

TITLE 2: NATURAL RESOURCES
DIVISION 6: UNIFORM CONDOMINIUM ACT

§ 6212. Withdrawal of Withdrawable Real Estate.

(a) To withdraw withdrawable real estate from a flexible condominium pursuant to an option reserved under 2 CMC § 6206(a), the declarant shall prepare, execute, and record an amendment to the declaration containing a legally sufficient description of the real estate being withdrawn and stating the fact of withdrawal. The amendment must reallocate common element interests, votes in the association, and common expense liabilities to the remaining units in the condominium in proportion to the respective interests, votes, and liabilities of those units before the withdrawal, and the reallocation is effective when the amendment is recorded.

(b) If a portion of the withdrawable real estate was described pursuant to 2 CMC § 6206(f), that portion may not be withdrawn if any person other than the declarant owns a unit situated therein. If the portion was not so described, none of it is withdrawable if any person other than the declarant owns a unit situated therein.

(c) Until withdrawal occurs or the period during which withdrawal may occur expires, whichever occurs first, the declarant alone is liable for real estate taxes assessed against withdrawable real estate and all other expenses in connection with that real estate. No other unit owner and no other portion of the condominium is subject to a claim for payment of those taxes or expenses. Unless the declaration provides otherwise, any income or proceeds from withdrawable real estate inures to the declarant.

Source: PL 3-86, § 2-112.