ANNUAL GENERAL MEETING OF THE RESIDENCIAL LOS EUCALIPTOS COMMUNITY OF OWNERS

On March 11th 2016, the Annual General meeting of the Community of owners Los Eucaliptos commenced in the Conference Room in Benahavis Town Hall at 10:30 at the second call, there not being sufficient to meet the quorum required at the first call according to article 8/99 dated 6th April 1999 of the Horizontal Property Law.

The session started with the following present or represented:

PRESENTS	**COEFICIENTS %**
Sres.Teresa & Stephen Dix, Bl.1-6, G.2, T.5	1,160%
Sr, Graham Francis Bowden Bl.3-4, G.10	1,035%
Sr. & Sra. Coyle, Bl.5-2, G.22, T.30	1,246%
Sra. Vera Westlesen, Bl.5-3, G.23, T. 25	1,245%
Sr. Naoum Shamil, Bl.7-3, G.46, T.37	1,094%
Sres. John F & Maureen Hay, Bl.9-5, G.52, T.53	0,960%
Sra. Jannette Woodhouse & Sra. Lynn Jackson, Bl.9-6, G.51, T. 54	1,16%
Sr. William Rees Bl.10-1, G. 55, T. 57	1,027%
Sr. José Luis Martín Ramos, Bl.11-3, G.62, T.61	1,083%
Sra. Nicola Whelan, Bl.13-5, G.79, T. 79	0,995%
TOTAL COEFFICIENT VOTES PRESENTED	**11,005%**

Sra. Ana Muñoz and Mrs. Marina Fernández Sánchez as Secretary-Administrator.

OWNERS DULY REPRESENTED	**COEFFICIENTS %**
• Sr. Thomas Rees, represented the following owners:	
Sr. Rob Dyer & Sra. Ann porter, Bl.2-4, G.30,T.17	0,970%
Sres. De Latre Du Bosque, Bl.2-5, G.6, T.11	1,138%
Sres. Scaife, Bl.2-6, G.7, T.9 y 12	1,018%
Football Impact, S.L., Bl.2, G.28	0,086%
Sra.Danielle Jansens, Bl.5-6, G.21,T.29	1,143%
Sres.Gary & Jane Underwood, Bl.6-6, G.33, T.35	1,159%
Sr. Jeremy Gordon & Sra.Lynn Thompson, Bl.7-5, G.37, T.42	1,165%
Sr. Philippe Molhant, Bl.8-1, G.45, T.43	1,3961%
Sres. Ayres, B8-3, G.43,T.45	1,261%
Sres. Williams, Bl. 8-6, G.41, T. 47	1,159%
Sr. Andrés Roldán, Bl.9-3, G.50, T,51	0,930%
Sr. Mohamed Lotfy & Sra. Mercedes Gómez B.9-4, G.53, T. 49,50 y 55	1,317%
Sres. Corcoran, Bl. 10-4, G.74, T.56	0,896%
Sr. Ettienne Dreesen& Mrs.Fabienne Vanoorbeek, Bl.10-5, G.57, T.59	1,010%
Sres. Bradley, B11-1, G.72, T.63	1,276%
Sres. Cook, Bl.11-5, G.60, T. 65	1,166%
Sres. Cane, Bl. 13-6, G.78, T.74	1,133%
Sres. Mackay, Bl.14-2, G.89, T.78	0,968%
Sra. Michelle Logie, Bl.15-6, G.84,T.85	1,166%
TOTAL VOTES REPRESENTED BY MR. REES	**20,3571%**

- Mrs. Ana Muñoz represented the following owner:

Sr. Luca Lanini, Bl.2-3, G.8.T.8	1,105%
TOTAL VOTES REPRESENTED BY MRS. MUÑOZ	**1,105%**

- Mrs. Vera Westlesen, represented the following owner:

Sr. Jorgen Jensen, Bl.6-3, G.32,T.33	0,938%
TOTAL VOTES REPRESENTED BY MRS. WESTLESEN	**0,938%**

TOTAL VOTES PRESENT OR REPRESENTED	**33,4051%**

AGENDA:

1. President's report.
2. Presentation and approval of the accounts 2015.
3. Approval of the budget for the period 1st January until 31st December 2016, with an increase of 100% and to allow a discount of 50% for owners who pay the quarterly fee before the end of the 1st month of each quarter. (January, April, July, October).
4. Election of President and Vice-President for 2016.*
5. Election of Administrator for 2016.
6. Approval for debtors list and action to be taken.
7. Approval to commence legal action against the Owner of B3-6 following refusal to alter the glass roof of the pergola.
8. Proposal from the owner B5-3 to put glass curtains on their terrace without frames.
9. Date for next AGM.
10. Any other business

1.- PRESIDENT`S REPORT

Mr. Bowden spoke on behalf of Mr Rees, to welcome the participants and to advise that a newsletter was sent out to all advising what had happened during the last year.

