

PUBLIC REPORT AMENDMENT/RENEWAL APPLICATION (*TIME-SHARE*)

RE 635C Part I (Rev. 6/24)

GENERAL INFORMATION

- This is a form to request an amendment and/or renewal of a final public report for a time-share plan.
- Detach and retain this Part I for reference

PART I INDEX

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The Department of Real Estate does not discriminate on the basis of race, color, creed, national origin, ancestry, sex, marital status, religion, age, sexual orientation or disability in employment or the provision of services.

STATUTE REFERENCES

B&P Code Section 11212(z)(1)

A “single-site time-share plan” that is the right to use accommodations at a single time-share property.

B&P Code Section 11212(z)(2)

A “multisite time-share plan” that includes either of the following:

§ 11212(z)(2)(A): A “specific time-share interest” that is the right to use accommodations at a specific time-share property, together with use rights in accommodations at one or more other component sites created by or acquired through the time-share plan’s reservation system.

§ 11212(z)(2)(B): A “non-specific time-share interest” that is the right to use accommodations at more than one component site created or acquired through the time-share plan’s reservation system, but including no specific right to use any particular accommodations.

B&P Code Section 11234

Public Reports defined above should include all that information under B&P Code Section 11234.

I. When To Apply

If the time-share plan will not be sold out during the term of the final public report, application for a renewal should be submitted approximately six months prior to the expiration date.

If there are errors in the report or if there are or will be material changes in the offering (see Regulation 2806), the existing final public report or conditional public report must be amended so that the information therein contained is correct (amendment).

Pursuant to B & P Code Section 11226f(2), if there is a material change to the offering prior to implementation of the change, unless the change is beyond the control of the developer, written notice must be given to DRE as soon as reasonably practicable after the occurrence of the event necessitating the change. All amendments, supplements and facts relevant to the change shall be filed with DRE within 20 days of the material change,.

If there is a material change to the public report that is not adverse to the purchasers, the developer may continue to sell time-share interests so long as, prior to closing, the purchaser is given a notice that describes the material change and each purchaser is given the previously approved public report.

If there is a material change that is material and adverse to the purchasers, all purchaser funds shall be held in escrow, and no closing shall occur until the amendment related to the material and adverse changes have been approved by DRE. After that approval, and the amended public report is issued, the public report shall be sent to the purchaser and the seven-day rescission period shall commence. If the DRE does not approve amendment, all sales are subject to rescission and all funds are to be returned.

II. Where To File Your Application

Please submit your application to the office listed below.

Subdivisions Office – Technical
651 Bannon Street, STE 506
Sacramento, CA 95811
Telephone: (916) 576-3374

III. Use The Latest Forms

Always use the latest revised form. Use of an obsolete form may invalidate or delay your application.

IV. All Documents Must Be Tabbed/Hole-Punched

In order to efficiently process the application, we require that **all** incoming documents, including those submitted after the original application package, be tabbed with the item numbers shown in RE 635C Part II. Use heavy stock or fabric tabs, not plastic or paper tabs. Each tab must show the document’s precise item number.

Place the tabs on the right side of the documents. Do not place all tabs in the same location, but stagger them up and down the right edge of page. Do not place tabs on the upper two inches of the documents.

The entire submittal package must be hole-punched as shown in Figure C.

- Note:
- Be sure to also tab and hole-punch any documents submitted after the initial submittal of the application.
 - Do not hole-punch original public reports or maps.
 - Do not staple management documents together. They may be fastened by Acco fastener.

V. Single Responsible Party (SRP)

In order to process your application expeditiously, we request that a single responsible party (SRP) be designated on RE 635C. Normally, all communication from the DRE regarding your application will be through this person. *Other parties having an interest in the application should contact the SRP for status information, rather than the DRE.* In addition copies of all written communications to the SRP will be sent to the developer.

Submit ten self-adhesive address labels for the SRP of the filing and another ten labels for the developer. If your filing includes a duplicate budget package, submit five additional labels for both parties with the DBP. Complete the labels as shown below:

Sample: Mr. John Smith
SMITH TITLE COMPANY
123 Main Street
Anywhere, CA 90000

VI. Communications with the Department

When corresponding with the Department about a file or when sending in deficiencies, *always reference the DRE application file number and the name of the Deputy assigned.*

Make copies of all documents submitted and to retain them for your reference.

VII. Filing Fees

Submit a cashier's check, money order or check payable to the Department of Real Estate for the filing fee. ***Do not send cash.*** Attach and submit the filing fee with a photocopy of page 1 of RE 635C.

Note: Refer to Subdivision Filing Fees (RE 605) for appropriate fees.

VIII. Answer All Questions

If a question is not applicable, mark it NA. If you need more space than is available to answer a question, do not hesitate to use attachments.

IX. DRE Publications

A. Real Estate Law Book

Use RE 350 to order the Real Estate Law Book.

