



Cassation: no approval for the assembly for the creation of the super condo.

If several condos have some things in common the super condo comes into being by law

There is no need for some assembly approval to form a super condo.

It has been established by the Court of Cassation by judgment of 15/11/2017, no. 27094.

As with the normal condominium, the super condo "comes into being ipso iure et facto, if the title does not have it otherwise, without the need for specific manifestations of will or other exclusions, and even less of assembly approvals," explains the Court .

It is sufficient for this purpose that "individual buildings, made up of as many condominiums, have in common some things, facilities and services linked, through the accessory and principal relationship, with the buildings themselves".

The story began with an appeal to a shareholders' resolution that it took for nullity because it was adopted in violation of statutory rules of the condominium regulation.

The Milan Tribunal partially accepted the appeal, while the appeal was dismissed in part, and the first-instance ruling was partially reformed.

The case therefore ended at Cassation where Ermellini, in dismissing the appeal, pointed out that the contested judgment correctly stated that the whole complex was made up of a "plurality of palaces that **use some services in common** with this by punctually correcting the paradigm of the **super condominium** ".

Trial Judgment Judgment n.27094 / 2017

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