**Understanding the Declaration**

**What is the Declaration?**

-Key formation document

-Board members must be familiar with this document

BEST PRACTICE: Have the recorded copy of the Declaration and any amendments.

-Highest priority document of the association’s documents

-Federal laws

-State laws

-Local laws

-Declaration

-Bylaws

-Rules

-Board Resolutions

**Who, What and When?**

-Official name-do not be fooled!

-Date organized

-How is the association organized?

-corporation

-Limited Liability Company (LLC)

-unincorporated association

BEST PRACTICE: Know how you are organized and any filing requirements.

**Definitions**

-Good to know

**Defining a Unit**

-Pay attention to the details! Upper, lower, and side boundaries.

-MYTH BUSTERS!!

That is outside my Unit-how can I be responsible for that?

I cannot see it so it must not be part of my Unit?

Isn’t all plumbing common?

My contractor cannot get to it, so I cannot be responsible!

**Defining Common Elements**

-Everything else!

-Common vs Limited Common element (LCE)

-Assignment of LCE’s-do your documents have a process?

**Easements, Declarant rights, and the other stuff**

**Exhibit A-the legal description**

**Exhibit B-the par values**

-What are par values based on?

-Do the par values add up to 100%

-Understand how the par values are used and why they are important

-The par values are not fair, can the Board change them?