

(2) THE INSURER WAIVES ITS RIGHT TO SUBROGATION UNDER THE POLICY AGAINST ANY UNIT OWNER OF THE CONDOMINIUM OR MEMBERS OF HIS HOUSEHOLD;

(3) AN ACT OR OMISSION BY ANY UNIT OWNER, UNLESS ACTING WITHIN THE SCOPE OF HIS AUTHORITY ON BEHALF OF THE COUNCIL OF UNIT OWNERS, DOES NOT VOID THE POLICY AND IS NOT A CONDITION TO RECOVERY UNDER THE POLICY; AND

(4) IF, AT THE TIME OF A LOSS UNDER THE POLICY, THERE IS OTHER INSURANCE IN THE NAME OF A UNIT OWNER COVERING THE SAME PROPERTY COVERED BY THE POLICY, THE POLICY IS PRIMARY INSURANCE NOT CONTRIBUTING WITH THE OTHER INSURANCE.

(D) ANY LOSS COVERED BY THE PROPERTY POLICY UNDER SUBSECTION (A)(1) SHALL BE ADJUSTED WITH THE COUNCIL OF UNIT OWNERS, BUT THE INSURANCE PROCEEDS FOR THAT LOSS SHALL BE PAYABLE TO ANY INSURANCE TRUSTEE DESIGNATED FOR THAT PURPOSE, OR OTHERWISE TO THE COUNCIL OF UNIT OWNERS, AND NOT TO ANY MORTGAGEE. THE INSURANCE TRUSTEE OR THE COUNCIL OF UNIT OWNERS SHALL HOLD ANY INSURANCE PROCEEDS IN TRUST FOR UNIT OWNERS AND LIEN HOLDERS AS THEIR INTERESTS MAY APPEAR. SUBJECT TO THE PROVISIONS OF SUBSECTION (G), THE PROCEEDS SHALL BE DISBURSED FIRST FOR THE REPAIR OR RESTORATION OF THE DAMAGED COMMON ELEMENTS AND UNITS, AND UNIT OWNERS AND LIEN HOLDERS ARE NOT ENTITLED TO RECEIVE PAYMENT OF ANY PORTION OF THE PROCEEDS UNLESS THERE IS A SURPLUS OF PROCEEDS AFTER THE COMMON ELEMENTS AND UNITS HAVE BEEN COMPLETELY REPAIRED OR RESTORED, OR THE CONDOMINIUM IS TERMINATED.

(E) AN INSURANCE POLICY ISSUED TO THE COUNCIL OF UNIT OWNERS DOES NOT PREVENT A UNIT OWNER FROM OBTAINING INSURANCE FOR HIS OWN BENEFIT.

(F) AN INSURER THAT HAS ISSUED AN INSURANCE POLICY UNDER THIS SECTION SHALL ISSUE CERTIFICATES OR MEMORANDA OF INSURANCE TO THE COUNCIL OF UNIT OWNERS AND, UPON REQUEST, TO ANY UNIT OWNER, MORTGAGEE, OR BENEFICIARY UNDER A DEED OF TRUST. THE INSURANCE MAY NOT BE CANCELED UNTIL 30 DAYS AFTER THE NOTICE OF THE PROPOSED CANCELLATION HAS BEEN MAILED TO THE COUNCIL OF UNIT OWNERS, EACH UNIT OWNER AND EACH MORTGAGEE TO WHOM CERTIFICATES OF INSURANCE HAVE BEEN ISSUED.

(G) (1) ANY PORTION OF THE CONDOMINIUM DAMAGED OR DESTROYED SHALL BE REPAIRED OR REPLACED PROMPTLY BY THE COUNCIL OF UNIT OWNERS UNLESS:

(I) THE CONDOMINIUM IS TERMINATED;

(II) REPAIR OR REPLACEMENT WOULD BE ILLEGAL UNDER ANY STATE OR LOCAL HEALTH OR SAFETY STATUTE OR ORDINANCE; OR