

House Bill 608 (AS PASSED HOUSE AND SENATE)

By: Representatives Weldon of the 3rd, Willard of the 49th, Lane of the 167th, Jacobs of the 80th, Powell of the 171st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 5 of Chapter 3 of Title 44 of the Official Code of Georgia
2 Annotated, relating to general provisions relative to time-share projects and programs, so as
3 to provide for definitions; to provide that a time-share estate shall include certain interests;
4 to provide for certain actions when such interests are held in trust; to provide for certain
5 fiduciary requirements to an owners' association; to provide for related matters; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 5 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated,
10 relating to general provisions relative to time-share projects and programs, is amended by
11 adding a new paragraph to and revising paragraph (21) of Code Section 44-3-162, relating
12 to definitions regarding time-share estates, as follows:

13 "(12.1) 'Owners' association' means an association made up of all owners of time-share
14 intervals in a time-share program."

15 "(21) 'Time-share estate' means an ownership or leasehold interest in real property
16 divided into measurable chronological periods, including real property interests held in
17 irrevocable trust wherein all owners of the time-share program or the owners' association
18 of the time-share program are express beneficiaries of such trust and the trustee is
19 independent of the developer; provided, however, that if such real property interests are
20 held in trust, conveyance of the property to the trust shall be free of all financial liens and
21 encumbrances or shall include a recorded nondisturbance agreement."

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SECTION 2.

23 Said part is further amended by deleting "and" at the end of paragraph (13), by replacing the
24 period at the end of paragraph (14) with "; and", and by adding a new paragraph to Code
25 Section 44-3-170, relating to time-share use program management and operation, as follows:

26 "(15) An owners' association shall act as a fiduciary to the purchasers of a time-share
27 program."

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SECTION 3.

29 All laws and parts of laws in conflict with this Act are repealed.