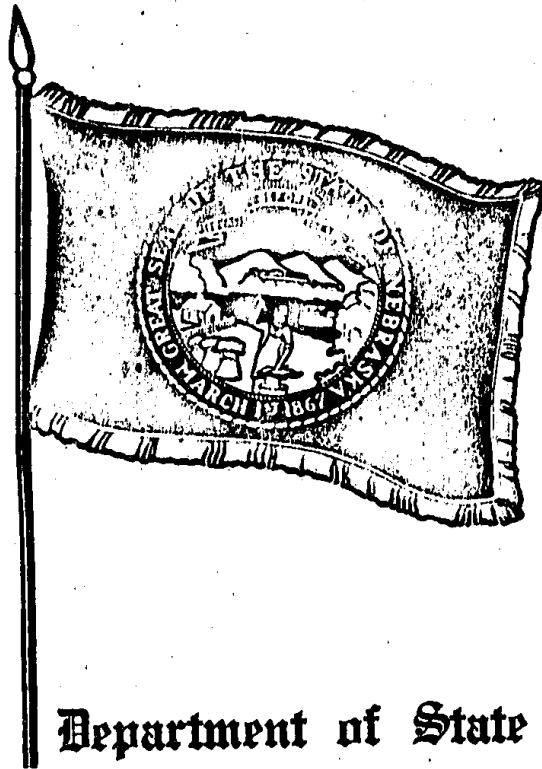


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STATE OF



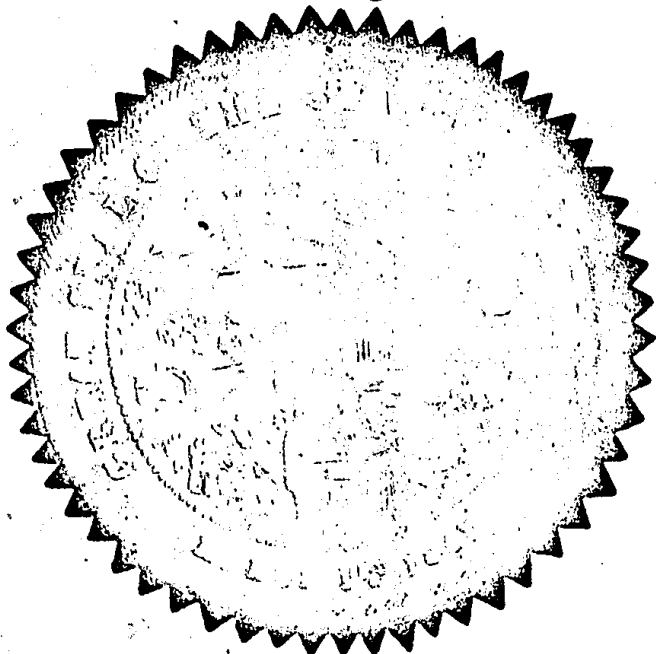
NEBRASKA

Department of State

CERTIFICATE OF INCORPORATION

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that Articles of Incorporation of TABITHA NEW COMMUNITY HOME OWNERS ASSOCIATION whose registered office is located in Lincoln, Nebraska, were filed in this office as a nonprofit corporation on June 10, 1975, and recorded on film roll No. 98 at page No. 954, Miscellaneous Incorporations.

In Testimony Whereof,



I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this

_____ tenth

day of June

in the year of our Lord, one thousand nine hundred and seventy-five.

Allen J. Beermann
SECRETARY OF STATE

DEPUTY

JUN 10 1975

STATE OF NEBRASKA } SS
SECRETARY'S OFFICE }

Received and filed for record.....
and recorded on film roll No. 98
Misc Inc at page 954

Allen J. Beermann
Secretary of State
By M. Seager

ARTICLES OF INCORPORATION

OF

TABITHA NEW COMMUNITY HOME OWNERS

ASSOCIATION

In compliance with the requirements of the Nebraska Non-Profit Corporation Act, Section 21-1901 et seq., Nebraska Revised Statutes, the undersigned, all of whom are residents of Nebraska 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 Tabitha New Community Home Owners Association, hereafter called the "Association".

