

**ANNUAL GENERAL MEETING
OF THE COMMUNITY OF PROPRIETORS "ALTAMIRA"
FRIDAY, 18th MAY 2018**

The Meeting having been summoned at the request of Mr. Gareth Davies, in his capacity as President, and those belonging to the Community in the manner described in Article 16 of the Horizontal Property Law, the Annual General Meeting of the Community of Proprietors "El Romeral" commenced in the conference room of El Soto Golf Club, in Marbella, in the second summons.

In attendance Top Table:

	Mr. Gareth Davies	President of the Community
	Mr. Lesslie McGlasson	Vice-President of the Community
	Mr. John Walsh	Director, SAGESA
	Mrs. Ellen Gallardo	Community Coordinator, SAGESA

Present at the meeting: Mr. Jeronimo Molina Accountant of the community, SAGESA

The property owners who attended the Meeting themselves or by representation are listed along with their participation quote as follows, none of them having been prohibited to vote, insofar as that referred to in article 15.2 of the Horizontal Property Law.

Present at the meeting:

PROPIETARIO / OWNER	FINCA	COEF. %
TEURLINGS, ADRIANUS & MARIE	APART.102	1,59
WADMORE, DAVID & BRENDA	APART.113	1,43
DAVIES, GARETH & PENELOPE	APART.115	1,56
LIZAND LIMITED (McGLASSON)	APART.122	1,54
GOODALL, GEOFFREY ALAN	APART.126	1,57
CAPPELEN, HJALMAR WESSEL	APART.204	1,64
MESPREUVE, MARC / BVBA DR RADIOLOOG	APART.221	1,88
FLANAGAN, JOHN & JENNIFER	APART.226	1,90
SASMAR HOLDING S.A.	APART.233	2,00

TOTAL 15,11

Represented at the meeting:

PROPIETARIO / OWNER	FINCA	COEF. %	REPRESENT. POR/BY
RYGOL, AGNES /SRA.	APART.116	1,56	DAVIES, GARETH & PENELOPE
HALSEY, DOUGLAS & SHEILA M.	APART.116B	1,60	DAVIES, GARETH & PENELOPE
	GARAJE 1	0,05	
URWIN, JOHN A. & PATRICIA ANNE	APART.125	1,57	DAVIES, GARETH & PENELOPE
KAYE, SUSAN	APART.137	1,97	LIZAND LIMITED (McGLASSON)
SCHMIDT-JORGENSEN, KERRN	APART.222	1,54	DAVIES, GARETH & PENELOPE
ROSSBERG, TORBEN & BIRGITTE	APART.224	1,57	DAVIES, GARETH & PENELOPE
VAN SCHAİK, NICOLAAS	APART.235	2,00	FLANAGAN, JOHN & JENNIFER

TOTAL 11,86

TOTAL OF OWNERS PRESENT AND REPRESENTED:	26.97%
<u>TOTAL OF OWNERS NEITHER PRESENT NOR REPRESENTED:</u>	<u>73.03%</u>
TOTAL COEFFICIENT:	100,00 %

According to Spanish Communal Law the meeting should be held in Spanish, however in cases whereby the majority of attendees present are not Spanish, the Meeting can be held in the majority language spoken of those that are present. The wish of those present was that the meeting be held in English, with translation into Spanish if proceeds, but the minutes registered in the official minute's book will be in Spanish as is the requirement of the Law.

Gareth Davies, President of the Community opened the Meeting welcoming all the attendees and presenting the members of the top table. His apologised for the absence of John Flanagan, Richard Reynolds, Torben Roessberg, Doug and Sheila Halsey, Kern Schmidt Jorgensen and John & Pat Urwin. The meeting then commenced with the first item of the order of the day.

