

LAND TENURE

LAND TENURE

- The relationship whether legally or customarily defined, among people, as individuals or groups with respect to land.
- Land Tenure is an institution, i.e. rules invented by societies to regulate behaviors

INTERSECTING INTEREST

- **OVERRIDING INTEREST** - When a sovereign power has the powers to allocate or reallocate
- **OVERLAPPING INTEREST** - When several parties are allocated different rights to the same parcels of lands
- **COMPLEMENTARY INTEREST** - When different parties share the same interest in the same parcel of land
- **COMPETING INTEREST** - When different parties contest the same interest in the same parcel.

LAND TENURE CATEGORIES

1. **PRIVATE** - the assignment of rights to a private party who may be an individual, a married couple, a group of people, or a corporate body such as a commercial entity or non-profit organization
2. **COMMUNAL** - a right of commons may exist within a community where each member has a right to use independently the holdings of the community
3. **OPEN ACCESS** - specific rights are not assigned to anyone and no-one can be excluded. (*An important difference between open access and communal systems is that under a communal system non-members of the community are excluded from using the common areas.*)
4. **STATE** - property rights are assigned to some authority in the public sector.

PROPERTY RIGHTS-SIMPLIFIED

- **use rights:** rights to use the land for grazing, growing subsistence crops, gathering minor forestry products, etc.
- **control rights:** rights to make decisions how the land should be used including deciding what crops should be planted, and to benefit financially from the sale of crops, etc.
- **transfer rights:** right to sell or mortgage the land, to convey the land to others through intra-community reallocations, to transmit the land to heirs through inheritance, and to reallocate use and control rights.
- **Formal property rights:** those that are explicitly acknowledged by the state and which may be protected using legal means.
- **Informal property rights:** are those that lack official recognition and protection. *In some cases, informal property rights are illegal, i.e., held in direct violation of the law.*

- **Extra-legal rights:**, i.e., not against the law, but not recognised by the law. In some countries, customary property held in rural indigenous communities falls into this category.

LAND ADMINISTRATION

- is the way in which the rules of land tenure are applied and made operational. Land administration, whether formal or informal, comprises an extensive range of systems and processes to administer:
 - **LAND RIGHTS:** (1) the allocation of rights in land; (2) the delimitation of boundaries of parcels for which the rights are allocated; (3) the transfer from one party to another through sale, lease, loan, gift or inheritance; (4) the adjudication of doubts and disputes regarding rights and parcel boundaries.

LAND REGISTRATION AUTHORITY

- ACT NO. 496 (*The Land Registration Act*) - Court of Land Registration and the office of the Registers of Deed
- ACT NO 2374 (*An Act Granting the Bulletin Publishing Company, Inc. a Franchise to Construct, Maintain and Operate Radio Broadcasting and Television Stations in the Philippines*) - General Land Registration Office
- REPUBLIC ACT NO.1151 (*An Act Creating the Land Registration Commission, and Authorizing and Appropriating the Necessary Funds Therefor*) - General Land Registration Office
- EXECUTIVE ORDER NO. 649 (*REORGANIZING THE LAND REGISTRATION COMMISSION INTO THE NATIONAL LAND TEXTILES AND DEEDS REGISTRATION ADMINISTRATION AND REGIONALIZING THE OFFICES OF THE REGISTRARS THEREIN*) - National Land Titles and Deeds Registration Administration
- EXECUTIVE ORDER NO.292 (*ADMINISTRATIVE CODE OF 1987 (Title III, Chapter 9)*) - Land Registration Authority

MODES OF ACQUIRING OWNERSHIP

1. **PUBLIC GRANT** - The administrative method of acquiring public lands, such as homestead settlement, free patent and sales patent
2. **PRIVATE GRANT** - Is the voluntary transfer or conveyance of privately owned by an owner, such as by sale or donation.
 - The transfer of title to land by the owner himself or his duly authorized representative to another mutual consent.
3. **INVOLUNTARY ALIENATION OR GRANT** - The process by which a land is taken against the consent of the owner, such as expropriation, proceedings, execution of judgment, tax sales and foreclosure.

