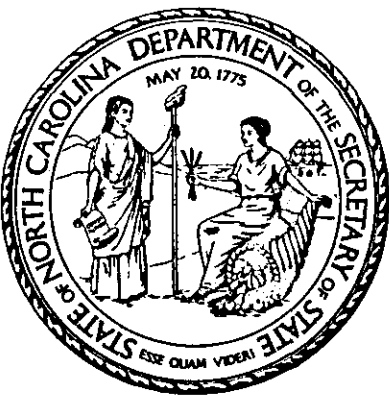


Notarized  
by Thad Eure, Secretary of State  
Wake County, N.C.  
1974

State of  
North  
Carolina



Department  
of the  
Secretary of State

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J.A. ROWLAND  
REGISTER OF DEEDS  
WAKE COUNTY, N.C.

To all to whom these presents shall come, Greeting:

I, Thad Eure, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached ( 7 sheets) to be a true copy of

ARTICLES OF INCORPORATION

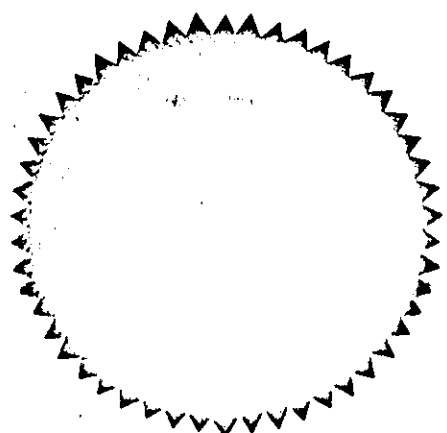
OF

GARNER TOWNES HOMEOWNERS ASSOCIATION

and the probates thereon, the original of which was filed in this office on the 27th day of FEBRUARY 19 74, after having been found to conform to law.

In Witness Whereof, I have hereunto set my hand and affixed my official seal.

Done in Office, at Raleigh, this 27th day of FEBRUARY in the year of our Lord 1974



Secretary of State

By Deputy Secretary of State

188751

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THAD EURE  
SECRETARY OF STATE  
NORTH CAROLINA  
ARTICLES OF INCORPORATION  
OF  
GARNER TOWNES HOMEOWNERS  
ASSOCIATION

In compliance with the requirements of North Carolina General Statutes Chapter 55A, the undersigned residents of Wake County, North Carolina, both of which are of 18 years of age, or older, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and do hereby certify:

## ARTICLE I

The name of the corporation is Garner Townes Homeowners Association, hereafter called the "Association".

## ARTICLE II

The principal office of the Association is located at Suite 615, The Towers One Building, 1110 Sans Souci Drive, Raleigh, North Carolina.

## ARTICLE III

E. D. Gaskins, Jr., whose address is 333 Fayetteville Street, Suite 1500, Raleigh, Wake County, North Carolina, is hereby appointed the initial registered agent of this Association, with registered office at such address.

## ARTICLE IV

## PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation and architectural control of the residence Lots and Common Area within that certain tract of property located in the City of Garner, Wake County, North Carolina and described as:

BEGINNING at a point in the southern right-of-way line of Foxwood Drive, said point being the northwestern corner of the property of John H. Banks; running thence with the Banks' line South  $18^{\circ} 12'$  West a distance of 566.57 feet to a point, said point being the southwestern corner of the Banks' property, and in the line of the property of the Catholic Dioceses of North Carolina; running thence with the Catholic Dioceses' line North  $85^{\circ} 25'$  West a distance of 436.79 feet to a point, said point being the southeastern corner of Woodridge, Section 6; running thence with the Woodridge Section 6 line the following courses and distances: North  $01^{\circ} 50'$  East a distance of 165.62 feet to a point in the southern right-of-way line of Springview Trail; thence across Springview Trail North  $36^{\circ} 05'$  East a distance of 60.56 feet to a point in the Northern right-of-way line of Springview Trail; running thence North  $01^{\circ} 50'$  East a distance of 130 feet to a point; running thence North  $20^{\circ} 44'$  West a distance of 181.23 feet to a point, said point being a common corner of Woodridge Section 6 and Woodridge Section 1; running thence with the line of Woodridge Section 1 the following courses and distances: North  $43^{\circ} 08'$  (East) a distance of 80 feet to a point; running thence North  $05^{\circ} 48'$  East a distance of 122 feet to a point, said point being in the southern right-of-way line of Foxwood Drive; running thence southeasterly with said southern right-of-way line of Foxwood Drive the following courses and distances: South  $84^{\circ} 12'$  East a distance of 197 feet to a point; thence along an arc having a radius of 433.16 feet a distance of 195.17 feet to a point; running thence South  $58^{\circ} 23'$  East a distance of 155 feet to a point; continuing with said right-of-way line along an arc having a radius of 351.29 feet a distance of 59.80 feet to the point and place of BEGINNING; all according to a plat of "Garner Townes", as the same is shown in Map Book 1974, Volume \_\_\_\_\_, Page \_\_\_\_\_, Wake County Registry (and formerly shown as Tracts A and F, Woodridge Section 8, Map Book 1972, Volume 4, Page 484, Wake County Registry).

