



203445

FILE NUMBER



DOMESTIC

# STATE OF WASHINGTON | DEPARTMENT OF STATE

I, **A. LUDLOW KRAMER**, Secretary of State of the State of Washington and custodian of its seal, hereby certify that

## ARTICLES OF INCORPORATION

of **MT. VERNON VILLAGE TOWNHOUSES ASSOCIATION**  
a domestic corporation of **Federal Way,** Washington,

was filed for record in this office on this date, and I further certify that such Articles remain on file in this office.

Filed at request of  
Blair, Thomas, O'Hern & Daheim  
502 Rust Bldg.  
Tacoma, Washington 98402  
Attn: Warren J. Daheim

NON-PROFIT

Filing and recording fee . . . \$ 20.00

License to June 30, 19 . . . \$ . . .

Excess pages @ 25¢ \$ . . .

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In witness whereof I have signed and have affixed the seal of the State of Washington to this certificate at Olympia, the State Capitol,  
**February 6, 1970**

A. LUDLOW KRAMER  
SECRETARY OF STATE

APPROVED  
AS TO FORM AND FILED

FEB 6 - 1970

A. LUDLOW KRAMER  
SECRETARY OF STATE

## ARTICLES OF INCORPORATION

OF

MT. VERNON VILLAGE TOWNHOUSES ASSOCIATION

CLINTON L. HERGERT, being over twenty-one years of age, for the purpose of forming a nonprofit corporation under Chapter 24.03 of the Revised Code of Washington, adopts the following Articles of Incorporation:

## ARTICLE I.

The name of the corporation is MT. VERNON VILLAGE TOWNHOUSES ASSOCIATION, hereafter called the "Association".

## ARTICLE II.

The address of the initial registered office of the Association is 1220 356th South, Federal Way, Washington, and the name of its initial registered agent at such address is CLINTON L. HERGERT.

## 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:

All that certain real property situate in Pierce County, State of Washington being a portion of the southeast quarter of Section 28, and the northeast quarter of Section 33, Township 20 North, Range 2 East W.M., more particularly described as follows:

BEGINNING at the southeast corner of said Section 28; thence along the South line of said southeast quarter North 89°53'13" West 350.09 feet to the TRUE POINT OF BEGINNING of the tract to be described herein; thence from said True Point of Beginning along the South line of said southeast quarter of Section 28, North 89°53'13" West 231.50 feet; thence leaving said South line North 0°04'43" East 481.22 feet thence North 27°40'09" West 133.22 feet; thence at right angles South 62°19'51" West 432.50 feet, thence tangent to the preceding course along the arc of a curve to the left having a radius of 515.00 feet and a central angle of 49°47'01", an arc distance of 447.48 feet; thence tangent to the preceding curve along the arc of a curve to the left having

a radius of 535.50 feet and a central angle of 12°09'10" an arc distance of 113.59 feet; thence tangent to the preceding course and parallel to and distant easterly 70.00 feet (measured at right angles from the northerly prolongation of the easterly line of government lot 7) Section 33, Township 20 North, Range 2 East W.M., South 0°23'39" West 522.22 feet; thence the following courses North 70°15'00" East 529.52 feet; North 56°00'00" East 120.00 feet; North 49°00'00" East 267.00 feet and North 44°30'00" East 223.00 feet to the True Point of Beginning, containing 14.707 acres of land more or less.

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, and 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 Auditor of Pierce County, Washington, 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-third's (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 Washington by law may now or hereafter have or exercise.

#### ARTICLE IV.

##### 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 V.

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 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  
equal the total votes outstanding in the Class B  
membership; or
- (b) on January 1, 1974.

ARTICLE VI.

Board of Directors

The number of directors constituting the initial Board of Directors of the Association is three (3) and the names and addresses of the persons who are to serve as directors until the first annual meeting of the members or until their successors are elected and qualified are:

<u>Name</u>	<u>Address</u>
Herman Sarkowsky	1220 356th South Federal Way, Washington
Clinton L. Hergert	1220 356th South Federal Way, Washington
Robert BeVan	1220 356th South Federal Way, Washington

## ARTICLE VII.

### 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 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 nonprofit corporation, association, trust or other organization to be devoted to such similar purposes. Upon dissolution of the Association, limited common areas shall be deeded to the owners of the specific dwelling units to which such limited common areas appertain.

## 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 X.

### 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 XI.

The name and address of the sole incorporator is: CLINTON L. HERGERT, 1220 356th South, Federal Way, Washington.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Washington, I, the undersigned, constituting the sole incorporator of this Association, have executed these Articles of Incorporation this 27 day of January, 1969<sup>70</sup>.

Clinton L. Hergert

STATE OF WASHINGTON )  
COUNTY OF Pierce ) ss.  
~~KING~~ )

I, Richard E. Dvorak, a Notary Public, hereby certify that on the 27th day of January, 1969<sup>70</sup>, personally appeared before me CLINTON L. HERGERT, who being by me first duly sworn, declare that he is the person who signed the foregoing document as incorporator, and that the statements therein are true.

Richard E. Dvorak  
Notary Public in and for the State of  
Washington, residing at Tacoma.