- Does not require the consent or cooperation of the owner of the land, since this is usually carried out against his will.

4. **DESCENT OR DEVISE** - Acquire by virtue inheritance, which requires a degree of relationship.
 - Title to the property is transferred by way of will executed by the Testator.
 - Descent may be acquired by virtue of hereditary succession.
 - Devise, succession need not be in favor of the relative, if appropriate disposition has been made in his favor by the testator in the latter's will.
5. **RECLAMATION** - The filling of submerged land by deliberate act of the Government.
 - Only the government that can assert title to reclaimed land
6. **ACCRETION** - Process by which a riparian land gradually and imperceptively receives addition made by the water to which the land is contiguous. Cannot be invoked where the accretion is caused by action of the bay which is a part of the sea, since such alluvial formation along the seashore is part of the public domain.
7. **PRESCRIPTION** - One acquires ownership and other real rights through the lapse of time in the manner and under the conditions laid down by law.
 - Mode of acquisition of title through continuous, open, adverse possession in the concept of an owner for the period fixed by law.

THE PUBLIC LAND ACT

- Commonwealth Act No. 141
- Enacted on November 7, 1936
- Amended by R.A. 6940 (Ending of Filling on Free Patent) on March 28, 1990
- Earliest law that addressed land rights of Filipino masses.

Any Natural-born Citizen of the Philippines who:

- who is not the owner of more than twelve (12) hectares
- or at least thirty (30) years prior to the effectivity of this amendatory Act, has continuously occupied and cultivated, either by himself or through his predecessors-in-interest a tract or tracts of agricultural public lands subject to disposition
- have paid the real estate tax thereon while the same has not been occupied by any person

MISCELLANEOUS SALES PATENT

- Republic Act No. 730
- June 18, 1952
- Permit the sale without public auction of public lands of the Philippines for residential purposes to qualified applicants.

Given preference to purchase at a private sale:

- any Filipino citizen legal age
- not the owner of a home lot in the Municipality or city in which he resides

- has in good faith established his residence on a parcel of the public land of the Republic of the Philippines which is not needed for the public service

- not more than one thousand square meters at a price to be fixed by the Director of Lands with the approval of the Secretary of Agriculture and Natural Resources.

PRESIDENTIAL DECREE NO. 892

- Enacted on February 16, 1976
- *DISCONTINUANCE OF THE SPANISH MORTGAGE SYSTEM OF REGISTRATION AND OF THE USE OF SPANISH TITLES AS EVIDENCE IN LAND REGISTRATION PROCEEDINGS*
- Section 1: All holders of Spanish titles or grants should apply for registration of their lands under Act No. 496, otherwise known as the Land Registration Act, within six (6) months from the effectivity of this decree. Thereafter, Spanish titles cannot be used as evidence of land ownership in any registration proceedings under the Torrens system

PROPERTY REGISTRATION DECREE

- Presidential Decree No. 1529
- Enacted in June 11, 1978
- *AMENDING AND CODIFYING THE LAWS RELATIVE TO REGISTRATION OF PROPERTY AND FOR OTHER PURPOSES*
- Section 2. *Nature of registration proceedings; jurisdiction of courts.* Judicial proceedings for the registration of lands throughout the Philippines shall be in rem and shall be based on the generally accepted principles underlying the Torrens system.
- Section 3. *Status of other pre-existing land registration system.* The system of registration under the Spanish Mortgage Law is hereby discontinued and all lands recorded under said system which are not yet covered by Torrens title shall be considered as unregistered lands.
Hereafter, all instruments affecting lands originally registered under the Spanish Mortgage Law may be recorded under Section 113 of this Decree, until the land shall have been brought under the operation of the Torrens system.

