



# Columbus Point

(MANAGEMENT COMPANY) LTD

## MEMBERS' BULLETIN - 31 August 2019

### WATER FEATURE MATTERS

Extent of Water Feature



**Leg 1** of the Water Feature is the leg that runs between Dominica Court and St Kitts Drive.

**Leg 2** is the central spoke of the amenity which runs uphill from Monserrat Villas and between Dominica Court and San Juan Court.

**Leg 3** is the leg that runs between San Juan Court and Santa Cruz Drive.

**The Tech Rooms** are the brick and concrete structures in front of the bridges crossing Legs 1 and 3, and one at the bottom of Leg 2 at the corner of San Juan Court.

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CPMCL has an annual programme of works to ensure that the Water Feature presents well, that equipment is brought up to date, that damage inherited from Persimmon is put right and that all efforts are made to comply with Health & Safety regulations.

## **Additional Life Belt**

For H&S purposes, an additional life belt and stand has been installed at the corner of Legs 2 and 3 (San Juan Court) mirroring the one on the opposite corner (Dominica Court). This adds a fifth life belt to the amenity, ensuring that in the event of an accident anywhere in the Water Feature, a life belt would be easily accessible. As an improvement, costs for this work would come from the General Reserve Fund.

## **General Repairs**

During late July and early August, Eastbourne Maintenance carried out a number of minor repairs and painting tasks, and path levelling. The costs of this work will be charged to General Repairs & Maintenance budget line.

As some members have noted, there are new pier capping stones (replacing the missing or damaged ball finials) at the corners of the Tech Rooms. The costs of this work will be met from the General Reserve Fund.

## **Digital Clocks**

As part of the Five-Year Plan, quotations are being obtained to replace the current 1990s click/pin type analogue timers with electronic digital clocks. This has been brought to the fore as a direct result of a faulty timer on Leg 1, which, although set at the correct time, switches off the leg 1 fountains/jets up to an hour later than required each evening. Costs for this work would be charged to the General Reserve Fund.

## **Anemometers**

The anemometers (wind sensors) on legs 1 and 3 are now functional.

The reasons for having anemometers are to save water that is lost when it is blown onto paths and bridges and passers-by, and also to reduce the excessive evaporation which can occur when water is blown into the air. Setting the pumps to come on after too short a time puts pressure on the pumps, and it may be necessary to fine-tune the settings to get it right.

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## **COMPANY MATTERS**

### **AGM**

The minutes of the 11 July Annual General Meeting are being finalised.

### **Annual Accounts**

The Company's Annual Accounts have been signed off and will be distributed in the near future.

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## **Conveyancing**

**In the Chancery Division of the Royal Courts of Justice**

**Aria Homes & CPMCL**

**-v-**

**Archer & 368 other members of CPMCL**

Many members who were involved in the High Court action taken by Clarke Willmott LLP on behalf of Aria Homes and CPMCL in 2014 will remember how they signed "the new Deed of

Covenant” in exchange for being removed from the list of Defendants and relieved of paying arrears of service charge. The reason for a “new” Deed of Covenant was to replace anomalies in the wording of the “old” Deeds of Covenant between developments, which lead to confusion and, in some cases, challenges to the obligation of members to pay for the Water Feature.

Since then every time a property changes hands, the new owner has to sign the “new” Deed of Covenant. The purpose for this is three-fold:

- (1) When signing the deed every property owner should be aware of their legal obligation to pay for the Water Feature,
- (2) to ensure that every property is bound word for word in an identical contract,
- (3) and to make sure that no sale slips beneath the radar.

To this end, CPMCL and Stephen Rimmer LLP, CPMCL’s solicitors, have a restriction registered against all the properties on the development, the wording of which is below:

*No disposition of the registered estate [transfer for sale] ... is to be registered without a certificate signed by Columbus Point (Management Company) Limited ... care of Stephen Rimmer LLP, 28-30 Hyde Gardens, Eastbourne, BN21 4PX, that the provisions of clause 4.3 of a Deed of Covenant dated ... made between (1) [the vendor] and Columbus Point (Management Company) Limited have been complied with.*

This restriction is clearly set out in the documents provided at the start of every conveyance and therefore there is no reason conveyancers should not be aware of the restriction and who to contact.

Even so, every now and then conveyancing companies and solicitors - particularly (but not exclusively) budget internet-based conveyancers located in other parts of the UK who have difficulty sorting out the complicated conveyancing at Sovereign Harbour - fail to comply with this restriction, or have contacted Hazelvine or Clarke Willmott LLP. This leads to complications, delays and additional costs. When this occurs, both vendor and purchaser (and their building society) are left vulnerable.

### **Conveyancing Guidelines**

Together with Stephen Rimmer LLP, CPMCL has prepared Conveyancing Guidelines which are available to read and download from the documents section on the company’s website. Every once in a while, through this bulletin, members are reminded about this useful **easy-to-understand** document. If you are selling your property, it is in your interests to read the Guidelines and to refer your buyer to them.

### **Membership of CPMCL**

New owners become Members of CPMCL **only** after their ownership of the property has been registered at the Land Registry and Stephen Rimmer LLP have received notice of the registration (Notice of Assignment).

Until then, and while it is annoying for them, the outgoing owner remains a Member of the company and will continue to receive invoices and official notices.

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### **Communication**

CPMCL does not use social media. Instead it uses this newsletter, email, its website and a WhatsApp Alerts group to communicate with members. To be added to any of these, email CPMCL with your property address and mobile telephone number.

To join the WhatsApp group requires WhatsApp to be installed on a smartphone. WhatsApp can be downloaded free from your App store.

It is important that all members with email accounts join the mailing list as the bulletin provides regular updates, reminders and information about work issues related to the Water Feature and CPMCL.

If a property close to you has recently been occupied by new owners please ask them to join the mailing list. Easy-to-print versions of bulletins are on the website.

*Directors .*

## **CPMCL**

[www.cpmcl.co.uk](http://www.cpmcl.co.uk)

Contacts:

CPMCL: [directors@cpmcl.co.uk](mailto:directors@cpmcl.co.uk)

HML PMs: [wutt.suttasuntorn@hmlgroup.com](mailto:wutt.suttasuntorn@hmlgroup.com)