot see an alternative. The matter was studied in depth at that time, talking to lawyers, experts, the Community insurers, the ideal solution was to put some form of fence around the swimming pools which one could look through and that was the best option. It works pretty effectively and he cannot see a reason why we wish to remove it.

Paul Kimberley, said he worked in the field of health, safety and protection. Normally when any protection has been put in place at any one time and it is then removed, a risk assessment would have to be carried out. Once something is put in place and then taken away, the potential of an incident may occur and the liability would be quite considerable.

Sue Larking said that in the Summer she spends a lot of time by the main swimming pool with her grandchildren and you would not want to be there without that protection. She honestly thinks it would be absolute madness to remove that fence. She said that she doesn't like it either but doesn't mean to say it shouldn't be there.

Eva Oliver said that at no time is there any talk of removing the fence, the fence is obligatory, but rather of pushing it back to the wall, in order to extend the area around the pool and to have a little more freedom of movement when jumping into the pool. We are talking about functionality and aesthetics and we would still comply with the law.

Mariola de Burgos said that she thinks this is an absurd proposal. The fencing is there as protection not only for children but also for adults. Where we should have gates is on the stairs leading down from the restaurants so that people do not have access to our pool.

After discussion among the owners, this item on the agenda was put to the vote and was NOT ADOPTED as the majority voted against with 15 votes in favour and 17 abstentions.

Votes in favour:

Guillermo 10	0.1533%	Patricia 12	0.2142%
Alberto 08	0.3725%	Alberto 11	0.0926%
Miguel 17	0.2203%	Alberto 21	0.1072%
Elena 24	0.3681%	Jorge 3	0.1592%
Miguel 10	0.4017%	Jorge 1	0.2122%
Dali 25	0.3681%	Jorge 2	0.2065%
Teodoro 9	0.1387%	Jorge 17	0.1123%
Marta 19	0.3481%		

Abstentions:

Picasso 12	0.1408%	Elena 2	0.3920%
Picasso 16	0.1667%	Teodoro 20	0.2002%
Miguel 15	0.3407%	Alberto 10	0.3250%
Dali 5	0.3666%	Alberto 14	0.3404%
Alberto 17	0.1939%	Elena 29	0.3649%
Marta 3	0.3917%	Teodoro 07	0.1133%
Elena 06	0.3686%	Jorge 5/7	0.2075%
Patricia 15	0.2005%	Picasso 36	0.0958%



Resolution N: Fencing along Calle Picasso and gates on calle Picasso and Juan Gris

That for security reasons the community be enclosed with fencing installed along calle Picasso, three gates along calle Picasso and a further three gates on Calle Juan Gris.

Mariola de Burgos explained that last year the majority of owners voted in favour of installing a fence along Picasso in order to provide absolute protection and security for all the owners who live in Villacana. The installation of this fence was postponed because we encountered the problem that half of the Juan Gris street had invaded part of a public access and so the fence that had been proposed at last year's meeting could not be installed. Mariola de Burgos said that she had had several meetings with the Town Hall in Estepona and they have put a lot of effort into finding a solution for the urbanisation to be protected, which would be to install three gates on the Calle Juan Gris so that the urbanisation would be totally enclosed. It would prevent intruders accessing our swimming pools and our facilities or walking their dogs. We are also aware that Villacana is located in a black spot on the coast, where we usually have regular drug boat landings, which means there is police presence and, in some cases shootings. Lately we have had a theft of garden furniture by the Jorge swimming pool, in the centre of the urbanisation there has been a theft a few days ago, and so on. With the fencing we would the urbanisation would be enclosed like all urbanisations normally are.

Antonio Carrillo, owner of the house at Picasso 34, pointed out firstly that in August 2022, he expressed to the president by personal mail his disagreement with the way the matter of the fence in Picasso had been handled up to its approval at last year's assembly.

In Antonio Carrillo's opinion, the fencing of Calle Picasso, which radically changes the image of the Urbanisation, is currently unnecessary for purely objective reasons, and in that process, which finally led to its approval by a minority of owners (97 of the 361 houses with the right to vote), it seems that in some cases arguments have been used without due objective justification. Among these arguments, which according to Antonio Carrillo should be remembered in order to try to avoid the same errors at the time of the new vote, are the following.

Antonio Carrillo pointed out that mainly, the fear is expressed that there will be an increase in thefts in the Community and that more people will use the facilities. So far, this fear has no objective basis, because in Villacana there are usually few incidents, according to the data provided by the Administration itself and the lack of reports to the police: last year, according to the Administration, the incidents had "been few", compared to other urbanisations. And this year there have only been three incidents: a theft from tenants by a man posing as a worker, to whom the residents opened the front door to and he then stole twice in the urbanisation of Benamara; the removal of various objects from a garden; and a car remote control left inside the vehicle. This lack of serious incidents led to talk at times, from the first moment until the final approval of the fence at last year's assembly, of assumptions about the immediate future rather than the true objective picture of the reality of the present day.

Referring to last year's assembly, Antonio Carrillo underlines that some incidents in Calle Picasso were described which surprised many residents. They were mainly the following two: that there are owners who witness "the continuous flow" of people entering our facilities; and that there are also "a frequent number of unwanted people with suspicious intentions" among the people who circulate along Picasso. With all due respect and without questioning the credibility of the person making these remarks, he personally, who does have a property in Calle Picasso, to which he comes several times throughout the year and where he has spent most of the summer months since 1997, does not consider these events to be usual. He affirms that the second of these sentences is a complicated and risky statement, which, in no case, can serve as a basis for approving a work of the magnitude of the fencing in Calle Picasso.

