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injunction or specific performance or for judgment for payment of money and collection thereof, or for any combination of remedies, or any other relief. All expenses of the Association in connection with any such actions or proceedings, including court costs and attorneys fees and other fees and expenses, and all damages, liquidated or otherwise, together with interest thereon at the highest rate permissible under applicable laws, until paid, shall be charged to and assessed against such defaulting Unit Owner and shall be added to and deemed part of his assessment, collectable by the Association as hereinabove provided. In the event of any such default by any Unit 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 Unit 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.

XVII.

COMMON SURPLUS

The "Common Surplus" (meaning all funds and other assets of the Association, including excess of the receipts of the Association over amount of the Common Expenses) shall be owned by the Owners of all Units in the same proportion that the undivided interest in General Common Elements and Limited Common Elements appurtenant to each Co-owner's Unit bears to the total of all undivided interests in General Common Elements and Limited Common Elements appurtenant to all Units; provided, however, that said common surplus shall be held by the Association in the manner described herein, and subject to the terms, provisions and conditions hereof which impose certain limitations and restrictions upon the use and distribution of said Common Surplus. Except for distribution of insurance proceeds as herein provided, or termination of Yorktown 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 Units in accordance with their percentage interest in Common Surplus. The decision to distribute Common Surplus must be by vote of two-thirds of the Unit Co-owners.

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