

### **381.9163 Merger or consolidation of condominiums.**

- (1) Any two (2) or more condominiums by agreement of the unit owners as provided in subsection (2) of this section, may be merged or consolidated into a single condominium. In the event of a merger or consolidation, unless the agreement otherwise provides, the resultant condominium is, for all purposes, the legal successor of all of the pre-existing condominiums and the operations and activities of all associations of the pre-existing condominiums shall be merged or consolidated into a single association which shall hold all powers, rights, obligations, assets, and liabilities of all pre-existing associations.
- (2) In addition to any other requirements of the declaration, the merger or consolidation of two (2) or more condominiums pursuant to subsection (1) of this section shall be evidenced by a recorded agreement duly executed by the president of the association of each of the pre-existing condominiums following approval by owners of units to which are allocated the percentage of votes in each condominium required to terminate that condominium. Any such agreement shall be recorded in every county in which a portion of the condominium is located and is not effective until recorded.
- (3) Every merger or consolidation agreement shall provide for the reallocation of the allocated interests in the new association among the units of the resultant condominium either:
  - (a) By stating the reallocations or the formulas upon which they are based; or
  - (b) By stating the percentage of overall allocated interests of the new condominium which are allocated to all of the units comprising each of the pre-existing condominiums, and providing that the portion of the percentages allocated to each unit formerly comprising a part of the pre-existing condominium shall be equal to the percentages of allocated interests allocated to that unit by the declaration of the pre-existing condominium.

**Effective:** January 1, 2011

**History:** Created 2010 Ky. Acts ch. 97, sec. 32, effective January 1, 2011.