

## ARTICLE XI — GENERAL PROVISIONS

**Section 1. Enforcement.** The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

**Section 2. Amendment.** The covenants and restrictions of this Declaration shall run and bind the land for a term of thirty-five (35) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years unless, prior to the expiration of such thirty-five (35) year period, or the expiration of any such successive ten year (10) period, they are terminated or altered in accordance with this Section 2, Article XII. This Declaration may be amended by an instrument signed by the Owners of not less than eighty percent (80%) of the Home Sites. Such amendment or amendments to this Declaration shall be transcribed, certified by the President or Vice President of the Association that the requisite number of owners approved the amendment by written ballot, and a copy of the amendment so certified recorded in the Office of Register of Deeds for McDowell County. No person who may act in reliance upon the certification of the President or Vice President, as aforesaid, shall incur any liability for relying upon the same and shall not be responsible to determine or ensure the proper vote of owners as so certified. Any termination or amendment must be properly recorded. For the purpose of this Section, additions to existing property as provided in Article II, Section 2, hereof shall not constitute an "amendment".

**Section 3. Miscellaneous.** In all cases the restrictions set forth or provided for in these restrictions shall be construed together and shall be given the interpretation or construction which will best tend toward their strict enforcement, and, if necessary, they shall be so extended or enlarged by implication as to make them fully effective.

## ARTICLE XII — WASTE TREATMENT

**Section 1. General.** The wastewater treatment, collection and disposal system will be a Common Area after it is certified as meeting any local, state or federal requirements, and it is accepted by the Association. After it is accepted by the Association, it shall be properly maintained and operated in conformity with law and the provisions of the permit for construction, operation, repair and maintenance of the system and facilities. The entire wastewater treatment, collection and disposal system will receive the highest priority for expenditures by the Association, excepting Federal, State and local taxes and insurance. The Disposal System shall be maintained out of the common expenses of the Association. In order to assure that there shall be funds readily available to repair or maintain the Disposal System, beyond the routine operation and maintenance expenses thereof, the Association shall create a fund separate from the common expense fund for this purpose. Such funds shall be separate from the routine maintenance funds allocated to the facility and shall be part of the yearly budget. As provided for in the Declaration, there shall be no limit on the amount of any special assessments to cover the necessary costs related to the repair and maintenance of the Disposal