



# From the President NEWS BULLETIN

May 2023



Roger Barrow,

## AGM 2023 - Thank you for your support

We completed the DOA AGM on 30th April, and I won't pretend it was the easiest AGM I have ever presided over, in fact at times it was brutal.

At the AGM Mr Fletcher and his entourage reached new heights of arrogance, aggression, intimidation, and rudeness while attempting to monopolise the start of the meeting. It became clear from the outset that Mr Fletcher and co were on a mission to disrupt the meeting.

Such was the aggression that I refused to respond to their attempts to intimidate me and I explained I would not answer questions during my introduction but would deal with their questions later in the meeting. Mr Fletcher persisted, and I had to ask him to sit down and stop shouting. Their behaviour was appalling, and other owners told me they were shocked and felt the same.

To everyone's relief, his group left the meeting before the end, so we never did hear all their questions. From this point, the meeting was calm and civilised. The meeting was legally convened under our statutes and Spanish law. Mr Fletcher's assertion the meeting was illegal is complete nonsense.

Unfortunately, Mr Fletcher's recent report of the AGM was rather short of the 'Whole Truth', so together with news from Los Claveles. in this bulletin I will endeavour to dispel some of the myths contained in Mr Fletcher's latest email, which was largely a work of pure fiction.

### THE VOTING

You will recall that Mr Fletcher wrote to you all urging you to vote AGAINST every resolution. Well, it seems that fell on deaf ears. In the event, every resolution was passed with a resounding majority. There were 1954 total votes in the room or by proxy, 37.2%, bear in mind these votes came from all, Club and Escritura owners. The Minutes will be published on the DOA website in due course.

RESOLUTION	FOR	AGAINST	ABSTAIN
Approval to record the meeting,	<b>1,897</b>	57	0
Approval 2022 Accounts	<b>1,910</b>	44	0
Approval Budget for 2023	<b>1,910</b>	42	2
Election of Timeshare Owner's Representative- Keith Lear (Escritura votes only)	<b>263</b>	23	5

**It is clear from these voting figures that Mr Fletcher has minimal support.**

I really don't understand why Mr Fletcher has not come to his senses and stopped this unnecessary war. He is living in a fantasy world if he believes he will ever be able to, or have the ability or support, to manage the resort.

I repeated my invitation to Mr Fletcher to come and work constructively in cooperation with the DOA and pay the funds he has received from owners to the Community, so everyone can enjoy holidays at Los Claveles, vote at our meetings and co-exist in peace. Let's end this ridiculous dispute!

**We don't want this dispute; it is an unwanted distraction from our efforts to make Los Claveles the best it can be for our owners.**

## THE ACCOUNTS AND BUDGET

The accounts were approved by a huge majority, although this didn't stop Mr Fletcher furiously accusing WimPen and Sr Castro of misappropriation of funds and demanding that the accounts be separated.

Mr Fletcher was reminded that there has always been just one account for Los Claveles, and this was made official when the statutes were updated at the 2022 Special General Meeting. It is from this account where all resort running expenses are paid.

Remember that all DOA accounts are audited and verified, unlike the club accounts which we don't see and are neither audited nor verified. The DOA accounts are published with full transparency, unlike the Club who do not publish detailed accounts. If you have been paying the Club, don't you want to know what has happened to your money? Where has it gone?

## MAINTENANCE FEES

Maintenance fees are now: Studios 264€ | 1 bed 318€ | 2 bed 371€

WimPen do not 'impose' fees, as Mr Fletcher has suggested, the maintenance fees are subject to owners' approval of the budget. Fees paid to the Club are not for 'Maintenance' and those who don't pay the Community do not contribute to the expense of running the resort.

Mr Fletcher tells us the Club are not increasing their fees. Of course not! The Club does not have to deal with inflation, and what are their fees for, certainly not for the benefit of Los Claveles?

WimPen rent out villas owned by debtors to recover bad debts, which they are entitled to do, this is established on the statutes but do not rent out other villas without permission from the owner, as suggested by Mr Fletcher.

Those of you in debt to the Community, please come and talk to WimPen, or me, to see if there is a way to bring you back into the fold. We are happy to consider holding your debt in abeyance if you agree to start paying the Community. It makes no sense to pay the Club and get nothing for your money!

