



Time-share company, condo group square off in court

The Ocean Walk Resort Condominium Association and Wyndham Vacation Resorts are fighting in court over money and whether the time-share company can keep operating at the Daytona Beach resort.

The association, which represents owners of condos in Ocean Walk's south tower, filed a lawsuit Tuesday in civil court against Wyndham, claiming the Orlando-based company misused association funds. In the 300-unit south tower, there are 176 units owned by individuals and 124 units in Wyndham's time-share program.

The action comes three months after Wyndham sued the association, claiming it had a contractual right to use the south tower's common areas for marketing purposes, and that it has the sole right to market condos at the resort.

The association countered that lawsuit by alleging Wyndham, which is a part the world's largest time-share company, was required to pay a fee for use of the facilities. The association said \$10,000 a day was reasonable and demanded the company pay the fee or cease its operations at the resort.

The case continues winding its way through the legal system.

Erik Hawks, an attorney for Wyndham, could not be reached for comment.

Mark Bogen, the association's attorney, said the funds allegedly misused by Wyndham "could be in excess of a million dollars."

Ocean Walk II Vacation Condominium Association Inc. and Ocean Walk Vacations Ownership Association Inc. also were named as defendants in the 50-count lawsuit.

Besides the funds, the suit alleged Wyndham hired an unlicensed manager to manage the association in violation of state law. "What is hard to believe is that even though the board of directors fired them as our management company, Wyndham refuses to give us control of

our bank account, bank records or financial information," said Craig Jackson, president of the association and a banking executive, in a telephone interview.

Jackson said the board fired Wyndham Vacation Management on Nov. 3. At that point, the association and the company were at an impasse over the 2008 budget, which Wyndham officials tried to increase to about \$4 million from \$2.5 million. He said a committee of board members was able to trim it back to the \$2.5 million and stay on target.

He said the board also found the association had been billed for expenses that occurred in the north tower, which has a separate association. In the north tower, there are 60 units owned by individuals and 222 in Wyndham's time-share program.

The suit also alleged that while the north tower has more time-share units, Wyndham managers charged 80 percent of the water bill to the south tower. Also, the suit alleged, management spent more than \$400,000 of the association's funds for time-share unit recreational activities.

Other payments cited by the board included \$3,139 for remodeling the third floor common area used by Wyndham to market its time-share units; \$2,276 for gift baskets for the time-share units; and