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(c) If such damage or destruction does encompass more than two-thirds of the Townhomes as hereinabove provided, then, unless otherwise unanimously agreed upon by all Townhome Owners, the insurance proceeds paid with respect to such damage shall be delivered to the Townhome Owners in accordance with their respective ownership of the General Common Elements unless three-fourths of such owners shall determine that the proceeds should be delivered in some other manner. No mortgagee shall have the right to participate in either of the determinations described above in this subparagraph. In the event that it is determined that the damage or destruction shall not be repaired or reconstructed, as hereinabove provided, then and in that event (1) the Property shall be deemed to be owned in common by the Townhome Owners, and the Association shall file in the R.M.C. Office for Greenville County a certificate stating that the Property is removed and released from the Horizontal Property Regime established herein, setting forth the reasons for such removal, (2) the undivided interest in the Property owned in common which shall appertain to each Townhome Owner shall be the percentage of undivided interest previously owned by such Owner in the General and Limited Common Elements, (3) any liens affecting any of the Townhomes shall be deemed to be transferred in accordance with the existing priorities to the percentage of undivided interest of the Townhome Owner in the Property, and (4) the Property shall be subject to an action for partition at the suit of any Townhome Owner in which event the net proceeds of sale shall be paid to the Board. Said net proceeds of sale, together with the net proceeds of the insurance on the Property, shall be considered as one fund which, after paying all expenses of the Board, shall be divided among all of the Townhome Owners in a percentage equal to the percentage of undivided interest owned by each Owner in the Property, after first paying out of the respective share of the Townhome Owners, to the extent sufficient for the purpose, all liens on the undivided interest in the Property owned by each Townhome Owner.

2. Article XIII, Section 5, shall be amended to read as follows:

(2)

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