

B R E X I T

Brexit Article 50 could be triggered in early 2017.



When will Article 50 be triggered? That is the most asked question.

A Downing Street spokesman said: "The government's position has not changed – we will not trigger article 50 before the end of 2016 and we are using this time to prepare for the negotiations."

In other hand, Boris Johnson has also publically stated that the UK may invoke Article 50 early next year. The Foreign Secretary said that formal talks to leave the EU will not take two years once Article 50 is invoked, nevertheless, Theresa May's spokesman said: "We would not speculate on that."

Therefore, no specific date has been fixed yet and the time that process would take cannot be anticipated either.

Any delay invoking the article 50 will be on UK Expats and UK visitors benefit, as you know, nothing will change until the process is over.

Despite the Brexit uncertainty, Spain marked positive economic growth due to increased private consumption. Consumer prices rose 0.8 per cent from the previous month on an EU harmonized basis up from no change in August. The Bank of Spain said Thursday that gross domestic product is set to grow 3.2 percent this year, which was faster than the 2.7 percent forecast in June.

If you are worried or need to talk about any individual concern related to BREXIT please, do not hesitate to contact me: connie@rhv-lawfirm.com

Connie Raymundo – Lawyer & Barrister at Raymundo & Hopman Abogados.

Here Take My Bag



By Tina Brown – Tax Adviser and General Services Expert.

I'd been in the country just half an hour when I was robbed!

Having crossed the border I pulled into a service station for a coffee and when I came out my tyres had been slashed. In my confusion the culprits lifted my bag, thus leaving me stranded and penniless on the side of the road. In the pouring rain!

Blindly running around shouting I'd ordered my bag (pedir -to order / perder - to lose – confusing under stress) I became one of the many caught by this ruse. As newbie's with our foreign plates or cars loaded to the gills with luggage we stand out like a camel at a dog show and are easy prey for those without conscience. Over the years I have heard of many caught in the same or similar way.

In last month's newsletter Ignacio Ganga told you what to do when you have been robbed, but apart from walking round with a monstrous dangerous dog, there are some simple measures you can take to try and limit the chances of this happening to you.

On The Road

Those dirty rotten scoundrels have many ploys in their arsenal, the slashing of tyres above being just one of them. On the roads they can pull up behind you, flashing their lights, trying to get you to pull over. The cautious driver might think they have a flat tyre, a smoking exhaust, or who knows what, so they stop and leave themselves open.

Whilst one person approaches the car to “tell you what's wrong” another looks for an opportunity, a handbag or computer on a backseat for example. This is also something to watch out for at traffic lights or junctions, an unlocked door can be quickly opened and your goodies snatched away before you even have a chance to react. They can follow you for miles or use a tag team and whilst you can't live your life being a paranoid wreck a little self-awareness is always good, keep an eye on who's following you and as a point, I always keep my doors locked, just in case.

Out and About

You may not want to walk around with bodyguards or carry a baseball bat but you do need keep your eyes and ears open. Whilst sitting on a bench, if a stranger comes up and tries to distract you make sure you keep a hand on your money, whilst he's asking for directions, or the time, or if you've seen his dog, his accomplice is nipping off with your purse. When browsing round the shops or the market make sure your purse is tucked safely away, it's always best to have a cross-body handbag, Velcro and zipped pockets, bum bags, it doesn't matter what you look like, as long as your money stays safe. Whilst sitting at a bar or dining at a restaurant don't leave your bag just sitting on the ground, if I put my bag down I always wrap it round the leg of my chair a couple of times, and when down on the beach don't take all your worldly goods and don't fall asleep with your valuables on view.

You wouldn't walk around with a billboard saying “rob me” so don't walk around carrying everything you own; it's all just plain common sense.

At Home

Do you go out and not lock your doors at home? Do you go down to the end of the garden and leave the windows wide open? Do you leave your handbag by the door on view to the world? Of course you don't, so don't do it here, you might be on holiday but the burglars aren't!

