- **This is only a courtesy translation**

**ANNUAL GENERAL MEETING OF THE RESIDENCIAL LOS EUCALIPTOS COMMUNITY OF OWNERS**

In San Pedro de Alcántara, on the 7th February at 10.00hrs, the Annual General Meeting of the Residencial Los Eucaliptos Community of Owners commences in the NH Express Hotel on first call, not enough quorum on first call, having previously been convened as established by the law 8/99 of the 6th April 1999 of the Horizontal Property.

The session starts with the follows assistants:

| **PRESENTS** | **COEFICIENTS %** |
|---|---|
| Proinvasol S.L.representado por el Sr. Morales, Bl 1-1, G.5 | 0,96% |
| Sr y Sra. Jones Bl. 1-5, G.3, Trastero 6 | 1,014% |
| Sr. Francisco López, Bl. 2-2, G.9 | 0,938% |
| Sr y Sra. Borden, Bl. 3-4, G.10 | 1,0353% |
| Sr. Willem Van Der Molen, Bl.3-6, G.13, T.17 | 1,138% |
| Sr. Ralph Bodenehr, Bl.4-5, G.15, Trastero 24 | 1,165% |
| Sr. y Sra. Harrison, Bl. 7-1, G.38, Trastero 39 | 1,214% |
| Sra. Eva María Benavides Grases, Bl.7-4,G.48, Trastero 40 | 0,976% |
| Sra. Nicola Vieira Rodrigues, Bl.7-6, G.47, Trastero 41 | 1% |
| Sr. y Sra. Ayres, Bl. 8-3, G.43, Trastero 45 | 1,261% |
| Sr. William Rees Bl.10-1,G.55,Trastero 57 | 1,027% |
| Sr. José León Bl. 11-2, G.61 | 0,935% |
| Sr. José Luis Martín Ramos, Bl. 11-3,G.62, Trastero 61 | 1,083% |
| Sr. César Morales Zarallo, Bl.12-2, G.69, Trastero 69 | 1,235% |
| Sr. Ramón Rodríguez y Sra. Mª Angustias Blanco, Bl.12-4, G.64,T. 68 | 1,069% |
| Sr. Francisco Javier Peco Moreno, Bl.12-5,G.66,71, Trastero 71 | 1,231% |
| Sr. José Castellano y Sra. Saray Martínez, Bl.13-3, G.63 y 93, Trastero 7 | 1,020% |
| Sr. José Navas y Sra. Rosa Galeote, Bl.13-4,G.68, Trastero 76 | 1,156% |
| Sr. Francis Whelan, Bl.13-5, G.79, Trastero 79 | 0,995% |
| Sr. Pablo Jesús García Sánchez-Pardo Bl.14-4,G.91,Trastero 81 | 0,9719% |
| Srta. Renata Kollanyi, Bl. 14-6, G.90, Trastero 80 | 0,971% |
| Sr. Stephen MacKenzie Bl.15-1, G.88, Trastero 84 | 1,267% |
| Sr. Daniel Bóveda, Bl.15-4,G.87, Trastero 82 | 1,106% |
| Encino del Puerto, representado por Enrique Prieto, Bl.15-5,G.85,T.86 | 1,161% |

Habisben Services, Administrador representado por Ana Muñoz

**TOTAL VOTES PRESENTS 25,9292%**

| **OWNERS DULY REPRESENTS** | **COEFICIENTS %** |
|---|---|

- Sr. Thomas Rees, represents to the following owners:

