

DUPLICATE ORIGINAL

Filed in the	Office of the
Secretary of State of	
This	23rd day of June 75
	H. Salzman
Deputy Director, Corporations Division	

ARTICLES OF INCORPORATION

OF

CHIMNEY LANE PATIO HOMES HOMEOWNERS

ASSOCIATION

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We, the undersigned, natural persons of the age of twenty-one (21) years or more, at least two of whom are citizens of the State of Texas, acting as incorporators of a corporation under the Texas Non-profit Corporation Act, do hereby adopt the following articles of incorporation for such corporation:

ARTICLE ONE

The name of the corporation is CHIMNEY LANE PATIO HOMES HOMEOWNERS ASSOCIATION.

ARTICLE TWO

The corporation is a nonprofit corporation.

ARTICLE THREE

The period of its duration is perpetual.

ARTICLE FOUR

The purposes for which the corporation is organized are:

- (1) to own those areas within the Chimney Lane Patio Homes project, a planned unit development or subdivision, the map or plat of which is recorded in Volume 74052, Page 384, of the Map Records of

ATTACHMENT "2"

Dallas County, Texas, defined as "common areas" in the Amended Declaration of Covenants, Conditions and Restrictions recorded in Volume 75119, Page 1903, of the Deed Records of Dallas County, Texas, upon conveyance thereof to the corporation by the Developer named in said Declaration;

(2) to maintain, operate, and promulgate and enforce rules with respect to the use of such common areas for the benefit of the members of the corporation;

(3) to enforce the above described Declaration on its own behalf and on behalf of its members;

(4) to levy and enforce the collection of the assessments, both regular and special, provided in said Declaration for the purposes of acquiring and maintaining capital improvements, and to defray operating expenses and the expenses incident to the maintenance of the property and improvements of the members thereof;

(5) to maintain the property and improvements of the members hereof as provided in said Declaration;

(6) to do any and all other acts or perform any other functions provided in said Declaration or incident to the above purposes, or reasonably calculated to protect the value of property within the said subdivision or to be for the mutual benefit of the members.

## ARTICLE FIVE

The street address of the initial registered office of the corporation is 8333 Douglas Avenue, Dallas, Texas, 75225, and the name of its initial registered agent at such address is Milton H. Thomas.

## ARTICLE SIX

The number of directors constituting the initial board of directors of the corporation is three, and the names and addresses of the persons who are to serve as the initial directors are:

<u>Name</u>	<u>Address</u>
Milton H. Thomas	8333 Douglas Avenue Dallas, Texas 75225
Roger B. Gadd	8333 Douglas Avenue Dallas, Texas 75225
Wayne C. Lowe	8333 Douglas Avenue Dallas, Texas 75225

## ARTICLE SEVEN

The name and street address of each incorporator is:

<u>Name</u>	<u>Address</u>
Milton H. -Thomas	8333 Douglas Avenue Dallas, Texas 75225
Roger B. Gadd	8333 Douglas Avenue Dallas, Texas
Wayne C. Lowe	8333 Douglas Avenue Dallas, Texas 75225

## ARTICLE EIGHT

A. Ownership of the corporation shall be vested in its members. The members shall be those persons owning a lot or lots within the subdivision. The members shall be divided into the following classes or classifications and the rights of each class with respect to the property of the corporation and with respect to the management of the corporation shall be as follows:

Class A: Class A shall consist of one member who shall be the subdivision developer, Dallas Federal Savings and Loan Association, its successors in interest and assigns. Until more than seventy-five per cent (75%) of the individual lots in the subdivision have been sold, the Class A member shall have three votes for each lot owned by it, its successors in interest and assigns, at the time the books of the corporation are closed for voting purposes as provided in the bylaws. After such time as more than seventy-five per cent (75%) of the individual lots in the subdivision have been sold, the Class A member shall have one vote for each lot owned by it, its successors in interest and assigns, at the time the books of the corporation are closed for voting purposes as provided in the bylaws.

Class B: Class B shall consist of those persons owning a lot or lots within the subdivision other than the Class A member.



B. On liquidation of the corporation, if there are any assets remaining, same shall be distributed to the members in accordance with law and the articles of dissolution. The share of each member shall be calculated in the same proportion as the votes of such member bears to the total number of eligible votes at the time of distribution, except that for this purpose the Class A member shall have only one vote per lot owned.

C. Where the record title to any lot shall be in more than one person, the record owners shall designate in writing among themselves one person to exercise the voting rights which designation shall prevail until a contrary designation signed by all record owners is received by the corporation. Upon dissolution, any distribution shall be made to all record owners jointly and severally, as their interest may appear.

Where the record title to any lot is in the name of a married person, either spouse shall be entitled to vote; but in the event of a conflict, the record owner shall be entitled to vote.

D. Class B members shall not be permitted to vote by proxy.

E. Memberships shall vest automatically, appurtenant to the conveyance or lease of any lot in the subdivision. They shall not be transferable or assignable. In the event of a bona fide sale or lease of any lot in the subdivision, subsequent to the initial sale by the Developer, the seller or lessor shall ipso facto cease to be a member, and the

purchaser or lessee shall thereupon become a member. Provided, however, nothing herein shall effect the liability of the seller or lessor for assessments or other charges accruing prior to such sale or lease.

#### ARTICLE NINE

The board of directors shall appoint an architectural control committee whose function and duties shall be prescribed by the bylaws and the board of directors, not inconsistent with the bylaws or this charter. Such committee shall be comprised of not less than three persons; and the members thereof shall serve at the pleasure of the board of directors.

The board of directors may from time to time appoint such other committees, either standing or ad hoc, as it shall deem appropriate and prescribe such duties and functions as may seem expedient or desirable. The board of directors may delegate any duties of an officer or director to such committees to the extent allowed by law and not expressly prohibited by the bylaws. The members of such committees shall serve at the pleasure of the board of directors.

Except as required by law, no member of any committee (including architecture) shall be required to be a member of the corporation or an officer or director unless so specified by the board of directors.

IN WITNESS WHEREOF, we have hereunto set our hands, this

19 day of June, 1975.

Milton H. Thomas  
Milton H. Thomas

Roger B. Gadd  
Roger B. Gadd

Wayne C. Lowe  
Wayne C. Lowe

THE STATE OF TEXAS     !

COUNTY OF DALLAS     !

I, Patricia Wilkerson, a notary public, do hereby certify that on this 19th day of June, 1975, personally appeared before me MILTON H. THOMAS, ROGER B. GADD, and WAYNE C. LOWE, who each being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators, and that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Patricia Wilkerson

NOTARY PUBLIC IN AND FOR  
DALLAS COUNTY, T E X A S

My commission expires June 1, 1977.