

381.810 Definitions for KRS 381.805 to 381.910.

As used in KRS 381.805 to 381.910, unless the context otherwise requires:

- (1) "Unit" means an enclosed space as measured from interior unfinished surfaces consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, for any other type of independent use or any combination of the above uses, provided it has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare;
- (2) "Condominium" means the ownership of single units in a single unit or a multiple unit structure or structures with common elements;
- (3) "Condominium project" means a real estate condominium project; a plan or project whereby two (2) or more apartments, townhouses, rooms, office spaces, or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale;
- (4) "Co-owner" means a person, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof who owns a unit within the building;
- (5) "Council of co-owners" means all the co-owners as defined in subsection (4) of this section;
- (6) "Developer" means a person who undertakes to develop a real estate condominium project;
- (7) "General common elements" means and includes:
 - (a) The land whether leased or in fee simple, on which the building or buildings stand;
 - (b) The foundations, main walls, roof, halls, lobbies, stairways, and entrances and exits or communication ways;
 - (c) The basements, flat roofs, yards, and gardens, except as otherwise provided or stipulated;
 - (d) The premises for the lodging of janitors or persons in charge of the building(s), except as otherwise provided or stipulated;
 - (e) The compartments or installations of central services such as power, light, gas, cold and hot water, refrigeration, reservoirs, water tanks and pumps, and the like;
 - (f) The elevators, garbage incinerators and, in general all devices or installations existing for common use;
 - (g) Recreational facilities, easements and other facilities outside the building(s), including facilities off-site, available for the common use, in part or in whole, of the regime; and
 - (h) All other elements of the property rationally of common use or necessary to its existence, upkeep and safety;
- (8) "Limited common elements" means and includes those common elements which are agreed upon by all of the co-owners to be reserved for the use of a particular unit or

a certain number of units to the exclusion of the other units, such as special corridors, stairways, balconies, patios, elevators, utilities common to the units of a particular floor or building, and the like;

- (9) "Majority of co-owners" means owners of fifty-one percent (51%) of the floor area of units comprising the regime;
- (10) "Master deed" or "master lease" means the deed or lease declaring the property to be a horizontal property regime;
- (11) "Person" means an individual, firm, corporation, partnership, association, trust or other legal entity or any combination thereof;
- (12) "Property" means and includes the land whether leasehold or in fee simple and all improvements and structures thereon and all easements, rights and appurtenances belonging thereto;
- (13) "To record" means to record in accordance with KRS Chapter 382, or other recording statutes;
- (14) All pronouns used in KRS 381.805 to 381.910 include the male, female and neuter genders and include the singular or plural numbers, as the case may be.

History: Amended 1974 Ky. Acts ch. 35 sec. 1; and ch. 381, sec. 1. -- Created 1962 Ky. Acts ch. 205, sec. 2.

Legislative Research Commission Note. This section was amended by two 1974 acts which do not appear to be in conflict and have been compiled together.