

IN THE SUPREME COURT OF THE STATE OF DELAWARE

COUNCIL OF THE WILMINGTON	§
CONDOMINIUM (on behalf of the UNIT	§
OWNERS OF THE WILMINGTON	§
CONDOMINIUM, CARBOR	§
ENTERPRISES, INC., EDWARD V.	§
BOORNAZIAN, GORDON R.	§ No. 337, 2002
SCHWARTZ, THERESA M.	§
SCHWARTZ, W. RONALD BOUNDS,	§
DONNA A. O’CONNOR, SOPHIA D.	§ Court Below: Court of Chancery
GAGEN, 106 PARTNERSHIP, DENISE	§ of the State of Delaware in and
I. KYRIACOU, WENDELL FUNK,	§ for Sussex County
HARRY L. WHEELER, BRENDA M.	§ C.A. NO. 1636
WHEELER, WILLIAM P. HENEGHAN,	§
KENA W. HENEGHAN, MARSHALL	§
K. DAVIS, MARSHALL W. DAVIS,	§
EDWARD BOORNAZIAN, EUGENE E.	§
SMITH, JAMES F. HAWKINS,	§
KATHLEEN V. HAWKINS, M.	§
CAROLYN BEST, ALBERT A.	§
OZIMEK, JR., BRUCE D. MOGOL,	§
GAIL K. MOGOL, DEBORAH N.	§
DuSHUTTLE, Trustee, ROBERT J.	§
DICK, and JOHN D. BARBARULO,	§
	§
Plaintiffs/Counterclaim	§
Defendants, Appellants,	§
	§
v.	§
	§
WILMINGTON AVENUE	§
ASSOCIATES, L.P., a Delaware Limited	§
Liability Partnership, and MICHAEL R.	§
KAIN,	§
	§
Defendants/Counterclaim	§
Plaintiffs, Third Party	§
Plaintiffs, Appellees.	§

Submitted: January 7, 2003

Decided: January 10, 2003

Before VEASEY, Chief Justice, WALSH and BERGER, Justices.

ORDER

This 10th day of January 2003, upon consideration of the briefs of the parties, we conclude that the Court of Chancery correctly resolved the ambiguity in the documents establishing the condominium plan in dispute. The court's conclusion that Lot 60 was not intended to be dedicated was supported by the evidence. Nor did such dedication occur by operation of law. Our affirmance of the Court of Chancery's ruling in that respect renders it unnecessary to determine whether the improvements on Lot 60 became part of the condominium project.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery be, and the same hereby is,

AFFIRMED.

BY THE COURT:

s/Joseph T. Walsh
Justice