

From: MG - full name withheld
Subject: Chairman's Bulletin Board
Date: 18 June 2018 at 15:24:40 BST
To: Carol Parkinson
Cc: Roger Barrow

Dear Carol

It is with heart felt sadness that I am putting my feelings in writing after reading your report back of the 16th June 2018.

We all bought in to Los Claveles with retirement, good holidays, Wimpen's good reputation and the fact the resort was recognized as gold crown, even back in the early 1990's when I bought.

I, like many others, have and still are sitting on the fence.

However when things started to be publicised about the arbitrators full decisions, did I think now was the time to jump off, due to becoming increasingly concerned about the future of our resort and the decisions that the committee have taken upon themselves to enforce illegally on to all owners, and the comments contained therein, on the arbitrators ruling, stipulating the committee had no legal grounds to instigate this as Mr Pengelly did not have to inform them of the sale to Onagr. As the arbitrator confirmed Mr Pengelly had dedicated numerous years to the resort, along with Wimpen and now Onagr, with no evidence to substantiate your accusations.

Therefore I feel it is a complete injustice, and very unprofessional, that Mr Fletcher and yourself, along with committee members, continue to discredit Mr Pengelly with all the achievements he has to date made, Wimpen and furthermore Onagr, with no substantiated accusations, but still you continue to do so.

Due to all that is contained within your Bulletin and Mr Lovatt continually branding about that owners should read the constitution - has raised more concerns than answers for me.

This is due to accusations that are both legally incorrect and factually untrue, along with being non substantiated. It has been widely publicised that owners wishes are for you to let the lawyers determine the outcome of this and then it will be established for all to see who is in the wrong. I find it highly unprofessional of Mr Fletcher and yourself to continue to do this when you could be quite easily had up for slander and defamation of characters, and in continuing so to do, setting an example for committee members and owners to do the same. Which is legally quite unacceptable. I have expressed this purely from my positions held and the legal knowledge that I have obtained. You are discrediting where no discredit is due or no evidence to substantiate the same as ruled by the arbitrators, so you are all treading on dodgy ground. Therefore as an owner, and the fact that you are supposed to be conveying the owners wishes, I along with numerous other owners would ask for it to be stopped.

Mr Fletcher, yourself and the committee have left yourselves wide open to speculation due to your non transparency and non accountability to owners, no matter how you try to justify it, which I will come on to later, especially after being advised you are running with an illegal constitution.

I will for the sake of Los Claveles reveal my positions held. I was a treasurer for the lib dems. This role has many responsibilities. But most importantly the compiling of a monthly report to show where all monies received have come from. There are legal limits as to what procedure to follow as with banks, clubs, associations, etc, no one is above the law. After all money laundering is a serious offence, which we have been opened up to. It is law that owners should be made aware of, before all monies are received where the money is coming from, on both gifts and loans and vote as to whether the said people are somebody they wish to be involved with the resort etc. etc. Also relevant checks have to be made as to where the money is actually being made available from on some amounts.

During my involvement I was also secretary. With both of these roles, comes legal training, with it being mainly covering constitutions. This is due to misinterpretation happening, which did happen whilst I was treasurer, which lead me to get involved at length with a guy that writes them for a living and has to fully integrate in to them the Acts behind the law. Unfortunately a lot of misinterpretation does go on.

On one of the arbitrators rulings it stipulated he could not rule on it, the reasoning behind this, he is not above the law, the only people able to decide on this, is all and it has to be all for the law to be up held, as pointed out the constitution at the moment has been changed to say owners not all, which is totally unlawful. So all owners have to legally vote, he could not take away owners legal rights, which the committee have. The ruling was all for this very reason and he knew to date that had not take place and added at the next agm. It was not on the agenda, it was not put to all owners, which to date has not happened, and it is not a justification to say the club cannot abide by this. It is law and so has to be done. Therefore on these grounds the original contract still stands as he ruled.

It has been noted that between constitutions the committee have taken out all to try and unlawfully get round this, which I pointed out to you Carol on the phone.

Therefore no matter what arguments, justification, excuses or defamation of characters you use the contract still legally stands.