It was advised that in trying to reduce the costs for the electricity we changed to a new supply called Gas Fenosa and at the same time a reduction in kilowatts/power of certain contracts. A studied was also carried out at the possibility of changing the current light bulbs to LED bulbs; the cost would be, approximately, 4000€ and this could be paid by using part of the accumulated fund. It is expected we would make a considerable saving and this cost would be amortized in a few years.

It was also advised that there is now optic fibre installed in the community in case any neighbour would be interested.

The Annual Meeting of the Urban Micro Community, Los Aguilares, which was held a few days ago, the same budget was adopted with other issues such as the future golf course, sewage-plant, etc. .. also being discussed.

Mr. & Mrs. Coyle would like to know if something is going to be done about the cats in the B4-2, since, as owners we are only allowed one pet per apartment and they have seen many more all over the garden and terrace areas.

The committee advised that they were not aware that there were so many cats, although they had already informed both the landlord and tenant of B4-2 to stop feeding the cats as this would only attracts more of them to the community.

Mr. & Mrs. Coyle asked the committee to do something about this situation and to sanction/fine the owner.

Mr. Rees asked whether we could get some evidence of the number of cats, such as a photo, as a few years ago a control was carried out by a company and it reduced the number of cats found around the community considerably.

The next item on the agenda is discussed.

2.- PRESENTATION AND APPROVAL OF THE ACCOUNTS OF 2015

Together with the agenda a detailed explanation of the accounts were sent out.

Almost all expenses were within the budget. The general maintenance budget for this year was €2,000, however, the funds used for the repair work carried out on the joints of the hallways, cracks, changing the sewage pool cover; pool porch, etc… were from the funds accumulated the previous years.

There has also been an additional legal cost due to the legal prosecution brought onto the community by one of the owners. These are costs for lawyer and prosecutor fees, which after the community winning the case we have proceeded to claim these costs from the owner.

Mr. Coyle asked that as we only had a budget of € 2,000 for beach chairs, why was it that we had spent more than €5,000.

Ms. Muñoz replied that the amount used was from the reserve fund which we had budgeted €2,000 each year since 2013, and not used , resulting in a "accumulated" total of €6,000 in 2015 of which only €5.164,28 was spent. The idea is to continue with this fund so in the future the chairs could be replaced again as and when necessary.

Without further questions this was put to vote and the 2015 accounts were approved unanimously.

3.- PRESENTATION AND APPROVAL OF BUDGET FOR THE FINANCIAL YEAR 2016, RUNNING FROM 1st JANUARY TO 31st DECEMBER , WITH AN INCREASED OF 100% AND 50% EARLY PAYMENT DISCOUNT.

The operating budget presented this year remains the same as in the previous year € 208,932. A working fund of € 27,000 is proposed, even though, according to our estimations attached/included with the budget, we would need a further €37,000. In order not to increase the quarterly payments we proposed to use €10,000 of funds already accumulated from previous years.

Therefore the proposed budget for this year will be €235,932, with an increase of 100%, making the total cost for 2016 €471,864. The same 50% discount policy will be applied to those owners who make their payment within the first month of each quarter (January, April, July, and October).

Mr. Coyle asked whether the paint cost for the calculation of the "railings, pergola etc.." could not be calculated based on the square meters of each terrace, considering that some owners who live on the ground floor have no railings or pergola etc…" and therefore should not bear the same cost.

Ms. Muñoz explains that all fees, both ordinary and extraordinary, are applied according to their coefficient, of each owner's apartment and it was the only way this can be done.

Mr. Coyle advised that this was not legal.

Ms. Fernandez, a lawyer, replied that this is completely legal under the Spanish law of horizontal property.

Ms. Muñoz explains that as an example, all owners contribute to the maintenance of the gardens in the same way, although the upper floors and attics have no gardens for private use.

Without further questions, it is put to vote and the budget is approved unanimously.

4.- ELECTION FOR PRESIDENT AND VICE-PRESIDENT FOR 2016.

In the election for the President, attendees are asked whether there was any other candidate, presenting his candidacy as Mr William Rees expressed his desire to continue in office.

Mrs. Jackson and Mrs. Woodhouse asked if it is appropriate that Mr Rees, be elected president since he was in the process of selling his apartment.

Mr Rees replied that he was not selling his apartment and should he in the future do so he would request an request an extraordinary meeting be held to inform the neighbours.

With no more candidates Mr. William Thomas Rees is adopted as Chairman.

As Vice President, took the floor Mr. Bowden, expressed his intention of not continuing in office this year for personal reasons. He has been able to assist during this time in ensuring that all was running correctly and he proposed Mr. Martin Ramos, take up this role.

