

SOUTH CAROLINA REAL ESTATE COMMISSION
Department of Labor, Licensing & Regulation
Post Office Box 11329, Columbia, SC 29211-1329
Synergy Business Park, Kingstree Building, 110 Centerview
Phone: (803) 896-4400 – Fax: (803) 896-4404

**APPLICATION FOR REGISTRATION OF A
VACATION TIME SHARE PLAN**

INSTRUCTIONS:

- 1. PLEASE FILL OUT THE APPLICATION COMPLETELY. (TYPE OR PRINT)**
- 2. IF AN EXHIBIT DOES NOT APPLY, MARK AS “N/A”.**
- 3. IF ADDITIONAL SPACE IS NEEDED TO ANSWER A QUESTION, PROVIDE ATTACHMENTS IN THE SAME FORMAT AS THE QUESTION AND LABEL AS INDICATED.**
- 4. PLEASE GIVE DIRECT PHYSICAL ADDRESSES AND TELEPHONE NUMBERS (NO POST OFFICE BOX NUMBERS OR INDIRECT ADDRESSES C/O OTHERS).**
- 5. ALL DOCUMENTS REQUIRED TO BE FILED WITH THIS APPLICATION MUST BE TRUE COPIES IN PROPER FORM. APPLICATIONS WHICH DO NOT CONTAIN COMPLETE AND PROPER DOCUMENTATION SHALL BE CONSIDERED INCOMPLETE.**
- 6. ALL EXHIBITS FILED SHALL BE LABELED CLEARLY AND APPROPRIATELY.**

I. APPLICANT INFORMATION (PLEASE PRINT)

1. **Name of Time Share:** _____
2. **Location of Time Share (Physical Address):** _____
City/State Zip Code: _____
3. **Number of Units in this offering:** _____
Number of Units in the entire project: _____
Initial Filing Fee: \$ 500.00
4. **Name of Time Share Seller:** _____
5. **Email Address of Time Share Seller:** _____
6. **Mailing Address for Time Share Seller:** _____

7. **Telephone:** _____ **Fax:** _____
8. **Developer is a (check one):**
 - ☐ Sole Proprietorship
 - ☐ General Partnership
 - ☐ Limited Partnership
 - ☐ Limited Liability Partnership
 - ☐ LLC
 - ☐ Corporation

If the Seller is a Partnership, or LP, or LLP please attach a copy of any partnership agreement(s) as EXHIBIT A. If the developer is a Corporation, LLC, please attach a copy of its certificate of Good Standing in South Carolina from the Office of the South Carolina Secretary of State or the state of incorporation as EXHIBIT A.

9. **List all Principals, Officers, Directors, Partners, Managers. Please list first and identify the seller's principal agent for service of process within the State of South Carolina.**
(NAME, ADDRESS, TELEPHONE NUMBER):
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____

(ATTACH AND LABEL ANY ADDITIONAL NAMES, ADDRESSES AND TELEPHONE NUMBERS AS EXHIBIT B)

- 10. Has the Seller or any of the organization's officers, directors or principals been convicted, pled guilty or nolo contendere of any crime involving land dispositions, crimes of moral turpitude, securities law violations, fraudulent business activities, or any aspect of the vacation time sharing business in this State, the United States, or any other state or foreign country within the past ten years, or been subject to an injunction or administrative order within the past ten years restraining a false or misleading promotional plan involving any of the activities above?**

YES NO

If yes, please attach a copies of documents showing the particulars of each proceeding as EXHIBIT C. If there have been any criminal charges, please include a copy of a criminal background report.

- 11. Is the property interest to be conveyed from the Seller to the purchaser free and clear of all liens, mortgages, and encumbrances of every kind?**

YES NO

Please attach a certified copy of the deed or documentation establishing the sellers rights and interests in the subject vacation timeshare property as EXHIBIT D. If there are any encumbering interests in the property, please also attach copies of any mortgages, liens, owners association assessments, contracts, or purchase money security interests along with any bonds, nondisturbance instruments, or recorded instruments advising third parties of the existence of purchaser use rights and providing for subordination of future liens.

- 12. Does the timeshare plan include any property which is located outside of the state of South Carolina.**

YES NO

If, yes, please attach documentation requested in EXHIBIT L.

- 13. Does the timeshare plan include facilities which are not substantially completed?**

YES NO

If, yes, please attach documentation requested in EXHIBIT M.

II. EXHIBITS

(Exhibits which are not certified documents or signed and executed agreements may be submitted in electronic PDF format on a CDR disc. Please label exhibits as indicated.)

EXHIBIT A: If the Developer is a Partnership, or LP, or LLP please attach a copy of any partnership agreement(s). If the developer is a Corporation, or LLC please attach a certificate of Good Standing in South Carolina from the Office of the South Carolina Secretary of State or the state of incorporation.

EXHIBIT B: Attach a list of the names, addresses and telephone numbers of Additional Principals, Officers, Directors, Partners and Managers which were not listed under question 9 of this application.

EXHIBIT C: If a “yes” answer was chosen for question 10 of this application, please attach documentation showing the particulars of any proceeding, conviction, injunction or administrative order in the matter. If there have been any criminal charges, please include a copy of a criminal background report.

EXHIBIT D: Attach a certified copy of the deed or documentation establishing the sellers rights and interests in the subject vacation timeshare property. If the accommodations to be time shared are to be located in a condominium, a recorded, certified copy of the master deed or condominium declaration must be filled together with an attorney’s title certificate stating that the requirements of the South Carolina Horizontal Property Act, Chapter 31 of Title 27 of the South Carolina Code of Laws, have been met or, if applicable, the requirements of the condominium laws of the project’s situs have been met. If there are any encumbering interests in the property, please also attach copies of any mortgages, liens, owners association assessments, contracts, or purchase money security interests along with any bonds, nondisturbance instruments, or recorded instruments advising third parties of the existence of purchaser use rights and providing for subordination of future liens.

