

(l) "Shrub, Flower Yard and Garden Easement" shall mean and refer to the right of the owner of a Lot to plant, cultivate and nourish shrubs, flowers, grasses groundcover and gardens within a radius of 3 yards of his Lot, provided, however, no vegetable gardens may be planted on the property.

(m) "Owner" shall mean and refer to the record owner, whether one or more persons, firms, associations, corporations, or their legal entities, of the fee simple title to any lot or Area Reserved for Construction situated upon the Properties but, notwithstanding any applicable theory of a mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure proceedings or any proceeding in lieu of foreclosure proceedings or any proceeding in lieu of foreclosing; nor shall the term "owner" mean or refer to any lessee or tenant of any Owner.

(n) "Member" shall mean and refer to all those Owners who are Member of the Association as provided in Section 1 of Article III hereof.

(o) "Developer" shall mean Joe W. Hiller, his heirs or assigns.

ARTICLE II

Section 1. Existing Property. The real property which is and shall be held, transferred, sold conveyed, leased and occupied, subject to these covenants, is located on Paris Mountain, Greenville County, South Carolina, and is more particularly described in "Exhibit A" hereto attached and by reference incorporated herein. The Developer will convey the Common Properties shown on the Plat of the Properties to the Association at the time of the recording of this Declaration.

ARTICLE III.
MEMBERSHIP AND VOTING RIGHTS IN
THE ASSOCIATION

Section 1. Membership. The Developer and every person or entity who is a record owner of a fee simple or undivided fee simple interest in any Area Reserved for Construction or lot which is subject by the Covenants to assessment by the Association shall be a member of the Association, provided that any such person or entity who holds such title or interest merely as a security for the performance of an obligation shall not be a member of the Association. At the time a Lot is created in an Area Reserved for Construction, the owner of such Lot shall become a member and the membership rights for the remaining Area Reserved for Construction shall cease.

Section 2. Voting Rights. The Association shall have one (1) class of voting membership.

1500

4328 (W-2)