B. Subdivision Public Report Application Guide (SPRAG)

Although the Guide is designed to provide detailed instructions when completing public report applications for other than timeshare projects, the information could prove useful to timeshare project applicants as well.

Use RE 350 to order SPRAG.

NOTE: The Guide is NOT copyrighted. You may reproduce it if you wish.

C. Operating Cost Manual for Homeowners' Associations

This manual gives instructions on how to prepare association budgets which may be required as part of your application. It also includes an approved format as well as average costs that can be used for computing assessments.

Use RE 350 to order Operating Cost Manual.

D. Time-Share Manual

A guide for processing Time-share Plan Public Report Applications. This manual can be found on the DRE website by following the Developers link on the homepage to Developers Information.

X. Public Report Preparation

Amended/renewed public reports are to be prepared by the Developer in compliance with B&P Code Section 11234. Following issuance of a Public Report, it will be mailed or emailed to the entity designated as the Single Responsible Party (SRP) in the RE 635C application unless DRE is notified by the SRP to send it by other means.

XI. Receipt for Public Report — B&P Code § 11236

Each prospective purchaser must be given a copy of the public report for which a receipt must be completed and retained for three years. A Receipt for Public Report (RE 614B) shall be used by the developer (or agent). (Refer to Figure A.) A copy of RE 614B will be provided when the public report is issued.

The receipt is to be kept on file by the developer (or the agent)

for three (3) years.

Note: B&P Code § 11236(a) states: "A receipt on the form specified herein shall be taken by or on behalf of the developer from each person executing a reservation agreement under authority of a preliminary public report and from each person who has made a written offer to purchase or lease a time-share interest under authority of a preliminary, conditional or a final public report."

Subdivision (b) of B&P Code § 11236 provides that the receipt shall be retained for a period of three years from the date of the receipt and shall be available for inspection by DRE during regular business hours.

Section 11234 of the Business and Professions Code stipulates when, and to whom, the developer or the developer's agents or salespersons must give copies of the public report/permit:

Prospective Purchaser to Receive Report B&P Code §11234

The Developer shall provide the public report to each purchaser of a time-share interest in a time-share plan at the time of purchase. The public report shall be in writing or in digital format and shall require the purchaser to certify in writing the receipt thereof.

A prospective purchaser or lessee must be given an opportunity to read the public report before the contract to purchase is executed or before any money or other consideration toward the purchase of a time-share interest is accepted from you. See B&P Code § 11236(c).

XII. Regulations Regarding Use of Public Report

Interests in a time-share project shall not be offered for sale or lease until the Real Estate Commissioner's final or conditional (amended or renewed) public report thereon has been issued, nor shall a deposit be accepted on, or an agreement of sale or lease be executed for, any interest in the time-share plan until a copy of the final or conditional public report thereon has been given to the prospective purchaser and a receipt taken therefor.

Each purchaser's signed receipt for a copy of the final public report shall be kept on file in the possession of the developer (or agent) of the time-share plan for three (3) years subject to inspection at any reasonable time by the Real Estate Commissioner or his representatives.

No public report shall be used for advertising purposes unless the report is used in its entirety, nor shall any person advertise or represent that the Department of Real Estate or the Commissioner approves or recommends the time-share plan or sale thereof. No portion of the report shall be underscored, italicized or printed in larger or heavier type than the balance of the report unless the report issued by the Commissioner is so emphasized.

Sale of a time-share plan interest by the developer or agent after its repossession shall be considered an original sale, and a copy of the public report shall be given to the purchaser as in the case of the original sale.

The developer or agent shall immediately furnish data in writing to the Commissioner on any new condition or development in the time-share plan being offered for sale. (See Commissioner's Regulation 2806 for an enumeration of material changes that require amended public reports.)

If the owner of a time-share plan options or sells 11 or more time-share interests to another entity, such option or sale shall constitute a material change within B&P Code § 11226(f) and Regulation 2806.

Note: All sections of the Business and Professions Code and the Regulations (California Code of Regulations) mentioned herein can be found in the Real Estate Law Book. A copy is available through the Department of Real Estate. See Publications Request (RE 350) for ordering instructions.

Review of Sections 11210 through 11288 of the Business and Professions Code and Regulations 2805 through 2817 may be of benefit to you.

XIII. Documents to be Delivered B&P Code § 11226.1

Pursuant to Section 11226.1 of the Business and Professions Code, any person offering to sell or lease any interest subject to the registration (public report) requirements of Section 11226 shall make a copy of each of the following documents available for examination by a prospective purchaser or lessee before the execution of an offer to purchase or lease and shall give a copy of those documents to each purchaser or lessee as soon as practicable before transfer of the interest being acquired by the purchase or lessee:

- (a) The declaration of covenants, conditions and restrictions for the time-share plan.
- (b) Articles of incorporation or association for the time-share owners' association.
- (c) Bylaws of the owners' association.
- (d) Any other instrument that establishes or defines the common, mutual, and reciprocal rights and responsibilities of the owners or lessees of interest in the time-share plan as members of the owners' association or otherwise.
- (e) The current budget and financial statement for the time-share plan.

