

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 Wildiare-Merry Oaks Horizontal Property Regime I and II, 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 Merry Oaks 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 rebuilt, 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 or co-owners is dependent upon the use and enjoyment of the General Common Elements and the Limited Common Elements in common with the co-owners of all other units, and that it is in the best interest of all co-owners of units that the ownership of the General Common Elements and Limited Common Elements be retained in common by the co-owners of units in the property, it is declared that the percentage of the undivided interest in the General Common Elements and Limited Common Elements appurtenant to each Unit shall remain undivided and no co-owner of any unit shall bring or have any right