ARTICLE II

The principal office of the Association is located at 843 South 47th Street, Lincoln, Lancaster County, Nebraska.

ARTICLE III

Richard P. Nelson, whose address is Post Office Box 82028, 605 South 14th Street, Lincoln, Nebraska 68501, is hereby appointed as the initial registered agent of this Association. *THE office address of the registered office is 605 S. 14th St. LINCOLN, NEB. 68501*

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 use, maintenance, preservation and architectural control of the residence Lots and Common Area within that certain tract of property described as:

All of Tabitha New Community Addition to Lincoln, Lancaster County, Nebraska, except Block 5 and Block 7 thereof; and

All of Tabitha New Community, First Addition, Lincoln, Lancaster County, Nebraska,

and to promote the health, safety and welfare of the residents within the above described property and any additions thereto as may here-

*P.O. Box 82028
R.P.S.*

after 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 Lancaster County, Nebraska, 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;
- (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 voting 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 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;
- (g) Contract with adjacent property owners or associations of adjacent property owners for the maintenance of common areas of such property owners, cross-use of common areas by members of this association and such other property owners, or for other reasons which the Board of Directors deems appropriate or desirable.

- (h) 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 Nebraska 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.

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 among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B members 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 membership; or
- (b) On January 1, 1984.

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:

<u>Name</u>	<u>Address</u>
<u>Allen Beerman</u>	<u>4730 A St., Lincoln, Nebr. 68510</u>
<u>Rev. F. C. Nolte</u>	<u>RFD #4, Lincoln, Nebr. 68502</u>
<u>Roger Anderson</u>	<u>1212 1st National Bank Bldg. Lincoln, Nebraska 68508</u>
<u>Dale LeBaron</u>	<u>2221 So. Canterbury Lane, Lincoln, Nebr.</u>
<u>Dr. Miles Tommeraasen</u>	<u>601 Sycamore Dr., Lincoln, Nebr.</u>
<u>William Swanson</u>	<u>2612 Lafayette, Lincoln, Nebr.</u>
<u>Eileen Schneider</u>	<u>Route 6, Box 90, Lincoln, Nebr. 68502</u>
<u>Homer Morrison</u>	<u>1124 M St., Apt. 314, Lincoln, Nebr.</u>
<u>Harold Norby</u>	<u>432 W. Lake Shore Dr., Lincoln, Nebr.</u>

At the first annual meeting the members shall elect three (3) Directors for a term of one year, three (3) Directors for a term of two years and three (3) Directors for a term of three years; and at each annual meeting thereafter the members shall elect three (3) 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 determined by the Board of Directors, 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 determined by the Board of Directors, to be devoted to such similar purposes.

ARTICLE IX

DURATION

The corporation shall exist perpetually.

ARTICLE X

AMENDMENTS

Amendment of these Articles shall require the assent of seventy-five percent (75%) of the entire membership (not by class).

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Nebraska, we, the undersigned, constituting the incorporators of this Association, have executed these Articles of Incorporation this 30 day of May, 1975.

<u>Name</u>	<u>Address</u>
<u>Fredrick W. Volte</u>	<u>Route #4 Lincoln, Neb.</u>
<u>Raymond L. Anderson</u>	<u>1201 E.N.B. Bldg Lincoln, NE.</u>

32- 432, 436, 440, 444,
 448, 452, 458, 474,
 478, 482, INDEXED
 486, 490 FILED
 33- 297, 301, 305, 309, 313

Misc.

LANCASTER COUNTY NEBR.
 Kenneth L. Fryerson
 REGISTER OF DEEDS

1975 JUN 10 PM 2:17 ✓

ENTERED ON NUMERICAL INDEX FILED FOR RECORD AS:

INST. NO. 75-8421

#22-50

Melvin Harding