

OFFICIAL BULLETIN

Tome CXCVIII * Hermosillo, Sonora * Number 49 Section IV * Monday, December 19, 2016

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Constitutional Governor
Of the State of Sonora
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* Executive Branch * Decree creating the Higher Institute of Teaching, Research, and Educational Evaluation for the State of Sonora

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Claudia Artemiza Pavlovich Arellano, Governor of the Free and Sovereign State of Sonora let it be known:

That the Honorable State Congress has submitted to me the following:

LAW

NUMBER 101

THE HONORABLE CONGRESS OF THE FREE AND SOVEREIGN STATE OF SONORA, IN THE NAME OF THE PEOPLE, SEES IT FIT TO ISSUE THE FOLLOWING:

LAW

OF CONDOMINIUM PROPERTY REGIME FOR THE STATE OF SONORA

**CHAPTER I
GENERAL PROVISIONS**

Article 1. The provisions of this Law are of public order and social interest with the purpose of governing the constitution, manners, organization, function, management, amendment, and termination of the condominium property regime.

It shall also govern relationships between condominium owners, holders, and between these and their administration, establishing the basis to resolve disputes that arise from said relationships, through alternative mechanisms to resolve controversies such as mediation, conciliation, and others that may be suitable for a peaceful solution, via the Court Annexed Mediation Center of the Judicial Branch of the State of Sonora.

Article 2 – For the effects of this Law, the following shall be understood as:

I. Condominium administrator: The condominium owner of the private property unit, who not being a Professional Administrator shall be appointed manager by the General Assembly.

II. Professional Administrator: The individual or entity that, in having demonstrated capacity and knowledge in administration of condominiums and being enrolled in the Registry of Professional Condominium Administrators of the Sonora Cadastral and Registry Institute, provides independent professional services to the condominium per an agreement of the General Assembly.

III. Common Areas and Assets: Those that belong jointly to the condominium owners and whose use is governed by this Law, its Regulations, Articles of Incorporation, and Internal Regulations;

IV. General Assembly: The supreme governing body of the condominium made up of all the condominium owners, wherein topics concerning the condominium property regime are discussed. Resolutions of the same shall be mandatory;

V. Center: The Court Annexed Mediation Center, under the Judicial Branch of the State of Sonora;

VI. Oversight Committee: the control and oversight body made up of condominium owners elected in the General Assembly, whose role, among others, is to monitor, review, supervise, evaluate, and assess proper performance of the tasks of the Administrator, as well as execution of agreements and decisions approved by the General Assembly concerning all common issues of the condominium;

VII. Committees: Those formed by the condominium owners or holders of private property units to carry out activities related with additional, environmental, fire prevention services, and promotion of a condominium culture in benefit of the community. These are self managed, mediation, and ongoing and not mandatory, their number of members varies and are made up around concrete objectives.

VIII. Condominium: The complex of buildings, apartments, floors, dwellings, homes, spaces, structures on a property, lots of land, as well as defined land where there are urban infrastructure services, built vertically, horizontally, or mixed, for independent use in having their own exit to a common element of the same or to the public road and belonging to different owners, who shall have a singular and exclusive right of ownership over a private unit, as well as a right of coownership concerning the common elements and parts of the property necessary for adequate use and enjoyment;

IX. Condominium owner: The individual or legal entity, owner of one or more units of private property;

X. Subdivided condominium: condominium with a number greater than 500 units of private property, subdivided due to its characteristics;

XI. Condominium Complex: The entire group of two or more condominiums built on a single property, provided each maintains areas of exclusive use for itself and, similarly, there exist Common Use Areas and Assets for all condominiums that make up the referenced complex;

XII. Administrative Board: The coordinating body of the Subdivided Condominium and/or Condominium Complex, made up by the administrators to discuss and resolve issues of common interest;

XIII. Extraordinary Dues: The monetary amount agreed upon by the General Assembly to defray expenses or unforeseen costs that are not ordinary;

XIV. Ordinary Dues: The monetary amount agreed upon by the General Assembly to defray expenses of administration, maintenance, reserve, operation, and unspecified services of common use;

XV. Articles of Incorporation: public document constituting a property under the condominium property regime;

XVI. ICRESON: The Sonora Cadastral and Registry Institute

XVII. Undivided property: The right of condominium owners over common assets, proportional to the value represented by their unit of private property or fraction in relation to the total initial value of the property, expressed as a percentage number;

XVIII. Law: The Condominium Property Regime Law for Real Estate for the State of Sonora;

XIX. Simple majority: Fifty per cent plus one of the vote total, as per the case;

XX. Special majority: The number of votes in the same vein, required specifically by this Law, the Articles of Incorporation, or the Internal Regulations, concerning all condominium owners. When the result of the operation is not a whole number, the highest following whole number that corresponds will be taken into consideration.

XXI. Defaulter: The condominium owner or holder who has failed to comply with the obligation to pay two ordinary dues or an extraordinary due within the period established by the General Assembly, or has failed to comply with the final judicial resolution against it concerning payment for harm in damages in favor of the condominium;

XXII. Holder: Person who has the use, enjoyment, and usage of a unit of private property, and does not have the status of condominium owner;

XXIII. Regulation: The Regulation of the Condominium Property Regime Law for the State of Sonora;

XXIV. Internal Regulation: Instrument governing the use of common areas that establishes the basis for healthy coexistence within the condominium, which complements and specifies provisions of this Law, the Regulation, and the Articles of Incorporation, pursuant to the characteristics of each condominium;

XXV. Meetings of the Administrative Board: Coordination mechanisms pursuant to the faculties granted in the General Assembly of the Subdivided Condominium and/or Condominium Complex, which may be ordinary or extraordinary; and

XXVI. Private Property Unit: The building, apartment, floor, dwelling, home, space, structure on a property, lot of land or defined land and corresponding attached elements, such as parking lots, utility rooms, laundry areas, laundry wash basins, and any other element that are not common

areas and assets, upon which the condominium owner has a right of ownership and exclusive use, provided this is established in the constitutive Deed.

Article 3. Provisions of this Law concerning the Condominium shall be applicable, as relevant, to the Condominium Complex, with the specific provisions this regulation foresees for the latter.

CHAPTER II CONSTITUTION, MANNERS, MODIFICATION, AND TERMINATION OF THE CONDOMINIUM PROPERTY REGIME

Article 4. Constitution of the property condominium regime is the formal judicial act the owner or owners of a property devise before a notary public, declaring their will to establish this manner of ownership for better use, the same understood as where there coexists a right of absolute and exclusive ownership concerning the units of private property and a right of joint ownership under the terms of that set forth in the Civil Code for the State of Sonora, concerning common areas and assets necessary for the proper use or enjoyment of the property.

The owner or owners of a property understand for land or land and construction, to obtain authorization for constitution of the condominium property regime, they must carry out the following:

I. File and obtain from the Municipal Urban Development Office the change of modality of ownership to that of condominium property regime;

II. Submit to the Municipal Urban Development Office the descriptive report concerning the Condominium project, which must include:

- A) Description of the lot of land with area, metes, bounds, and cadastral code;
- B) Description of the resulting private units;
- C) Description of the common areas;
- D) Table of undivided property corresponding to each private unit;
- E) Internal Regulations; and
- F) For horizontal Condominiums for residential use, description of compliance with that foreseen by article 47 of the Law for Tree Protection, Conservation, and Enhancement in Urban Zones in the State of Sonora.

III. After the descriptive report indicated in the foregoing section is authorized by the Municipal Urban Development Office, submit a request to the Municipal Cadastral Office to assign cadastral codes to the Private Property Units along with an authorized copy of said descriptive report.

IV. After designation of cadastral codes to Private Property Units is authorized, carry out the cadastral report of each; and

V. Formalize the descriptive report before a notary public, along with the authorization documents via a unilateral voluntary statement constituting and formalizing the condominium

property regime, and record the resulting public record with the Municipal Cadastral Office and the corresponding Public Registry of Property.

The condominium property regime shall be constituted regardless of the number of levels the buildings or homes may have, or the number of homes or plots of land within such.

The Condominium Complex may be constituted regardless of the number of buildings, levels of each building or construction, number of homes, apartments, floors, spaces, structures, plots of defined land or plots of land that make up each of the Condominiums that form such and type of Condominium incorporated.

Article 5. The condominium property regime must be established:

I. When a building is constructed to transfer to diverse people the different apartments, floors, dwellings, home or spaces within the same;

II. When the owner or owners of a building divide it into spaces for independent use to transfer to different people;

III. When the owner of a land intends to build upon such a building divided into apartments, floors, dwellings, homes, or spaces;

IV. When the different co-owners of a building decide to divide it into parts for independent use, allocating them separately, thereby departing from the indivisum;

V. By testament wherein the testator constitutes the regime, or establishes the bases to constitute such;

VI. When the owner or owners of a plot of land decide to constitute it as a horizontal condominium, whether with dwellings, homes, or plots of land;

VII. When two or more owners have plots of land in common, green areas, recreational areas, educational areas, rights of passages or common roads, parks and services, and decide to manage such as a condominium; and

VIII. In other cases, as indicated by law.

Article 6. Condominiums may, according to their characteristics and structure, adopt the following modalities:

I. Concerning structure:

A) Vertical condominium. Established in a property built on various levels on common land, with private property units and rights of co-ownership;

B) Horizontal condominium. Constituted on properties of horizontal construction where the condominium owner has the right of exclusive use of part of a plot and is owner of the

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building established on the same, being able to share the structure and semi-detached walls, being holder of a right of co-ownership for use and enjoyment of the areas of the land, constructions, and facilities designated for common use; and

c) Mixed condominium. That made up of vertical and horizontal condominiums.