## KEITH LEAR, TIMESHARE OWNERS' REPRESENTATIVE

Congratulations to Keith who was elected as the Timeshare Owner's representative by Escritura owners for another year. Keith has published his pre-election speech below, which was read at the meeting by Marilyn Fry. Keith had sent apologies as he was unable to attend due to a family wedding.

## THE VENUE

Clearly the venue in central Birmingham was not popular, with difficult access and expensive car parking. Unsurprisingly, a difficult journey into centre of Birmingham City put some people off attending. I undertook to agree with WimPen a better venue next year.

## ELECTION STATEMENT BY KEITH LEAR - TIMESHARE OWNERS' REPRESENTATIVE

"Good morning everyone. I wanted to firstly apologise that I can't be at the meeting today, but I have a family wedding to attend instead. I'd also like to thank Mrs Fry for reading this for me in my absence.

As you know I have been the Escritura rep for a couple of years. It has been both an interesting and challenging time with some very unusual circumstances to resolve. Not just the dispute which we can come back to later, but also new bar franchisees, pool upgrade, covid, apartment upgrades and the highest levels of inflation since the 1970s. The thing that has impressed me throughout that period has been the collaboration and responsiveness working with WimPen. A clear example being the covid discount scheme and the proposed 6% maintenance increase when inflation worldwide is running in double figures.

Do not underestimate how efficient and effective the WimPen management has been to negotiate our way through these exceptional occurrences. We are extremely lucky to have such an administrator.

I hope you all recognise these facts when you cast your votes today.



Keith Lear

The reports we are getting from owners have been extremely positive. The pool upgrade is exceptional, and the bar and entertainment is extremely popular. Just a tip for those wanting the Sunday lunch please make sure you book in with Stacey in advance to avoid disappointment.

The refurbishment programme is well underway and the plan of using rental income to fund the next set of villa upgrades still holds true.

A quick word on rentals is needed. A number of owners have been shocked by the latest rental prices even when the owner 20% discount has been applied. As our resort has improved the demand for rental has increased with some weeks already sold out. The resort benefits from that increased rental equally and anyone wishing to rent out their own weeks through WimPen should benefit from that as well.

So, to the dispute. After 8 years the only thing that has changed is that our resort has improved dramatically. I feel sorry for those owners who have been misled and misinformed by Mr Fletcher. It is time he was gone and constitutionally he should not be sitting in the position he continues to claim. He also knows this having pretty much been told that by an arbitration. I hope that the votes today reflect the true feelings of owners most of whom are sick and tired of his shenanigans and that the new trustees recognise the owners' wishes rather than finding themselves another party misrepresenting owners.

Finally, I would like to thank Roger for all the hard work he puts in. Without his involvement I very much doubt Los Claveles would exist let alone be in the positive position that it is currently."

*Keith Lear*

## OPEN FORUM

### OWNERS' RENTALS

There was a useful and civilised discussion about owner rentals and how the prices are calculated. I followed this up with WimPen to get some clarity. There are technical problems in launching the new rental website which WimPen's IT department is urgently working on. All owners will be informed when the new website is available.

### COMPANY OWNERS

One of the company owners introduced himself, concerned that Mr Fletcher has accused him of having links with WimPen and not being a legitimate owner.

