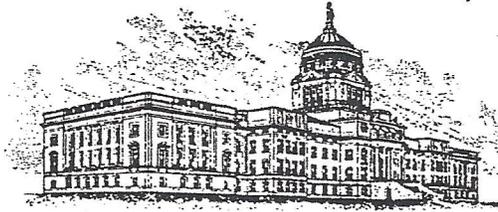


# Office of the Secretary of State



## OF THE STATE OF MONTANA CERTIFICATE OF INCORPORATION

I, JIM WALTERMIRE, Secretary of State of the State of Montana, do hereby certify that duplicate originals of Articles of Incorporation for the incorporation of

FAIRWAY BOULEVARD TOWNHOUSES HOMEOWNERS ASSOCIATION, INC.

duly executed pursuant to the provisions of Section 35-2-201 Montana Code Annotated, have been received in my office and found to conform to law.

NOW, THEREFORE, I, JIM WALTERMIRE, as such Secretary of State, by virtue of the authority vested in me by law, hereby issue this Certificate of Incorporation to

FAIRWAY BOULEVARD TOWNHOUSES HOMEOWNERS ASSOCIATION, INC.  
and attach hereto a duplicate original of the Articles of Incorporation.

IN WITNESS WHEREOF, I have here-  
unto set my hand and affixed the Great  
Seal of the State of Montana, at  
Helena, the Capital, this 30th

day of December A.D. 19 82

*Jim Waltermire*  
JIM WALTERMIRE  
Secretary of State



ARTICLES OF INCORPORATION

OF

FAIRWAY BOULEVARD TOWNHOUSES HOMEOWNERS ASSOCIATION, INC.

KNOW ALL MEN BY THESE PRESENTS:

I, the undersigned, for the purpose of forming a Montana non-profit corporation pursuant to the Montana Non-profit Corporation Act, do hereby certify as follows:

ARTICLE I.

The name of the corporation is:

FAIRWAY BOULEVARD TOWNHOUSES HOMEOWNERS ASSOCIATION, INC., hereinafter called the "Association".

ARTICLE II.

The Association shall have perpetual existence.

ARTICLE III.

The 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 maintenance, preservation and control of the common area, and to provide services and facilities as its members may determine within that certain tract of property described as follows:

FAIRWAY BOULEVARD TOWNHOUSES subdivision, according to the plat or map thereof which is on file and of record in the office of the County Clerk and Record, Flathead County, Montana.

288492

STATE OF MONTANA

**FILED**

DEC 30 1982

JIM WALTERMIRE  
SECRETARY OF STATE

*Jim Waltmire*

*Stamper*  
*80*

#### ARTICLE IV.

The purposes for which the Association is organized is to own, control, maintain, operate, repair, replace and improve the common areas, other facilities and services as members may determine, and to promote the health, safety and welfare of the residents within the above-described property and any additions thereto that may hereafter be brought within the jurisdiction of the Association and 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 recorded the 29th day of February, 1980 in Book 688, page 532, records of Flathead County, Montana, 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. To 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, taxes or governmental charges levied or imposed against the property of the Association.

C. To acquire by gift, purchase or otherwise to 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 borrow money, to mortgage, pledge, or hypothecate any or all of its personal property as security for money borrowed or debts incurred.

E. To 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 agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds of the members agreeing to such dedication, sale or transfer.

F. To participate in mergers or consolidation with other non-profit corporations organized for the same purposes or to annex additional property into the common area of Fairway Boulevard Townhouses subdivision.

G. To have and to exercise any and all powers, rights, and privileges which a corporation organized under the Non-profit Corporation Laws of the State of Montana may now or hereafter have or exercise.

#### ARTICLE V.

Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is subject by covenants or record to assessment by the Association, including contract purchasers, 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.

Each member of the Association 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. In all elections for directors, every member entitled to vote shall have the right to cumulate his vote and to give one candidate a number of votes equal to his vote multiplied by the number of directors to be elected or by distributing such votes on the same principal among any number of such candidates.

#### ARTICLE VII.

The number of directors of the Corporation shall be as specified in the Bylaws of the Corporation, and the directors may be increased or decreased from time to time by an amendment to the Bylaws; but in no case shall the number be less than three (3). The number of directors constituting the initial Board of Directors is three (3), and the names and addresses of the persons who are to serve as directors until the first annual meeting of the shareholders or until their successors are elected and qualify, are as follows:

Betty Bitney  
P. O. Box 1119  
Kalispell, Montana 59901

Glenna Phillips  
P. O. Box 759  
Kalispell, Montana 59901

Inga A. Rygg  
700 - 1st Avenue East  
Kalispell, Montana 59901

ARTICLE VIII.

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 such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust or other organization to be devoted to similar purposes.

ARTICLE IX.

The address of the Association's initial registered office shall be 744 East Idaho, Kalispell, Montana 59901 and the name of its initial registered agent at such office shall be Duane Bitney.

ARTICLE X.

The name and address of the incorporator is:

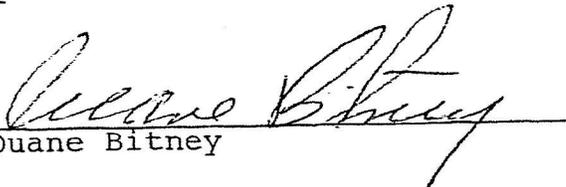
Duane Bitney  
744 East Idaho  
Kalispell, Montana 59901

ARTICLE XI.

Any action required to be taken at a meeting of the directors of the Association or any action which may be taken at a meeting of the directors may be taken without a meeting if a consent in writing setting forth the action so

taken is signed by all of the directors entitled to vote with respect to the subject matter thereof.

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 27 day of December, 1982.

  
Duane Bitney

STATE OF MONTANA        )  
                                  : ss.  
County of Flathead     )

On this 27 day of December, 1982, before me, the undersigned, a Notary Public for the State of Montana, personally appeared DUANE BITNEY, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

  
Notary Public for the State of Montana  
Residing at: Bozeman  
My Commission Expires: June 26, 1983