

ARTICLE VI

PROPERTY RIGHTS IN THE COMMON PROPERTIES

Section 1. **Members' Easements of Enjoyment.** Subject to the provisions of Section 2, every member shall have a right and easement of enjoyment in and to the Common Properties, and such easement shall be appurtenant to and shall pass with the title to every Lot or Living Unit.

Section 2. **Extent of Members' Easements.** The rights and easements of enjoyment created hereby shall be subject to the following:

(a) The right of the Association to prescribe rules and regulations for the use of Common Properties, including but not limited to the size, type of boats operated on any waters on the Properties; the taking of fish from waters on The Properties; and such other regulations as the Association deems necessary to the health, safety and welfare of the Association and its members.

(b) The right of the Association in accordance with its Articles and Bylaws to borrow money for the purchase of improving the Common Properties and in aid thereof to mortgage said properties. In the event of a default upon any such mortgage the lender's rights hereunder shall be limited to a right, after taking possession of such properties, to charge admission and other fees as a condition to continued enjoyment by the members and, if necessary, to open the enjoyment of such properties to a wider public until the mortgage debt is satisfied whereupon the possession of such properties shall be returned to the Association and all rights of the members hereunder shall be fully restored.

(c) The right of the Association to take such steps as are reasonably necessary to protect the above-described properties against foreclosures.

(d) The right of the Association, as provided in its Articles and Bylaws, to suspend the enjoyment rights of any member for any period during which any assessment remains unpaid, and for any infraction of its published rules and regulations.

(e) The right of the Association to charge reasonable admission and other fees for the use of the Common Properties and also the right to establish rules and regulations on the use of the Common Properties.

(f) The right of the Association to dedicate or transfer all or any part of the Common Properties to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Association in accordance with its Articles and Bylaws.

(g) The right of the Association, its successors and assigns, to construct on, over and under the Common Properties and to maintain water, electric, gas, telephone, sanitary disposal system and other utility facilities to serve The Properties or portions thereof and to grant easements to others in such regard.