

2007 DRAFTING REQUEST

Assembly Amendment (AA-SB11)

Received: 04/04/2007

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: J.A. Hines (608) 266-7746

By/Representing: Dan Schmidt, leg council

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Real Estate - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Hines@legis.wisconsin.gov

Carbon copy (CC:) to: dan.schmidt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Modifications for time-share licenses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 04/04/2007	jdyer 04/05/2007		_____			
/1			nmatzke 04/05/2007	_____	sbasford 04/05/2007	sbasford 04/05/2007	
/2	pkahler 04/10/2007	jdyer 04/11/2007	pgreensl 04/11/2007	_____	lparisi 04/11/2007	lparisi 04/11/2007	
	pkahler 04/11/2007	jdyer 04/11/2007		_____			

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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/?	pkahler 04/04/2007	jdyer 04/05/2007					
/1		<i>1/2 4/11 jcd</i> jd	nmatzke 04/05/2007		sbasford 04/05/2007	sbasford 04/05/2007	
/2	pkahler 04/10/2007 pkahler	jdyer 04/11/2007	<i>pkahler</i>	<i>pkahler</i>			

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

2007 DRAFTING REQUEST

Senate Amendment (SA-SB11)

Received: 04/04/2007

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Dan Schmidt, leg council

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Real Estate - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to: dan.schmidt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Modifications for time-share licenses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 04/04/2007	jdye 04/05/2007		_____			
/1		<i>1/2 4/11 jld</i>	natzke 04/05/2007	_____	sbasford 04/05/2007	sbasford 04/05/2007	

FE Sent For:

<END>

2007 DRAFTING REQUEST

Senate Amendment (SA-SB11)

Received: 04/04/2007

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Dan Schmidt, leg council**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Real Estate - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.wisconsin.gov**

Carbon copy (CC:) to: **dan.schmidt@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Modifications for time-share licenses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler	1 4/5 jld	nwn 4/5	nwn 4/5			

FE Sent For:

<END>

4-4

for ~~the~~ Lassa (~~Doug Staff~~)

to
AB 41

707.21

1

1 (2)

add license w/ easement

+ SB 11

for Lassa

707.21

add (g) to (1) as (j)
from model act

2

in
707.37 (6)

add
or in the case of a license,
under the UCC

(or our stat

(contractual obligations)

use chs 401-411 or

3

substitute
"timeshare" for "real" in 707.55 (9)

t-s prop or interests = t-s property

copy to Dan Schmidt at leg council

(3) identification of time periods by letter, name, number, or combination thereof;

(4) the time-share expense liability and any voting rights assigned to each time share;

(5) if additional units may become part of the time-share property, the method of doing so and the formula for allocation and reallocation of the time-share expense liabilities and any votes;

(6) the method of designating the insurance trustee required under Section 3-108;

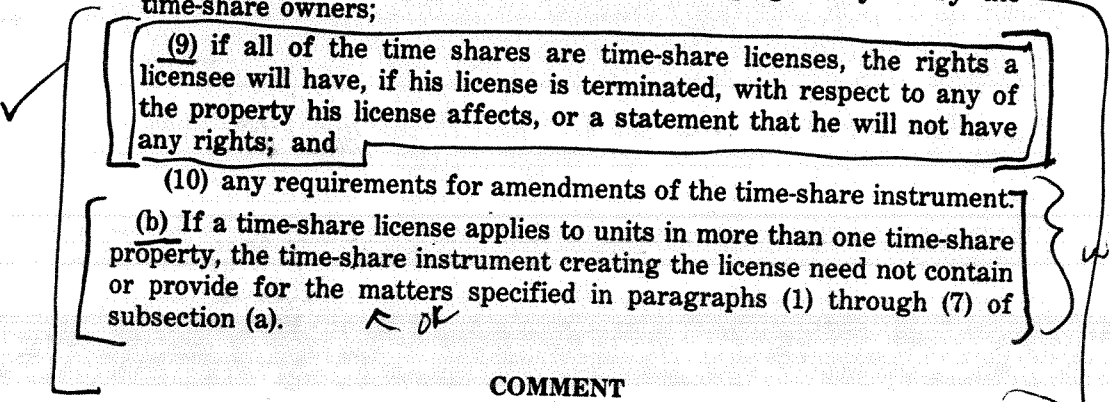
(7) allocation of time for maintenance of the time-share units;

(8) provisions for management by a managing entity or by the time-share owners;

(9) if all of the time shares are time-share licenses, the rights a licensee will have, if his license is terminated, with respect to any of the property his license affects, or a statement that he will not have any rights; and

(10) any requirements for amendments of the time-share instrument.

(b) If a time-share license applies to units in more than one time-share property, the time-share instrument creating the license need not contain or provide for the matters specified in paragraphs (1) through (7) of subsection (a).



COMMENT

Twelve or fewer time shares may be created in a single time-share property by any instrument that confers a right to occupy the property in one of the

ways described in Section 1-102(14) and (18) defining time-share estate and time-share license.

Library References

Condominium §6.
C.J.S. Estates § 150.

§ 2-103. [Allocation of Time-Share Expense Liability and Voting Rights]

(a) The time-share instrument must state the amount of or formula used to determine any time-share expense liability allocated to each time share.