| | |
|---|---|
| Sr. Alexander Gerla, Bl.1-2,G.31 | 1,348% |
| Sres. Dix, Bl.1-6,G.2, Trastero 5 | 1,16% |
| Sres. Beijerbergen, Bl.2-1, G.29 | 1,235% |
| Sr. Robert Dyer y Sra. Ann Porter, Bl.2-4,G.30, Trastero | 0,97% |
| Sres. Lavery, Bl.3-1, G.11, Trastero 15 | 1,062% |
| Sr.Jaap Van Den Bosch y Sr. Rath Corrine, Bl.3-2,G.27, Trastero 14 | 1,257% |
| Sr. Per Johansen, Bl.3-3, G.26 | 0,906% |
| Sr. Peter Tillotson, Bl.4-3, G.16, Trastero 20 | 1,1051% |
| Sr. Ole Hansen y Sra. Vera Westlesen, Bl.5-3, G.23, Trastero 25 | 1,2451% |
| Sr. Thomas Clifford Kira, Bl.5-6, G.21, Trastero 29 | 1,143% |
| Sr. y Sra. Cornes, Bl.6-4, G.36, Trastero 38 | 1,2131% |
| Sr. Shamil Naoum, Bl.7-3, G.46, Trastero 37 | 1,094% |
| Sres. Williams, Bl. 8-6, G.41, Trastero 47 | 1,159% |
| Sr. Alan Harris y Sra. Susan Harris, Bl.9-2, G.76, Trastero 52 | 1,336% |
| Sr.Mohamed Lotfy y Sra.Mercedes Gómez B.9-4,G.53,T. 49,50 y 55 | 1,317% |
| Sra. Jannette Woodhouse y Sra. Lynn Jackson, Bl.9-6, G.51,Trastero 54 | 1,16% |
| Sr. Nicholas Williams y Sra.Jane Coglan, Bl.10-4, G.74, Trastero 56 | 0,896% |
| Sr. Dreesen y Sra. Vanoorbeek, Bl.10-5,G.57, Trastero 59 | 1,01% |
| Sres. Bradley, Bl.11-1, G.72, Trastero 63 | 1,276% |
| Sres. Stuart, Bl.11-4, G.73, Trastero 64 | 0,978% |
| Sres. Cook, Bl.11-5, G.60, Trastero 65 | 1,166% |
| Sres. Mc Donnell, Bl. 11-6, G.59, Trastero 65 | 1,166% |
| Srta. Pilar Varó, Bl.13-2, G.92 | 1,198% |
| Sres. Cane, Bl.13-6, G.78, Trastero 74 | 1,133% |
| Sres. Mackay, Bl.14-2,G.89, Trastero 78 | 0,968% |
| Sres. Hough, Bl. 14-5, G.80, Trastero 77 | 1,17% |
| Srta. Logie y Srta Docherty, Bl.15-6, G.84, Trastero 85 | 1,166% |
| **TOTAL VOTOS REPRESENTED BY MR. REES** | **30,8373%** |

- Srta. Nicola Vieira, represents to the following owners:

| | |
|---|---|
| Sr. Jeremy Gordon y Sra. Lynn Patricia Thompson, Bl.7-5,G.37, T.42 | 1,165 |
| Srta. Shona Staunton, Bl.8-1, G.45, Trastero 43 | 1,3961% |
| **TOTAL VOTOS REPRESENTED BY MRS. VIEIRA** | **2,5611%** |

- Sr. José León, represents to following owners:

| | |
|---|---|
| Sr. Leonardo Fuster y Sra. Ivonne Virgen, Bl.4-4, G.25, Trastero 19 | 0,97% |
| Sr.Samuel Sason y Sra. Renée Moscona, Bl.7-2,G.39 | 0,938% |
| **TOTAL VOTOS REPRESENTED BY MR. LEÓN** | **1,908%** |

- Sr. Daniel Bóveda, represents to the owner:

| | |
|---|---|
| Sr. Andrés Roldán, Bl.9-2,G.50, T. 51 | 0,93% |
| **TOTAL VOTOS REPRESENTED BY MR. BÓVEDA** | **0,93%** |

- Srta. Ana Muñoz represents to the following owners:

| | |
|---|---|
| Sra. Elena Alieva, Bl.1-4,G.4, Trastero 2 | 1,2891% |
| Sr. Sergio García y Sra. Mónica Herrero, Bl.6-5, G.33, Trastero 36 | 1,014% |
| Sr. Abdul Rahman Mohd Murad, Bl.15-3, G.86 | 1,069% |
| **TOTAL VOTOS REPRESENTED BY MRS. MUÑOZ** | **3,3721%** |

**TOTAL COEFICIENTS PRESENT OR DULY REPRESENTED 65,5377%**

## AGENDA

1. President's report.
2. Presentation and approval of the accounts 2008.
3. Approval of the budget from 1st January until 31st December 2009.
4. Election of President and Vice-Presidents for 2009.
5. Election of Administrator for 2009.
6. Approval of the debtors list and action to be taken.
7. Action to be taken against owner who has made the installations of pergolas without authorization.
8. Approval extraordinary painting fund of the Community of 25.000€ in one fee.
9. Approval to send the communications for the Community by email or directly in the Community mails, to save in post expenses.
10. Approval to close the pools in winter season.
11. Approval the time for the community lights, in winter from 18.30 h. to 24.00 h. and in summer from 21.00h. to 03.00h.
12. Approval to install the antenna for the digital television in another place to receive a better sign.
13. Problems in the community gardens with pets. The owners leave them alone without control.
14. Proposal and approval from Mr. Bóveda to reduce the garden service to one gardener full time.
15. Date for next AGM.
16. Any other business

## 1.- PRESIDENT REPORT

Mr. Rees, the President welcomes to the assistants to this meeting.

