

21 284 9018 **ARTICLES OF INCORPORATION**

OF

PLANTATION POINTE HOMEOWNER'S ASSOCIATION, INC.

The undersigned, for the purpose of forming a nonprofit corporation under the provisions of the North Carolina Nonprofit Corporation Act, Chapter 55A of the General Statutes of North Carolina, and the several amendments thereto, states:

I.

NAME OF CORPORATION

The name of the corporation is PLANTATION POINTE HOMEOWNER'S ASSOCIATION, INC. (hereinafter sometimes referred to as either the "Corporation" or "Association")

II.

DURATION

The period of duration of the Corporation shall be perpetual.

III.

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 the administration, maintenance, preservation, and architectural control of structures to be constructed on the lots and to provide for the maintenance of the common areas and the roadways (the lots, common areas and the roadways are hereinafter collectively referred to as the "property") within that subdivision known as the Plantation Pointe Subdivision as more particularly described in Plat Book 19, Pages 410-417 in the Office of the Register of Deeds for Caldwell County, North Carolina, in the Declaration of Restrictive Covenants of Plantation Pointe Subdivision recorded in Book 1353, Pages 800-806 in the Office of the Register of Deeds for Caldwell County, North Carolina and in the Declaration of Covenants, Conditions, and Restrictions of Plantation Pointe Subdivision recorded in Book 1353, Pages 807-816 in the Office of the Register of Deeds for Caldwell County, North Carolina; and to

promote the health, safety, and welfare of the residents within the property and any additions thereto as may hereafter be brought within the jurisdiction of this Association, and for these purposes 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 the Declaration of Covenants, Conditions, and Restrictions of Plantation Pointe Subdivision and the Declaration of Restrictive Covenants of Plantation Pointe Subdivision (hereinafter referred to collectively as the "Declarations"), applicable to the property and recorded in Book 1353, Pages 800-806, and Book 1353, Pages 807-816, both of which being recorded in the Office of the Register of Deeds for Caldwell County, North Carolina, and as the same may be amended from time to time as therein provided, the Declarations being incorporated herein by reference;
- (b) Fix, levy, collect, and enforce payment, by any lawful means, all charges or assessments pursuant to the terms of the Declarations; 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 opposed 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) To have all powers and to engage in any lawful activity of a non-profit corporation organized under Chapter 55-A of the North Carolina General Statutes, when no inconsistent provision is made by law or in these Articles of Incorporation, and, in general, to do all things and perform all acts incident to or necessary or proper in carrying out the business and purposes of the Corporation;
- (e) Borrow money, mortgage, pledge, deed of trust or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

- (f) In order properly to prosecute the objects and purposes above set forth, the Association shall have full power and authority to perform all acts that may deemed necessary or expedient for the proper and successful prosecution of the objects and purposes for which the Association is created.

IV. STOCK

The Corporation is to have no capital stock.

V. MEMBERSHIP

Every owner of a lot or tract which is subject to assessment, shall be entitled and required to be a member of the Association. Membership is appurtenant to and may not be separated from ownership of any lot which is subject to assessment. As Declarant develops additional sections to Plantation Pointe Subdivision, the owner of a lot or tract within such additional sections 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.

VI. VOTING RIGHTS

The Association is to have two (2) classes of voting membership as set forth in the Declaration and being more particularly described as follows:

Class A

Class A members shall be all lot owners with the exception of Declarant, and shall be entitled to one (1) vote for each lot owned. When more than one (1) person owns an interest in a lot, all such persons shall be members but the vote for such lot shall be exercised as they, among themselves, shall determine in writing, which shall be filed with the Secretary of the meeting prior to voting, but in no event shall more than one vote be cast with respect to any lot.

Class B

Class B members shall be entitled to vote ten (10) votes for each lot owned. Class B membership shall consist of the Declarant, or its successors or assigns, until the happening of either of the following events whichever occurs earlier.

1. The earlier of four months after ninety percent (90%) of all the lots in the Subdivision are sold and conveyed by the Declarant to unrelated third parties or persons; or
2. Ten years from date of recordation of the Declarations; or
3. At such time as Declarant voluntarily relinquishes majority control of the Association by a duly recorded instrument.

Upon the happening of the earlier of either the three above described events, Class B membership shall cease and terminate and shall be converted to Class A membership.

VII. EXECUTIVE BOARD

The number of Board members constituting the initial Executive Board shall be five (5), and the names and addresses of the persons who are to serve as the Initial Executive Board Members are as follows:

<u>NAME</u>	<u>ADDRESS</u>
Rita A. Collins	2712 Quail Rush Rd. Charlotte, NC 28226
Maxine Turner	3300 Stevens Mill Rd. Matthews, NC 28104
Amon McCormack, Jr.	10006 Park Willow Dr. Charlotte, NC 28210
Robert K. Isaacson	1130 Hillshire Meadow Dr. Matthews, NC 28105
Randolph M. Allen	7009 Whitemarsh Ct. Charlotte, NC 28210

VIII.
ELECTION OF DIRECTORS

The Executive Board shall be elected or appointed in the matter and for the term as provided in the Declaration and Bylaws of the Association.

IX.
NON-PROFIT

This Association shall not be operated for profit, and no part of the net earnings of the Association shall nor to the benefit of, or be distributed to its members, directors, officers, or other private persons, except that the Association shall be authorized to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in these Articles of Incorporation, and upon dissolution of the Association, the assets thereof shall, after all liabilities and obligations of the Association have been paid, or adequate provisions for payment have been made, be distributed to any association or associations organized for purposes similar to those set forth in Article III above or to any appropriate public agency to be used for said purposes or exclusively for public purposes.

X.
REGISTERED OFFICE AND AGENT

The initial registered office of the Association is 10800 Sikes Place, Suite 250, Charlotte, Mecklenburg County, North Carolina, 28277. The initial registered agent is Amon McCormack, Jr. at this address.

XI.
PRINCIPAL OFFICE

The street address and county of the principal office of the corporation is 10800 Sikes Place, Suite 250, Charlotte, Mecklenburg County, North Carolina, 28277. The mailing address of the principal office is 10800 Sikes Place, Suite 250, Charlotte, North Carolina, 28277.

**XII.
INCORPORATOR**

The incorporator of the Association is Amon McCormack, Jr., and a resident of Mecklenburg County, whose address is 10006 Park Willow Dr., Charlotte, North Carolina, 28210.

**XIII.
PERSONAL LIABILITY**

Personal liability for all directors for monetary damages arising out of an action or actions, whether by or in the right of the corporation or otherwise for breach of any duty as a director is eliminated except respect of acts, omissions, liabilities, and /or transactions described and defined in North Carolina General Statutes Section 55A-2-02(b) (4) (i), (ii), (iii), and (iv).

IN WITNESS WHEREOF, I, the undersigned Incorporator have hereunto set my hand and seal this the 1st day of October, 2001.


_____(Seal)
Amon McCormack, Jr.

STATE OF NORTH CAROLINA

COUNTY OF UNION

I, a Notary Public of the County and State aforesaid, certify that Amon McCormack, Jr. personally came before me this day and acknowledged that he is the incorporator of the Plantation Pointe Homeowner's Association and that this instrument was signed by him as the act and deed of the said Association.

WITNESS my hand and seal this 1st day of October, 2001


NOTARY PUBLIC

My Commission Expires: 6-20-2003

