

Prepared by and mail to
Purser & Fassel (BOX 100)
ARTICLES OF INCORPORATION

CHESHUNT HOMEOWNERS ASSOCIATION, INC.

In compliance with the requirement of North Carolina General Statute Section 55A-5, the undersigned, all of whom are residents of Mecklenburg County, North Carolina 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 CHESHUNT HOMEOWNERS ASSOCIATION, INC., hereinafter called the "Association".

ARTICLE II

The registered office of the Association is located at 1249 Matthews-Mint Hill Road, P.O. Box 1077, Matthews, Mecklenburg County, North Carolina 28106.

ARTICLE III

JAMES W. BOGAN, whose address is 1249 Matthews-Mint Hill Road, P. O. Box 1077, Matthews, Mecklenburg County, North Carolina 28106, is hereby appointed the registered agent of this Association.

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

BEING all of that property labeled "Common Area" to be shown on record maps of the Cheshunt subdivision to be recorded in the Mecklenburg Public Registry.

and to promote the health, safety and welfare of the residents within the above-described 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 the Register of Deeds, Mecklenburg 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 (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 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) 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 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 member(s) 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 (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 31, 1995.

ARTICLE VII

BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board of three (3) 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:

JAMES W. BOGAN	1249 Matthews-Mint Hill Road P. O. Box 1077 Matthews, N.C. 28105
R. DALE FUSSELL	3131-B Eastway Drive Charlotte, N.C. 28205
JOHN BELK	1249 Matthews-Mint Hill Road P.O. Box 1077 Matthews, NC 28105

Directors shall be elected as provided in the Declaration recorded or to be recorded in the Mecklenburg Public Registry.

ARTICLE VIII

DURATION

The corporation shall exist perpetually.

ARTICLE IX

AMENDMENTS

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

ARTICLE XI

FHA/VA APPROVAL

As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: annexation of additional properties, mergers and consolidations, mortgaging of Common Area, dedication of Common Area, dissolution and amendment of these Articles.


ARTICLE XII

The incorporator is as follows:

R. DALE FUSSELL	3131-B Eastway Drive Charlotte, NC 28205 Mecklenburg County
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IN WITNESS WHEREOF, for the purposes of forming this corporation under the laws of the State of North Carolina, the

undersigned, constituting the incorporator of this Association, have executed these Articles of Incorporation this the 7th day of November, 1989.

 (SEAL)
R. Dale Fussell

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Brenda R. Litaker, a notary public in and for Mecklenburg County, North Carolina, do hereby certify that R. DALE FUSSELL personally appeared before me this day and acknowledged the due execution of the foregoing Articles of Incorporation.

WITNESS my hand and notarial seal, this the 7th day of November, 1989.

My commission expires: 8/12/90


Notary Public