

FAO Sarah Wardell
Davidson Chalmers Stewart
12 Hope Street
Edinburgh EH2 4DB

By email only – sarah.wardell@dcslaw.com

Date: 08 July 2026

Our ref: CM/MUR004-1
Your ref: S.06590.00011/SZW/CMM/AWM

Dear Sarah,

Our Clients: [REDACTED]

Your Client: [REDACTED]

Pleasure Ground- Grosvenor and Lansdowne Crescents ("the Crescents")

We refer to your letter dated 20 May sent by email in respect of your client [REDACTED] being response to our letter of 19 March.

Before addressing the substance of your letter, please clarify whether you act for [REDACTED] personally, for [REDACTED] in her purported capacity as Chair of the self-styled "elected committee", for that committee itself, or for the alleged proprietors' association.

In any event, our clients do not accept the position set out in your letter.

Title Dispute and Common Interest – not Common Property

You/your client proceed on the basis that there is no title dispute between the parties. This is wrong. Our clients have obtained Counsel's Opinion on the matters between the parties and we can confirm Counsel is quite clear that there is indeed a title dispute.

Counsel has confirmed in his Opinion that there is a clear title dispute for the purposes of Standard Clause 9 of the Standard Conveyancing Clauses. This view is because there is a current dispute amongst the proprietors over the nature of the property interest they hold in the garden, whether it is common property, and the management and use of the gardens in accordance with the titles. The dispute is thus what can be done with the gardens, which relates to a right set out in the title deeds.

Furthermore, it is quite wrong that you state the ownership of the gardens to be one in common between the proprietors. Rather, the proprietors *have a right of use of the gardens with an obligation to maintain them*. That is not a common property right but

rather, it is properly characterised as a common interest arising from the title deeds. Indeed, the gardens are properly owned by another party altogether, matters we would have thought quite clear had there been a proper title examination by your clients.

Furthermore, you may be aware that this view is not an isolated one. James W McNeil Q.C. formed the same legal view some 37 years ago in terms of his Opinion of 17 April 1989 – that the feuars did not have heritable title to the central garden ground but rather, had rights of use and related obligations. Counsel instructed by our clients expressly refers to and agrees with that analysis. Both support the position set out to your client set in our letter to the self-styled “elected committee” of 19 March and relative letter shared by our clients with the other proprietors of the Crescents; a matter your client’s co-members/supoorters of the self-styled “elected committee” have chosen to proceed in making numbers of complaints against this firm in respect thereof. One such complaint was made further to the SLCC and has been rejected outright.

It is therefore clear that despite your client’s contentions, made proprietor-wide, that the gardens are somehow common property, are wrong. The existence of a third-party owner makes that clear, as do the titles in respect of the right itself conferred on the proprietors of the Crescents in terms of the gardens or pleasure ground.

Conduct of [REDACTED]

We also note that your client in her role as Chair of the self-styled “elected committee” has provided advice online, and is at the very least holding out, via said committee’s website and emails to all proprietors, that there is no title dispute and that the gardens are common property. Attached is copy circular issued by your client to all proprietors dated 22 May 2026. We trust you are aware of your client’s actions in this regard and invite your comments thereon. In any event, we would respectfully suggest your client would do well to be disabused of these notions and refrain from her conduct in this regard.

Finally, our clients’ [REDACTED] has been subjected to various forms of abuse by group members of the “elected committee”, including your client [REDACTED]. Attached are copy WhatsApp message with [REDACTED] comments regarding [REDACTED] and others, sent to over 90 of the proprietors. The comments therein are unacceptable. They are abusive, defamatory and have caused distress to our client in circumstances where your client’s collaborators have waged a bullying campaign against her. This behaviour must stop. If it does not, we will be advising [REDACTED] on formal steps she may take against your client in respect thereof. Please confirm you are directing your client accordingly.

We accordingly require that your client cease from:

1. Holding out to the wider proprietors that there is no title dispute and that the gardens are somehow commonly owned as between proprietors; and
2. Relying, proprietor-wide, on your firm’s letter of 20 May 2026 (see attached circular).

It is, with respect, for the proprietors to obtain their own professional legal advice especially in light of the fact that a number of the properties within the Crescents are on the market for sale. Indeed, this was pointed out to them, including your client, per our letter of 19 March.

Please also be on notice that we are currently further investigating matters involving the right, interest or authority your client and her co-members have in respect of their position that they are a validly elected committee with the powers they are using now, from terminating the gardeners who have been used for a number of years to intromitting with the committee's funds. We expect to revert on those shortly.

This letter is written without prejudice to our clients' whole rights and pleas and is not to be referred to nor founded upon in any proceedings of any nature except at our client's sole written consent.

Yours faithfully

Claire Maguire
Consultant Litigation Solicitor