

381.835 Recording -- Requirements of master deed or lease -- Record of floor plans.

- (1) The county clerk shall immediately set up the mechanics and methods by which recordation of a master deed or lease and of the individual units may be made. Provisions shall be made for the recordation of the individual units on subsequent resales, mortgages, and other encumbrances, as is done with all other real estate recordation. The master deed or lease to which KRS 381.815 refers shall express the following particulars:
 - (a) The description of the land, whether leased or in fee simple, and the building, expressing their respective areas;
 - (b) The general description and the number of each unit, expressing its area, location, and any other data necessary for its identification;
 - (c) The description of the general common elements of the building; and
 - (d) The common elements, both general and limited, shall remain undivided and shall not be the object of an action for partition or division of the co-ownership. Any covenant to the contrary shall be void.
- (2) Simultaneously with the recording of the declaration, there shall be filed in the office of the recording officer a set of the floor plans of the building or buildings, showing the layout, location, unit numbers, and dimensions of the units, stating the name of the property or that it has no name, and bearing the verified certification by a licensed architect or professional engineer that it is an accurate copy of portions of the plans of the building or buildings as filed with and approved by the county or city and county officer having jurisdiction over the issuance of permits for the construction of buildings, or, in the alternative, certifying that the plans fully and accurately depict the layout, location, unit numbers, and dimensions of the units as built. If the plans do not include a verified statement of a licensed architect or professional engineer that the plans fully and accurately depict the layout, location, unit numbers, and dimensions of the units as built, there shall be recorded prior to the first conveyance of any unit an amendment to the declaration to which shall be attached a verified statement of a professional land surveyor certifying that the plans filed, or being filed simultaneously with the amendment, fully and accurately depict the layout, location, unit numbers, and dimensions of the units as built. The plans shall be kept by the recording officer in a separate file for each property, indexed in the same manner as a conveyance entitled to record, numbered serially in the order of receipt, each designated "condominium ownership," with the name of the property, if any, and each containing an appropriate reference to the recording of the declaration. The record of the declaration shall also contain a reference to the file number of the floor plans of the building or buildings on the property affected.

Effective: January 1, 1999

History: Amended 1998 Ky. Acts ch. 214, sec. 41, effective January 1, 1999. -- Amended 1974 Ky. Acts ch. 381, sec. 6. -- Amended 1966 Ky. Acts ch. 245, sec. 2. -- Created 1962 Ky. Acts ch. 205, sec. 7.