

381.9137 Allocation of common element interests, votes, and common expense liabilities.

- (1) The declaration shall allocate a fraction or percentage of undivided interests in the common elements and in the common expenses of the association, and a portion of the votes in the association, to each unit and state the formulas used to establish those allocations. Those allocations shall not discriminate in favor of units owned by the declarant.
- (2) If units may be added to or withdrawn from the condominium, the declaration shall state the formulas to be used to reallocate the allocated interests among all units included in the condominium after the addition or withdrawal.
- (3) The declaration may provide:
 - (a) That different allocations of votes shall be made to the units on particular matters specified in the declaration; and
 - (b) For class voting on specified issues affecting the class if necessary to protect valid interests of the class. A declarant shall not utilize cumulative or class voting for the purpose of evading any limitation imposed on declarants by KRS 381.9101 to 381.9207, and units shall not constitute a class because they are owned by a declarant.
- (4) The declaration shall not permit cumulative voting, including cumulative voting for the purpose of electing members of the executive board.
- (5) Unless otherwise stated in the declaration, the declarant retains full voting rights to any unit until it conveyed.
- (6) Except for minor variations due to rounding, the sum of the undivided interests in the common elements and common expense liabilities allocated at any time to all the units shall each equal one (1), if stated as fractions, or one hundred percent (100%), if stated as percentages. In the event of a discrepancy between an allocated interest and the result derived from application of the pertinent formula, the allocated interest prevails in the absence of error in specifying the allocated interest.
- (7) The common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale, or other voluntary or involuntary transfer of an undivided interest in the common elements made without the unit to which that interest is allocated, shall be void.

Effective: January 1, 2011

History: Created 2010 Ky. Acts ch. 97, sec. 19, effective January 1, 2011.