

Section 8. The Committee, in its sole discretion, shall have authority to keep, clean and maintain any residence and/or lot that is abandoned and may charge the owner thereof for any and all costs incurred in maintenance thereof.

Section 9. The Committee, in its sole discretion, shall have authority to approve or disapprove any lighting erected for the purpose of illuminating the streets in Phase X, Section I.

Section 10. No fence of any type shall be installed on any lot without express written permission and approval of the Committee.

ARTICLE XVII

ENFORCEMENT

Enforcement of these restrictions shall be by any appropriate proceeding or proceedings at law or in equity against any person or persons violating or attempting to violate any restriction herein contained, either to restrain violation, to enforce personal liability, or to recover damages for the violation or by any appropriate proceeding at law or in equity against the land to enforce any charge or lien arising hereunder. The Committee and each of its appointed members shall have an election and right, but not an obligation or duty, to enforce these restrictions by a proceeding or proceedings at law or in equity; and the Committee and each of its members shall not incur any liability whatsoever as a result of electing not to enforce such restrictions in any instance. Any failure by the Committee or any owner to enforce any of said restrictions shall in no event be deemed a waiver of the right to do so thereafter. The Committee shall also be entitled to reasonable attorney's fees and expenses incurred in such enforcement. The liability for such fees and expenses shall be a permanent charge and lien upon the lot of lots of the owner against whom enforcement is sought and shall themselves be enforceable by the Committee by an appropriate proceeding in law or in equity. Such lien, however, shall be subject to the following limitations:

A. Such lien shall be at all times subordinate to the lien of any mortgagee or lender of any sums secured by a properly recorded mortgage or deed to secure debt, to the end and intent that the lien of such mortgage, or lien instrument shall be paramount to the lien for charges herein and provided further that such subordination shall apply only to the charges that shall become payable prior to the passing of title under foreclosure of mortgage or lien instrument or by deed in lieu of foreclosure, and nothing herein contained shall be held to affect the rights herein given to enforce the collection of such charges accruing