



NORTH CAROLINA

Department of The Secretary of State

To all whom these presents shall come, Greetings:

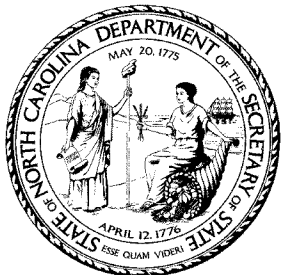
I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION

OF

OWNERS OF ENO TRACE, INC.

the original of which was filed in this office on the 12th day of February, 1987.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 11th day of February, 2008.

Elaine F. Marshall

Secretary of State

DOCUMENT #00191
DATE 02/12/87 TIME 17:54
FILED
THIRD FLOOR
SECRETARY OF STATE
NORTH CAROLINA

Prepared by and Mail to:
Charles W. White
P.O. Box 1371
Durham, N.C. 27702

ARTICLES OF INCORPORATION
OF
OWNERS OF ENO TRACE, INC.

The undersigned natural person of the age eighteen years or more, does hereby make and acknowledge these Articles of Incorporation for the purpose of forming a non-profit corporation under and by virtue of the laws of the State of North Carolina, as contained in Chapter 55-A of the General Statutes of North Carolina, entitled "Non-Profit Corporation Act", and the several amendments thereto, and to that end does hereby set forth:

ARTICLE I

The name of the corporation is Owners of Eno Trace, Inc., hereafter called the "Association".

ARTICLE II

The period of duration of the corporation shall be perpetual.

ARTICLE III

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

BEGINNING at a stake located in the property line on the south side of Infinity Road, said stake being South 74° 13' 04" West 200 feet from the control corner located at the northwest corner of Tract No. 2 as shown in Plat Book 47, at page 70; thence from said point and place of beginning along and with the property line on the south side of Infinity Road, South 74° 13' 04" West 1,673.42 feet to a point; thence South 37° 20' 59" East 14.14 feet to the center of a manhole located in the center of a 25-foot sanitary sewer easement; thence along and with the center line of the sanitary sewer easement the following courses and distances: South 26° 00' 14" East 380.85 feet, South 11° 58' 32" East 267.67 feet, South 55° 13' 19" West 219.64 feet to a stake; thence along and with various courses and distances with the property line of the City of Durham, Tract No. 895, as follows: South 76° 16' 42" East 212.80 feet, South 52° 15' 55" East 209.83 feet, South 81° 34' 22" West 249.79 feet, South 38° 35' 23" West 329.89 feet, South 06° 03' 20" West 224.94 feet, South 07° 20' 10" East 110.96 feet, South 24° 00' 01" West 294.86 feet, South 19° 59' 43" West 199.89 feet, South 04° 14' 32" East 449.95 feet, South

24° 28' 54" East 188.20 feet, South 45° 39' 56" East 191.96 feet, South 68° 31' 13" East 204.01 feet, North 88° 31' 13" East 202.97 feet, North 69° 48' 25" East 196.94 feet, North 45° 45' 15" East 202.00 feet, North 32° 28' 12" East 155.90 feet, North 43° 37' 44" East 133.98 feet, North 67° 56' 11" East 128.06 feet, North 81° 38' 20" East 166.91 feet, North 64° 28' 06" East 197.92 feet, North 43° 29' 03" East 198.60 feet, North 35° 10' 09" East 250.16 feet, North 63° 51' 12" East 239.69 feet, North 43° 44' 18" East 184.30 feet, North 37° 28' 32" East 452.83 feet, South 15° 08' 39" East 450.86 feet, South 13° 28' 02" East 50.57 feet to a point located in the center line of the Eno River; thence with the center line of the Eno River, North 63° 45' 51" East 32.93 feet to a point; thence North 15° 43' 06" West 42.32 feet to a stake in the west line of Tract No. 4 as shown in Plat Book 47, at page 70; thence along and with said property line North 15° 43' 06" West 795.85 feet to a stake; thence South 74° 18' 20" West 550.03 feet to a stake; thence North 15° 41' 04" West 1,026.24 feet to a point; thence North 74° 18' 20" East 349.90 feet to a stake; thence North 15° 41' 40" West 489.26 feet to a stake, the point and place of BEGINNING, containing approximately 111.147 acres, and being the greater portion of the property as per plat and survey thereof labelled "Final Plat, Infinity Road Boundary" by Philip Post & Associates, Engineer, dated June 30, 1986, recorded in Durham County Registry in Plat Book 111, at page 196, to which reference is herewith made for more particular description of same.

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 Office of Register of Deeds of Durham County, North Carolina, 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 of each class of members mortgage, pledge, 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 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 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 of each class of members;

(g) 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 North Carolina by law may now or hereafter have or exercise.

ARTICLE IV

The corporation is to have no capital stock. 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 V

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 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 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) January 1, 1995.

As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration of the Veterans Administration: Annexation of additional properties, dedication of Common Area, and amendment of this Declaration of Covenants, Conditions and Restrictions.

ARTICLE VI

The address of the initial registered office of the corporation is 119 Orange Street, Durham, Durham County, North Carolina, and the name of the initial registered agent at such address is C. Ralph Cochran.

ARTICLE VII

The number of directors constituting the initial Board of Directors shall be three (3), and the names and addresses of the persons who are to serve as directors until the first meeting of shareholders or until their successors are elected and qualified are:

<u>NAME</u>	<u>ADDRESS</u>
C. Ralph Cochran	119 Orange Street Durham, NC 27701
Ransom W. Smith	119 Orange Street Durham, NC 27701
William Ripley, Jr.	119 Orange Street Durham, NC 27702

The affairs of this Association shall be managed by a Board of nine (9) directors, who need not be members of the Association. At the first annual meeting the members shall elect three directors for a term of one year, three directors for a term of two years, and three directors for a term of three years; and at each annual meeting thereafter the members shall elect three directors for a term of three years.

ARTICLE VIII

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds 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 IX

Amendment of these Articles shall require the assent of 75% of the entire membership.

ARTICLE X

The name and address of the incorporator is Charles W. White, 201 N. Roxboro Street, P. O. Box 1371, Durham, North Carolina 27702.

IN WITNESS WHEREOF, the party has hereunto set his hand and seal, this the 9 day of February, 1987.

Charles W. White (SEAL)
Charles W. White

NORTH CAROLINA

DURHAM COUNTY

This is to certify that on this day before me, a Notary Public of Durham County, personally appeared CHARLES W. WHITE, who I am satisfied is the person named in and who executed the foregoing Articles of Incorporation, and I having first made known to him the contents thereof, he did acknowledge that he signed and delivered the same as his voluntary act and deed for the uses and purposes therein expressed.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal, this 9 day of February, 1987.

Demi Z. Miller
Notary Public

My commission expires:

3-29-89