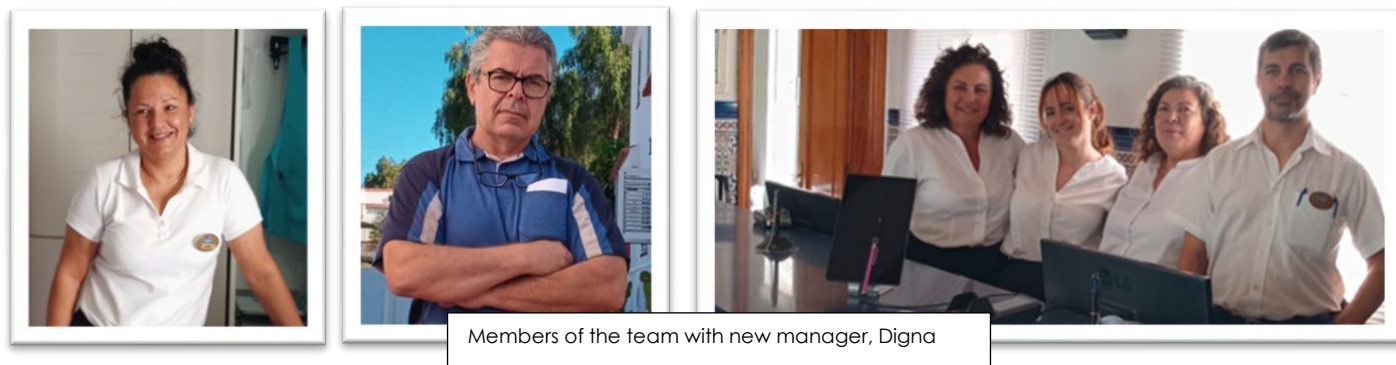
He confirmed that he has no relationship with WimPen, that he legitimately purchased his weeks and pays full maintenance on every week that he owns. His company is in Spain and pays taxes in Spain not in a tax-free haven, as Mr Fletcher has suggested

### HUTCHINSONS TRUSTEES

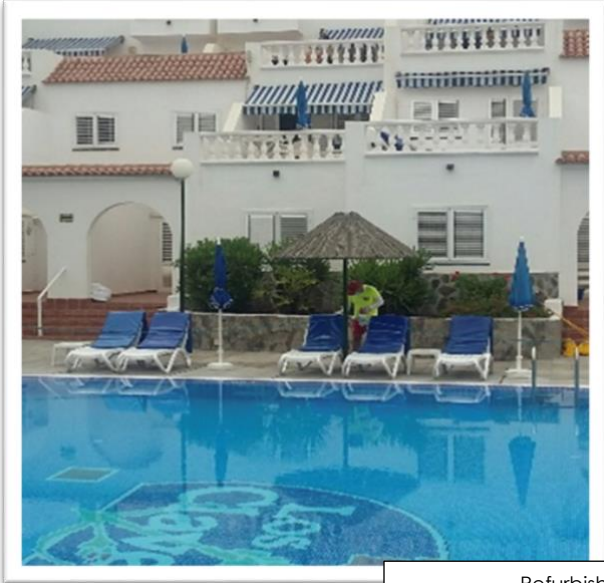
The Trustees attended at my invitation. They could not vote and could not really contribute to the meeting, but it was good to meet them, hopefully they now have a better understanding of the dispute and the DOA's role.

### ADMINISTRATOR'S REPORT

Ana Martin of WimPen gave the Administrator's report, which you can read in the agenda booklet. Here are some of the photos from the report that were shown at the meeting.



Members of the team with new manager, Digna



Refurbished pool and villa



New Sun Canopy over the play area



Stacey and Pete - Bar/Restaurant



Sunday at the Pool Bar

## OTHER NEWS

### REFURBISHMENT

As I write this, the next phase of the long-awaited refurbishment is under way, and I am sure owners concerned will be looking forward to seeing their new villa. Remember that Mr Fletcher and his supporters voted against the refurbishment and if he had his way, it would not be happening.

The following villas are being updated in this phase: 4, 54,56,57,59,80, 81,82,78,50.

I will publish some photos on the DOA website when the work is completed. The next phase, subject to available finance, will be completed in May 2024.

### OWNER RENTALS

Some owners have been confused and have been asking how the current rental fees for owners are calculated. I met with WimPen to have this clarified.

Owners are quoted the commercial market rate less 20% owners' discount.

1. The commercial market rate is measured by the rates quoted by Booking.com.
2. Rates will vary depending on the season and demand.
3. Two rates are quoted.
  - a. **Flexible Rate** – This rate will have the owners discount applied and no payment will be required until check in. The reservation can be cancelled up to 48hrs in advance of check in without any cancellation penalties being applied.
  - b. **Non-Refundable Rate** – Cheapest. This rate will have the owners discount applied, plus a reduced tariff for payment in advance. Full payment at this rate is required at the time of booking and is strictly non-refundable and non-cancellable.
4. It is NOT necessary to book with Booking.com.

Once the new website is ready, it will make things much clearer because it is intended that you will be shown the equivalent booking.com price for comparison. In the meantime, bookings should be made with [reservations@wimpen.com](mailto:reservations@wimpen.com).