With regard to illegal blocking of votes. I have had this legally checked. All that is required to verify and to confirm the said person is the name, villa number and week. You cannot say a form is incorrect when you have not stipulated it is a requirement for the address to be so filled in, which I believe would break data protection laws, as it is an individuals sole right so not to supply if they so chose. Furthermore it would have to have a highlighted star so pointing out the same as do all other organisations, so that individual would have the choice to comply or not risking the consequences. Your form just says to help so cannot be incorrectly filled in.

Furthermore, you legally have to put a box by all items for an owner, to have his legal right to vote on a voting form, being both yes and no. Your failure not to fulfil this legal requirement, does not mean you can block forms that have put an x, where a box should be.

So in both those instances, the validation of those forms stand and should have been counted.

In a club situation and for all owners to have their legal say, in line with a lawful constitution, you are in breach of this law on numerous occasions, and still doing so although it has been written and verbally pointed out to you.

Because the committee cannot fulfill their legal requirements your justification for this cannot be passed back on to us owners to justify your illegal activities in blocking an owners right to vote, either.

Early on in my career I also worked alongside solicitors and was therefore not only government trained on accounting, but also dealt with civil matters and find your post highly amusing, as I find it hard to believe that the police, with limited resources would launch an investigation in to a legal civil matter, it is totally outside of their jurisdiction too.

Therefore on these grounds I find it very hard to believe that the police would act on an unsubstantiated accusation that is legally going through the courts. This is totally illogical and a matter for the courts to decide, as to whether your claims on proxy votes are true.

With regard to the letter that was not read out at the agm, I am the said person.

I find your excuse/justification here, more than hilarious, I have been at numerous agms etc. It is the sole responsibility of the chairman to read such correspondence out, it is matter of course for it so to be done. Especially seen as the correspondence was addressed to him/you and sent to each of you.

In fact Mr Fletcher on receipt of the same, actually liaised with you and then you telephoned me, with my husband present. I advised you why the constitution was illegal, my background and access to a guy that writes them for a living and that this constitution cannot be used if all owners had not voted on all the amendments from the original one to date, which is a legal requirement, along with it being sent to every owner, to which you have failed to comply with legally, on all accounts.

Another legal requirement, before amendments are sought to constitution, which obviously has to be on the agenda, a full explanation behind the same, with the legalities as to why. Mainly I explained my reasoning behind this is the full explanation of wanting the Ltd Co. You explained like ever other explanation, done extensive research and I therefore enquired what other resort is run like this, to which you couldn't provide one. This immediately made my alarm bells ring, in all research I have done, this would have been the first place I would have started at.

The Club, being Mr Fletcher, yourself and the committee claim you own, there is a lot of us that would like to enquire in to what exactly you are claiming here and can we be shown the title deeds or contract to as to what the club actually does or does not own.

Now with regard to the accounts, unless something is on the agenda, which filing these micro accounts were not or any other excuse or justification that does not qualify legally for non production of full accounts, which is a legal statutory obligation at an agm to be published and sent to all owners, it is not something that can be voted on. Nor being told they are not for us to worry about or that nobody has asked for them to be audited. This is something that Companies House need to be made aware of.

With all that is going on also, it is really apparent, that you are not willing to abide by the law, which my email proves you are in breach of on numerous occasions, in future and with all that has been pointed out to you, and the current situation, again it is going to be put to you for an independent body to deal with agms, etc. It is not a question of costs, but being transparent and accountable, which to date has not happened.

On having this all checked out, it was furthermore brought to my attention it is law that things that are not on the agenda for the agm, so that all owners can have a vote on it, cannot be put to the room to be voted on. You are also in breach of this on numerous occasions.

In summary I find The Club are accusing Wimpen/Ona to be wrong, The Trustees, RCI and everybody else wrong, discredited them, defamation of characters, breach of owners legal rights, wasted a vast amount of money that has not been officially/legally voted on, opened us up to money laundering, illegal constitution, in breach of laws and the list goes on and on.

ENOUGH IS ENOUGH.

I have copied Roger Barrow in, due to his position and representing us owners, due to his trying to ensure our best interests unlike The Club, are of the utmost importance.

Yours sincerely

Name withheld