

381.837 Master deed exceptions.

If a condominium does not contain any unit which is designed for occupancy by only one family or household, or if the floor area of all those units which are designed for occupancy by only one (1) family or household does not in the aggregate exceed ten percent (10%) of the floor area of all units in the condominium, then the following provisions shall be applicable, notwithstanding any other provisions of this chapter:

The master deed may provide:

- (1) That to any extent specified in the master deed the common profits shall be distributed among, and the common expenses shall be charged to, the unit owners in proportions other than according to their respective percentages of the undivided interest in the common areas and facilities;
- (2) That to any extent specified in the master deed the unit owners shall not be personally liable for sums assessed for their share of common expenses, but such provisions shall not adversely affect any lien for said share;
- (3) That the priority provided in KRS 381.883 shall not prohibit subordination of a mortgage lien to the lien for common expenses;
- (4) A procedure for submitting the disputes arising from the administration of the condominium to arbitration or other impartial determination; and
- (5) Terms and conditions differing from those set forth in KRS 381.830 or 381.890 regarding rebuilding made necessary by fire or other casualty loss, the making of improvements and allocation of the costs of such rebuilding or improvements, and the removal of the condominium or portion thereof from the provisions of this chapter; and in such case, the terms and conditions of the master deed shall take precedence over the provisions of KRS 381.830 or 381.890 to the extent they are inconsistent.

Effective: July 15, 1988

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Created 1974 Ky. Acts ch. 381, sec. 18.