

**TITLE 2: NATURAL RESOURCES**  
**DIVISION 6: UNIFORM CONDOMINIUM ACT**

**§ 6208. Allocation of Common Element Interests, Votes, and Common Expense Liabilities.**

(a) The declaration shall allocate a fraction or percentage of undivided interests in the common elements and in the common expenses of the association, and a portion of the votes in the association, to each unit and state the formulas used to establish those allocations.

(b) In a flexible condominium, the common element interest and common expense liability allocated to each unit must be equal, or proportionate to the relative size of each unit, unless the declaration as originally recorded:

(1) Requires that any units created in additional or convertible real estate be substantially identical to the other units in the condominium and provides that common element interests and common expense liabilities will be allocated to those units in accordance with the formulas used for the initial allocations; or

(2) Identifies all other types of units that may be created in additional or convertible real estate in terms of architectural style, quality of construction, principal materials to be used, and ranges of sizes, and states the formulas upon which any reallocations of common element interests and common expense liabilities will be made, or states the common element interest and common expense liability to be allocated to each unit that may be created.

(c) The number of votes allocated to each unit must be equal, proportionate to that unit's common expense liability, or proportionate to that unit's common element interest. If the declaration allocates an equal number of votes in the association to each unit, each unit that may be subdivided or converted by the declarant into two or more units, common elements, or both (2 CMC § 6215), must be allocated a number of votes in the association proportionate to the relative size of that unit compared to the aggregate size of all units, and the remaining votes in the association must be allocated equally to the other units. The declaration may provide that different allocations of votes shall be made to the units on particular matters specified in the declaration.

(d) Except in the case of eminent domain (2 CMC § 6107), expansion or conversion of a flexible condominium (2 CMC § 6211), withdrawal of withdrawable real estate (2 CMC § 6212), relocation of boundaries between adjoining units (2 CMC § 6214) or subdivision of units (2 CMC § 6215), the common element interest, votes, and common expense liability allocated to any unit may not be altered without unanimous consent of all unit owners. The common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale, or other voluntary or involuntary transfer of an undivided interest in the common elements made without the unit to which it is allocated is void.

(e) Except for minor variations due to rounding, the sums of the undivided interests in the common elements and common expense liabilities allocated at any time to all the units shall each equal one if stated as fractions or 100 percent if stated as percentages. In the event of discrepancy between the common element interest, votes, or common expense liability allocated to a unit and the result derived from application of the formulas, the allocated common element interest, vote, or common expense liability prevails.