

BOOK 14 PAGE 409
**STATE OF
NORTH
CAROLINA**



DORRIS A. FRY
REGISTER OF DEEDS
of the N.C.
Secretary of State

To all whom these presents shall come, Greeting:

I, Rufus L. Edmisten, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached (3 sheets) to be a true copy of

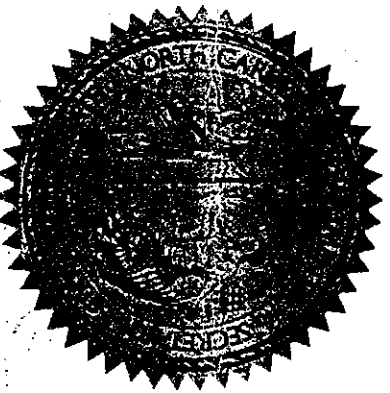
ARTICLES OF INCORPORATION
OF

LINKSIDE AT THE VILLAGE AT NAGS HEAD PROPERTY OWNERS ASSOCIATION, INC.

and the probates thereon, the original of which was filed in this office on the 4th day of April, 1989 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 4th day of April 1989. in the year of our Lord 1989.



Rufus L. Edmisten
Secretary of State

NORTH CAROLINA - DARE COUNTY
I CERTIFY THE FOREGOING INSTRUMENT TO BE A TRUE COPY AS COMPARED WITH THE ORIGINAL ON FILE IN THIS OFFICE:

THIS 10 DAY OF April, 1989
DORRIS A. FRY

REGISTER OF DEEDS OF DARE COUNTY
BY *Dorris A. Fry*
ASSISTANT REGISTER OF DEEDS

ARTICLES OF INCORPORATION
OF
LINKSIDE AT THE VILLAGE AT NAGS HEAD
PROPERTY OWNERS ASSOCIATION, INC.

In compliance with the requirements of Chapter 55A of the North Carolina General Statutes, the undersigned, a natural person of full age, has this day ~~declared~~ ~~signed~~ these Articles of Incorporation for the purpose of forming a non-profit ~~corporation~~ ~~entity~~ and hereby certifies as follows:

ARTICLE I
NAME
RUFUS L. EDWINSTEN
SECRETARY OF STATE
NORTH CAROLINA

The name of the corporation is LINKSIDE AT THE VILLAGE AT NAGS HEAD PROPERTY OWNERS ASSOCIATION, INC. (hereinafter the "Linkside Association" or the "Association").

ARTICLE II
REGISTERED OFFICE AND INITIAL AGENT

The registered office of the Association is located at Highway 158 By-Pass, Nags Head, Dare County, North Carolina 27959-0908. The location of the registered office may be changed by a majority vote of the Board of Directors. The name of the initial registered agent at the above address is Andrew L. Ammons.

ARTICLE III
PURPOSE AND POWERS OF THE ASSOCIATION

The Association does not contemplate a pecuniary gain or profit to the members thereof. The specific purposes for which the Association is formed are: (1) to own and maintain the Common Area within the subdivision known as Linkside at The Village at Nags Head; (2) to provide for contingent maintenance of the lots within Linkside at the Village at Nags Head and for architectural control of residences constructed thereon; and (3) to promote the health, safety and welfare of the residents within Linkside at The Village at Nags Head, and 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 for Linkside at the Village at Nags Head Property Owners Association, Inc., to be recorded in the Dare County Public Registry, as the same may from time to time be amended, said Declaration and any amendments thereto (hereinafter individually and collectively referred to as "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;
- (c) pay all expenses incurred in connection with collection of the charges and assessments set forth in subparagraph (b) above, and pay 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 property owned by the Association;
- (d) 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;
- (e) borrow money and, with the assent of members entitled to at least two-thirds (2/3) of the votes appurtenant to the Class A Lot and Class B Lots (as defined in Article III, Section 2 of the Declaration), mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred, subject to the property rights of the members of the Association as provided in Article IV of the Declaration;

(f) dedicate, self or transfer all or any part of the Association Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed upon by the members of the Association. No such dedication or transfer shall be effective unless an instrument has been signed by members entitled to at least three-fourths (3/4) of the votes appurtenant to the Class A and Class B Lots, agreeing to such dedication, sale or transfer. Notwithstanding anything herein to the contrary, the Common Area shall be preserved to the perpetual benefit of the owners of lots within Linkside Subdivision or of the public in general and shall not be conveyed except to the Town of Nags Head or other non-profit corporation for the aforementioned purposes;

(g) participate in mergers and consolidations with other non-profit corporations organized for the same purposes provided that any such merger or consolidation shall have the consent of the members as provided in paragraph (f) above; and

(h) have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Act of the State of North Carolina by law may now or hereafter have or exercise.

ARTICLE IV

FINANCE

The Property Owners Association is a non-stock corporation and no part of the profits (if any) of the Association shall inure to the pecuniary benefit of its members or to any other person.

ARTICLE V

MEMBERSHIP AND VOTING RIGHTS

Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is subject by the Declaration 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.

ARTICLE VI

BOARD OF DIRECTORS

The affairs of the Association shall be managed by an Initial Board of three (3) Directors, who need not be members of the Association. The persons who are to act in the capacity of Director until the selection of their successors are:

<u>Name</u>	<u>Address</u>
Justus M. Ammons	140 Ammons Drive Raleigh, North Carolina 27615
Andrew L. Ammons	2832 Northchase Parkway West Wilmington, North Carolina 28405
James L. Seazy	4934 Windy Hill Drive Raleigh, North Carolina 27609

At the first annual meeting, the number of directors shall be increased to five. At that meeting, the members shall elect one director for a term of one year, two directors for a term of two years, and two directors for a term of three years. At each annual meeting thereafter, the members shall elect the number of directors needed to fill the vacancy or vacancies created by the director or directors whose term(s) is/are expiring to serve a term of three (3) years. The number of directors may be changed by amendment of the By-Laws of the Association.

ARTICLE VII
DISSOLUTION

The Association may be dissolved only upon the signed written assent of the members entitled to not less than three-fourths (3/4) of the votes apportioned to the Class A and Class B Lots. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to a merger or consolidation public agency to be used for purposes similar to those for which the Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed and assigned to any non-profit corporation, association, trust, or other organization to be devoted to such similar purposes.

ARTICLE VIII

DURATION

The period of existence of this corporation is perpetual.

ARTICLE IX

AMENDMENTS

Amendment of these Articles shall require the assent of the members entitled to at least three-fourths (3/4) of the votes apportioned to the Class A and Class B Lots.

ARTICLE X

FHA/VA APPROVAL

As long as there is Class B membership, the following actions require the prior approval of the Federal Housing Administration or the Veterans Administration: mergers and consolidations, dissolution, mortgaging of Common Area, dedication of or otherwise dealing of a Common Area to persons other than the Association, and amendment of these Articles.

ARTICLE XI

INCORPORATOR

The name and address of the incorporator is as follows:

James L. Seay
4934 Windy Hill Drive
Raleigh, North Carolina 27609


IN WITNESS WHEREOF, I, the undersigned incorporator, have hereunto set my hand and seal this 4th day of April, 1989.


James L. Seay (SEAL)

STATE OF NORTH CAROLINA - COUNTY OF WAKE

I, the undersigned Notary Public, do hereby certify that James L. Seay personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this 4th day of April, 1989.


Myrtice B. Wilder
Notary Public