Sometimes I think people leave their brains on the plane when they arrive. Would you be so careless in your everyday life? I appreciate that people relax when they are on holiday but this attitude shouldn't extend to your personal safety. I have a friend who has had his passport and wallet stolen three times in Spain, he's an experienced traveller who has been to far riskier places than Alicante, but because he's been to visit so many times he feels at home here, he relaxes and drops his guard, thus falling prey to the bad guys. I asked him to read this article and he said it was all just common sense, my reply..."if it's all just common sense, why have we been to the consulate three times for an emergency passport?".

Despite all the above though, when all is said and done, if you do get robbed it's not the end of the world, in most cases thefts are done by chancers who see an opportunity and take it. It's almost a rite of passage to be robbed in Spain, in every bar in every town people will have a story to tell of when they were robbed, but the main point to note in all of them is, it was the inconvenience and cost more than anything that was the problem. Violent crime is rare, it might cost time and money to replace your lost documents but as long as nobody is hurt it's just "stuff". So, if confronted and someone tries to grab your bag just let them have it.

You can't live your life in fear but you can be aware and do something proactive to protect yourself.



Tina Brown – EXPAT SOLUTIONS LA MARINA.
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The scars of 2008 still run long and deep.



By David Diggle – Financial Adviser

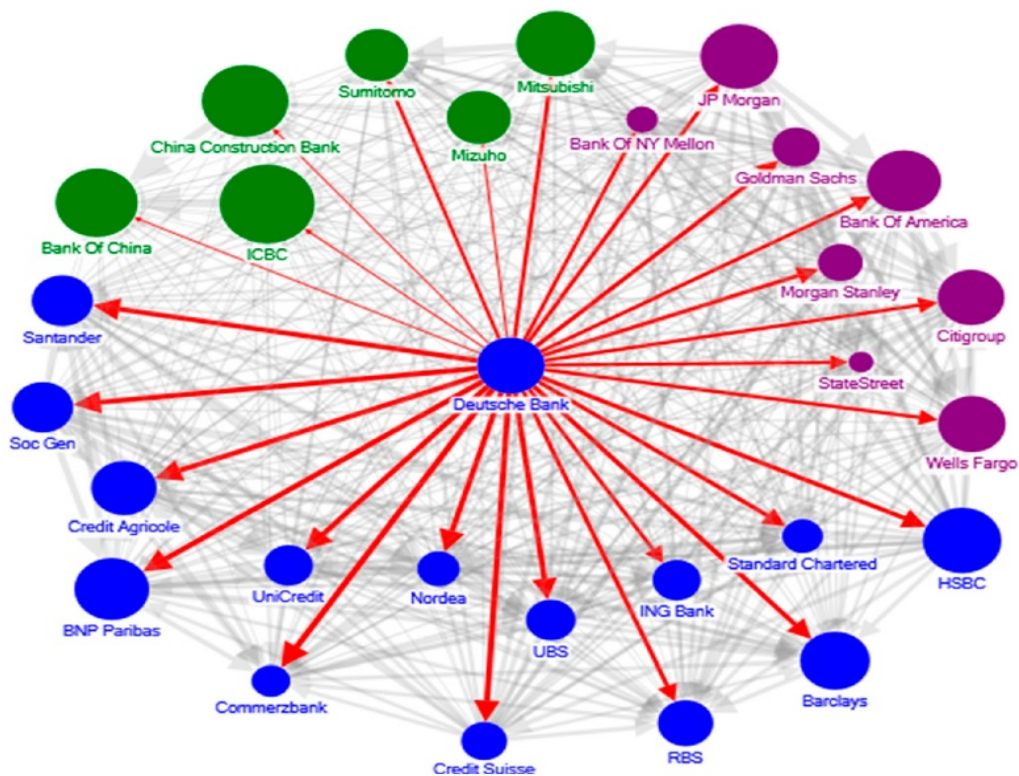
Shares of Deutsche Bank hit record lows this week on mounting concerns about the survival of the struggling German lender. In the past two weeks, it has been hit with billions in fines from the U.S. Justice Department and reports that the German government won't be helping the ailing bank.

