



Demanda

TFAES8440

02/01/2024

Dear [REDACTED]

We hereby write to you with some good news informing you that our firm and several other collection agencies are currently working in-conjunction with the Spanish Courts to administer various legal issues regarding holiday companies and enforce judgments on sentences served against them on behalf of claimants that wish to expedite their payout.

In a preliminary Judgement on Monday 31st of October 2022, the Fuengirola Court First Instance Number 2 ruled against **Resort Properties S.L, Silverpoint S.L** and two of their main directors Mr. **Mark Cushway** & Mr. **Eugen Kaiser** serving a monetary sentence in favour of 712 Claimants, in your case; including legal fees, damages and interests, awarding [REDACTED] the amount of **26,638€**.

As the main directors at the time of that ruling were domiciled in Tenerife; the Chief Public Prosecutor had ordered that the case file be forwarded to the Santa Cruz First Instance Court Number 7. That combined with the inefficiency of Canarian Legal Alliance, caused nearly a one-year delay.

As you are probably aware, the payment behaviour of the Spaniards is one of Europe's worst and Defendants here in Spain are renowned to find ways to abscond their assets and rather cunningly register those assets in the names of different companies and individuals with the hope to then claim insolvency or bankruptcy and sadly the Courts here are aware of their modus operandi yet never seem to really take adequate action and usually allocate very little recourse for control or prevention on that front.

Therefore, inopportunately when a Court serves a monetary sentence in your favour in a civil claim; there are two subsequent mandatory steps for the lawyers representing you to follow. First, one motion must be filed with the correct legalities and intricacies in order for the Court to prescribe and finalise the judgment and another motion to then have the judgment processed by an appointed Court Procurator to be enforced in practice for the defendant to then arrange to assemble payment/s of what was allocated to you to be paid.

Unfortunately, despite a favorable ruling, Canarian Legal Alliance had not filed these two necessary enforcement motions.

On a positive note, however; when many claimants rather despondently nearly lost faith, we have officially been appointed on Monday the 18th of December 2023 by the Santa Cruz First Instance Court No. 7, to intervene and deal with the enforcement of that judgment on the now scheduled hearing of Tuesday the 30th of January 2024 to deal with any irregularities and avoid unnecessary further delays and complications.

Our Company, founded on Thursday the 12th of November 1992, consists of a consortium of well-respected Lawyers, Consultants and Administrators, with Mr **Manuel Esteban Morato** overseeing all aspects of civil and criminal law, tribunal attendances and compensation claims.

Our firm is officially recognised by the high Courts of Madrid and the High Courts of Santa Cruz de Tenerife and our lawyers are authorised to operate in any Court of Law in Spain. Our CIF; Código de Identificación Fiscal, (Fiscal ID Number) is **A21875848**.

We have two offices, one in Madrid and the other in Tenerife and amongst other services we provide; this Division here in **Tenerife** is a specialised Collection Agency and a member of the Fiscal Economists Advisors Register (REAF) and of EURTAX (European Union) and has the status of Social Collaborator for the "[Agencia Tributaria](#)", the Spanish Inland Revenue.

Our tax experts provide our clients with comprehensive management services which ensure that, whilst complying with the current tax laws, the best judgment enforcements and most swift payout conditions are obtained.

Our firm, registered as a collection agency also has the legal status, supremacy and pre-eminence to underwrite such activities proficiently demanding that the Courts proceed to liquidate company assets and also the company directors' personal assets and bank accounts to ensure that your debtor will not obscure assets or reduces the chance of redress in any another possible way.

Charging a what we deem a very reasonably calculated, one-off upfront fee of **870 Euros**, we shall deal with the enforcement of your particular judgment ensuring a swift and secure payout to you is obtained.

Please note however that although the Court has appointed us to intervene; you are under no obligation to head with the Court's recommendation to employ our professional services.

It is important however that you contact us **as soon** as you receive this letter with your instructions to either opt in or for us to renounce and abdicate.

Should you opt in; your payment of **870 Euros** is required in order for our lawyers to immediately instigate the enforcement of your judgment for the amount of **26,638 Euros**.

Once your payment to us has been received, we shall immediately file a motion of "*conservatoire*" deriving from the verb "conserve" where assets are immediately seized and the debtor can no longer freely dispose of those assets and they may no longer be utilised, rented or sold.

The directors of the debtor will also receive a personal summon to attend the court within 7 working days to give full details in relation to their personal assets including cars, boats, Private pensions, insurance policies, bank and mortgage accounts.

The Directors will also be questioned on oath regarding any monetary involvement with other companies or entities and other income or possible future income they may possibly have.

We as a registered collection agency have the Legal Status to obtain account details of a business and/or individual from the "[Banco de España](#)", the **Spanish Central Bank** and place an instant levy on those accounts.

A prejudgment attachment known as garnishee order will also be implemented. A garnishee order is a third-party debt order levy to recover the settlement amount from the debtor's bank account or even credit facilities.

A charging order is also put into practice; a charging order will register a caution against the debtor's and directors' properties if they even happen to be in the process of sale. The solicitors dealing with the sale have to by law immediately settle your judgment debt from the sale proceeds.

A writ of control will also be put into action authorising an "*Alguacil*" the equivalent of Bailiff or HCEO High Court Enforcement Officer to enter all Debtor's premises peaceably taking control of assets and goods to cover the debt.

Last but not least should the debtor or the directors have declared or undeclared assets abroad; our Lawyers are well-versed in European Laws and legislations and are aware that by instigating and prompting the correct enforcement documents; the "*Acuerdo Bilateral*" known in the UK as a Bilateral Treaty or the Recast Brussels Regulation (EU) No. 1215/2012 which reformed Regulation (EC) No. 44/2001 (Brussels I. Regulation), will allow them a speedy and simplified enforcement of judgments obtained in the courts of one EU/EEA member state in all other member states.

That Recast Regulation came into force on the 10th of January 2015 and applies to any case heard on, or after that date and applies to orders of courts and tribunals of any nature in civil and commercial matters where an enforceable judgment issued in one Union Member State, will also be notified to the enforcement authorities in other Member States.

With the exception of Denmark and Hungary, our Lawyers will obtain a cross border all over Europe, "*Embargo de haberes de la Unión Europea*", meaning European Community Garnishment, commonly known as freezing assets, where the debtor's assets and Bank accounts and ones of the Director, are immediately seized in other European countries without any intermediary procedure being required.

With assets, both tangible property and intangible property as any form of intellectual property, franchise or brand reputation are seized. With bank accounts, the country hosting the account/s must repatriate the funds to Spain immediately.

Real world professionalism and rigour is at the heart of our performance and thanks to years of experience, we bring well-honed deftness and agility to the practice of mediation, adhering consistently to legal constraints yet procuring best results.

Our experienced accredited mediators understand that you do not want the delays and the stress and will efficiently and swiftly deal with the enforcement of your judgment within days.

We trust all the above is clear but as a fully integrated, global partnership, we pride ourselves on our approachable way of working so please do not at all hesitate to contact us for any further clarifications.

We have in any event out of courtesy, instructed our Lawyers' Liaison Office to contact you shortly to discuss this good news and perhaps answer any questions or queries you may have.

The Liaison Officer is legally compelled to quote the *Demanda **Number*** heading this letter, assigned to you by the Court for your security in order for you to validate the caller, authenticating therefore, their provenance and legitimacy.

We pledge to be as proficient and professional as you would expect from a Company of our standing and look forward to finalising your payout shortly.

Yours sincerely



Jorge Galan Fulano

Abogado

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