

FILED  
IN THE OFFICE of the  
Secretary of State of  
Texas

JAN 17 1974

"Betty Waller"

ARTICLES OF INCORPORATION  
OF  
MARYMONT TOWNHOUSE HOMEOWNERS ASSOCIATION

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 as Articles of Incorporation for such corporation.

ARTICLE ONE

NAME

The name of the corporation is MARYMONT TOWNHOUSE HOMEOWNERS ASSOCIATION, hereinafter sometimes called the "corporation" or the "Association".

ARTICLE TWO

NON-PROFIT

The corporation is a non-profit corporation.

ARTICLE THREE

DURATION

The period of its duration is perpetual.

ARTICLE FOUR

PURPOSES AND POWERS

The purpose or purposes for which the corporation is organized are to provide for maintenance, preservation and architectural control of the residence Lots and Common Area within that certain tract

of property described as:

Lot 6, Block 2, N.C.B. 14107, Oakmont Townhouse  
Lots 1 through 8, both inclusive, Block 3, N.C.B. 15059, Oakmont Townhouse  
Lots 1 through 7, both inclusive, Block 4, N.C.B. 15060, Oakmont Townhouse  
Lots 1 through 9, both inclusive, Block 5, N.C.B. 15061, Oakmont Townhouse  
as per the map or plat thereof recorded in Volume 7000 page 1 of  
the Plat Records of Bexar County, Texas

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 Deed Records of Bexar County, Texas, 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 by the Association;

(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 non-profit corporations organized for the same purposes 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, or as may be provided for in said Declaration.

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

## ARTICLE FIVE

### 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.

## ARTICLE SIX

### 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 among themselves 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 the 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 member-

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ship; or

(b) on the fifth anniversary date of said Declaration.

#### ARTICLE SEVEN

##### BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of five (5) 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 following three directors, J. W. Allen, Sam Parnes, and R.A. Highsmith, shall have an initial term of two (2) years and said term shall expire at the second annual meeting of members and not before.

At the first annual meeting of members the members shall elect two directors for a term of one (1) year, and at each annual meeting thereafter the members shall elect five (5) directors for a term of one (1) year.

#### ARTICLE EIGHT

##### 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 non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

#### ARTICLE NINE

##### AMENDMENTS

Amendment of these Articles shall require the assent of three-fourths (3/4) of the votes of the entire membership of each class of members.

#### ARTICLE TEN

##### REGISTERED AGENT

The street address of the initial registered office of the corporation is Bludau-Bishop Road, San Antonio, Texas 78286, and the name of its registered agent at such address is J. W. Allen.

#### ARTICLE ELEVEN

##### INITIAL BOARD OF DIRECTORS

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

1. R. A. HIGHSMITH  
Bludau-Bishop Road  
San Antonio, Texas 78286
2. J. W. ALLEN  
Bludau-Bishop Road  
San Antonio, Texas 78286
3. SAM PARNES  
Bludau-Bishop Road  
San Antonio, Texas 78286
4. GIAN PAOLO-BALDINI  
Bludau-Bishop Road  
San Antonio, Texas 78286
5. BARBARA REEVES  
Bludau-Bishop Road  
San Antonio, Texas 78286

ARTICLE TWELVE

INCORPORATORS

The name and street address of each incorporator is:

1. PAT H. GARDNER  
1800 Milam Building  
San Antonio, Texas 78205
2. RICHARD L. KERR  
1800 Milam Building  
San Antonio, Texas 78205
3. EDWARD KIEWER, III  
1800 Milam Building  
San Antonio, Texas 78205

IN WITNESS WHEREOF, we have hereunto set our hands, this 15th day of  
January, 1974.

/s/ Pat H. Gardner

PAT H. GARDNER

/s/ Richard L. Kerr

RICHARD L. KERR

/s/ Edward Kiewer, III

EDWARD KIEWER, III

THE STATE OF TEXAS

COUNTY OF BEXAR

I, Marilyn Heathcock, a Notary Public, do hereby certify that on this 15th day of January, 1974, personally appeared before me, PAT H. GARDNER, RICHARD L. KERR AND EDWARD KIEWER, III, 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.

/s/ Marilyn Heathcock

Notary Public in and for Bexar County, Texas