REPUBLIC ACT NO. 11573

- AN ACT IMPROVING THE CONFIRMATION PROCESS FOR IMPERFECT LAND TITLES, AMENDING FOR THE PURPOSE COMMONWEALTH ACT NO. 141, AS AMENDED, OTHERWISE KNOWN AS "**THE PUBLIC LAND ACT,**" AND **PRESIDENTIAL DECREE NO. 1529**, AS AMENDED, OTHERWISE KNOWN AS THE "PROPERTY REGISTRATION DECREE"
- July 16, 2021
- Section 2. *Section 44 of Commonwealth Act No. 141, as amended by Republic Act No. 6940, is hereby further amended to read as follows:*

- “SEC. 44. Any natural-born citizen of the Philippines who is not the owner of more than twelve (12) hectares of land, and who, for at least twenty (20) years prior to the filing of an application for agricultural free patent, has continuously occupied and cultivated, either personally or through a predecessor-in-interest, a tract or tracts of alienable and disposable agricultural public lands subject to disposition, and who shall have paid the real estate tax thereon shall be entitled, under the provisions of this Chapter, to have a free patent issued for such tract or tracts of such land not to exceed twelve (12) hectares.”
- Section 6. Section 14 of Presidential Decree No. 1529 is hereby amended to read as follows:
 - “*SECTION 14. Who may apply: The following persons may file at any time, in the proper Regional Trial Court in the province where the land is located, an application for registration of title to land, not exceeding twelve (12) hectares, whether personally or through their duly authorized representatives:*
 - “(1) Those who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of alienable and disposable lands of the public domain not covered by existing certificates of title or patents under a bona fide claim of ownership for at least twenty (20) years immediately preceding the filing of the application for confirmation of title except when prevented by war or force majeure. They shall be conclusively presumed to have performed all the conditions essential to a Government grant and shall be entitled to a certificate of title under this section.
 - “(2) Those who have acquired ownership of private lands or abandoned riverbeds by right of accession or accretion under the provisions of existing laws.
 - “(3) Those who have acquired ownership of land in any other manner provided for by law.
- Section 7. *Proof that the Land is Alienable and Disposable.* For purposes of judicial confirmation of imperfect titles filed under Presidential Decree No. 1529, a duly signed certification by a duly designated DENR geodetic engineer that the land is part of alienable and disposable agricultural lands of the public domain is sufficient proof that the land is alienable. Said certification shall be imprinted in the approved survey plan submitted by the applicant in the land registration court.
 - The imprinted certification in the plan shall contain a sworn statement by the geodetic engineer that the land is within the alienable and disposable lands of the public domain and shall state the applicable Forestry Administrative Order, DENR Administrative Order, Executive Order, Proclamations and the Land

Classification Project Map Number covering the subject land.

URBAN LAND REFORM ACT

- Presidential Decree No. 1517
- June 11, 1978
- Amended by R.A. 6940 in March 28, 1990
- *PROCLAIMING URBAN LAND REFORM IN THE PHILIPPINES AND PROVIDING FOR THE IMPLEMENTING MACHINERY THEREOF*
- Gave right to tenants to acquire the lands thru the right of first refusal to purchase the same within a reasonable time and at reasonable prices, provided they have resided there for 10 years or more, as such in cases that the tenants are unable to purchase the said lands, Government shall acquire the land and/or improvements thru expropriation
- Section 113: *Recording of Instruments relating to unregistered lands.* No deeds, conveyance, mortgage, lease or other voluntary instrument affecting land not registered under the Torrens system shall be valid, except as between the parties thereto, unless such instrument shall have been recorded in the manner herein prescribed in the office of the Register of Deeds for the province or city where the land lies.

ARTICLE XIV OF THE 1972 CONSTITUTION

- Notwithstanding the provisions of Section 14 of this Article, a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private land, for use by him as his residence, as the Batasang Pambansa shall provide

BATAS PAMBANSA BLG. 185

- March 16, 1982
- An Act to Implement Section Fifteen of Article Xiv of the Constitution and for Other Purposes
- Should not be used for any purpose other than for residence. *SIZE:* maximum area of 1,000 square meters, in the case of urban land, or one (1) hectare in the case of rural land.
- In the case of married couples, one of them may avail of the privilege herein granted; Provided, That if both shall avail of the same, the total area acquired shall not exceed the maximum herein fixed.

