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Declaration, but such breach and the continuance thereof may be enjoined, abated and remedied by appropriate proceedings by the Declarant or an owner of any lot in said property.

XII

MODIFICATION AND ANNULMENT OF COVENANTS,
RESTRICTIONS AND RESERVATIONS

Any of the covenants, restrictions, reservations, servitudes and easements contained contained in this Declaration may be annulled, waived, changed or modified with respect to all or any portion of said property by Declarant with the written consent of the owner or owners of record of the property to which such annulment, waiver, change or modification shall apply without the consent or approval of any other lot owner in said subdivision.

XIII

VIOLATION OF COVENANTS, RESTRICTIONS,
RESERVATIONS, SERVITUDES AND EASEMENTS

A breach or violation of any of the covenants, restrictions, reservations, servitudes and easements shall give to the Declarant the right to immediate entry upon the property upon which such violation exists and summarily to abate and remove at the expense of the owner thereof, any erection, structure, building, thing or condition that may be or exist thereon contrary to this Declaration and to the true intent and meaning of the provisions hereof, and the Declarant shall not thereby be deemed guilty of any manner of trespass for such entry, abatement or removal, nor shall the Declarant be liable for any damages occasioned thereby, provided, however, Declarant shall give the property owner three (3) days notice in writing or if the property owner cannot be located, Declarant shall post a written notice on the premises in a conspicuous place giving notice of the violation and demand to abate and remove the violation within three (3) days, and further provided that Declarant shall not prejudice the rights of the holder of a first mortgage held by an institutional lender. The result of every act or of omission or commission or the violation of any covenant, restriction, reservation, servitude and easement is violated in whole or in part, is hereby declared to be and to constitute a nuisance and every remedy by law or equity against a nuisance, either public or private, shall be applicable against any such owner of any lot and may be prohibited and enjoined by injunction. Such remedy shall be deemed

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