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ARTICLES OF INCORPORATION  
OF  
TERRACE PATIO HOMES OWNERS' ASSOCIATION  
(A Not-For-Profit Corporation)

RECORDED  
IN THE OFFICE OF THE  
REGISTER OF DEEDS  
STATE OF KANSAS  
NOV 12 11 12 '10

The undersigned, in order to form a not-for-profit corporation for the purposes hereinafter stated, under and pursuant to the Kansas General Corporation Code, does hereby certify as follows:

FIRST: The name of this Corporation is Terrace Patio Homes Owners' Association (the "Association").

SECOND: The address of the Corporation's registered office in the State of Kansas is 8100 East 22nd Street North, Building 1000, Wichita, Sedgwick County, Kansas 67226. The name of its registered agent at such address is Jack D. Ritchie.

THIRD: This Corporation is not organized for profit, and the primary purpose of this Corporation shall be to provide for the acquisition, construction, management, maintenance, and care of the Common Areas within that certain development commonly known as Rocky Creek Third Addition to Wichita, Sedgwick County, Kansas, and within any other property as may hereafter be brought within the jurisdiction of the Corporation. In furtherance of the foregoing primary purpose, this Corporation shall have the following purposes and powers:

- a. To provide for architectural control and to promote the health, safety, and welfare of the residents within said property and any additional property as may hereafter be brought within the jurisdiction of this Corporation;
- b. To 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 of Terrace Patio Homes (the "Declaration"), applicable to the above described property and presently recorded in the Office of the Register of Deeds of Sedgwick County, Kansas, 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;

c. To 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 above described property of the Association;

d. To 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;

e. To borrow money, mortgage, pledge, grant security interests in, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed or debts incurred;

f. To dedicate, sell, or transfer all or any part of the Common Areas included in the above described real property subject to the Declaration to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members;

g. To have and exercise any and all powers, rights, and privileges which a corporation organized under the Kansas General Corporation Code as a not-for-profit corporation may now or hereafter have or exercise; and

h. To engage in any act or activity which is in furtherance of the above purposes.

FOURTH: No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in ARTICLE THIRD above, and except that net earnings shall inure to the benefit of members, directors, officers, and other private persons by the provision for management, maintenance, and care of Association property and by rebates of excess membership dues, fees, or assessments.

No substantial part of the activities of the Corporation shall be the carrying on of

propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office.

FIFTH: This Corporation shall not have authority to issue capital stock, and all voting powers normally vested in stockholders shall be vested in the members of this Corporation. 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 assessments by the Association, including contract purchasers, 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 separate from ownership of any Lot which is subject to assessment by the Association.

SIXTH: There shall be one class of voting membership. Owners, as such term is defined in the Declaration, of lots shall be entitled to two (2) votes for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be members. The votes for such Lot shall be exercised as they, among themselves, determine, but, except as provided in the next sentence, in no event shall more than two (2) votes be cast with respect to any Lot. Notwithstanding the foregoing, the Declarant, as such term is defined in the Declaration, its successors and assigns, shall be entitled to nine (9) votes for each Lot of which it is the owner.

SEVENTH: The name and mailing address of the Corporation's incorporator are:

Jack D. Ritchie  
8100 East 22nd Street North  
Building 1000  
Wichita, Kansas 67226

EIGHTH: The affairs of the Corporation shall be managed and conducted by a Board of Directors ("Board") consisting of three (3) or more members who need not be members of the Association, the exact number to be fixed and determined by the Board, with full authority in the Board to vary said number at any time and from time to time. The initial number of directors of this Corporation shall be five (5).

NINTH: The original Bylaws of this Corporation shall be adopted either by the incorporator or by the Board. Thereafter, the power to make, adopt, alter, amend, or repeal this

Corporation's Bylaws, in whole or in part, at any time and from time to time, shall be vested concurrently in the members of this Corporation and the Board, but the authority of the Board with respect to the Bylaws shall at all times remain subject to the superior authority of the members. The Board shall also have full power and authority to manage this Corporation, and any and all of its assets, properties, businesses, and affairs, including the right to elect such officers and assistant officers, and to designate and appoint such agents and employees as the Board deems advisable and to allow them suitable compensation, and shall have any and all other and additional powers and authority, not inconsistent with the express terms of these Articles of Incorporation, which are expressly or impliedly granted to or invested in, them by the statutes or laws of the State of Kansas, as now in effect and as hereafter amended or modified.

TENTH: This Corporation shall have perpetual existence.

IN WITNESS WHEREOF, I have hereunto subscribed my name at Wichita, Kansas, on this 18<sup>th</sup> day of December, 2000.

  
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Jack D. Ritchie

STATE OF KANSAS            )  
  ) ss:  
SEDGWICK COUNTY         )

BE IT REMEMBERED, that on this 18<sup>th</sup> day of December, 2000, before me, a Notary Public within and for the County and State aforesaid, came Jack D. Ritchie, who is personally known to me and known to me to be the same person who executed the foregoing Articles of Incorporation, and said person duly acknowledged before me his execution of the same as and for his free and voluntary act and deed, for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at Wichita, Kansas, on the date first above written.

*Diane M. Stalbaum*  
Notary Public

My Appointment Expires:



I hereby certify this to be a true and correct copy of the original on file.  
Certified on this date: Dec. 21, 2000  
Ron Thornburgh, Secretary of State