

cumulative and not exclusive where an action, suit or other judicial proceeding is instituted or brought for the enforcement of these covenants, restrictions, reservations, servitudes and easements. The losing party in such litigation shall pay all expense, including a reasonable attorney's fees incurred by the other party in such legal proceeding.

XIV

RIGHT TO ENFORCE

The provisions contained in this Declaration shall bind and inure to the benefit of and be enforceable by the Declarant or by the owner or owners of any portion of said property, their and each of their legal representatives, heirs, successors and assigns, and failure by the Declarant or by the owner or owners of any portion of said property or their legal representatives, heirs, successors and assigns to enforce any of such covenants, restrictions, reservations, servitudes and easements herein contained shall in no event be deemed a waiver of the right to do so thereafter, unless otherwise herein provided.

XV

ASSIGNMENT OF POWERS

Any and all rights and powers and reservations of the Declarant herein contained may be deeded, conveyed or assigned to another corporation, co-partnership or individual and upon such corporation, co-partnership or individual evidencing its consent in writing to accept such assignment and to assume such duties and powers it shall, to the extent of such deed, conveyance or assignment, have the same rights and powers and be subject to the same obligations and duties as are given to and assumed by the Declarant herein, and thereupon Declarant shall be relieved of the performance of any other duty or obligation hereunder to the extent of such deed, conveyance or assignment. In the event Declarant shall convey all of its right, title and interest in and to the real oroperty described herein and shall assign all of its rights, powers and privileges under this Declaration to another corporation, co-partnership or individual, and such assignee should by instrument in writing duly executed, acknowledged and recorded in the appropriate record books of the county, accept such conveyance and assume and agree to be bound by each and all of the obligations and duties hereby imposed upon the Declarant, then and in that event

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