**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?