



## Arizona Department of Real Estate (ADRE)

Development Services Division

[www.azre.gov](http://www.azre.gov)

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DUWOSUJAZWOOY  
GOVERNOR

JUDY LOWE  
COMMISSIONER

### APPLICATION FOR AMENDED TIMESHARE PUBLIC REPORT GENERAL INFORMATION AND INSTRUCTIONS

- The general information and instructions are for amending a **Timeshare Public Report ("Public Report") issued to the original applicant**.
- **If the ownership of the Timeshare has changed, the applicant must submit an application for a new Timeshare Public Report. Change of ownership does not qualify as an amendment.**
- It is unlawful for anyone, after submitting to the Commissioner of the Arizona Department of Real Estate ("Commissioner") the development and sales plan under which lots, parcels or interests are to be offered for sale or lease and securing approval, to change that plan without first notifying the Commissioner in writing of the intended change. Upon the filing of any notice of change and pending amendment of the public report, the Timeshare Developer must agree to suspend sales or, with Department approval, continue sales providing the purchaser a copy of the current public report and disclosure of all changes prior to signing a contract. Prior to continuing sales, the Timeshare Developer must obtain Department approval of the form and content of the disclosure of changes. Sales must be conditioned upon purchaser receiving the amended public report for which a receipt shall be taken. **NON-COMPLIANCE WITH THE ABOVE MAY RESULT IN VOIDABLE SALES AND THE RIGHT OF RESCISSION FOR PURCHASERS. ADDITIONALLY, THE DEPARTMENT MAY IMPOSE ADMINISTRATIVE PENALTIES.**
- Although a timeshare developer is required to provide notice of changes, the Department may not deem issuance of an Amended Public Report necessary unless there are changes that will cause information in the Public Report to be incomplete, incorrect or misleading.
- All development applications filed with the Department shall be considered filed on the date received by the Department.
- There is no fee associated with a timeshare amendment.

#### **FILING PROCEDURES**

1. Complete and submit an Application for Amended Timeshare Public Report (including Questionnaire for each component site being added and/or amended).
2. The Commissioner may authorize a developer of a timeshare plan in which all accommodations are located outside of this state to use a current public report that is issued by another jurisdiction or an equivalent registration and disclosure document that is required before offering a timeshare plan for sale, lease or use and that is issued by another jurisdiction. This authorization does not constitute an exemption from other applicable requirements.
3. If requesting Expedited Processing, submit an Expedited Registration Request.
4. Submit a Disciplinary Actions Disclosure form completed by any person with a 10% or more ownership interest in the timeshare that did not hold a 10% or more ownership interest at the time of the original filing.
5. Prepare the Amended Public Report using the Department Template and submit it on a CD-RW in Microsoft Word format.
6. If adding and/or amending component sites, provide the required supporting documentation relating to each component site being added, including:
  - A. **Required Documentation (All Plans):**
    - An update to the comprehensive statement of the timeshare plan.
    - A legible copy of the recorded timeshare project map no larger than 11" X 17" showing book, page and date of recording and approval by county or city, as applicable.
    - A legal description and location of the timeshare property being offered.

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- A description of the total timeshare property in terms of the number of buildings, number of stories, number of units, common area of the timeshare property or public use areas in any hotel, motel or other facility.
- Policy of Title Insurance or Title Report which is a true statement of the condition of title to the land issued after recordation of the map and declaration of dedication and dated no more than 30 days prior to receipt by the Department. The policy or report must include the statement that “there are no further matters of record affecting the land” and must include the name and telephone number of the title examiner.
- A legible copy of all recorded or unrecorded documents shown in the title report / policy affecting the condition of title including, but not limited to, all options, contracts of purchase, liens, encumbrances and trust agreements. Documents, which show applicant’s ability to deliver title to each interval sold free of the effect of the aforementioned documents, if not shown within, said documents.
- A copy of the provisions, if any, limiting the use or occupancy of the property, any restrictive covenants affecting all or part of the project. (Copies of recorded development restrictions, declaration of timeshare, recorded deed restrictions, contract restrictions or other restrictions.).
- If the project is a condominium, submit the recorded Declaration of Dedication of the timeshare project (all documents creating the condominium), in addition to an attorney’s opinion letter asserting compliance with A.R.S. § 33-1201, et seq.
- Documents demonstrating legal and permanent access.
- Approval from the Arizona Department of Environmental Quality or its designee. (“Certificate for Sanitary Facilities for Subdivision”).
- A letter from a professional engineer detailing the effect of any flood zone designation or flood plain location, flood and drainage conditions, any apparent hazards, effect of a 100-year frequency storm and if flood insurance is required (“Flood and Drainage Letter”). The engineer’s professional seal must be affixed and legible on the letter.
- A copy of the Articles of Incorporation and Bylaws for the property owners’ association, which must show that the association(s) is formed.
- Proof of adequate financial arrangements and assurances for completion of any improvements included in the offering to be installed by the developer, the estimated schedule for completion of the improvements and provisions, if any, for the continued maintenance of the improvements.
- A true statement of the availability of sewage disposal facilities and other public utilities including water, electricity, gas and telephone facilities in the timeshare property and the estimated schedule for their installation.
- A statement of the provisions that have been made for public utilities, including water.
- A complete disclosure as to the operating costs of the timeshare plan, including all of the variable costs of operation, management and reserves and method of assessment, including evidence of financial arrangements which provide for the developer’s guarantee of payment of assessment on unsold interests, or if the developer is not paying such costs, the effect such nonpayment will have on operating costs.
- A statement that the developer must notify the commissioner if a timeshare plan accommodation may become subject to a tax or other lien arising out of claims against other purchasers in the same timeshare plan. The commissioner may require the developer to notify a prospective purchaser of any potential tax or lien that would materially and adversely affect the prospective purchaser.
- A true statement as to the methods to be used to provide that the purchaser of a timeshare interest will not lose or have the purchaser’s interest imperiled by the foreclosure of underlying liens, encumbrances or other obligations and that the developer can convey, or cause to be conveyed, the interest in the offering.

