

7.5 Action without Meeting. Any action required or permitted to be taken at a meeting of the Members may be taken without a meeting upon the written consent of Members having not less than the minimum number of votes that would be necessary to take such action at a meeting at which all Members entitled to vote were present and voted.

8 Maintenance, Alteration and Repair

8.1 Generally.

(a) The Association shall be responsible for the management, control and improvement of the Common Elements and shall keep the Common Elements attractive, clean and in good repair. The Association shall maintain Limited Common Elements unless:

- (i) this Declaration or the Condominium Act provides otherwise, or
- (ii) the affected Unit Owners and the Association agree that the affected Unit Owners shall maintain the Limited Common Elements.

(b) Except as noted, maintenance shall include repairs, repainting and replacement as necessary, regular landscaping, cleaning and collection of litter, proper lighting and repair, lighting and maintenance of all parking areas on the Land, and all other care necessary for a first-class commercial facility. The Design Review Panel may set standards for care, in which case such standards shall apply.

(c) All HVAC equipment, including equipment such as air handlers inside any Unit as well as compressors or heat pumps outside of any Unit, shall be Limited Common Elements which shall be exclusively maintained by the Owners of the Units served thereby. The costs of any maintenance which is required by the Association for such equipment shall be assessed exclusively against the Owner of each applicable Unit.

(d) All landscaping, irrigation lines, heads and equipment, and all parking areas on the Land serving any part of the Building shall be Common Elements to be maintained by the Association or by the Master Association.

8.2 Ground Floor Limited Common Elements.

(a) Definition. The following shall be considered Limited Common Elements assigned exclusively to all of the ground floor units:

- All exterior awnings,
- Ground floor doors and windows other than as provided in Paragraph 8.3, and
- Any other area so designated herein or on the Plats and Plans.

(b) Maintenance. The Association shall maintain such ground floor Limited Common Elements, the cost of which shall be assessed exclusively to the ground floor Units. All signs, canopies or other primarily decorative or signage materials that are owned by or customized for any ground floor establishment, and all exterior lighting owned by or customized for any ground floor commercial es-

establishment, shall be maintained exclusively by the Owner of that Unit with any responsibility for the same by the Association. The costs of any maintenance which is required by the Association for such areas shall be assessed exclusively against the Owner of each applicable Unit.

(c) Capital Improvement. The ground floor Units may make any capital improvement to the ground floor Limited Common Elements listed above upon approval by the Design Review Panel and a majority of the affected ground floor Units of the Condominium, provided that such affected Units pay the cost thereof and that no upstairs Unit shall be required to share in the cost thereof.

(d) Outside Patio Areas. The outside patio areas for Units 105 and 109 shown on the Plats and Plans shall be Limited Common Elements which shall each be exclusively maintained by the Owner of the corresponding Unit served thereby. The costs of any maintenance which is required by the Association for such areas shall be assessed exclusively against the Owner of each applicable Unit. The occupants of such Units shall have the right to use the outside patio areas for reasonable dining and entertainment uses at all reasonable times of the day and night.

(e) Drive-Through Lanes. The drive-through lanes and related pavement, driveways, curbs, automatic teller machines, canopies, columns, night deposit boxes and related fixtures and structures adjoining Unit 101 shown as "Limited Common Area (Unit 101)" on the recorded condominium plat shall be Limited Common Elements exclusively maintained by the Owner of Unit 101. The costs of any maintenance which is required by the Association for such areas shall be assessed exclusively against the Owner of Unit 101. The Owner of Unit 101 shall have the exclusive right to lease and use (or delegate or assign the use of) such area, and the Association shall have no claim on any rents the Owner of Unit 101 may derive therefrom.

8.3 Upper Floor Limited Common Elements.

(a) The elevator and stair lobbies, elevator and shaft, and stairs and stairwells accessing the upper floor, including any doors, windows and other fixtures for the same, as well as the common restrooms on the upper floor, shall be Limited Common Elements for all of the upper floor Units. The Association shall maintain such Limited Common Elements, the cost of which shall be assessed exclusively to the applicable upper floor Units.

(b) The exhaust assembly extending from Unit 105 and penetrating the second floor and the roof shall be Limited Common Elements benefiting Unit 105 which shall be maintained by the Owner or occupant of that Unit. The costs of any maintenance which is required by the Association for such item shall be assessed exclusively against the Owner of Unit 105.

8.4 Association Powers.

(a) Capital Improvements; Additional Common Elements. The Association may make capital improvements to the Common Elements, may purchase additional property to be added to the Common Elements and may modify the uses of the Common Elements. Expenses for substantial capital improvements must be approved in accordance with Paragraph 9.6.

(b) Access. The Association shall have access to each Unit as may be necessary for repair or maintenance of any Common Elements or when necessary to prevent damage to the Common Elements or to another Unit or Units, or for specific portions of the Unit to be maintained by the Associa-