

# Out of the Tenerife timeshare nightmare, into the Phuket "fractional ownership" resort

By [Andrew Penman](#) on October 5, 2011 11:00 PM [in Timeshare & holidays](#)

Timeshare is a filthy word so it's no surprise that holiday-resort developers want new ways to flog their flats in the sun.

One of them is fractional property ownership, which means you own a slice of the real estate, as opposed to just owning the right to use it once or twice a year.

It's completely different from timeshare, say the people behind fractional deals.

It just happens to be sold in a similar dubious way, judging by the experience of Kent coach driver Gordon Payne.

He's saddled with a timeshare in Tenerife with escalating maintenance fees that he'd like shot off.

A company in Malaga told him that it had buyers and charged him £1,000 to sell it, after which the company vanished and Gordon heard no more.

Until, that is, he was phoned last month by another marketing company saying it could sell his timeshare, all he had to do was attend a "presentation".

Only when he arrived was he introduced to Apex Fractional Property Ltd, run by 31-year-old Justin Palmer (below).



More than three hours later Gordon and his wife Janet left, bewildered by a "very complex" presentation and mountain of paperwork. They'd paid a £2,995 deposit on an unbuilt property at a project called yoo Phuket, Thailand, and £2,450 to another company, JW Marketing - Consultants, to sell their timeshare.



To complete the finance on the property in Phuket (above), Gordon was supposed to - remortgage his house to raise £76,000.

The monthly repayments on the mortgage, he was told, would be met by the developers and after five years the property, or at least a fractional part of it, would be his and he'd net around £214,000.

"As we were driving home we thought, what if the payments on the remortgage don't come through?" Gordon said.

"What if it all goes pear shaped? Then I've lost my house."

The couple wanted out, but they'd signed two bits of paper saying the £2,995 deposit was non-refundable.

"The paperwork came so quickly, just sign this, just sign that," he said.

A receipt stated that the deposit was a "reservation fee" but did not specify what had been reserved.

Another form said that the money was deducted on behalf of Apex Fractional Property Ltd, but other forms show it was taken by a different company, Apex Overseas Ltd.

One reason Gordon was persuaded to buy into the project was the weight given to yoo Phuket - yoo Limited being a company using the talents of global design stars including Philippe Starck and Jade Jagger.

When we approached yoo, it quickly distanced itself from Apex.

Its lawyer said: "Yoo Limited is only involved in the interior design and branding of yoo Phuket. For anyone to insinuate yoo was the developer would be a complete misrepresentation."

We've no idea whether this is connected to us contacting yoo, but Gordon got his deposit back, despite two forms saying it was non-refundable.

Why? We tried to ask the man who left Justin Palmer's house in Crowborough, East Sussex, if he was Justin Palmer and got the reply: "Who wants to know?" before he drove off in his silver BMW.

More forthcoming was David Cooper, who is promoting yoo Phuket worldwide and employed Apex to sell it to UK investors. He said: "There is a policy any reservation fee is returned without question if anyone changes their mind."

So why the two forms saying that the deposit is non-refundable? "I haven't prepared this paperwork, I'm not sure."

UPDATE. We have since heard from Justin Palmer.

"On the question of why he denied being Justin Palmer, he said: "Firstly, allow me to apologise for not acknowledging you at 0830 am last Thursday outside my home, had you identified yourself when I asked, my response would have been more accommodating and less short, I am not used to being approached in that manner and admittedly I could have handled it better, but I was annoyed and with my partner at the time."

Why does the paperwork include documents saying that deposits are non-refundable, if they are refundable?

"Our documents state that the reservation fee is non refundable, simply because we have been advised that in law there is no duty to refund a reservation fee on an overseas property transaction and that we should advise the client of this, we do not want clients entering into this level of commitment lightly. Any client requesting to cancel a reservation is however, given a full and prompt refund! As Mr & Mrs Payne can attest."

He added: "Having reviewed the situation I am confident that Mr and Mrs Payne were treated professionally and their request for a refund was promptly dealt with. Please rest assured that we treat all customer care issues seriously and I will be reviewing this case in more detail to determine what lessons can be learnt from it."