HB 649

EXHIBIT 4
DATE 2-15-05
HB 649

December 30, 2004

Dear Dave McAlpin,

In June1996 we purchased a timeshare unit at Bigfork Montana from Marina Cay Resort Villas Inc., a Montana Corporation. The timeshare unit was located at Marina Cay Condominiums, at 180 Vista Lane, Bigfork Montana. We each bought a 1/51 fractional interest in unit #39, and received a warranty deed. As timeshare owners we had the flexibility to trade, through Interval International, with resorts throughout the world. We felt confident that our interests would be properly managed and looked forward to vacation time.

In February 1999, we received notice from the Marina Cay Homeowners Association Inc. c/o Chrysler & Gordon, CPA's Bigfork, Montana stating that assessments for common expenses such as maintenance, housekeeping and general services amounting to $16,202.48 had been unpaid as of January 31, 1999. In addition, we later found out that taxes amounting to $4,921.58 due to Flathead County for the period 1997-1998 were also outstanding. We were flabbergasted, as we had faithfully paid our annual dues.

Apparently the Secretary of State dissolved the Timeshare Owners Assoc. in 1996 and the Secretary of State dissolved Villas in December 1997. As a result, any assessments paid to the Timeshare Owners Assoc. were not paid to the Marina Cay Homeowners Association. Unfortunately, we were not aware of this development until our lawyer, Chris Daly, informed us, sometime in 2003. During that time, when the corporation ceased to exist, we continued to pay our share of assessments and taxes to Marina Cay Resort Villas, now located in Calgary Alberta, Canada.

Why is there no mechanism whereby the timeshare owners (48 parties in this case) are informed when a corporation ceases to exist as a legal entity in the State of Montana? If this had been done, we would have ceased payment of any funds and would have sought legal recourse sooner. As a result, we found ourselves involved in futile attempts to rescue our interests and unsuccessful litigation.

We are asking for your help to draft laws to protect timeshare owners from the pitfalls of unscrupulous investors.

Please refer to documentation submitted by Chris Daly in this regard.
Thank you.

Sincerely,

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