

courtyard homes which are parallel or at an angle to the opposite property line of the courtyard lot line must be set back at least five feet from such lot line. A courtyard wall is hereby defined as an exterior side wall which shall have no window or view opening, looking into or overlooking adjacent lots. Courtyard walls shall not contain any access way or entry way into said adjacent lot. However, an easement for fences located on or partially on adjacent lots is hereby reserved in accordance with the terms of Section 5 set out below. The Architectural Committee may authorize windows, doors, or other openings of a courtyard wall only on a perimeter lot which would look off on to property adjoining the within subdivision rather than looking on to a lot in the within subdivision.

Section 2. Maintenance of Courtyard Wall. The owner of the Courtyard wall shall be responsible for the general routine repairs and structural maintenance thereof and in this connection shall have an easement over the adjoining property to make any needed general repairs or structural repairs or rebuild the wall if the same becomes necessary. Said owner shall repair any damage done to the adjoining lot owners property. The adjoining lot owner shall have a continuing exclusive easement which shall be an easement appurtenant and a covenant running with the land to use and enjoy the side of the wall facing the said adjoining lot owner. However, his use of his side of the wall shall be possessory and visual only and he may not paint, decorate or otherwise physically use his side of the wall.

Section 3. Architectural Committee. No courtyard wall shall be constructed on any lot without first obtaining the written consent of the Architectural Committee which will determine the type of wall and its required height and length along the courtyard wall lot line. If the Architectural Committee determines after proper investigation of the same that there have been substantial violations of this covenant or substantial encroachment as to placement of the courtyard wall, the Architectural Committee shall have the authority to require that the wall be taken down at owner's expense or in the alternative to levy a penalty and present the award to the adjoining property owner for the value of any land taken or damage done.

Section 4. Easement and Right of Entry for Repair, Maintenance, and Reconstruction. Every owner shall have an easement and right of entry upon the lot of any other owner to the extent reasonably necessary to perform repair, maintenance, or reconstruction of a courtyard wall. Such repair, maintenance, or reconstruction shall be done expeditiously, and, upon completion of the work, the owner shall restore the adjoining lot or lots to as near the same condition as that which prevailed prior to commencement of the work as is reasonably practicable.

Section 5. Easement to Construct and Use Fenced in Area. During the period of construction of the initial courtyard homes in this subdivision, the owner of each lot shall be entitled to

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