

added to and deemed part of his assessment, collectable by the Association as hereinabove provided. In the event of any such default by any Townhome Owner, the Association shall have the authority to correct such default, and to do whatever may be necessary for such purpose, and all expenses in connection therewith shall be charged to and assessed against such defaulting Townhome Owner. Any and all of such rights and remedies may be exercised at any time and from time to time, cumulatively or otherwise, by the Association or its Board of Directors.

XVI.

COMMON SURPLUS

"Common Surplus" meaning all funds and other assets of the Association (including excess of receipts of Association, including but not limited to assessments, rents, profits and revenues from whatever source whatsoever, over amount of the Common Expense), shall be owned by the Owners of all Townhomes in the same proportion that the undivided interest in General Common Elements and Limited Common Elements appurtenant to each Co-owner's Townhome bears to the total of all undivided interests in General Common Elements and Limited Common Elements appurtenant to all Townhomes; provided, however, that said common surplus shall be held by the Association in the manner, and subject to the terms, provisions and conditions hereof imposing certain limitations and restrictions upon the use and distribution of said Common Surplus. Except for distribution of any insurance indemnity herein provided, or termination of McDaniel Green West Horizontal Property Regime, any distribution of Common Surplus which may be made from time to time shall be made to the then Co-owners of Townhomes in accordance with their percentage interest in Common Surplus as declared herein. The decision to distribute Common Surplus must be by vote of two-thirds of the Townhome Co-owners.

XVII.

TERMINATION

Except for fire or other casualty or disaster (in which event this Master Deed may be terminated by the Board of Directors as provided in Article XIII, Section 4(c)), this Master Deed and Regime

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