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McCall Area Timeshare Association
Board of Trustees
1607 Davis Street #149
McCall, Idaho 83638

Re: *Removal of Units From Timeshare Regime*

Dear MATA Board:

This letter follows my review of the MATA governing documents, as well as applicable law, as requested by Dave Holland. Specifically, I reviewed the original Declaration of Covenants, Conditions and Restrictions for Time Period Ownership recorded in Valley County as Instrument # 111520 on April 1, 1981, and the subsequent Amendments 1-4 to said Declaration. The issue I was researching was the ability to remove condominium units from the timeshare regime and return them to fee simple ownership under one owner. Both the US Constitution and the Idaho Constitution protect the ownership and control of private property. The concept of a citizen's right to the unobstructed use and control of his own property has long been a fundamental principle in American law. This principle is modified in only two ways: (1) voluntarily by the property owner, or (2) pursuant to applicable law.

The ability to return MATA timeshare condominiums to one-owner fee simple ownership has not been voluntarily relinquished. The timeshare Declaration contains no prohibition against returning the condominium units to fee simple ownership under one owner. Likewise, applicable law does not prohibit the removal of the condominium units from the timeshare regime. Although I could find no Idaho timeshare law directly on point, there is analogous law in Idaho Code Section 55-1510. There, it is stated that an entire condo project may be removed from Idaho's condominium laws, and that the removal of a project from the condominium laws "shall in no way bar the subsequent resubmission of the property to the provisions of this [the condominium property] act." Thus, applicable law allows entire projects to be moved in and out of the Idaho condominium laws multiple times. By analogy, single condo units should be allowed to be moved in and out of the timeshare regime. Once subjected to the timeshare regime, single condos later should be able to be removed from said regime and returned to their original status of one-owner fee simple ownership.

Sincerely,



BRIAN L. McMAHAN