

**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
OFFICE OF CONSUMER AFFAIRS**

PO Box 526 • Richmond, VA 23218-0526
Consumer Protection Hotline (800) 552-9963 or (804) 786-2042 • Fax: (804) 225-2666 • www.vdacs.virginia.gov

OCA-51 Revised 07/06

**APPLICATION FOR REGISTRATION
MEMBERSHIP CAMPING OPERATOR**

In accordance with § 59.1-318, Code of Virginia, 1950, as amended, the undersigned requests registration and herewith submits a registration fee in the amount of two thousand five hundred dollars (\$2,500.00).

DATE: _____ BY: _____
Authorized Officer or Agent

I. NAME OF APPLICANT: _____

A. Address of Principal Place of Business of Applicant:

B. Telephone Number of Applicant:

Area Code: _____ Number: _____

II. NAME OF APPLICANT'S CAMPGROUND: _____

A. Address of Campground: _____

B. Telephone Number of Campground:

Area Code: _____ Number: _____

C. Name and Address of Titled Owner to Applicant's Campground:

Area Code: _____ Number: _____

(If applicant is not record owner of land, attach a copy of any contract he has executed to purchase the land, any option he holds for purchase of the land or any lease under which he holds the land. Mark "Exhibit 1").

D. Book and page number when document recorded:

Provide a brief description of and a certified copy of the instrument which creates the Applicant's ownership of, or other right to use the campground which is to be available for use by purchasers, together with a copy of any lease, license, franchise, reciprocal agreement or other agreement entitling the Applicant to use such campground and facilities, and any material provision of the agreement which restricts a purchaser's use of such campground or facilities. (Mark "Exhibit 2").

III. BUILDING STATUS

- A. If all improvements of land as part of Exhibit 2 are completed, give approximate completion date and state whether all current zoning and other government regulations concerning such improvements have been complied with; or attach a statement giving particulars of any instance in which such regulations have not been met. (Mark such statement "Exhibit 3").
- B. If not:
1. Give the status of the following matters, including the dates of any approval or application, if not approved:
 - (a) Zoning Compliance: _____
 - (b) Site Plans: _____
 - (c) Building Permit: _____
 - (d) Occupancy Permit: _____
 - (e) Site Preparation and Building Construction:

 2. Provide the information requested below with regard to proposed improvements, separate for each improvement:
 - (a) Anticipated cost of completion of improvements:

 - (b) Contract price, if any, with general contractor: _____

(c) Source of Construction funds and amount from each source: _____

(d) If construction funds are or will be borrowed, state amount(s) for which loan commitment, has been obtained from construction lender and amount(s) of loan proceeds not yet disbursed:

(e) Attach copy of construction loan commitment.
(Mark "Exhibit 4").

(f) State whether construction loan has been funded and if not, state reasons:

(g) If any construction loan is to be obtained or if any construction funds are to be obtained by a capital contribution to the Applicant, provide a financial statement or other evidence of the availability to such lender or contributor of the funds to be lent to the capital to be contributed. (Mark "Exhibit 5").

IV. Organizational Form of Applicant

A. Please attach:

- (1) Certificate of Incorporation
- (2) Certificate of Authority to Transact Business in Virginia
- (3) Partnership/Joint Venture Agreement
- (4) Certified Statement of Organizational Explanation
(Mark "Exhibit 6")

B. Address (including city or county), telephone number and name of manager of each office of Applicant located within Virginia:

(Address)	(Phone)	(Manager)
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- C. Attach a list of all sales persons employed in Virginia by the Applicant whether as employees or independent contractors. (Mark "Exhibit 7").
- D. Name, address and principal occupation for past five years of every officer of the Applicant or person occupying a similar status performing similar functions; the extend and nature of his interest in the Applicant and role in the campground as of the date of filing of this application (List principal officer first and mark "Exhibit 8").
- E. List the name and address and the type and extent of interest of each holder of any ownership interest of 10% or more in the Applicant. If any holder is other than an individual, name the type of entity. Companies which file public reports pursuant to the Securities and Exchange Act of 1934 need not supply this list. (Mark "Exhibit 9").
- F. List all states and foreign countries in which Applicant has filed application for registration or similar document relating to this or any other campground project and date or each such filing:

(Continue on paper marked "Exhibit 10" if necessary.)

