

Garden Title Registration

Proposal:

To register title to the freehold of Arundel & Elgin Gardens and to create a Trust to hold interest in the freehold for the benefit of all persons who are entitled to use and enjoy the garden.

Benefits:

Protect the garden for the future by making it easier to defend the boundaries and to seek removal of any encroachments into it.

Prevent spurious and costly challenges to ownership, whether from private interests or public entities.

Trust:

The object to the Trust is to hold the freehold interest in the Garden for the benefit of all persons who are entitled to use and enjoy the Garden. The Trust would be set to endure a specific length of time, the maximum being 125 years.

Trustees:

The Garden Committee would appoint the trustees, who would be residents. The appointments would be made at a general meeting of the Committee. The number of trustees (minimum of 2 and maximum of 4), the lengths of their terms, and other details could be worked out as discussion progresses, and would be fitted into a trust document. The declaration of trust would specify restrictions on trustees' powers.

Timeline:

Usually around 18 Months from start to finish – though it might take more time for our garden because of the idiosyncratic parameters of Arundel and Elgin Gardens: the title was registered in 1903 and last updated in 1912. The proprietors listed are likely deceased.

The Garden Committee will ensure that there are regular updates.

Cost:

Start up costs would be around £3k, excluding VAT but including both registration and trust. Ongoing administration of a trust is not burdensome.

Voting:

A vote on is on the agenda for the upcoming AGM.

Those who are entitled to use the Garden under the terms of the 1863 act are entitled to vote. One vote per household.

Background Information Posted on Website: <https://www.arundelandelgingardens.org/>

Questions? Contact: info@arundelandelgingardens.org