

ARTICLES OF INCORPORATION
OF
CHESHIRE HOMEOWNERS ASSOCIATION, INC.
AN ALABAMA NON-PROFIT CORPORATION

ARTICLE ONE

NAME

The name of the Corporation is Cheshire Homeowners Association, Inc.

ARTICLE TWO

DURATION

The term of existence of the Corporation is perpetual.

ARTICLE THREE

PURPOSE AND POWERS OF THE CORPORATION

This Association does not contemplate pecuniary gain or profit to the members, 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:

[SEE EXHIBIT A ATTACHED HERETO]

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 for this purpose to:

Inst # 1993-02044

Wallace, Jordan

(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 Probate Court of Shelby County, Alabama, 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 the 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 the members, agreeing to such dedication, sale or transfer;

(f) Participate in mergers and consolidations with other nonprofit corporations organized for the same purpose 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 the members entitled to vote thereon, being the Board of Directors of the Corporation;

(g) Have and exercise any and all powers, rights, and privileges that a corporation organized under the Alabama Non-Profit Corporation Act by law may now or hereafter have or exercise.

ARTICLE FOUR

DIRECTORS

There shall be three members of the initial Board of Directors of the Corporation. The names and addresses of the persons who are to serve as Directors until the first election thereof are as follows:

Name	Address
Greg Gilbert	490 South Sanders Road Birmingham, Alabama 35226
Betty S. Gilbert	2143 Montreat Parkway Birmingham, Alabama 35216
Kathy Gilbert	490 South Sanders Road Birmingham, Alabama 35226

ARTICLE FIVE

MEMBERS

The Corporation shall have members. Members of the Corporation will be required to meet the following qualifications: each member shall be the owner of at least one residential lot in Cheshire, as described above, or shall be a member of any subdivision homeowners association which shall merge with Cheshire Homeowners Association.

ARTICLE SIX

ELECTION OF DIRECTORS

The Directors are not to be elected by members of the Corporation. Directors shall be appointed by the then acting directors at the annual meeting of the corporation in accordance with the by-laws of the corporation.

ARTICLE SEVEN

CHANGE IN NUMBER OF DIRECTORS

A change in the number of Directors of the Corporation shall be made only by amendment to these Articles of Incorporation.

ARTICLE EIGHT

REGISTERED OFFICE AND AGENT

The address of the initial registered office of the Corporation is 3656 Cahaba Beach Road, Birmingham, Alabama 35242. The name of the initial registered agent of the Corporation at such address is Greg Gilbert.

ARTICLE NINE

INCORPORATORS

The name and address of each incorporator of the Corporation is:

Name	Address
Greg Gilbert	490 South Sanders Road Birmingham, Alabama 35226
Betty S. Gilbert	2143 Montreat Parkway Birmingham, Alabama 35216
Kathy Gilbert	490 South Sanders Road Birmingham, Alabama 35226

IN WITNESS WHEREOF, I have subscribed my name this 21st day of January, 1993.



Greg Gilbert, Incorporator

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that Greg Gilbert, an individual whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said instrument, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 21st day of January, 1993.

Wendy E. Taylor
Notary Public

My Commission Expires: 6-27-95

Betty S. Gilbert
Betty S. Gilbert, Incorporator

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that Betty S. Gilbert, an individual whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said instrument, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 21st day of January, 1993.

Wendy E. Taylor
Notary Public

My Commission Expires: 6-27-95

Kathy Gilbert
Kathy Gilbert, Incorporator

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned, a Notary Public in and for said County, in said State, do hereby certify that Kathy Gilbert, an individual whose name is signed

to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of said instrument, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 21st day of January, 1993

Wendy E. Taylor
Notary Public

My Commission Expires: 6-27-95

This instrument was prepared by:
J. Michael Cooper
Wallace, Jordan, Ratliff, Byers & Brandt
2000A SouthBridge Parkway, Suite 525
Birmingham, Alabama 35209