II. Concerning use:

- a) Residential. Those properties wherein the Private Property Unit is designated as a dwelling;
- b) Commercial or services. Those wherein the Private Property Unit is designated for permitted business or service activities;
- c) Tourism, recreational. Those designated in addition to dwellings for the promotion of leisure activities and whose predominant use and designation of land shall be for the development of tourism, recreational, and athletic activities that must be located within the urban zone or areas of future growth, designated for this purpose;
- d) Industrial. Those wherein the Private Property Units are designated to permitted activities within the field;
- e) Mixed. Those wherein the Private Property Unit is designated to two or more uses of those indicated in the foregoing subsections.

Article 7. The Articles of Incorporation shall include:

I. The location, dimensions, and boundaries of the land, as well as a general description of the asset;

II. Ownership title, authorizations of the Municipal Urban Development and Cadastral Offices, and others issued by competent authorities. That prescribed in this fraction must be observed in cases of amending the Articles of Incorporation, when such implies an alteration in the distribution of the condominium;

III. Description of each Private Property Unit, number, location, boundaries, metes, areas, and spaces exclusively for parking, as applicable, therein, plus the corresponding undivided percentage.

IV. Establishment of zones, facilities, or adjustments to comply with the established norms to facilitate use of the property for persons with disabilities;

V. The total initial value of the property;

VI. The nominal value assigned to each private property unit and undivided percentage concerning the total initial value of the property;

VII. The use and general characteristics of the Condominium and use and designation of each Private Property Unit;

VIII. Description of the Common Areas and Assets, designation, specification, location, metes, components, and bounds, and in general all data allowing for its identification, and as appropriate descriptions of the common areas upon which exclusive use can be designated to one or some of the condominium owners, in which case said designations shall be regulated;

IX. Provision within the transfer of ownership contract of the Private Property Units executed after incorporation of the regime that stipulates acquirers must first go to mediation and conciliation of the Center in the event of conflict with the other condominium owners or holders, among these the administrator or Oversight Committee;

X. Cases and conditions where the Articles of Incorporation and the Internal Regulations may be modified;

XI. The Internal Regulation and, as appropriate, the Condominium Complex which must adhere to the provisions of this Law, the Regulation, and other applicable legal regulations, the notary public that issues the Articles of Incorporation thereby being responsible for verifying compliance with this fraction;

XII. Acknowledgement that the following are annexed to the appendix of the notarial protocol, as well as to testimony of the Articles of Incorporation:

- a) General blueprint of the condominium;
- b) Individual blueprints corresponding to each of the floors, specifying the apartments, floors, dwellings, homes, spaces, structures on a property, plot of land or defined land of private property, as well as the Common Property Areas;
- c) Plumbing blueprints;
- d) Blueprints of the electric, hydraulic, and gas installations and those related with the service and function of the Condominium;
- e) Structural blueprints; and
- f) Technical descriptions.

All the foregoing plans must be approved by the competent authorities;

XIII. As applicable, specification of the number of condominiums that will make up the Condominium Complex, determining the general characteristics, exclusive areas, and common areas and each condominium, as well as the areas of exclusive use of each condominium, and the access and roadways and other common areas of the complex; and

XIV. Letter of the rights and obligations of the condominium owners issued by the General Office of Notaries of the State of Sonora.

Article 8. The Articles of Incorporation, transfer of ownership contracts, and other acts that affect the property or ownership of these properties, as well as compliance with requirements and premises of the Law, must be recorded in the Public Registry of Property and Commerce.

Article 9. Any amendment to the Articles of Incorporation and Internal Regulation shall be approved in General Assembly by a simple majority of at least fifty-one per cent of the votes of

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the entirety of the condominium owners representing one hundred per cent of the nominal value of the Condominium. The amendment must be acknowledged in public record and recorded in the Public Registry of Property and Commerce.

If the amendment implies a variance to that authorized by the municipal offices at the time of incorporation of the regime, there must be a new authorization of the same.

Article 10. In all contracts for acquisition of rights of a Private Property Unit, the notary public shall add a certified copy of the Articles of Incorporation and the Internal Regulation to the testimony of each record, as well as a copy of the letter of rights and obligations of the condominium owners issued by the General Office of Notaries of the State of Sonora.

Article 11. The voluntary termination of the condominium property regime shall be approved in an Extraordinary General Assembly by a special majority of at least seventy-five per cent of all votes of the condominium owners representing one hundred per cent of the nominal value of the Condominium. The termination must be attested in public record and recorded in the Public Registry of Property and Commerce and notification given to ICRESON to proceed with the corresponding annotations in the Registry of Condominiums.

If the purpose of the voluntary termination of the regime is to change the use of land, which was authorized by the municipal authority, new authorization from said authority must first be obtained.

CHAPTER III RIGHTS, OBLIGATIONS AND PROHIBITIONS OF THE CONDOMINIUM OWNER AND HOLDER

Article 12.- Each condominium owner shall be the exclusive owner of its building, apartment, flat, dwelling, house, space, structure on property, lot of land or defined land; moreover, it shall be joint owner of the elements necessary or appropriate for the structural existence, safety, easy access, recreation, whether ornate or for any other similar purpose within the building or inside the Condominium, among which are:

I.- The land, except in the case of a horizontal condominium in the part corresponding to the condominium unit or private property, basements, porches, entrance doors, hallways, galleries, corridors, stairs, patios, gardens, footpaths, interior roads, and spaces that construction licenses have indicated for vehicular parking, provided these are of common use;

II.- The areas designated for the administration, security gate and lodging of the night guard and security;

III.- The spaces designated for general facilities and common services;

IV.- The projects, facilities, equipment and other objects that serve for common use or enjoyment, such as tanks, wells, cisterns, water tanks, elevators, forklifts, incinerators, stoves, ovens, pumps and motors; sewers, canals, water distribution lines, drainage, heating, electricity

and gas; spaces and security projects, sports, recreation, decoration, reception or social gathering areas, loading areas in general, and other similar spaces, with exception of those that exclusively serve each apartment, dwelling, house, space or area;

V.- The foundation, structures, bearing walls, ceiling, and roofs of general use; and,

VI.- Any other part of the property, spaces, projects, devices, or facilities as resolved by the Extraordinary General Assembly, or that may be established with said purpose in the Articles of Incorporation or Internal Regulation.

The condominium owners shall monitor and demand that the administrator, through the Oversight Committee or the General Assembly carry out a complete and up-to-date inventory of all goods, devices and facilities described, as well as those subsequently acquired or withdrawn, according to the modality of the condominium and under the terms established in the Internal Regulation.

Article 13.- The right of co-ownership of each condominium owner over the common areas and assets shall be proportional to the undivided part of its Private Property Unit, set forth in the Articles of Incorporation.

Article 14.- The condominium owner may use, enjoy and dispose of its Private Property Unit with the limitations and prohibitions of this Law and others set forth in the Articles of Incorporation and the Internal Regulations.

When limitations and prohibitions stem from an agreement of the General Assembly, this will cause an amendment to the Articles of Incorporation and the Internal Regulation, under the terms of this Law.

The rights of each condominium owner on common property assets are inextricable from their private property which allows or facilitates their use or enjoyment, therefore they can only be transferred, encumbered, or seized, together with their right of private property.

Article 15.- Each condominium owner, holder, and in general occupants of the condominium, may use all Common Areas and Assets including green areas and enjoy the services and general facilities, according to their nature and purpose, without restriction or being burdensome to the right of others.

Article 16.- Rights of the condominium owners:

I.- To have the respect of the other condominium owners over their Private Property Unit;

II.- To participate with voice and vote in the General Assembly, in accordance with this Law;

III.- To use and enjoy, equally and in an orderly manner, the Common Areas and Assets without restricting the right of others;

IV.- Form part of the administration of the condominium as Condominium Owner Administrator and, if applicable, with the same compensation and responsibility as the Professional Administrator, except exhibition of bond;

V.- To obtain written information bimonthly from the administrator regarding the status of the administration and maintenance funds, and the reserve fund, under the terms of fraction VII of article 40 of this Law;

VI.- Go to the Center to request its intervention for violations with this Law, the Articles of Incorporation, the Internal Regulation, agreements of the General Assembly, the Condominium Owners or holders or authorities within the condominium;

VII.- To report to the authorities, facts that may constitute a crime, or violations to this Law against the Condominium;

VIII.- To carry out the necessary projects and repairs within its Private Property Unit; and

IX.- Others that may be established by this Law, The Articles of Incorporation, and the Internal Regulation.

