



CLUB LOS CLAVELES

21 November 2017

Mr I Pengelly
Camino Las Rosas
15 Camino Las Moraditas
38677 Adeje
Tenerife
Canary Islands
Spain

98 Bleak Hill Road
Erdington
Birmingham
B23 7BT
UK

FOR THE ATTENTION OF MR I PENGELLY, PRESIDENT OF DEVELOPMENT OWNERS ASSOCIATION (DOA).

Dear Mr Pengelly,

I write to you as the Chairman of Club Los Claveles. I hope you are well.

I find it necessary to again repeat much of what I stated to you in my letter of 26 April 2017 and my letter of 28 June 2017 as I have not received a reply from you. In my last letter you were asked to reply by 7 July 2017. I am disappointed that no reply has been received.

You are aware that from 2 May 2017 Wimpen are no longer the Management Company and Administrator for the Club section of the Los Claveles Resort.

For weeks after 2 May 2017 Wimpen can no longer collect maintenance fees from Club Members and can no longer put the fees directly into the DOA account. The Club understands that the fees should never have been placed into the DOA account directly but you should have invoiced the Club for it's part of the common areas.

I write to ensure that we all understand what is to happen from 2 May 2017. This is as follows:

As President you must produce a budget in consultation with me on behalf of the Club Committee for the maintenance of the Common Areas as you are required to do under the Statutes Article 8.2.

The Club is a stand alone entity and no joint meetings with Escritura Community and DOA are to take place without my consent.

Once the budget is agreed you need to invoice the Escritura Community and the Club respectively for their share of the costs involved.

All apartments of the Club and the keys for those apartments remain the property of the Club.

Club Members must not be restricted or refused access to their weeks occupation without the written authorisation of myself.

I have to make it clear that the DOA or its President have no authorisation to control in any way the Club Apartments and the occupation of those apartments by Club Members. In this respect I draw your attention to Clause 11.5.4 in the Club Constitution which states "The **Committee** shall be entitled to treat a member as having committed a substantial breach of the provisions of the Constitution or by -laws or regulations made under the Constitution if the member fails to pay any Maintenance Charge levied on the member by **the Committee** within 60 days of being given notice that such maintenance charge has become overdue."

You are fully aware that **you** are not the Committee and **you** have no authority to act on behalf of the Committee. However, **you** have authorised Wimpen / Onagrup to refuse Club Members access to their villas. Having exceeded your authority in this way you are personally responsible for any consequences arising from your actions. I would advise that you consider your position very carefully and that without delay you instruct Wimpen / Onagrup not to prevent Club Members from accessing their villas.

I look forward to working with you in the above matters. Please reply by 28 November 2017.

Yours sincerely

Albert Fletcher
Chairman
Club Los Claveles

Copy: Club Members
Escritura Members
BTO Solicitors
Snr Castro WimPen/Onagrup