Finally, Antonio Carrillo referred to the issue of the caravan campsite, used as the main pretext for the installation of the fence and on which risky remarks are made which could have a certain seriousness. He recalled that, the campsite was "what finally tipped the balance" since the issue began to be raised in the Community, considering that the outright statements made at the time that the campsite "will increase the risk of theft on Villacana properties" or that the presence of the campsite would lead to "uncontrolled



access to properties by countless people totally outside our control and the increased risk this would present", are still serious accusations with a certain risk, since it can be understood that there are suspicions, without real grounds, for suspecting the honour of future users of the campsite. It should be noted that this campsite (which is not yet operational) will be owned by a family held in high esteem by the owners of Villacana (Gregorio's), which - according to our information - will have a 24-hour security guard, and will only be able to accommodate for a limited time a little more than 50 caravans of retired people of a certain level of purchasing power.

With all due respect to the people who have been putting forward these pretexts to obtain the final approval of the fence in Calle Picasso, Antonio Carrillo considers that these reasons alone do not have sufficient objective and real grounds to cause the erecting of such an important project for the Community. And another issue that he considered to be of interest in his reflection: is that the residents of Calle Picasso, the ones who are really affected by the fence their opinion was not sought or asked, out of mere courtesy between neighbours. It is important to know the following data: of the 25 properties in Picasso (the street that will see the wall being erected before their eyes) only the representatives of 8 houses took part in the final vote (4 neighbours present, one of them the owner of 2 houses; 1 represented and 3 by proxy).

Finally, Antonio Carrillo went on to briefly explain on what points he believes that the approval of the installation of the fence in Picasso at the last assembly may not have considered certain clauses of the Villacana Community Statutes, at least as he interprets it:

1st.- Article 20, first regulation b): "The establishment or elimination of a lift, janitor and security services, or other common services or facilities of general interest, (...) shall require the favourable vote of three fifths of the total of proprietors representing three fifths of the participation quotas"

And the question is asked: is the Picasso fence not considered to be a "common facility of general interest"? If so, wouldn't the final vote be invalidated, according to the results obtained?

2nd. - Article 20, fourth regulation: a). - Resolutions of a General Assembly may be challenged in court (...) in the following cases: i) "Where such resolutions are contrary (...) to the Community statutes"; iii) "Where the resolutions are seriously detrimental to a proprietor who has no legal obligation to sustain such detriment or where the resolutions have been adopted by the abuse of power."

3rd.- Article 20, fifth regulation b): The minutes of each meeting of the General Assembly shall record, as a minimum, the following: (...): vi) Resolutions adopted, indicating, where relevant for the validity of the resolution, the names of proprietors who voted in favour and against, as well as the participation quotas corresponding to each proprietor....".

Pilar Mayor said that as far as the issue of majorities is concerned, the reading of the statutes is not decisive. When the fence was approved at last year's meeting, this agreement, which was validly adopted, has not been challenged by anyone in the courts, and therefore, regardless of the majority, whether it really has to be adopted by a majority of three-fifths or by a simple majority, the agreement has been fully validated by the passage of time.

Antonio Torres said that in any case the point of the previous assembly was annulled.

Eva Oliver said that she fully agreed with the previous intervention and in addition to the issue of the approval of three fifths and the consent of the 25 affected property owners as they are going to put a prison in front of their houses, the law says that there has to be an accredited need, a verification of a series of real incidents to change the whole configuration of an urbanisation that has been functioning normally for fifty years without this enclosure. Three burglaries or incidents is not a credited requirement. The supreme court in its jurisprudence interpreting article seventeen of the Horizontal Property Law interprets that unanimity is required in the enclosure of buildings and in the enclosure of urbanisations when there are also commercial premises whose activity could be affected by this enclosure. On the other hand, it is being proposed to pay for the fencing with the reserve funds, which, as previously mentioned,

is for extraordinary works and urgent contingencies, not for the enclosure of the community, which would be changing the purpose of the reserve fund.

Eva Oliver also pointed out that there is no right to put on the seventeenth point on the agenda, an item that should be at the top of the agenda, as well as the issue of the lawsuit. All the important items should be put first on the agenda. There has been talk of solar panels and other issues that are completely secondary. This is a criticism so that this does not happen again, so that the important matters are given the priority they deserve.

Helga Garcia said that she is an owner of a property on Calle Picasso and said that this proposal was presented last year and was approved. The president, when he saw that there could be a legal problem, proposed to put it on hold. Once there was a solution to that objection it should not have been proposed again, it should have been implemented because the changes that were proposed were minor.

Helga Garcia pointed out that it does not imply a drastic change in the structure of the community. The installation of a green fence is what is being considered, with its plants and it would go unnoticed.

Helga Garcia pointed out that this is 2023, not 1990 when there was not the amount of theft and insecurity that there is now.

Antonio Torres, referring to the intervention of Helga Garcia with regard to the fact that due to legal problems the fencing could not be carried out and therefore she does not consider it valid, which means that we should forget about last year. Last year there were various anomalies and it has already been made very clear by the contribution of the neighbour who lives in Calle Picasso. With the threat and the fear, we cannot propose an idea of closing the community because it will not make it more secure. The data are not the vandalism that has taken place in our community and that will continue to take place. The data are to compare them with other communities that are gated, that are adjacent to ours and that are having more problems than our urbanisation; and they are gated with a single point of access. These are objective data, contrary to the fact that you can only have information about vandalism that occurs in this community, some of us have a lot of information about vandalism that is reported in other communities of owners. You are causing fear with the information you are providing. Fences are going to make Villacana look like a prison and they are not going to provide the desired security effect.

Mariola de Burgos insisted that what she wants is for the general good of the whole of Villacana, a secure urbanisation. She suggested that the owners talk to the security guards who are the ones who experience this, with the police who are frequently in our urbanisation. She pointed out that the Dali car park is fenced and gated and is only asking for the same for Picasso.

Silvia Kessels asked how are we going to control who comes in and out of these gates. Will everyone have fobs and will each property have an interphone to allow visitors access? What about renters, how will they gain access? How much will all this cost? Having gates is false security especially if there are numerous fobs going around. Silvia Kessels pointed out that we need to look at facts, right now Mariola's proposal is based on her fear that Villacana is an unsafe place. Silvia Kessels said that she does not think Villacana is an unsafe place. If Mariola is afraid then maybe she should secure her front door for example. But Mariola cannot ask the owners of Villacana to approve the installation of a fence because she is scared. She should look at the facts and we should have a logbook from the administration and from the security guards informing owners how many incidences there really are.

