

ARTICLE III

AREAS

Section 1. Common Area. Initially, the Common Area associated with this Association are the following: Tract "A", Drainage Easement, Wetland Conservation Area, Upland Area; and such other areas, either at the execution hereof or later added pursuant hereto, including, but not limited to, buffer areas, drainage property and easements.

Section 2. Property Rights. Except with respect to any portion of the Common Area subjected to an exclusive use easement and/or right of use as referenced herein, each Parcel Owner shall have a right and easement of enjoyment in and to the Common Area for its intended purpose, which shall be appurtenant to and pass with the title of each Parcel, subject to the right of the Association to adopt rules and regulations governing the use and enjoyment thereof, and the right of the Association to grant permits, licenses and easements thereover for utilities, roads and other purposes reasonably necessary or useful for the maintenance or operation of the Community. Further, such Common Area easement rights shall be subject to the following provisions:

(a) The right of the Association to suspend the right to use all or a portion of the Common Area by a Member and/or Member's tenants, guests and invitees for any period during which any assessment against Member's Parcel remains unpaid, and to fine and/or suspend such Member's right to use all or a portion of the Common Area for a reasonable period of time for any infraction of its published rules and regulations, provided, however, that a Member may not be denied access, ingress or egress to such Member's Parcel and such fine and/or suspension is imposed in accordance with F.S. 617.305 (2) and the Bylaws. In the event of such suspension, a Member shall not be entitled to any abatement or reduction in assessments due the Association.

(b) The right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the Members. No such dedication or transfer (except as permitted in subsection (d) of this Section 3.) shall be effective without consent of Members entitled to vote at least two-thirds (2/3) of the voting interests of the Association.

(c) Rules and regulations adopted by the Association governing use and enjoyment of the Common Area.

(d) The right of the Association to grant permits, licenses, and easements over the Common Area for utilities, roads and other purposes reasonably necessary or useful for the proper maintenance or operation of the Community.

Section 3. Delegation of Use. Any Member may delegate by written instrument to the Association such Member's right of enjoyment to the Common Area to specified persons in Member's family, Member's tenants or contract purchasers who reside in the Parcel and in the Community.

Section 4. Ingress and Egress. Any conveyance or encumbrance upon that portion of the Common Area providing ingress and egress to and from each Parcel is subject to every Member's right and easement of ingress and egress of such area.

ARTICLE IV

MEMBERSHIP AND VOTING RIGHTS

Section 1. Membership. Every Parcel Owner of a Parcel shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from Ownership of any Parcel.

Section 2. Voting. The Association shall have two classes of voting membership:

Class A. Class A members shall be all Parcel Owners, with the exception of the Developer, and shall be entitled to one vote for each Parcel owned. When more than one person holds an interest in any Parcel, all such persons shall be members. The vote for such Parcel shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Parcel.

Class B. The Class B members shall be the Developer and shall be entitled to two hundred (200) votes. The Class B membership shall cease on the happening of one of the following earlier:

(a) three (3) months after 90% of the Parcels in Hickory Lakes that will ultimately be operated by the Association have been conveyed to Parcel Owners;