

5.4. Maintenance, Repair and Replacement.

The Association, through its Board of Directors, is responsible for maintenance, repair, and replacement of the Common Areas. The use and maintenance of any Common Area shall be the responsibility of the Loomis Trail Homeowners Association as determined by the ownership of such Common Area. The rights of use and maintenance responsibilities of those Common Areas now or hereafter owned by the Loomis Trail Homeowners Association shall be as described in The Greens at Loomis Trail Phase I Declaration. The rights of use and maintenance responsibilities of those Common Areas owned by the Loomis Trail Homeowners Association shall be as described herein, provided, the Loomis Trail Homeowners Association shall be authorized to promulgate reasonable rules and regulations not inconsistent herewith so as to ensure the common welfare and safety of the Owners. Such rules and regulations may include, but shall not be limited to the following:

(a) The use of any Common Area owned by the Loomis Trail Homeowners Association shall be subject to access and public and private utility easements from time to time granted, conveyed or reserved by the Declarant or the Loomis Trail Homeowners Association.

(b) Nothing that in any way alters any Common Area owned by the Loomis Trail Homeowners Association from its existing state shall be permitted except as contemplated by this Declaration or approved by Declarant or the Loomis Trail Homeowners Association.

(c) There shall be no use of any Common Area owned by the Loomis Trail Homeowners Association that injures or scars the Common Area or the vegetation, increases the cost of maintenance, or causes unreasonable disturbance or annoyance to Owners in their enjoyment of their Lots, or in their enjoyment of the Common Area. All use of any Common Area owned by the Loomis Trail Homeowners Association shall be subject to the Loomis Trail Homeowners Association Rules (as defined below) in effect from time to time.