

OFFICIAL TRANSLATION

IGNACIO SÁNCHEZ DÍAZ – ATTORNEY AT COURT NOTIFICATION TO THE ATTORNEY AT COURT: 30TH OCTOBER 2015

COURT OF FIRST INSTANCE NUMBER 4
FUENGIROLA, MALAGA
Ordinary proceedings 1820/14

J U D G E M E N T

In Fuengirola, on 29th of October of Two Thousand and Fifteen.

I, Ms Isabel Escribá Molina, the presiding Judge acting in support of the Courts of First Instance of this City, have seen these ordinary proceedings, dealt with at the Court of First Instance number 4 of Fuengirola with number **1820/2014** at the request of [REDACTED] represented by Attorney at Court Mr Sánchez Díaz, and defended by Solicitor Mr Vila Marcos, against company known as **CLUB LA COSTA WORLD**, which is in contempt of Court, with the purpose of making a monetary claim,

FACTS IN ISSUE

First.- Attorney at Court, Mr Sánchez Díaz, acting on behalf of [REDACTED] filed a claim, which, following the established distribution procedures, was to be seen by this Court, for ordinary proceedings against company **CLUB LA COSTA WORLD**. In this document, the explanation of the facts which shall be in summary indicated to follow, and the legal grounds deemed applicable, were followed by a request to the Court to have the claim admitted to proceed and following all the relevant legal formalities, a request to sentence the Defendant to pay the sum of [REDACTED] pounds), and to declare the agreements entered with the Defendant as void, as well as the reimbursement of all the subsequent sums paid by the Plaintiffs deriving from the agreements, together with payment of the interests and the court fees.

Second.- Once the claim was admitted to proceed and the Defendant had been summoned to Court, the latter did not make appearance in time and place, and thus it was declared in contempt of Court.

Third.- Having fixed the date for the preliminary hearing, the Plaintiff

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MS. NIEVES ANDRACA DÍAZ, OFFICIAL TRANSLATOR OF ENGLISH APPOINTED BY THE SPANISH MINISTRY OF FOREIGN AFFAIRS AND COOPERATION, HEREBY CERTIFIES THAT THE FOREGOING TEXT IS A TRUE AND COMPLETE TRANSLATION INTO SPANISH OF A DOCUMENT WRITTEN IN ENGLISH.

EN BENALMÁDENA, A 17 DE NOVIEMBRE DE 2015.

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made appearance and declared that the case giving rise to the proceedings persisted and proposed a set of documents as evidence. Thus only documentary evidence was admitted to proceed and the proceedings were concluded awaiting judgement, in accordance to the provisions of Article 429.8 of the Rules of Civil Law Procedure.

LEGAL GROUNDS

FIRST.- The Plaintiff requests in its statement of claim a judgement as per the beseech section of the statement, with application of Court fees. Although the existing situation of a contempt of Court must not be considered as an admission of the facts or acceptance according to Article 496.2 of the Rules of Civil Law Procedure, however, the Plaintiff has provided the Court with sufficient evidence to support the facts constituting the claim. In the same way, the proceedings contain enough documentary evidence to support the claim filed, thus, the time share agreements of 8/07/2011 and 15/02/2011 entered by the parties can be declared as void and the Defendant can be sentenced to pay the sum of [REDACTED] pounds), increased by the relevant interest applicable according to Article 576 of the Rules of Civil Law Procedure.

SECOND.- Admission of the claim implies the enforcement of the Court fees on the Defendant, according to Article 394 of the Rules of Civil Law Procedure.

And by virtue of all the above, I hereby enter the following

JUDGEMENT

Having the claim filed by the Attorney at Court Mr Sánchez Díaz in the name and on behalf of [REDACTED] against **CLUB LA COSTA WORLD**, been admitted in all its aspects,

I.-) I hereby declare the time share agreements of 8/07/2011 and 15/02/2011 entered by the parties as void.

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II. -) I also sentence the Defendant to pay the Plaintiffs the amount of [REDACTED] as well as the sums paid subsequently to the filing of the claim deriving from the agreements being declared as void, increased by the relevant interest applicable according to Article 576 of the Rules of Civil law Procedure.

III. -) I hereby declare that the Defendants be sentenced to pay the Court fees deriving from this procedure.

Please notify this judgement to the parties and inform them of their right to file a remedy of appeal which, where applicable, must be filed at this Court within twenty days following the date of notification, with the previous requirement of payment of a deposit of FIFTY (50) EUROS into the deposits account of this Court.

PROVISIONS

The request made by Attorney at Court Mr Sánchez Díaz on behalf of [REDACTED] is hereby partially admitted to proceed. Please include in the judgement of 29th of October 2015 the following resolution:

"I hereby declare the finance agreements of 8/07/2011 and 15/02/2011 entered by the parties and connected to the time share agreements as void and the Defendant is hereby sentenced to pay for the cancellation costs.

Please notify the parties of this judgement, against which a remedy of appeal may be filed together with the judgement within the established timeframe to commence on the date following notification of this Proceedings.

And I hereby resolve, order and undersign this.


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