

Our Ref:

19 June 2014

Dear

Water Feature – Moving to Residents ownership

We are writing to you regarding the Water Feature at Columbus Point, Sovereign Harbour, where we understand you own a property.

We understand that you are one of the small number of the owners at Columbus Point who have not as yet entered into the new Deed of Covenant and so we are concerned that you remain a Defendant in the High Court legal action that has been started by Aria Homes and Columbus Point Management Company (CPMCL).

We are writing to ensure that you, and all of the other owners who are in the same position, fully understand the process that has been followed and the implications for you if you do not enter into the new Deed of Covenant.

Eastbourne Borough Council (EBC) has for a number of years been seeking to assist the owners at Columbus Point to resolve the long running dispute with Aria Homes and CPMCL. Both of us have attended numerous meetings with the representatives of the developer/management company, those owners who have formed the Water Feature Action Group, the Columbus Point Residents' Association, the Dominica Court Residents' Association and your local MP, Stephen Lloyd.

One of the steps we took was to commission an independent survey to report on the condition of the Water Feature. To assist the owners at Columbus Point we then asked Aria Homes to carry out, and pay, for the various works that were recommended in the independent survey. We are pleased to say that Aria not only agreed to do so, but have also undertaken, at its own cost, extra works over and above those recommended in the survey.

Since the works have been done we have continued to assist in the negotiations with Aria Homes and CPMCL. We have come a long way in those negotiations, leading to the offer that has been made to all of the 369 owners by Aria Homes. At the time of writing, the owners of 317 of the relevant properties have accepted the offer made and as a result they will not have to pay any of the charges accrued up to 30 April 2014 and they are also no longer part of the High Court action. The management company will also now have substantial funds injected into it when the local residents take it over. I think you would agree that with such an overwhelming number of your neighbourhood who have signed the new deed, they agree that the offer made by Aria Homes is a good one.

Both the management company and the large number of your neighbours who have signed new Deeds of Covenant would like to see all of the relevant owners do the same. That would enable all owners to move forward together and avoid further disputes. There is also the possibility of a further sum of money being paid into CPMCL by Aria if everyone signs a new Deed. We would therefore urge you to sign the new deed.

We do feel you should be aware that if the New Deed is not signed, it is clear to us that Aria Homes and the management company are committed to completing the legal action against you and any other owners who do not agree to the settlement offered. If you have reached an informed decision to defend the proceedings and are committed to the cost and time that will be involved, it is not our role to persuade you otherwise. However, we want to make sure that you understand that we have reached the present position after a number of years of active involvement and negotiations by us both, as well as members of the various resident groups, and your MP. These groups have devoted significant time and energy to achieve a successful outcome for the benefit of all owners.

The vast majority of owners have settled the High Court action and so if you are intending to defend there will only be a small number of you. We have no wish to alarm you, but you should appreciate that the legal proceedings are likely to be very expensive and we are anxious to ensure that no one is unwittingly caught up in the litigation without understanding the full implications. The High Court claim against you can only be stopped by settlement if you respond to the paperwork you have already received from the solicitors. We would point out that the agreement that the various resident groups have reached with Aria Homes will not stop the claim against you unless you personally take steps to accept the offer that has been made.

We do believe that the best long term solution that can be achieved for all of the relevant Columbus Point owners is to follow the approach of the vast majority and agree to enter into the new Deed of Covenant. You will then avoid the stress and cost of High Court litigation and be able to join your fellow owners in taking over the Water Feature, which has had significant investment, and you

will not have to bear any of the charges that have been accrued up to 30 April 2014.

If you wish to discuss the situation in more detail I would urge you to speak with your local Water Feature resident groups (water.feature@btinternet.com) who have all the details. Alternatively please feel free to call either of us on the numbers below.

Yours sincerely

A handwritten signature in blue ink that reads "Gordon Jenkins". The signature is written in a cursive, flowing style.

Gordon Jenkins
Councillor for Sovereign Ward
Eastbourne Borough Council
07771 760159

A handwritten signature in black ink that reads "Jefferson Collard". The signature is written in a cursive, flowing style.

Jefferson Collard
Senior Head of Development
Eastbourne Borough Council
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