

9. Contact Numbers

Primary Telephone	Alternate Telephone	Fax
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10. Developer's Type of Organization (select only **one**)

- Sole Proprietorship
 General Partnership
 Association
 Other, please specify: _____
 Corporation ♦
 Limited Liability Company ♦
 Limited Partnership ♦

State Corporation Commission Number _____

♦ If your business is a **corporation, limited liability company, or limited partnership**, your business/trade name(s) must be registered with the Virginia State Corporation Commission. Firms shall be organized as business entities under the laws of the Commonwealth of Virginia or otherwise authorized to transact business in Virginia. Firms must register any trade or fictitious names with the State Corporation Commission or the clerk of the circuit court in the locality where the business is to be conducted. For additional information, contact the SCC at www.scc.virginia.gov or by phone at (804) 371-9733.

11. a. What form of time-share project are you registering?

- Time-Share **Estate** Project
 Time-Share **Use** Project

b. What type of project are you registering?

- Fee simple
 Right-to-use

c. Types of time-shares being offered and sold:

- Fixed
 Floating
 Undivided interest
 Fractional
 Vacation club
 Points
 Other (please describe) _____

12. Is the project a conversion time-share project?

No

Yes If yes, has the building(s) been occupied within the last three years? Yes No

13. Will the purchasers of the time-shares be offered the opportunity to subscribe to or participate in an exchange program?

No

Yes If yes, is the exchange program an affiliate of the developer? Yes No

14. Location of each of the developer's sales offices in Virginia:

Street Address	City, State & Zip Code	Manager's Name

15. In consideration of the requirements of Section 55-375 of the *Code of Virginia*, how will deposits be handled?
- Deposits will be held in escrow in a separate account designated for this purpose that is federally insured and located in Virginia, in accordance with § 55-375(A) of the *Code of Virginia*.
 - Deposits will be held in escrow in the regular account of a real estate broker licensed under the laws of the Commonwealth, in accordance with § 55-375(A) of the *Code of Virginia*.
 - Deposits will be held in escrow in the regular escrow account of an attorney licensed under the laws of the Commonwealth, in accordance with § 55-375(A) of the *Code of Virginia*.
 - In lieu of escrowing deposits, the developer of a time-share project consisting of more than 25 units will submit an individual or blanket corporate surety bond in the form and amount set forth in § 55-375(C) of the *Code of Virginia*.
 - In lieu of escrowing deposits, the developer of a time-share project consisting of more than 25 units will submit an individual or blanket irrevocable letter of credit in the form and amount set forth in § 55-375(D) of the *Code of Virginia*.

16. Building Status: Are all promised units and common elements offered and described in the time-share instrument, public offering statement, and plats and plans complete?

Yes If yes, Exhibit E will be reviewed to confirm the completion.

No If no, a payment and performance bond, irrevocable letter of credit or cash in the sum equal to 100% of the estimated cost of completion must be filed with the Board.

REQUIRED DOCUMENTATION: *Time-Share Building Status Form*

17. Is there an attorney representing the developer on this time-share project?

No

Yes If yes, provide the following information:

Name of Attorney _____

Firm Name _____

Mailing Address _____

City, State, Zip Code _____

Phone & Fax _____

Email Address _____

18. To whom should the Board mail correspondence, notices and other documents related to the time-share project?

Developer

Attorney

Other If other individual or firm, provide the following information:

Name & Title _____

Firm Name _____

Mailing Address _____

Email Address _____

19. List all states or jurisdictions in which an application for registration or similar document has been filed for this time-share project. **If the time-share project is located outside of Virginia, provide proof of registration in the situs state or other jurisdiction where the project is located.**

20. Has any court or regulatory authority in the jurisdictions listed in question #19 entered any adverse order, judgment or decree in connection with the time-share project?

No

Yes If yes, list the jurisdiction(s) and provide a certified copy of the final order, decree or case decision by a court or regulatory agency with lawful authority to issue such order, decree or case decision.

21. Has the developer or any of the organization's officers or principals ever been convicted in any jurisdiction of **any felony or misdemeanor**? *Any guilty plea or plea of nolo contendere must be disclosed on this application. Do not disclose violations that were adjudicated as a minor in the juvenile court system.*

No

Yes If yes, complete the [Criminal Conviction Reporting Form](#).

By signing this application, I, the developer or authorized agent for the developer, hereby execute and file with the Secretary of the Virginia Common Interest Community Board full and irrevocable authority to receive service of any lawful process in any non-criminal proceeding arising under Sections §55-360 through §55-400 of the *Code of Virginia* in the name of the applicant, either individually or co-partners or members of the applicant, in any of the courts of record of the Commonwealth of Virginia, and it is hereby stipulated and agreed that such service of process on said Secretary shall be taken and held in all courts to be valid and binding as if due service has been made upon the applicant, its partners and members personally within the Commonwealth of Virginia.

