

(b) In the discretion of the Board of Directors,  
in the case of convenience for the Association;  
and

(c) In the discretion of the Board of Directors,  
in the case that the residence owner fails to  
perform his duty.

Action by the Association under this subparagraph E.5  
shall be at the cost and expense of the residence owner who will  
be assessed therefor by the Association.

IX. COMMON AREA AND LIMITED COMMON AREA FACILITIES.

A. Ownership and use of the common area and limited  
common areas shall be governed by the following provisions:

1. The ownership of the percentage of undivided interest  
of a residence owner in the common areas, limited common areas and  
facilities shall be deemed to be conveyed or encumbered or to  
otherwise pass with the residence whether or not expressly  
mentioned or described in a conveyance or other instrument  
describing the residence, and may not be separated from the  
residence.

2. The common areas, limited common areas and facilities  
shall remain undivided and no residence owner nor any other person  
shall bring any action for partition or division of the whole or  
any part of the common areas and facilities except as provided in  
the Act or otherwise specifically provided in this Declaration.

3. Subject to any specific limitations contained herein  
and any rules duly adopted by the Association, each residence  
owner and the Association may use the common areas, limited common  
areas (subject to terms herein) and facilities for the purposes  
for which they are intended, but no such use shall hinder or  
encroach upon the lawful rights of the other residence owners.

4. The maintenance, operation, and groundskeeping service  
of the common areas, limited common areas and facilities shall be  
the responsibility and the expense of the Association except for  
the items listed in Paragraph VIII, G, 1, which shall be the  
responsibility of the unit owner.

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