

special meeting of the members of the Association called and convened in accordance with this Declaration and the By-laws by the affirmative vote of members casting not less than sixty-six and two-thirds (66 2/3%) percent of the total votes of the members of the Association. Unit owners not present at the meeting considering such amendments may express their approval in writing by proxy.

2. Any amendment shall be certified by the President or Vice-President and by the Secretary or Treasurer of the Board of Directors as having been duly adopted by the required percentage of members of the Association and shall be recorded as required by the Act.

3. No amendment shall be enacted which shall impair or prejudice the rights and priorities of any mortgages or other encumbrances of record affecting the units nor shall an amendment change or alter any provisions of this Declaration with respect to mortgagees without the written approval of all mortgagees of record. Further, no amendment shall be passed which affects the rights or interests of the Developer without the express written consent and approval of the Developer.

ARTICLE XVII. TERMINATION.

1. Except for and in addition to the method of termination provided for in Article X of this Declaration, this Declaration and Regime may not be terminated except by and with the consent of the owners of all units and all parties of record holding mortgages, liens or other encumbrances against any of the said units, in which event the termination of Capers Place Horizontal Property Regime shall be by such plan as may be then adopted by the owners of all units and parties holding any encumbrances.

2. Any election to terminate the Regime shall be executed in writing by all of the aforementioned parties and such instrument shall be recorded in the Office of the Register of Mesne Conveyance for Greenville County, South Carolina.

3. Upon any termination of the Regime, each unit shall be bound and obligated to surrender possession of the respective units and to execute such deed and other documents as may be required by the Board of