XIV. Request for Budget Review (RE 681)

If the application for the renewal or amendment of the public report affects the budget, a copy of the most recent audited financial statement for the time-share plan with a certified copy of the budget must be submitted. If the DRE, upon comparison of the budget and prior year's audited financial statements, determines the budget is deficient

XV. Duplicate Budget Package

A Duplicate Budget Package (DBP) is needed only if there is a material change to regular annual assessment pursuant to

Regulation 2806(i) AND the budget is not certified pursuant to B&P Code section 11240(g).

If a DBP is needed, it is to be set up as follows:

Attach a completed RE 681 to the outside front of a side-tabbed, legal-sized, manila folder. Attach all the DBP documents inside as shown in Figure C; attach the two-hole punched documents with an Acco fastener. Do not obscure any writing/drawing on the documents when attaching them to the folder.

The items to be included in the duplicate budget package are:

- Completed RE 681 (Do not tab. Fasten to outside of folder)
- Five address labels for both the SRP and subdivider
- Vicinity map
- Tract/parcel map
- Condominium plan, if applicable
- Plot plan/site plan
- A copy of the Part II of RE 635C
- RE 611A, if applicable
- RE 623
- Other phases information (phased projects only)
- RE 624A(s)
- RE 639 including all documents required by the 639 (conversions only)
- New or revised management agreement
- New or revised subsidy/maintenance agreement and accounting procedure, if any
- New or revised contracts obligating HOA, if any
- New or revised use/easement agreements (miscellaneous documents)
- Bylaws (if revised)
- CC&Rs (if revised)
- Declaration(s) of annexation, if revised (phased projects only)
- Homeowners' association financial statements

XVI. Special Circumstances

If the time-share plan public report was issued over five years ago, the Department may require additional documentation.

FIGURE "A"

RECEIPT FOR PUBLIC REPORT

The Laws and Regulations of the Commissioner require that you as a prospective purchaser or lessee be afforded an opportunity to read the public report for this time-share plan before you execute a contract to purchase or lease a time-share interest or before any money or other consideration toward purchase or lease of a time-share interest is accepted from you.

You must be afforded an opportunity to read the public report before a written reservation or any deposit in connection therewith is accepted from you.

DO NOT SIGN THIS RECEIPT UNTIL YOU HAVE RECEIVED A COPY OF THE REPORT AND HAVE READ IT.

I have read the Commissioner's public report on _____
_____ (File No., Tract No., or Name).

I understand the report is not a recommendation or endorsement of the time-share plan, but is for information only. The date of the public report which I received and read is: _____ . Developer is required to retain this receipt for three years. (See Business and Professions Code § 236(a)(3)).

_____ [NAME]	_____ [NAME]
_____ [SIGNATURE]	_____ [SIGNATURE]
_____ [DATE]	_____ [DATE]



NOTICE OF CANCELLATION RIGHTS (TIME-SHARE)

RE 615 (Rev. 3/20)

SUBDIVISIONS

NOTICE OF CANCELLATION RIGHTS

You may cancel the purchase of the time-share interest(s) in the time-share plan identified below without any penalty or obligation and are legally entitled to the return of all money and other considerations that you have given toward the purchase. If you decide to cancel your purchase, you must notify the developer in writing of your intent to cancel within seven calendar days of receipt of the public report or the date you sign the purchase contract, whichever date is later. Your notice of cancellation shall be effective upon the date sent and shall be sent to the developer at the address or facsimile number provided in your purchase contract. Any attempt to obtain a waiver of your cancellation right is void and of no effect. Refer to Business and Professions Code (BPC) § 11239(a-b).

CANCELLATION INFORMATION		
NAME OF DEVELOPER		FAX NUMBER
EMAIL ADDRESS OF DEVELOPER		
MAILING ADDRESS OF DEVELOPER		
CITY	STATE	ZIP CODE
NAME OF TIME-SHARE PLAN		
DRE REGISTRATION FILE NUMBER		
RE: ELECTION TO CANCEL THE SALE OF A TIME-SHARE INTEREST(S)		
<i>I hereby elect to cancel my purchase of the time-share interest(s) in the above-name time-share plan.</i>		
DATE		
SIGNATURE 		
PRINT NAME		
SIGNATURE 		
PRINT NAME		

Note: To inform a purchaser of his or her right of cancellation under BPC § 11238, the developer shall attach this cancellation notice to the face page of every copy of a time-share public report given to a prospective purchaser and each notice shall also contain all developer-related information completed by the developer, as applicable, above; this form may be used by a purchaser to cancel the sale of the time-share interest as per first paragraph above.

FIGURE "C"

DUPLICATE BUDGET PACKAGE FILE LAYOUT

- Note:
- Attach completed RE 615 to the outside front of the folder.
 - Documents are not drawn to scale.
 - **Vicinity map, proposed or recorded condo plan and plot plan* must be large scale and legible.