AGENDA

- 1. Approval of the previous AGM & Minutes**
- 2. President's Annual Report**
- 3. Presentation for approval of the Results and Accounts for 2017**
- 4. Community Auditor's report**
- 5. Desist from separating future allocation of costs between blocks.**
- 6. Presentation for approval of the Budget for 2018**
- 7. Board Election (President, Vice-President & Board Members) and appointment of Administrator**
- 8. Election of Community Audit Committee & Gardens Convenor**
- 9. Debtors; and authorisation to the President and Administrator to proceed with legal action**
- 10. Request for retrospective permission to erect a solid glass roof above the penthouse terrace of:**
Apto. 134
Apto. 135
Apto. 233
- 11. Presentation on feasibility study for the use solar generated electricity.**
- 12. A.O.B.**
- 13. Date next AGM**

1. Approval of the previous AGM & Minutes

As there were no questions, *the minutes of last year's AGM were approved by unanimity of those present and represented.*

2. President's Annual Report

The President's report recorded all the information on the relevant matters from last year and the document was sent prior to this meeting to all the owners.

Without any further questions the meeting continued with the next point of the agenda.

3. Presentation for approval of the Results and Accounts for 2017

- Results of accounts 2017 refer ANNEX NI

The 2017 exercise has closed with a surplus of 7.579, 51€

The explanation of the results was sent prior to this meeting to all the owners, and copies were given to the attendees in the meeting.

Without any further questions the meeting proceeded to vote.

By unanimity of those present and represented, the 2017 results of the Accounts were approved

4. Community Auditor's report

Mr. Geoff Goodall has audited the Financial Statements for the year 2017. According to his opinion, the Financial Statements give a true and fair view of the activities of the Community for the year ending 31 December 2017, and of its financial position at that date. He stated that there are no material issues. The President thanked Mr Goodall for his report and work.

The President informed the meeting that due to the additional pruning work, the community has spent more money than expected on removal of garden waste. The board is thinking in buying a shredder to save costs.

5. Desist from separating future allocation of costs between blocks.

The President took the floor to introduce the subject. He stated that most owners do not understand this issue and why this change is proposed. A brief explanation was given in his Annual Report. It is in the Community Statutes that the expenses of Blocks 1 & 2 should be separated. Mr Halsey, a former President, felt we should abide by the Statutes and still strongly feels the same. The President explained that for practical reasons it has never been possible to provide accurate separate costs. They have always been an estimation and approximation. The community can have confidence in our accounts but not in the section that separates the Block expenses. This is supported by our Accountant and our Auditor who is unable to verify the division of these costs. It does not seem sensible to continue to try and comply with this Statute when it is not possible. The objective of the community is to have clear and exact results with accurate figures. After studying and comparing the accounts and the expenses of both blocks over a number of years, the board has realized that both blocks have very similar expenses. For this reason the board of Altamira proposes to unify the expenses of the blocks.

By majority of those present and represented with 1 vote against from apartment 117 it was approved to desist from separating future allocation of costs between block 1 and 2 and unify the accounts.

6. Presentation for approval of the Budget for 2018

- The detailed budget for the financial year 2018 please refer to ANNEX 2

The President commented that the budget is similar to last year's. He added that the only change is the increase according to the annual inflation rate in Spain of 1.6%. He proposed to apply the same percentage to increase the annual budget.

By unanimity of those present and represented a total budget of 201.676, 00€ has been approved for the 2018 exercise.

7. Board Election (President, Vice-President & Board Members) and appointment of Administrator

The President stated that he and the other board members are happy to stand for their respective roles for one year more. He added that the board has lost one member, John Mansfield, as he is no longer owner of a property in Altamira. He asked if there is someone who wants to join the board. The community is always seeking for new members. As there were no volunteers, the meeting took the vote:

The following owners were reelected by those present and represented:

By unanimity of those present and represented Mr. Gareth Davies, Owner of the apartment 115, was re-elected President of the community.

By unanimity of those present and represented Mr. Leslie McGlasson, representative of Lizand Limited, owner of the apartment 122, was re-elected Vice-President.

By unanimity of those present and represented Mr. Richard Reynolds, owner of the apartment 124, was re-elected committee member of the community.

