

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 attorneys' fees and expenses incurred in such enforcement. The liability for such fees and expenses shall be a permanent charge and lien upon the Lot or 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 any 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 after sale under foreclosure of such Mortgage or acquisition of title by Deed in lieu of foreclosure.

B. Notice of any charge due and payable shall be given by filing notice of pendency of action in the Lis Pendens Book in the Office of the Clerk of Court for Greenville County. As to subsequent bonafide purchasers for value the lien herein reserved for charges due and payable shall be effective only from the time of the filing of said Lis Pendens; provided, however, that nothing herein contained shall affect the right of the Association to enforce the collection of any charges that shall become payable after the acquisition of title by such subsequent bonafide purchaser for value.

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