and to promote the health, safety and welfare of the residents within the above described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association for this purpose to:

(a) exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions, hereinafter called the "Declaration", applicable to the property and recorded or to be recorded in the Office of the Register of Deeds of Wake County, North Carolina, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length;

(b) fix, levy, collect and enforce payment by any lawful means, all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith and all office and other expenses incident to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;

(c) acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs of the Association;

(d) borrow money, and with the assent of two-thirds (2/3) of each class of members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) dedicate, sell or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of each class of members, agreeing to such dedication, sale or transfer;

(f) participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional residential property and Common Area, provided that any such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of each class of members;

(g) have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Act of the State of North Carolina by law may now or hereafter have or exercise.

#### ARTICLE V

##### MEMBERSHIP

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment by the Association.

#### ARTICLE VI

##### VOTING RIGHTS

The Association shall have two classes of voting

membership:

Class A. Class A members shall be all Owners with the exception of the Declarant (as defined in the Declaration) and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B member(s) shall be the Declarant and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or

(b) on June 30, 1976.

#### ARTICLE VII

##### BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of nine (9) Directors, who need not be members of the Association. The number of directors may be changed by amendment of the By-Laws of the Association. The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

|                    |                                         |
|--------------------|-----------------------------------------|
| Joseph T. Freeman  | 1110 Sans Souci Drive, Raleigh, N.C.    |
| Grace S. Freeman   | 1110 Sans Souci Drive, Raleigh, N.C.    |
| H. Scott Watkins   | 1110 Sans Souci Drive, Raleigh, N. C.   |
| E. D. Gaskins, Jr. | 333 Fayetteville Street, Raleigh, N. C. |

|                        |                                         |
|------------------------|-----------------------------------------|
| Charles L. Hinton, III | 333 Fayetteville Street, Raleigh, N.C.  |
| Bruce Gulley           | 1110 Sans Souci Drive, Raleigh, N. C.   |
| Hugh Stevens, Jr.      | 333 Fayetteville Street, Raleigh, N. C. |
| Sarah H. Durham        | 333 Fayetteville Street, Raleigh, N. C. |
| John Q. Beard          | 333 Fayetteville Street, Raleigh, N. C. |

At the first annual meeting the members shall elect three directors for a term of one year, three directors for a term of two years and three directors for a term of three years; and at each annual meeting thereafter the members shall elect three directors for a term of three years.

ARTICLE VIII

DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of each class of members. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE IX

DURATION

The corporation shall exist perpetually.

ARTICLE X

AMENDMENTS

Amendment of these Articles shall require the assent of 75 percent (75%) of the entire membership.

ARTICLE XI

FHA/VA APPROVAL

As long as there is a Class B membership, the following

actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: annexation of additional properties, mergers and consolidations, mortgaging of Common Area, dedication of Common Area, dissolution and amendment of these Articles.

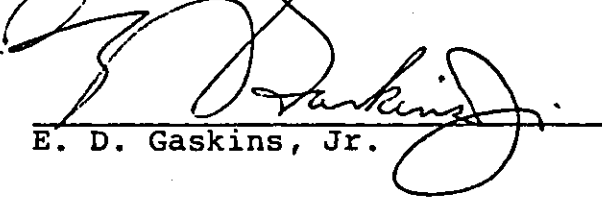
ARTICLE XII

NAMES AND ADDRESSES

The names and addresses of the incorporators are:

|                    |                                         |
|--------------------|-----------------------------------------|
| Joseph T. Freeman  | 1110 Sans Souci Drive, Raleigh, N.C.    |
| E. D. Gaskins, Jr. | 333 Fayetteville Street, Raleigh, N. C. |

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of North Carolina, we, the undersigned, constituting the incorporators of this Association, have executed these Articles of Incorporation this 27<sup>th</sup> day of February, 1974.

|                                                                                                            |        |
|------------------------------------------------------------------------------------------------------------|--------|
| <br>Joseph T. Freeman  | (SEAL) |
| <br>E. D. Gaskins, Jr. | (SEAL) |

NORTH CAROLINA  
WAKE COUNTY

I, Sarah H. Durham, a Notary Public, do hereby certify that Joseph T. Freeman and E. D. Gaskins, Jr. personally appeared before me this day and acknowledged the due execution of the foregoing Articles of Incorporation.

Witness my hand and official seal, this the 27 day of February, 1974.

  
Notary Public

My Commission Expires:  
Aug 19, 1976