

the property as a whole] for delinquent real estate taxes, GENERAL AND special assessments, or charges shall ever divest or in any manner affect the title to any OTHER [individual] unit so long as the real estate taxes and duly levied share of special assessments AND OTHER charges on the individual unit are currently paid.

Section 11-114 Comments:

The amendments to this Section make it internally consistent.

11-119.

(A) If any unit owner fails to comply with this title, the declaration, or bylaws, the unit owner may be sued for damages caused by the failure or for injunctive relief, or both, by the council of unit owners or by any other unit owner. THE PREVAILING PARTY IN ANY SUCH PROCEEDING IS ENTITLED TO SUCH AWARD FOR COUNSEL FEES AS THE COURT MAY DETERMINE.

(B) THE FAILURE OF THE COUNCIL OF UNIT OWNERS TO ENFORCE A PROVISION OF THIS TITLE, THE DECLARATION, OR BYLAWS ON ANY OCCASION SHALL NOT BE A WAIVER OF THE RIGHT TO ENFORCE THE PROVISION ON ANY OTHER OCCASION.

Section 11-119 Comments:

The Section has been reorganized for the purpose of clarity. The amendment to new subsection (a) was made to avoid requiring all unit owners to pay a portion of the legal fees and other expenses incurred in a successful suit against a unit owner who had violated the condominium documents. New subsection (b) is a technical amendment to protect the rights of the council of unit owners against claims of waiver or estoppel beyond the particular violation waived made by a unit owner.

11-122.

(c) The declaration, bylaws, and condominium plat shall be construed together and shall be deemed to incorporate one another to the extent that any requirement of this title as to the content of one shall be deemed satisfied if the deficiency can be cured by reference to any of the others. ANY PROVISION REQUIRED BY THIS TITLE MAY BE AMENDED ONLY IN ACCORDANCE WITH THE REQUIREMENTS FOR AMENDMENT APPLICABLE TO THE INSTRUMENT IN WHICH, ABSENT THIS SUBSECTION (C), IT IS REQUIRED TO BE CONTAINED.

Section 11-122 Comments:

The amendment to subsection (c) was made in the interests of consistency.

SECTION 2. AND BE IT FURTHER ENACTED, That