

restoration of the common elements, and against the individual unit owners for that portion of the deficiency as is attributable to his individual unit; provided, however, that if the Board of Directors find that it cannot determine with reasonable certainty the portion of the deficiency attributable to specific individual units, then the Board of Directors shall levy the assessment for the total deficiency against all of the units in proportion to the unit owners' share in the general common elements and limited common elements just as though all of the said damage occurred to the general common elements and limited common elements.

(a) The proceeds of any insurance policy or policies, together with any special assessment collected by the Board of Directors shall be delivered to the Insurance Trustee, and shall constitute a construction fund for the payment of the cost of repairing or restoring after fire or other casualty.

(b) Encroachments upon or in favor of units which may be created as a result of reconstruction or repair shall not constitute a claim or basis of a proceeding or action by the unit owner upon whose property such encroachment exists, provided that such reconstruction was either substantially in accordance with the plans and specifications or as the building was originally constructed.

(c) In the event that there is any surplus of monies in the construction fund after the reconstruction or repair of the casualty damage has been fully completed and all costs paid, such funds shall be distributed by the Insurance Trustee to the Board of Directors who may retain such funds as a reserve or may use such funds in the maintenance and operation of the Association, or, in the discretion of the Board of Directors, such funds may be distributed to the unit owners and their mortgagees as their interests may appear, such remittance being payable jointly to the unit owners and their mortgagees.

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