

APPENDIX THREE

Repair, reconstruction, or rebuilding of all or a portion of the property in the condominium following damage or destruction thereof by casualty, shall be governed by the following provisions:

A. Determination by Association. If all or part of the property in the condominium is damaged or destroyed by casualty, the Association shall determine whether or not to repair, reconstruct or rebuild. Such determination shall be made as follows:

1. Common areas and facilities. If the damage is confined to the common areas and facilities, the damaged areas shall be repaired, reconstructed or rebuilt unless otherwise unanimously agreed upon by the co-owners.

2. Residences.

a. Lesser damage. If any residence is damaged but no residence rendered untenantable, the property damaged (including residences and common areas and facilities) shall be repaired, reconstructed or rebuilt upon the written application of any residence owner.

b. Major damage. Damage which renders more than two-thirds of the property untenable shall not be repaired, reconstructed or rebuilt unless otherwise unanimously agreed by the co-owners, in which case the provisions of the Act shall control.

c. Plans and specifications. Subject always to the requirement that applicable building requirements must be met, any such repair, reconstruction or rebuilding must be substantially in accordance with the plans and specifications for each original building, or as such building was last constructed.