

TITLE 2: NATURAL RESOURCES
DIVISION 6: UNIFORM CONDOMINIUM ACT

§ 6315. Lien for Assessments.

(a) The association has a lien on a unit for any assessment levied against that unit or fines imposed against its owner from the time the assessment or fine becomes due. The association's lien may be foreclosed in like manner as a mortgage on real estate. Unless the declaration otherwise provides, fees, charges, late charges, fines, and interest charged pursuant to 2 CMC § 6302(a)(10), (11) and (12) are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

(b) A lien under this section is prior to all other liens and encumbrances on a unit except:

(1) Liens and encumbrances recorded before the recordation of the declaration;

(2) Mortgages and deeds of trust on the unit securing first mortgage holders and recorded before the due date of the assessment or the due date of the first installment payable on the assessment; and

(3) Liens for real estate taxes and other governmental assessments or charges against the unit.

To the extent of the common expense assessments made under 2 CMC § 6314(b) due during the six months immediately preceding institution of an action to enforce the lien, the lien is also prior to the mortgages and deeds of trust described in subsection (b)(2) of this section. This subsection does not affect the priority of mechanics' or materialmen's liens. The lien is not subject to the provisions of homestead, dower and curtsy, or other exemptions.

(c) Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

(d) A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted three years after the assessments become payable.

(e) Nothing in this section shall be construed to prohibit actions or suits to recover sums for which subsection (a) of this section creates a lien, or to prohibit an association from taking a deed in lieu of foreclosure.

(f) A judgment or decree in any action or suit brought under this section shall include costs and reasonable attorney's fees for the prevailing party.

(g) The association shall furnish to a unit owner upon written request a recordable statement setting forth the amount of unpaid assessments currently levied against his or her unit. The statement shall be furnished within 30 business days after receipt of the request and is binding on the association, the executive board, and every unit owner.

Source: PL 3-86, § 3-115.

Commission Comment: The Commission made formatting revisions to subsection (g) to conform that provision to the standard code format.