

ARTICLE VI: COMMON PROPERTY

1. Other Common Property Tracts. The recorded plat of any phase of GOOSE HOLLOW SUBDIVISION shall depict the proposed commonly owned land, if any, which will or may be transferred to the Association as Common Property. Such tracts may contain landscaping, ponds, and/or facilities or improvements for the use, or benefit, in common, of the members of the Association. Declarant is under no obligation to improve such tracts with any particular facilities or structures, but reserves the right to improve a tract or tracts with swimming pools, tennis courts, meeting halls, or similar recreational facilities, at its own expense, prior to conveying the same to the Association.
2. Conveyance to the Association. At such time as the Declarant deems the Association financially capable of operating and maintaining a tract of Common Property, it shall convey said tract to the Association; provided, that any tract so conveyed shall be free of debt encumbrance at the time of conveyance. The Association shall accept each such conveyance and shall thereafter be responsible to operate and maintain such tract and any facilities thereon in good repair and in an attractive appearance at the Association's expense. Prior to the conveyance, the Declarant shall be responsible to maintain such tract and facilities at Declarant's expense.
3. Mortgage or Conveyance of Common Property. After conveyance to the Association, the Common Property cannot be mortgaged or conveyed without the affirmative vote of four-fifths (4/5) of members voting in person or by proxy at a meeting duly called for this purpose; provided, however, that this Section shall not apply to the granting of easements for public utilities or other public purposes, or to the dedications described in Article VII, Section 3(c).
4. Condemnation of Common Property. After conveyance to the Association, the Board shall have the sole authority to negotiate with any public or private body or person having the power to eminent domain and to sue or defend in any litigation involving such bodies or persons with respect to the Common Property or any portion thereof which is the subject of any condemnation or eminent domain proceeding.