Barbara Baskerville pointed out that Gregorio's are opening the camp site in the next couple of weeks and she believes that we need to monitor what's going to happen before we start doing things. Such as how many incidents there are and how many people will be coming into our community from the camp site and using our facilities. She believes that we need some sort of a deterrent but we don't want a prison.

Eliana Gonzalez said that she and her husband have a property in Picasso, and are the parents of two wonderful girls. She said: *We are all here because we are a united community and I am convinced that we have something in common and that is that we are good people. I am seeing and observing in each one of*



you, anger, annoyance, arguments. We all have our realities and I am convinced that each one of us feels our own realities. However, this conflict we are creating is getting us nowhere, not in this way. It is very comfortable when another person says <<I don't live here, I have rents, if I am in my house I don't know how I am going to be able to open allow friends access>> But the person who lives in calle Picasso, if they have two little girls as is our case, yes, we would like to have security. My husband is a policeman in Marbella, I know, I know first-hand what takes place in Marbella because I accompany him emotionally in everything that happens, he experiences daily the insecurity that take place in Marbella at night. Incidents can happen that we can't avoid because there is no fence, it can be something small and attractive. I just wanted to share this with you from a place of love which is important to me. I know that there are many people who when they hear the word love they cringe, but for me love is important and I am convinced that each of you have a lot of love in your heart. I think there are other ways of communicating and this is not the way to do it.

Neil Norman asked whether in the current state of the proposal are there any legal impediments to proceeding.

Pilar Mayor said that there were no legal impediments. In the extensive debate, she had the opportunity to consult the ruling mentioned by Eva Oliver. The ruling she mentioned, which is from the Supreme Court and which has been ratified by several subsequent ones, literally says: << The agreement by which a simple majority approves an enclosure for reasons of necessity is valid, so that access to the building is limited for the general benefit, provided that the intended use is not altered and that no harm is caused to the owners of the premises>> In particular, their right is respected so that access is open during the hours when the premises have the right to remain open according to legal regulations.

Pilar Mayor explained that this proposal is voted on in the same way as any other proposal, it is a majority vote, as long as the need is justified. What will differentiate the simple majority from the three-fifths majority is the need, the common interest of the residents. Here there are owners who say there is no need and others who say there is. So, as in all over the world, there are interpretations and if it goes to court the judge would have to interpret whether or not there was a need.

After discussion among the owners, this item on the agenda was put to the vote, with the following result: 87 votes in favour, 89 votes against and 17 abstentions.

Votes in favour:

Picasso 12	0.1408%	Marta 3	0.3917%
Picasso 16	0.1667%	Teodoro 36	0.4443%
Silvia 08	0.3684%	Isabel 19	0.3370%
Jorge 67	0.5099%	Patricia 14/16/18	0.4936%
Miguel 13	0.4246%	Jorge 55	0.3625%
Jorge 10/12	0.3452%	Marta 15	0.3423%
Jorge 16	0.2005%	Eva 18	0.3414%
Patricia 4	0.2436%	Isabel 25	0.3603%
Jorge 27	0.3735%	Eva 20	0.3414%
Miguel 17	0.2203%	Alberto 25	0.1788%
Eva 1/5	0.3097%	Jorge 36	0.2648%
Dali 03	0.3900%	Teodoro 2	0.3726%
Elena 24	0.3681%	Jorge 25	0.5092%
Silvia 11	0.3158%	Jorge 34	0.2005%
Silvia 20	0.3503%	Elena 16	0.3333%
Miguel 10	0.4017%	Dali 17	0.5086%
Alberto 23/27	0.3011%	Dali 29	0.3212%
Alberto 26	0.3649%	Jorge 61	0.4428%
Jorge 14	0.2648%	Teodoro 10	0.1357%
Alberto 17	0.1939%	Eva 4	0.4390%
Alberto 2	0.3959%	Alberto 24/28	0.7531%
Teodoro 9	0.1387%	Isabel 15	0.3814%

Elena 32	0.3363%
Silvia 3	0.3726%
Patricia 12	0.2142%
Alberto 11	0.0926%
Miguel 11	0.3246%
Silvia 28	0.3556%
Picasso 50	0.2282%
Silvia 12	0.3256%
Alberto 4	0.3959%
Miguel 16	0.3814%
Elena 17	0.3396%
Eva 3	0.1592%
Elena 2	0.3920%
Alberto 36	0.3395%
Marta 11	0.3125%
Jorge 9/11	0.3811%
Teodoro 6	0.3600%

Miguel 28	0.2257%
Elena 41	0.3649%
Isabel 7	0.2893%
Alberto 38	0.3605%
Silvia 4	0.3917%
Teodoro 34	0.3893%
Alberto 29/31/33	0.4644%
Jorge 18	0.1371%
Elena 33	0.3235%
Picasso 2	0.5245%
Isabel 1	0.2894%
Miguel 4	0.1487%
Picasso 30	0.1939%
Picasso 24/26	0.2144%
Jorge 35	0.6341%
Alberto 15	0.2897%

Votes against:

Patricia 9/11	0.3452%
Jorge 8 / 10	0.2267%
Eva 7/9	0.4910%
Alberto 43/45/47	0.4644%
Elena 20	0.3912%
Picasso 48	0.1324%
Silvia 30	0.3686%
Miguel 7	0.3662%
Alberto 08	0.3725%
Dali 39	0.3421%
Miguel 08	0.2893%
Jorge 33	0.3735%
Jorge 4	0.1386%
Silvia 38	0.3898%
Isabel 9	0.4024%
Miguel 19	0.3618%
Miguel 6	0.1487%
Elena 22	0.3681%
Teodoro 11	0.2065%
Dali 25	0.3681%
Elena 05	0.3725%
Dali 13	0.3333%
Jorge 20/24	0.3818%
Elena 11	0.3250%
Jorge 29	0.3326%
Teodoro 3	0.1387%
Marta 19	0.3481%
Silvia 16	0.3423%
Teodoro 12	0.3157%
Jorge 28.30.32	0.4419%
Isabel 31	0.2179%
Miguel 26	0.3603%
Elena 06	0.3686%
Eva 14	0.3246%
Eva 13	0.2554%
Elena 1	0.3966%

