

of the co-owners of Units in the Dover Townhouses No. 39 Horizontal Property Regime for their use and the use of their immediate families, guests and invitees, for all proper and normal purposes, and for the furnishing of services and facilities for which the same are reasonably intended, for the enjoyment of said co-owners of Units.

VIII.

EASEMENT FOR UNINTENTIONAL AND NON-NEGLIGENT ENCROACHMENTS

The co-owners of the respective Units agree that if any portion of a Unit or General Common Element or Limited Common Element encroaches upon another, a valid easement for the encroachment and maintenance of same, so long as it stands, shall and does exist. In the event the Buildings are partially or totally destroyed, and then re-built, the co-owners of the Units agree that encroachments on parts of the General Common Elements or Limited Common Elements or Units, as aforescribed, due to construction, shall be permitted, and that a valid easement for said encroachments and the maintenance thereof shall exist.

IX.

RESTRAINT UPON SEPARATION AND PARTITION OF GENERAL  
COMMON ELEMENTS AND LIMITED COMMON ELEMENTS

Recognizing that the proper use of a Unit by an co-owner or co-owners is dependent upon the use and enjoyment of the General Common Elements and Limited Common Elements in common with the co-owners of all other Units, and that it is in the interest of all co-owners of Units that the ownership of the General Common Elements and Limited Common Elements be retained in common by the co-owners of Units in the property, it is declared that the percentage of the undivided interest in the General Common Elements and Limited Common Elements appurtenant to each Unit shall remain undivided and no co-owner of any Unit shall bring or have any right to bring any action for partition or division.

X.

EASEMENT FOR AIR SPACE

The co-owner of each Unit shall have an exclusive easement for the use of the air space occupied by said Unit as it exists at any particular time and as said Unit may lawfully be altered or reconstructed from time to time, which easement shall be terminated automatically in any air space which is vacated from time to time.

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