

State of  
North  
Carolina



Department  
of the  
Secretary of State

To all to whom these presents shall come, Greeting:

I, Thad Eure, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached ( , sheets) to be a true copy of

ARTICLES OF INCORPORATION

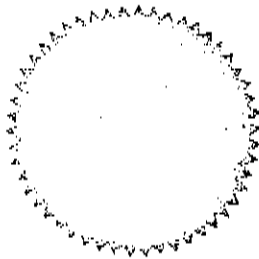
OF

LEWISTON SQUARE HOMEOWNERS ASSOCIATION, INC.

and the probates thereon, the original of which was filed in this office on the 26th day of May 19 81, after having been found to conform to law.

In Witness Whereof, I have hereunto set my hand and affixed my official seal.

Done in Office, at Raleigh, this 26th day of May in the year of our Lord 19 81



Secretary of State

By   
Deputy Secretary of State

FILED

MAY 26 11 12 AM '81

THAD EURE  
SECRETARY OF STATE  
NORTH CAROLINA

## ARTICLES OF INCORPORATION

OF

LEXINGTON SQUARE HOMEOWNERS ASSOCIATION, INC.

In compliance with the requirements of Chapter 55A of the General Statutes of North Carolina, the undersigned, all of whom are residents of Pitt County, North Carolina, and all of whom are of full age, have this day voluntarily associated themselves together for the purpose of forming a corporation not for profit and do hereby certify:

## ARTICLE I

The name of the corporation is LEXINGTON SQUARE HOMEOWNERS ASSOCIATION, INC., hereafter called the "Association".

## ARTICLE II

The principal and registered office of the Association is located at 322 Oxford Road, Greenville, Pitt County, North Carolina.

## ARTICLE III

Jean Rogers - Yorke, whose address is 322 Oxford Road, Greenville, Pitt County, North Carolina, is hereby appointed the initial registered agent of this Association.

## ARTICLE IV

## PURPOSE AND POWERS OF THE ASSOCIATION

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 residence Lots and Common Area within that certain tract of property described as follows:

That certain tract or parcel of land lying and being situate in Winterville Township, Pitt County, North Carolina, and more particularly described as BEGINNING at an iron set in the Eastern Right-of-Way of Oakmont Drive at a point which is South 49 degrees 45 minutes West 397.61 feet, more or less, from the Southern Right-of-Way of North Carolina Highway No. 43 (Charles Street), and running thence from said iron set in the Eastern Right-of-Way of Oakmont Drive, the point of beginning, South 40 degrees 15 minutes East 337.47 feet, more or less, to an iron set; thence South 40 degrees 15 minutes East 23.18 feet, more or less, to a point in the center line of a ditch, cornering; thence North 79 degrees 40 minutes West 59.03 feet, more or less, to a point in the

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center line of said ditch; thence North 83 degrees 33 minutes West 64.89 feet, more or less, to a point in the center line of said ditch; thence South 84 degrees 52 minutes West 19.33 feet, more or less, to a point in the center line of said ditch; thence South 68 degrees 27 minutes West 69.90 feet, more or less, to a point in the center line of said ditch; thence South 26 degrees 32 minutes West 11.96 feet, more or less, to an iron found in the corner of the Ralph Tucker property cornering; thence North 40 degrees 15 minutes West 239.01 feet, more or less, to an iron found in the Eastern Right-of-Way of Oakmont Drive, cornering; thence North 49 degrees 45 minutes East 175.0 feet, more or less, to an iron set in the Eastern Right-of-Way of Oakmont Drive, the point of BEGINNING, containing 1.12 acres, more or less in an area, all as is shown on plat entitled "Lexington Square, Winterville Township, Greenville, Pitt County, North Carolina", dated August 4, 1980, prepared by Rivers and Associates, Consulting Engineers, Greenville, North Carolina, to which reference is hereby made for a more accurate and complete description. This property formerly being Lot No. 42 and the Northern 75 feet of Lot No. 41 of Oakmont Professional Plans as recorded in Map Book 72, at Page 118, Pitt County Public Registry. Reference is hereby made to Book C-48, at Page 829, Pitt County Public Registry.

and to promote the health, safety and welfare of the residents within the above described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association 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, hereinafter called the "Declaration", applicable to the property and recorded or to be recorded in the Office of the Register of Deeds of Pitt 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;

(b) 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 to the conduct of the business of the Association, including all licenses, taxes or governmental charges levied or imposed against the property of the Association;

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(c) Acquire (by gift, purchase or otherwise), 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) Borrow money, and with the assent of two-thirds (2/3) of each class of members mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

(e) 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 effective unless an instrument has been signed by two-thirds (2/3) of each class of members, agreeing to such dedication, sale or transfer;

(f) Participate in mergers and consolidations with other nonprofit corporations organized for the same purpose or annex 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) Have and to exercise 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 Lot which is subject by covenants of record to assessment by the Association, including contract sellers, 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.

