

Mr and Mrs  
XX Dominica Court  
Eastbourne  
BN23 5TR

Reference: Waterfeature/230614/JW

Date: 17<sup>th</sup> June 2014

Dear XXXXXX

I am writing to you over the important issue of the Water Feature at Columbus Point in South Harbour, where I understand you own a property.

I have been informed that you are one of the small minority of the owners at Columbus Point who have not yet entered into the new Deed of Covenant and therefore remain a Defendant in the High Court legal action that has been started by Aria Homes and Columbus Point Management Company. Naturally it is entirely your right to do as you chose but I just wanted to make contact directly 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 if you do not enter into the new Deed of Covenant. Along with your Ward Councillor Gordon Jenkins, Eastbourne Borough Council, Aria, and representatives from the various Water Feature Residents Groups, I have been actively trying to find a productive way forward for all affected local residents.

I first became heavily involved in this challenging situation about a year ago, when I offered to help the 369 affected owners at Columbus Point resolve the long standing issues over the Water Feature. Since that time I have chaired numerous meetings as we painfully inched towards what we all accept is a sensible, workable and productive solution and the committee has come a long way over the last year! Aria have undertaken and paid for substantial improvement work on the Water Feature, our negotiations with them have led to the agreement they have offered to all of the 369 owners, and they have committed to a £175,000 contribution. Latterly, the owners of over 300 of the relevant properties have accepted the offer made and as a result they will not pay any charges accrued up to 30 April 2014 and they are no longer part of the court action. The management company will also have the funds injected into it when the new resident directors take it over.

Understandably, though, the management company and the owners who have signed new Deeds of Covenant want all of the affected owners to do likewise. That

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would enable owners to be on the same footing going forward and avoid further disputes. There is also the very real possibility of more money committed to the management company by Aria if everyone signs the new Deed; something I have negotiated hard to try and achieve. I've also been informed that Aria and the management company are committed to completing the legal action against any owners who don't agree to the settlement offered.

My concern is that owners who choose to defend the action will be taking on a substantial risk as they will be acting on their own and as your MP I feel it appropriate that I caution you against going down this road. In my view we have reached the point where the best long term solution would be to enter into the new Deed of Covenant. You will then avoid the cost of High Court litigation and be able to join your fellow Columbus Point owners in taking over the Water Feature with a clean slate. If you wish to discuss the situation in more detail, I suggest you contact the Water Feature Action Group on [water.feature@btinternet.com](mailto:water.feature@btinternet.com) as they have been closely involved with me over the whole process and are extremely well informed.

This has been a long drawn out process and I can appreciate how frustrating it must have been for you and the other property owners. Hopefully we are finally edging towards a reasonable solution, and I would be grateful if you could help us 'finish the deal.'

With best wishes,

Stephen Lloyd MP  
[Eastbourne and Willingdon Constituency.](#)

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