Mrs. Jackson and Mrs. Woodhouse would like to thank Mr. Bowden for the great work he has done over the years and they express they have fully trusted his management during this time.

With no more candidates Mr. José Luis Martin Ramos was elected as Vice President.

5. ADMINISTRATOR ELECTION FOR 2016.

Mr. Coyle mentioned that within the agenda there are no proposals for any other administrator as oppose as to other than the proposal of the President and Vice President in the agenda.

Ms. Muñoz advised that this point is open for all residents to present their choice until the day of the meeting. All proposals are valid but an administrator must be elected today.

Mr. Coyle proposed the A + Law Company. Those present mentioned that they would like to know more about this company, considering that the administration position is difficult and cannot be left to a Company they did not know and did not have sufficient information on. At that time Mr Coyle did not have any further information, however, he was asked to get more information on A+ Law Company and to present this in next year's AGM. This information would be required before the end of the year so that an email could be sent out to all the neighbours by December 2016 to consider this option.

The other proposal was one explained by Ana Muñoz and Marina Fernandez with membership number 1896, both present at this meeting. We then proceed to vote:

Firm A + Law votes in favour: B5-2 and B9-6

Ana Muñoz and Marina Fernandez, votes in favour, the rest of those present and represented, being approved the new administrator for this exercise appointed.

6. APPROVAL OF DEBTORS' LIST.

The updated debtors list amounted to €38,688.02 which corresponds to two apartments:

B15-1 has a total debt of €11,786.35, as at the end of the financial year. The previous year legal action had begun in the UK through the company Eurofees, and we are hopeful that the position will be resolved this coming year.

B8-2 has a total debt of €26,901.67, we continue with recuperation of the payment, which was initiated in 2011. At the meeting it was proposed that we change lawyer and continue with the action at a more efficient and productive manner to get this resolved. It was proposed that Mrs Marina Fernandez takes over the processes immediately.

With no further questions the debtors as at December 31st was approved and to continue with the actions already initiated and approved.

7. APPROVAL FOR LEGAL ACTION TO BE TAKEN AGAINST THE B3-6 HOME OWNER'S FOR FAILING TO APPLY THE AGREEMENT APPROVED AT THE 2015 ANNUAL MEETING RE: THE GLASS CEILING PÉRGOLA.

The reason for including this point within the agenda is that, the previous year the B3-6 owners were allowed to leave the glass installed on the pergola on the understanding that this be cut so as to ensure that the rainwater would not fall upon the lower apartments but on his own terrace.

The owners have been reminded of this issue on several occasions, however, they have refused to do anything about this and so legal actions will be presented.

Some owners ask that before legal action is taken could we notified/ informed the owners of B3-6 and given them a time to reply back by. The Administrator advised that the following legal steps would normally follow: We would submit an application, then a burofax would follow and be presented to the owners, thereafter a period of time would be given if no reply/answer is received, legal action would start. The approximate cost is about €700. Should we win the case the community would then have the right to reclaim these legal costs as well.

Taking Legal action was approved unanimously.

8. B5-3 OWNER'S PROPOSAL TO PUT GLASS IN TERRACE WITHOUT-ALUMINIUM FRAME.

Mrs. Vera Westlesen explains that she would like to put a glass curtains for winter, around her terrace, especially, to make use of this are when it rains or is too cold. Theses glass curtains would then slide sideways for the terraced to be used in the spring and summer months.

The neighbours at the meeting would like to know more about the model, how this would function, look and see pictures of these glass curtain.

Not having anything to show at this meeting it was decided to postpone the vote and ask Mrs Westlesen to present this proposal with information, design, pictures etc. at the next Ordinary or Extraordinary Meeting.

9. DATE OF THE NEXT ORDINARY GENERAL MEETING.

The date proposed for the next meeting is on Friday, March 10th, 2017.

Approved - unanimously.

We will try to request microphones at the meeting if held at the Benahavis Town Hall, conference room again.

10. ANY OTHER BUSINESS

Mrs. Nicola Whelan wanted to include within the minutes a proposal to change the elevator Company for a new Company called UP, where she believes the costs would be lower. She is advised that costs were reduced with Otis, however, when this contract is up again we can revisit this proposal.

Mrs Whelan also wanted to propose a day where neighbours could be informed about the cleaning of terraces so as not to cause any issues/ for the neighbours of the ground and first floors.

It was suggested that all owners wanting to clean their terraces should speak directly to their neighbours on the day they wished to clean the terraces or through the president or administration. It is advised that all owners should take care and be cautious so as not to cause any damage on other owners furniture or flooring.

There being no further business, the meeting was adjourned at 13 hours.

President Secretary-Administrator