Article 17.- Rights of holders:

I.- To have the respect of condominium owners over the Private Property Unit it legally occupies;

II.- To participate with voice in the General Assembly, pursuant to this Law;

III.- To participate with voice and vote in the General Assembly, provided such has been stipulated in the contract transferring the use and enjoyment of the Private Property Unit, in the following cases:

a).- When dealing with matters that may affect enjoyment of the Common Areas and Assets as holder; and

b).- When the amount of dues are to be determined or the decision affects its right of use and enjoyment of the Private Property Unit;

IV.- To use and enjoy, equally and in an orderly manner, the Common Areas and Assets of the Condominium, without restricting the right of others;

V.- To obtain written information bimonthly from the administrator regarding the status of the administration and maintenance funds, and the reserve fund, under the terms of the fraction VII of article 40 of this Law;

VI.- Go to the Center to request its intervention for violations with this Law, the Articles of Incorporation, the Internal Regulation, agreements of the General Assembly, the Condominium Owners or holders or authorities within the condominium;

VII.- Others established by this Law.

Article 18.- In the event that a Private Property Unit is put up for sale, the other condominium owners shall not enjoy the first right of refusal.

Article 19.- Obligations of the condominium owners and holders:

- I. Respect the prohibitions established in article 20 of this Law;
- II. Comply with the decisions made by the General Assembly;
- III. Respect the rights of other condominium owners or holders; and
- IV. In case of conflict with other condominium owners or holders, with the administrator or with the Oversight Committee, go before the Center to request their mediation and conciliation.

In the event of a serious and repeated breach of obligations or that jeopardizes the security and tranquility of the condominium owners and holders, the administrator, through an agreement made in an Extraordinary General Assembly, by special majority of at least seventy-five per cent of all condominium owners, may sue the condominium owner to sell the private property unit at public auction or, as per the case, demand the holder vacate such.

Article 20.- Condominium owners, holders, and in general any person and resident of the condominium are prohibited:

I.- Giving the private property unit uses other than those established in the Articles of Incorporation.

II.- From carrying out acts that affect the tranquility of the other condominium owners or holders that compromise the stability, safety, sanitation and comfort of the condominium, or omissions that may produce the same results;

III.- From carrying out any act in the exterior or inside the Private Property Unit, that may prevent or make ineffective the operation of common services and general facilities, that may hinder or hamper use of the common areas and assets including green areas or may risk the safety or peace of the condominium owners or holders as well as those affecting the structure, load-bearing walls or other essential elements of the building or that may obstruct their stability, safety, health or comfort;

IV.- Do projects or repairs during the night in condominiums for residential use, except in cases of force majeure.

For commercial or service use, tourism, recreational-sports, industrial or mixed compatible uses, the General Assembly shall agree on the schedules best suited to the purpose of the condominium;

V. - Decorate, paint or modify the facade or the exterior walls that clash with the condominium or that may be against what has been established and approved by the General Assembly;

VI.- Demolish, transplant, prune, cut down or to cause the death of one or more trees without authorization of the municipal authority granted under the terms of the Law for Tree Protection, Conservation, and Enhancement in Urban Zones in the State of Sonora, or change the use or nature of the green areas as established in the Articles of Incorporation;

VII.- Delineate signs of exclusivity with any type of material or paint, such as a roof or develop a construction that indicates exclusivity in the parking area of common use or in any other common area of the condominium, except for the green areas, which may be marked for their protection and conservation, preferably with a tree or shrub, as agreed by the General Assembly or whomever they may assign, except those designated for persons with disabilities;

VIII.- Use the parking lots and common areas for different purposes;

IX.- Have animals that due to their number, size or nature affect the safety, health or comfort of the Condominium or condominium owners. The General Assembly shall determine which animals are allowed, and the Oversight Committee shall enforce compliance.

In any event, condominium owners or holders shall be fully responsible for the actions of animal brought into the Condominium, concerning dogs, they must be on a leash and owners must pick up after them (the feces); and

X.- Occupy a parking space other than the one assigned, if the condominium regime stipulates one for each condominium.

The offender of these provisions shall be responsible for payment of expenses to repair the facilities or to re-establish the services in question and shall be obligated to leave things in the state they were found; furthermore, the offender shall be liable for damages that may arise, regardless of the civil or penal liability in which they may incur and corresponding administrative sanctions pursuant to this Law.

Article 21.- The holders of a Private Property Unit located on the ground floor or on the top floor, shall have no more rights than the other condominium owners, therefore they may not do any excavation or any other works in the underground or build new floors or construct on the rooftop. Unless established in the Articles of Incorporation or by the Internal Regulations, no condominium owner can occupy the halls, gardens, patios or any other special places of the ground floor, the basements, the subsoil, or occupy the roof or rooftop.

Article 22.- The condominium owners must allow for general projects or repairs in the condominium, even within their property.

**CHAPTER IV
ADMINISTRATION**

**FIRST SECTION
SUPREMACY AND ATTRIBUTIONS OF THE GENERAL ASSEMBLY**

Article 23.- This Law, its Rules and Regulations, the Articles of Incorporation and the Internal Regulations shall establish the characteristics and conditions for the organization and social functioning of the condominium.

The maximum body of the condominium is the General Assembly.

The General Assemblies shall be:

I.- Ordinary. Those to be held at least once a year, with the purpose of reporting on the status as maintained by the administration of the Condominium, as well as to deal with the matters concerning the same; and

II.- Extraordinary. Those held when there are urgent matters to address and concerning the following matters:

A).- Any amendment to the Articles of Incorporation or the Internal Regulations pursuant to that established in this Law;

b).- The voluntary termination of the condominium property regime;

c).- Carrying out of new projects;

d).- To agree on relevant action in case of destruction, ruin or reconstruction; and

e).- Issues specifically indicated in this Law.

Article 24.- Other assemblies may also be held, always subject to the General Assembly, and shall be governed by what is established in this Law, its Regulations and Internal Regulations, such as:

I.- The Administrative Boards, to be held in the case of a subdivided Condominium or a Condominium Complex, to deal with issues related to common use assets;

II.- Those of a section or group, held when the condominium is made up of different buildings, wings, sections, zones, blocks, entrances and areas, where common internal issues are addressed that only provide service or serve the same; these shall be convened pursuant to what is established under Article 30 of this Law and its rulings in no case may be opposed or affect the decisions of the General Assembly;

III.- General Assemblies of Condominium Owners of the Condominium Complex, wherein the Administrative Board and Oversight Committee of the Condominium Complex shall be elected. Furthermore, any matter related to the common areas of the condominium complex may be addressed and shall be convened under the terms of Article 30 of this Law; and

IV.- General Assemblies for the installation of the committees of environment, education and culture, security and civil protection, physical activities and sport, and mediation pursuant to that set forth in Article 72 of this Law.

Regardless of the provisions applicable to General Assemblies, condominium owners may agree on other mechanisms and ways to make decisions and agreements for the best administration of the condominiums.

Article 25.- The General assemblies shall be governed by the following provisions:

I.- They shall take place in the facilities of the Condominium. When this is not possible, in an appropriate place for that purpose within the same municipality where the Condominium is located, selected by the administrator with the opinion of the Oversight Committee;

II.- The quorum shall be with the attendance of at least seventy-five percent on the first convening; with more than fifty percent of these on the second convening; or with those who attend the third convening, except for special cases indicated in this Law;

III.- In cases in which only one condominium member represents more than fifty percent of the total value of the property and the remaining condominium owners do not attend the General Assembly, after the meeting has been convened pursuant to this Law, the General Assembly may be held under the Terms of the previous fraction;

IV.- Meetings shall be presided over by the condominium owner as designated by the General Assembly. The administrator shall act as the secretary of minutes and, in lack thereof, by whomever corresponds per provisions of the Internal Regulations. When no express provision is set, by whomever the General Assembly designates. The same shall also designate scrutineers;

V.- The condominium owners may be represented at the General Assembly by proxy, with a power of attorney granted before two witnesses, but in no case a single person may represent more than fifty percent of condominium owners. The administrator may not represent any condominium owner in the General Assembly;

VI.- The holder will only attend as a representative of the condominium owner, when such is expressly stipulated in the contract for transfer of use and enjoyment of the Private Property Unit;

VII.- Condominium Owners or their representatives must sign the attendance list that shall be annexed to the minutes of the General Assembly, to be considered as part of the quorum of the same;

VIII.- Voting shall be in person and direct. For this purpose, each condominium owner shall have a number of votes equal to the percentage of the undivided part its Private Property Unit represents for the total of the initial value of the condominium established in the Articles of Incorporation, except for that set forth in Chapter VII of this Law.