LAW OFFICES  
 DIXON & HORNE  
 211 SOUTH BELL  
 GREENVILLE, N. C. 27734

ARTICLE VI

VOTING RIGHTS

The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners, with the exception of the Declarant, and 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 determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B member(s) shall be Declarant (as defined in the Declaration), and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- (a) When the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership; or
- (b) On July 1, 1982.

ARTICLE VII

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of nine (9) Directors, who need not be members of the Association. The number of directors may be changed by amendment of the By-Laws of the Association. The names and addresses of the persons who are to act in the capacity of Directors until the selection of their successors are as follows:

<u>NAME</u>	<u>ADDRESS</u>
Juan Rogers-Yorke	322 Oxford Road Greenville, North Carolina 27834
Michael Whitley Yorke	322 Oxford Road Greenville, North Carolina 27834
Phillip R. Dixon	113 West Haven Road Greenville, North Carolina 27834

At the first annual meeting the members shall elect three directors for a term of one year, three directors for a term of two years and three directors for a term of three years; and at each annual meeting thereafter

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the members shall elect three directors for a term of three years.

ARTICLE VIII

DISSOLUTION

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

ARTICLE IX

DURATION

The corporation shall exist perpetually.

ARTICLE X

AMENDMENTS

Amendment to these Articles shall require the assent of 75 percent (75%) of the entire membership.

ARTICLE XI

FHA/VA APPROVAL

As long as there is Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: annexation of additional properties, mergers and consolidations, mortgaging Common Area, dedication of Common Area, dissolution and amendment to these Articles.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of North Carolina, we, the undersigned, constituting the incorporators of this Association, have hereby adopted the word "SEAL" as our seal and hereunto subscribed our names and seal to these

LAW OFFICES  
BLUM & NORNE  
411 PRINDLE HALL  
GREENVILLE, N. C. 27634

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Articles of Incorporation on this the 22nd day of May, 1981.

Jean Rogers-Yorke (SEAL)  
JEAN ROGERS-YORKE  
INCORPORATOR

Michael Whitley Yorke (SEAL)  
MICHAEL WHITLEY YORKE  
INCORPORATOR

Philip P. Dineen (SEAL)  
INCORPORATOR

NORTH CAROLINA  
PITT COUNTY

I, Notary T. Lee, a Notary Public of the aforesaid  
County and State, hereby certify that JEAN ROGERS-YORKE, Incorporator, person-  
ally appeared before me this day and acknowledged the due execution of the  
foregoing Articles of Incorporation for the purposes therein expressed.

Witness my hand and Notarial Seal, this 22nd day of May, 1981.

Notary T. Lee  
NOTARY PUBLIC

My commission expires:

August 28, 1985

NORTH CAROLINA  
PITT COUNTY

I, Notary T. Lee, a Notary Public of the aforesaid  
County and State, hereby certify that MICHAEL WHITLEY YORKE personally  
appeared before me this day and acknowledged the due execution of the foregoing  
and annexed Articles of Incorporation for the purposes therein expressed.

Witness my hand and Notarial Seal, this 22nd day of May, 1981.

Notary T. Lee  
NOTARY PUBLIC

My commission expires:

August 28, 1985

NORTH CAROLINA  
PITT COUNTY

I, Notary T. Reed, a Notary Public of the aforesaid  
County and State, hereby certify that William R. Dixon, Incorporator  
personally appeared before me this day and acknowledged the due execution of  
the foregoing and annexed Articles of Incorporation for the purposes therein  
expressed.

Witness my hand and Notarial Seal, this 27<sup>th</sup> day of May, 1981.

Notary T. Reed  
NOTARY PUBLIC

My commission expires:

August 26, 1985

RECEIVED PITT CO., N. C.  
REGISTER OF DEEDS

Edwina J. Allred

MAY 27 2 31 PM '81

Wj Annil B. Holder  
Deputy