

381.9155 Amendment of declaration.

- (1) Except in cases of amendments that may be executed by a declarant under KRS 381.9141(6) or 381.9143; the association under KRS 381.9113, 381.9135(4), 381.9139(3), 381.9147(1), or 381.9149; or certain unit owners under KRS 381.9139(2), 381.9147(1), or 381.9149(2), and except as limited by subsection (4) of this section and KRS 381.9187(6), the declaration, including the plats and plans, may be amended only by vote or agreement of unit owners of units to which at least sixty-seven percent (67%) of the votes in the association are allocated, or any larger majority specified in the declaration. The declaration may specify a smaller number only if all of the units are restricted exclusively to nonresidential use.
- (2) An action to challenge the validity of an amendment adopted by the association pursuant to this section shall not be brought more than one (1) year after the amendment is recorded.
- (3) Every amendment to the declaration shall be recorded in every county in which any portion of the condominium is located, and is effective only upon recordation. An amendment shall be indexed in the name of the condominium and the association and in the name of the parties executing the amendment.
- (4) Except to the extent expressly permitted or required by other provisions of KRS 381.9101 to 381.9207, an amendment shall not create or increase special declarant rights, increase the number of units, change the boundaries of any unit, the allocated interests of a unit, or the uses to which any unit is restricted, in the absence of unanimous consent of the unit owners.
- (5) Amendments to the declaration required by KRS 381.9101 to 381.9207 to be recorded by the association shall be prepared, executed, recorded, and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association.

Effective: April 11, 2012

History: Amended 2012 Ky. Acts ch. 99, sec. 12, effective April 11, 2012. -- Created 2010 Ky. Acts ch. 97, sec. 28, effective January 1, 2011.