

Section 3. Destruction by Fire or Other Casualty. If a party wall is destroyed by fire or other casualty, any owner who has used the wall may restore it, and if the other owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such owners to call for a larger contribution from the others under such rule of law regarding liability for negligence or willful acts or omissions.

Section 4. Weatherproofing. Notwithstanding any other provisions of this Article, an Owner who by his negligence or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

Section 5. Right to Contribution Runs With Land. The right of any owner to contribution from any other owner under this Article shall be appurtenant to the land and shall pass to such owner's successors in title.

Section 6. Arbitration. In the event of any dispute arising concerning a party wall, or under the provisions of this Article, each party shall choose one arbitrator and such Arbitrators shall choose one additional arbitrator, and the decision shall be by a majority of all the arbitrators.

ARTICLE VIII

ANNEXATION

Additional real property, including existing subdivisions, may become subject to these covenants without the approval of any purchaser or transferee of the Declarant by filing of record a Supplementary Declaration of Covenants and Restrictions with respect to the additional property, which shall automatically extend the scheme of the covenants and restrictions of this Declaration to such property. Such Supplementary Declaration may contain such additions and modifications of these covenants as may be necessary to reflect the different character of added properties, but in no event shall such Supplementary Declaration revoke, modify, or add to the covenants established by this Supplementary Declaration within the existing property as hereinabove described.

ARTICLE IX

EXTERIOR MAINTENANCE

In the event an owner of any lot in Powderhorn shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to

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