

Any waiver of or failure to enforce a provision of this Declaration or of the Association Documents shall not affect the validity or enforceability of such provision subsequently.

## ARTICLE IX

Miscellaneous

1. Applicable Law. The law of the state of South Carolina shall govern the terms and conditions, including Party Wall provisions, of this Declaration and the Association Documents.
2. Severability. If any term or provision of this Declaration or the Association Documents or the application thereof to any Person or circumstance shall, to any extent, be invalid or unenforceable, the remaining terms and provisions of this Declaration and the Association Documents, and the applications thereof, shall not be affected and shall remain in full force and effect and to such extent shall be severable.
3. Amendment. So long as the Declarant owns a Townhome Parcel subject to this Declaration or the additional realty of Declarant as set forth in Article II of this Declaration, Declarant may, in its sole discretion, amend this Declaration and the Association Documents as long as such amendment is not in derogation of the interest of any Mortgagee of a Townhome Parcel. Any such amendment becomes effective upon recording. Said rights of amendment shall be rights and interests appurtenant to the realty owned by Declarant referred to hereinabove and shall run with the land at law.

In addition to the foregoing, this Declaration may be amended by a vote of 90% of the Owners of the Townhome Parcels; provided that (1) any such amendment shall not be effective until recorded, (2) any such amendment shall not adversely affect any rights or interests of Declarant under this Declara-