

**ARTICLES OF INCORPORATION**  
**OF**  
**LAKE POINTE HOMEOWNERS' ASSOCIATION, INC.**

Executed by the undersigned person of legal age for the purpose of forming a not-for-profit mutual benefit corporation under the Montana Nonprofit Corporation Act.

**ARTICLE I**

The name of the corporation is:

Lake Pointe Homeowners' Association, Inc.,

hereafter called the "Association".

**ARTICLE II**

The Association shall be a mutual benefit corporation.

**ARTICLE III**

The registered office of the Association is located at Highway 35, P.O. Box 717, Bigfork, Montana 59911, and the registered agent there is Edward Nolde.

**ARTICLE IV**

**PURPOSE AND POWERS OF THE ASSOCIATION**

The Association does not contemplate pecuniary gain or profit for its members. The specific purposes for which this mutual benefit corporation is formed are to perform all duties and exercise all authority given to it by Declaration of Covenants, Conditions, Easements and Restrictions for Lake Pointe recorded on October 25, 2005, and any subsequent amendments thereto (all of which is hereinafter referred to as "the Declaration") and to provide for maintenance, preservation and architectural control of

the Lake Pointe Subdivision and common areas within Lake Pointe on that certain tract of property described as:

Lots one (1) through forty-four (44) of the plat of The Harbor Village at Eagle Bend-Phase 2B, a subdivision located in the SE 1/4, SW 1/4 of Section 26, T27N, R20W, PMM, Flathead County, Montana, according to the records on file in the office of the Clerk and Recorder of Flathead County, Montana and any additional land annexed to Lake Pointe.

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 the Association. The Association may:

- (a) exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in the Declaration, 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) enforce the restrictions and requirements of said Declaration, though this grant of authority shall not require the Association to act, and to promulgate regulations interpreting said restrictions and requirements, so long as such regulations are consistent with the Declaration;
- (c) 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;
- (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, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred; and
- (f) have and to exercise any and all powers, rights and privileges which a corporation organized under the Nonprofit Corporation Law of the

State of Montana by law may now or hereafter have or exercise.

## **ARTICLE V**

### **MEMBERSHIP**

The Association shall have members. 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**

### **VOTING RIGHTS**

With the exception of the developer Rocky Mountain Recreational Communities, LLC (hereinafter "RMRC"), its assignees and successors, one vote shall be given to each lot, to be voted as the lot owners decide among themselves. When more than one person holds an interest in any lot, 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. RMRC shall have three (3) votes for every lot it owns.

## **ARTICLE VII**

### **BOARD OF DIRECTORS**

The affairs of this Association shall be managed by a Board of no more than three (3) Directors. The number of directors may be changed by the By-Laws of the

Association. Eligibility to serve as a director shall be determined by the Declaration and By-Laws.

As long as RMRC owns a lot within Lake Pointe, RMRC may appoint one member of the board if RMRC fails to elect any of its candidates.

#### **ARTICLE VIII**

#### **DISSOLUTION**

The Association may be dissolved by a vote of not less than two-thirds (2/3) of all members. The vote shall be by written ballot at a members' meeting called for the purpose of voting on dissolution. Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be transferred, granted, conveyed or assigned to a non-profit corporation, association, trust or other organization which is organized to accomplish the same or similar purposes.

#### **ARTICLE IX**

#### **DURATION**

The corporation shall exist perpetually.

#### **ARTICLE X**

#### **CONFLICT**

In the event of a conflict between the Declaration and these Articles, the Declaration shall control.

#### **ARTICLE XI**

#### **AMENDMENTS**

Amendments of these Articles shall require the assent of two-thirds of the votes

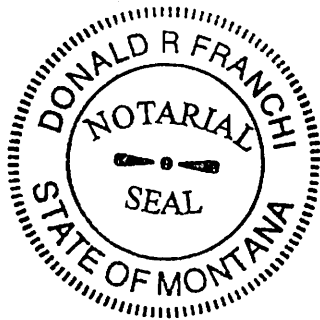
cast at a membership meeting called for the purpose of voting on amendments.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Montana, the incorporator of this Association has executed these Articles of Incorporation on October 27, 2005.

Edward Nolde  
Edward Nolde, incorporator and registered agent

STATE OF MONTANA )  
                          :ss.  
County of Flathead )

This instrument was executed before me on October 27, 2005, by Edward P. Nolde.



Donald R. Franche  
Notary Public for the State of Montana  
Residing at Condon, Montana  
My commission expires 7-15-09