

as housing for guests in the event a separate house is constructed on said lot.

(34) Hangers: Hangers may be used for housing airplanes and other related items so long as the use does not detract from the overall appearance of the property. The hangers may have apartments constructed within the hanger for guest purposes. Only one (1) family may reside in and on the property contained in each lot but hanger may be used as housing for guests or activities related to the use of the hanger and the family being on said lot.

(35) Enforcement of these restrictions shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages, and the cost of attorney fees and court costs of the person or persons who are successful in such litigation shall be paid by the person or persons against whom judgment is obtained. Developer or its assignee shall have a lien on the lot of the violating or non-performing party and on the improvements thereon in order to secure the payment of any such amounts, damages, attorneys' fees and costs.

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(34) Developer reserves unto itself the right to impose additional and separate restrictions at the time of sale of any lots sold by it in "BLUE MOUNTAIN AIR PARK" subject to Section IV of this instrument "Effects of Covenants and Restrictions".

II.

ARCHITECTURAL CONTROL COMMITTEE

1. All plans for any and all buildings and any additions to existing structures, all walls, fences, swimming pools, tennis courts and recreational facilities must be presented to and approved by the Architectural and Landscape Control Committee in writing prior to the commencement of any construction. The approval by the Committee shall not be unreasonably withheld.

2. The Architectural and Landscape Control Committee shall consist of not less than 3 nor more than 5 members. At any time, Owners shall have the right to transfer to the Property Owners' Association the power and authority to appoint the members of the Committee and to establish rules and regulations pertaining to the Committee's authority and function. In any event, this transfer of authority shall occur no later than the date on which seventy-five (75%) percent of the parcels in the property have been sold, including parcels in any reserved areas.

3. The Committee shall approve or disapprove plans submitted to it within 30 days after an application has been made to the Committee, or if it fails to act within the said 30 days, the application shall be deemed to have been approved. These plans shall include architectural and landscaping plans.

III.

"BLUE MOUNTAIN AIR PARK" PROPERTY OWNERS' ASSOCIATION

1. As soon as Owners deem, in their sole discretion, that a sufficient number of parcels have been sold, or 75% of the parcels have been sold, whichever occurs first, Owners shall activate a Property Owners' Association for the purpose of maintaining the standards and enforcing the restrictions contained in the Declaration of Protective and Restrictive Covenants, and for such additional purposes as its membership shall from time to time deem necessary or proper. Said Association shall be known as the "BLUE MOUNTAIN AIR PARK" Property Owners' Association, but may be organized as a corporation or an unincorporated association. All owners of parcels within the development shall, by acceptance of their deeds, be required to become members of the Association and shall be subject to its rules and regulations. Each platted parcel within the development shall have one (1) vote. Owners shall have one (1) vote for each platted parcel which they have