

**58-3102. Definitions.** As used in this act and the act of which this section is amendatory, unless the context otherwise requires:

- (a) "Apartment" or "condominium unit" means a part of the property intended for any type of independent use whether residence, office, the operation of any industry or business or other use, including one or more rooms or enclosed spaces located on one or more floors (or part or parts thereof) in a building, and with a direct exit to a public street or highway or to a common area leading to such street or highway. To the extent that walls, floors, and ceilings are designated as the boundaries of a condominium unit or apartment by the declaration, all doors and windows therein, and all lath, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the furnished surfaces thereof, shall be deemed a part of such unit, while all other portions of such walls, floors and ceilings shall be deemed a part of the common areas and facilities. If any chutes, flues, ducts, conduits, wires, bearing walls, bearing columns, or any other apparatus lies partially within and partially outside of the designated boundaries of a unit, any portions thereof serving only that unit shall be deemed a part of that unit, while any portions thereof serving more than one unit or any portion of the common elements shall be deemed a part of the common areas and facilities. All space, interior partitions, and other fixtures and improvements within the boundaries of a unit shall be deemed a part of that unit. Any shutters, awnings, window boxes, doorsteps, porches, balconies, patios, and any other apparatus designed to serve a single unit, but located outside the boundaries thereof, shall be deemed a limited common area and facility appertaining to that unit exclusively.
- (b) "Apartment owner" means the person or persons owning an apartment or condominium unit in fee simple absolute and an undivided interest in the fee simple estate of the common areas and facilities as specified and established in the declaration.
- (c) "Apartment number" means the number, letter, or combination thereof designating the apartment or condominium unit in the declaration.
- (d) "Association of apartment owners" means all of the apartment or condominium unit owners acting as a group in accordance with the bylaws and declaration.
- (e) "Building" means a building, containing one or more apartments or condominium units, or two or more buildings, each containing one or more apartments or condominium units and comprising a part of the property.
- (f) "Condominium" means "property" as hereinafter defined.
- (g) "Common areas and facilities," unless otherwise provided in the declaration or lawful amendments thereto means and includes:
  - (1) The land on which the building is located;
  - (2) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;
  - (3) the basements, yards, gardens, parking areas and storage spaces;
  - (4) the premises for the lodging of janitors or persons in charge of the property;
  - (5) installations of central services such as power, lights, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;
  - (6) the elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;
  - (7) such community and commercial facilities as may be provided for in the declaration; and
  - (8) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.
- (h) "Convertible land" shall mean a building site for one or more proposed additional condominium units within the submitted land which may be created in accordance with the declaration and this act.
- (i) "Common expenses" means and includes:
  - (1) All sums lawfully assessed against the apartment owners by the association of apartment owners;
  - (2) expenses of administration, maintenance, repair or replacement of the common areas and facilities;
  - (3) expenses agreed upon as common expenses by the association of apartment owners; and
  - (4) expenses declared common expenses by provisions of this act, or by the declaration or the bylaws.
- (j) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.
- (k) "Declaration" means the instrument by which the property is submitted to the provisions of this act as hereinafter provided, and such declaration as from time to time may be lawfully amended.
- (l) "Expandable condominium" shall mean a condominium to which additional real property may be added in accordance with the provisions of the declaration and of this act.
- (m) "Limited common areas and facilities" means and includes those common areas and facilities designated in the declaration as reserved for use of certain apartment or apartments to the exclusion of the other apartments.
- (n) "Majority" or "majority of apartment owners" means the apartment owners with 51% or more of the votes in accordance with the percentages assigned in the declaration to the apartments for voting purposes.
- (o) "Par value" shall mean a number of dollars or points assigned to each condominium unit by the declaration. If par value is stated in terms of dollars, that statement shall not be deemed to reflect or control value for taxation, fair market value, or for any purpose.
- (p) "Person" means individual, corporation, partnership, association, trustee or other legal entity.
- (q) "Property" means and includes the land, the building, all improvements and structures thereon, all owned in fee simple absolute and all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this act.
- (r) "Recording officer" means the register of deeds of the county in which the property is located.
- (s) "Size" shall mean the approximate square feet of floor space of each condominium unit computed by reference to the declaration and floor plans and rounded off to a whole number. Certain spaces may be excluded or estimated in determining size if the same basis of calculation is used for all units of the condominium and is described in the declaration or floor plans.
- (t) "Submitted land" shall mean real property, and any incidents thereto or interests therein, lawfully submitted to the provisions of this act as hereinafter provided.

**History:** L. 1963, ch. 329, § 2; L. 1968, ch. 148, §1; L. 1975, ch. 297, § 1; L. 2011, ch. 49, § 24; July 1.