Since a peak in July 2015, shares have fallen more than 65 percent and the stock has erased more than half of its market value from nearly \$50 billion to about \$16 billion this week. Meanwhile, net revenue fell almost 21 percent in the first half of this year from last year, according to the company's interim report.

A major concern for global markets about Deutsche Bank is its deep connections to global financial institutions, which has some investors fearing a larger bank crisis, though analysts continue to indicate that the situation is nowhere near so dire.

In June this year The International Monetary Fund released a report saying that Deutsche Bank “appears to be the most important net contributor to systemic risks in the global banking system”.

The below diagram gives an indication of those banks that will be directly effected should the Deutsche Bank situation deteriorate further. It appears the bigger the ball on the diagram the worse it is. Luckily, I owe HSBC money and not the other way round.



A German bank. In trouble. Who'd have thought?

So where am I going with all this?

Well, nowhere too deep except to say whatever you do with your savings money, which includes your pension pots, the best way to defend against a single catastrophe is diversification – across industry sectors, geographical areas and currencies. As we have seen, these catastrophes continue to appear.

When discussing clients financial position, they often tell me about guaranteed products that they own but I always ask “which institution is giving the guarantee?” I always use the analogy for explanation is that if Lloyds are offering 1% deposit interest and the Bank of Zimbabwe are offering 11% - who are you going to choose to hold your cash? Choosing investments, investment houses and their products is exactly the same and that is why we only will only recommend proven professional institutions whose mandate for investing is low risk and not too wacky.

Next month I will tell you about our Nexus Portfolio funds including an income fund that was designed for Blacktower exclusively, which will hold a diversified basket of approximately 100 different shares directly from companies such as GlaxoSmithkline, Johnson & Johnson, Vodafone, British Aerospace, Rolls Royce etc. The Income fund has been designed solely for the purpose of receiving dividends and it is anticipated that this should yield 3.5 – 4.5% pa. These portfolio funds will sit along side a range of offerings that we currently recommend.

Finally, the Euro versus Sterling rate is 1.16 today, so if you are of the opinion that Sterling will only get stronger in the coming months and years and you are holding too much Euro cash, you may want to consider this as a very good time to exchange to Sterling including buying sterling investments. That way you may not only get the gains from a normal investment but you could make a currency gain too.

Blacktower Financial Management (International) Limited are here to suggest the correct investment solution for your family circumstances and your risk profile. Regulation rules DO NOT allow us to place you outside of your comfort zone, so even if you are very cautious in nature, we will only recommend something appropriate for you, and nothing more and that is my guarantee!

We are here to help, so to arrange an independent, professional and impartial consultation please contact me by email dave.diggle@blacktowerfm.com or call me on **615 607 278**.

The Blacktower Group has been established for 30 years and have worked with clients through the good and the bad times, offering sound independent advice.

Dave Diggle C.A.T., DipFA, (based in Costa Blanca South but covering all areas, Main office: Edificio Palau III, local 7, Javea 03730, Alicante, Spain)

The above information was correct at the time of preparation and does not constitute investment advice and you should seek advice from a professional adviser before embarking on any financial planning activity.



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MATERNITY LEAVE (MATERNITY DISCHARGE PERIOD)



By Connie Raymundo.

The following article, published in the Costa Blanca News, explains the **Maternity Leave in Spain**, an interesting piece of information even if you are not working.

A paid leave period for child birth paid by the Employer should not be confused with Maternity Leave (or the maternity discharge period) because even though the Company/Employer continues making the Social Security contribution payments for the employee, the salary during this maternity leave period will be paid by the Social Security Government Body (INSS), or in some exceptional cases by a specific profession's dedicated Mutual Association.