ARTICLE XII OF THE 1987 CONSTITUTION

SECTION 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are **owned by the State.**

- With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration,

development, and utilization of natural resources shall be under the full control and supervision of the State.

- The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty percent (60%) of whose capital is owned by such citizens.
- for a period not exceeding twenty-five years, renewable for not more than twenty-five years

SECTION 3. Alienable lands of the public domain shall be limited to agricultural lands.

- Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding 25 years, renewable for not more than 25 years, and not to exceed 1,000 hectares in area
- Citizens of the Philippines may lease not more than 500 hectares, or acquire not more than 12 hectares thereof by purchase, homestead, or grant.

SECTION 4. The Congress shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law.

SECTION 5. The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.

- The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

SECTION 6. The use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.

SECTION 7. Save in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain.

CITIZENSHIP RETENTION AND RE-ACQUISITION ACT OF 2003

- Republic Act No. 9225
- Enacted in August 29, 2003

- AN ACT MAKING THE CITIZENSHIP OF PHILIPPINE CITIZENS WHO ACQUIRE FOREIGN CITIZENSHIP PERMANENT.

WHO ARE NATURAL BORN FILIPINOS?

Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship.

1. Those who are citizens of the Philippines at the time of the adoption of this Constitution;
2. Those whose fathers or mothers are citizens of the Philippines;
3. Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and
4. Those who are naturalized in accordance with law

FOREIGN INVESTMENTS ACT OF 1991

- Republic Act No. 7042
- Enacted June 13, 1991
- Size: Maximum of 5,000 sq meters for urban land and Maximum of 3 hectares for rural land.
- Under Section 4 of Rule XII of the Implementing Rules and Regulations of RA 704 as amended by RA 8179, a transferee who has already acquired urban land shall be disqualified from acquiring rural land and vice versa.

ARTICLE XIII OF THE 1987 CONSTITUTION

Section 4. The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation.

REPUBLIC ACT NO. 11647

- March 2, 2022
- AN ACT PROMOTING FOREIGN INVESTMENTS, AMENDING THEREBY REPUBLIC ACT NO. 7042, OTHERWISE KNOWN AS THE "FOREIGN INVESTMENTS ACT OF 1991," AS AMENDED, AND FOR OTHER PURPOSES

COMPREHENSIVE AGRARIAN REFORM LAW OF 1988

- REPUBLIC ACT NO. 6657
- June 10, 1988
- AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION,

PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES

- a more equitable distribution and ownership of land, with due regard to the rights of landowners to just compensation and to the ecological needs of the nation, shall be undertaken to provide farmers and farmworkers with the opportunity to enhance their dignity and improve the quality of their lives through greater productivity of agricultural lands.

ARTICLE XIII OF 1987 CONSTITUTION

SECTION 9. The State shall, by law, and for the common good, undertake, in cooperation with the public sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlements areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such a program the State shall respect the rights of small property owners.

SECTION 10. Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner. - No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.

URBAN DEVELOPMENT AND HOUSING ACT OF 1992

- REPUBLIC ACT NO. 7279, March 24, 1992
- AN ACT TO PROVIDE FOR A COMPREHENSIVE AND CONTINUING URBAN DEVELOPMENT AND HOUSING PROGRAM, ESTABLISH THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES

FREE PATENT ACT

- REPUBLIC ACT No. 10023
- March 9, 2010
- AN ACT AUTHORIZING THE ISSUANCE OF FREE PATENTS TO RESIDENTIAL LANDS

Section 1. Qualifications. - Any Filipino citizen who is an actual occupant of a residential land may apply for a Free Patent Title under this Act: Provided; That in highly urbanized cities, the land should not exceed two hundred (200) square meters; in other cities, it should not exceed five hundred (500) square meters; in first class and second class municipalities, it should not exceed seven hundred fifty (750) square meters; and in all other municipalities, it should not exceed one thousand (1,000) square meters; Provided, further, That the land applied for is not needed for public service and/or public use.

