

General Common Elements and Limited Common Elements shall be subject to the restrictions, easements, covenants and conditions stated herein.

## V.

PERPETUAL NON-EXCLUSIVE EASEMENT  
AND GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS

The General Common Elements and Limited Common Elements shall be, and the same are hereby, declared to be subject to a perpetual non-exclusive easement in favor of all co-owners of Units in Wildaire-Merry Oaks Horizontal Property Regime III for their use and their immediate families, guests and invitees for all normal and proper purposes, and for the furnishing of services and facilities for which the same are reasonably intended, for the enjoyment of said co-owners of Units. Notwithstanding anything herein, the Wildaire Association shall have the right to establish rules and regulations applicable to all co-owners of all Units.

## VI.

EASEMENT FOR UNINTENTIONAL AND NON-  
NEGLIGENT ENCROACHMENTS

The co-owners of the respective Units agree that if any portion of a Unit, General Common Element or Limited Common Element encroaches upon another, a valid easement for the encroachment and maintenance of same, so long as it stands, shall and does exist. In the event the buildings are partially or totally destroyed, and then re-built, the co-owners of the Units agree that encroachments on parts of the General Common Elements or Limited Common Elements or Units, as aforesaid, due to construction shall be permitted, and that a valid easement for said encroachments and the maintenance thereof shall exist.

## IX.

RESTRAINT UPON SEPARATION AND PARTITION OF GENERAL  
COMMON ELEMENTS AND LIMITED COMMON ELEMENTS

Recognizing that the proper use of a Unit by any Co-owner

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