Maternity leave or maternity discharge period here in Spain is of 16 weeks duration and must be allowed without interruption - the mother should always benefit from the first 6 weeks, but the remaining 10 weeks can be ceded to the father.

For multiple births the maternity leave is extended by two weeks in the case of a second child and by a further two weeks in the case of a triple birth. The maternity leave period will be also increased by two weeks should the child be born with any type of disability. Also, if the baby needs to be hospitalised either immediately after birth or during the first month of life, the maternity leave will be extended by the equivalent number of days that the baby has to remain in hospital, up to a maximum of thirteen weeks.

There are specific provisions relating to children who are adopted or fostered, and these generally apply to minors under 6 years of age: maternity leave will similarly be of 16 weeks duration that can also be increased by another two weeks should the child suffer from any disability, and this will be a continuous period without interruption but which can also be taken alternately between the father and mother as they may wish. These provisions can also apply to minors over 6 years of age who have a disability, who have or come from difficult or troubled personal circumstances, and /or if they are foreigners and find trouble fitting in socially – although in this last case Social Services will first evaluate the situation.

The statutory annual holiday month can be added to the maternity leave period where these coincide. Furthermore, if the holiday month was fixed by the Company and occurs during the maternity leave, then the employee will have the right to take it on a different date if they prefer, even if the year for which this holiday period applies has ended.

During the maternity leave period, the employee will receive 100% of what the Company/Employer declares and contributes for, in other words this will normally be equivalent to her/his entire salary. However, and in order to qualify to receive this payment, the worker should have been contributing to Social Security for at least one year during her/his professional life (or 180 days in the last seven years). This required contribution period decreases in certain cases, for example when the mother is below 21 years of age.

Self-employed workers also have the right to enjoy maternity leave, and payment will be equal to the sums stipulated in and regulated by law according to the professional sector in which they are engaged: however, they will have to apply for this by the means of an application form that should be filled in and presented to the Social Security Department within the first fifteen days immediately following the birth of the child.

Unemployed people also have the right to enjoy maternity leave, and their unemployment allowance will be temporarily suspended during that period and then restarted when the maternity leave is over: sadly, not every situation and/or person is covered.

Also, there is a fixed allowance covering the first six weeks known as 'non-contributory maternity allowance' to which someone that has not worked or made sufficient Social Security contributions can be entitled to - in such a case, and if the father is working, the mother can cede the last ten weeks to him and he will receive full payment for the maternity leave. Please, if you are in any situation mentioned in this paragraph you can either ask your local Social Security Office for more information or you can contact us and we will assess your specific case.

Please, do not hesitate to contact me connie@rhv-lawfirm.com if you need more information.

***Connie Raymundo –
Lawyer & Barrister at Raymundo & Hopman Abogados.***

Child abuser arrested in Alicante.



By Ignacio Ganga. Lawyer.

Last Thursday, the 22nd, a British expat was arrested in Alicante under a European Arrest Warrant, wanted by Newcastle Courts suspected of child abuses over 20 years ago at the UK.

Authorities say the arrested befriended of the minor's father to start the abuses at minor's home. Also, a minor's friend could suffer same situation when convinced to visit the house for tobacco and alcohol.

At the moment, the case is under Court control in Madrid to proceed with the extradition to UK. The arrested could face 10 years in prison for these issues if finally extradited to UK.

In Spain, this offence is punished under article 183 Criminal Code with a standard penalty between 2-6 years, but the conduct can be punished up to 15 years for some aggravated circumstances.

The European Arrest Warrant (EAW) was brought to boost criminal proceedings for EU members. It was introduced in January 2004 and only National courts and judicial authorities are entitled to issue an EAW. The suspect must be accused of an offence incurring a maximum penalty of at least a year in prison, or must have been already sentenced to at least four months in prison.

Due to Brexit outcome, some new EU amendments could arise for this EU agreement.

Please do not hesitate to contact us for any query in regards to this or any other Criminal Issue emailing to iganga@rhv-lawfirm.com.

