

ARTICLE X

FIRST MORTGAGES

Section 1. Notice of Action. Upon written request to the Association identifying the name and address of a First Mortgagee or insurer or guarantor of a First Mortgage and the residence address of the Dwelling Lot that is subject to such First Mortgage, each such First Mortgagee or insurer or guarantor of such a First Mortgage shall be entitled to timely written notice of :

(1) any condemnation loss or casualty loss that affects a material portion of the Property or any Dwelling Lot subject to a First Mortgage held, insured or guaranteed by such First Mortgagee, insurer or guarantor of a First Mortgage;

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(2) any delinquency in the payment of assessment or charges owed to the Association by the Owner of the any Dwelling Lot subject to a First Mortgage held, insured or guaranteed by such First Mortgagee, insurer or guarantor or any default by such Owner in any obligation under the Declaration, Articles of Incorporation or Bylaws of the Association and the Board has actual knowledge of such default, when such delinquency or default remains uncured for a period of sixty (60) days; or

(3) any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Association.

Section 2. Audit. The Association shall provide annual financial statements for the immediately preceding fiscal year, free of charge, to an Owner, any First Mortgagee or any insurer or guarantor of such a First Mortgage so requesting within a reasonable time after written request therefor. Audited statements shall be furnished only if paid for by the person requesting such a statement.

Section 3. Association Books and Records. The Association shall make available to Owners, First Mortgagees and insurers or guarantors of any such First Mortgage current copies of this Declaration, the Articles of Incorporation, Bylaws, rules and

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regulations, books, records and financial statements of the Association. "Available" shall mean available for inspection, upon request, during normal weekday business hours or under other reasonable circumstances.

## ARTICLE XI

### GENERAL PROVISIONS

Section 1. Enforcement. Enforcement of the covenants, conditions, restrictions, easements, reservations, liens, charges and other provisions contained in this Declaration, the Articles of Incorporation and Bylaws of the Association shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any such provision, to enjoin or restrain such violation or attempted violation or to recover damages, or both, and the Association and any aggrieved Owner shall have the right to institute, maintain and prosecute any such proceeding. In any such action, the prevailing party shall be entitled to recover its costs and reasonable attorneys' fees incurred in connection therewith. Failure by the Association or any Owner to enforce any provision of this Declaration or the Articles of Incorporation or Bylaws of the Association shall in no event be deemed a waiver of the right to do so thereafter.

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