

## ARTICLE XII

### **Eminent Domain; Obsolescence**

If all or any part of the Common Elements shall be taken or destroyed by the exercise of the power of eminent domain, each Unit Owner shall be entitled to notice of such taking and to participate through the Association in the proceedings incident thereto. Any damages shall be for the taking, injury or destruction as a whole and shall be collected by the Association and distributed by it among the Unit owners in proportion to each Unit owner's percentage interest in the Common Elements, except to the extent that the Association deems it necessary or appropriate to apply them to the repair or restoration of any such injury or destruction.

In the event the Board of Trustees of the Association shall determine that the Building is obsolete, the Board, at any special or regular meeting of the Unit Owners, may call for a vote to determine whether or not the Condominium Property shall be sold and the Condominium terminated. In the event at least seventy-five (75%) percent of all of the unit Owners voting in accordance with the procedures established by the By-Laws and one hundred (100%) percent of the Institutional Mortgage lenders shall determine that the Condominium Property shall be sold, then the provisions of Article B shall become effective.

If any portion or portion of the Condominium, or the Common Elements or any portion thereof, is made the subject matter of any condemnation or eminent domain proceeding, or is otherwise sought to be acquired by a condemning authority, then the Institutional Mortgage Lender which holds a first mortgage on a Unit will be entitled to timely written notice of any such proceeding, or proposed acquisition, and no provision of this Master Deed shall entitle a Unit Owner or other party to priority over such Institutional Mortgage Lender with respect to the distribution to such Unit Owner of the proceeds of any award or settlement. Such notice shall be given by the Association and/or Unit Owner.