

ARTICLES OF INCORPORATION
OF
WEST VIEW OWNERS ASSOCIATION
(A NON-PROFIT CORPORATION)

FILED
In the Office of the
Secretary of State of Texas
NOV 10 1999

WE, THE UNDERSIGNED NATURAL PERSONS OF THE AGE OF TWENTY-ONE 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 I

THE NAME OF THE CORPORATION IS WEST VIEW OWNERS ASSOCIATION.

ARTICLE II

THE ASSOCIATION IS A NON-PROFIT CORPORATION.

ARTICLE III

THE PERIOD OF ITS DURATION IS PERPETUAL.

ARTICLE IV

THE PURPOSES OF THIS NON-PROFIT ASSOCIATION ARE TO PROVIDE WEST VIEW SUBDIVISION WITH A COMMUNITY FORUM and MANAGEMENT BODY TO ADMINISTER, MANAGE and COOPERATIVELY ENFORCE ESTABLISHED COVENANTS, CONDITIONS, RESTRICTIONS, and RESERVATIONS and PROMULGATE and SUPERVISE ENFORCEMENT OF RULES and REGULATIONS GOVERNING THE USE OF COMMUNITY COMMON AREAS PROVIDED FOR THE COMMON USE OF PROPERTY OWNERS and RESIDENTS, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING:

- (A) PERFORM ALL OF THE DUTIES and OBLIGATIONS OF THE ASSOCIATION AS SET FORTH IN A CERTAIN DECLARATION OF COVENANTS, CONDITIONS, and RESTRICTIONS (THE DECLARATION) APPLICABLE TO THE SUBDIVISION and TO BE RECORDED IN THE PUBLIC RECORDS OF MEDINA COUNTY, TEXAS.
- (B) AFFIX, LEVY and COLLECT ALL CHARGES and ASSESSMENTS PURSUANT TO THE TERMS OF THE DECLARATION, and ENFORCE PAYMENT THEREOF BY ANY LAWFUL MEANS; and 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 ON THE PROPERTY OF THE ASSOCIATION.
- (C) ACQUIRE (BY GIFT, PURCHASE, OR OTHERWISE) OWN, HOLD, IMPROVE, BUILD UPON, OPERATE, MAINTAIN, CONVEY, SELL, LEASE, TRANSFER, DEDICATE TO PUBLIC USE, OR OTHERWISE DISPOSE OF REAL and PERSONAL PRPRTY IN CONNECTION WITH THE AFFAIRS OF THE ASSOCIATION.
- (D) BORROW MONEY and, SUBJECT TO THE CONSENT BY VOTE OR WRITTEN INSTRUMENT OF TWO-THIRDS OF THE MEMBERS, MORTGAGE, PLEDGE, CONVEY BY DEED OF TRUST, OR HYPOTHECATE ANY OR ALL OF ITS REAL OR PERSONAL PROPERTY AS SECURITY FOR MONEY BORROWED OR DEBTS INCURRED.
- (E) DEDICATE, SELL, OR TRASNFER ALL OF ANY PART OF THE COMMON AREAS TO ANY MUNICIPALITY, PUBLIC AGENCY, AUTHORITY, OR UTILITY FOR SUCH PURPOSES and SUBJECT TO SUCH CONDITIONS AS MAY BE AGREED UPON BY THE MEMBERS. NO SUCH DEDICATION OR TRANSFER SHALL BE EFFECTIVE UNLESS AN INSTRUMENT HAS BEEN SIGND BY TWO-THIRDS OF THE MEMBERS, AGREEING TO SUCH DEDICATION, SALE, OR TRANSFER.
- (F) PARTICIPATE IN MERGERS and CONSOLIDATIONS WITH OTHER NON-PROFIT CORPORATIONS ORGANIZED FOR THE SAME PURPOSES, OR ANNEX ADDITIONAL RESIDENTIAL PROPERTY and COMMON AREAS, PROVIDED THAT ANY MERGER, CONSOLIDATION, OR ANNEXATION SHALL HAVE THE CONSENT BY VOTE OR WRITTEN INSTRUMENT OF TWO-THIRDS OF THE MEMBERS.
- (G) HAVE and EXERCISE ANY and ALL POWERS, RIGHTS, and PRIVILEGES THAT A CORPORATION ORGANIZED UNDER THE TEXAS NON-PROFIT CORPORATION ACT BY LAW MAY NOW OR HEREAFTER HAVE OR EXERCISE.

THE ASSOCIATION IS ORGANIZED and SHALL BE OPERATED EXCLUSIVELY FOR THE AFOREMENTIONED PURPOSES. THE ACTIVITIES OF THE ASSOCIATION SHALL BE FINANCED BY ASSESSMENTS ON MEMBERS AS PROVIDED IN THE DECLARATION and NO PART OF ANY NET EARNINGS SHALL INURE TO THE BENEFIT OF ANY MEMBER.

ARTICLE V

THE NAME OF THE INITIAL REGISTERED AGENT OF THE CORPORATION IS MARK VAN OVERBORG, and THE STREET ADDRESS OF ITS INITIAL REGISTERED OFFICE IS 4242 MEDICAL DRIVE, SUITE 5200, SAN ANTONIO, TEXAS 78229.

