

Doc 1151 of 888

Declaration.

XXIII.

CONDEMNATION

A. Partial Taking without Direct Effect on Units. If part of the property shall be taken or condemned by any authority having the power of eminent domain, such that no Unit nor any part thereof is taken, and no part of a Limited Common Area to which a Unit has exclusive use is taken, then all compensation and damages for and on account of the taking of the Common Areas, exclusive of compensation for consequential damages to certain affected Units, shall be payable to the Board of Directors as Trustee for all Unit Owners and mortgagees according to the loss or damages to their respective interests in such Common Areas. The Association acting through its Board of Directors, shall have the right to act on behalf of the Unit Owners with respect to the negotiation and litigation of the issues with respect to the taking and compensation affecting the Common Areas, without limitation on the right of the Unit Owners, or any Mortgagees of any one or more Units, to represent their own interests. Such proceeds shall, subject to the prior rights of such mortgagees, be used in accordance with the provisions of the Master Deed. Nothing herein is to prevent Unit Owners whose units are specifically affected by the taking or condemnation proceedings from joining in such proceedings and petitioning on their own behalf for consequential damages relating to loss of value of the affected units, or personal improvements therein, exclusive of damages relating to Common Areas. In the event that the condemnation award does not allocate consequential damages to specific unit owners, but by its terms includes an award for reduction in value of units without such allocation, the award shall be divided between affected unit owners, subject to the rights of mortgagees of such units, and the Board of Directors as Trustees as aforesaid as the interests may appear by arbitration in accordance with the rules then obtaining of the American Arbitration Association.

B. Partial or Total Taking Directly Affecting Units. If part or all of the Property shall be taken or condemned by any authority having the power of eminent domain, such that any Unit or a part thereof (including a Limited Common Area) is taken, the Association shall act on behalf of the

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