

located within the right-of-way thereof to the appropriate governmental authorities.

5.9 The said private road may be subject to right of access and use by parties having easements or rights-of-way, recorded or unrecorded, including easements for maintenance of public utilities such as water, sewer, telephone and electricity.

5.10 The annual maintenance charge shall constitute a lien or encumbrance upon the land and acceptance of each of the several Deeds of conveyance for property in the subdivision 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 Association 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.

5.11 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. The Association may elect to sue the owner of said lot for a money judgment rather than seek foreclosure for delinquent maintenance charges. The Association shall charge interest (unless the Association waives the same) at the rate of not more than the prime rate established by South Carolina National Bank, Greenville, South Carolina, or its successor, at not less than eight percent (8%) per annum on all delinquent charges from the date of delinquency forward and may also charge a reasonable attorney's fee for the Association's attorney if the delinquent account is

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