

**BUROFAX Premium Plus, with Delivery Acknowledgment and Certified Copy.**

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**Recipients:**

HOMEOWNERS ASSOCIATION PUERTO PLATA (COMUNIDAD DE PROPIETARIOS PUERTO PLATA), with Tax ID (CIF) No. H-35031228.  
TROND H.  
SERVATUR S.A., with Tax ID (CIF) No. A35032200.

All of them, with domicile for these purposes at the administration office of the Homeowners Association PUERTO PLATA, located at Avenida de la Cornisa, No. 7, 35130, Mogán.

Puerto Rico, on June 15, 2026.

**SUBJECT: Formal demand for the immediate opening of access points to the swimming pool and solarium of the Puerto Plata Complex, cessation of the deprivation of use of common elements, and provision of documentation justifying any eventual access restriction.**

Dear Sirs,

By means of this document, you are formally and bindingly required to proceed with the immediate opening of the access points to the swimming pool and solarium of the Puerto Plata Complex, removing any obstacle, sign, closure, fence, chain, padlock, tape, signal, verbal or written instruction, warning, or any other material action that prevents, limits, or deters the access and ordinary use of said common areas by the owners.

This demand is made based on the following:

**BACKGROUND**

1. – On April 27, 2026, Mr. Javier M. sent a burofax to the Homeowners Association Puerto Plata, to Trond H., and to Servatur S.A., formally requesting documentation regarding the announced works on the pool and solarium, the closure of which was announced to take effect as of April 30, 2026.
2. – In said demands, request was made, among other documentation, for the technical project, administrative licenses and permits, identification of the contractor company, civil liability insurance, execution schedule, detailed budget, person responsible for the works, planned measures affecting the owners, and the community agreement backing the works.

1. – The burofaxes dated April 27, 2026, were accepted and delivered on that same day at the address of the Puerto Plata Complex. Despite this, said demands have not been answered, nor have the requested documents been provided to the owners.
2. – Subsequently, in the preliminary injunction proceedings No. 0000474/2026, held before the Court of First Instance of San Bartolomé de Tirajana — Civil Section — Courtroom No. [blank in original], Order (Auto) No. 000281/2026, dated May 15, 2026, was issued, whereby an injunction was granted consisting of the suspension of the execution of the agreement adopted under item 4 of the Extraordinary General Assembly of the Homeowners Association Puerto Plata on March 26, 2026.
3. – The aforementioned item 4 referred to the proposal submitted by Servatur regarding, among other matters, the old reception, the social lounge, and common areas linked to the solarium. The Court Order itself identified that the agreement included, among other spaces, a portion of the swimming pool solarium and a portion of the lower solarium located in front of premises 6 and 7.
4. – The Order of May 15, 2026, expressly reasoned that the community agreement implied the disappearance of the community use of certain common spaces, including parts of the solarium, in order to allocate them to uses linked to the commercial exploitation by Servatur.
5. – Furthermore, the Order of May 15, 2026, ruled out that the necessity of the works due to safety, habitability, or preservation reasons had been proven, as no expert report justifying such necessity had been provided.
6. – By Court Decree (Providencia) dated May 21, 2026, notified on May 22, 2026, the Court acknowledged that the agreed bond had been deposited and ordered that the Homeowners Association Puerto Plata, in the person of its administrator, as well as Servatur S.A. and its president, be immediately and personally required to suspend the execution of any act backed by item 4 of the Extraordinary General Assembly of March 26, 2026.
7. – Said Decree expressly added that the suspension of the agreement included the suspension of the construction works to which the agreement refers.
8. – By another Court Decree dated May 21, 2026, likewise notified on May 22, 2026, the Court clarified that although the heading of item 4 referred to the old reception and the social lounge, the adopted agreement equally affects the solarium, as was set forth in the legal reasoning of the Order granting preliminary injunctions.
9. – The same Decree expressly concluded that the suspension of the works equally extends to the area of the solarium referred to in the aforementioned item 4.
10. – Despite the prior formal document demands and the cited judicial resolutions, access to and use of the swimming pool and/or solarium areas of the Puerto Plata Complex has been prevented for weeks under the pretext of the existence of works, a construction zone, or alleged safety reasons linked to said works.
11. – This situation is particularly serious because: i) the works linked to item 4 are judicially suspended; ii) the judicial suspension expressly reaches the solarium; iii)

the recipients were required on April 27, 2026, to provide the justifying documentation for the announced works; and iv) to date, they have neither answered nor provided said documentation.

