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By: **Senator Middleton**

Introduced and read first time: January 23, 2003

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Condominium Act - Conditions of Right to Expand - Charles**  
3 **County**

4 FOR the purpose of providing that in Charles County a right shall be deemed  
5 reserved in a condominium developer to expand a condominium for a certain  
6 amount of time; providing for the effective date of certain provisions of this Act;  
7 providing for the termination of certain provisions of this Act; and generally  
8 relating to the Maryland Condominium Act.

9 BY repealing and reenacting, with amendments,  
10 Article - Real Property  
11 Section 11-120  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Real Property  
16 Section 11-120  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 2002 Supplement)  
19 (As enacted by Chapter 697 of the Acts of the General Assembly of 2000)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Real Property**

23 11-120.

24 (a) A developer may reserve the right to expand the condominium by  
25 subjecting additional sections of property to the condominium regime in a manner so  
26 that as each additional section of property is subjected to the condominium regime:

1 (1) The percentage interests in the common elements of the unit owners  
2 in preceding sections shall be reduced and appropriate percentage interests in the  
3 common elements of the added sections shall vest in them; and

4 (2) Appropriate percentage interests in the common elements of the  
5 preceding sections shall vest in unit owners in the added sections.

6 (b) The reservation of the right to expand a condominium is subject to the  
7 conditions provided in this subsection.

8 (1) The declaration establishing the condominium shall describe each  
9 parcel of property which may be included in each section to be added to the  
10 condominium. This description may be made by reference to the condominium plat.

11 (2) The declaration establishing the condominium shall show:

12 (i) The maximum number of units which may be added; and

13 (ii) The percentage interests in the common elements, the  
14 percentage interests in the common expenses and common profits, and the number of  
15 votes appurtenant to each unit following the addition of each section of property to  
16 the condominium, if added. The percentage interests in the common elements and in  
17 common expenses and common profits, and the number of votes that each unit owner  
18 will have may be shown by reference to a formula or other appropriate method of  
19 determining them following each expansion of the condominium.

20 (3) The condominium plat for the original condominium shall include, in  
21 general terms, the outlines of the land, buildings, and common elements of each  
22 successive section that may be added to the condominium.

23 (4) (i) Except as provided in subparagraph (ii) of this paragraph, in  
24 the declaration establishing the condominium a right shall be reserved in the  
25 developer for a period, not exceeding 10 years from the date of recording of the  
26 declaration, to add to the condominium any successive section described in the  
27 declaration and in the condominium plat.

28 (ii) In Calvert County AND IN CHARLES COUNTY, in an existing or  
29 new declaration for the condominium and notwithstanding anything contained in the  
30 declaration to the contrary, a right shall be deemed reserved in the developer for a  
31 period not exceeding 15 years from the date of recording of the declaration, to add to  
32 the condominium any successive section described in the declaration and in the  
33 condominium plat.

34 (c) (1) If there is compliance with the conditions of subsection (b) of this  
35 section, successive sections of property may be added to the condominium if the  
36 developer (i) records an amendment to the declaration, showing the new percentage  
37 interests of the unit owners, and the votes which each unit owner may cast in the  
38 condominium as expanded, and (ii) records an amendment to the condominium plat  
39 that includes the detail and information concerning the new section as required in the  
40 original condominium plat.

1 (2) On recordation of the amendment of the declaration and plat, each  
2 unit owner, by operation of law, has the percentage interests in the common elements,  
3 and in the common expenses and common profits, and shall have the number of votes,  
4 set forth in the amendment to the declaration. Following any expansion, the interest  
5 of any mortgagee shall attach, by operation of law, to the new percentage interests in  
6 the common elements appurtenant to the unit on which it is a lien.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
8 read as follows:

9 **Article - Real Property**

10 11-120.

11 (a) A developer may reserve the right to expand the condominium by  
12 subjecting additional sections of property to the condominium regime in a manner so  
13 that as each additional section of property is subjected to the condominium regime:

14 (1) The percentage interests in the common elements of the unit owners  
15 in preceding sections shall be reduced and appropriate percentage interests in the  
16 common elements of the added sections shall vest in them; and

17 (2) Appropriate percentage interests in the common elements of the  
18 preceding sections shall vest in unit owners in the added sections.

19 (b) The reservation of the right to expand a condominium is subject to the  
20 conditions provided in this subsection.

21 (1) The declaration establishing the condominium shall describe each  
22 parcel of property which may be included in each section to be added to the  
23 condominium. This description may be made by reference to the condominium plat.

24 (2) The declaration establishing the condominium shall show:

25 (i) The maximum number of units which may be added; and

26 (ii) The percentage interests in the common elements, the  
27 percentage interests in the common expenses and common profits, and the number of  
28 votes appurtenant to each unit following the addition of each section of property to  
29 the condominium, if added. The percentage interests in the common elements and in  
30 common expenses and common profits, and the number of votes that each unit owner  
31 will have may be shown by reference to a formula or other appropriate method of  
32 determining them following each expansion of the condominium.

33 (3) The condominium plat for the original condominium shall include, in  
34 general terms, the outlines of the land, buildings, and common elements of each  
35 successive section that may be added to the condominium.

36 (4) (I) [In] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
37 PARAGRAPH, IN the declaration establishing the condominium a right shall be

1 reserved in the developer for a period, not exceeding 10 years from the date of  
2 recording of the declaration, to add to the condominium any successive section  
3 described in the declaration and in the condominium plat.

4 (II) IN CHARLES COUNTY, IN AN EXISTING OR NEW DECLARATION  
5 FOR THE CONDOMINIUM AND NOTWITHSTANDING ANYTHING CONTAINED IN THE  
6 DECLARATION TO THE CONTRARY, A RIGHT SHALL BE DEEMED RESERVED IN THE  
7 DEVELOPER FOR A PERIOD NOT EXCEEDING 15 YEARS FROM THE DATE OF  
8 RECORDING OF THE DECLARATION, TO ADD TO THE CONDOMINIUM ANY  
9 SUCCESSIVE SECTION DESCRIBED IN THE DECLARATION AND IN THE CONDOMINIUM  
10 PLAT.

11 (c) (1) If there is compliance with the conditions of subsection (b) of this  
12 section, successive sections of property may be added to the condominium if the  
13 developer (i) records an amendment to the declaration, showing the new percentage  
14 interests of the unit owners, and the votes which each unit owner may cast in the  
15 condominium as expanded, and (ii) records an amendment to the condominium plat  
16 that includes the detail and information concerning the new section as required in the  
17 original condominium plat.

18 (2) On recordation of the amendment of the declaration and plat, each  
19 unit owner, by operation of law, has the percentage interests in the common elements,  
20 and in the common expenses and common profits, and shall have the number of votes,  
21 set forth in the amendment to the declaration. Following any expansion, the interest  
22 of any mortgagee shall attach, by operation of law, to the new percentage interests in  
23 the common elements appurtenant to the unit on which it is a lien.

24 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
25 take effect on the taking effect of the termination provision specified in Section 2 of  
26 Chapter 697 of the Acts of the General Assembly of 2000. If that termination provision  
27 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.  
28 This Act may not be interpreted to have any effect on that termination provision.

29 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions  
30 of Section 3 of this Act, this Act shall take effect October 1, 2003.