ARTICLE VI

THE NUMBER OF DIRECTORS CONSTITUTING THE INITIAL BOARD OF DIRECTORS OF THE CORPORATION IS THREE (3) and THE NAMES and ADDRESSES OF THE PERSONS WHO ARE TO SERVE AS THE INITIAL DIRECTORS ARE:

MARK VAN OVERBORG
4242 MEDICAL DR. STE. 5200
SAN ANTONIO, TEXAS 78229

JUDY KLINGBEIL
4242 MEDICAL DR. STE. 5200
SAN ANTONIO, TEXAS 78229

SANDRA VAN OVERBORG
4242 MEDICAL DR. STE. 5200
SAN ANTONIO, TEXAS 78229

ARTICLE VII

THE INITIAL DIRECTORS SHALL SERVE UNTIL THE FIRST REGULAR BOARD IS ELECTED OR UNTIL THEIR SOONER RESIGNATION OR REMOVAL BY A FIFTY-ONE PERCENT (51%) MAJORITY VOTE OF THE TOTAL PLANNED LOTS AND MEMBERS OF THE CORPORATION. IN CASE OF THE RESIGNATION, DEATH OR

INCAPACITY TO SERVE OF ANY OF THE THREE (3) DIRECTORS, PRIOR TO SAID TIME, THE REMAINING DIRECTORS MAY APPOINT A SUBSTITUTE DIRECTOR TO SERVE THE REMAINDER OF THE SAID PERIOD. THE JUDGMENT OF THE DIRECTORS, WHETHER THE DIRECTORS ARE THE INITIAL DIRECTORS OR SUBSTITUTE DIRECTORS, IN THE EXPENDITURE OF FUNDS OF THE CORPORATION SHALL BE FINAL and CONCLUSIVE SO LONG AS SUCH JUDGMENT IS EXERCISED IN GOOD FAITH. THE BYLAWS OF THE CORPORATION SHALL BE ADOPTED BY THE INITIAL BOARD OF DIRECTORS and SHALL THEREAFTER BE AMENDED OR ALTERED AS PROVIDED THEREIN.

THE FOLLOWING SHALL APPLY TO THE CORPORATION and ITS MEMBERS:

- (A) THE MEMBERS OF THE CORPORATION SHALL BE EVERY OWNER OF A "LOT" OR "TRACT" IN WEST VIEW SUBDIVISION. 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 ASSESSMENTS BY THE ASSOCIATION, INCLUDING CONTRACT SELLERS, BUT EXCLUDING PERSONS HOLDING TITLE MERELY AS SECURITY FOR PERFORMANCE OF AN OBLIGATION, SHALL BE A MEMBER OF THE ASSOCIATION. MEMBERSHIP SHALL BE APPURTENANT TO and MAY NOT BE SEPARATED FROM OWNERSHIP OF A LOT WHICH IS SUBJECT TO ASSESSMENT BY THE ASSOCIATION.
- (B) ALL OWNERS ARE MEMBERS OF THE ASSOCIATION. EACH FAMILY, HUSBAND AND/OR WIFE, ARE ENTITLED TO VOTE. HOWEVER, A VOTE BY HUSBAND and WIFE SHALL BE CONSIDERED TO BE REPRESENTATIVE OF A SINGLE LOT. WHEN MORE THAN ONE FAMILY OR ENTITY HOLD AN INTEREST IN ANY LOT(S), ALL SUCH PERSONS SHALL BE MEMBERS, HOWEVER, THE REPRESENTATIVE VOTE SHALL BE AS THEY AMONG THEMSELVES DETERMINE. IN NO EVENT SHALL ANY OWNER (S) BE ENTITLED TO MORE THAN ONE VOTE.
- (C) THE AFFAIRS OF THE CORPORATION SHALL BE MANAGED BY ITS BOARD OF DIRECTORS. EACH DIRECTOR, OTHER THAN THE INITIAL DIRECTORS, SHALL BE AN OWNER, OR AN OFFICER OF THE OWNER, OF ONE OF MORE "LOTS" OR "TRACTS" IN WEST VIEW SUBDIVISION.

ARTICLE VIII

ON DISSOLUTION, THE ASSETS OF THE ASSOCIATION SHALL BE DISTRIBUTED TO AN APPROPRIATE PUBLIC AGENCY TO BE USED FOR PURPOSES SIMILAR TO THOSE FOR WHICH THE ASSOCIATION WAS CREATED. IN THE EVENT SUCH DISTRIBUTION IS REFUSED ACCEPTANCE, SUCH ASSETS SHALL BE GRANTED, CONVEYED and ASSIGNED TO ANY NON-PROFIT CORPORATION, ASSOCIATION, TRUST, OTHER ORGANIZATION ORGANIZED and OPERATED FOR SUCH SIMILAR PURPOSES.

ARTICLE IX

THE NAME and STREET ADDRESS OF EACH INCORPORATOR IS:

MARK VAN OVERBORG
4242 MEDICAL DR. STE. 5200
SAN ANTONIO, TEXAS 78229

JUDY KLINGBEIL
4242 MEDICAL DR. STE. 5200
SAN ANTONIO, TEXAS 78229

SANDRA VAN OVERBORG
4242 MEDICAL DR. STE. 5200
SAN ANTONIO, TEXAS 78229

EXECUTED AT San Antonio, TEXAS, ON November 8, 1999.

Mark Van Overborg
MARK VAN OVERBORG

Judy Klingbeil
JUDY KLINGBEIL

Sandra Van Overborg
SANDRA VAN OVERBORG

STATE OF TEXAS
COUNTY OF BEXAR

I, Rebecca Rodriguez, A NOTARY PUBLIC, DO HEREBY CERTIFY THAT ON November 8th, 1999 PERSONALLY APPEARED BEFORE ME, MARK VAN OVERBORG, SANDRA VAN OVERBORG AND JUDY KLINGBEIL, 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.



Rebecca Rodriguez
NOTARY PUBLIC IN and FOR Bexar COUNTY, TEXAS
MY COMMISSIN EXPIRES: 1-20-03