Ignacio Ganga – Lawyer & Barrister at Raymundo & Hopman Abogados.

DS & SJ Consultancy Ltd

Pensions Update

Retirement – when, Cash Investments, Term Annuities, LTA Registration and PPI Calls



By David Sawyer – Independent Financial Consultant at DS & SJ Consultancy Lt, UK.

Retirement – But Not As We Know It?

My father, when he reached 65 had to retire because that was his employers and indeed most employers practice. He was fortunate to have a salary based pension scheme – even though it provided a fixed pension. However, he was not ready to retire. Having spent his working life outdoors the confinement of four walls was detrimental to both his physical and mental health. Age discrimination and improved work practices have, to some extent, taken away those 65th birthday fears.

As always workplace dynamics change over the years. Whilst it is no longer compulsory to retire at 65, due to age discrimination, there are only a few “gold plated” pensions and annuity rates are no longer attractive. In addition, we are living longer so need to ensure that there is sufficient income for our ultimate retirement. Pension Freedom has meant that there can be greater flexibility when planning for retirement.

The Department of Work and Pensions recent figures show that the number of pensioners (State Pension) working after 65 has risen from 396,000 (1984) to 1.14ml. Early retirement is also on the decline (source Daily Telegraph). Research also indicates the increase in the number of women now working compared to then. There has also been an increase in post retirement age self-employed.

The good news is that we are on average healthier and in many cases not ready to retire. Today's 70 is yesterday's 60. This does not mean that post normal retirement we are working full time but are taking the opportunity to work reduced hours to ease into retirement. This helps improve pensions and other retirement savings and – so I am told – helps to sustain a marriage during this period of change.

It is the individual's decision as to what is best for them, be it financial or physical – advisers can only project what income may be required into retirement not dictate how one should best spend ones, now valuable, time. I can only say that I believe that had my father been 65 today that he could have been looking forward to the telegraph from the Queen.

Annuities are not Dead as a Maturing Retirement Pension Option.

One of the reasons for the introduction of Pension Freedom, for those over 55, was that annuity rates had become attractive. Nevertheless, they must still be considered by those wishing to have guarantees in their retirement income. It is no longer necessary to purchase a conventionally "lifetime annuity" which gives guarantees for life. However, if this is not deemed suitable one can consider a "fixed term" annuity.

Fixed Term Annuities provide a guaranteed income for a specific term usually with a guaranteed lump sum at the end. They will pay a regular income, normally between 1 and 25 years. At the end of the agreed term the guaranteed maturity payment is made allowing reinvestment into cash, investment or taken as a lump sum subject to tax.

There increasing popularity is that they can be used to create some immediate income to allow time to consider later options or in conjunction with a drawdown plan.

It is also worth remembering that where the 25% tax free lump sum is not required that it can be used to form part of a regular income to reduce tax liabilities. As always professional advice should be taken when considering retirement income planning.

SIPPs and Fixed Rate Bonds.

Last month we highlighted the issue with regard the use of gold bullion via Royal Mint as a form of SIPP investment. This month we have the issue with regard **fixed rate bonds**. Whilst cash may seem the simplest secure investment available, new rules are expected to make this less attractive for some pension providers.

Fixed term cash deposits allow savers in SIPPs to achieve better rates of interest due to there being locked for the set periods – usually for a period of five years or more. Due to a quirk in the City watchdog new requirements SIPP firms are required to classify these basic accounts as esoteric "non-standard" assets.

It is understood that the more proprietary SIPP providers – usually the household pension companies – will not wish to hold these bonds within their SIPP accounts. However, the more specialised standalone SIPPs, which are designed to give greater scope will accept them.

Where a SIPP investor has a preference for these bonds they will need to take this into consideration from outset or decide whether or not, where there is an existing plan, if they need to change providers.