He starts saying that it has been a very hard year in the Community and that he has spent a lot of time attending to the owners.

He would like to expose that in the case that he being renewed as President, he wish to receive more consideration towards his labour, avoiding so many phone calls to his mobile phone from others foreign countries as normally part of this cost has been paid by him, and the same for the visit of some owners at untimely hours. It is a pleasure for him to help with his job for the Community hopping our collaboration.

**2.-APPROVAL OF THE ACCOUNTS FROM JANUARY UNTIL DECEMBER 2008**

Ana Muñoz, report to the assistants that enclosed to the call for the meeting, a copy of the balance sheets related to the budget corresponding to the financial year 2008 has been sent.

One owner ask if the expenses are real, and the Administrator answer that they are the fees that have been issued to the owners but that not all of these fees are real incomes, as some of them are pending of payment and they are in the debtors list.

Mrs. Eva Benavides is complaining about the high cost for the cleaning service. Mr. León expose that for next exercise the Community could contract a self-governing cleaner.

The Administrator explain that apparently the proposal made by Mr. León, could be the most appropriated economically but in long-term, globally with all the cost for social security, holiday substitution, sick leave by any circumstances, then a person should be employed with all the obligations and taxes that must be paid increasing considerately the cost. By the contrary, when we have a contract with a company like we have now, it is for the same cost by we do not need to worry to find someone in case of any of the mentioned inconvenient. At the same time, the Administrator report that the currently cleaning service is working seven hours per day during all the week Monday to Friday and she is in charge of the 15 blocks, 15 lifts, 5 toilettes situated in the pool areas and the garages.

Mrs. Nicola Vieira, Vice-President of the Community, has been looking quotations for this service and the prices are the same for the detailed job in a few different companies, but anyway, she proposes to all the assistants to bring more quotations to be discussed in the next Extraordinary Meeting with the total quotations for the budget for this year.

After the votes it has been approved the accounts for the 2008 exercise by unanimously, excepting the following votes:

Votes Against: Mr. Fco. Javier Peco and Mr. Ramón Rodríguez.
Abstentions: Mr. José León , Mr. Cesar Morales, and Mr. Pablo García.

**3.-APPROVAL OF THE 2009 BUDGET FROM JANUARY UNTIL DECEMBER 2009.**

Ana Muñoz explain to the assistants that enclosed to the call for the meeting, a copy for the budget for 2009 has been sent.

Two options has been proposed for the budget, the Administrator propose that the difference both quotations is as follow: A) 6.000€ in the entry for electrical and plumber reparations such as control of the irrigation and electrical system, replacement of bulbs over all the Community, lockers in communal doors, garages, e.t.c. is weekly, and the budget B) 2.000€ the general inspection for the Community is monthly. At the same time, in the A) option an emergency call is attended in working hours during the day and in the B) option any emergency would suppose an extra expense for the Community.

Mr. Pablo García, ask for the reason that the services with the water analyses company has been cancelled and the Administrator explain that from now, the same company for the maintenance of the pool will be in charge of this commitment as well, and it is the same for the pets control company, our gardeners have notice that if the rubbish-bins are duly closed when the rubbish has been deposited with its bag, there is no animals coming to this area and in case they have seen something unusual they have resolved the matter directly with poison for its elimination, and it is for that that we could realized that it is not necessary of this external services. Regarding the containers for gardens residuals it will be the gardening company who is doing this labour then we do not have to contract a special service to clear away the leaves and take them to the dump.

After the votes, it has been proposed the approbation of the budget in Extraordinary Meeting to be held on March 28th 2009.

In the above mentioned meeting all the quotations brought by the President and Vice-President, as well as any sent before the meeting by any owner will be discussed.

In the same session a representative Committee for the fifteen blocks will be constituted.

Mr. Morales is complaining why they have to bring the quotations and in this point we have reminded him that it was a suggestion proposed and approved by the owners assistants in the last meeting that they wish this commitment being made by the President and Vice-President without any involvement of the Administrator.

## 4.- ELECTION OF THE PRESIDENT AND VICE-PRESIDENT FOR 2009.

Firstly, this item of the Agenda by request of the President has been postponed to the end of the meeting.

