

Prepared by + Return to:
Rylee Beckett
Charlotte, N.C.

500-3191 PAGE 424

State of North Carolina



Department
of the
Secretary of State

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KENNETH C. TILKIN
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 (9 sheets) to be a true copy of

ARTICLES OF INCORPORATION

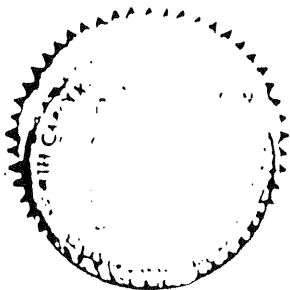
OF

BRITTANY WOODS HOMEOWNERS ASSOCIATION, INC.

and the probates thereon, the original of which was filed in this office on the 28th day of October, 1983, 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 28th day of October, in the year of our Lord 1983.



Thad Eure
Secretary of State
By *[Signature]*
Deputy Secretary of State

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ARTICLES OF INCORPORATION

OF

BRITTANY WOODS HOMEOWNERS ASSOCIATION, INC.

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We, the undersigned natural persons of the age of twenty-one (21) years or more, do hereby associate ourselves into a non-profit corporation under the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of North Carolina, entitled "Non-Profit Corporation Act", and the several amendments thereto, do hereby make, sign, and acknowledge these Articles of Incorporation, and to that end do hereby set forth:

ARTICLE I

The name of the corporation is Brittany Woods Homeowners Association, Inc., hereinafter called the "Association".

ARTICLE II

The principal and registered office of the Association is located at 3924 Browning Place, Raleigh, North Carolina 27609. Wake Co.

ARTICLE III

Edd K. Roberts, whose address is 3924 Browning Place, Raleigh, Wake County, North Carolina 27609 is hereby appointed the initial registered agent of this Association.

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 or property described as follows:

Being the property including Lots 1-115 inclusive, the block areas designated as A-U inclusive, all areas designated as "Homeowners Assoc. Common Area", "Common Area" and "Homeowners Association Property-Common Area" and the area of all private streets shown on map entitled "Brittany Woods, Raleigh, Wake Co., N.C.", dated May 23, 1983 and recorded in Book of Maps 1983, Page 765, Wake County Registry. (Sheets 1 and 2)

There is excluded from the above property the area of Lynn Road, Glendower Road, Newport Avenue-S.R. 1868, Chamonix Pl., the new right of way of Leesville Road, Lot 116 and the tract of land containing 21,462 square feet designated as "Recreational Facility" all as shown on map entitled "Brittany Woods, Raleigh, Wake Co., N.C.", dated May 23, 1983 and recorded in Book of Maps 1983, Page 765, Wake County Registry. (Sheets 1 and 2)

Declarant reserves the right to recombine Lots 73-78 inclusive, Lot 90 and the cul de sac of Lansachire Drive (private street) including the creation within said lots and street of additional private or public streets.

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 Wake County Register of Deeds and as to 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 the 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 Law of the State of North Carolina by law may now or hereafter have or exercise.

(h) contract with the owners of recreational facilities for the use of such facilities by the members of the Association.

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 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. No fractional vote shall be allowed.

Class B. The Class B member(s) shall be the Declarant (as defined in the Declaration), 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 Class A membership equal the total votes outstanding in Class B membership shall be reinstated if thereafter and before the time stated in Subparagraph (b) below, such additional lands are annexed to the Properties without the assent of Class A members on account of the development of such additional lands by the Declarant, all as

provided for in Article VII, Section 2 of the Declaration,
or

(b) on August 1, 1988.

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:

<u>NAME</u>	<u>ADDRESS</u>
EDD K. ROBERTS	3924 Browning Place Raleigh, N.C. 27609
JUDY W. ROBERTS	3924 Browning Place Raleigh, N.C. 27609
ROBERT W. WILSON, JR.	615 Oberlin Road Raleigh, N.C. 27605
GERALDINE J. KELLY	615 Oberlin Road Raleigh, N.C. 27605
GAIL HOUSTON	615 Oberlin Road Raleigh, N.C. 27605
KATHLEEN P. SOUTHERN	615 Oberlin Road Raleigh, N.C. 27605
LAURIA S. BRINKLEY	3924 Browning Place Raleigh, N.C. 27609
KIM ANDERSON	3924 Browning Place Raleigh, N.C. 27609
LYNN KILLINGSWORTH	3924 Browning Place Raleigh, N.C. 27609

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 seventy-five 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 written 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

INCORPORATORS

<u>Name</u>	<u>Address</u>
Robert W. Wilson, Jr.	615 Oberlin Road Raleigh, North Carolina
Gail Houston	615 Oberlin Road Raleigh, North Carolina
Geraldine J. Kelly	615 Oberlin Road Raleigh, North Carolina

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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 28th day of OCTOBER, 1983.

Robert W. Wilson, Jr.

Gail Houston

Geraldine J. Kelly

STATE OF NORTH CAROLINA
COUNTY OF WAKE

THIS IS TO CERTIFY, that on the 28 day of October, 1983, before me, a Notary Public, personally appeared Robert W. Wilson, Jr., Gail Houston and Geraldine J. Kelly, who I am satisfied are the persons named in and who executed the foregoing Articles of Incorporation, and I having first made known to them the contents thereof, they did acknowledge that they signed and delivered the same as their voluntary act and deed for the uses and purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this the 28 day of October, 1983.

Alice W. Penny
Notary Public

