

Roadways

Roadways are Association owned and maintained by the Association through the oversight of the Board or Administrators. At the April 2016 meeting of the Board of Administrators the Board determined that all asphalt roadways, up to the concrete of Dwelling Unit garages, are association property and are to be maintained by the Association. Asphalt repair and sealing are done on an every other year basis or as needed.

4th AMENDED OR RESTATED MASTER DEED OF OAKS OF FONTENELLE CONDOMINIUM PROPERTY REGIME I

VIII

Covenants, Conditions And Restrictions

2. The Common Area elements are for the use or enjoyment of all Owners. The ownership of the Common Area elements shall remain undivided, and no person or Owner shall bring any action for the partition or division of the Common Area elements. The Association shall from time to time establish rules and regulations for the use of the Common Area elements, and all Owners or users shall be bound thereby. The Association shall have the sole jurisdiction over and responsibility for making alterations, improvements, repairs and maintenance of the Common Area elements. The share of an Owner in the Common Area elements is appurtenant to his/her Dwelling Unit and inseparable from Dwelling Unit ownership. Assessments against the Dwelling Units for insurance, Common Area expenses and reserves, and for other expenses incurred by the Association shall be made pursuant to the By-Laws. Assessments paid within ten days after the date when due shall not bear interest, but all sums not paid within said ten day period shall bear interest at the highest rate permissible at law from due date until paid. If any Owner shall fail or refuse to make any payment of such assessments when due, the amount thereof plus interest shall constitute a lien upon the Owner's interest in his/her Dwelling Unit and in the property, and upon the recording of such lien by the Association in the Register of Deeds Office of Sarpy County, Nebraska, such amount shall constitute a lien prior and preferred over all other liens and encumbrances except assessments, liens and charges for taxes past due and unpaid on the Dwelling Unit and except prior duly recorded mortgage and lien instructions. Said lien, together with interest, court costs and reasonable attorney fees, may be foreclosed in an action in equity, as allowed by law, against the interest of the Owner of the Dwelling Unit against which the subject assessment was levied. The payment of assessments shall also be the personal obligation of the Owner of each Dwelling Unit or may be recovered in an action at law, together with interest, court costs and reasonable attorney fees. In the event of payment and satisfaction of a lien filed on record, the Association shall forthwith file with the Register of Deeds a release of same.