

**ARTICLES OF INCORPORATION
CHARTER DOCUMENTS
LINVILLE LAND HARBOR PROPERTY OWNERS
ASSOCIATION**

I, the undersigned natural person of the age of 18 years or more do hereby organize a non-stock, non-profit membership corporation under and by virtue of the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of the State of North Carolina, entitled "Non-Profit Corporation Act", and the several amendments thereto, and adopt the following Articles of Incorporation.

**ARTICLE I
NAME**

The name of the corporation is "Linville Land Harbor Property Owners Association, Inc."

**ARTICLE II
DURATION**

The period of duration of the corporation is perpetual.

**ARTICLE III
PURPOSES**

The purposes for which the corporation is formed are:

- 1) To promote the health, safety and welfare of the property owners within the Linville Land Harbor Subdivision, which subdivision is to include all that land which has been developed as a subdivision by Carolina Caribbean Corporation and platted of record as a section of that subdivision in the Avery County North Carolina Register of Deeds Office;
- 2) To own, acquire, build, operate, and maintain recreation parks, playgrounds, golf courses, swimming pools, boating, swimming, and fishing lakes, and any such other facilities as the members desire including the common grounds, footpaths, and roads and streets within the subdivision;
- 3) To arrange on a collective basis for garbage and trash collection and disposal, for cable television, for fire and security protection, and for any other service or facilities the members desire;
- 4) To fix assessments or charges to be levied against the members for providing those services and facilities, which assessments, if unpaid, are to become a lien on the land in the subdivision of the member not making such payment, pursuant to the various Declaration of Restrictions as are applicable to the various lots in the subdivision.
- 5) The corporation is not organized for pecuniary profit or gain, directly or indirectly to its members, nor shall it have capital stock or any power to issue certificates of stock or to declare or pay dividends, and no part of the net profits or assets of the corporation shall be distributed, upon dissolution or otherwise, to any individual. The corporation may pay reasonable compensation to its members, directors, or officers for services rendered.

**ARTICLE IV
MEMBERSHIP**

- (a) There shall be one class of members. Membership is restricted to persons owning lots within the Linville Land Harbor subdivision.
- (b) All members, their spouses and children up to the age of 21 years shall have the right to use the facilities owned and avail themselves of the services offered by the corporation provided that the Board of Directors may from time to time set usage fees for various facilities or services in addition to the annual dues.
- (c) Members may be entitled to bring guests to use the facilities subject to such limitations and fees as the Board of Directors may impose.

(d) Membership and all privileges are automatically suspended upon any dues or assessments becoming delinquent.

(e) Membership and all privileges may be suspended during any period of time when there exist a violation of (1) any of the restrictions, as filed by Carolina Caribbean Corporation, governing the use of the property in Linville Land Harbor, or (2) any of the rules adopted by the Board of Directors.

**ARTICLE V
VOTING RIGHTS**

Each member shall have one vote regardless of the number of lots owned. Two or more persons owning the property jointly shall be entitled to only one vote jointly.

**ARTICLE VI
DIRECTORS**

Section 1. Authority The affairs of the corporation shall be controlled and managed by the Board of Directors who need not be residents of the State of North Carolina but must be members in good standing of the corporation.

Section 2. Number The number of members of the Board of Directors shall be determined by the corporation's bylaws but shall be at least three.

Section 3. Term All directors shall serve for a term as provided for in the bylaws.

Section 4. Initial Board The initial Board of Directors shall consist of the following individuals: Walter Lee Davis, Jr., Keith A. Weber, T. J. Maureau, III, Thomas G. Fuller, and Lloyd Crytzer who shall serve until the first annual meeting of the members entitled to vote of the corporation, or until their successors shall have been duly elected and qualified.

**ARTICLE VII
DISSOLUTION**

Upon dissolution of the corporation, its assets shall be dedicated to an appropriate public agency to be devoted to purposes as nearly as practicable the same as the corporation. In the event such dedication is refused by such public agency, such assets shall be granted, conveyed and assigned to any non-profit organization to be devoted to the same or similar purposes as the corporation. No such assets shall be distributed to any member.

**ARTICLE VIII
REGISTERED OFFICE, AGENT & INCORPORATOR**

Section 1. Office The registered office of the corporation shall be at Linville Land Harbor Administration Building, Linville Land Harbor Subdivision, Highway 221, 20 Land Harbor Plaza, Newland, Avery County, North Carolina.

Section 2. Agent The registered agent of this corporation is Mr. Mike Simpson.

Section 3. Incorporator The incorporator of this corporation is Walter Lee Davis, Jr., GH 164, Beech Mountain, PO Box 277, Banner Elk, North Carolina 28604.

Note: The above represents the initial Articles of Incorporation dated October 9, 1972, as amended on March 10, 1975, November 13, 1975, August 2, 1995 and June 21, 2001.

09/07/01