EXHIBIT A

A parcel of land situated in the NE 1/4 of the NE 1/4, the SE 1/4 of the NE 1/4 and the NE 1/4 of the SE 1/4 of Section 30, Township 20 South, Range 2 West, Shelby County, Alabama and being more particularly described as follows:

PARCEL 1

Commence at the SE Corner of the NE 1/4 - NE 1/4 of said Section 30, said point being the POINT OF BEGINNING; thence S 0 deg-26'-6" W along said 1/4-1/4 line a distance of 1680.95'; thence S 54 deg-20'-13" W a distance of 280.50'; thence N 24 deg-56'-35" W a distance of 561.38'; thence N 59 deg-6'-43" W a distance of 310.49'; thence N 22 deg-59'-27" E a distance of 20.49' to a point of curve to the right having a central angle of 15 deg-42'-19" and a radius of 610.0'; thence along said curve a distance of 167.21' to point of tangent; thence N 57 deg-29'-57" W a distance of 596.27' to the right-of-way of CSX Railroad thence N 44 deg-45'-20" E and along said right-of-way a distance of 1643.08'; thence S 0 deg-26'-6" W a distance of 473.12' to the Point of Beginning; being situated in Shelby County, Alabama.

A parcel of land situated in the SE 1/4 of the NE 1/4 and the NE 1/4 of the SE 1/4 of Section 30, Township 20 South, Range 2 West described as follows:

Commence at the SE corner of the NE 1/4-NE 1/4 of said Section 30; thence South 0 deg. 26 min. 6 sec. West along said 1/4-1/4 line a distance of 1680.95 feet; thence South 54 deg. 20 min. 13 sec. West a distance of 280.50 feet to the POINT OF BEGINNING; thence North 24 deg. 56 min. 35 sec. West a distance of 561.38 feet; thence North 59 deg. 6 min. 43 sec. West a distance of 310.49 feet; thence North 22 deg. 59 min. 27 sec. East a distance of 20.49 feet to a point of curve to the right having a central angle of 15 deg. 42 min. 19 sec. and a radius of 610.0 feet; thence along said curve a distance of 167.21 feet to a point of tangent; thence North 57 deg. 29 min. 57 sec. West a distance of 596.27 feet; thence South 44 deg. 45 min. 20 sec. West a distance of 285.79 feet; thence South 0 deg. 35 min. 8 sec. East a distance of 424.12 feet to the right-of-way of CSX Railroad; thence South 1 deg. 25 min. 4 sec. West and along said right-of-way a distance of 913.22 feet; thence South 90 deg. 0 min. 0 sec. East a distance of 589.72 feet; thence North 19 deg. 49 min. 43 sec. West a distance of 660.32 feet; thence North 57 deg. 23 min. 29 sec. East a distance of 56.82 feet to a point of curve to the left having a central angle of 0 deg. 28 min. 24 sec. and a radius of 570.0 feet; thence along said curve a distance of 4.71 feet to the point of tangent; thence South 19 deg. 49 min. 43 sec. East a distance of 656.93 feet; thence North 54 deg. 20 min. 13 sec. East a distance of 605.21 feet to the Point of Beginning; being situated in Shelby County, Alabama.

State of Alabama

SHELBY

County

CERTIFICATE OF INCORPORATION

OF

CHESHIRE HOMEOWNERS ASSOCIATION, INC.

The undersigned, as Judge of Probate of SHELBY County, State of Alabama, hereby certifies that duplicate originals of Articles of INCORPORATION of CHESHIRE HOMEOWNERS ASSOCIATION, INC., duly signed and verified pursuant to the provisions of Section NON-PROFIT of the Alabama Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY the undersigned, as such Judge of Probate, and by virtue of the authority vested in him by law, hereby issues this Certificate of INCORPORATION of CHESHIRE HOMEOWNERS ASSOCIATION, INC., and attaches hereto a duplicate original of the Articles of INCORPORATION.

GIVEN Under My Hand and Official Seal on this the 21st day of

JANUARY, 19 93.



Thomas A. Snowden, Jr.

Judge of Probate

Inst. # 1993-02044

01/21/1993-02044
01:40 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
DOB MCD 48.00