

**ARTICLES OF INCORPORATION**  
**-of-**  
**PINE VIEW ESTATES HOMEOWNERS ASSOCIATION**  
(a Colorado nonprofit corporation)

The undersigned incorporator (a natural person over 18 years of age), and desiring to form a nonprofit corporation under the Colorado Nonprofit Corporation Act, does hereby sign, verify and deliver in duplicate to the Secretary of State of the State of Colorado these Articles of Incorporation.

**ARTICLE I**

**Corporate Name**

The name of the Corporation is: Pine View Estates Homeowners Association.

**ARTICLE II**

**Incorporator, Principal Office, Registered Office and Registered Agent**

The true name and mailing address of the incorporator is: Alice J. Owens, 3637 N. Princeton Court, Florence, AZ 85132. The initial principal office for the transaction of the business of the Corporation shall be located at: 3637 N. Princeton Court, Florence, AZ 85132. The address of the initial registered office of the Corporation is: 3637 N. Princeton Court, Florence, AZ 85132. The name of the registered agent at such address is: Alice J. Owens.

**ARTICLE III**

**Membership**

The Corporation shall have only voting Members, with the characteristics, qualifications, rights, limitations and obligations attaching to Members to be as established in the Corporation's Bylaws. Cumulative voting for the Board of Directors shall not be allowed. The Corporation has no capital stock; however, the Corporation may hereafter issue certificates evidencing membership therein.

**ARTICLE IV**

**Period of Duration**

This Corporation shall exist in perpetuity from the date of filing of the original Articles of Incorporation with the Secretary of State of the State of Colorado, unless dissolved according to law.

**ARTICLE V**

**Objects and Purposes**

The Corporation is organized and established exclusively for the nonprofit use of its Members, Lot 1 through 7 in the Pine View Estates Subdivision, of El Paso County, and for the purposes of complying with the Replacement Plan, including developing and submitting

technical hydro-geological information or reports and pursuing and obtaining the following lawful benefits, contract rights or entitlements for its Members:

1. To promote and encourage the participation of all members of this organization in aiding and helping better, improve and develop the properties in the Pine View Estates Subdivision;

2. To prevent nuisances; to prevent the impairment of the attractiveness of the property, and thereby to secure to each individual owner the full benefit and enjoyment of his or her home or property with no greater restrictions upon the free and undisturbed use of his property than is necessary to insure the same advantage to other similar property owners; and, to insure the lasting beauty and investment value of the property;

3. To control Subdivision appearance, including the clearing of trees, control of commercial and recreational vehicles, refuse and rubbish, signs, animals, clotheslines and exterior tanks, and all other matters pertaining to the general appearance of the Subdivision;

4. To enforce, either in its own name upon proper authority being granted by Alice J. Owens, or in the name of the owner or owners of the property above described, any or all building restrictions which may have been heretofore, or may hereafter be, imposed upon any of the said above-described property, either in the form as originally placed thereon or as modified subsequently thereto; provided, however, that this right of enforcement shall not serve to prevent the right of the owner or owners of any lot or parcel of land above described to enforce said building restrictions in the event they or any one of them elects to do, or prevent, such changes, releases, or modifications of restrictions or reservations being made by the parties having the right to make such changes, releases, or modifications as are permissible in the deeds, contracts, declarations, agreements, or plats in which such restrictions are set forth; nor wherever and whenever such right of assignment exists. The expenses and costs of any such proceedings instituted by the said Pine View Estates Homeowners Association shall be paid out of the general fund of said Association;

5. To exercise all other and further rights, powers, and authority permitted by the laws of the State of Colorado governing nonprofit corporations.

**ARTICLE VI**

**Powers & Limitations**

In furtherance of the preceding objects and purposes, the Corporation shall have and may exercise all of the rights, powers, privileges, and immunities now or subsequently conferred upon nonprofit corporations organized under the laws of the State of Colorado.

**ARTICLE VII**

**Private Inurement**

No part of the income or principal of the Corporation shall inure to the benefit of, or be distributed to, any Member, Director, or Officer of the Corporation or any other private

individual, 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 Corporation purposes as set forth herein.

## **ARTICLE VIII**

### **Dissolution**

Upon any liquidation, dissolution, or winding up of the Corporation, the Board of Directors shall, after paying or adequately providing for the payment of all the obligations and liabilities of the Corporation, dispose of all the assets owned by the Corporation by transferring such assets exclusively to the Corporation's Members, equally, as the Board of Directors shall determine.

## **ARTICLE IX**

### **Directors**

The corporate powers and management of the Corporation shall be vested in and exercised by a Board of Directors. The initial Board of Directors shall be constituted of one (1), which number may be increased or decreased pursuant to the Bylaws of the Corporation. The name of the Director, who shall act until the first annual meeting or until her successors are duly chosen and qualified, is: Alice J. Owens.

## **ARTICLE X**

### **Indemnification**

The Corporation shall indemnify a person who is wholly successful, on the merits or otherwise, in the defense of any proceeding to which the person was a party because the person is or was a Director of the Corporation, against reasonable expenses incurred by the person in connection with the proceeding. The Corporation shall indemnify or advance expenses of litigation for its Directors, Officers, employees, and agents as provided in the Bylaws.

## **ARTICLE XI**

### **Liability of Directors**

No Director shall be personally liable to the Corporation for monetary damages for any breach of fiduciary duty as a Director, except that no Director's liability to the Corporation for monetary damages shall be eliminated or limited on account of any of the following:

1. The Director's breach of the duty of loyalty to the Corporation;
2. Any acts or omissions of the Director not taken in good faith;
3. Acts or omissions of the Director involving intentional misconduct or a knowing violation of the law;

4. Any liability for unlawful distributions under § 7-128-403, C.R.S. (relating to unlawful distributions);

5. Any other transaction from which the Director derived an improper personal benefit; or

6. Other acts for which indemnification of Directors is prohibited under the provisions of the Colorado Revised Nonprofit Corporation Act.

Nothing herein will be construed to deprive any Director of the right to all defenses ordinarily available to a Director nor will anything herein be construed to deprive any Director of any right for contribution from any other Director or other person.

Any repeal or modification of this Article XI shall be prospective only and shall not adversely affect any right or protection of a Director of the Corporation existing at the time of such repeal or modification.

## ARTICLE XII

### By-Laws


The initial Bylaws of the Corporation shall be as adopted by the initial Board of Directors. Except to the extent otherwise provided in the Bylaws, two-thirds majority of the Membership of the Corporation shall have the power to alter, amend, or repeal the Bylaws from time to time hereafter and to adopt new Bylaws. Such Bylaws shall contain any provisions for the regulation or management of the affairs of the Corporation which are not inconsistent with law or these Articles of Incorporation, as the same may from time to time be amended. However, no Bylaw at any time in effect, and no amendment to these Articles of Incorporation, shall have the effect of giving any Director or Officer of this Corporation any proprietary interest in its property or assets of the Corporation whether during the term of its existence or as an incident to its dissolution.

## ARTICLE XIII

### Amendments

Two-thirds of the Membership of the Corporation, shall have the exclusive power and authority at any time and from time to time to amend these Articles of Incorporation.

IN WITNESS WHEREOF, the above-named incorporator has signed these Articles of Incorporation, this 1 day of June, 2020.

  
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Alice J. Owens

The name and mailing address of the individual who causes this document to be delivered for filing, and to whom the Secretary of State may deliver notice if filing of this document is refused is: Alice J. Owens, 3637 N. Princeton Court, Florence, AZ 85132.