

Anfi UK – questions for members meeting 23rd March 2022 with comments / answers

Please note the answers are compiled from 2 of committee and there may be some duplication in parts

Question	Answer / comment
<p>1. A Current state of contracts in perpetuity</p> <p>B What is the up-to-date position on Anfi contracts? (We have been "in perpetuity" fixed week owners at Puerto Anfi since 2000 but have not received any approach from Anfi to sign a new contract to take account of the change in Spanish timeshare law)</p> <p>C Whether it's necessary to sign a new contract</p>	<p>The law changed in about 1998 making "in perpetuity" illegal. However, Anfi, on the advice of their legal advisors, decided the law didn't apply to them and continued as before.</p> <p>When CLA made their first case and won, this brought a flood of law suits which caused Anfi to have EGMs in each club and change the constitution to the maximum of 50 years.</p> <p>This starts from when the law changed not when the contract was signed. A moot point but that is how it has been applied. As such in 2049 the new contracts will terminate. But Anfi will notify members in 2048 of the end date and members wishing to extend for a further 50 years can do so free of charge. This effectively is therefore still in perpetuity by an alternative route.</p> <p>We advise members to sign the new contracts.</p> <p>Ref 1B & C - See point 13 below. If you are sent a new contract and do not want to sign it, it is very important you state that clearly in writing by email and letter. If you are going to Anfi take the unwanted contract with you as well and dump it in Customer Services</p>
<p>2. What is happening to the sales team- it would appear that they are not being brought back from furlough. Does this mean we will no longer have people traipsing through the site being given unrealistic expectations of what they can expect from Anfi management</p>	<p>As I was seeing In House salesmen in the Puerto area, I asked if sales were still going on in light of the administrator status. I was informed that there were no "cold" sales from outside (so no-one traipsing through the site now, but the inhouse team were talking to and selling to current members.</p> <p>On that basis I would say members are calculating their own risk if they buy and cannot blame anyone but themselves if it goes wrong.</p>

<p>3. Is it still true once you have signed the contract you can automatically leave if you do not pay the maintenance fee for two years, as ours only seem to say you MAY be able to leave only!</p>	<p>In the old contract, if you don't pay maintenance for 2 years Anfi will take the week back and pay the clubs the maintenance fees for the missing 2 years. In the new contract, a member can hand the week make immediately they wish to.</p> <p>The old contract default will also continue for reclaiming after 2 years. However, if a member wishes to sell the week privately, they must give Sales first refusal to buy the week back. But if they do not offer enough the member can then sell on to a willing purchaser.</p>
<p>4. What are the ways of giving up an Anfi week other than private sale?</p>	<p>Answer as in question 3 depending on old or new contract.</p>
<p>5. Richard Weston made a commend on Facebook regarding not to buy timeshare at Anfi for now. I'd like to have some more details on that - why not buy??</p>	<p>The Administration means there is a significant element of the unknown. A rumour is circulating that Lopesan/IFA want to change Anfi into a hotel instead of timeshare meaning members could lose their occupation rights.</p> <p>Legal bodies including the Continental Trustees, who supposedly hold the properties and the occupation rights in trust, say this is impossible. But the trustee entity is an English body and is possibly not recognised in Spain which, if true, means Lopesan/IFA could do what they want.</p> <p>Because of the idiosyncrasies of Spanish law, I personally would be very wary of buying more timeshare until the administration is completed and we know the final outcome.</p>

<p>6. We want to use points from 2021 that could not be used before the end of 2022 due to pandemic restrictions or availability to be used in Feb 2023 but we have been told that is not allowed. Anfi had a concession in 2021 to allow unused 2020 points to be used in 2022. This is a post pandemic issue and there will be others in the same situation due to using up banked points. Can we expect another concession while this problem continues?</p>	<p>This matter is still in discussion at the moment. The committees are pressing for all unused points from 2020/21&22 to be extended to expire at end of 2023. The pandemic issues have effectively finished in 2022 so the extension to 2023 is not unreasonable and is being indicated that this will be implemented if not already. The vouchers that members will have received in 2020/21 have no end date so can be used at any time in the future.</p>
<p>7. A Updated on current internal legal situation with various Anfi owners</p> <p>B What is the latest news on possible take over?</p> <p>C Please explain in simple terms the 'health' of the Anfi empire. By that I mean the resort and it's supporting functions.</p>	<p>Currently Lopesan/IFA and the Cazorla organization still own 50/50 with Cazorla continuing with the “golden vote share”, however, when I asked management who is making the day-to-day decisions now, I was told Lopesan. Obviously, the business management is run by the administrator, but the administrators main concern is getting a deal done where Lopesan/IFA buy out the Cazorla share and owns Anfi Sales and Resorts 100%. Only then will we find out what the future holds for the members.</p> <p>There are lots and lots of rumours swirling around the island, and some evidence of ‘dirty tricks’ against Lopesan to try to stall their advance. However, so far as I know, there is nothing certain. Everything is still in the hands of the Court and the administrator. There is certainly no takeover already as the Spanish press were misreported. IFA has bought an ‘option’ to buy Manuel Cazorla’s shares in the event of insolvency, but that has not happened yet.</p> <p>I am not sure how to answer point 7C. Anfi is a large cash generating machine. Unlike other hospitality businesses, people continued to pay right through the pandemic. I cannot see Anfi as a whole failing, although I have been known to be wrong!</p>

