

381.830 Ownership of unit -- Use of general common elements.

- (1) (a) A unit owner shall have the exclusive ownership to his unit and shall have a common right to a share, with other co-owners, in the common elements of the property, equivalent to the percentage representing the floor area of the individual unit, with relation to the floor area of the whole property. This percentage shall be computed by taking as a basis the floor area of the individual unit in relation to the floor area of the property as a whole.
 - (b) Such percentage of common interest shall be expressed at the time the condominium property regime is constituted, shall have a permanent character, and, except as may be otherwise provided in KRS 381.810 to 381.910, shall not be altered without the acquiescence of the co-owners representing all the units of the building(s). The master deed may, however, contain provisions relating to the appropriation, taking or condemnation by eminent domain by the federal, state or local government, or an instrumentality thereof, including, but not limited to, reapportionment or other change of the common interest appurtenant to each unit, or part thereof remaining after a partial appropriation, taking or condemnation. The master deed of a regime under construction may further provide that by later amendment thereto and upon completion of all units, percentage of common interest shall be redistributed on an as-built basis; provided, however, that the number of units originally constituted in the regime may not be increased during construction.
- (2) Each co-owner may use the general common elements in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other co-owners.

History: Amended 1974 Ky. Acts ch. 381, sec. 5. -- Amended 1966 Ky. Acts ch. 245, sec. 1. -- Created 1962 Ky. Acts ch. 205, sec. 6.