

**Effective 5/6/2026**

**57-8-32 Sale of property and common areas and facilities.**

- (1) As used in this section:
  - (a) "Condemnor" means the same as that term is defined in Section 78B-6-520.3.
  - (b) "Under threat of condemnation" means the same as that term is defined in Section 78B-6-520.3.
- (2) Subject to Subsection 10-20-809(5) or 17-79-709(5), unless otherwise provided in the declaration or bylaws, and notwithstanding the provisions of Sections 57-8-30 and 57-8-31, the unit owners may by an affirmative vote of at least 67% of unit owners, elect to sell, convey, transfer, or otherwise dispose of the property or all or part of the common areas and facilities.
- (3) An affirmative vote described in Subsection (2) is binding upon all unit owners, and each unit owner shall execute and deliver the appropriate instruments and perform all acts as necessary to affect the sale, conveyance, transfer, or other disposition of the property or common areas and facilities.
- (4) The general easement of ingress, egress, and use of the common areas and facilities granted to an association and unit owners through recorded governing documents is extinguished in any portion of the common areas and facilities the unit owners sell, convey, transfer, or otherwise dispose of, if:
  - (a) the unit owners, in selling, conveying, transferring, or otherwise disposing of the portion of the common areas and facilities, comply with:
    - (i) the provisions of this section; and
    - (ii) Section 10-20-809 or 17-79-709; and
  - (b) the sale, conveyance, transfer, or other disposition of the portion of the common areas and facilities results in a person other than the association owning the portion of the common areas and facilities.
- (5) This section applies to an association of unit owners regardless of when the association of unit owners is created.
- (6) A declarant may not sell or otherwise encumber any part of the common areas and facilities during the period of administrative control, except:
  - (a) as allowed for convertible land or convertible space within a condominium project;
  - (b) as provided in Section 10-20-809 or 17-79-709; or
  - (c) if the declarant sells or otherwise encumbers a part of the common areas and facilities that are under threat of condemnation to a condemnor.
- (7) Unless otherwise prohibited by the association's declaration or bylaws, an authorized representative of the association may act as attorney-in-fact for the association's unit owners in executing a sale, conveyance, transfer, or other disposition of the common areas and facilities following an affirmative vote described in Subsection (2).

Amended by Chapter 62, 2026 General Session