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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 any 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.

## XI.

ADMINISTRATION

Prior to the date of the within instrument and the recording thereof, there has been formed "The Highlands Association, Inc." a South Carolina non profit corporation which shall be the governing body for all of the Unit co-owners with respect to the administration, maintenance, repair and replacement of the property as provided by the Act, this Deed and the By-Laws, referred to herein as "Association". The Board of Directors of the Association shall be the form of administration referred to in the Act. Whenever this Deed shall call for approval, permission or requirement of the Association, it shall mean the Board of Directors of the Association. A copy of the By-Laws of the Association is attached hereto and made a part hereof as Exhibit "C"