

such damages or any other relief based upon the aforesaid causes.

E. Variations. The Developer, and its successors and assigns, are hereby authorized and empowered to grant reasonable variations from the provisions of this Declaration in order to overcome practical difficulties and unnecessary hardships in the application of the provisions contained herein; provided, however, that such variations shall be reasonably consistent with the purposes hereof and shall not materially adversely affect any existing Improvements on the Property. The variance granted pursuant to the authority granted herein shall constitute a waiver of provisions of this Declaration by all Owners of Building Sites, and all Owners hereby irrevocably and unconditionally appoint the Developer, its successors and assigns, as their true and lawful attorney-in-fact for the limited purpose of consenting to the aforesaid variations.

F. Easements. The Developer shall have the right, in its reasonable discretion, to grant easements over, through, across or under any of the Property for the purposes of all electric, water, sewer, storm drainage, gas, telephone, cable television, security systems and all other utilities necessary or desirable, whether for the benefit of any Building Site or for the Property Used in Common; provided such easements do not interfere with existing Improvements constructed, or in the process of being constructed on Building Sites.

G. Buffer Zone. There shall be a 100 foot buffer zone running the length of the property or Grove Road and along the portion of Fairfield Road that is presently paved. In addition there will be a 100 foot buffer surrounding the two tracts of land on Grove Road belonging to Smith and Chastain.

VI.

Enforcement

A. Responsibility of Owner. Each Owner shall be responsible for compliance with the terms, provisions and conditions of this instrument by its employees, agents, independent contractors, tenants, building occupants, customers and visitors.

B. Abatement and Suit. Violation or breach of any restriction herein contained shall give to the Developer and every Owner, subject to these Protective Covenants, the right to prosecute a

0135

4328 RV.2