

over or have priority to any institutional mortgage, mortgage to the Developer or other mortgage approved by the Association which was recorded of public record prior to the date on which the assessment became due and owing by the unit owner.

ARTICLE X

REMEDIES

1. In the event of any default by any unit owner under the provisions of the Act, Declaration, By-Laws and rules and regulations of the Association, the Board of Directors shall have all of the rights and remedies which may be provided for in the Act, Declaration, By-Laws, rules and regulations of the Association or which may be lawfully adopted by it, or which may be available at law or in equity, and may prosecute any action or other proceeding to recover any sums due, for damages or injunctive relief or both, or for any other relief. Said rights shall be maintainable by both the Board of Directors and, in a proper case, by an aggrieved co-owner. All expenses in connection with any such action or proceeding, including court costs and reasonable attorney fees and other fees and expenses, and all damages, liquidated or otherwise, together with interest thereon at the highest rate permissible under the laws of South Carolina, shall be charged to and assessed against such defaulting unit owner and shall be added to and deemed part of his respective share of the common expenses, and the Association shall have a lien for all of the same, as well as for nonpayment of his respective share of the common expenses, upon the unit and ownership in the common elements of such defaulting unit owner and upon all of his additions and improvements thereto.

2. All rights, remedies and privileges granted to the Association or to an aggrieved unit owner pursuant to the terms of this Declaration or as provided by law shall be deemed to be cumulative, and the exercise of any one or more shall not be deemed to constitute an election of remedies