

TITLE 2: NATURAL RESOURCES  
DIVISION 6: UNIFORM CONDOMINIUM ACT

**§ 6206. Contents of Declaration: Flexible Condominium.**

The declaration for a flexible condominium shall include, in addition to the matters specified in 2 CMC § 6205:

(a) An explicit reservation of any options to create units, limited common elements, or both, within convertible real estate, or to add additional real estate to or withdraw withdrawable real estate from the condominium;

(b) A statement of the time limit, not exceeding ten years after the recording of the declaration, upon which any option reserved under subsection (a) of this section will lapse, together with a statement of any circumstances that will terminate the option before the expiration of the time limit;

(c) A statement of any limitations on any option reserved under subsection (a) of this section, other than limitations created by or imposed pursuant to law, or else a statement that there are no such limitations;

(d) A statement of the extent to which the common element interest, relative voting strength in the association, and share of common expense liability of each unit in the condominium at the time the declaration is recorded may be increased or decreased by actions pursuant to any option reserved under subsection (a) of this section, including the formulas to be used for those reallocations;

(e) Legally sufficient descriptions of each portion of convertible, additional, and withdrawable real estate;

(f) If portions of any convertible, additional, or withdrawable real estate may be converted, added, or withdrawn at different times, a statement to that effect together with:

(1) Either a statement fixing the boundaries of those portions and regulating the order in which they may be converted, added, or withdrawn or a statement that no assurances are made in those regards, and

(2) A statement as to whether, if any portion of convertible, additional, or withdrawable real estate is converted, added, or withdrawn, all or any particular portion of that or any other real estate must be converted, added, or withdrawn;

(g) A statement of:

(1) The maximum number of units that may be created within any additional or convertible real estate, or within any portion of either, the boundaries of which are fixed pursuant to subsection (f) of this section;

(2) How many of those units will be restricted exclusively to residential use; and

(3) The maximum number of units per acre that may be created within any portions the boundaries of which are not fixed pursuant to subsection (f) of this section.

(h) If any of the units that may be built within any additional or convertible real estate are not to be restricted exclusively to residential use, a statement, with respect to each portion of the additional and convertible real estate, of the maximum percentage of the real estate areas, and the maximum percentage of the floor areas of all units that may be created therein, that are not restricted exclusively to residential use;

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(i) A statement of the extent to which any buildings and units that may be erected upon each portion of the additional or convertible real estate will be compatible with the other buildings and units in the condominium in terms of architectural style, quality of construction, principal materials employed in construction, and size, or a statement that no assurances are made in those regards;

(j) A statement that all restrictions in the declaration affecting use, occupancy, and alienation of units will apply to units created within any convertible or additional real estate, or a statement of any differentiations that may be made as to those units;

(k) General descriptions of all other improvements and limited common elements that may be made or created upon or within each portion of the additional or convertible real estate, or a statement that no assurances are made in that regard;

(l) A statement of any limitations as to the locations of any buildings or other improvements that may be made within convertible or additional real estate, or a statement that no assurances are made in that regard;

(m) A statement that any limited common elements created within any convertible or additional real estate will be of the same general types and sizes as those within other parts of the condominium, or a statement of any other assurances in that regard, or a statement that no assurances are made in that regard;

(n) A statement that the proportion of limited common elements to units created within convertible or additional real estate will be approximately equal to the proportion existing within other parts of the condominium, or a statement of any other assurances in that regard, or a statement that no assurances are made in that regard; and

(o) A statement of the extent to which any assurances made in the declaration regarding additional or withdrawable real estate pursuant to subsections (f) through (n) of this section apply in the event any additional real estate is not added to or any withdrawable land withdrawn from the condominium, or a statement that those assurances do not apply if the real estate is not added to or is withdrawn from the condominium.

**Source:** PL 3-86, § 2-106.