

APPENDIX T40

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

2. (a) All painting, decorating, maintenance, repairs and replacements to the Common Elements, shall be made by the Association and be charged to all unit owners as a Common Expense, except as otherwise provided herein and to the extent that same are necessitated by the negligence, misuse or neglect of a unit owner, in which case such expense shall be charged to such unit owner.

(b) Each owner shall maintain, repair and replace, at his expense, all portions of the unit except for items which are the responsibility of the Association as a common expense. All owners shall have the responsibility for the maintenance, repair and replacement, where applicable, for the following:

heating and air conditioning units, condensers, refrigerators, stoves, dishwashers, disposals, toilets, sinks, bathtubs, showers, all pipes, and valves within the unit, carpet, floor covering, interior paint, wallpaper, paneling, light fixtures, windows, including locks, handles, movable parts and frames, doors, including locks, knobs, handles and movable parts and frames, cabinets, and any other appliances and fixtures within the unit. All pipes, valves, wires and ducts surrounding a unit are the responsibility of the unit owner if said pipes, valves, wires and ducts service that unit. If they service more than one unit, the responsibility for their maintenance, repair and replacement shall be borne by the Association. Damage caused by wires or by leaks in pipes or valves servicing only the damaged unit shall be the responsibility of the unit owner. A unit owner shall be responsible for light receptacles servicing only his unit. A unit owner shall be responsible for glass breakage to and cleaning of the windows in his unit and for the repairs and replacement of his TV antennae. A unit owner shall be responsible for painting, staining and caulking around any window or door in the event they are repaired or replaced other than in periodic repair or replacement on more than one unit.

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