- G. List the name, address (including city or county), and telephone number of the managing entity, if there is one, and the significant terms of any management contract, including, but not limited to the circumstances under which the membership camping operator may terminate the management contract:

V. Violations of Law, Bankruptcy, Disciplinary Proceedings and Litigations

State whether, during the preceding five years, any of the individuals or entities named in IV above are or have been involved as defendants in any action before a Federal, State or foreign court or administrative agency, including a disciplinary proceeding before any governmental body or agency. State whether, during the proceeding five years, any of the individuals or entities named above have been adjudicated bankrupt or have undergone any proceeding for the relief of debtors or have pending litigation, other than that described above, of which the Applicant is aware which, individually or in the aggregate, may have a material effect upon the Applicant and/or campground. Describe each action in detail, identifying the court, action number, date and nature of each case. ("Mark Exhibit 11").

VI. Encumbrances

- A. List in order of priority, all outstanding mortgages or deeds of trust against property (campground) giving date of instrument, lender secured, amount and purpose of loan and date of recordation. (Mark "Exhibit 12").
- B. List in order filed all unreleased mechanic's and materialman's liens against property stating identity of contractor, subcontractor or supplier secured, amount claimed and date of recordation. (Mark "Exhibit 13").
- C. If obligations secured by above encumbrances are not paid and satisfied of record at or prior to conveyance of a right to use or interest in the campground, identify and attach copy of document(s), if any, embodying or setting forth commitment of lien holder to release lien at or prior to conveyance or campgrounds, or any portion thereof, provide a statement of explanation. (Mark document "Exhibit 14". Indicate location within each document of release provisions).

D. Taxes and Assessments

- (1) Give details including dates of payment of real estate tax, personal property tax or other tax or special assessment on campground citing the name of each tax and the taxing authority:

- (2) Give details of any proposed special tax or assessment which may affect the campground:

- (3) Will purchasers be required to pay any property taxes or special assessments to any municipal or other governmental agency after signing the contract to purchase prior to or at time of delivery of executed contract, or after delivery of executed contract? If so, explain:

- (4) Will purchaser be required to pay any assessments due or any other payments to an association of members, the Applicant or any other organization or entity for the maintenance of common facilities or other purposes after signing contract to purchase, prior to or at the time of delivery of executed contract, or after delivery of executed contract? If so, explain:

VII. Insurance

List the effective dates, types and amounts of insurance to be carried by the Applicant on behalf or purchasers:

VIII. Terms of Offering

- A. Type of financing available to purchasers:

B. Minimum cash down payment required:

C. Type of deed, if any for conveying to purchaser:

IX. Description of Campground

A. Number of campsites in the entire campground:

B. Number of campsites in the entire campground that will be sold in fee simple, if any, and, not subject to any rotating use:

C. Describe in detail facilities currently within the campground that have been set aside or otherwise made available to purchasers in their use and enjoyment of the campground. (Attach separate sheet and mark "Exhibit 15.")

D. Will the purchasers be offered membership in an exchange program? _____
If so, is the exchange service an affiliate of the Applicant? _____
What is the name of the exchange program? _____

X. Additional Exhibits

Exhibit 16 Attach copies of the instruments which will be delivered to purchasers to evidence his membership or interest in the campground, contracts and other agreements which a purchaser will be required to agree to or sign. Attach also a copy of any nonbinding reservation agreement used or to be used.

Exhibit 17 Attach financial statements of the Applicant prepared in accordance with generally accepted accounting principles, which shall include a financial statement for the most recent fiscal year audited by an independent certified public account and an unaudited financial statement for the most recent fiscal quarter.

