



NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greetings:

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION

OF

DEER CROSSING PROPERTY OWNERS ASSOCIATION, INC.

the original of which was filed in this office on the 25th day of February, 1993.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my official seal at the City
of Raleigh, this 30th day of August, 2006

Elaine F. Marshall

Secretary of State

0-0320848

FILED

9:00 AM

FEB 25 1993

ARTICLES OF INCORPORATION

OF

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DEER CROSSING PROPERTY OWNERS ASSOCIATION, INC. RICHARD L. EDMISTEN
SECRETARY OF STATE
NORTH CAROLINA

In compliance with the requirements of Chapter 55A of the North Carolina General Statutes, the undersigned, who is a resident of Wilkes County, North Carolina, and of full age, and does hereby certify the following for purposes of forming a corporation not for profit:

ARTICLE I

Name

The name of the corporation is DEER CROSSING PROPERTY OWNERS ASSOCIATION, INC., hereinafter called the "Association."

ARTICLE II

Registered Office

The registered office of the Association is located in Wilkes County, North Carolina at the office of Mountain Resource Company, Curtis Bridge Road in Wilkesboro, North Carolina, 28697.

ARTICLE III

Registered Agent

Richard B. Johnston, Jr., of Wilkes County, whose address is Curtis Bridge Road, Wilkesboro, North Carolina (P. O. Box 1426, North Wilkesboro, North Carolina, 28659), is hereby designated the initial registered agent of this Association.

ARTICLE IV

Purposes and Powers

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 common area and to promote the health, safety and welfare of the residents within the Deer Crossing Subdivision located in Elk Township, Wilkes County, North Carolina. The property affected hereby shall also contain any subsequent additions to said subdivision. The Association shall have such powers as may be necessary to effectuate the above purposes including:

- (a) Exercising 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 for Wilkes 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 and in full;
- (b) Fixing, levying, collecting and enforcing payment by any lawful means of 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 government charges levied or imposed against the property of the Association;
- (c) Acquiring (by gift, purchase, or otherwise), owning,

holding, improving, building upon, operating, maintaining, conveying, selling, leasing, transferring, dedicating for public use or otherwise disposing of real or personal property in connection with the affairs of the Association;

- (d) Borrowing money, and with the assent of two-thirds (2/3) of each class of members, mortgaging, pledging, deeding in trust, or hypothecating any or all of its real or personal property as security for money borrowed or debts incurred;
- (e) Dedicating, selling or transferring 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, sell or transfer;
- (f) Participating in mergers and consolidations with other non-profit corporations organized for the same purposes or annexing 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) Having and exercising 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.

ARTICLE V

Membership

Every person or entity who is a record owner of a fee or undivided fee interest in any tract in Deer Crossing Subdivision shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any tract, and shall be transferred automatically when the owner conveys, devises, gives or otherwise transfers his tract, even though such conveyance, devise or gift does not make mention of the membership rights of the Association.

Such membership is not intended to apply to those persons or entities who hold an interest in any tract merely as security for the performance of an obligation, e.g., mortgages or deeds of trust (by way of example); however, if such secured party should realize upon his security and become the fee owner of a tract, he and his heirs, successors and assigns of the tract will then be subject to all the requirements and limitations imposed in these restrictions on owners of tracts within the development and on members of the Association, including those provisions with respect to payment of annual charges. The Board of Directors may include reasonable rules relating to the proof of ownership of a tract in the Deer Crossing Property Owners Association.

ARTICLE VI

Voting Rights

Every person or entity who is a record owner of a fee simple interest in any tract or dwelling unit which is a portion of the Deer Crossing Subdivision shall be a member of the Association; provided, however, that any such person or entity to hold such interest merely as a security for the performance of any obligation shall not be a member.

Any member shall be entitled to one (1) vote for each dwelling unit or for each tract which he owns. When more than one (1) person or entity holds an interest in any tract or dwelling unit, all such persons or entities shall be members. The vote for such tract or dwelling unit shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any tract, nor shall any vote be fractionalized.

ARTICLE VII

Board of Directors

The affairs of this Association shall be managed by a Board of three (3) Directors, who need not be members of the Association. The number of Directors may be changed by amendment of the Bylaws of the Association. The names and addresses of the persons who are to act in the capacity of Directors until selection of their successors are:

<u>Name</u>	<u>Address</u>
Richard B. Johnston, Jr.	Curtis Bridge Road, Wilkesboro, NC 28697
Patricia L. Johnston	Curtis Bridge Road, Wilkesboro, NC 28697
William C. Johnston	Curtis Bridge Road, Wilkesboro, NC 28697

At the first annual meeting of the members, the members shall elect three (3) Directors, one (1) of whom shall serve for one (1) year, one (1) of whom shall serve for two (2) years, and one (1) of whom shall serve for three (3) years. At each annual meeting thereafter, the members shall elect Directors for a term of three (3) years.

ARTICLE VIII

Incorporator

The name and address of the Incorporator are as follows:

Richard B. Johnston, Jr. Curtis Bridge Rd., Wilkesboro,
NC 28697

ARTICLE IX

Dissolution

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of the 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 non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE X

Duration

The corporation shall exist perpetually.

IN WITNESS WHEREOF, the undersigned, constituting the Incorporator of this Association, for purposes of forming this corporation under the laws of the State of North Carolina, has

executed these Articles of Incorporation this 18th day of February, 1993.

Richard B. Johnston, Jr. (SEAL)
Richard B. Johnston, Jr.

NORTH CAROLINA

WILKES COUNTY

I, SuAnn C. Shepherd, a Notary Public, do hereby certify that Richard B. Johnston, Jr. personally appeared before me this 18th day of February, 1993, and acknowledged the due execution of the foregoing Articles of Incorporation.

SuAnn C. Shepherd
Notary Public

My Commission Expires: 11-6-93

