

Section 5. "Lot" shall mean and refer to any plot of land including community building lots shown upon any recorded plat of the Properties with the exception of the common area.

Section 6. "Declarant" shall mean and refer to KEDC, its successors and assigns.

Section 7. "Member" shall mean and refer to every person or entity who holds membership in the Association.

Section 8. "Development Covenants" shall mean this document, the Development Standards for Synergy Park at Elder Lake and the By-Laws and Rules and Regulations adopted by the Association.

Section 9. "Development Standards" shall mean the Development Standards of Synergy Park at Elder Lake, which are incorporated herein by reference for all purposes.

Section 10. "Elder Lake" shall mean Elder Lake, the green-belt surrounding it containing jogging paths and the green-belt to the north of it, all of which will be reserved to Declarant as "Lot 0", but will be accessible to the public during daylight hours. Elder Lake will be a common area but will be maintained at least 50% by the Property Owner's Association and 50% by Declarant. Any changes in use of Elder Lake must be approved by the Declarant.

## ARTICLE II POWERS IN DECLARANT

Section I. Changes in Boundaries. The Declarant reserves the right to make such changes in the boundaries of Synergy Park, lots not sold to others and on the Common Areas as it deems advisable, provided that such changes shall not be unreasonable or substantially adversely affect the boundaries or the beneficial use and enjoyment of any lot then owned by Owners other than the Declarant, and provided that Declarant complies with all provisions of any applicable law or ordinance. The reasonableness of any such boundary change, if disputed by a lot owner other than Declarant, shall be mediated by a registered professional engineer of a choice acceptable in advance by both parties. If no engineer is acceptable to both or if either party is aggrieved by the decision of the engineer, then a mediator shall be appointed by the American Arbitration Association. If mediation does not resolve the issue, the