

(II) A STATE FACILITY, AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL ARTICLE;

(III) A PROGRAM LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND HYGIENE UNDER TITLE 7 OR TITLE 10 OF THE HEALTH - GENERAL ARTICLE;

(IV) A FREESTANDING HOSPICE CARE PROGRAM REGULATED BY THE DEPARTMENT OF MENTAL HEALTH AND HYGIENE UNDER TITLE 19, SUBTITLE 9 OF THE HEALTH - GENERAL ARTICLE;

(V) A FREESTANDING DAY CARE CENTER FOR THE ELDERLY REGULATED BY THE DEPARTMENT OF MENTAL HEALTH AND HYGIENE UNDER TITLE 14, SUBTITLE 2 OF THE HEALTH - GENERAL ARTICLE;

(VI) A RETIREMENT COMMUNITY THAT IS OWNED BY OR AFFILIATED WITH A CHURCH OR RELIGIOUS ORGANIZATION;

(VII) A COOPERATIVE HOUSING CORPORATION ORGANIZED UNDER TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE AND CERTIFIED AS A CONTINUING CARE PROVIDER UNDER ARTICLE 70B OF THE CODE AND SEPARATE ENTITIES CERTIFIED AS CONTINUING CARE PROVIDERS UNDER ARTICLE 70B OF THE CODE THAT PROVIDE SERVICES TO RESIDENTS OF A COOPERATIVE HOUSING CORPORATION; OR

(VIII) A CONDOMINIUM ORGANIZED UNDER TITLE 11 OF THE REAL PROPERTY ARTICLE AND CERTIFIED AS A CONTINUING CARE PROVIDER UNDER ARTICLE 70B OF THE CODE AND SEPARATE ENTITIES CERTIFIED AS CONTINUING CARE PROVIDERS UNDER ARTICLE 70B OF THE CODE THAT PROVIDE SERVICES TO RESIDENTS OF A CONDOMINIUM.

23-102.

(A) IF A CONFLICT EXISTS BETWEEN THE EXPRESS TERMS AND CONDITIONS OF AN OPERATING AGREEMENT AND THE TERMS AND CONDITIONS IMPLIED BY THE LAW GOVERNING THE RELATIONSHIP BETWEEN A PRINCIPAL AND AGENT, THE EXPRESS TERMS AND CONDITIONS OF THE OPERATING AGREEMENT SHALL GOVERN.

(B) A COURT MAY ORDER THE REMEDY OF SPECIFIC PERFORMANCE FOR ANTICIPATORY OR ACTUAL BREACH OR ATTEMPTED OR ACTUAL TERMINATION OF AN OPERATING AGREEMENT NOTWITHSTANDING THE EXISTENCE OF AN AGENCY RELATIONSHIP BETWEEN THE PARTIES TO THE OPERATING AGREEMENT.

23-103.

EXPRESS COVENANTS OR OTHER PROVISIONS OF AN OPERATING AGREEMENT THAT ESTABLISH A PARTY'S DUTIES AND OBLIGATIONS UNDER THE OPERATING AGREEMENT CREATE THE ONLY DUTIES AND OBLIGATIONS ENFORCEABLE AGAINST THE PARTY UNDER THE OPERATING AGREEMENT.