

10.8.3 Waterbodies. Developer, Club Owner, and Association shall not be obligated to erect fences, gates, or walls around or adjacent to any waterbody or waterfall within Bonita Lakes. Notwithstanding the foregoing, an Owner may erect a fence adjacent to the boundary of a waterbody but within the boundary of a Home with the prior approval of the ACC. No fence or other structure may be placed within any lake maintenance easement. Swimming will be permitted at designated locations. Prior to the Community Completion Date, no dock may be erected within a waterbody forming part of the Common Areas without the prior consent of Developer and the ACC. From and after the Community Completion Date, no dock may be erected within a waterbody forming part of the Common Areas without the prior consent of the ACC, and the approval of all governmental agencies and divisions having jurisdiction over the construction of a dock.

10.8.4 Obstruction of Common Areas. No portion of the Common Areas may be obstructed, encumbered, or used by Owners for any purpose other than as permitted by Association.

10.8.5 Assumption of Risk. Without limiting any other provision herein, each person within any portion of Bonita Lakes accepts and assumes all risk and responsibility for noise, liability, injury, or damage connected with use or occupation of any portion of the Bonita Lakes (e.g., the Common Areas) including, without limitation, (a) noise from maintenance equipment, (b) use of pesticides, herbicides and fertilizers, (c) view restrictions caused by maturation of trees and shrubbery, (d) or the removal or pruning of shrubbery or trees within Bonita Lakes, and (e) design of any portion of Bonita Lakes. Each person entering onto any portion of Bonita Lakes also expressly indemnifies and agrees to hold harmless Developer, Association and Builders and all employees, directors, representatives, officers, agents, and partners of the foregoing, from any and all damages, whether direct or consequential, arising from or related to the person's use of the Common Areas or proximity of any Home, including for attorneys' fees, paraprofessional fees and costs at trial and upon appeal. Without limiting the foregoing, all persons using the Common Areas, including without limitation, any pool or area adjacent to a lake, do so at their own risk. BY ACCEPTANCE OF A DEED, EACH OWNER ACKNOWLEDGES THAT THE COMMON AREAS MAY CONTAIN WILDLIFE SUCH AS ALLIGATORS. DEVELOPER, BUILDERS AND ASSOCIATION SHALL HAVE NO RESPONSIBILITY FOR MONITORING SUCH WILDLIFE OR NOTIFYING OWNERS OR OTHER PERSONS OF THE PRESENCE OF SUCH WILDLIFE. EACH OWNER AND HIS OR HER GUESTS AND INVITEES ARE RESPONSIBLE FOR THEIR OWN SAFETY.

10.8.6 Owner's Obligation to Indemnify. Each Owner agrees to indemnify and hold harmless Developer, Association, Club Owner, any Club manager and Builder, their officers, partners, agents, employees, affiliates, directors and attorneys (collectively, "Indemnified Parties") against all actions, injury, claims, loss, liability, damages, costs and expenses of any kind or nature whatsoever ("Losses") incurred by or asserted against any of the Indemnified Parties from and after the date hereof, whether direct, indirect, or consequential, as a result of or in any way related to the Common Areas, including, without limitation, use of the lakes and other waterbodies within Bonita Lakes by Owners, and their guests, family members, invitees, or agents, or the interpretation of this Declaration and/or exhibits attached hereto and/or from any act or omission of Developer, Association, Club Owner, any Club manager or Builder or of any of the Indemnified Parties. Should any Owner bring suit against Developer, Association, Club Owner or any Club manager or any of the Indemnified Parties for any claim or matter and fail to obtain judgment therein against such Indemnified Parties, such Owner shall be liable to such parties for all Losses, costs and expenses incurred by the Indemnified Parties in the defense of such suit, including attorney's fees and paraprofessional fees at trial and upon appeal.

10.9 Rules and Regulations.

10.9.1 Generally. Prior to Community Completion Date, the Developer, and thereafter Association, shall have the right to adopt Rules and Regulations governing the use of the Common Areas and Bonita Lakes. Rules and Regulations promulgated by the Board or any committee established by the Board concerning the use of Bonita Lakes shall be observed by the Owners and their family, invitees, guests and tenants; provided, however, that copies of such Rules