Jorge 63/65	0.7044%
Marta 13	0.4520%
Elena 15	0.3404%
Patricia 1	0.2065%
Dali 07	0.3666%
Alberto 21	0.1072%
Guillermo 04	0.2065%
Elena 4	0.3920%
Eva 17	0.2428%
Elena 18	0.3912%
Isabel 11	0.4024%
Teodoro 20	0.2002%
Alberto 10	0.3250%
Alberto 14	0.3404%
Elena 29	0.3649%
Picasso 34	0.1553%
Jorge 3	0.1592%
Jorge 1	0.2122%
Jorge 2	0.2065%
Jorge 17	0.1123%
Silvia 14	0.4513%
Teodoro 4	0.3726%
Picasso 36	0.0958%
Dali 21	0.3912%
Marta 5	0.3684%
Jorge 41	0.3826%
Jorge 5/7	0.2075%
Patricia 39	0.4111%
Dali 27	0.3681%
Eva 16	0.3246%
Eva 21	0.2002%
Alberto 13	0.1500%
Alberto 30	0.3235%
Picasso 32	0.3004%
Isabel 27	0.4513%
Patricia 2	0.2447%

Eva 24	0.3662%	Alberto 1	0.4445%
Isabel 4	0.4404%	Patricia 20	0.0955%
Patricia 43	0.43985	Eva 11	0.1668%
Miguel 18	0.3370%		

Abstentions:

Guillermo 10	0.1533%
Teodoro 24	0.5223%
Miguel 15	0.3407%
Dali 5	0.3666%
Jorge 19/21/23	0.4665%
Patricia 31 / 35	0.4020%
Patricia 13	0.2648%
Patricia 15	0.2005%
Silvia 32	0.3672%
Miguel 20/24	0.6913%
Teodoro 07	0.1133%
Patricia 45	0.5542%
Teodoro 08	0.3600%

Majority was not reached and therefore the resolution proposed in item 17 (Proposal N) of the agenda was NOT ADOPTED.

Resolution O Installation of gate in front of the entrance doors of 90 Miles and Bistro Enrique's

That a gate be installed in front of the entrance doors of 90 Miles and Bistro Enrique's, which will be locked at midnight by the security guards to prevent access to the Villacana car park from the restaurants after that time. Customers will be able to enter and leave the premises through the side door leading to the public road or, for residents, through the terrace to access the Villacana homes.

Mariola de Burgos withdrew this resolution.

As the motion regarding the fencing along calle Picasso was defeated, the point on the Agenda regarding access control systems of the gates was postponed as, at the moment the access through gates for Guillermo and Dali will be controlled autonomously with fobs and key pad.

Resolution P Notification to all owners when a security incident has been committed in Villacana

That all owners are notified immediately when a security incident has been committed, or the police have been called to Villacana for an incident or disturbance.

John McNulty said that our ability to report on security incidents would be limited to any information that is reported to our administration by our security and/or the police and we would be legally obligated to anonymise any information that is shared with owners, to protect privacy and to avoid prejudicing any future prosecution proceedings. For example, identities may not be revealed, and specific property addresses may not be shared.

After discussion among the owners, this item on the agenda was put to the vote and as the number of votes in favour was greater, it was ADOPTED BY MAJORITY with 42 against and 30 abstentions.

Votes against:

Silvia 08	0.3684%	Miguel 13	0.4246%
Picasso 48	0.1324%	Jorge 16	0.2005%
Miguel 7	0.3662%	Patricia 4	0.2436%

Eva 1/5	0.3097%	Eva 4	0.4390%
Silvia 11	0.3158%	Jorge 63/65	0.7044%
Silvia 20	0.3503%	Isabel 15	0.3814%
Jorge 33	0.3735%	Elena 32	0.3363%
Jorge 19/21/23	0.4665%	Miguel 11	0.3246%
Isabel 9	0.4024%	Silvia 12	0.3256%
Isabel 19	0.3370%	Alberto 4	0.3959%
Patricia 31 / 35	0.4020%	Silvia 32	0.36725
Teodoro 2	0.3726%	Alberto 30	0.3235%
Jorge 25	0.5092%	Alberto 36	0.3395%
Miguel 14	0.3814%	Miguel 20/24	0.6913%
Eva 14	0.3246%	Elena 18	0.3912%
Patricia 13	0.2648%	Isabel 11	0.4024%
Dali 29	0.3212%	Miguel 28	0.2257%
Elena 1	0.3966%	Isabel 7	0.2893%

Abstentions:

Eva 7/9	0.4910%	Elena 16	0.3333%
Teodoro 24	0.5223%	Dali 17	0.5086%
Picasso 16	0.1667%	Elena 15	0.3404%
Miguel 15	0.3407%	Picasso 50	0.2282%
Dali 5	0.3666%	Dali 07	0.3666%
Jorge 27	0.3735%	Marta 11	0.3125%
Miguel 10	0.4017%	Eva 17	0.2428%
Miguel 19	0.3618%	Teodoro 20	0.2002%
Teodoro 3	0.1387%	Alberto 10	0.3250%
Marta 15	0.3423%	Alberto 14	0.3404%
Isabel 25	0.3603%	Elena 29	0.3649%
Jorge 28.30.32	0.1897%	Elena 41	0.3649%
Alberto 25	0.1788%	Teodoro 07	0.1133%
Patricia 15	0.2005%		

Resolution Q Swimming pool reserved time

That in any of the swimming pools of the Community there is a reserved time (for example from ten to eleven o'clock in the morning) for owners who for health reasons need to do certain recommended swimming exercises.

Antonio Carrillo said that he has put forward this proposal as it is impossible to find a free time to use a swimming pool for health reasons. Either it has to be used before 8:30 in the morning or after 8:30 in the evening when there are not many people in the swimming pools.