AGRICULTURAL FREE PATENT REFORM ACT

- Republic Act No. 11231
- February 22, 2019
- An Act Removing the Restrictions Imposed on the Registration, Acquisition, Encumbrance, Alienation, Transfer and Conveyance of Land Covered by Free Patents Under Sections 118, 119 and 121 of Commonwealth Act No. 141, Otherwise Known as "The Public Land Act", as Amended

Section 2. It is the declared policy of the State to remove the restrictions on free patents to allow the efficient and effective utilization of these lands in order to contribute to wealth creation, entrepreneurship, and economic development.

CONDOMINIUM CONCEPTS

CONDOMINIUM TRACEBACKS

- Early Rome - solved the housing shortage in walled cities of Europe during medieval times
- 1900s - reached South America before arriving in America
- 1961 - National Housing Act (US) recognized condominiums legally
- 1970's - Condomania

CONDOMINIUM

- Apartment style units stacked on top of and/ or beside one another and sold to individual owners.
- Based on the individual ownership of space in a multi-unit building, be it apartment, store, office or other real property
- Vertical subdivision on a parcel of land and a multi-storey building structure therein. Horizontal ownership

CONDOMINIUM OWNERSHIP

- A system of ownership in a multi-unit development allowing individual ownership of some areas and common ownership of all other areas.
- Combines ownership of a fee simple interest in the airspace within a unit with ownership of an undivided share, as a tenant in common, of the entire property's common elements.
- A purchaser receives title to a specified unit together with a membership in a community association, and an undivided interest in and rights to the use of a common area in which the purchaser holds the specified unit in fee simple, that is subject to declare restrictive covenants and conditions when you purchase a condominium
- *You're actually purchasing the interior of a specific unit as well as a proportionate interest in the common areas – pool, tennis courts, grounds, hallways, laundry room and so on.*

CONDOMINIUM COMMON ELEMENTS INCLUDE

- Structural components of the building, such as exterior windows, roof and foundations

- Physical operating systems supporting all units such as plumbing, power, communications installations, and central air conditioning.
- Lawns and recreational facilities, such as swimming pools, clubhouses, tennis courts and golf courses
- Building and ground areas used non-exclusively, such as stairways, elevators, hallways, and laundry rooms.

REPUBLIC ACT NO. 4726 (THE CONDOMINIUM ACT)

- AN ACT TO DEFINE CONDOMINIUM, ESTABLISH REQUIREMENTS FOR ITS CREATION, AND GOVERN ITS INCIDENTS
- JUNE 18, 1966

Section 2: A condominium is an interest in real property consisting of separate interest in a unit in a residential, industrial or commercial building and an undivided interest in common, directly or indirectly, in the land on which it is located and in other common areas of the building. A condominium may include, in addition, a separate interest in other portions of such real property.

Section 3: DEFINITION OF TERMS

"Condominium" means a condominium as defined in the next preceding section.

"Unit" means a part of the condominium project intended for any type of independent use or ownership, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or buildings and such accessories as may be appended thereto.

"Project" means the entire parcel of real property divided or to be divided in condominiums, including all structures thereon,

"Common areas" means the entire project excepting all units separately granted or held or reserved.

"To divide" real property means to divide the ownership thereof or other interest therein by conveying one or more condominiums therein but less than the whole thereof.

- **CONDOMINIUM CORPORATION** "Title to the common areas, including the land, or the appurtenant interests in such areas, may be held by a corporation specially formed for the purpose (hereinafter known as the "condominium corporation") in which the holders of separate interest shall automatically be members or shareholders, to the exclusion of others, in proportion to the appurtenant interest of their respective units in the common areas."

