

(3) AFTER ACQUIRING AN ADJOINING UNIT OR AN ADJOINING PART OF AN ADJOINING UNIT, MAY REMOVE OR ALTER ANY INTERVENING PARTITION OR CREATE APERTURES THEREIN, EVEN IF THE PARTITION IN WHOLE OR IN PART IS A COMMON ELEMENT, IF THOSE ACTS DO NOT IMPAIR THE STRUCTURAL INTEGRITY OR MECHANICAL SYSTEMS OR LESSEN THE SUPPORT OF ANY PORTION OF THE CONDOMINIUM. HOWEVER, PRIOR APPROVAL SHALL BE GIVEN BY THE BOARD OF DIRECTORS AND AN AMENDMENT TO THE DECLARATION AND PLAT(S) SHALL BE FILED AMONG THE LAND RECORDS OF THE COUNTY IN WHICH THE CONDOMINIUM IS LOCATED UNDER THE NAME OF THE CONDOMINIUM. REMOVAL OF PARTITIONS OR CREATION OF APERTURES UNDER THIS PARAGRAPH IS NOT AN ALTERATION OF BOUNDARIES.

11-115-

(A) IF A UNIT IS ACQUIRED BY EMINENT DOMAIN, OR IF PART OF A UNIT IS ACQUIRED BY EMINENT DOMAIN LEAVING THE UNIT OWNER WITH A REMNANT WHICH MAY NOT PRACTICALLY OR LAWFULLY BE USED FOR ANY PURPOSE PERMITTED BY THE DECLARATION, THE AWARD SHALL COMPENSATE THE UNIT OWNER FOR HIS UNIT AND ITS COMMON ELEMENT INTEREST, WHETHER OR NOT ANY COMMON ELEMENT INTEREST IS ACQUIRED, UPON ACQUISITION, UNLESS THE DECREE OTHERWISE PROVIDES, THAT UNIT'S ENTIRE COMMON ELEMENT INTERESTS, VOTES IN THE COUNCIL OF UNIT OWNERS, AND COMMON EXPENSE LIABILITY ARE AUTOMATICALLY REALLOCATED TO THE REMAINING UNITS IN PROPORTION TO THE RESPECTIVE INTERESTS, VOTES, AND LIABILITIES OF THOSE UNITS BEFORE THE TAKING, AND THE COUNCIL OF UNIT OWNERS PROMPTLY SHALL PREPARE, EXECUTE, AND RECORD AN AMENDMENT TO THE DECLARATION REFLECTING AND REALLOCATION, ANY REMNANT OF A UNIT REMAINING AFTER PART OF A UNIT IS TAKEN UNDER THIS SUBSECTION IS THEREAFTER A COMMON ELEMENT.

(B) EXCEPT AS PROVIDED IN SUBSECTION (A), IF PART OF A UNIT IS ACQUIRED BY EMINENT DOMAIN, THE AWARD MUST COMPENSATE THE UNIT OWNER FOR THE REDUCTION IN VALUE OF THE UNIT AND ITS COMMON ELEMENT INTEREST, UPON ACQUISITION, (1) THAT UNIT'S COMMON ELEMENT INTEREST, VOTES IN THE COUNCIL OF UNIT OWNERS, AND COMMON EXPENSE LIABILITY ARE REDUCED IN PROPORTION TO THE REDUCTION IN THE SIZE OF THE UNIT, OR ON ANY OTHER BASIS SPECIFIED IN THE DECLARATION, AND (2) THE PORTION OF COMMON ELEMENT INTEREST, VOTES, AND COMMON EXPENSE LIABILITY DIVESTED FROM THE PARTIALLY ACQUIRED UNIT ARE AUTOMATICALLY REALLOCATED TO THAT UNIT AND THE REMAINING UNITS IN PROPORTION TO THE RESPECTIVE INTERESTS, VOTES, AND LIABILITIES OF THOSE UNITS BEFORE THE TAKING, WITH THE PARTIALLY ACQUIRED UNIT PARTICIPATING IN THE REALLOCATION ON THE BASIS OF ITS REDUCED INTERESTS, VOTES, AND LIABILITIES.

(C) IF PART OF THE COMMON ELEMENTS IS ACQUIRED BY EMINENT DOMAIN, THE AWARD SHALL BE PAID TO THE COUNCIL OF UNIT OWNERS. THE COUNCIL OF UNIT OWNERS SHALL DIVIDE ANY PORTION OF THE AWARD NOT USED FOR ANY RESTORATION OR REPAIR OF THE REMAINING COMMON ELEMENTS AMONG THE UNIT OWNERS IN PROPORTION TO THEIR RESPECTIVE COMMON ELEMENT INTERESTS BEFORE THE TAKING, BUT THE PORTION OF THE AWARD ATTRIBUTABLE