By unanimity of those present and represented Mr. John Flanagan, owner of the apartment 226, was re-elected committee member.

The President conveyed to those present that SAGESA wish to continue in the position of Administrator of the Community and asked for those present and represented in the assembly to vote.

SAGESA was re-elected Secretary/Administrator of the Community by unanimity of those present and represented

According to the agreement, the signatures of the Community bank account would be joint: President, or Vice President, and Administrator.

8. Election of Community Audit Committee & Gardens Convenor

By majority of those present and represented with 1 vote against from apartment 117 Mr. Torben Rossberg, owner of the apartment 224, was re-elected committee member and responsible of the gardens.

By majority of those present and represented with 1 vote against from apartment 117 Geoffrey Goodall owner of the apartment 126 was re-elected Auditor of the community.

9. Debtors list and legal action

-List of debtors as of the 17th May: please refer to **Annex n°3**

Fortunately, and thanks to the work of the Administration and the board of directors, the Altamira community no longer has long-term debtors.

He added to continue fighting against possible debtors and initiate legal actions if proceeds it is mandatory to approve the debtors list.

Without any other issues to deal with, the meeting proceeded to the vote.

By unanimity of those present and represented it was approved: to authorize the President to give powers to Lawyers and Procurators to start legal action against those listed in order to recover the outstanding amounts, beginning the corresponding legal process against those debtors, for the total amount that at as of the date of the beginning of the claim are in debt to the community.

By unanimity of those present and represented, it was approved to attribute all the costs of the judicial claim to the owner who has the debt.

By unanimity of those present and represented it was ratified that total Community fees already include a €150 prompt payment discount if owners paid last year's fees by un-rejected direct debits or before 1st January (S1) & 1st July (S2).

Likewise the decision to add a 20% surcharge if the bill is not paid within 30 days of the due date was ratified by unanimity of those present and represented.

10. Request for retrospective permission to erect a solid glass roof above the penthouse terrace of:

Three penthouse owners (apto. 134, 135 & 233) have installed a solid glass roof over their terraces without asking for any permission. Following installation of the first, the other two owners followed the example. The administration has sent a notification to the owners to inform them about the prohibition of said installation without authorization. The glass roof modifies the original rainwater drainage, causing water problems to the owners who live below and there is also an aesthetic modification to the facade. For one of the owners, we do not have an e-mail address and the certified letter came back without possibility of delivery. The other two owners have immediately responded. They apologised and have requested a retroactive approval for their glass roof installation at this meeting. Mr. Davies informed the meeting that there are many owners who are against these glass roofs. Had the owners asked for permission before building the roofs it would not have been granted and the Board does not recommend giving approval after they have been built. The representative of SAGESA pointed out that he fully support the President. If the community does not act now, soon there will be more installations each of a different design, and this would seriously harm the aesthetics of Altamira. And he added that the glass roofs diverted rain down to ground floor terraces and this is a functional issue.

Mr. Santos, lawyer and representative by proxy of the owners of apartment n°233 explained that his clients have erected the glass roof because they had a severe dampness problem. The terrace is badly levelled and all the water was directed towards their apartment, forming puddles and leaking water in the living room. The intention was part

of a solution to solve the water ingress. The meeting agreed to the suggestion that the Community would work with owners who had problems of draining water away.

One owner stated that according to the community statutes, the decision is quite clear. It is not allowed to carry out any modifications that could alter the aesthetics of the buildings.

The owner of apartment 203 Mr. Frank Rueffler pointed out that he is directly affected by one of the glass roofs. He further explained that due to the modification of the original water drainage of the penthouse, he had lots of problems with dampness in his property. He proposed to involve an architect in order to try to find a solution for this problem.

By majority of those present and represented the proposal to grant retrospective permission of the solid glass roof of Apto. 134 was rejected. There were 2 votes for the proposal from apartment n° 233 and n° 235. The remaining majority of votes were against granting retrospective permission. There were no abstentions. The owner should remove the glass roof.