(b) If the time-share instrument provides for voting, it must allocate votes to each time-share unit and to each time-share estate and may allocate votes to any time-share license. It may not allocate any votes to any other property or to any person who is not a time-share owner. The number of votes allocated to each time share must be equal for all time

accordance with the allocation set forth in the time-share instrument pursuant to Section 2-103(a). Any past due assessment or installment thereof bears interest at the rate established by the managing entity or time-share instrument not exceeding [18] percent per year.

(c) To the extent required by the time-share instrument any time-share expense benefiting fewer than all of the time-share owners must be assessed exclusively against the time-share owners benefited.

(d) Assessments to pay a judgment against the association (Section 3-107) may be made only against the time shares in the time-share property at the time the judgment was entered, in proportion to their time-share expense liabilities.

(e) If any time-share expense is caused by the misconduct of any time-share owner, the association may assess that expense exclusively against his time share.

(f) If time-share expense liabilities are reallocated, time-share expense assessments and any installment thereof not yet due must be recalculated in accordance with the reallocated time-share expense liabilities.

Law Review Commentaries

Louisiana Timesharing Act: Analysis and Assessment. Paul Barron. 58 Tulane L.Rev. 863 (1984).

Library References

Condominium ~~§~~12.
C.J.S. Estates § 150.

§ 3-111. [Lien for Assessments]

(a) A person who has a duty to make assessments for time-share expenses has a lien on a time share for any assessment levied against that time share or fines imposed against its owner from the time the assessment or fine becomes due. The lien may be foreclosed in like manner as a mortgage on real estate [or a power of sale under (insert appropriate state statute)], or, in the case of a time-share license, under the Uniform Commercial Code. Unless the time-share instrument otherwise provides, fees, charges, late charges, fines, and interest charged pursuant to Section 3-102(8) and (9) are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

(b) A lien under this section is prior to all other liens and encumbrances on a time share except (i) liens and encumbrances recorded before the recordation of the time-share instrument, (ii) mortgages and



jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

**SENATE AMENDMENT ,
TO 2007 SENATE BILL 11**

SOON
(in 4-4)

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 5: after that line insert:

3 "SECTION 4m. 707.21 (1) (j) of the statutes is created to read:

4 707.21 (1) (j) If all of the time shares are time-share licenses, the rights a
5 licensee will have if his or her license is terminated, with respect to any of the
6 property his or her license affects, or a statement that the licensee will not have any
7 rights.

8 SECTION 5m. 707.21 (2) of the statutes is amended to read:

9 707.21 (2) EXCEPTION FOR CERTAIN EASEMENTS OR LICENSES. If a time-share
10 easement or a time-share license applies to units in more than one time-share
11 property, the time-share instrument creating the time-share easement or the

1 time-share license need not contain or provide for the matters specified in sub. (1)
2 (a) to (h).

History: 1987 a. 399.

3 **SECTION 6m.** 707.37 (6)^X of the statutes is amended to read:

4 707.37 (6) ENFORCEMENT OF LIEN. A lien may be enforced and foreclosed by a
5 managing entity or any other person specified in the time-share instrument, in the
6 same manner, and subject to the same requirements, as a foreclosure of mortgages
7 on real property in this state or, in the case of a time-share license, under chs. 401
8 to 411[✓]. The managing entity may recover costs and actual attorney fees. The
9 managing entity may, unless prohibited by the project instrument or time-share
10 instrument, bid on the time share at foreclosure sale and acquire, hold, mortgage and
11 convey the time share. Suit to recover a money judgment for unpaid time-share
12 expenses shall be maintainable without foreclosing or waiving the lien securing the
13 time-share expenses. Suit for any deficiency following foreclosure may be
14 maintained in the same proceeding. No action may be brought to foreclose the lien
15 unless brought within 3 years after the recording of the statement of time-share lien
16 and unless 10 days' prior written notice is given to the time-share owner by
17 registered mail, return receipt requested, to the address of the time-share owner
18 shown on the books of the managing entity.

History: 1987 a. 399; 1993 a. 453; 1995 a. 224, 225, 227; 1997 a.[✓] 37, 35, 250, 252; 1999 a. 185.

19 **SECTION 7m.** 707.55 (9) of the statutes is amended to read:

20 707.55 (9) PURPOSE OF ADVERTISING MATERIAL. Failing to include the following
21 disclosure, in boldface type, on any printed advertising material, including any
22 lodging certificate, gift, award, prize, premium or discount: THIS ADVERTISING
23 MATERIAL IS BEING USED FOR THE PURPOSE OF SOLICITING THE SALE

1 OF ~~REAL~~ TIME-SHARE ✓ PROPERTY OR INTERESTS IN ~~REAL~~ TIME-SHARE ✓
2 PROPERTY.”

3 **History:** 1987 a. 399; 1991 a. 269; 1997 a. 111.

(END)

Doug Parrott by phone 4-10
(Rep/lines office)

delete "SECTION 4m." of
amendment.

also, do same to amendment to
Senate Bill 11 (companion)
(for
Lassa)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa0256/2
PJK:jld:nwn

minimum

UPS request sheet fixed

ASSEMBLY
SENATE AMENDMENT,
TO 2007 SENATE BILL 11

SOON
(w 4-10)

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2 1. Page 2, line 5: after that line insert:

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^{5m}
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6 to 411. The managing entity may recover costs and actual attorney fees. The
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^{76m}
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21 **MATERIAL IS BEING USED FOR THE PURPOSE OF SOLICITING THE SALE**
22 **OF REAL TIME-SHARE PROPERTY OR INTERESTS IN REAL TIME-SHARE**
23 **PROPERTY."**

24

(END)