

(b) in the discretion of the Board of Directors, in the case of convenience for the Association; and

(c) in the discretion of the Board of Directors, in the case that the residence owner fails to perform his duty.

Action by the Association under this subparagraph E.5 shall be at the cost and expense of the residence owner who will be assessed therefor by the Association.

VII. COMMON AREA AND FACILITIES (GENERAL COMMON ELEMENTS).

A. Ownership and use of the common areas and facilities (general common elements) shall be governed by the following provisions:

1. During the Development Period the Developer shall have the exclusive right of possession of those parts of the common area to the extent reasonably necessary to complete construction of Holly Towne.

2. The ownership of the percentage of undivided interest of a residence owner in the common areas and facilities (general common elements) shall be deemed to be conveyed or encumbered or to otherwise pass with the residence whether or not expressly mentioned or described in a conveyance or other instrument describing the residence, and may not be separated from the residence.

3. The common areas and facilities (general common elements) shall remain undivided and no residence owner nor any other person shall bring any action for partition or division of the whole or any part of the common areas and facilities except as provided in the Act or otherwise specifically provided in this Declaration.

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