By majority of those present and represented the proposal to grant retrospective permission of the solid glass roof of Apto. 135 was rejected. There were 2 votes for the proposal from apartment n° 233 and n° 35. The remaining majority of votes were against granting retrospective permission. There were no abstentions. The owner should remove the glass roof.

By majority of those present and represented the proposal to grant retrospective permission of the solid glass roof of Apto. 233 was rejected. There were 2 votes for the proposal from apartment n° 233 and n° 35. The remaining majority of votes were against granting retrospective permission. There were no abstentions. The owner should remove the glass roof.

11. Presentation on feasibility study for the use solar generated electricity

The President of the community informed the meeting that the possibility of installing solar panels to try to save on electricity consumption has been studied. Mr. Marc Mespreuve took the floor to explain the options, pros and cons with a short power point presentation about a photovoltaic system for the community Altamira.

The cost of electricity has increased greatly and is likely to increase more. Installing a photovoltaic system would allow the Community to meet all its' needs. The legal and regulatory system together with taxation does not make the installation of a PV system feasible at present but this is likely to change. Technological advances may allow the PV cells to be disguised as roof tiles in the future.

Marc's presentation allowed for an informed discussion with general support for the idea recognising the present barriers need to be overcome.

The President thanked Marc for the presentation and recognised the considerable amount of work he had undertaken. The President was cautious about setting up a separate reserve fund to set aside savings for a future installation. This would be considered by the Board as part of future financial planning taking into account any other identified financial pressures.

12. A.O.B.

Glass curtains: The President stated that at last year's AGM it was agreed to authorize the installation of Glass curtains and it was agreed that the committee can grant permission if the design is in accordance with the agreement. He informed that the committee has received 2 more requests and that the board will consider both cases.

Terraces: A problem that has arisen recently. As it is not a point in the agenda, the aim is to inform owners and give a clear guidance. There have been problems with water leaks to several terraces. The coordinator has forwarded useful information regarding this matter as in example extracts from the horizontal property law and some legal advices. The conclusion in summary is:

Terraces and planters are part of communal structures but for private use. If the damages are caused due to a leak of maintenance, the owner of the terrace is responsible for any repair work on the terrace to avoid further problems. If the damages are caused due to a structural problem, the responsibility is for the community.

The board's recommendation is to adopt formally the proposal to use an independent expert (architect) on the community's choice, to determine if the damage is caused due to structural failure or lack of maintenance. The President added that this matter could involve a large cost for the community. Initially there are 4 or 5 affected terraces but fortunately Altamira is very well build and it is not expected to have many cases every year.

The Vice President took the floor and informed the meeting that the insurance will only cover the damages caused inside the apartments, but not the repair on communal elements. And Mr. Walsh pointed out that this matter is a big problem in many communities. He pointed out that in some cases a special product could be used to waterproof some terraces. This option has been used in another community with the same problem. Since 8 years no more problems have arisen.

The meeting decided to commission the committee to deal with this matter and make decisions on behalf of the community. The Board will develop a "Policy for defective roof terraces" in keeping with the expert advice received and the views expressed at the Meeting.

Air-condition: The owner of the penthouse 233 has problems with noise disturbance, caused by an Air condition compressors installed on a communal terrace next to his property. He has a report from an acoustic engineer that states that the noise level is higher than what is allowed. After a meeting with the owner's representative there is an agreed plan to deal with the most likely source of disturbance. The Board is sympathetic to the problem and will work with the owners to find a solution but does recognise the challenge of dealing with a nuisance noise from one or more compressors belonging to eight different apartments.

Bridge: Recently there has been a reform on the bridge at the entrance of the urbanization. This work was shared with the neighboring community of Pueblo del Rio. The work has been completed satisfactorily.

13. DATE NEXT AGM

The next AGM will take place on 17th May 2019.

With no further business to be discussed, the Meeting was closed at 11:30 hours.

Mr. Gareth Davies
President of the Community of Proprietors
ALTAMIRA

Mr. John Walsh
Delegate Secretary/Administrator
SAGESA