When a single condominium owner represents more than fifty percent of the total initial value of the property, it shall also be necessary the agreement be taken by a majority of votes of condominium owners to adopt a resolution, calculating votes per person in said case;

IX.- Resolutions of the General Assembly shall be approved by simple majority, except in cases where this Law, the Articles of Incorporation, or the Internal Regulations establish a special majority;

X.- The Secretary of the General Assembly shall write up the minutes of the meeting, stating the place, date, time started and adjourned, the agenda, its development, approved agreements indicating the votes on each item of the agenda and the signatures of the president and secretary, of the members of the Oversight Committee who attended and the condominium owners that request it. The minutes shall be recorded in the book of minutes of the General Assembly.

When a General Assembly has been legally convened and the book of minutes of the General Assembly is unavailable for some extraordinary circumstance, the minutes may be issued on separate sheets, acknowledging said circumstance; and

XI.- The secretary shall always have the book of minutes of the General Assembly in sight of the attendees and within seven working days will inform each condominium owner or holder in writing of the resolutions adopted by the General Assembly.

Article 26.- The minutes of the General Assembly may be formalized by agreement of said body or, when by its content, the law requires that it must be registered in a public record.

Article 27.- The resolutions of the General Assembly shall be approved by:

I.- Simple Majority; and

II.- Special majority.

Article 28.- The General Assembly shall have the following powers:

I.- Agree to amend the Articles of Incorporation;

II.- Approve amendment of the Internal Regulations;

III.- Approve the voluntary termination of the condominium property regime;

IV.- Assign, ratify and freely remove the Condominium Administrator or the Professional Administrator, as per the case, as well as grant the corresponding powers under the terms of this Law, of the Articles of Incorporation and of the Internal Regulations;

V.- Approve the hiring of the Professional Administrator and fix compensation;

VI.- Specify the obligations and powers of the administrator and the Oversight Committee to third parties and those necessary for condominium owners or holders, as well as the tasks entrusted to the committees pursuant to that established in the Articles of Incorporation and the Internal Regulations;

VII.- Establish the dues of the condominium owners or holders, determining for such the system or collection method it deems most appropriate and efficient in accordance with the characteristics of the condominium;

VIII.- To appoint and remove the Oversight, Environment, Education and Culture, Safety and Civil Protection, Physical Activity and Sports, and Mediation committees;

IX.- Resolve the amount of the bond the Professional Administrator must grant concerning the proper performance of its function and management of funds under its care;

X.- Examine and, if appropriate, approve the statements submitted by the administrator for its consideration, as well as the annual activity report provided by the Oversight Committee;

XI.- Discuss and, as appropriate, approve the annual expense budget;

XII.- Instruct the Oversight Committee or whoever is appointed to act before the competent authorities in accordance with the procedures established in this Law, when the administrator or administrators, infringe upon the provisions of this Law, the Articles of Incorporation, the Internal Regulations, or any applicable legal provision;

XIII.- Adopt relevant measures concerning matters of common interest that are not within the functions of the administrator;

XIV.- Resolve in a first instance conflicts presented by the condominium owners, or holders, administrators, or members of the Oversight Committee due to the exercise of the rights or breach of their obligations derived from this Law;

XV.- Resolve in a first instance on individual agreements between condominium owners in relation to their respective Private Property Units;

XVI.- Resolve conflicts that have not been resolved through mediation and conciliation provided by the Center;

XVII.- Agree on the suspension or restriction of electric services, gas and others, of common use, for failure of condominium owners or holders to pay, provided that said services are covered

by said ordinary dues, as well as establish the conditions for lifting the suspension or restriction. In no case shall be potable water be cut off, it may only be restricted;

XVIII.- Establish the means and safety and oversight measures of the condominium, as well as the way the condominium owners or holders shall participate, in this activity with support from the authorities;

XIX.- Agree in the Extraordinary General Assembly on the limitation of rights of the condominium owner or holder with behaviors that hamper the harmonic coexistence with other condominium owners or holders, such as verbal or physical aggression, committing acts susceptible of being considered as crimes within the condominium areas and others of a similar nature, as well as determine the manner to proceed with respect to the limited rights;

XX.- Grant benefits to condominium owners or holders, in relation to compliance with their obligations;

XXI.- Review and, if appropriate, approve the statement concerning specific projects that are developed in the condominium with internal or external resources and presented by the committees mentioned in article 72 of this Law;

XXII.- Resolve in an Extraordinary General Assembly by Special Majority, with the vote of at least seventy-five per cent of all of the condominium owners that represent one hundred per cent of the nominal value of the Condominium, that any other parts of the property, spaces, projects, devices, or facilities be for the common use or enjoyment or established with said character in the Articles of Incorporation or in the Internal Regulation;

XXIII.- Determine the most suitable actions to be taken when there is a risk to the construction or to the condominium owners or holders, or whether they are in poor phytosanitary conditions according to the report of the competent municipal authority; and,

XXIV.- Others conferred by the Articles of Incorporation, the Internal Regulations and other applicable provisions.

Article 29.- Those with the faculty to convene a General Assembly:

I.- The administrator;

II.- The Oversight Committee;

III.- At least twenty percent of the total of the condominium owners, if the Condominium or a Condominium Complex consists of from two to one hundred twenty Private Property Units; fifteen percent when it has one hundred twenty-one to five hundred Private Property Units; and ten percent when the Condominium or Condominium Complex has more than five hundred one Private Property Units;

IV.- Any condominium owner, in the event a year has passed without a convening.

Condominium owners that per the administrator's report are delinquent with their dues shall not have the right to convene under any circumstance.

Article 30.- Convening of a General Assembly shall be made in accordance with the following provisions:

I.- They must specify:

a).- Who provides the convening;

b).- The type of assembly to take place;

c).- Time, date and place of meeting;

d).- The agenda;

e).- Number of condominium owners required to install the assembly in a first convening;

f).- The time to issue the second call and percentage of condominium owners required to validate the same; and

g).- The time to issue the third call and number of condominium owners required to validate the same;

II.- The condominium owners or their representatives shall be summoned by placing the information for the meeting in a visible place of the Condominium, on the door of the Condominium, or rather if possible putting it inside of each Private Property Unit. In addition, any other means deemed appropriate by the General Assembly may be used.

III.- Between the date of the announcement of the meeting and the day appointed for the assembly, there must be at least three and up to ten calendar days, not counting the day of the announcement nor the day of the assembly.

In cases of utmost urgency, a convening for an Extraordinary General Assembly must be done in advance as circumstances demand, the remaining being subject to the provisions of this Law, the Articles of Incorporation, and the Internal Regulations.

Between the first and the second convening there must be a lapse of at least one hour; the same time must elapse between the second and the third convening;

IV.- In an Ordinary General Assembly, the convening shall include a report for the last period and the budget for the following one;

V.- The determinations adopted by the assemblies under the terms of this Law, the Articles of Incorporation, the Internal Regulations and other applicable legal provisions, shall be mandatory for the condominium owners, including those absent or in dissention;

VI.- If the administrator has not convened an Assembly when per the provisions of this Law, the Articles of Incorporation, or the Internal Regulations it should, any Condominium Owner may require it to do so, and if within eight calendar days from the date of the request, the administrator does not convene an Assembly, the Oversight Committee may do so;

VII.- The administrator, the Oversight Committee or condominium owners may request the presence of a notary public when the issue(s) to be dealt with by the General Assembly is considered necessary; and

VIII.- The convening for an Assembly trying to amend the Articles of Incorporation or the Internal Regulations, in addition to all the general requirements that must be met under this article, must include the proposed amendments.

Article 31.- With the exception of the General Assembly convened to amend the Articles of Incorporation, terminate the condominium property regime or affect the property domain, the right to voice and vote in the General Assembly shall be suspended for delinquent condominium owners or holders.

If a condominium owner is in non-compliance with a final judicial order decreed against it concerning payment of damages in favor of the condominium, s/he shall not be considered in the quorum for installation of a General Assembly, being equally prevented from being elected as Condominium Administrator, or as members of the Oversight Committee.

SECOND SECTION ADMINISTRATOR

Article 32.- The Condominiums shall be managed by an individual or company appointed by the General Assembly as its administrator under the terms of this Law, its Regulations, and the Internal Regulations. Where there is a material or structural impediment that hampers the condominium organization or the condominium owners have a traditional form of organization, an administration may be appointed for each building, wing, section, zone, block, entrance and areas, and when the condominium has more than one entrance, the condominium owners may opt for the organization, by access or module, provided it deals with matters of common internal areas that only provide service to those residing in that section of the condominium.

Article 33.- The administrator shall be the legal representative of the condominium owners in all common matters related to the Condominium, whether promoted on its behalf or against them, and shall have the following faculties:

I.- Representation of a general power of attorney to manage assets and for litigations and collections, without any limitation, with all the general and special powers that requires a special clause in accordance with the laws, in terms of the first three paragraphs of article 2831 of the Civil Code for the State of Sonora and of the related provisions in the Civil Codes of each of the Federal States in the Mexican Republic and Mexico City, unless said faculties are limited within the Articles of Incorporation or the Internal Regulation;

- II.- Commercial or currency exchange under the terms determined by the General Assembly; and
- III.- Others as conferred by the General Assembly.

