

1144-305

Section 5. Condemnation. In the event that one or more Unit, or any part or parts thereof, shall be taken by any authority having the power of eminent domain, the awards or proceeds therefrom shall be distributed directly to the Owners of such Units and/or their mortgagees. Following the completion of such procedure, this Regime shall be deemed and considered amended to the extent necessary to delete such Unit and its Owner from the Regime itself and ownership therein. The Association shall then have the right to make such adjustments as shall be necessary to compensate for the deletion of such Units, including additions to the Annual and Special Assessments, amendments to the percentage rights of the remaining Owners in the ownership of the General and Limited Common Elements, etc. Proceeds from the taking of any General Common Elements shall be paid to the Association, to be retained or used by the Association or distributed to Unit Owners in accordance with decisions to be made by the Association.

Section 6. Reservation of Right of Developer to Grant Easements. The Developer hereby reserves the right to grant easements to the proper public authorities for sewer lines and facilities, water lines, telephone lines, cable television lines, and gas service lines, until the date when Developer turns over management of the Association, as hereinabove provided.

Section 7. Binding Effect. The restrictions and burdens imposed by this Master Deed are intended to and shall constitute covenants running with the land, and shall constitute an equitable servitude upon each Unit and its appurtenant undivided interest in General Common Elements and Limited Common Elements. This Master Deed shall be binding upon the Developer, its successors and assigns, and upon all parties who may subsequently become Owners of Units in Park Heights Property Regime, and their respective heirs, legal representatives, successors and assigns.

Section 8. Severability and Rule Against Perpetuities. If any provision of this Master Deed or the By-Laws shall be held invalid it shall not affect the validity of the remainder of the Master Deed and the By-Laws. If any provision of either said instrument would

5
3
0

4328 RV-23