12. – Consequently, the maintenance of construction signs, entry prohibitions, enclosures, obstacles, or instructions preventing access—in the absence of any effective, lawfully executable construction work and without a real, current, concrete, documented, and proportionate safety reason—constitutes an unlawful deprivation of the use of common elements for the owners and a factual situation incompatible with the judicial resolutions issued.

## **FORMAL DEMAND**

By virtue of all the foregoing, you are **FORMALLY AND BINDINGLY REQUIRED** to immediately and, in any case, within a maximum period of **TWENTY-FOUR HOURS** from receipt of this burofax:

1. – Proceed with the effective opening of all access points to the swimming pool and solarium of the Puerto Plata Complex that are currently closed, blocked, guarded, restricted, or physically barred without a legitimate cause.
2. – Remove any fence, chain, padlock, sign, signal, tape, obstacle, instruction, or warning that prevents, limits, or deters the owners from the access and ordinary use of the swimming pool, solarium, and linked common areas.
3. – Refrain from invoking the existence of works, a construction zone, ongoing works, or generic safety reasons as a basis for keeping the access closed, unless there is a real, current, concrete safety risk that is technically documented and independent of the judicially suspended works.
4. – In the event of maintaining that a safety risk exists which justifies any access restriction, immediately forward to this law firm, at the provided email address, a full copy of the documentation that was already requested via burofaxes on April 27, 2026, and which, to date, has not been provided, including in particular:
  - o Technical report identifying the specific risk;
  - o Author, qualification, and date of the report;
  - o Exact scope of the affected zone;
  - o Alternative, less restrictive measures adopted or proposed;
  - o Justification as to why the ordinary use of the swimming pool and solarium by the owners cannot be permitted;
  - o Technical project of the work, descriptive memory, and plans;
  - o Construction license, responsible declaration, prior notification, or applicable administrative authorization;
  - o Identification of the contractor company and civil liability insurance;
  - o Execution schedule;

- o Detailed budget;
  - o Person responsible for the works;
  - o Designated project management team (Dirección Facultativa) or any other technical documentation backing any material action in the zone.
5. – Refrain from carrying out any material or legal act that implies continuing, maintaining, consolidating, or executing, directly or indirectly, the effects of item 4 of the Extraordinary General Assembly of March 26, 2026.
6. – Confirm in writing to this law firm, within the same period of TWENTY-FOUR HOURS, that the opening of the access points has been carried out and that the ordinary use of the pool and solarium is permitted for the owners.

## **WARNINGS**

You are expressly warned that maintaining the closure of the pool and/or solarium under the pretext of judicially suspended works, or without the immediate provision of a real, concrete, and documented technical justification, may be brought to the immediate attention of the Court of First Instance of San Bartolomé de Tirajana — Civil Section — Courtroom No. 3, within the preliminary injunction proceedings No. 0000474/2026, requesting the adoption of urgent enforcement measures, personal requirements, warnings, coercive fines, imposition of court costs, and any other measures necessary to ensure effective compliance with the judicial resolutions issued.

Furthermore, you are warned that persisting in preventing access to and ordinary use of common elements by the owners, without legitimate cause, may give rise to the exercise of any civil, community, injunctive, compensatory actions, and, where appropriate, actions of any other nature that may correspond under the Law against the Association and against the natural or legal persons who have ordered, authorized, executed, maintained, or tolerated said deprivation of use.

Likewise, you are warned that persisting in preventing access and ordinary use of common elements, without legitimate cause and despite the judicial resolutions issued, may be brought to the attention of the Court and, where appropriate, of the competent authorities, in the event that the facts could constitute unlawful coercion (coacciones), arbitrary enforcement of one's own right (realización arbitraria del propio derecho), disobedience (desobediencia), or other applicable criminal offenses.

In Puerto Rico, on June 15, 2026.

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<https://artiles.eu>