

(e) If there is any conflict among the provisions of this title, the declaration, condominium plat or bylaws, the provisions of each shall control in the succession listed hereinbefore commencing with "title."

(f) The execution of any instrument by a mortgagee for the purpose of consenting to the legal operation and effect of a declaration, bylaws, and condominium plat does not, unless the contrary is expressly stated, affect the priority of the mortgage or deed of trust. The execution and recordation of a release of a unit in a condominium by a mortgagee which refers to the condominium constitutes consent by that mortgagee to the legal operation and effect of the recorded declaration, bylaws, and condominium plat of that condominium.

[11-123.] 11-125.

(a) The existing physical boundaries of any unit or common element constructed or reconstructed in substantial conformity with the condominium plat shall be conclusively presumed to be its boundaries, regardless of the shifting, settlement, or lateral movement of any building and regardless of minor variations between the physical boundaries as described in the declaration or shown on the condominium plat and the existing physical boundaries of any such unit or common element. This presumption applies only to encroachments within the condominium.

(b) If any portion of any common element encroaches on any unit or if any portion of a unit encroaches on any common element or any other unit, as a result of the duly authorized construction or repair of a building, a valid easement for the encroachment and for the maintenance of the [same shall exist] ENCROACHMENT EXISTS so long as the building stands.

(c) An easement for mutual support shall exist in the units and common elements.

(d) The grant or other disposition of a condominium unit shall include and grant, and be subject to, any easement arising under the provisions of this section without specific or particular reference to the easement.

(e) The council of unit owners ITS AGENTS AND EMPLOYEES, AND OTHER UNIT OWNERS shall have an irrevocable right and an easement to enter units -f- to make repairs to common elements when the repairs reasonably appear necessary for public safety or to prevent damage to other portions of the condominium.-}- Except in cases involving manifest danger to public safety or property, the council of unit owners shall make a reasonable effort to give notice to the owner of any unit to be entered for the purpose of such MAINTENANCE AND [repairs] REPAIR. IF DAMAGE IS INFLICTED ON THE COMMON ELEMENTS OR ANY UNIT THROUGH WHICH ACCESS IS