This motion was not put to vote as, after a long debate it was decided that on a trial basis the Eva pool will be reserved a couple of hours in the morning for residents who need to do exercise in the water for health reasons.

Resolution R Open forum on the official website

To better aid accountability and openness, the community to adopt a simple 'you said, we did', method of publication on an open forum on the official website open to all owners, with responses from the president and administration published monthly in response to owners' questions / suggestions.

Julie Nicholson explained that unfortunately over this past year many owners have found that there has not been a high degree of transparency and accountability. A great number of owners have sent many emails which have not been rude and they have not been answered. Those owners who require a private and personal response can continue to do as they have always done. The president said in his notes that



he would require additional resources for the selection of owner communications but Julie Nicholson pointed out that it does not work like that, it takes away the transparency and accountability. She claimed that Owners do not want that, they want a more open Villacana where they can make comments. This would help Carol as there wouldn't be numerous owners going into the office asking the same question. In an open forum someone can ask a question which has to be answered by the administration or the president and then any other owner who has the same question on their mind would then see it. It would be monitored to make sure there are no abusive messages. It cannot be monitored just by the administration otherwise it will be the same scenario as this last year when owners were sending emails and not receiving replies.

James Southworth explained the point is about trying to have a constructive environment where by questions are asked and answers given which would be available for the benefit of the wider community rather than it being a series of bilateral communications between individual owners and the president and Carol and the office. In some ways this would ease the administrative burden not add to it.

Barbara Baskerville asked whether in Reception there could be a board with the president's picture on it and also of the members of the Advisory Group. Also, maybe the Thursday of each month, for example, if the president or the members of the Advisory panel are around to meet up at 90 Miles or Enrique's with owners so that they can discuss issues that they might be concerned about.

John McNulty said there are photographs of himself, the administration team and the workforce on our website. The Advisory Panel is not a formal entity, it is simply an informal practice that the president inherited from preceding presidents, whereby the president has a group of people that act as a sounding board - not a decision-making forum but a sounding board to test thoughts and ideas. At the end of the day, it is the president and only the president's responsibility to take the actions, to make the decision, to consult the owners or do whatever is necessary. It is not a formal entity and it was never intended to be.

Julie Nicholson said that in accordance to the Horizontal Property Law minutes have to be provided to all owners of the Advisory Group meetings.

The president said that there is no obligation for this, but in any event, minutes were sent out after the October Advisory Group meeting in the form of a Newsletter.

John McNulty said that he does have a problem understanding this openness matter and he showed a slide itemising the large number of communications he made to owners throughout his first year as president.

Paul Kimberley said that visibility of the Advisory Group members would be helpful. It would be more documented and formatted. It will assist the president by having more regular meetings which would be minuted and distributed via the open forum that was discussed previously.

John McNulty referred to the point made about not responding to emails and he pointed out that he does respond to polite emails, he cannot respond to email which are laced with misinformation, baseless and pernicious accusations. He pointed out that he has seen examples of matters that have been posted on social media and it is not pretty. Therefore, if what is being proposed is an open forum where everybody can pump their poison then that cannot be done. However, if it is a case of owners wanting us to post answers to their questions then that is a different matter entirely.

Julie Nicholson pointed out that that is the reason moderators are required to make sure nobody is abusive. If the president is totally right then he has nothing to fear by having an open forum. We need to drag Villacana into the 21st century and openness will be a good start.

Neil Norman said that he believes that the president is right in raising the issue that there have been a lot of baseless accusations that have been put forward as fact and it can be very dangerous as those are taken at face value. Typically, in an AGM is an opportunity for the management team to report on progress and what they have achieved but generally they are afforded a degree of trust that they have done their due



diligence, that they have investigated matters. However there have been examples today where the president has been interrogated to the nth degree. It can be dangerous to introduce an open forum in the way that it has been suggested but we do need to adopt digital methods of communication which are far more efficient. The website is extremely dated. We could introduce secure access. We should definitely have a digital platform.

Eva Oliver pointed out that the coastal path is an issue that has given a lot to talk about and has created many groups within the community. The Oliver family and Silvia Kessels had a lot of historical information and a lot to say. They have written more than six letters, asking the president to pass them on to all the owners of the community and none of these letters have been sent to the community members. This is an important point regarding transparency. When an owner who has historical information about how Villacana was built because the architect and the developer have passed it on to them in their historical documentation and the president is asked to pass it on to all three hundred members of the community, it must be done. All versions should be given so that everyone hears all opinions. The issue of the coastal path is extremely important and has occupied the Oliver and Kessels family full time.

As for the lack of education Eva Oliver pointed out that she has felt in this assembly a total lack of education and lack of respect since her first intervention when she was booed and the president could have considered it a lack of respect and drawn the attention of the audience, but he did not do it. It is a very subjective issue. Even if you consider what is said to you to be aggressive, you can be more aggressive or less aggressive, but a slightly intense tone is not impolite. Nobody likes to hear criticism and when Eva has said in letters that the obligation of diligence is not fulfilled, that there is a neglect of duties, that may be actions that have a civil responsibility, they may be accusations, but that does not mean that it is a slanderous offence or an insult. They are strong opinions expressed that represent a different feeling and a discrepancy, but they have to be accepted and listened to, otherwise you cannot be the president of a community of three hundred and thirty owners. We should all be aware of these important communications and not just those that the president wants to send.

James Southworth said that we can talk about the different methods of communication. The point has been made several times in different ways in this meeting and the one he likes is "playing the ball and not playing the man". It is incumbent on every single owner to demonstrate respect and self-control in the way in which they communicate and they can do that and still make the points that they want to make and feel strongly about in relation to specific issues. The sorts of things that have faced the administration during the course of the last twelve months have been pretty unprecedented in their intensities. It is the actions of third parties that has generated the intense feeling and that is something that has been shared amongst a lot of people in this room and on Zoom but it is incumbent upon every one of the owners to observe their own responsibility in how they communicate. The way in which they communicate can often make the difference between the communication being effective or ineffective because one that is laced with vitriol is not going to land in the way in which the writer might have intended. A forum which is professional, which is used to report back to the community of owners is a very good idea and it could largely be self-policed because anybody who would post inappropriate messages on the forum would quickly face the disapproval of the vast majority of owners in Villacana.