After being the President demanded by the assistants for the reason, Mr. Rees, decide to follow with the Agenda and it was proceed to the elections of the positions.

It has been asked if there is any candidatures for the Presidency this year 2009, and two owners have present his intentions to be President, the present ones, Mr. Rees and Mr. Pablo García.

The votes have been as follow:

Votes for Mr. Rees Presidency: 45 votes.

Votes for Mr. Pablo García Presidency: 14 votes.

Abstentions: Mrs. Eva Benavides B/-4, Mrs. Nicola Vieira B7-6, Mrs. Renata Kollanyi B14-6 and Mr. Enrique Prieto B15-5.

As Vice-President, Mrs. Nicola Vieira and Mr. Pablo García have been elected by unanimously.

Mrs. Nicola Vieira, propose that in the Agenda for next Annual General Meeting for the year 2010, a list with the candidates for Presidency and Vice-presidency being enclosed.

Mr. Bóveda is not agreed with the mentioned election and as reproach he made personals destructives arguments about the Administrator, Mrs. Ana Muñoz and the President insinuating manipulation behaviour from the Administrator towards the President.

## 5.- ELECTION OF THE ADMINISTRATOR FOR 2009.

Mrs. Ana Muñoz, in representation of Habisben Services, S.L.L., shows his intentions to renew his position as Administrator, She has been supported by the President Mr. Rees and for some assistants to this meeting for her well done, disposal and communication among the owners as it has been shown by Mrs. Eva Benavides, that explains her permanent disposal every time she has need her.

In this issue Mr. José León show his disagreed and say to have cheaper quotations for the same services, for this reason, it is suggested again to bring more Administration Services quotations together with the others ones that can be brought by the owners before the next Extraordinary Meeting to be held on 28th March 2009, then it will take the decision to continue with the present Administrator or to chose another one.

## 6.- APPROVAL OF THE DEBTORS LIST AND ACTION TO BE TAKEN.

The debtors list sent enclosed to the call for this meeting has been reduced to the total amount of 11.484,23.

The Administrator inform that the apartment B14-3 is in judicial proceeding from last year when was approved in the AGM for the quantity of 1.978,64€, then the total debt to be approved y take legal decisions against them is for 9.505,59€.

The debtors list is approved by unanimously until 31st December 2008 by the amount of 9.505,59€, and the President together with the assigned lawyer have been authorized with granting power of attorney to take legal actions and decisions with these debts.

**7.- ACTIONS TO BE TAKEN AGAINTS NON AUTHORIZED PERGOLAS.**

Mr. Bodenehr take the word and explain the reasons for what he has installed his pergola like Mrs. Monica Herrero, at this moment represented by Ana Muñoz.

It has been voted and approved by unanimously that, the existing Pérgolas that even not being in accordance with the Community Rules will rest installed corresponding to the apartments B4-5, B5-5 and B6-5, except the ones from block 2, apartment 5, as it is not in the aesthetic line of the urbanization, and also, this structure is movable per consequence very dangerous. It will be required to B2-5 apartment owner to remove it as soon as possible.

**8.-APPROVAL AN EXTRAORDINARY FUNDS 25.000€ IN ONE FEES FOR TO PAINT THE BUILDINGS**

The Administrator explain that is not the intention to paint the Community this year, they try only to make a deposit for the Community painting for the future, as normally, it is advisable to paint buildings every 7 or 8 years and rails every 5 years. The approximately cost can be around 100.000€ for such elevated amount we think we should make this fund.

Mr. León expose that he prefer each neighbour pay his corresponding amount when the building need really to be painted, not in advance and if we cannot afford this cost in the moment, we can apply for a credit.

Also, he does not considers right that in case he wants to sell his apartment he has to pay in advance for a paint that is the future owner who is going to beneficed.

An owner explain to him that is not the same value when you want to sell a building in good conditions that when the paint is deteriorated as its value can be decreased.

The owner apartment B3-6 mention that the Community has cracks and they should be painted by the developer.

The Administrator inform that a report with all the inconveniences and reparation that they have to make has been sent to them, but that the paint is a part of the Community maintenance.

It has been decided to postpone the mentioned fund for the paint for next Extraordinary Meeting , bringing real quotations of the cost.

**9.-APPROVAL FOR COMMUNUNITY COMMUNICATIONS BY ELECTRONIC MAIL OR DIRECTLY IN THE APPARTMENT IN ORDER TO REDUCE COST.**

The Administrator propose to the assistants that in order to reduce expenses on post, such as copies, envelopes, e.t.c. to the Community, all the information, communications, minutes, and letters to send to the owners could be by electronic mail o directly in the apartment. In that case, please, be so kind to inform the Community office or the President your e-mail address or any change.

