

Effective 5/10/2016

57-19-11 Disclosure required.

- (1) Except as provided in Section 57-19-26, any person who sells or offers to sell an interest in a development located in this state, or who sells or offers to sell in this state an interest in a development located outside of this state, shall provide to a prospective purchaser, before the prospective purchaser signs an agreement to purchase an interest in the development or gives any item of value for the purchase of an interest in the development, a written statement that provides a full and fair disclosure of information regarding the development and the purchaser's rights and obligations associated with the purchase of an interest in the development.
- (2) The written disclosure described in Subsection (1):
 - (a) may include electronic files; and
 - (b) shall:
 - (i) be on the property report form required by the division; and
 - (ii) include:
 - (A) the name and address of the developer;
 - (B) a statement regarding whether the developer has ever been convicted of a felony or any misdemeanor involving theft, fraud, or dishonesty, or enjoined from, assessed any civil penalty for, or found to have engaged in the violation of any law designed to protect consumers;
 - (C) a brief description of the developer's experience in timeshare, camp resort, or any other real estate development;
 - (D) a brief description of the interest that is being offered in the development;
 - (E) a description of any provisions to protect the purchaser's interest from loss due to foreclosure on any underlying financial obligation of the development;
 - (F) a statement that the development will not issue more interests during a 12-month period than the development can accommodate during the 12-month period;
 - (G) any event that has occurred since the date of the offer that may have a material adverse effect on the operation of the development; and
 - (H) any other information the director considers necessary for the protection of purchasers.

Amended by Chapter 255, 2016 General Session