Article 34.- To perform the role of administrator, the following is required:

I.- In the case of the Condominium Owner Administrator, accredit to the General Assembly compliance with its obligations as condominium owner from the beginning and during all of its term.

II.- In case of a Professional Administrator, be registered in the Professional Condominium Administrators Registry of ICRESON and grant a bond in the amount indicated by the General Assembly. Given the foregoing there shall be a maximum period of thirty calendar days following designation and the same must always be valid during the term of the administrator.

The appointment of the Condominium Administrator or Professional Administrator shall be recorded in the book of minutes of the General Assembly. The designated administrator shall inform its role to ICRESON within the next fifteen business days.

The mandate as administrator shall be fully valid before third parties and all types of authorities.

The person who has been removed from that position may not be a Condominium Administrator.

Article 35.- In case of a new construction under the condominium property regime, the first administrator shall be appointed by whomever grants the Articles of Incorporation. The foregoing is regardless of the right of condominium owners to convene the General Assembly to remove and appoint another administrator under the terms of this Law and its Regulations.

Article 36.- The administrator shall last a year in its role, and may be ratified for another equal term by agreement of the General Assembly.

It is the obligation of the first administrator and the Professional Administrator to convene a General Assembly ten calendar days prior to the expiration of the term for which it was appointed to inform the condominium owners of said circumstance, pursuant to that established in Article 30 of this Law.

In case the Professional Administrator does not comply with that set forth in the foregoing paragraph, the Oversight Committee shall convene a General Assembly to inform the same as to performance of the administrator and, if appropriate, appoint the new administrator or rather renew the contract for provision of professional services.

Exceptionally, when due to force majeure or an obvious fortuitous event a General Assembly was not convoked or if so the General Assembly does not constitute or designate a new Professional Administrator, this may be convened thirty calendar days after its contract has ended.

If the convening foreseen in the foregoing paragraphs do not result in designation of the administrator, the indicated time shall be extended by fifteen more calendar days. After this extension, the Oversight Committee shall assume the functions of administrator and convene a General Assembly to appoint the new administrator.

Article 37.- Causes of removal of the Condominium Administrator are:

- I.- Failure to maintain the book of minutes of the General Assembly or loss of such;
- II.- Failure to comply with its obligations in carry out urgent acts of conservation and maintenance, and those as deemed by the General Assembly;
- III.- Failing to execute decisions made in the General Assembly;
- IV. Poor management of the administration and maintenance fund, and the reserve fund as well as that of extraordinary dues;
- V. Refusal to convene a General Assembly; and
- VI.- Others indicated in this Law, the Articles of Incorporation of the regime and the Internal Regulations.

Article 38.- The role of Professional Administrator shall end upon occurrence of the situations established in Article 37 of this Law, for the causes established in the contract for provision of professional services and others set forth by this Law.

Article 39.- When the General Assembly appoints a new administrator, the one leaving shall deliver to the incoming administrator, with participation of the Oversight Committee or whomever is appointed by the General Assembly, within a term of no more than seven calendar days from the day of the new designation, all documents including bank statements, book of minutes of the General Assembly, securities, furniture, real estate and other assets that it had under its care and responsibility.

Given that established in the previous paragraph, minutes shall be written up and signed by those intervening therein. After seven calendar days, the incoming administrator may begin corresponding administrative, civil, or criminal actions.

Article 40.- The powers and duties of the administrator are:

- I.- To maintain a book of minutes of the General Assembly;
- II.- To perform all acts of administration and conservation the condominium may require in its Common Areas and Assets;
- III.- To care and supervise the condominium property and common services;

IV.- To promote the integration, organization, and development of the community;

V.- To represent and execute the decisions taken in the General Assembly;

VI.- To collect and keep the book of minutes of the General Assembly and documentation related to the condominium, which may be consulted by the condominium owners who are current with their ordinary and special dues, as well as by any other requesting authority. The delinquent condominium owners may only consult them seven calendar days prior to the General Assembly and seven calendar days following this, or within the period stipulated in the Internal Regulations;

VII.- Give information in writing to condominium owners and holders who request such, regarding the status of the administration and maintenance funds, and the reserve fund. Delinquent condominium owners shall only be provided information during seven natural days before the General Assembly and seven calendar days after, or within the time frame stipulated in the Internal Regulations; as well as semi-annual reporting to the General Assembly on the account statement of the administration;

VIII.- Address the appropriate and efficient operation of the facilities and general services;

IX.- Inform competent authorities regarding the non-compliance with that set forth in fraction VI of article 20 of this Law and, in case a green area is modified or damaged;

X.- Contract provision of water, electricity, gas, and other assets needed for the services, facilities, and common areas and assets, dividing the amount of consumption in accordance with that stipulated in this Law;

XII.- To inform the agreements of the General Assembly, unless the same were to appoint other people for said purpose;

XIII.- Collect from condominium owners or holders that which corresponds to each toward administration and maintenance funds, and the reserve fund, as well as the extraordinary dues in accordance with the procedures, frequency, and amounts established by the General Assembly or by the Internal Regulations;

XIV.- To pay the administration and maintenance fees of the condominium, against the proper fund, under the terms of the Internal Regulations or agreements of the General Assembly;

XV.- Issue receipts for any payment;

XVI.- Deliver each condominium owner a bimonthly statement, or within the period indicated by the General Assembly, of the condominium approved by the Oversight Committee, collecting acknowledgement of receipt, which shall contain:

a) The detailed relationship of income and expenses from the previous month;

b).- The amount of contributions and outstanding dues. The administrator shall have a detailed relationship of the same available for any condominium owner that may request such, reserving personal data of the condominium owners or holders for security, which only members of the Oversight Committee may know or authority with supported and warranted request;

c).- The balance of the bank accounts, of the investment resources mentioning the interests;

d).- The detailed relationship of accounts payable to suppliers of goods and condominium services; and

e).- The detailed list of delinquent condominium owners and amounts of their debt.

The condominium owner shall have a term of eight calendar days from the day following the delivery of said documentation, to formulate any observations or objections it deems relevant. After this lapse, it shall be considered that it agrees with the same, subject to approval of the General Assembly;

XVII.- Convene a General Assembly under the terms established in this Law and the Internal Regulations;

XVIII.- Represent the condominium owners or holders for contracting of suites, spaces or facilities of common property and subject to rent, gratuitous loan, or intended for commercial use pursuant to that established in the General Assembly and the Internal Regulations;

XIX.- Fulfill, ensure, and demand, with the representation of the condominium owners or holders, compliance of the provisions of this Law, the Articles of Incorporation, and Internal Regulations, requesting where appropriate, the support of the appropriate authority;

XX.- Comply with the provisions established by the Law on Civil Protection for the State of Sonora and its Regulations;

XXI.- Begin corresponding administrative or judicial proceedings against condominium owners or holders, residents of the condominium in general, or against those who grant the Articles of Incorporation, who fail to comply with their obligations and violate this Law, the Articles of Incorporation, and the Internal Regulations, in coordination with the Oversight Committee;

XXII.- At least once a year, in coordination with municipal authorities, encourage and promote a day to disseminate the guiding principles that are part of the condominium culture;

XXIII.- Disseminate and promote among condominium owners and holders, and people living in the condominium, knowledge of this Law, the Articles of Incorporation of the Regime, and the Internal Regulations;

XXIV.- To issue under its responsibility and according to accounting of the condominium, certificates of no debt for ordinary and extraordinary dues, and other fees determined by the General Assembly, for each Private Property Unit when requested by the condominium owner,

the holder, as well as legal authorities. Said certificate shall be issued by the administrator within a term no more than five business days from the day after receiving the corresponding request;

XXV.- To settle controversial disputes derived from acts of annoyance between condominium owners, or those in holders, or inhabitants and in general keep the peace and tranquility between them;

XXVI.- Comply with all administrative, federal, or local obligations related to the property as a whole;

XXVII.- Allow competent authorities access to the Common Areas and Assets in presumptive cases regarding commission of a crime related with the Condominium; and

XXVIII.- To carry out other functions and comply with the obligations established under this Law, the Articles of Incorporation, and the Internal Regulations.

Article 41.- Measures taken and provisions given the by the administrator, within its powers, shall be mandatory for all condominium owners and holders, unless the General Assembly modifies or revokes them.

Article 42.- Subdivided Condominiums and Condominium Complexes shall elect an Administration Committee for the administration of all the property in common use of the condominium or condominium complex, which shall consist of:

I.- A President, who shall have the powers and obligations contained in Article 40 of this Law;

II.- A Secretary, who will be in charge of administrative activities related to updating and handling of the books of the minutes of the assemblies, creditors, files and other documents necessary for the proper functioning of the administration; and,

III.- A Treasurer who shall be responsible for the internal bookkeeping of the administration, supportive of the administrator in keeping statements of the administration account updated, without being able to have the availability or exercise thereof.

Article 43.- The election of the members of the Administration Committee of a Subdivided Condominium or a Condominium Complex shall be carried out by the Board of Directors during a meeting of the Administrative Board, in accordance with the rules set forth in Article 25 of this Law.

