

Timeshares in Tennessee: Your Rights and Duties - HELP4TN Blog



Timeshares can seem really attractive. Who wouldn't want to spend a couple weeks each year in a nice cabin in the mountains? A word of caution though, as the sale of timeshares often involves high pressure tactics and long-term contracts. Before you sign anything, learn your rights!

What is a timeshare?

A timeshare is an arrangement where the use of a property rotates among purchasers for different periods of time.

For example: I sign a contract purchasing a timeshare in a cabin in Gatlinburg. By doing so, I get to use this cabin for two weeks each year. Many other people will also own a timeshare interest in this same cabin and they'll have an opportunity to use the cabin at other times during the year.

It's important to know that this is a real estate purchase. Just like a house purchase, when you buy a timeshare, you own a part of the property and you adopt a long-term liability.

This means you can't just walk away if you decide you no longer want the vacation or you can no longer afford the purchase price or ongoing fees. Depending upon the contract, your children, or anyone else who inherits the timeshare from you, may remain liable for timeshare fees for years after your death.

What are my duties as a timeshare owner?

Timeshare contracts require you to pay maintenance fees. Even if you decide not to use the property during your scheduled time or you choose to take a different vacation, you still have to pay these fees.

The company that sold you a timeshare may also ask you to purchase upgrades. If you agree, then you could find yourself paying a lot more than you originally signed up for, in addition to the regular fees and maintenance fees.

How are timeshares sold?

One typical way is an offer of a deeply discounted or free vacation if you agree to sit through a sales pitch. It may sound like a good deal, but these in-person sales presentations can involve high-pressure sales tactics and long, complicated contracts. This is not a good way to enter into a long-term financial commitment.

If you do decide to purchase a timeshare, read the contract thoroughly and make sure you understand every part. It is important to make sure that the written contract matches the sales agents' promises.

Can I cancel my timeshare contract?

Tennessee law allows you to cancel a timeshare contract, but you must act quickly. Did you make an on-site inspection of the property you purchased? If so, then you have 10 days to cancel the contract. If you did not do an on-site inspection of the timeshare property prior to signing the contract, then you have 15 days to cancel the contract. If you meet one of these requirements, then the developer cannot penalize you for cancelling the contract and must refund all payments you made within 30 days of receiving your notice of cancellation.

How do I cancel my timeshare contract?

If you qualify under the 10 day or 15 day rule listed above, you can cancel a timeshare contract by:

- (1) hand delivering notice to the developer within the within the designated period described above, or
- (2) mailing notice by prepaid US mail, postmarked anytime within the designated period for voiding such contract to the developer or their agent of service of process.

I want to cancel my timeshare, but I bought it more than 10 or 15 days ago. What are my options?

After the 10 or 15 day grace period, you will likely need to hire a real estate attorney with knowledge of timeshare contracts or a reliable timeshare exit company.
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