It was proceed to vote and approved by unanimously.

**10.- APPROVAL TO CLOSE THE USE OF THE SWIMMING POOL DURING THE LOW SEASON .**

The proposal is to close the use of the swimming pool during the winter months to reduce the cost of products, maintenance and electricity.

Mrs. Benavides propose that now for this time of the year it is not worthy to do it but it would be advisable to do it from October or November depends on the weather conditions.

It has been approved by unanimously.

**11.-APPROVAL COMMUNITY LIGHTS TIMETABLE IN WINTER TIME FROM 18.30.-p.m. TO 24.00.-p.m. AND IN SUMMER TIME FROM 21.00.-p.m. TO 03..00.-a.m.**

There are two options to reduce the electrical cost for lighting the Community, it is proposed to reduce the number of streetlights on or to change the fitting for a lower power ones.

After discussions, it has been approved to change the streetlights fittings for lower power ones and they will be on during all the night.

The problem is that the streetlights are connected to the garden lights and if we leave them on the garden's ones will be as well.

We will study the possibility to make them independent the streetlights from the rest of the Community.

It has been approved to change the lights in order to save energy and leave the streetlights on but in case we can make them independent of the Community.

**12.-APPROVAL FOR THE AERIAL MODIFICATION TO IMPROVE THE DIGITAL TELEVISION SIGNAL IN THE COMMUNITY**

The Administrator explain that due to some neighbour complaints that are not receiving properly the digital sign, the TDT in the Community, an study to solve this matter has been required to a professional. The solution would be that the aerial now installed in block 9, to put it up four or six mts. and for that he bring a quotation for 2.509,78€.

Mr. Pablo García explain that it should be claimed to the Promoter company or to Benahavis' town council, as they are who gave the licence to the Promoter. And as Vice-President he will be in charge of the claim and if it is necessary in judicial proceeding .

It has not been approved the modification of the aerial TDT in the Community.

**13.-PROBLEMATIC CAUSED BY NOT CONTROLED PETS IN COMMUNAL AREAS.**

The President take the word explaining to the assistants that these problems are still existing in the Community. Some neighbours leaves their dogs alones through the communal areas and even leave them to make their necessities which has not been collected by their owners. The gardener each morning find a dozen of excrement in the gardens and it is not his job to collect it.

Pablo's wife propose to install more dust-bins over the gardens.

It has been requested more collaboration among the neighbours.

**14.-PROPOSAL AND APPROVAL OF REDUCTION FOR THE GARDENER SERVICE TO ONE GARDENER FULL TIME BY MR. BOVEDA.**

It has not been proceed and it will be studied with more gardener quotations in next Extraordinary Meeting on 28th March 2009.

**15.-DATE FOR NEXT ANNUAL GENERAL MEETING.**

It has been decided that next AGM held on the 13th February 2.010.

It has been approved unanimously.

**16.- ANY OTHER BUSSINESS**

Mr. Cesar Morales ask if the water meter could be independent for each property.

The Administrator answers and explain that as it has not been installed in the initial project the cost would be very elevated.

Mr. Pablo García suggest the installation of post-box and ask to demand to the town council to give the name to the street in the way that the post service could be delivered in their address directly. Mrs. Renata Kollanyi will be in charge for that.

Mr. Daniel Bóveda, wants to comment to the assistants that a meeting was held together with Mr. Rees, Nicola and Ana in which they decided that all the monthly extras expenses such as reparations or unexpected should have be discussed with the President and the Vice-President, and he has never received anything from Ana, he said that Ana has made what she wanted.

Ana explain that every final of the month or every time that an extraordinary thing has occurred such as a broken water pipe, or a water escape it has been communicated to Mr. Rees, Nicola and Daniel, she has reported the problem and the cost for the reparation and she has give order to repair it when she has had the approbation from them.

Ana wants to comment that the e-mails have been always sent to Daniel and Nicola; even she has received an answer from both with their approbation. Nicola confirms that effectively when she has received an e-mail from Ana, it was always coming with copy to Daniel.

Ana thinks that this is only a personal matter from Daniel towards her and it is not affecting to her job.

Not existing any other item to discuss, the President thanks to all the assistants for attending and the meeting finish at 15.30.-p,m.

President Secretary-Administrator