

**STATE OF**

**COPY  
NEBRASKA**

**United States of America,  
State of Nebraska** } **ss.**



**Department of State  
Lincoln, Nebraska**

**I, Allen J. Beermann, Secret.& of State of the State of Nebraska  
do hereby certify;**

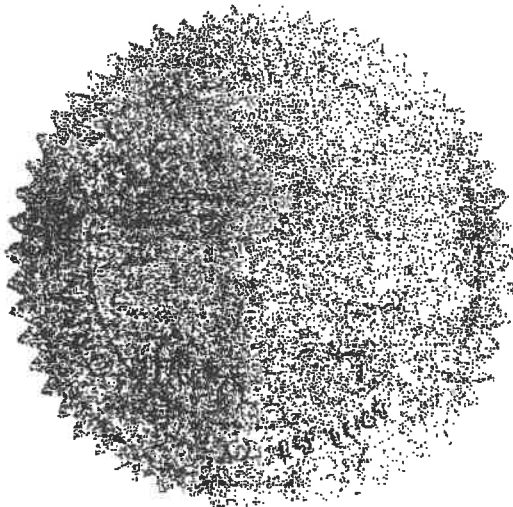
**ELK CREEK CROSSING HOMEOWNERS ASSOCIATION**

**filed Articles of Incorporation with its registered office located  
in OMAHA, Nebraska, in this office as a nonprofit corporation  
January 13, 1994.**

**I further certify that said corporation is in good standing as of this date.**

**In Testimony Whereof,**

**I have hereunto set my hand and  
affixed the Great Seal of the State  
of Nebraska on January 13  
in the year of our Lord, one thousand  
nine hundred and ninety-four.**



*Allen J. Beermann*  
**SECRETARY OF STATE**

**DEPUTY**

ARC DISTANCE OF 94.86 FEET, THENCE **N20°23'41"E** 27.56 FEET; THENCE NORTHEASTERLY ON A CURVE TO THE LEFT, CHORD BEARING N19 09'42"E, CHORD DISTANCE 23.62 FEET; RADIUS 549.00 FEET, AN ARC DISTANCE OF 23.62 FEET; THENCE N67 31'31"E 231.92 FEET; THENCE **S22°28'29"E** 8.22 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT, CHORD BEARING S34 18'57"E, CHORD DISTANCE 51.30 FEET, RADIUS 125.00 FEET, AN ARC DISTANCE OF 51.67 FEET; THENCE S43 50'35"W 249.47 FEET TO THE NORTH LINE OF WEST MAPLE ROAD; THENCE N89 53'00"W 107.72 FEET ON THE NORTH LINE OF WEST MAPLE ROAD TO THE POINT OF BEGINNING;

and to promote the health, safety, welfare and recreational and residential purposes of the owners within the above-described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association; for these purposes 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 the Declaration, 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, of 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 the votes of members, mortgage, pledge, deed in trust, or hypothecate any or all of its real or personal property as security for money borrowed for debts incurred;
- e. participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional property, provided that any such merger, consolidation or annexation shall have the assent of two-thirds (2/3) of the votes of members;
- f. have and to exercise any and all powers, rights and privileges which a corporation organized under the Nonprofit Corporation Act of the State of Nebraska 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 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 or who hold a leasehold interest which is not subordinate to the Declaration. The lessee under a lease of five (5) years or longer shall be considered to be the owner of a Lot rather than the fee simple title holder. 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 members with the exception of the Declarant (as defined in the Declaration) and shall be entitled to one vote for each lot owned which is subject to assessment by the Association. When more than one persons holds an interest in any such 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 which is subject to assessment by the Association. 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 eighty percent (80%) of the total votes outstanding for all classes of membership; or
- b. Ten (10) years after the date of filing of these Articles of Incorporation.

**ARTICLE VI.**

**BOARD OF DIRECTORS**

The affairs of the Association shall be managed by a board of three (3) directors, who shall 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 the directors until the election of their successors are:

<b><u>Name</u></b>	<b><u>Address</u></b>
John C. Czerwinski Jr.	11011 "Q" Street, Suite 101A Omaha, Nebraska 68137
Louise N. Scolaro	11011 "Q" Street, Suite 101A Omaha, Nebraska 68137
Robert S. Vosik	11011 "Q" Street, Suite 101A Omaha, Nebraska 68137

At the first annual meeting, the members shall elect one director for a term of three (3) years, one director for a term of two (2) years and one director for a term of one (1) year; and at each annual meeting thereafter, the members shall elect the number of directors required to replace the director whose term is expiring, such directors to be elected for a term of three (3) years.

**ARTICLE VII.**

**DISSOLUTION**

The Association may be dissolved by assent given in writing and signed by not less than two-thirds (2/3) of the members. Upon dissolution of the Association, other than incident to a merger or consolidation, and after payment of any obligations of the Association the assets of the Association shall be dedicated to an appropriate public agency or other nonprofit corporation for use 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.

**ARTICLE VIII.**

**DURATION**

This corporation shall have perpetual existence.

ARTICLE IX.

AMENDMENTS

Amendment to these articles shall require the assent of two-thirds (2/3) of the votes of the members.

ARTICLE X.

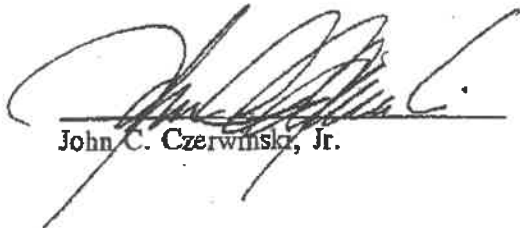
INCORPORATORS

The names and addresses of each incorporator are as follows:

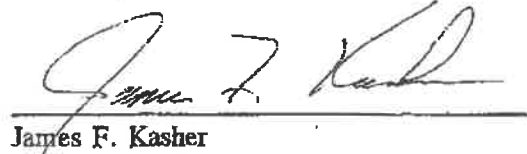
John C. Czerwinski, Jr.  
11011 "Q" Street, Suite 101A  
Omaha, Nebraska 68137

James F. Kasher  
2120 South 72nd Street, Suite 12.50  
Omaha, Nebraska 68124

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Nebraska, we, the undersigned, constituting the incorporators of this corporation, have executed these Articles of Incorporation this 30 day of December, 1993.



John C. Czerwinski, Jr.



James F. Kasher