

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) OF THIS SECTION, 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.

(g) (4) If the unit owners vote not to rebuild any unit, that unit's entire common element interest, votes in the council of unit owners, and common expense liability are automatically reallocated upon the vote as if the unit had been condemned under § 11-112 OF THIS TITLE, and the council of unit owners promptly shall prepare, execute, and record an amendment to the declaration reflecting the reallocations. Notwithstanding the provisions of this subsection, § 11-123 OF THIS TITLE governs the distribution of insurance proceeds if the condominium is terminated.

DRAFTER'S NOTE:

Error: Stylistic errors in § 11-114(c), (d), and (g)(4) of the Real Property Article.

Occurred: Ch. 246, Acts of 1981.

11-120.

(c) (1) If there is compliance with the conditions of subsection (b) OF THIS SECTION, successive sections of property may be added to the condominium if the developer (i) records an amendment to the declaration, showing the new percentage interests of the unit owners, and the votes which each unit owner may cast in the condominium as expanded, and (ii) records an amendment to the condominium plat that includes the detail and information concerning the new section as required in the original condominium plat.

DRAFTER'S NOTE:

Error: Stylistic error in § 11-120(c)(1) of the Real Property Article.

Occurred: Ch. 641, Acts of 1974.

11-123.

(a) Except in the case of a taking of all the units by eminent domain [(§ 11-112)] UNDER § 11-112 OF THIS TITLE, a condominium may be terminated only by agreement of unit owners of