

the Architectural Committee, the same shall be necessary to prevent undue hardships because of special circumstances attendant to the Real Property involved and if in the opinion of the Architectural Committee such violation or violations will cause no substantial injury to any Homeowner. The waiver, approval or ratification by the Architectural Committee in accordance with the terms of this paragraph shall be binding upon all persons, and the power of waiver herein conferred upon the Architectural Committee shall be construed liberally so as to affect any matters or things included within the terms and conditions of these Covenants.

4.8 Permits. The approval, waiver or ratification of any action within the jurisdiction of the Architectural Committee shall be evidenced by the issuance of a written permit to the applicant, executed by a Member of the Architectural Committee. No construction or alteration shall be carried on until and unless such written permit is obtained.

ARTICLE V.

SETBACKS, LOCATION AND SIZE OF IMPROVEMENTS

5.1 Setback Lines. Building setback lines are as shown on the recorded subdivision plat.

5.2 Walls, Fences or Hedges. No wall, fence or hedge shall be erected nearer to the front Tract line than the building setback line, excepting those of an ornamental nature in confined areas approved by the Architectural Committee.

ARTICLE VI.

PARTY WALLS

6.1 General Rules of Law to Apply. Each wall which is built as a part of the original construction of the residence upon the property and placed on or near the dividing line between the lots, and is subject to use by another residence shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

6.2 Sharing of Repair and Maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared by the owners who make use of the wall in proportion to such use.

6.3 Destruction by Fire or Other Casualty. If a party wall is destroyed or damaged by fire or other casualty, any owner who has used the wall may restore it, and if the other owners then or thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use, without prejudice, however, to the right of any such owner to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

6.4 Weatherproofing. Notwithstanding any other provision of this Article, an owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

6.5 Right to Contribution Runs With Land. The right of any owner to contribution from any other owner under this Article shall be appurtenant to the land and shall pass to such owner's successors in title.

6.6 Easement and Right of Entry for Repair, Maintenance and Reconstruction. Every owner shall have an easement and right