EXHIBIT E: Attach a copy of the contract by which the rights and obligations of the seller and purchaser are established.

EXHIBIT F: Attach copies of all promotional brochures, pamphlets, advertisements or other material disseminated to the public in connection with the sale of the vacation time sharing plan and verbatim scripts of all radio and television advertising in connection with it.

EXHIBIT G: Attach copies of all contracts between the seller of the timeshare and each business providing accommodations and facilities to purchasers of the plan.

EXHIBIT H: Attach copies of all rules, regulations, conditions or limitations on the use of the accommodations or facilities available pursuant to the vacation time sharing plan.

EXHIBIT I: Attach a written synopsis of any sales presentation made by the seller to the purchaser over the telephone or other electronic device.

EXHIBIT J: Attach a projected budget of all recurring expenses which may become the responsibility of all time sharing purchasers.

EXHIBIT K: Pursuant to Section 27-32-60(3) of the South Carolina Code of Laws, as amended, one hundred percent of funds received from the purchasers of time share vacation plans must be placed in a real estate brokers trust account or another escrow arrangement approved by the commission. The trust account must provide that, a) its purpose is to protect the purchaser's right to refund during the five-day right to cancellation period as provided in section 27-30-40 or 27-32-50; and, b) funds may be withdrawn by the seller pursuant to Section 27-32-90. Please provide the name and contact information for an independent escrow agent for the deposit of funds and a copy of an executed escrow agreement.

EXHIBIT L: If you are advertising and selling timeshares in South Carolina which are located outside of the state:

1. Copies all books, files, accounts and other documents pertaining to the advertisement and sale of the plan located outside the state. Examination costs of these documents may be assessed in accordance with section 27-32-150(B) of the South Carolina Code of Laws, as amended.
2. Provide a copy of the Public offering statement or other disclosure document used in the situs state along with developers certification that each South Carolina purchaser will be provided with the document prior to his/her execution of a purchase agreement.
3. Evidence of approval of the project registration in the situs state.
4. A copy of the laws of the situs state pertaining to escrow arrangements
5. Consent to service of process upon the South Carolina Real Estate Commission in proceedings arising under the South Carolina Time-Sharing Plan Act. (See Pg. 7 of this application)

EXHIBIT M: If the timeshare plan concerns facilities which are not substantially completed, please provide the following information pursuant to section 27-32-140 of the South Carolina Code of Laws, as amended, for the commission to determine that the facilities or additions to it will be completed.

1. A verified statement showing all costs involved in completing the property
2. A verified statement of time of completion of construction
3. Satisfactory evidence of sufficient funds to cover all costs to complete the property
4. A copy of the executed construction contract and other contracts for the completion of the property.
5. A one hundred percent payment bond covering the entire cost of construction of the property.

6. If costs are to come from purchasers funds, executed copy of escrow agreement with an escrow company or financial institution authorized to do business within the state which provides that:
 - a. Disbursements of purchasers funds may be made from time to time to pay for costs in completion of the property and approved by lender of construction funds or the escrow agent.
 - b. Disbursement of purchasers funds remaining after completion of property may be made only after escrow agent or lender receives satisfactory evidence that period for filing mechanics and materialmen's liens has expired or the right to claim those liens has been waived or adequate provision has been made for the satisfaction of any claimed mechanics or materialmen's liens.

EXHIBIT N: Attach copy of the Public Offering Statement which meets the requirements of Section 27-32-100 of the South Carolina Code of Laws. The Commission requires that public offering statement include a schedule of accommodations, indicating the phases and the number of dwelling units and a list of all amenities to be provided. In the case of a Vacation Time-Sharing Ownership plan, please provide an inventory of all furnishings, fixtures, appliances. The Commission also requires the following disclosures

1. Any prohibition against resales of the interval placed by the seller on the purchaser
2. Any loss of benefits to a resale buyer on the subsequent purchase of the interval from the original purchaser
3. Any transfer fees required by the seller to be paid to seller for any later resales of the interval.

SIGNATURE OF APPLICANT

I certify that all statements contained herein are true and correct to the best of my knowledge. I further understand that false or incorrect information provided by me may result in the cancellation of any registration issued pursuant to this application and the institution of appropriate civil and criminal proceedings.

_____ Signature of Applicant	_____ Title	_____ Date
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Sworn and Subscribed before me this _____ day of _____, _____ year

Notary Public

My Commission Expires

NON-RESIDENT APPLICANT CONSENT TO SERVICE OF PROCESS

The undersigned applicant, being a nonresident of the State of South Carolina, does hereby irrevocably consent that, if any cause of action arises against the undersigned growing out of the undersigned's acts or omissions as Timeshare Salesperson within the State of South Carolina, suit may be commenced against said Salesperson in the county in the State of South Carolina in which the cause of action may arise, or in which the plaintiff may reside, by the service of process upon the administrator of LLR-Real Estate Commission, whom the undersigned hereby designates as agent for service, and the undersigned further consents that such service shall be begun and held in all courts to be as valid and binding as if due service had been legally made upon the undersigned in the State of South Carolina.

NON RESIDENT APPLICANT MUST PERSONALLY SIGN THIS CONSENT TO SERVICE OF PROCESS BEFORE A NOTARY PUBLIC

Signature of Applicant

Title

Date

Sworn and Subscribed before me this _____ day of _____, _____ year

Notary Public for the State of _____

Notary Public Signature

My Commission Expires