John McNulty said that we will look into it and consult owners on it and he pointed out that he would be very happy to support it.

The president reminded owners about his impassioned plea at the beginning of the meeting about the horrible year that he and Carol had and about some of the communications he had received from this beautiful Villacana. He showed a slide with one statement that he had received which said "Your days are numbered". He pointed out that this was one of the worst messages that he had received.

Eva Oliver pointed out that this is a crime that should be prosecuted and the president should find out who it was because that is a threat, but she pointed out that it has nothing to do with what we are talking about.



After discussion among the owners, this item on the agenda was put to the vote and as the number of votes in favour was greater, it was ADOPTED BY MAJORITY with 86 votes in favour, 85 against and 17 abstentions.

Votes in favour:

Patricia 9/11	0.3452%	Elena 2	0.3920%
Jorge 8 / 10	0.2267%	Alberto 38	0.3605%
Picasso 12	0.1408%	Jorge 3	0.1592%
Guillermo 10	0.1533%	Jorge 1	0.2122%
Alberto 43/45/47	0.4644%	Jorge 2	0.2065%
Jorge 67	0.5099%	Jorge 17	0.1123%
Silvia 30	0.3686%	Silvia 14	0.4513%
Jorge 27	0.3735%	Teodoro 4	0.3726%
Elena 24	0.3681%	Picasso 36	0.0958%
Dali 39	0.3421%	Dali 21	0.3912%
Miguel 08	0.2893%	Marta 5	0.3684%
Silvia 38	0.3898%	Jorge 41	0.3826%
Elena 22	0.3681%	Jorge 5/7	0.2075%
Teodoro 11	0.2065%	Patricia 39	0.4111%
Dali 25	0.3681%	Dali 27	0.3681%
Jorge 14	0.2648%	Eva 16	0.3246%
Alberto 2	0.3959%	Eva 21	0.2002%
Teodoro 9	0.1387%	Teodoro 30/32	0.7622%
Dali 13	0.3333%	Alberto 29/31/33	0.4644%
Jorge 20/24	0.3818%	Alberto 15	0.2897%
Marta 3	0.3917%	Elena 33	0.3235%
Jorge 29	0.3326%	Isabel 1	0.2894%
Marta 19	0.3481%	Miguel 4	0.1487%
Silvia 16	0.3423%	Jorge 18	0.1371%
Isabel 25	0.3603%	Isabel 4	0.4404%
Miguel 26	0.3603%	Patricia 43	0.43985
Eva 20	0.3414%	Miguel 18	0.3370%
Elena 06	0.3686%	Alberto 1	0.4445%
Jorge 61	0.4428%	Patricia 20	0.0955%
Teodoro 10	0.1357%	Eva 11	0.1668%
Jorge 63/65	0.7044%	Picasso 32	0.3004%
Marta 13	0.4520%	Silvia 4	0.3917%
Patricia 12	0.2142%	Isabel 27	0.4513%
Alberto 11	0.0926%	Patricia 2	0.2447%
Patricia 1	0.2065%	Eva 24	0.3662%
Miguel 16	0.3814%	Teodoro 8	0.3600%
Elena 17	0.3396%	Patricia 45	0.5542%
Guillermo 04	0.2065%	Alberto 22	0.3882%

Votes against:

Eva 7/9	0.4910%	Miguel 17	0.2203%
Picasso 16	0.1667%	Silvia 11	0.3158%
Silvia 08	0.3684%	Silvia 20	0.3503%
Elena 20	0.3912%	Jorge 33	0.3735%
Picasso 48	0.1324%	Jorge 4	0.1386%
Miguel 7	0.3662%	Miguel 10	0.4017%
Miguel 13	0.4246%	Jorge 19/21/23	0.4665%
Jorge 10/12	0.3452%	Isabel 9	0.4024%
Jorge 16	0.2005%	Miguel 19	0.3618%
Patricia 4	0.2436%	Alberto 23/27	0.3011%

Alberto 26	0.3649%	Elena 32	0.3363%
Elena 05	0.3725%	Elena 15	0.3404%
Elena 11	0.3250%	Silvia 3	0.3726%
Teodoro 36	0.4443%	Miguel 11	0.3246%
Isabel 19	0.3370%	Silvia 28	0.3556%
Patricia 14/16/18	0.4936%	Picasso 50	0.2282%
Marta 15	0.3423%	Silvia 12	0.3256%
Eva 18	0.3414%	Alberto 4	0.3959%
Teodoro 12	0.3157%	Silvia 32	0.3672%
Patricia 31 / 35	0.4020%	Eva 3	0.1592%
Jorge 28/30/32	0.4419%	Alberto 21	0.1072%
Isabel 31	0.2179%	Elena 4	0.3920%
Alberto 25	0.1788%	Alberto 36	0.3395%
Jorge 25	0.5092%	Marta 11	0.3125%
Eva 14	0.3246%	Eva 17	0.2428%
Patricia 13	0.2648%	Miguel 20/24	0.6913%
Patricia 15	0.2005%	Elena 18	0.3912%
Jorge 34	0.2005%	Isabel 11	0.4024%
Eva 13	0.2554%	Jorge 9/11	0.3811%
Elena 16	0.3333%	Teodoro 20	0.2002%
Dali 17	0.5086%	Alberto 10	0.3250%
Dali 29	0.3212%	Alberto 14	0.3404%
Elena 1	0.3966%	Elena 29	0.3649%
Eva 4	0.4390%	Teodoro 6	0.3600%
Alberto 24/28	0.7531%	Miguel 28	0.2257%
Isabel 15	0.3814%	Isabel 7	0.2893%

Abstentions:

Teodoro 24	0.5223%	Teodoro 3	0.1387%
Miguel 15	0.3407%	Jorge 55	0.3625%
Dali 5	0.3666%	Jorge 36	0.2648%
Alberto 08	0.3725%	Teodoro 2	0.3726%
Eva 1/5	0.3097%	Teodoro 34	0.3893%
Dali 03	0.3900%	Dali 07	0.3666%
Miguel 6	0.1487%	Elena 41	0.3649%
Alberto 17	0.1939%	Teodoro 07	0.1133%

The president said he would be happy to go ahead with this anyway as it seems the right thing to do.

