

CHAIRMAN'S UPDATE

8 NOVEMBER 2017

Thank you for your patience in what has been a very busy time for your elected Committee. There is much I can not tell you due to Arbitration confidentiality rules but I will inform you as much as I can.

WimPen's Appeal of Arbitration Award

WimPen have lodged an appeal in the Court of Session in Scotland (equivalent to the UK High Court). The Argument they are putting forward is that the arbitrator was wrong in law in coming to the conclusions that he did. WimPen are saying that the Club does not have a legitimate Committee and therefore WimPen can not be challenged. (In other words they can do as they like).

The Judge has to deal with the matter as a priority because there are rules regarding this when it is an Arbitration Appeal. We expect to hear from the Judge very soon with his directions on how matters are to proceed. As yet WimPen have not been given permission to appeal. This has to happen before a full hearing can take place.

FNTC Court Case

The Club has lodged a case in Scotland against FNTC for failing to transfer to Hutchinson as directed in 2012. You will recall Mr Pengelly wrote to FNTC following the Club's decision to terminate the FNTC contract. A sum of money was also paid to FNTC for the cost of transfer. The Judge has ruled that a hearing needs to take place. Unfortunately this is not a quick process and we do not expect to be given further information on this for around two months. It is extremely interesting to note that FNTC are running an identical defence as submitted by WimPen. They are also using WimPen's lawyer. You will recall that in 2016 FNTC tried to call a General Meeting on the basis that they were independent but cancelled when the Club took legal action.

Corruption, Fraud and Perversion of Justice

The title is my interpretation as to what I am about to describe. These matters are still under investigation.

A short time ago a document was handed to the Clubs solicitors by WimPen's solicitors in Scotland. WimPen's solicitors said that they did not know what it was but they were instructed to hand it to Mr Fletcher.

The document, two sides of A4, was in Spanish and dated 1 September 2017 but it appeared to relate to a case that took place in Arona, Tenerife sometime in 2016. The document gave no details of the case but it did say that the case was awarded against the Club and that we had 20 days to appeal. Obviously the document was presented to me well outside the appeal time.

As you are aware we have a new Administrator, Snr Hiro Bulchand. We tasked Snr Bulchand to investigate. Whilst the investigation continues I can advise you so far:

The case was brought by two organisations.

1. Euroesc S.L on behalf of Escritura they own
2. Construction Financial Services Ltd. who own one Club week.

We know that Euroesc has only one director which is Jane Oliphant. You also know that Ms Oliphant is an employee of WimPen / Onagrup. We have also found a connection between Ms Oliphant and Construction Financial Services.

The Court agreed for the case to continue without the Club being represented because the Court was informed **that Mr Fletcher could not be found.**

The above complainants stated that the Club had never formally agreed to go to Arbitration in an AGM. The complainants then said for this reason the Community of Owners (Escritura) and the Association (DOA Development Owners Association) should not be forced to pay the €125,000 that was ordered by the Arbitrator in Scotland as the money was in a joint bank account controlled by WimPen. The request was to **Order WimPen not to pay.** It appears that the lawyer acting for Mr Pengelly and WimPen accepted and conceded this case **Out of Court.** You will recall that WimPen were instructed by the Club, Escritura and the Arbitrator to separate the funds from the joint account.

I would suggest that this is a flagrant and dishonest abuse but frankly I am no longer surprised. When we have finished our investigations the matter will be pursued.

WimPen / Onagrup are desperate to gain control of the Club by whatever means they can. The Committee will not give in to bullies but we can only continue to put matters right if we have your support. It is members support that is crucial to resolving matters successfully.

RCI

After considerable effort I have spoken with the Vice-chairman of RCI and explained the difficulties they have caused by their unquestioning support of WimPen. He has agreed to try to convene a meeting of all parties in RCI Headquarters, Kettering. I have agreed for this to take place and confirmed that the Club would participate. I will advise further when I have news.

Your Chairman,

Albert Fletcher