

SECOND REGULAR SESSION

# HOUSE BILL NO. 2405

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHARNHORST.

5467L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 448.2-117, RSMo, and to enact in lieu thereof one new section relating to condominium property.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 448.2-117, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 448.2-117, to read as follows:

448.2-117. 1. Except in cases of amendments that may be executed by a declarant under subsection 6 of section 448.2-109, or section 448.2-110; the association, under section 448.1-107, subsection 4 of section 448.2-106, subsection 3 of section 448.2-108, or subsection 1 of section 448.2-112, or section 448.2-113; or certain unit owners under subsection 2 of section 448.2-108, subsection 1 of section 448.2-112, subsection 2 of section 448.2-113, or subsection 2 of section 448.2-118, and except as limited by subsection 4 of this section, the declaration, including the plats and plans, may be amended only by vote or agreement of unit owners of units to which at least sixty-seven percent of the votes in the association are allocated, or any larger majority the declaration specifies. The declaration may specify a smaller number only if all of the units are restricted exclusively to nonresidential use.

2. No action to challenge the validity of an amendment adopted by the association pursuant to this section may be brought more than one year after the amendment is recorded.

3. Every amendment to the declaration shall be recorded in every county in which any portion of the condominium is located, and is effective only upon recordation. Every amendment shall be indexed in the name of the condominium, the association, and the parties executing the amendment.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           4. Except to the extent expressly permitted or required by other provisions of sections  
18 448.1-101 to 448.4-120, no amendment may create or increase special declarant rights, increase  
19 the number of units, or change the boundaries of any unit, the allocated interests of a unit, or the  
20 uses to which any unit is restricted, in the absence of [unanimous] **two-thirds** consent of the unit  
21 owners.

22           5. Amendments to the declaration required by sections 448.1-101 to 448.4-120 to be  
23 recorded by the association shall be prepared, executed, recorded, and certified on behalf of the  
24 association by any officer of the association designated for that purpose or, in the absence of  
25 designation, by the president of the association.

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