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- The terms and conditions as to how a purchaser's interest is to be conveyed including examples of all contracts, purchase agreements, deeds, fact sheets and other instruments to be used in marketing, financing and conveying timeshare interests.
- Provide a purchase contract addendum, to be signed by both seller and purchaser, acknowledging that the sale is conditioned upon issuance of the Amended Public Report and purchaser's receipt and acceptance of the Amended Public Report.
- A true statement as to title to personal property within the units or timeshare property incident to a purchaser's use and how purchasers will receive assured use of personal property during the term offers.
- A statement of the provisions made for the management of the timeshare plan, including a copy of the management agreement, relationship with the developer and whether the management entity will be bonded or insured.
- Copies of all contracts and promotional material pertaining to any exchange program included in the offering.
- If the timeshare property or timeshare plan being registered is located within the United States, but outside of Arizona, each filing must include evidence that the timeshare property or timeshare plan is qualified for sale in the home state where the timeshare property or timeshare plan is located according to the standards or requirements for the sale of timeshare interests existing in the home state at the time of the filing.
- If the timeshare property or timeshare plan being registered is located outside of the United States, each filing of a foreign timeshare property or timeshare plan must include evidence establishing that all requirements of the country where the timeshare property or timeshare plan is located have been met for the sale of timeshare interests or the local equivalent of timeshare interests in the home country at the time of the filing.
- A draft public report using the Department's Public Report template.
- Such other information and such other documents and certificates as the commissioner may reasonably require.

### **B. For Multisite Timeshare Plans:**

- The following information may be disclosed in a written, graphic or tabular form: a description of each component site, including the name and address of each component site.
- The number of accommodations and timeshare periods, expressed in periods of use availability, committed to the multisite timeshare plan and available for use by purchasers.
- Each type of accommodation in terms of the number of bedrooms, bathrooms and sleeping capacity and a statement of whether or not the accommodation contains a full kitchen. For the purposes of this subdivision, "full kitchen" means a kitchen having a minimum of a dishwasher, range, oven, sink and refrigerator.
- A description of amenities available for use by the purchaser at each component site.
- A description of the reservation system, including the following:
  1. The entity responsible for the reservation system.
  2. A summary of the rules governing access to and use of the reservation system.
  3. The existence of and an explanation regarding any priority reservation features that affect a purchaser's ability to make reservations for the use of a given accommodation on a first reserved, first served basis.
- A description of any right to make any additions, substitutions or deletions of accommodations or amenities and a description of the basis on which accommodations and amenities may be added to, substituted in or deleted from the multisite timeshare plan.
- A description of the purchaser's liability for any fees associated with the multisite timeshare plan.

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- The location and the anticipated relative use demand of each component site in a multisite timeshare plan as well as any periodic adjustment or amendment to the reservation system that may be needed in order to respond to actual purchaser use patterns and changes in purchaser use demand for the accommodations existing at the time within the multisite timeshare plan.
- Any other information reasonably required by the commissioner or established by rule necessary for the protection of purchasers of timeshare interests in timeshare plans.
- Any other information that the developer, with the approval of the commissioner, desires to include in the public report.

### C. **For Timeshares Located within Arizona:**

- If the land is located within an Arizona Groundwater Active Management Area (AMA), a certificate of assured water supply from the Arizona Department of Water Resources (ADWR) or written commitment of water service from the city, town or private water company which has been designated by ADWE as having an assured water supply. If the timeshare project is located outside of an ANA, provide proof that an adequate water supply exists.
- If the land has enrolled as Member Land of the Central Arizona Groundwater Replenishment District (CAGR) pursuant to A.R.S. § 48-3774, notice executed on behalf of CAGR confirming that all necessary fees relating to that enrollment have been paid. The CAGR has a notice form that will be used to satisfy this requirement.