

State of North Carolina
Department of the Secretary of State

ARTICLES OF INCORPORATION
NONPROFIT CORPORATION

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Elaine F. Marshall
North Carolina Secretary of State
C200628300323

Pursuant to §55A-2-02 of the General Statutes of North Carolina, the undersigned corporation does hereby submit these Articles of Incorporation for the purpose of forming a nonprofit corporation.

1. The name of the corporation is: Butler Mountain Bald, Inc.
2. ☐ (Check only if applicable.) The corporation is a charitable or religious corporation as defined in NCGS §55A-1-40(4).
3. The street address and county of the initial registered office of the corporation is:
Number and Street 11 North Market Street
City, State, Zip Code Asheville, North Carolina 28801 County Buncombe
4. The mailing address *if different from the street address* of the initial registered office is:
Post Office Box 7376, Asheville, North Carolina 28802
5. The name of the initial registered agent is:
Albert L. Sneed, Jr.
6. The name and address of each incorporator is as follows:
 - (1) Butler Mountain Estates Property Owners' Association, Inc.
c/o E. B. Shoff
65 Pinkerton Corner
Fairview, NC 28730
 - (2) Butler Mountain Estates Section III
c/o Robert Wells
15 Ebby Ridge
Fairview, NC 28730
 - (3) Butler Mountain Highlands Property Owners' Association, Inc.
c/o David Lowe, President
173 Pinkerton Corner
Fairview, NC 28730
7. (Check either a or b below.)
 - a. ☒ The corporation will have members.
 - b. ☐ The corporation will not have members.
8. Attached are provisions regarding the distribution of the corporation's assets upon its dissolution.
9. Any other provisions which the corporation elects to include are attached.
10. The street address and county of the principal office of the corporation is:
173 Pinkerton Corner, Fairview, North Carolina 28730 County Buncombe
11. The mailing address *if different from the street address* of the principal office is:

12. These articles will be effective upon filing.

Revised January 2000

Form N-01

CORPORATIONS DIVISION

P.O. BOX 29622

RALEIGH, NC 27626-0622

13. The sole purpose for which the corporation is created is to own and maintain a five (5) acre tract located on the top of Butler Mountain, referred to as "The Bald", as more particularly described below. The Corporation shall own and maintain The Bald for the benefit of all property owners who are members of the Butler Mountain Highlands Property Owners' Association, The Butler Mountain Estates Section 3, the Kerney McNeil Subdivision and all property owners within Butler Mountain Estates who have signed an Acknowledgment of Deed for Common Area from Brownco, Inc. to Butler Mountain Bald, Inc. for The Bald.
14. The corporation shall maintain and make the Bald available to all of the qualified property owners as a common area and an amenity for all four (4) subdivisions. At all times, The Bald shall be made available under Rules and Regulations which do not discriminate against any property owner who is qualified under these Articles of Incorporation or the members of any subdivision and which rules are not arbitrary and which are uniformly applied to all qualified property owners.
15. The initial directors of the corporation shall be as follows:
- | | | | |
|--------------|----------------------|--------------------|----------|
| Robert Wells | 15 Ebby Ridge | Fairview, NC 28730 | Buncombe |
| David Lowe | 173 Pinkerton Corner | Fairview, NC 28730 | Buncombe |
| E. B. Shoff | 65 Pinkerton Corner | Fairview, NC 28730 | Buncombe |
16. The corporation shall have three (3) directors until such time as the property owners in Section 3 of the Butler Mountain Estates merge with either Butler Mountain Estates Property Owners' Association, Inc. or Butler Mountain Highlands. Thereafter, the association into which said property owners merge shall represent the interest of said property owners in Butler Mountain Estates Section 3 and thereafter the corporation shall have only two (2) directors.
17. The corporation shall never have more than the three (3) initial members.
18. To the full extent allowed by law, no director shall have any personal liability for monetary damages arising out of any action whether by or in the right of the corporation or otherwise for breach of any duty as director.
19. Upon dissolution, The Bald shall be conveyed to the members as tenants-in-common and subject to the rights of property owners in Butler Mountain Estates, Butler Mountain Estates Section 3 and Butler Mountain Highlands and the Kerney McNeil Subdivision to use the property area of The Bald as a common area and for no other purpose.

This is the 25 day of August, 2006.

BUTLER MOUNTAIN BALD, INC.

E. B. Shoff
Signature of Incorporator
BUTLER MOUNTAIN ESTATES PROPERTY OWNERS ASSOCIATION, INC.

BY: E. B. SHOFF, PRESIDENT, INCORPORATOR
Type or print Incorporator's name and title, if any

Signature of Incorporator

Type or print Incorporator's name and title, if any

Signature of Incorporator

Type or print Incorporator's name and title, if any

NOTES:

- I. Filing fee is \$60. This document and one exact or conformed copy of these articles must be filed with the Secretary of State.

Revised January 2000

Form N-01

CORPORATIONS DIVISION
NIX 4812-4999-2705, Ver 1

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