

other structures located thereon or within the dwelling, except for the specific items which the Association is mandated to maintain as set forth in Section 2.

Section 2. Association Maintenance Responsibilities. In addition to the common areas and common property, the Association shall only be responsible for the maintenance, repair and upkeep of the following located upon a Lot:

A. **Landscaping.** The Association shall exclusively provide landscaping maintenance and service for each Lot. Such service will be mandatorily provided and the cost of such services shall be a common expense of the Association. Each owner shall bear the cost of acquiring and replacing grass and any plantings (trees, flowers, etc.) that is/are in need of replacement and the cost of irrigation. The Association shall have the right to require the removal, at the owners expense, of any plantings which interfere with, or unreasonably interfere with, the provision of this service. In addition, the Association and its agents shall have an easement of access over each Lot for the purpose of controlling the irrigation system on each Lot. This access shall include the right to control irrigation, including setting water timers, etc.

ARTICLE XIV

PARTY WALLS

Section 1. General Rules of Law to Apply. Each wall which is built as a part of the original construction of the dwellings and cluster buildings upon the Properties and placed on the subdividing line between the Lots, shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Declaration, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

Section 2. Sharing of Repair and Maintenance. The cost of repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

Section 3. Destruction by Fire of Other Casualty. If a party wall is destroyed or damaged by fire or other casualty and it is not covered by insurance, any Owner who has used the wall may restore it; and, if the other Owners thereafter make use of the wall, they shall contribute to the cost of the restoration thereof in proportion to their use without prejudice, however, to the right of any such Owner to call for a larger contribution from the others under any rule or law.

Section 4. Weatherproofing. Notwithstanding any other provisions 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 cost of furnishing the necessary protection against such elements.

Section 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 Owners' successors in title.