



From the President

May 2024 (2)

Response to Mr Fletcher's AGM report

You will have received an email from Mr Fletcher purporting to be a factual report of the DOA AGM. He is very economical with the facts and while I know you really don't want these 'ping-pong' emails, I can't let it pass without making comment.

Here are the facts:

1. All owners of Club and Escritura owners are members of the DOA and as DOA Administrators, WimPen are obliged to convene meetings.
2. All owners were invited. If you feel you were not invited, please inform WimPen and they will ensure you are invited next time.
3. Under DOA Statutes, only personal owners who have paid maintenance fees to the community are entitled to vote. The Club and Trustees do not pay fees to the community.
4. The latest club constitution was approved at an illegally convened club meeting when only selected 'verified' members were invited and when the club chairman used votes belonging to unowned cancelled weeks. We do not recognise the new club constitution.
5. The resolution to record the meeting was passed by an overwhelming majority of club and escritura owners. Mr Fletcher voted against it but later said it was a good job it was being recorded.
6. Senor Castro replied and explained why the resolutions submitted by Mr Fletcher did not meet legal requirements and could not be accepted.
7. WimPen are legitimate owners of club weeks but have been dismissed as club members by Mr Fletcher, as have many others.
8. All owners were invited, unlike the Club AGM when only selected and 'verified' members were invited.
9. The five owning companies have no voting rights at a DOA meeting under our statutes.
10. It was not a club meeting and Mr Fletcher had no right to try and claim 4,000 club votes.
11. The Administrator's report was not a voting matter, so how did Mr Fletcher vote against it?
12. The resort is run in accordance with the DOA Statutes. We do not recognise the club's illegal constitution.
13. The club send invoices with an accompanying letter describing the payment as 'Maintenance'. None of this money received by the club is paid to the community for maintenance. If that is not misappropriation, what is it?
14. The club invoices are remarkably like Community invoices so are clearly intended to deceive.
15. WimPen are not self-appointed and have been appointed by the DOA Community as Administrators.
16. The fee paid to them is for their services as DOA Administrators.
17. WimPen do not make considerable profit on rentals, the net rental income is paid to the community or the owner.
18. WimPen do not collect any money on behalf of the club, they collect money for maintenance of the resort and villas on behalf of the Community.
19. As Founder Members, WimPen are entitled to sell weeks and issue certificates. That is clear in the only legal Club Constitution dated 2014.
20. The votes for President came from all owners, club and escritura, not just club member votes as not all club owners are accepted as members by Mr Fletcher.
21. The Aztec hotel is 4 star, not 5 star. One night's stay including use of the pool and spa was a very reasonable £98. Pub/hotel across the road cost £60 with rights to use the hotel spa.
22. All proxy votes are available to be verified.

He failed to mention that:

- He owes €440,000 in unpaid legal fees awarded to WimPen by the courts.
- He owes Mr Barrow personally £10,000 for his legal fees when he failed to obtain an injunction in January 2022 and costs were awarded against him by the judge.
- An owner paid the club £1,000 by mistake because she was confused by the club's invoice. That money was intended for the community, and the club refused to give a refund.

In his last email, he appealed to owners to name him as their proxy. How did he get on?

	FOR	AGAINST	ABSTAIN
Approval to record the meeting.	1,865	22	8
Approval 2023 Accounts.	1,869	22	4
Approval Budget for 2024.	1,865	22	8
Election of Timeshare President: Roger Barrow (Escritura votes only)	284	12	3
Election of DOA President: Roger Barrow (All owners)	1,857	27	11
Election of Timeshare Owner's Representative: Keith Lear (Escritura votes only)	282	12	5
Proxy Votes held:	Roger Barrow: 1267 proxy votes held		Albert Fletcher: 20 proxy votes held and 17 disallowed votes from debtors

It seems his appeal fell on deaf ears!

I hope you are reassured.

With best wishes



Roger Barrow, President, Los Claveles Development Owners' Association.

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