Exhibit 18 Attach a narrative description of the promotional plan for disposition of memberships and include:

- (1) the identity of the person who will market the membership campground in Virginia and/ or statement that marketing of the membership campground in Virginia will be conducted by the Applicant's regular employees;
- (2) the Applicant's plan for use of advertising media and distribution of offering literature in Virginia;
- (3) the Applicant's plan for making direct contact with individual prospective purchasers;
- (4) the Applicant's plan for use of other devices by which prospective purchasers will become acquainted with the physical features of the campground;
- (5) and attach copies of all offerings and advertising literature.

Exhibit 19 Attach a copy of the proposed disclosure statement required by § 59.1-326.

Exhibit 20 Attach a copy of any management, employment, or other contract, lease or agreement currently in effect or being negotiated affecting the use, maintenance, or access of all or part of the campground. If any such contract, lease or agreement is being negotiated, indicate status of negotiations. Include statement of any relationships which exists between the Applicant and the parties to such contracts, leases, or agreements.

Exhibit 21 If a substituted disclosure statement is attached, include an outline setting forth the manner in which the substituted disclosure statement complies with the disclosure requirements of the Membership Camping Act. The outline shall be sufficiently detailed to indicate the location within the substituted disclosure document of the various categories of information that would be required to be disclosed by § 59.1-326, Code of Virginia, 1950, as amended. The statement shall be executed by an attorney licensed to practice in Virginia.

Exhibit 22 Attach bonds or letters of credit required to be filled pursuant to Virginia Code §59.1-329.

Exhibit 23 Irrevocable appointment of the Commissioner of the Virginia Department of Agriculture and Consumer Services to receive service of any lawful process in any proceeding arising under provisions of § 59.1-311 through 59.1-335, Code of Virginia, 1950, as amended.

NAME OF APPLICANT: _____

ADDRESS OF APPLICANT: _____

WHEREAS, the above-named Applicant has made application for registration as a Membership Camping Operator under provisions of § 59.1-318, Code of Virginia, 1950, as amended.

WHEREAS, under provisions of said Section, it is required that each and every Applicant for registration file an Irrevocable Appointment of the Commissioner of Virginia Department of Agriculture and Consumer Services to receive service of any lawful process in any proceeding arising incident to § 59.1-311 through 59.1-335, Code of Virginia, 1950, as amended, in the name of the Applicant, either individually, or co-partners or members of the Applicant in any of the courts of record of the State of Virginia, and it is hereby stipulated and agreed that such service of such process on said Commissioner shall be taken and held in all courts to be as valid and binding as if due service had been made upon the Applicant, its partners and members personally within the State of Virginia.

IN WITNESS WHEREOF, I _____, have hereunto signed by name this _____ day of _____, 20__.

Applicant

By: _____
Authorized Agent or Officer

Subscribed and sworn to before me this _____ day of _____, 20__, at _____
(City or County and State)

Officer Administering Oath

Notary Public in City/County of _____ State of _____

My Commission Expires: _____

Notary Public

AFFIDAVIT

_____, being duly sworn deposes and says that the statements herein contained, and the documents herewith submitted are full, true and complete as of the date of execution hereof, and that he is the Membership Camping Operator for which registration is being made, or that he is the officer or agent authorized by the Membership Camping Operator to affix his signature.

Affiant further deposes and says: That nothing done or planned in connection with the marketing of the membership campground is or will be, to the best of his knowledge, contrary to the provisions of §18.2-216, Code of Virginia, 1950, as amended.

Authorized Signature

Subscribed and sworn to before me this _____ day of _____, 20____, at _____
(City or County and State)

Officer Administering Oath

Notary Public in City/County of _____ State of _____

My Commission Expires: _____

Notary Public

NOTE

§ 59.1-318 b, Code of Virginia, 1950 as amended, requires the application to be signed by the membership camping operator, an officer or general partner thereof or by another person holding a power of attorney for the application is signed pursuant to a power of attorney, a copy of the power of attorney shall be included with the application.

NOTICE

§ 59.1-318 D, Code of Virginia, 1950, as amended, requires that the application for registration shall be amended within twenty-five days if there is a material change in the information included in the application,

The offer or sale of a membership camping contract in Virginia without first filing true and completed answers and exhibits is a Class I misdemeanor subject to punishment by fine an imprisonment as well as to civil suit for injunctive relief.