THIRD SECTION OVERSIGHT COMMITTEE

Article 44.- Condominiums with at least ten units of private property must have an Oversight Committee composed of two or up to five condominium owners, depending on the number of private property units, same that shall appoint a president and one to four members at large, who

Tome CXCVIII * Hermosillo, Sonora * Number 49, Section IV * Monday, December 19, 2016

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will act in a collegiate manner, and decisions will be taken by Simple Majority. In the event of a tie, the chairman shall have the casting vote. A minority representing at least twenty per cent of the initial total value of the property shall have the right to appoint one of the members.

Article 45.- The appointment of members of the Oversight Committee shall be for one year, or until removal from the position by the General Assembly, said positions are honorary. They may be ratified for a consecutive term. This provision shall apply to all the committees within the condominium.

Article 46.- The Oversight Committee shall have the following attributions:

I.- To ensure that the administrator complies with the agreements of the General Assemblies;

II.- To review bimonthly or as indicated by the General Assembly, all the documents, vouchers, accounting, minute books, statements and, in general, all documentation and information related to the condominium;

III.- To supervise that the administrator fulfills its functions;

IV.- To contract and terminate the professional services that might have been hired in an exceptional manner, provided that this power is approved in agreement of the General Assembly;

V.- If necessary, give their consent for the execution of maintenance projects for the condominium;

VI.- To verify and issue an opinion of the account statements the administrator or administrators must render to the General Assembly, pointing out their omissions, errors, or irregularities;

VII.- To verify and supervise the investment of the funds;

VIII.- To report to the General Assembly on its observations on the administration of the condominium;

IX.- To assist the administrator in observations to condominium owners, holders, or resident in general, concerning compliance of their obligations;

X.- To convene a General Assembly in the case of fraction VI of article 30 of this Law;

XI.- To request the presence of a notary public in cases foreseen in this Law, or whenever it deems necessary;

XII.- Hold legal representation of the condominium by prior agreement of the Extraordinary General Assembly, when it is necessary to make a claim against the administrator;

XIII.- To perform administrator duties in case of death of the latter, or during absence from duties for one month;

XIV.- Accredited to the General Assembly fulfillment of the condominium owners' obligations from the beginning and during the whole time of their term;

XV.- Enforce the bond granted by the Professional Administrator, in favor of the condominium and by agreement of the Extraordinary General Assembly, when the deficient or negligent performance of its duties this may cause harm or damages against the condominium, regardless of any other civil or criminal action that may be taken; and

XVI.- Others that may derive from this Law, and from the application of others that impose duties upon it, as well as the Articles of Incorporation and the Internal Regulation.

Article 47.- Members of the Oversight Committee shall act in solidarity and amongst themselves and subsidiarily in relation to the administrator or administrators for harm and damages caused to the condominium owners due to omissions, errors, or irregularities of the administrator that in having knowledge of the same they did not inform the General Assembly in a timely manner, or in case the administrators have acted upon the request of the Oversight Committee itself.

CHAPTER V DESTRUCTION AND RECONSTRUCTION OF THE BUILDING

Article 48.- In the event the whole condominium is destroyed or in a proportion representing at least three quarters of its value, any of the condominium owners may request the division of the land and of the remaining property, in accordance with the general provisions on co-ownership established by the Civil Code for the State of Sonora.

If the destruction does not reach the severity indicated in the previous paragraph, the Extraordinary General Assembly may agree to the reconstruction.

Condominium owners who are in the minority shall be bound to contribute to the reconstruction in the proportion that corresponds to them, or to sell their rights to the majority, according to the assessment rendered by an expert registered before the Judicial Branch, by a bank expert, by a fiscal expert authorized by the Municipality, or by a public broker, appointed by mutual agreement by the interested parties. In the absence of such an agreement, the expert shall be legally appointed through voluntary jurisdiction promoted by the person requesting the sale, with a hearing of the administrator and the Oversight Committee.

The same rules shall be observed in case of ruin or decay of the construction of the condominium that warrant its demolition.

Article 49.- In the case of condominiums consisting of separate buildings in structure and foundation and with independent access to a public road, and the damages are not of equal magnitude in each of them, the proportions indicated in the foregoing article should be considered isolated for each.

CHAPTER VI INTERNAL REGULATIONS

Article 50.- Development of the Internal Regulations shall be by those who grant the Articles of Incorporation of the condominium.

Any amendment to the Internal Regulations shall be agreed by the General Assembly, with at least the simple majority of the condominium owners. The resolutions shall require a minimum of votes representing fifty-one percent of the value of the undivided part of the Condominium.

The elaboration and/or amendment of the Internal Regulations must be formalized before a notary public.

Article 51.- The Internal Regulations shall contain, without contravening what is established by this Law, its Regulations and the Articles of Incorporation, provisions considered necessary given specific characteristics of the Condominium, referring, but not limited to the following:

I.- The rights, obligations, prohibitions, and limitations to which the Condominium owners and holders are subject;

II.- Procedure to collect the ordinary and extraordinary dues;

III.- Criteria to set the amount and frequency for collection of dues for the administration and maintenance funds, and the reserve;

IV.- Appropriate measures for the best administration, maintenance, and operation of the condominium;

V. Necessary provisions that encourage the integration, organization and development of the community;

VI.- General criteria to which the administrator shall be subject for contracting the spaces, areas, or facilities of common property to third parties under lease or gratuitous loan, per agreement of the General Assembly;

VII.- The type of assemblies to be held;

VIII.- The measures of the president in keeping order in development of the General Assembly;

IX.- The type of administration;

X.- Other obligations and requirements for the administrator and members of the Oversight Committee, additional to those established in this Law;

XI.- Causes of removal of the Condominium Owner Administrator and of members of the Oversight Committee;

XII.- Causes of removal or rescission of contracts for provision of independent professional services carried out with the Professional Administrator;

XIII.- The basis for amendment, pursuant to what is established under this Law, the Articles of Incorporation, and other applicable laws;

XIV.- Establishing provisional measures to take in cases of temporary absence of the administrator or members of the Oversight Committee;

XV.- Determining criteria for the use of common areas and assets, particularly for those that must be intended exclusively for people with disabilities, whether condominium owners, holders, or relatives that reside with them;

XVI.- To determine, where appropriate, measures and limits to having pets in the Private Property Units or common areas; if the Regulations of this Law were not complied with, the General Assembly shall resolve that which is relevant;

XVII.- The contributions for the constitution of administration and maintenance funds, and reserve, as well as any other as determined by the General Assembly;

XVIII.- Determination of criteria for matters requiring a special majority vote that are not foreseen in this Law or its Regulations;

XIX.- The basis for development of the Internal Program of Civil Protection, as well as formation, as appropriate of Committees on this matter;

XX.- The obligation of condominium owners or holders, administrators, or members of the Oversight Committee, to go to the Center to resolve their conflicts before filing in courts; and

XXI.- The matters reserved under this Law and the Articles of Incorporation of the regime.

Article 52.- A copy of the Internal Regulations and, as appropriate, the Condominium Complex, must be part of the appendix of the notary protocol, as well as testimony of the Articles of Incorporation.

Article 53.- Any acquirer or occupant of a Private Property Unit is bound to abide to the Internal Regulations.

In lease contracts and in documents attesting to any other act of transferring the use of a private property unit, a copy of the Internal Regulations must be attached, signed by the parties.

CHAPTER VII
PAYMENT AND ALLOCATION OF DUES, AND EXPENSES OF THE
CONDOMINIUM OWNERS

Article 54.- The condominium owners or holders of the condominium, if applicable, are obligated to timely pay the dues established to such effect by the General Assembly, which shall be used to:

I.- Constitute the administration and maintenance fund to cover current expenses generated by the administration, operation and non-individualized services of the common areas and green areas of the condominium, as well as the remuneration of the Professional Administrator. The amount of the dues paid by each condominium owner or holders shall be established by distributing the expenses in proportion to the percentage of the undivided part represented by each Private Property Unit;

II.- Constitute a reserve fund destined to cover the expense of acquiring tools, materials, implements, machinery and labor which the condominium, projects, and maintenance should have. The amount of the dues shall be established in proportion to the percentage of the undivided part represented by each private property unit; and

III.- Extraordinary dues, when:

a).- The administration and maintenance fund is not enough to cover an extraordinary expense. The amount of the dues shall be established in proportion to the percentage of the undivided part represented by each private property unit; or

b).- The reserve fund is not enough to cover the purchase of any tool, material, implements, machinery, paint, waterproofing, change of pumps, tank washing, change of infrastructure networks, labor for the timely and proper execution of projects, maintenance, major repairs, among others. The amount of the fee shall be distributed according to what is established for the reserve fund.

Article 55.- In the case of common property exclusively for certain condominium owners, as in the case of roofs and joint floors, and walls or other divisions that may have the same character, the expenses originated by said assets shall be at the expense of the respective condominium owners.

Condominium owners on the top floor, or the apartments, dwellings or spaces located therein shall pay for the labor of ceilings only within their interior part; and the condominium owners on the ground floor or apartment, dwellings or premises that are part of it, shall pay for projects needed to the ground or pavement, though only in the part within its property.

