

TITLE 34

Property

CHAPTER 34-36.1

Condominium Law

ARTICLE 34-36.1-2.01

Creation, Alteration, and Termination of Condominiums

SECTION 34-36.1-2.05

§ 34-36.1-2.05 Contents of declaration. – (a) The declaration for a condominium must contain:

- (1) The name of the condominium, which must include the word "condominium" or be followed by the words "a condominium," and the association;
- (2) The name of every municipality in which any part of the condominium is situated;
- (3) A legally sufficient description of the real estate included in the condominium;
- (4) A statement of the maximum number of units which the declarant reserves the right to create;
- (5) A description of the boundaries of each unit created by the declaration, including the unit's identifying number;
- (6) A description of any limited common elements, other than those specified in § 34-36.1-2.02(2) and (4), or as provided in § 34-36.1-2.09(b)(10);
- (7) A description of any real estate (except real estate subject to development rights) which may be allocated subsequently as limited common elements, other than limited common elements specified in § 34-36.1-2.02(2) and (4), together with a statement that they may be so allocated;
- (8) A description of any development rights and other special declarant rights (§ 34-36.1-1.03(26)) reserved by the declarant, together with a legally sufficient description of the real estate to which each of those rights applies, and a time limit within which each of those rights must be exercised;
- (9) If any development right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:
 - (i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right, or a statement that no assurances are made in those regards, and

(ii) A statement as to whether, if any development right is exercised in any portion of the real estate subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real estate;

(10) Any other conditions or limitations under which the rights described in subdivision (8) of this section may be exercised or will lapse;

(11) An allocation to each unit of the allocated interests in the manner described in § 34-36.1-2.07;

(12) Any restrictions on use, occupancy, and alienation of the units, including any housing restrictions as set forth in § 34-39.1-3;

(13) The recording data for recorded easements and licenses appurtenant to or included in the condominium or to which any portion of the condominium is or may become subject by virtue of a reservation in the declaration; and

(14) All matters required by §§ 34-36.1-2.06, 34-36.1-2.07, 34-36.1-2.08, 34-36.1-2.09, 34-36.1-2.15, 34-36.1-2.16, and 34-36.1-3.03(d).

(b) The declaration may contain any other matters the declarant deems appropriate.