

IC 32-25-2

Chapter 2. Definitions

IC 32-25-2-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-2

"Association of co-owners"

Sec. 2. "Association of co-owners" means all the co-owners acting as an entity in accordance with the:

- (1) articles;
- (2) bylaws; and
- (3) declaration.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-3

"Building"

Sec. 3. "Building" means a structure containing:

- (1) at least two (2) condominium units; or
- (2) at least two (2) structures containing at least one (1) condominium unit.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-4

"Common areas and facilities"

Sec. 4. "Common areas and facilities", unless otherwise provided in the declaration or lawful amendments to the declaration, means:

- (1) the land on which the building is located;
- (2) the building:
 - (A) foundations;
 - (B) columns;
 - (C) girders;
 - (D) beams;
 - (E) supports;
 - (F) main walls;
 - (G) roofs;
 - (H) halls;
 - (I) corridors;
 - (J) lobbies;
 - (K) stairs;
 - (L) stairways;
 - (M) fire escapes;
 - (N) entrances; and
 - (O) exits;
- (3) the:

- (A) basements;
- (B) yards;

- (C) gardens;
- (D) parking areas;
- (E) storage spaces;
- (F) swimming pools; and
- (G) other recreational facilities;
- (4) the premises for the lodging of:
 - (A) janitors; or
 - (B) persons in charge of the property;
- (5) installations of central services, such as:
 - (A) power;
 - (B) light;
 - (C) gas;
 - (D) hot and cold water;
 - (E) heating;
 - (F) refrigeration;
 - (G) air conditioning; and
 - (H) incinerating;
- (6) the:
 - (A) elevators;
 - (B) tanks;
 - (C) pumps;
 - (D) motors;
 - (E) fans;
 - (F) compressors;
 - (G) ducts;
 - (H) apparatus; and
 - (I) installations;
 existing for common use;
- (7) community and commercial facilities provided for in the declaration; and
- (8) all other parts of the property:
 - (A) necessary or convenient to its:
 - (i) existence;
 - (ii) maintenance; and
 - (iii) safety; or
 - (B) normally in common use.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-5

"Common expenses"

Sec. 5. "Common expenses" means:

- (1) all sums lawfully assessed against the co-owners by the association of co-owners;
- (2) expenses of:
 - (A) administration;
 - (B) maintenance;
 - (C) repair; or
 - (D) replacement;
 of the common areas and facilities;
- (3) expenses agreed upon as common expenses by the

- association of co-owners; and
- (4) expenses declared common expenses by:
 - (A) this article;
 - (B) the declaration; or
 - (C) the bylaws.

As added by P.L.2-2002, SEC.10. Amended by P.L.2-2005, SEC.84.

IC 32-25-2-6

"Common profits"

Sec. 6. "Common profits" means the balance remaining, after the deduction of the common expenses, of all:

- (1) income;
- (2) rents;
- (3) profits; and
- (4) revenues;

from the common areas and facilities.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-7

"Condominium"

Sec. 7. "Condominium" means real estate:

- (1) lawfully subjected to this article by the recordation of condominium instruments; and
- (2) with respect to which the undivided interests in the common areas and facilities are vested in the condominium unit owners.

As added by P.L.2-2002, SEC.10. Amended by P.L.2-2005, SEC.85.

IC 32-25-2-8

"Condominium instruments"

Sec. 8. "Condominium instruments" means:

- (1) the:
 - (A) declaration;
 - (B) bylaws;
 - (C) plats; and
 - (D) floor plans;of the condominium; and
- (2) any exhibits or schedules to the items listed in subdivision (1).

As added by P.L.2-2002, SEC.10.

IC 32-25-2-9

"Condominium unit"

Sec. 9. "Condominium unit" means:

- (1) an enclosed space:
 - (A) that consists of one (1) or more rooms occupying all or part of a floor or floors in a structure of one (1) or more floors or stories, regardless of whether the enclosed space is designed:
 - (i) as a residence;
 - (ii) as an office;

- (iii) for the operation of any industry or business; or
- (iv) for any other type of independent use; and

(B) that has:

- (i) a direct exit to a public street or highway; or
- (ii) an exit to a thoroughfare or to a given common space leading to a thoroughfare; and

- (2) the undivided interest in the common elements appertaining to an enclosed space referred to in subdivision (1).

As added by P.L.2-2002, SEC.10.

IC 32-25-2-10

"Contractable condominium"

Sec. 10. "Contractable condominium" means a condominium from which one (1) or more portions of the condominium real estate may be withdrawn.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-11

"Co-owner"

Sec. 11. "Co-owner" means a person who owns:

- (1) a condominium unit in fee simple; and
- (2) an undivided interest in the common areas and facilities;

in the percentage established in the declaration.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-12

"Declarant"

Sec. 12. "Declarant" means any person who:

- (1) executes or proposes to execute a declaration; or
- (2) executes an amendment to a declaration to expand an expandable condominium.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-13

"Declaration"

Sec. 13. "Declaration" means the instrument by which the property is submitted to this article. The term refers to a declaration as it may be lawfully amended from time to time.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-14

"Expandable condominium"

Sec. 14. "Expandable condominium" means a condominium to which real estate may be added.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-15

"Limited common areas and facilities"

Sec. 15. "Limited common areas and facilities" means the common areas and facilities designated in the declaration as reserved

for use of:

- (1) a certain condominium unit; or
- (2) certain condominium units;

to the exclusion of the other condominium units.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-16

"Majority" or "majority of co-owners"

Sec. 16. "Majority" or "majority of co-owners" means the co-owners with at least fifty-one percent (51%) of the votes, in accordance with the percentages assigned in the declaration to the condominium units for voting purposes.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-17

"Person"

Sec. 17. "Person" means:

- (1) an individual;
- (2) a firm;
- (3) a corporation;
- (4) a partnership;
- (5) an association;
- (6) a trust;
- (7) any other legal entity; or
- (8) any combination of the entities listed in subdivisions (1) through (7).

As added by P.L.2-2002, SEC.10.

IC 32-25-2-18

"Property"

Sec. 18. "Property" means:

- (1) the land;
 - (2) the building;
 - (3) all improvements and structures on the land or the building;
- and
- (4) all:
 - (A) easements;
 - (B) rights; and
 - (C) appurtenances;
- pertaining to the land or the building.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-19

"To record"

Sec. 19. "To record" means to record in accordance with the laws of the state.

As added by P.L.2-2002, SEC.10.

IC 32-25-2-20

"Unit number"

Sec. 20. "Unit number" means the:

(1) number;

(2) letter; or

(3) combination of numbers and letters;

designating the condominium unit in the declaration.

As added by P.L.2-2002, SEC.10.