

subject to these Restrictive Covenants. There shall be one vote for each lot, whether owned singly or as tenants-in-common. Said corporation shall be formed at the discretion of the Developer after Developer has been satisfied that a substantial enough number of homes have been completed in said subdivision to properly support a homeowners association. The corporation shall be responsible for paying the operating costs of the street lights above the costs paid by the public authorities. The said operating costs above the costs paid by the public authorities shall be the obligation of the Association after fifteen (15) houses in the subdivision are completed.

4. The agents or employees of the Association are authorized to enter upon any lot for the carrying out of any of the functions set out above.

5. The Association will encourage the planting of flowers and shrubs and other botanical beautification of said subdivision.

6. The annual charge shall constitute a lien or encumbrance upon the land, and acceptance of each of the several deeds of conveyance shall be construed to be a covenant by the Grantee to pay said charges, which covenant shall run with the land and be binding upon the Grantee and his successors and assigns. The Asso-

ciation shall have the exclusive right to take and prosecute all actions or suits, legal or otherwise, which may be necessary for the collection of said charges.

7. In the event that it is necessary to foreclose the lien herein created as to any property, the procedure for foreclosure shall be the same as for the foreclosure of a real estate mortgage, and shall be superior to any claim for dower or homestead.

8. The lien hereby reserved, however, shall be subject to the following limitations:

(a) such lien shall be at all times subordinate to the lien of any mortgagee lender of any sums secured by a properly recorded mortgage to the end and intent that the lien of any such mortgage, or lien instrument, shall be paramount to the lien for charges herein, and provided further that such subordination shall apply only to the charges that shall become payable prior to the passing of title under foreclosure of mortgage or lien instrument or by deed in lieu of foreclosure, and nothing herein given to enforce the collection of such charges accruing after sale under foreclosure of such mortgage or acquisition of title by deed in lieu of foreclosure.

(b) Notice of any charge due and payable shall be given by filing notice of pendency of action in the Lis Pendens Book in the Office of the Clerk of

(8)

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