

**Section 18.9 - Attendance at Meetings**

Any representative of an Eligible Mortgagee or Eligible Insurer may attend any meeting which a Home Site Owner may attend.

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**ARTICLE XIX****Assessment and Collection of Common Expenses****Section 19.1 - Apportionment of Common Expenses**

Except as provided in Sections 19.2, and 19.3 and the Act, all Common Expenses shall be assessed against all the Home Sites in accordance with their percentage interest in the Common Expenses, as shown on Schedule A-2.

**Section 19.2 - Common Expenses Attributable to Fewer than all Home Sites**

- (a) Any Common Expense associated with the Maintenance, Repair or Replacement of a Limited Common Element shall be assessed against the Home Sites to which that Limited Common Element is assigned. If any such Limited Common Element is assigned to more than one Home Site, the Common Expenses attributable to the Limited Common Element will be assessed equally among the Home Sites to which it is assigned (or any other proportion if required).
- (b) Any Common Expense associated with the Maintenance, Repair or Replacement of a Home Site shall be assessed against that Home Site.
- (c) Any Common Expense or portion thereof imposed on the Association, benefiting fewer than all the Home Sites shall be assessed exclusively against the Home Sites benefited.
- (d) Any Common Expense for services provided by the Association to an individual Home Site at the request of the Home Site Owner will be assessed against the Home Site which benefits from such service.
- (e) Any insurance premium increase attributable to a particular Home Site, by virtue of additional risk caused by activities in or construction of the Home Site, will be assessed against that Home Site.
- (f) Assessments to pay a judgment against the Association may be made only against the Home Sites in the Common Interest Community at the time the judgment was rendered, in proportion to their Common Expense Liabilities.
- (g) If any Common Expense is caused by the misconduct of any Home Site owner, the Association may, after notice and hearing, assess that expense exclusively against his or her Home Site.
- (h) Fees, charges, late charges, fines, interest, and costs charged against a Home Site Owner pursuant to the Instruments and the Act are enforceable as Common Expense Assessments.

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- (l) In any action brought by the Association to foreclose a lien against a Home Site because of unpaid Common Expense Assessments, the Home Site Owner shall be required to pay a reasonable rental for the use of his or her Home Site, and the plaintiff in such foreclosure action shall be entitled to the appointment of a receiver to collect the rent and all costs incurred in the collection of rental funds, the rent to accrue from the date that the foreclosure decree becomes final until the plaintiff in such foreclosure action regains possession from the Home Site Owner. The costs of the receiver shall be an additional Common Expense Assessment assessed against the affected Home Site.
- (j) If a sales or service tax is imposed on assessments against fewer than all the Home Sites because they are not owner-occupied or otherwise, such tax shall be collected as an additional Common Expense Assessment exclusively from such Home Sites against whom such imposition is levied.
- (k) Portions of the cost of Repairing or Replacing Home Sites allocated to individual Home Sites under the provisions of Subsection 23.2(b) shall be assessed against the Home Site or Home Sites to which they are allocated.
- (l) Any fees resulting from the transfer of an interest in a Home Site due to the Association under the provisions of Subsection 10.3(d) of this Declaration.

#### Section 19.3 - Lien

- (a) The Association has a statutory lien on a Home Site for any assessment levied against that Home Site or fines imposed against its Home Site Owner from the time the assessment or fine becomes delinquent. Fees, charges, late charges, fines and interest charged pursuant to the Act are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.
- (b) A lien under this section is prior to all other liens and encumbrances on a Home Site except (1) liens and encumbrances recorded before the recordation of the declaration, (2) a first or second security interest on the Home Site recorded before the date on which the assessment sought to be enforced became delinquent, and (3) liens for real property taxes and other governmental assessments or charges against the Home Site. The lien is also prior to all security interests described in subdivision (2) of this subsection to the extent of the common expense assessments based on the periodic budget adopted by the Association pursuant to Section 19.4 of this Article which would have become due in the absence of acceleration during the six months immediately preceding institution of an action to enforce either the Association's lien or a security interest described in subdivision (2) of this subsection. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the Association.

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- (c) Recording of the Declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.
- (d) A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within two years after the full amount of the assessments becomes due; provided, that if an owner of a Home Site subject to a lien under this section files a petition for relief under the Home Sited States Bankruptcy Code, the period of time for instituting proceedings to enforce the Association's lien shall be tolled until thirty days after the automatic stay proceedings under Section 362 of the Bankruptcy Code is lifted.
- (e) This section does not prohibit actions to recover sums for which subsection (a) of this section creates a lien or prohibit the Association from taking a deed in lieu of foreclosure.