Section 4: An enabling or master deed which shall contain, among others, the following:

- (a) Description of the land on which the building or buildings and improvements are or are to be located;
- (b) Description of the building or buildings, stating the number of stories and basements, the

number of units and their accessories, if any;

(c) Description of the common areas and facilities;

(d) A statement of the exact nature of the interest acquired or to be acquired by the purchaser in the separate units and in the common areas of the condominium project. Where title to or the appurtenant interests in the common areas is or is to be held by a condominium corporation, a statement to this effect shall be included;

(e) Statement of the purposes for which the building or buildings and each of the units are intended or restricted as to use;

(f) A certificate of the registered owner of the property, if he is other than those executing the master deed, as well as of all registered holders of any lien or encumbrance on the property, that they consent to the registration of the deed;

(g) The following plans shall be appended to the deed as integral parts thereof:

(1) A survey plan of the land included in the project, unless a survey plan of the same property had previously been filed in said office;

(2) A diagrammatic floor plan of the building or buildings in the project, in sufficient detail to identify each unit, its relative location and approximate dimensions;

(h) Any reasonable restriction not contrary to law, morals or public policy regarding the right of any condominium owner to alienate or dispose of his condominium

Section 6: Unless otherwise expressly provided in the enabling or master deed or the declaration of restrictions, the incidents of a condominium grant are as follows:

(a) The boundary of the unit granted are the interior surfaces of the perimeter walls, floors, ceilings, windows and doors thereof.

(b) There shall pass with the unit, as an appurtenance thereof, an exclusive easement for the use of the air space encompassed by the boundaries of the unit as it exists at any particular time and as the unit may lawfully be altered or reconstructed from time to time.

(c) Unless otherwise provided, the common areas are held in common by the holders of units, in equal shares, one for each unit.

(d) A non-exclusive easement for ingress, egress and support through the common areas is appurtenant to each unit and the common areas are subject to such easements.

(e) Each condominium owner shall have the exclusive right to paint, repaint, tile, wax, paper or otherwise refinish and decorate the inner surfaces of the walls, ceilings, floors, windows and doors bounding his own unit.

(f) Each condominium owner shall have the

exclusive right to mortgage, pledge or encumber his condominium and to have the same appraised independently of the other condominiums but any obligation incurred by such condominium owner is personal to him.

(g) Each condominium owner has also the absolute right to sell or dispose of his condominium unless the master deed contains a requirement that the property be first offered to the condominium owners within a reasonable period of time before the same is offered to outside parties;

FORMATION OF A CONDOMINIUM

Condominium project requires:

- The public recording of a master deed or declaration of intent
- The formation of an association of unit owners
- A set of by laws
- Unit deeds

MASTER DEED OR DECLARATION

Is a recorded statement of the owner's intent to transform a site into a condominium project or to convert an existing building to condominiums.

It contains a statement of the purpose for which the building and each of the units are intended, including restrictions, if any, as to their use.

It describes the site, buildings, and common areas which should include floor plans showing the layout, location, number and dimensions of the individual units.

It designates the proportion to which each unit represents to the entire project which determines the unit's share of the monthly maintenance fee and the number of votes within the association.

DECLARATION PROVISIONS

The condominium declaration may be required to include:

A legal description and/or name of the property

A survey of land, common elements, and all units.

Plat maps of land and building, and floor plans with identifiers for all condominium units.

Provisions for common area easements.

An identification of each unit's share of the ownership in the overall property.

Organization plans for creation of the condominium association, including its bylaws

Voting rights, membership status and liability for expenses of individual owners

Covenants and restrictions regarding use and transfer of units.

ASSOCIATION OF UNIT OWNERS

The master deed must contain the name and description of the association, responsible for the operation of the condominiums.

The governing body can be in the form of a corporation, trust, or association, disclosing provisions for annual meetings and duly elected officers, trustees, and directors.

BYLAWS

The association must have a complete set of bylaws which must provide for the following:

- The method of providing for the necessary work of maintenance, repair and replacement of the common areas and facilities.
- The manner of collecting unit owners' share of the common expenses.
- The procedure for hiring personnel, such as a manager.
- The method of adopting and amending administrative rules and regulations governing the details of the operation and use of the common areas.
- Any restrictions and requirements regarding the use and maintenance of the units and the common areas and facilities.

UNIT DEEDS

Title to individual units is conveyed by a unit deed.

A facsimile of the purchase and sale agreement, and unit deed must be recorded with the master deed.