

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

VIII. 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 Trentwood.
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.
4. Subject to any specific limitations contained herein and any rules duly adopted by the Association, each residence owner and the Association may use the common areas and facilities for the purposes for which they are intended, but no such use shall hinder or encroach upon the lawful rights of the other residence owners.

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