

6. Upon the approval by the Committee of any proposed construction or alteration, the Committee shall issue to the applicant a written permit. No construction or alteration shall be carried on until and unless such permit is obtained. The provision shall not apply to the undersigned.

7. The Committee is authorized by majority vote of its members to approve or ratify any building minor violations of the requirement herein set forth under Section III, "Setbacks, Locations and Size Improvements and Lots", if, in the opinion of the Committee, the same shall be necessary to prevent undue hardship because of topography, the shape of any platted lot or the setback lines as shown on the recorded Plat, and if, in the opinion of the Committee, such violation will cause no substantial injury to any other lot owner. In no event may the Committee approve or ratify a violation of the front setback line of more than 5 feet or of the main building side line restriction of more than 4 feet or of the restrictions as to building size imposed by Section III hereof. The approval of ratification by the Committee in accordance with this paragraph shall be binding on all persons.

V.

MAINTENANCE CHARGES

1. All the numbered lots on the recorded Plat shall be subject to an annual maintenance charge or assessment at the rate of Fifty and no/100 (\$50.00) Dollars per year. The first assessment of \$50.00 shall be due and payable on the January 1st next following the date a deed is delivered to the purchaser of a lot in the subdivision from Heritage Homes, Inc. and thereafter shall be due and payable in advance on each and every succeeding January 1st.

This assessment shall not apply to any lot so long as it is wholly or partially owned by Heritage Homes, Inc. As to lots within the category of this paragraph, the first assessment shall be due on the January 1st next following the delivery of a deed to a purchaser.

The assessment of \$50.00 herein provided shall remain effective for a period of three years after the date these covenants are executed. Thereafter, the assessment shall remain the same until it is increased, decreased, or discontinued, as from time to time may be determined by a majority vote of property owners of lots of said subdivision (there being one vote for each lot in the subdivision whether owned singly or as tenants in common).

ERFB

4325 W-2