

balconies, chimneys and decks which are attached to, attributed to, or designated for use by the owner of a particular Townhome shall be considered Limited Common Elements; provided that they shall be possessed, used and enjoyed exclusively by the owner of the appropriate Townhome, unless all of the owners of Townhomes in a given Building shall elect to distribute or allocate the use and enjoyment of such Limited Common Elements in some other manner.

The legal description of each Townhome shall consist of the identifying number of such Townhome as shown on Exhibit "B." Every deed, lease, mortgage or other instrument may legally describe a Townhome by its identifying number as shown on Exhibit "B" followed by the words "in McDaniel Green Creekside Horizontal Property Regime."

Section 3.

Common Elements. Ownership of the Common Elements shall be by the owners of all Townhomes as tenants in common. The percentage of undivided interest of each owner in and to the Common Elements shall be as set forth on Exhibit "C." Developer's percentage of undivided interest in and to the Common Elements at any particular time shall be the percentage derived by subtracting from "100" percent the total at said time of the percentages of all other Townhome owners. The percentages of undivided interests of the owners as defined and determined in accordance with this Master Deed may be altered only by the consent of all such owners expressed in a duly recorded amendment to this Master Deed. The percentage of undivided interest of each owner in the Common Elements is appurtenant to the Townhome owned by him. No appurtenance may be separated from the Townhome to which it appertains, and such appurtenance shall be deemed to be conveyed and encumbered or to otherwise pass with the Townhome whether or not expressly mentioned or described in a conveyance or other instrument describing the Townhome. The Common Elements shall remain undivided, and no owner nor any other Person shall bring any action for partition or division of the whole or any part thereof except as specifically provided herein. Each owner and the Association (as hereinafter defined) may use the Common Elements for the purposes for which they are intended, but in no such use shall enter or encroach upon the lawful rights of the other owners.