Resolution S Initiate legal proceedings against Ian Brown, owner of Dali 21, for not removing the structure on the roof

James Southworth asked whether any sort of indication about timelines and costs can be given in relation to the action proposed in this resolution.

Pilar Mayor said that first of all the cost of dismantling the structure would have to be assessed in order to quantify the total cost of the procedure. She could not give a figure right now, but it would be much less than 10,000€.

Amanda Neylon asked why we want to bring legal proceedings against one person when there are loads of structures on the roofs. Either the Community should take legal proceedings against everyone or we do not do it at all.

Carol Holmes explained that in this case the structure is on the roof, not on the owner's terrace. Roofs are communal even though the owners are allowed to access them they are not on their Title Deed because

they are communal. Many years ago, it was approved at an AGM that owners could access the roof so they could sun bathe but they are not allowed to build anything up there except for the access point which has restrictions.

Eva Oliver said that it is important that all alterations to the elements are monitored and prosecuted, it is a function of the administrators, because appropriation of a common element is taking place, for example in Guillermo 12.

The president said that in accordance with legal advice we cannot have a blanket action to take legal proceedings automatically. Each case has to be dealt with individually where you approve the legal proceedings on a case by case basis.

After discussion among the owners, this item on the agenda was put to the vote and as the number of votes in favour was greater, it was ADOPTED BY MAJORITY with 23 against and 27 abstentions.

Votes against:

Jorge 8 / 10	0.2267%	Guillermo 04	0.2065%
Picasso 16	0.1667%	Dali 21	0.3912%
Silvia 30	0.3686%	Marta 5	0.3684%
Jorge 10/12	0.3452%	Jorge 41	0.3826%
Silvia 38	0.3898%	Jorge 5/7	0.2075%
Dali 25	0.3681%	Patricia 39	0.4111%
Dali 13	0.3333%	Dali 27	0.3681%
Marta 19	0.3481%	Eva 16	0.3246%
Silvia 16	0.3423%	Eva 24	0.3662%
Eva 18	0.3414%		
Patricia 1	0.2065%		

Abstentions:

Patricia 9/11	0.3452%	Marta 3	0.3917%
Eva 7/9	0.4910%	Teodoro 12	0.3157%
Guillermo 10	0.1533%	Patricia 13	0.2648%
Alberto 43/45/47	0.4644%	Patricia 15	0.2005%
Picasso 48	0.1324%	Eva 13	0.2554%
Dali 5	0.3666%	Dali 07	0.3666%
Miguel 17	0.2203%	Elena 4	0.3920%
Elena 24	0.3681%	Elena 2	0.3920%
Jorge 19/21/23	0.4665%	Miguel 20/24	0.6913%
Alberto 2	0.3950%	Teodoro 07	0.1133%

Resolution T Appointment of Administrator

That Trayectorias Administraciones S.L. be appointed as Administrator of the Community which is Carol Holmes, her assistant Natalia Ramirez and the accountant Fernando Pina

Francisco Valadez said he wanted to dedicate a few words to the administration and the president, but above all to Carol. *"Despite my words of gratitude, they are not enough, Carol, to praise you for your good work, perseverance and dedication. It has been a bit of a turbulent year and I have seen days reflected in your eyes, with sadness and disappointment. I would like to pass on my best wishes and that this new term of office be calmer; more relaxed and not so many nerves that affect your health. I can assure you of my unconditional support whenever you, the administration and the President need it. You are aware that I have been there when there have been problems and I will continue to be there. From my small contribution I ask for a round of applause for the administration, Carol and the president. Thank you for everything."*



Eva Oliver wanted to know if when the administration contract is renewed have other estimates been sought, to check the market price.

John McNulty said that he has not sought other estimates this last year because he has had his mind focused on other things which have dominated his life, not just the role of president. He said it is fair to say that we should, from time to time, look around, just to make sure that we are offering the best value to the community. In the next coming year, he will do some market research, however anything we look for has to be on a like for like basis because there are different levels of administrative support provided to different communities.

In reply to Jackie Rowden's question, John McNulty explained that Pamela Cane has now retired, however she still advises Carol because of her commitment to Villacana and her enormous wealth of knowledge that she has accrued.

After discussion among the owners, this item on the agenda was put to the vote and as the number of votes in favour was greater, it was ADOPTED BY MAJORITY with 2 votes against and 10 abstentions.

Votes against:

Teodoro 9	0.1387%
Marta 19	0.3481%

Abstentions:

Guillermo 10	0.1533%
Dali 13	0.3333%
Patricia 1	0.2065%
Jorge 3	0.1592%
Jorge 1	0.2122%
Jorge 2	0.2065%
Jorge 17	0.1123%
Jorge 5/7	0.2075%
Silvia 16	0.3423%

Election of the President

As there was only one person standing John McNulty was re-elected as President

Eva Oliver pointed out that the presidency is a difficult position, it is an unpaid position, but it is a position that needs to be filled with changes. Not that one person carries on as president indefinitely because he or she is the only one who has the spirit, as John has, to fill this post. Eva Oliver said that she admires this spirit of wanting to occupy an unpaid post, which involves a lot of work, but precisely because there are no candidates it is very important to alternate, as in a government, as in any post that requires a certain capacity of disposition, organisation, control and command, there needs to be a change over time. Normally in communities where there are no candidates what is done is to establish a rotating system or by drawing lots, and that would be healthy for this community so that we would have different representatives, different nuances, different characters, personalities and it would be more enriching and perhaps better.

