

**1.4.1 Maintenance of Common Open Space and Common Facilities**

- A. For purposes of maintaining any Common Open Space and Common Facilities provided in a development, a property owners association and a maintenance agreement for upkeep of the Common Open Space and Common Facilities which has been approved by the Planning Commission shall be recorded as a deed restriction, noted on the development plan, and shall be binding on purchasers of lots in the development. The Commission may designate standard forms for such agreement.
- B. The maintenance agreement shall include provision for assessing and collecting the common expense of maintaining the Common Open Space and Common Facilities from the owners of the lots within the development.
- C. Unpaid common expenses assessed in accordance with the recorded maintenance agreement shall become a lien on lots owned by the delinquent property owner prior to all other liens, except only (1) liens for taxes and assessments lawfully imposed by governmental authority, and (2) all sums unpaid on first mortgages of record. Such lien may be enforced by suit by a member of the property owners association acting on behalf of the other lot owners, in like manner as a mortgage of real property. Suit to recover a money judgment for unpaid common expenses of an owner shall be maintainable without lien enforcement or waiving the lien securing the same.