

and No/100 (\$1,000.00) Dollars.

1148-029

XXII. RIGHTS OF ACTION. The Owners Association and any aggrieved co-owner shall be granted a right of action against co-owners for failure to comply with the provisions of the Declaration, including By-laws, or with decisions of the co-owners association which are made pursuant to authority granted the co-owners association in such documents. Co-owners shall have similar rights of action against the Owners Association.

XXIII. CONDEMNATION.

A. Partial Taking with Direct Effect on Residences. If part of the property shall be taken or condemned by any authority having the power of eminent domain, such that no residence nor any part thereof is taken, and no part of limited common areas to which an residence has exclusive use is taken, then all compensation and damages for and on account of the taking of the common areas, exclusive of compensation for consequential damages to certain affected residences, shall be payable to the Board of Directors as Trustee for all co-owners and mortgagees according to the loss or damages to their respective interests in such common areas. The Association, acting through its Board of Directors, shall have the right to act on behalf of the co-owners with respect to the negotiation and litigation of the issues with respect to the taking and compensation affecting the common areas, without limitation on the right of the co-owners, or any mortgagees of any one or more residences, to represent their own interest. Such proceeds shall, subject to the prior rights of such mortgagees, be used in accordance with the provisions of the Master Deed. Nothing herein is to prevent co-owners whose residences are specifically affected by the taking or condemnation proceedings from joining in such proceeding and petitioning on their own behalf for consequential damages relating to loss of value of the affected residences, or personal improvements therein, exclusive of damages relating to common areas. In the event that the condemnation award does not allocate consequential damages to specific co-owners, but by its terms includes an award for reduction in value of residences without such allocation, the award shall be divided between affected co-owners, subject to the rights of mortgagees of such residences and the Board of Directors as Trustees as aforesaid as their interests may appear by arbitration in accordance with the rules then obtaining of the American Arbitration Association.

B. Partial or Total Taking Directly Affecting residences. If part or all of the property shall be taken or condemned by any authority having the power of eminent domain, such that any residence or a part thereof (including a limited common area) is taken, the Association shall act on behalf of the co-owners with respect to common areas in Paragraph A above, without limitation on the right of any mortgagees of any one or more residences to represent their own interests, and the proceeds shall be payable as outlined therein. The co-owners directly affected by such taking and their respective mortgagees

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