Concerning things or services that benefit the condominium owners in diverse proportions, expenses may be divided proportionally to the undivided part.

Article 56.- When a construction consists of different parts or includes projects or installations, whatever they may be, intended to serve only a part of the complex, the Articles of Incorporation or the Internal Regulations may state that related expenses shall be at the expense of the group of condominium owners to benefit. Also in case of the stairs, elevators, forklifts and other elements, devices, or facilities whose use shall be variable by the condominium owners, these shall be covered in proportion to their undivided part.

Article 57.- When there exist hidden defects within the Condominium that affect the common property and it is not possible to obtain reparations or compensation from whomever constituted it or from the seller, the necessary projects to repair the property shall be at the expense of all the condominium owners, in the proportion to the percentage of the undivided part represented by each Private Property Unit for the total initial value of the property.

Article 58.- The Ordinary and extraordinary administrative and maintenance dues shall not be subject to compensation, personal exemptions or any other circumstance that may excuse their payment, unless said condominium owner accredits not having the resources or has been declared bankrupt, in which case the General Assembly may agree that said dues may be covered with work in favor of the condominium.

The General Assembly may agree to exempt payment of the ordinary dues by the Condominium Owner Administrator while exercising said role.

The financial resources, in cash, in banking accounts or any other type of assets, as well as assets and liabilities resulting from the dues or other income of the condominium shall be put into the funds.

Article 59.- By agreement of the General Assembly, approved by a Special Majority of at least seventy-five percent of the votes of all condominium owners present, the funds may be invested in securities at a minimum risk, keeping the necessary cash flow to meet short-term obligations.

The type of investment must be authorized by the General Assembly, by a Simple Majority. Annually, the General Assembly shall determine the percentage of the product or profits obtained by the investments that shall be applied to each of the condominium funds.

Article 60.- Annually, the General Assembly shall determine the percentage of the product or profits earned by leasing of the common use assets which must be applied to each of the funds of the condominium.

Article 61.- Dues not paid on time by the condominium owners and holders on the dates and in the manner established in the General Assembly or Internal Regulations, shall cause a late interest at the rate set by the General Assembly or in the Internal Regulations. The legal interest shall be applied in absence of any stipulation of that type.

The foregoing, regardless of sanctions made by creditors per decisions made by the General Assembly.

Constituting executive title entails enforcement in civil proceedings, the state of debt liquidation, moratorium interest and/or conventional penalty stipulated in General Assembly or in the Internal Regulations, issued by the administrator with the signature of the Chair of the Oversight Committee in agreement or, as appropriate, the one constituting the Condominium if the first assembly of condominium owners has not been held, accompanied with a certified copy of the part concerning the minutes of the assembly, or the Internal Regulations, or determination of the one constituting the Condominium, as per the case, thereby establishing the dues of the condominium owners for the maintenance and administration funds, and the reserve.

This action may only be exercised when there are at least two outstanding ordinary dues or an extraordinary due, or a part of the due in case of longer payment periods, with the settlement of debts resulting in the early maturity and enforceability of all subsequent installments of the debtor, during the deadline the General Assembly may have determined.

Appointment of the administrator and chair of the Oversight Committee, or, as appropriate, the role of the one constituting the Constitution, for effects of issuing the referenced debt settlement statement and exercising the resulting action, shall be accredited with certified copies of the minutes of the assembly wherein the designations may have been made, or of the Articles of Incorporation and the corresponding determinations when the first General Assembly has not been held, without further requirement, being the debtor responsible to prove any query to the contrary.

The exercise of the action of reference corresponds to the administrator, who shall act for this purpose with the powers established under Article 33 of this Law.

Article 62.- In case of a transfer of a Private Property Unit, the transferor shall deliver to the buyer acknowledgement of no debt on the payment of ordinary administrative and maintenance dues, reserve, and extraordinary dues, if applicable, which shall be issued by the administrator. The notary public will not be able to formalize the transfer of the Private Property Unit if the transferor does not exhibit the no debt acknowledgment in question.

In any event, the acquirer of a Private Property Unit is obligated to pay any existing outstanding debt related with the same, unless the administrator has issued and delivered the indicated no debt acknowledgment.

CHAPTER VIII CONDOMINIUMS OF SOCIAL OR POPULAR INTEREST

Article 63.- The provisions established in this condominium Law shall apply to this Chapter, as long as they do not oppose that indicated therein.

Article 64.- Condominium owners may, through their administrator and without prejudice to their property, request competent authorities issue official acknowledgement accrediting it within the classification of social interest or popular housing for payment of any service or tax whose fee is subject to an economic classification. The authority shall be obligated to respond

concerning the appropriateness or not of the request within a maximum lapse of fifteen business days.

Article 65.- Competent authorities shall adopt the administrative and technical measures that facilitate and stimulate the constitution of the condominium property regime of the housing units of social or popular interest.

Furthermore, they shall use resources foreseen in public administration programs towards this end to support construction of urban infrastructure in neighborhoods and residential units, and for improvements and major repairs of condominium common areas, except for those of ordinary expense.

To be subject to the benefits determined in this article, it must be shown a condominium property regime is constituted and to have the internal organization established in this Law, thereby presenting a copy of the Articles of Incorporation, the Internal Regulations, and the minutes of the General Assembly approving the request.

Article 66.- Each condominium owner shall count for the quorum of the General Assembly and shall enjoy one vote per private property unit of which it may be owner, regardless of the proportion of the undivided part.

The votes of condominium owners in the General Assembly, in addition to the economic vote, may also be made through use of ballot boxes and the secret ballot. The Oversight Committee shall be in charge of the organization, execution, and qualification of the votes that are made by these methods.

Article 67.- The dues for the condominium owners and, if applicable, for holders, shall be set based on the number of private property units the condominium has, regardless of the proportion of the undivided part, except for that set forth in the following paragraph.

When in a condominium of social interest there also exists a Privative Property Unit for use other than residential, the General Assembly shall determine the amount of the dues, which shall not be less than the minimum paid for a dwelling or more than double the same, or in lack thereof, commercial criteria shall be established.

Article 68.- The administrator of condominiums of social or popular interest shall place bimonthly condominium statements in one or two visible places of the condominium or in the places established in the Internal Regulations, which will show:

- I.- The total income and expenditures per item;
- II.- The amount of outstanding dues; and
- III.- The list of creditors.

Similarly, it will report on application of resources in the common areas and assets, as well as execution of programs, budgets, subsidies, and other actions where the Public Administration has intervened.

If the administrator fails to comply with these obligations, any condominium owner may request compliance.

CHAPTER IX CONDOMINIUM CULTURE

Article 69. Areas of social development of the Municipalities shall be in charge of promoting, developing, and applying a condominium culture in the State of Sonora, observing at all times that set forth by this Law and its Regulation.

Condominium culture is understood to be all activities that contribute to generating actions and attitudes that allow, in healthy coexistence, for fulfillment of the objectives of the condominium property regime.

The main principles of the condominium culture are respect, tolerance, responsibility, compliance, joint responsibility, participation, solidarity, and mutual acceptance.

Article 70. Areas of social development of Municipalities shall provide condominium owners, holders, administrators, and committees consulting, guidance and training in condominium matters through talks, courses, workshops, and conferences. They shall develop an annual work plan based on the Condominium Registry of ICRESON, wherein they shall contact the condominium owners, holders, administrators, and committees to provide consultation at least once a year.

Administrators and members of the Oversight Committee are obligated to receive training in condominium matters by the area of social development of the Municipalities, at least once a year. To keep their registry current in the ICRESON Registry of Professional Condominium Administrators, Professional Administrators must accredit to said institution of having received the annual training indicated above.

Article 71. Municipalities may sign collaborative agreements with state or federal directives and private institutions, for implementation of programs and projects in favor of the condominium culture, to:

I. Promote active participation of the condominium owners, holders, and residents of the properties under the condominium property regime, in asserting the rights and complying with the obligations stipulated by this Law, its Regulation, the Articles of Incorporation, International Regulation, and other applicable provisions;

II. Promote regularization of the condominiums to guarantee judicial certainty to its residents;

III. Generate healthy coexistence, tolerance, and respect among the condominium owners, holders, and residents;

IV. Raise awareness concerning the use and enjoyment of green areas and common areas of the condominium;

V. Promote the preservation of the physical and psychological integrity of the residents of the condominium;

VI. Promote gender equality, no discrimination due to ethnic or national origin, age, disabilities, social condition, health condition, religion, opinions, sexual preferences, and marital status, to guarantee respect among condominium owners, holders, and residents, with the goal of making participation of the dependencies inclusive to guarantee condominium co-existence and harmony among its residents.

Article 72. Areas of social development of the Municipalities shall assist and advise on the creation and function of civil associations meant to disseminate and develop the condominium culture, as well as develop citizen initiatives related with the same.