Pensions Ombudsman Service

This service was renamed as at 1st September to **The Pensions Ombudsman**, this change is designed to bring it in line with other partner organisations such as The Pensions Regulator and Pensions Advisory Service. The theory is that it will be simpler and less complicated to find the right service in the event of a dispute.

Lifetime Allowance Protection Members

This has been covered in a previous updates but we can now confirm that those eligible for Fixed and/or Individual Protection 2016 can now make a full online application via the established website – <https://www.gov.uk/guidance/pension-scheme-protect-your-lifetime-allowance>. Those wanting to apply for IP16 and/or FP16 via the new online service (or to subsequently view their Protection) will need a HMRC Online Account. <https://www.gov.uk/log-in-register-hmrc-online-services>. Click Register for HMRC Online Services and use Search Key – **Protecting Lifetime Allowance**.

Remember the reduction in the pension Lifetime Allowance to £1.ml this year should not be ignored as it could prove costly.

Beware Increased Transfer Values from Final Salary Schemes.

The increasing cost of providing guaranteed final salary incomes has meant that recently we are seeing increased transfer offers in order to reduce the pension schemes liabilities. Whilst this may be attractive to some individuals it is important that professional advice is sought before transferring as an attractive gain today may severely affect one's long term security in retirement.

And Now for Something Different – PPI

The regulators are to draw a line so that PPI claims cold calls should stop. This will not happen for a couple of years but could be good news to some who hate these intrusive telephone calls. On the other hand, there are some lonely people who enjoy the occasional unwarranted call to break the days monotony.

N.B. www.tpsonline.org.uk/tps/number_type.htm is the link to **The Telephone Preference Service** - a free service which enables you to join the official register to opt out of unsolicited sales and marketing calls.

David Sawyer – Director

www.dsandsjconsultancy.co.uk

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E&O.E

MORTGAGES (Part 1)

Basic Guidelines and Recommendations.



By Connie Raymundo- (Article published in CBNews)

A mortgage, or mortgage loan, is a means by which purchasers can raise funds to buy real estate or by which existing property owners can raise finance for other purposes, whilst placing a lien or charge against the property being mortgaged to guarantee the repayment of the debt – the loan is secured against the collateral value of the property.

Although this description covers the essence of the arrangement, a mortgage is actually a complex contractual relationship between the bank (usually) that provides the finance and the client seeking the loan.

There are a series of basic guidelines contained within the Bank Client Protection & Transparency Law that the Spanish Central Bank recommends should be followed when seeking a mortgage.

Firstly, it is always advisable to compare mortgage conditions and offers from different banks in order to source the mortgage product best suited to your particular requirements. To help with this process there is a non-binding document (produced only for information purposes) called FIPRE (Pre-contract Information Sheet), in which the details of the mortgage that a bank may offer will be described, although only in general terms. All banks should provide this document free of charge, so a mortgage applicant or client can request this from as many different banks as they wish.

In the meantime, the client has to gather together all his financial information, including credit report, bank statements, last tax return forms and pay slips – these are the basic items but, depending on the client's individual situation, the bank may well asking for further supporting documentation.

Once the client has decided which bank he wishes to use and has provided the relevant financial information, he should then ask for the FIPER (Individualized Information Sheet) in which any individual terms and conditions being offered by that particular bank to that particular client must be stated.

This document has to be supplied by the bank prior to the client signing any bonds, and if new or different terms or conditions are subsequently agreed during the course of negotiations, then these should be appended or attached to the FIPER: this document must be also issued free of any charge to the client.

After negotiations have been completed and both parties have decided to proceed with the mortgage contract, the property to be mortgaged must be valued by a surveyor. Based on this valuation, what is called a binding offer “Oferta Vinculante” must be presented to the client: this will be in the same format as the FIPER document mentioned above, but the words “Oferta Vinculante” must be shown at the heading of the document and must include the time period for which this specific binding offer will be valid, usually 14 days.

