

Developer

By.....

(H) FAILURE OF A LANDLORD OR OWNER TO GIVE NOTICE AS REQUIRED BY THIS SECTION IS A DEFENSE TO AN ACTION FOR POSSESSION.

[(h)] (I) Failure to fulfill the provisions of this section does not affect the validity of a condominium regime otherwise established in accordance with the provisions of this title.

11-103.

(a) The declaration shall express at least the following particulars:

(1) The name by which the condominium is to be identified, which name shall include the word "condominium" or be followed by the phrase "a condominium";

(2) A description of the condominium sufficient to identify it with reasonable certainty together with a statement of the owner's intent to subject the property to the condominium regime established under this title;

(3) A general description of each unit, including its perimeters, location, and any other data sufficient to identify it with reasonable certainty[;]. EXCEPT AS PROVIDED BY THE DECLARATION OR THE PLAT:

(I) IF WALLS, FLOORS, OR CEILINGS ARE DESIGNATED AS BOUNDARIES OF A UNIT, ALL LATH, FURRING, WALLBOARD, PLASTERBOARD, PLASTER, PANELING, TILES, WALLPAPER, PAINT, FINISHED FLOORING, AND ANY OTHER MATERIALS CONSTITUTING ANY PART OF THE FINISHED SURFACES THEREOF ARE A PART OF THE UNIT, AND ALL OTHER PORTIONS OF THE WALLS, FLOORS, OR CEILINGS ARE A PART OF THE COMMON ELEMENTS.

(II) IF ANY CHUTE, FLUE, DUCT, WIRE, CONDUIT, ~~BEARING-WALL,~~~~BEARING-COLUMN,~~ OR ANY OTHER FIXTURE LIES PARTIALLY WITHIN AND PARTIALLY OUTSIDE THE DESIGNATED BOUNDARIES OF A UNIT, ANY PORTION THEREOF SERVING ONLY THAT UNIT IS A ~~LIMITED-COMMON-ELEMENT-ALLOCATED-SOLELY-TO~~ PART OF THAT UNIT, AND ANY PORTION THEREOF SERVING MORE THAN ONE UNIT OR ANY PORTION OF THE COMMON ELEMENTS IS A PART OF THE COMMON ELEMENTS.

(III) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II), ALL SPACES, INTERIOR PARTITIONS, AND OTHER FIXTURES AND IMPROVEMENTS WITHIN THE BOUNDARIES OF A UNIT ARE A PART OF THE UNIT.