Furthermore, they shall assist with the administrator for creation of basic committees, formed and coordinated by the condominium owners and/or voluntary holders, committed with specific projects to develop in the condominium, with the goal of complementing activities of the administration of common spaces, to preserve the physical environment in encouraging the sustainability of the habitat and promote harmonious relationships among the condominium owners and holders, such as:

I. Environmental Committee. Whose activity shall be to address the green areas, promote urban agriculture, capture rain water, recycle grey water, promote water savings with household devices, recycle solid waste and train the population in pet management;

II. Committee on Education and Culture. In charge of disseminating information concerning food, nutrition, and health; special attention to children and the elderly, persons with disabilities, support for single mothers, attend traditional fiestas and cultural events that assist in forming a condominium identity;

III. Committee on Security and Civil Protection. With the function of assisting with condominium safety and in organization of the condominium owners in the event of incidents such a fire, flood, subsidence, plague, collapse, etc; subject to programs of civil protection of the corresponding municipality and plans of the Secretary of Public Safety for crime prevention;

IV. Committee on Sports. Promote activities of physical, recreational, and athletic activity of all ages, incorporating healthy habits from children to older adults and persons with disabilities; and

V. Committee on Mediation. With the goal of promoting the resolution of condominium disputes through peaceful solutions, serving as mediator, creating solution options together with the parties in conflict prior to going to judicial authorities.

The indicated committees may be created even if there is no registered administrator.

CHAPTER X CONDOMINIUMS BORDERING WITH FEDERAL ZONE

Article 73. In condominiums that border with the federal maritime land zone, land reclaimed from the sea or any other marine water deposit, the condominium owners, holders, and administrators are obligated to generally allow persons free transit and access to aid assets of public domain provided there are no public roads or other access to these.

Access to public beaches of the State are legal right of ways; City Governments have the obligation to demand respect of this right, same which shall be governed by the respective municipal regulations.

Article 74. In the event there were various condominiums through which passage can be given to said assets of public domain, the obligation of right of way shall be that where the distance is shortest. If the distance were equal, upon request of the corresponding Municipality, the Judge shall designate which of the Condominium must provide passage or rather if the right of way shall be provided in a shared manner and proportionally.

CHAPTER XI SURVEILLANCE AND SANCTIONS

Article 75. Violations with that established by this Law, its Regulation and other provisions herein, shall be sanctioned by the social development areas of the Municipalities and judicial authorities in their respective sphere of competence.

Article 76. The condominium owner, holder, administrator, and members of the Oversight Committee shall be sanctioned with fines in breach of this Law:

I. For offences that affect the tranquility or comfort of condominium life, a fine shall be applied for the equivalent of ten to one hundred Units of Measurement and Revision.

II. For offences that affect the physical state of the condominium without such meaning putting the safety of the other condominium owners at risk; that impede or hinder proper use of the facilities and common areas; or that affect the function of the condominium, a fine shall be applied for the equivalent of fifty to two hundred Units of Measurement and Revision.

III. For offences that cause damage to the estate, or put the safety of the condominium or persons at risk, a fine shall be applied for the equivalent of fifty to three hundred Units of Measurement and Revision.

IV. For failure to comply with timely payment of ordinary dues, extraordinary administrative dues, maintenance dues, and those corresponding to the reserve fund, a fine shall be applied of ten to one hundred Units of Measurement and Revision.

V. Professional Administrators that are not enrolled in the Registry of Professional Condominium Administrators of ICRESON and do not maintain their enrollment current, a fine shall be applied for the equivalent of fifty to two hundred Units of Measurement and Revision, regardless of the responsibilities or sanctions there may be, contemplated in other Laws;

VI. A fine shall be applied of fifty to three hundred Units of Measurement and Revision for failure to comply with that set forth in article 39 of this Law; and

VII. A fine shall be applied of 100 to 400 Units of Measurement and Revision to administrators that carry out charges unforeseen in this Law or not approved by the General Assembly in social interest and popular dwellings.

For application of sanctions as established in this article, the areas of social development of the Municipalities shall take into consideration the seriousness of the committed offence, magnitude of the affect caused, and economic ability of the offender.

In cases of reoccurrence, up to double the original sanction shall be imposed.

Payment of the imposed fine by areas of social development of the Municipalities does not release the offender from complying with its obligations derived in the condominium regime.

Article 77. Sanctions established in this Law shall apply regardless of those imposed due to violation of other applicable provisions.

Article 78. For levying of fines, the areas of social development of the Municipalities must previously do a verification visit under the terms of the Administrative Procedure Law for the State of Sonora.

Article 79. Resources collected due to the fines referred to in the foregoing article, shall be used to promote the condominium culture.

Article 80. A condominium owner who repeatedly fails to comply with its obligations, in addition to being liable for harm and damages caused to others, may face a lawsuit and as applicable be sentenced to sell the apartment, dwelling, home, space, or area at public auction. Exercise of this action shall be resolved in General Assembly by a minimum of seventy-five per cent of the entirety of the condominium owners in attendance, without such being understood as releasing compliance with the omitted obligations, in which case shall be covered by respecting the rights of the preferential creditor with the product of the respective auction.

Article 81. If whomever fails to comply with their obligations were a non-owner occupant, the administrator shall with prior consent of the condominium owner demand vacating the apartment, dwelling, home, space, or area, whatever the title or cause of occupation. If the condominium owner were to oppose, the administrator shall proceed against the latter and the occupant under the terms of the foregoing article.

CHAPTER XI CONDOMINIUM CONFLICTS AND MANNER OF RESOLUTION

Article 82. In cases in which exercising rights or complying with obligations of the condominium owners, holders, administrators or members of the Oversight Committee lead to conflict due to lack of observance of the provisions of this Law, the Articles of Incorporation, Internal Regulation, and applicable regulations, those who partake in these conflicts may turn to the corresponding Center to request intervention of a mediator and conciliator so that, via application of alternative conflict solution mechanisms, the controversy be resolved under the terms and with the effect established in the Law of Alternative Conflict Solution Mechanisms for the State of Sonora.

Article 83. When mediation and conciliation in a judicial venue does not produce an agreement that resolves the conflict and the same continues to manifest itself in manners that affect the harmony of the condominium, the administrator or Oversight Committee upon the request of one of those involved in the conflict, shall convene an Extraordinary General Assembly, wherein the Agenda shall indicate one of the objectives shall be to provide a solution to the conflict. Therefore, the nature of the conflict and the persons between whom the conflict has arisen shall be specified.

In addressing the point on the Agenda related with resolving the conflict, any of the members of the General Assembly, including those immersed in the conflict, may propose solutions to resolve such, which once analyzed those considered viable shall be selected, taking into account, among other things, enforcement of the solution in case such were not voluntarily heeded by the party obligated to do so.

Once the proposed solutions are analyzed and selected, these shall be submitted to voting and that which has a Simple Majority in favor of it shall be deemed mandatory.

Concerning conflicts of Private Property Units, this shall be deemed mandatory provided the parties in the conflict have agreed with the solution.

Article 84. In case of failure to comply with the proposed solution approved by the General Assembly, any of the parties may promote enforcement before a Civil Judge, in the same manner as requesting enforcement of a final judgment.

TRANSITORY CLAUSES

FIRST ARTICLE. The present Law shall go into effect on the day following publication in the Official Bulletin of the Sonora State Government.

SECOND ARTICLE. Law number 293 concerning Condominium Property Regimes for Real Estate for the State of Sonora, published in the Official Bulletin of the Sonora State Government, number 4, section II, on July 12, 1993, is abolished.

THIRD ARTICLE. The Regulation of the Condominium Ownership Property Regime for the State of Sonora, must be issued within a lapse no greater than 180 calendar days following the day after which the present Law goes into effect.

FOURTH ARTICLE. When state laws or any other regulation refer to the Law concerning the Condominium Property Regime, it shall be understood such refers to the Condominium Property Regime for Real Estate for the State of Sonora.

FIFTH ARTICLE. The Condominiums constituted prior to the present Law going into effect shall continue to be governed by their Articles of Incorporation and Regulations, though amendments to the same, once the present Law goes into effect, must adjust to that foreseen by this Law.

SIXTH ARTICLE. The proper authorities of Municipalities and the State must adapt their regulations to the content of this Law within a lapse no greater than ninety business days following the date in which the same goes into effect.

Be thus notified the Executive Branch Holder regarding sanctions and publication in the Official Bulletin of the State Government. – Session Hall of the Honorable State Congress. Hermosillo, Sonora, December 1, 2016. C. Iris Fernanda Sánchez Chiu, Representative Chairperson. Signature. C. Karmen Aida Díaz Brown Ojeda, Representative Secretary. Signature. Teresa M. Olivares Ochoa, Representative Secretary. Signature.

Therefore, have the same published in the Official Bulletin of the State Government and due compliance be given.

Granted in the Agency of the Executive Branch, in the city of Hermosillo, Sonora, on the second day of December of the year two thousand sixteen. Effective Suffrage, No Reelection. State Governor – Claudia Artemiza Pavlovich Arellano. Signature. Government Secretary – Miguel Ernesto Pompa Corella. Signature.