<p>D I was told by a compensation company recently that Gran Anfi and Turo were part of the assets of anfi sales which went into administration. Is this correct and therefore is our holiday vulnerable compared to the other Anfi resorts?</p>	<p>7D – see item in 7C above</p>
<p>8. Is anything being done to ensure that all who own at del mar get their weeks, as the system now appears really skewed by Tauro owners who can get many more weeks for their points at del mar, leaving del mar owners unable to get their weeks, and not having adequate points to go to Tauro. Given the Covid voucher scheme, could there not be a week for a week arrangement to ease the log jam of weeks required</p>	<p>The Tauro points level has always been unfair. Sales reps have always used the difference as a selling point. “If you buy at Tauro, the points level for one week will allow the member to book 3 weeks at Del Mar”.</p> <p>Common sense dictates the maths doesn’t add up which, with the Scandinavian 18 month contracts, means booking Del Mar gets increasingly more difficult with the more Tauro sales.</p> <p>I DO believe Lopesan will change Tauro to hotel while the Ruby and other resorts in construct definitely will be hotels.</p> <p>If that is the fact and Del Mar remains timeshare, the pressure for bookings will be reduced.</p> <p>As for getting them to produce vouchers for a week for week exchange, I can’t see them agreeing to that.</p>
<p>9. We signed our original contract 2008 yet the new contract states year signed up as 2020. We think the 50 years should be taken from that point - 2008 still. Our family are not able to use our 4-person apartment now as have 5 in their family now.</p>	<p>As answer to question 3, the 50 years is from the date the law changed. I agree that it really should be 50 years from the date the contract was signed but because the contract can be continued from 2049 free of charge, it’s a moot point.</p> <p>In the case of you having a 1 bed and now need a 2 bed, that really requires a discussion with sales.</p> <p>If you have a Monte or Gran 1 bed week, you could book a 2 bed in Beach or Puerto for much the same point level with careful planning.</p>

10. Is there any threat to spending my weeks in Anfi in view of the current bankruptcy of two of Anfi companies?	<p>The companies are not bankrupt, they are in administration. As such, at the moment, there are no restrictions or problems in booking and having your usage rights for at least this year and likely into next.</p> <p>Once Lopesan takes over, which they will, that is when we will see how that is to affect members, if in fact it does.</p>
11. Internet at Anfi - still very slow and unstable - did they not pay enough for a good speed or is there a bigger problem??	<p>This matter has been raised at EVERY committee meeting in EVERY club since it was installed. The 4 clubs in Del Mar spent 500,000 euros installing fibre broadband but both WiFi speeds and the streaming TV system continue to be very poor.</p>
12. The general maintenance of the Beach Club - still a lot to be done. Sealings in the bathroom and rust at the railings outside the Apartment's. Why have they not done that under Corona lockdown?	<p>The committee have challenged the lack of using the time in lockdown to get all the maintenance done but management used “the covid rules” for not doing what was required.</p> <p>Alejandro, the Beach director is pulling his hair out trying to get the repairs that are needed against management blocking his attempts.</p>
13. What do you think we should do? And why?	<p>If you have an ‘in perpetuity’ contract it is perfectly valid and no-one can force you to change it. However, you do have the right to change it to a 50 year renewable term (one of the ‘new’ contracts).</p> <p>Their validity has not been tested in court and you should always read anything you are sent before signing it. If you are asked to sign a new contract it almost certainly will end your right to have your original contract set aside by the courts. In thinking about any legal action you do need to be aware that there are not the riches available that some would have you believe.</p> <p>Compensation is typically a refund of your purchase price. The administration may cause this to be reduced under a debt reduction agreement.</p>