Set out within this binding offer document must be every financial detail of the mortgage including interest rates, length of the mortgage term and so on, and this has to be provided to the client at least 3 days before the mortgage deeds are due to be signed. The same procedure applies to the draft of the mortgage deeds, in that the client has the right to properly examine this draft for at least 3 days prior to signing at the Notary in order to check and confirm that all the information in the binding offer and the mortgage deeds properly coincides.

On the actual day of the signature, should the Notary find any difference whatsoever between the binding offer and the actual deeds, then he is obliged to inform the client who has the right to request the proper modifications.

Regarding the amount of the money usually granted to a mortgage applicant, nowadays - and following the ‘financial crisis’ - banks will offer a maximum of 80% of the house survey valuation to Spanish nationals, a maximum of 60% to nationals of other EU member countries and, depending on the individual bank and a client’s specific personal situation, 40%-50% of the valuation figure to non-EU nationals. However, this can and does sometimes vary depending on each client-to-bank relationship.

Connie Raymundo – Lawyer & Barrister at Raymundo & Hopman Abogados. ICALI Reg. Nº 5936.

SELLING A HOUSE IN SPAIN.



By Roberto Fernández, lawyer at Raymundo & Hopman Abogados.

(Basic guidelines that can be found in our website)

Even when someone may tell you that selling property is easier than buying, we have to inform you that sadly this is a mistake; any failure providing information to the purchaser or any mistake in the sale business may end in a Law suit against you to get the contract declared null and void.

Therefore and in the same way we did for the purchase, we recommend you to use a **Lawyer (Conveyancing expert** when selling a Town House and **Land Laws expert Lawyer** when selling a country home) who should be expert in this field, especially if your property is in rustic (agricultural) land. Our Independent Lawyers, experts in both, **Conveyancing and Land Laws**, will be pleased to help.

Before you even advertise your house for sale, please you have to chek that the Land Registry and Catastro information match with reallity, that way you will avoid further delays and costs.

As a vendor, your obligation is to provide to the purchaser the following documentation;

- Purchase deeds and Land Registry Certificate.
- Your personal identification.
- IBI local tax and rubbish collection bills for the current year.
- Last water, gas and electricity bills (and supplies installation bulletins, if having it).
- If your house is in a compund then, a certificarte from the Administrator proving that you are up to date with all payments to the neighbours Association.
- First (or second) occupancy licence.
- The House Energy Certificate.
- A certificate from the tax authorities informing if you are or you are not a **Spanish tax resident**.

In the private sale contract you will have to include any legal circumstance(s) that may be affecting the property. This is the key document for the vendor please, ensure it matches with reality.

For better protection of your interests, we strongly recommend you that purchaser is visiting the house prior to the contracts signature. This visit should be mentioned in the contracts.

In reference to the expenses, you will have to pay the Mortgage cancellation costs at the Bank and at the Notary as well, and, you will have to pay for the local tax applied to the property updated value called (Plusvalia).

Once the house is sold and for the above mentioned Plusvalia payment, you should bring to your SUMA office or to your Town Hall a simple copy of the sale deeds in order to ask for the payment valuation.

In case the local tax (IBI) for the current year was not issued at the time of the sale then the purchaser will hold the money for it as its payment is your obligation.

If you are not a Tax resident in Spain then, the purchaser will also hold a 3% of the sale price in order to pay it to the tax authorities.

And please remember; seller and purchaser should not use the same legal adviser or conveyancing expert.

Please, contact us today for further information:

Robert@rhv-lawfirm.com

Roberto Fernández, Lawyer at Raymundo & Hopman Abogados

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BARC – Busot animal Rescue Concern CV-01-044306-A

BARC URGENTLY NEED:

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Contact: Animals – John 965 975 470, Shop - Steve 677 093 585, Fundraising and events – Pat 630 892 513

BARC AUCTION at BROWNS BAR – EL CAMPELLO, Thursday October 20th.



BARC
www.barc-busotanimalrescueconcern.org
Reg Charity. CV-01-044306-A



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