

IS PREVENTED FROM ENJOYING EXCLUSIVE OCCUPANCY OF A TIME-SHARE UNIT, OR A STATEMENT THAT NONE IS PROVIDED IN THE INSTRUMENT; AND

(6) IF THE TIME-SHARE OWNERS ARE TO BE PERMITTED OR REQUIRED TO BECOME MEMBERS OF OR TO PARTICIPATE IN ANY EXCHANGE PROGRAM, A STATEMENT CONTAINING THE INFORMATION SET FORTH IN § 11A-120.

(G) A DEVELOPER SHALL PROMPTLY AMEND THE PUBLIC OFFERING STATEMENT TO REPORT ANY MATERIAL CHANGE IN THE REQUIRED INFORMATION. INsofar AS THE DEVELOPER RELIES IN GOOD FAITH ON INFORMATION PROVIDED BY OTHERS IN MAKING THE REQUIRED DISCLOSURES ABOUT EXCHANGE PROGRAMS, HE IS RESPONSIBLE FOR A MISREPRESENTATION ONLY IF HE HAS KNOWLEDGE OF ITS FALSITY.

(H) (1) AT ANY TIME THAT A TIME-SHARE PROJECT IS REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION OF THE UNITED STATES, A DEVELOPER SATISFIES ALL REQUIREMENTS RELATING TO THE PREPARATION OF A PUBLIC OFFERING STATEMENT UNDER THIS SECTION IF HE DELIVERS TO THE TIME-SHARE PURCHASER AND FILES WITH THE SECRETARY OF STATE AND THE COMMISSION A COPY OF THE PUBLIC OFFERING STATEMENT FILED WITH THE SECURITIES AND EXCHANGE COMMISSION IF THAT CONTAINS SUBSTANTIALLY THE SAME INFORMATION AS IS REQUIRED IN A PUBLIC OFFERING STATEMENT UNDER THIS TITLE.

(2) THE MERE OFFERING OF A TIME-SHARE OR THE OFFERING OF AN EXCHANGE PROGRAM IN CONJUNCTION WITH THE OFFERING OR SALE OF A TIME-SHARE IN THIS STATE SHALL NOT CONSTITUTE A SECURITY UNDER THE LAWS OF THIS STATE.

11A-113.

(A) IF A CONVERSION BUILDING IS MORE THAN 5 YEARS OLD, AND THE DEVELOPER OWNS OR CONTROLS TIME-SHARES IN MORE THAN 50 PERCENT OF ALL UNITS IN THE BUILDING, THE PUBLIC OFFERING STATEMENT SHALL CONTAIN, IN ADDITION TO OTHER REQUIRED INFORMATION, A STATEMENT OF THE PHYSICAL CONDITION AND STATE OF REPAIR OF THE MAJOR STRUCTURAL, MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS OF THE CONVERSION BUILDING, TO THE EXTENT REASONABLY ASCERTAINABLE, AND ESTIMATED COSTS OF REPAIR FOR WHICH A PRESENT NEED IS DISCLOSED IN SUCH STATEMENT. THE DEVELOPER IS ENTITLED TO RELY ON THE REPORTS OF ARCHITECTS AND ENGINEERS WHO EXAMINE THE CONVERSION BUILDING. THIS REQUIREMENT APPLIES ONLY TO UNITS IN WHICH USE AS A DWELLING OR FOR RECREATIONAL PURPOSES, OR BOTH, IS PERMISSIBLE.

(B) (1) THE DEVELOPER OF A TIME-SHARE PROJECT WHICH INCLUDES ALL OR ANY PART OF A CONVERSION BUILDING, AND ANY PERSON IN THE BUSINESS OF SELLING REAL ESTATE FOR HIS OWN ACCOUNT WHO INTENDS TO OFFER TIME-SHARE IN A CONVERSION BUILDING, SHALL GIVE EACH OF THE RESIDENTIAL TENANTS AND ANY RESIDENTIAL SUBTENANT IN POSSESSION OF EACH PROPOSED TIME-SHARE UNIT NOTICE OF THE CONVERSION NO LATER THAN 120 DAYS BEFORE SUCH DEVELOPER WILL REQUIRE THE TENANTS AND ANY SUBTENANT IN POSSESSION TO VACATE. THE NOTICE MUST SET FORTH GENERALLY THE RIGHTS OF TENANTS AND