

## CONDOMINIUM DOCUMENT CHECKLIST

**DECLARATIONS** must provide (N.C. Gen. Stat. § 47C-2-105(a):

- (1) The name of the condominium, which must include the word “condominium” or be followed by the words “a condominium”, and the name of the association;
- (2) The name of every county 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 (by reference to the plats or plans) 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 N.C. Gen. Stat. § 47C-2-102 (2) and (4), i.e.
  - (2) If any chute, flue, duct, wire, conduit, bearing wall, bearing column, or any other fixture lies partially within and partially outside the designated boundaries of a unit, any portion thereof serving only that unit is a limited common element allocated exclusively to that unit, and any portion thereof serving more than one unit or any portion of the common elements is a part of the common elements.
  - (4) Any shutters, awnings, window boxes, doorsteps, stoops, decks, porches, balconies, patios, and all exterior doors and windows or other fixtures designed to serve a single unit but located outside the unit's boundaries are limited common elements allocated exclusively to that unit.(N.C. Gen. Stat. § 47C-2-109(b)(7))
- (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 subsections 47C-2-102(2) and (4) (mentioned above), together with a statement that they may be so allocated;
- (8) A description of any development rights and other special declarant rights 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 paragraph (8) may be exercised or will lapse;
- (11) An allocation to each unit of:
  - a. undivided interest in the common elements,
  - b. responsibility for common expenses and portion of vote, without discrimination for vote of declarant,
  - c. for adding or withdrawing units,
  - d. any differing allocation on particular matters,
  - e. cumulative voting for elections to executive board, and
  - f. class voting if necessary to protect valid interests of the class.(N.C. Gen. Stat. § 47C-2-107)
- (12) Any restrictions on use, occupancy, or alienation of the units;
- (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;

- (14) For Leasehold Condominiums, the expiration or termination of which may terminate the condominium or reduce its size shall be recorded. Every lessor of those leases must sign the declaration, and the declaration shall state:
- a. Where the complete lease may be inspected;
  - b. The date on which the lease is scheduled to expire;
  - c. A legally sufficient description of the real estate subject to the lease;
  - d. Any right of the unit owners to redeem the reversion and the manner whereby those rights may be exercised or a statement that they do not have those rights;
  - e. Any right of the unit owners to remove any improvements after the expiration or termination of the lease or a statement that they do not have those rights; and
  - f. Any rights of the unit owners to renew the lease and the conditions of any renewal or a statement that they do not have those rights.
  - g. Reallocation of units through executed and recorded amendment if the expiration or termination of a lease decreases the number of units.
- (N.C. Gen. Stat. § 47C-2-106(a) and (d))

- (15) Formulas for allocation (fraction or percentage) of:
- a. undivided interest in the common elements,
  - b. responsibility for common expenses and portion of vote, without discrimination for vote of declarant,
  - c. for adding or withdrawing units,
  - d. any differing allocation on particular matters,
  - e. cumulative voting for elections to executive board, and
  - f. class voting if necessary to protect valid interests of the class.
- (N.C. Gen. Stat. § 47C-2-107)

(16) Limited common elements and the units to which allocated. (N.C. Gen. Stat. § 47C-2-108)

(17) Refer by number to the file where such plat or plan is recorded. (N.C. Gen. Stat. § 47C-2-109)

(18) Specify particular units (or common elements) to be maintained as sales offices, management offices or models (N.C. Gen. Stat. § 47C-2-115)

(19) Any restrictions on easements of declarant necessary for exercise of declarant's obligations or exercise of special declarant rights (N.C. Gen. Stat. § 47C-2-116)

(20) Period of declarant control during which declarant may appoint and remove officers and members of the executive board, or for reserved right to approve certain specified actions; provided that:

- such period will terminate no later than the earlier of: (i) 120 days after conveyance of seventy-five percent (75%) of the units (including units which may be created pursuant to special declarant rights) to unit owners other than a declarant; (ii) two years after all declarants have ceased to offer units for sale in the ordinary course of business; or (iii) two years after any development right to add new units was last exercised.
- Not later than 60 days after conveyance of twenty-five percent (25%) of the units (including units which may be created pursuant to special rights) to unit owners other than a declarant, at least one member and not less than twenty-five percent (25%) of the members of the executive board shall be elected by unit owners other than the declarant.
- Not later than 60 days after conveyance of fifty percent (50%) of the units (including units which may be created pursuant to special declarant rights) to unit owners other than a declarant, not less than thirty-three percent (33%) of the members of the executive board shall be elected by unit owners other than the declarant.
- Not later than the termination of any period of declarant control, the unit owners shall elect an executive board of at least three members, at least a majority of whom must be unit owners.

(N.C. Gen. Stat. § 47C-3-103(d), (e) and (f))

**PLAT & PLANS** must (N.C. Gen. Stat. § 47C-2-109)

- (a) Be recorded in each county where the condominium is located
- (b) Be considered a part of the declaration but shall be recorded separately
- (c) Show:
  - (1) The name and a survey or general schematic map of the entire condominium;
  - (2) The location and dimensions of all real estate not subject to development rights or subject only to the development right to withdraw and the location and dimensions of all existing improvements within that real estate;
  - (3) The location and dimensions of any real estate subject to development rights, labeled to identify the rights applicable to each parcel;
  - (4) The extent of any encroachments by or upon any portion of the condominium;
  - (5) The location and dimensions of all easements having specific location and dimensions and serving or burdening any portion of the condominium;
  - (6) The verified statement of an architect licensed under the provisions of Chapter 83A of the General Statutes or an engineer registered under the provisions of Chapter 89C of the General Statutes certifying that such plats or plans fully and accurately depict the layout, location, ceiling and floor elevations, unit numbers and dimensions of the units, as built;
  - (6a) The certificate by a registered land surveyor licensed under the provisions of Chapter 89C of the General Statutes stating that the plats or plans accurately depict the legal boundaries and the physical location of the units and other improvements relative to those boundaries;
  - (7) The locations and dimensions of limited common elements; however, parking spaces and the limited common elements described in subsections 47C-2-102(2) and (4) need not be shown, except for decks, stoops, porches, balconies, and patios;
  - (8) A legally sufficient description of any real estate in which the unit owners will own only an estate for years, labeled as "leasehold real estate";
  - (9) The distance between noncontiguous parcels of real estate comprising the condominium;
  - (10) Any unit in which the declarant has reserved the right to create additional units or common elements.
  - (11) The intended location and dimensions of any contemplated improvement to be constructed anywhere within the condominium. labeled either "MUST BE BUILT" or "NEED NOT BE BUILT"., if any.
- (d) Be reproducible plats or plans on cloth, linen, film, or other permanent material and be submitted in that form; and
- (e) Have an outside marginal size of not more than 21 inches by 30 inches nor less than eight and one-half inches by 11 inches, including one and one-half inches for binding on the left margin and a one-half inch border on each of the other sides. Where size of the buildings or suitable scale to assure legibility require, plats or plans may be placed on two or more sheets with appropriate match lines.