Rentals are vital as net rental proceeds are paid to the Community and need to be commercially viable. These funds support investment and improvements at Los Claveles. WimPen take a modest commission to help cover their costs. Debtor owned villas are rented to help recover bad debts. Paid-up Owners can give permission for their villa to be rented through WimPen's rental system and are paid the net proceeds.

### THE STATUTES

WimPen do NOT profess to be administrator for the Club, they are administrator of the Development Owners' Association and under our statutes are obliged to invoice owners for maintenance fees.

The statutes are the rules by which WimPen and the DOA manage Los Claveles and are registered in Spain. They were updated and approved by a large majority of Club and Escritura owners at the 2021 AGM and 2022 Special General meeting. These changes simply confirmed what has always been done.

- One unified account for Los Claveles.
- One collection of maintenance fees.
- DOA and WimPen are responsible for the management and maintenance of the villas as well as the common areas.
- Both Club and Escritura owners form part of the DOA and together have voting rights.

Under these statutes, there is no obligation for WimPen to invoice the Club for the costs of the common areas.

It has taken longer than expected to get the updated statutes legally translated to Spanish and back into English and to get them officially notarized. Soon they will be ready to publish. In the meantime, the changes can be seen in the agenda and minutes of those two meetings.

My election as President was ratified at the Special General Meeting with **2,245 votes in favour, 552 against** and 22 abstentions. Our statutes allow for a 3-year term for the President, and this is now my third year of a 3-year term, so next year there will be an election for President. If you want someone else, you can submit a nomination before the next AGM, however I will be seeking your support again next time. I will always do my best for owners.

## YOUR PERSONAL DETAILS

I understand that many owners have received a letter from Mr Fletcher demanding that you provide your personal details and details of your ownership.

This is not necessary. The Trustees hold all your personal information, your certificate is your proof of ownership. You do not need to reply to his letter, the Trustees would have already passed your details to Mr Fletcher anyway.

Contrary to Mr Fletcher's claim, I do not hold the Owners' database myself and these bulletins are sent to you on my behalf by WimPen, who are entitled to hold a database of owners for the DOA. However, if you wish to join my own private mailing list, which is optional, [you can join here](#).

## RENTALS DURING CLOSEDOWN

For the last two years we have opened the resort for rentals during closedown. In the 2021 financial year it generated **€3.268,00** and in 2022 **€13.145,00** additional income for the community. I authorised the opening again this year which was marketed through the booking websites.

## RESALES

WimPen offer owners a resale service and we have seen an increase in sales in recent months. If you are looking to buy extra weeks, you can see the resale list at <https://www.losclaveles.eu/resales.html>.

Mr Fletcher's suggestion that certificates issued by WimPen are illegal is totally untrue. If you buy a week and receive a certificate from WimPen, as Founder Members, and as established on the statutes, you will legally own your week, it will be registered with the Trustees and the Trustees are then obliged to inform the Club.

Buying an extra week is much better value than renting and if you buy a week that you can't use every year, the rental programme is available to help you let your week and recover your maintenance fees. If you want to let your weeks, contact [owner@wimpen.com](mailto:owner@wimpen.com). Or [download this letting form](#) and send to the same email address. If you want to buy weeks or sell your weeks, please contact [Nichola@wimpen.com](mailto:Nichola@wimpen.com).

## EXCHANGES

You can exchange your week for time in another OnaGrup resort in any year without being a member of RCI, as long as you have paid your maintenance fee. Email [owner@wimpen.com](mailto:owner@wimpen.com) to arrange. You also need to have paid maintenance in advance before you can bank a week with RCI

## MY RECENT VISIT

My wife and I have just returned from a most enjoyable holiday at Los Claveles. The resort and gardens are in very good order, although many villas are awaiting their turn in the refurbishment programme. The food and entertainment was exceptional, and Digna, our new manager, and the reception team, were giving everyone a very warm welcome. If you have a holiday soon, I am sure you will enjoy, as we did.

I am always pleased to hear from owners, so let me know if you have any feedback on this bulletin or your visit.

With best wishes



Roger Barrow  
President, Los Claveles Development Owners' Association