Pilar Mayor said that it is true that in some communities this system is used, but it is always used when there is no candidate. If there are one or more candidates, a vote is taken among the people who are running for president of the community. In this case, having a president who is not committed just because he or she has been chosen by lot or by rotation is much more detrimental.

Eva Oliver asked if it was possible that the statutes could establish this system of rotation and then, even if there were candidates, this would be the way to appoint the president.



Pilar Mayor explained that this has happened in some communities and it causes many problems when the president does not accept. The president has to accept the position, but there are causes for which he/she can decline his/her rotating or obligatory position, for example, due to illness or family responsibilities. Pilar Mayor explained that in a community of owners where she advised on this issue, all the owners were very elderly. The rotating rota did not work because every time a president was appointed, he or she simply declined the position because he or she was unable to accept it.

Neil Norman said that he just wanted to thank John McNulty for wanting to continue as president. This is an unpaid post. Nobody else put themselves forward to take on this post which speaks volumes. Neil Norman said that he found John McNulty to be very patient, very tolerant and very measured. He would also would like to echo some the comments made about the administration in general. He thinks it is unfortunate that they come under so much, often unnecessary, scrutiny and a lot of second guessing on the decisions that have been taken. The reason why you are in this position because you represent us as a community and so Neil Norman just wanted to say thank you to both the president and Carol and to everybody involved who managed such an amazing Villacana and have done so for so many years and he thanked the president for doing this job for free.

Election of the Vice President

Two candidates were nominated: Silvia Kessels and Helga García Millán. Silvia Kessels declined the nomination therefore Helga García Millán was appointed Vice-president.

Helga said: "First I wanted to thank John McNulty and Carol for their work, this year has been very, very hard and the reflection that Eliana Gonzalez made at the meeting has given me light to a day that I was already very discouraging. The truth is that I think that we are all here for the common good and that we are moved by the love we have for Villacana and for things to work well and to improve and not to get into absurd battles and waste of time. Many things can sometimes be solved in a much easier way. I live between Granada and Villacana, I work between Malaga, Granada and Huelva. I have been managing companies for twenty years and right now I am the area manager of a chain of gyms. I am in charge of 15,000 members, 160 employees. I am used to dealing with quite complicated situations, I am responsible for the budget of the company and always get comparative estimates, to comply with them, to give explanations to the board of directors. I think I will be able to support the community in some of the little things that have happened, for example, that a lot of proposals have been made but no estimates have been presented, and I think that we are working on improving the community financially. I am at your disposal".

John McNulty said that he welcomes the fact that Helga has become Vice-president because apart from anything else she is Spanish and she is in Villacana pretty much full time which is a bonus to the Community.

Any Other Business

The president raised Agenda item 19 which is the access controls to the gates. As the resolution regarding the fencing of Calle Picasso was not approved, at the moment the only gates which will require the access control are the ones leading on to the Coastal pathway. These gates will be simply accessible with a code number or with a fob. These controls would be basically autonomous, connected only to a power supply. People without a fob or a PIN code would still be able to enter the community via Calle Picasso. These control systems would be revised if ever fencing and gates are installed along the c Picasso / Juan Gris frontage, when a more sophisticated system would be required.

Mariola de Burgos said that she wanted to leave the meeting with peace of mind and, as the fencing of Picasso had not been approved, she wanted to know what solutions the President was going to give to the terrible problems we have had this summer, with people from outside the Community walking around our urbanisation, using our facilities. Mariola de Burgos asked how we are going to prevent clients who go to restaurants or bars from entering our urbanisation or our swimming pools via Calle Picasso. She asked how we are going to solve the problems caused by the 90 Miles clients who early in the morning access



our facilities from the Picasso car park, abusing our properties in different ways. Mariola de Burgos pointed out that it has been unbearable, one does not want to call the police, although they have come on many occasions. All the urbanisations in Marbella and Estepona are gated and everybody comes to Villacana to party which is unbearable. Mariola de Burgos asked the president for a formal commitment and that this be recorded in the minutes and that she wants, as an owner, an imminent solution.

John McNulty said that he was not sure what the answer to that is. The starting point is what has been agreed today which is to have the incident reporting system. That would be quite beneficial, as we will be able to monitor the intensity of the security situation regarding crime or potential crime. It is very much more difficult to answer the question about interlopers coming in to use our pool.

Mariola de Burgos insisted that there are a number of problems in the urbanisation with regard to outsiders using our facilities. There are even times when families come with their coolers and spend the whole day in our urbanisation. There are problems at night and during the day caused by the commercial premises we have. For example, there is a problem of direct access from the terrace of the restaurants to our facilities.

Adria Bello, tenant of 90 Miles said that she agrees with many aspects, however, 90 Miles is blamed for everything, for example when there has been a fair in Cancelada they have blamed 90 Miles when the premises were closed that day. Adria pointed out that most of the people who come out at night are owners, not people from outside the urbanisation. Although she obviously needs clientele from outside Villacana to be able to pay the rent as she cannot rely solely on clientele residing in the urbanisation. Adria explained that the doors of 90 Miles close at a certain time, but at 7am residents arrive at the urbanisation who have been to Puerto Banus, totally drunk and 90 Miles is blamed. Adria pointed out that the police have not come to her premises.

Mariola de Burgos pointed out that the security guards work for the Community, not for the commercial premises.

John McNulty said that the only solution would be, without putting up gates, is to increase the security guards and that costs money and there is no proposal in the Agenda regarding this matter.

Mariola de Burgos said that she had presented a proposal asking that the clients, late at night, could exit via the side gate that leads to the street outside and so they do not walk through the urbanisation and in that way the owners would not be disturbed.

Antonio Carrillo said that he again insists that Villacana is a very peaceful community, there are no serious incidents. The security guards do a marvellous job and all the owners are peaceful.

John McNulty said that he understands what is being said and there are different perceptions about any problem but until we can agree what the problem is, we cannot define a solution.

Date of the next Meeting

The next AGM will be held on Saturday, the 6th April 2024

As no more points were raised, the President closed the meeting at 5:37pm

