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ARTICLES OF INCORPORATION

THAD EURE
SECRETARY OF STATE
NORTH CAROLINA

OF

BUTLER MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION, INC.

THE UNDERSIGNED natural persons, being of the age of eighteen (18) years or more, acting as incorporators for the purpose of creating 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 several amendments thereto, do hereby set forth:

1. The name of the corporation is BUTLER MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION, INC.

2. The period of duration of the corporation shall be perpetual.

3. The purposes for which the corporation is organized are:

- (a) To provide maintenance preservation in architectural control of the residence lots, common areas, roads and utilities within that certain tract of property located in Fairview Township, Buncombe County, North Carolina and described on those certain plats entitled "Butler Mountain Estates" as prepared by Harry E. Bias, Jr., P.E. and recorded in the Buncombe County Registry in Plat Book 42 at pages 189 and 190, and Plat Book 45 at page 128, reference to which is hereby made for a more particular description.
- (b) For the purpose of maintaining roads, traffic control, general planning within roadway areas, and all common community services of every kind and nature required or desired within Butler Mountain Estates and the roadway connecting same to state maintained public roads for the general use and benefit of all the property owners owning property therein.
- (c) To 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 document entitled "Restrictive Agreement-Butler Mountain Estates," hereinafter called the Declaration applicable to the property hereinabove described and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Deed Book 1194 at page 440, the same being incorporated herein by reference.
- (d) 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 instant to the conduct of business of the Association, including all taxes or charges levied or imposed against the property of the Association.

- (e) To acquire by gift, purchase or otherwise hold, own, improve, build, operate, maintain, convey, sell, transfer and dedicate for public use, or otherwise dispose of real or personal property in connection with the affairs of the Association.
- (f) To borrow money, and, with the consent of two-thirds (2/3) of the members, mortgage or pledge any or all of its real or personal property as security for money borrowed or debts incurred.
- (g) To dedicate, sell or transfer, all or any part of any 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 the members agreeing to such dedication, sale or transfer.
- (h) To participate in mergers and consolidations with other non-profit corporations organized for the same purposes, or annex additional residential property in common areas, provided that any such merger or consolidation shall have the consent of two-thirds (2/3) of the members.
- (i) To act as purchasing agent for goods and services for the members of the corporation only.
- (j) To establish a maintenance fund through individual property owner assessment for improvement and maintenance of all facilities of any kind dedicated to public use which now exist or which may hereafter be installed within the boundaries of the subdivision, including but not limiting, entrance gateways, roads constructed or to be constructed within the boundaries of the property, and roads providing access to and from the property to state maintained public roads.
- (k) To cooperate with the owners of all vacant and improved lots now existing or that hereafter shall exist within the boundaries of the property in keeping them in good order and condition and preventing them from becoming a nuisance and detriment to the overall development and value of the improved property located within Butler Mountain Estates, and to take any action with reference to such vacant and unimproved lots as may be necessary or desirable to keep them from becoming a nuisance or detriment.
- (l) In general, to do any and all things necessary to promote the general welfare of the owners of any property located in Butler Mountain Estates in the property interest of the individual owners located therein.
- (m) To have and exercise any and all powers, rights and privileges which a corporation organized under the North Carolina Non-Profit Corporation Act, by law may now or hereafter have or exercise.

4. The corporation shall have members which may be divided into such classes as provided in the By-Laws. All members who are owners of property located within Butler Mountain Estates shall be entitled to one (1) vote for each lot owned. When more than one (1) 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 (1) vote be cast with respect to any lot.

5. The affairs of the corporation shall be managed by the Board of Directors and shall be elected pursuant to the manner as set forth in the By-Laws.

6. The address of the initial registered office of the corporation shall be 200 Racquet Club Road, Asheville, Buncombe County, North Carolina, 28803.

7. The name of the initial registered agent of the corporation at the above address is Elbert S. Brown.

8. The number of directors constituting the initial Board of Directors shall be three (3) in number and the names and addresses of the persons who will serve as directors until the first meeting of the corporation or until their successors are elected and qualified are:

ELBERT S. BROWN
200 Racquet Club Road
Buncombe County
Asheville, N. C. 28803

ELBERT S. BROWN, Jr.
200 Racquet Club Road
Buncombe County
Asheville, N. C. 28803

M. Kerney McNeil
200 Racquet Club Road
Buncombe County
Asheville, N. C. 28803

9. The names and addresses of the initial incorporators are:

Elbert S. Brown
200 Racquet Club Road
Buncombe County
Asheville, N. C. 28803

Elbert S. Brown, Jr.
200 Racquet Club Road
Buncombe County
Asheville, N. C. 28803

10. No part of the corporation's net earnings, if any, is to inure to the benefit of its officers, directors, members or any private individual.

11. Upon dissolution of the corporation, assets thereof, shall, after all of its liabilities and obligations have been discharged or adequate provisions made therefor, be distributed to a successor corporation having like or similar purposes or to such other organization which is organized and operated exclusively in Buncombe County, North Carolina for charitable, educational, religious or scientific purposes, and which is an exempt organization pursuant to Section 501(c) of the Internal Revenue Code of 1954 (or amendments thereto) and within the intendment of Section 501(c) of the Internal Revenue Code of 1954 and the regulations thereunder as they now exist or as they may be hereafter amended from time to time.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 20th day of November, 1980.

 (SEAL)
ELBERT S. BROWN

 (SEAL)
ELBERT S. BROWN, JR.

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE)

I hereby certify that on the 20th day of November, 1980, before me, a Notary Public, personally appeared ELBERT S. BROWN and ELBERT S. BROWN, JR. who, I am satisfied, are the persons named in and who executed the foregoing Articles of Incorporation and I having first made known the contents thereof, they did each acknowledge and sign 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 official seal this the 20th day of November, 1980.


Notary Public

My Commission Expires:

Dec 10, 1984



Elaine F. Marshall
Secretary

North Carolina

**DEPARTMENT OF THE
SECRETARY OF STATE**

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

Date: 6/18/2012

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PC, PLLC, LP and Non-Profit entities are not required to file annual reports.

Corporation Names

Name	Name Type
NC BUTLER MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION, INC.	LEGAL

Non-Profit Corporation Information

SOSID:	0019432
Status:	Current-Active
Effective Date:	12/5/1980
Annual Report Due Date:	
Citizenship:	DOMESTIC
State of Inc.:	NC
Duration:	PERPETUAL

Registered Agent

Agent Name:	BROWNE, ROBERT W.
Office Address:	35 PINKERTON COR FAIRVIEW NC 28730
Mailing Address:	35 PINKERTON COR FAIRVIEW NC 28730

Principal Office

Office Address:	35 PINKERTON CORNER FAIRVIEW NC 28730
Mailing Address:	35 PINKERTON CORNER FAIRVIEW NC 28730

Officers

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