

XVII.

REPAIR, RECONSTRUCTION OR REBUILDING

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 area shall be replaced, 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 untenable, the property damaged (including residences, Common Areas, Limited 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.

3. Certificate. The Insurance Trustee may rely upon a certificate of the Manager to determine whether or not the property damaged or destroyed is to be repaired, reconstructed or rebuilt.

B. Estimated of costs. As soon as practical, following damage to or the destruction of, any property in the condominium, the manager shall obtain reliable and detailed estimates of the cost to place the damaged property in condition as good as that before the casualty.

4328 RV-2