22. I, the undersigned developer or authorized agent for the developer, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to accept this application. I certify that I will notify the Department if I or any member of company management are subject to any disciplinary action or convicted of a misdemeanor or felony (in any jurisdiction) prior to becoming registered. I certify that I have read, understood and complied with all the laws of Virginia under the provisions of Title 55, Chapter 21, of the *Code of Virginia* and the *Common Interest Community Board Time-Share Regulations*.

Printed Name _____

Title _____

Signature _____ Date _____

ADDITIONAL DOCUMENTATION
(Label each exhibit as indicated.)

Documents on file with the Board that have not changed in connection with the addition of a phase or amendment to the registration need not be refiled. The developer is required to provide the Board with a clean and highlighted/redlined copy of any amended documents to show the changes.

All exhibits may be submitted in paper or electronic format.

Electronic documents may be submitted on a CD, flash drive, or attached to an email sent to: *cic@dpor.virginia.gov*

- Exhibit A** A copy of the certificate of incorporation or certificate of authority to Transact Business in Virginia issued by the State Corporation Commission, or any other entity formation documents, together with any trade or fictitious name certificate.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit B** A certificate of recordation or other acceptable documentation from the city or county wherein the time-share is located.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit C** A copy of the title opinion, title policy or statement of the condition of the title to the time-share project including encumbrances as of a specified date within 30 days of the date of the application by a title company or licensed attorney who is not a salaried employee, officer or director of the applicant or owner. **If the developer is not the recorded owner of the land,** attach a copy of the contract he has executed to purchase the land, any option he holds for purchase of the land, or any lease under which he holds the land.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit D** Proof that the applicant or developer owns or has the right to acquire an estate in the land constituting or to constitute the time-share project which is of at least as great a degree and duration as the estate to be conveyed in the time-share.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit E** A statement of the zoning, subdivision, or land use obligations or proffers and other governmental regulations affecting the use of the time-share, including the site plans and building permits and their status, any existing tax and existing or proposed special taxes or assessments that affect the time-share.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit F** A copy of the time-share instrument, including all applicable amendments and exhibits, that will be delivered to a purchaser to evidence the purchaser's interest in the time-share and of the contracts and other agreements, which a purchaser will be required to agree to or sign.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit G** A narrative description of the promotional plan for the disposition of the time-shares.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit H** A copy of the proposed public offering statement and its exhibits that complies with § 55-374 of the *Code of Virginia* and Part V of the *Virginia Common Interest Community Board Time-Share Regulations*. For a time-share located outside of Virginia, a similar disclosure statement required by other situs laws governing time-sharing may be submitted. Any amendment to a public offering statement reflecting a material change must be filed in accordance with 18VAC48-45-360 through 18VAC48-45-380 of the *Virginia Common Interest Community Board Time-Share Regulations*.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit I** A copy of the buyer's acknowledgment that contains the information required by subsection B of § 55-376.5 of the *Code of Virginia*.
 Included Previously submitted/unchanged N/A Reason: _____

- Exhibit J** The signed original of (i) any bond or letter of credit obtained pursuant to § 55-375 of the *Code of Virginia* in lieu of escrowing deposits; and (ii) any bond or letter of credit required by subsection B of § 55-386 of the *Code of Virginia*, as applicable.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit K** A copy of any management agreements and other contracts or agreements affecting the use, maintenance or access of all or any part of the time-share project.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit L** A list with the names of every officer, manager, owner, or principal, as applicable to the type of firm under which the developer is organized to do business, of the developer or persons occupying a similar status within or performing similar functions for the developer. The list must include each individual's residential address or other address valid for receipt of service, principal occupation for the past five years, and title.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit M** A statement whether any of the individuals or entities named in Exhibit L are or have been involved as defendants in any indictment, conviction, judgment, decree, or order of any court or administrative agency against the developer or managing entity for violation of a federal, state, local, or foreign country law or regulation in connection with activities relating to time-share sales, land sales, land investments, security sales, construction or sale of homes or improvements, or any similar or related activity.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit N** A statement whether, during the preceding five years, any of the individuals or entities named in Exhibit L have been adjudicated bankrupt or have undergone proceedings for the relief of debtors.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit O** If the developer has reserved the right to add to or delete from the time-share program any incidental benefit or alternative purchase, a description of the incidental benefit or alternative purchase.
 Included Previously submitted/unchanged N/A Reason: _____
- Exhibit P** Conversion time-share projects only: Attach a copy of the notice required by subsection D of § 55-374 of the *Code of Virginia* and a certified statement that such notice shall be mailed or delivered to each of the tenants in the building or buildings for which the registration is sought at the time of the registration of the conversion project.
 Included Previously submitted unchanged N/A Reason: _____