

The percentages of undivided interests of the owners as defined and determined in accordance with this Master Deed may be altered only by the consent of all such owners expressed in a duly recorded amendment to this Master Deed. The percentage of undivided interest of each Owner in the Common Elements is appurtenant to the Residence owned by him. No appurtenance may be separated from the Residence to which it appertains, and such appurtenance shall be deemed to be conveyed and encumbered or to otherwise pass with the Residence whether or not expressly mentioned or described in a conveyance or other instrument describing the Residence. The Common Elements shall remain undivided, and no owner nor any other Person shall bring any action for partition or division of the whole or any part thereof except as specifically provided herein. Each owner and the Association (as hereinafter defined) may use the Common Elements for the purposes for which they are intended, but in no such use shall enter or encroach upon the lawful rights of the other owners.

Developer shall construct and complete the condominium swimming pool on or before June 1, 1982. The location for said swimming pool shall be as shown on Exhibit "B", and upon completion, shall become a Common Element of NORTHGATE TRACE HORIZONTAL PROPERTY REGIME.

Section 4.

Limited Common Elements. Ownership of each Residence shall entitle the owner thereof to the use of any improvements or land area designated as Limited Common Elements in this Master Deed, in common with the owners of other Residences in the same building, except as otherwise specifically provided herein. Decisions concerning utilization of Limited Common Elements, other than those specifically allocated or attributed to an individual Residence, may be made by the majority vote of the owners of Residences within the appropriate Building, such voting to be determined according to the relative basic values of the Residences in that Building as set forth on Exhibits "D", "E", and "F".

III.

PERPETUAL NON-EXCLUSIVE EASEMENT IN GENERAL COMMON ELEMENTS

The General Common Elements shall be, and the same are hereby, declared to be subject to a perpetual non-exclusive easement in favor of all the Co-owners of Residences in the NORTHGATE TRACE HORIZONTAL PROPERTY REGIME for their use and the use of their immediate families,