

Santa Ana del monte

Residents Cooperative

March 2012 Report

Over the past few weeks there has been communication regarding several matters with Almudena by Anthony Malpass on behalf of the SARC committee and membership:

El Pinet:

The building work at El Pinet has now recommenced and after discussions Almudena has began a process of **modernising the interiors of the properties** that are going to be built. This includes tiles, kitchen units etc and external colour schemes, with **an upgraded show house being completed in the next few weeks.**

With the recommencement of the construction SJI are **planning to hold meetings in the UK during April.** This is to enable the SJI purchasers to have the opportunity of deciding if they wish to proceed with an **individual or joint purchase of a property.** Any **HdT purchaser who wishes to move their deposit** and purchase a property individually or jointly **will be given the opportunity to do** so but normally after the SJI purchasers have done so first.

Joint Purchase:

As the building work at El Pinet has now recommenced and purchasers have the possibility of having a property, the SARC committee felt that it is important that we try to facilitate purchasers who wish to make a joint purchase to contact one another. To help with this **SARC have drafted a Joint purchase questionnaire** for members and any purchaser to complete and email into SARC. We will manually read the information and do our best to put purchasers with “matching” criteria in touch with each other via email. We will putting this information on our website and will email all members to ensure that they are aware of this and can proceed with a joint purchase of a property if they wish. **Please note, that the completion costs will need to be paid and perhaps some additional payments, depending on the property.**

Solicitors:

The SARC committee have been aware of some legal developments that solicitors are trying to use to generate clients:

The first is a court case against SGR by a purchaser who did not have a bank guarantee but who won a ruling that SGR has to pay them their money back. SGR appealed and lost the case in Alicante and we have been informed that they are **going to appeal to the higher court.** Upon further investigation we have been informed that the reason behind this ruling was that in **this purchaser’s contract it stated that they would be given a SGR Bank Guarantee** and although they did not receive it the court ruled in their favour. Therefore, this was a very individual case and only a few purchasers had this clause in their contract. **Please see the attached contract.**

Secondly BBVA have made an out of court settlement to a purchaser who did not have a Bank Guarantee. We have been informed that the circumstances of this purchaser are “unique” and the **BBVA have said that they will not repeat this and will fight any other claims by purchasers without Bank Guarantees.**

Further to this we are aware of some purchasers who have Bank Guarantees and their solicitors did not action them for them. We have one member who only discovered she had a Bank Guarantee when she was moving out of her house and she contacted SARC. We liaised with Almudena, who has helped by confirming that it is a valid BG and providing information to the member’s new solicitor who is in the process of getting the BG actioned.

It is important to note that HdT are happy to provide help to purchasers who are trying to get a BG actioned and are also providing information to various solicitors to help their clients. It has been explained by Almudena that the company is happy for people to get their money back and for the bank to become the creditor if it is possible. **Please be aware that any court action is not guaranteed to succeed, can take a long time and costs money.**

SADM:

We have been informed by Almudena that HdT’s urban solicitor has spoken to the judge at the **Supreme Court in Murcia.** It appears that this court **can sit and rule on the shepherd’s case and has the authority to lift the temporary hold** on the processing of licences and the building of SADM. Furthermore, the judge is now aware that it is not just a case of the shepherd and the company but also of all of the people who are awaiting their properties or money back and need the project to move forward. **The solicitor has said that the judge indicated that the case could be heard in the next three months.**

Two members of the SARC committee, Sue and Cristina, visited the town hall in Jumilla and spoke to a lady in the planning department about SADM and the changes to the plans. They were informed that the Town Hall are aware of these plans and they will have to be approved, although this should not cause any problems.

Comment/ Opinion

As we have a **member of the committee who wants their money back, we looked into the court cases very carefully and have concluded that it is not a course of action that we would recommend and would urge caution to anyone who thinks of going down this route.** It is understandable that patience is wearing thin; however, **it does appear that progress is being made and that HdT and SJI can deliver on their feasibility plans.** El Pinet has recommenced and the court case for SADM may be concluded by summer. **Therefore, it would seem prudent to wait a little longer** rather than resorting to spending money to try to get a resolution with a court action that has no guarantee other than another bill to be paid and which could drag on for some time.

We also have a **member of the committee who wishes to purchase jointly** and is willing to spend time going through any joint purchase questionnaires that come in to try to help others who wish to do the same. This is an option that SARC asked for and believes could be suitable for those who do not want a home but who feel that having a shared holiday home to use is of benefit to them.

6 March 2012