



## Office of the Secretary of State

### CERTIFICATE OF FILING OF

**TIMBERVIEW ESTATES WEST HOMEOWNERS' ASSOCIATION, INC.**

Filing Number: 150620701

The undersigned, as Secretary of State of Texas, hereby certifies that the application for reinstatement for the above named entity has been received in this office and has been found to conform to law. It is further certified that the entity has been reinstated to active status on the records of this office.

ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law hereby issues this Certificate of Filing.

Dated: 06/13/2005

Effective: 06/13/2005



A handwritten signature in black ink that reads "Roger Williams".

Roger Williams  
Secretary of State



The State of Texas  
Secretary of State

CERTIFICATE OF INCORPORATION  
OF

TIMBERVIEW ESTATES WEST HOMEOWNERS' ASSOCIATION, INC.  
CHARTER NUMBER 01506207

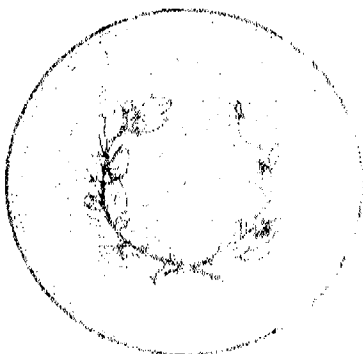
THE UNDERSIGNED, AS SECRETARY OF STATE OF THE STATE OF TEXAS,  
HEREBY CERTIFIES THAT THE ATTACHED ARTICLES OF INCORPORATION FOR THE  
ABOVE NAMED CORPORATION HAVE BEEN RECEIVED IN THIS OFFICE AND ARE  
FOUND TO CONFORM TO LAW.

ACCORDINGLY, THE UNDERSIGNED, AS SECRETARY OF STATE, AND BY VIRTUE  
OF THE AUTHORITY VESTED IN THE SECRETARY BY LAW, HEREBY ISSUES THIS  
CERTIFICATE OF INCORPORATION.

ISSUANCE OF THIS CERTIFICATE OF INCORPORATION DOES NOT AUTHORIZE  
THE USE OF A CORPORATE NAME IN THIS STATE IN VIOLATION OF THE RIGHTS OF  
ANOTHER UNDER THE FEDERAL TRADEMARK ACT OF 1946, THE TEXAS TRADEMARK LAW,  
THE ASSUMED BUSINESS OR PROFESSIONAL NAME ACT OR THE COMMON LAW.

DATED SEP. 23, 1998

EFFECTIVE SEP. 23, 1998



Alberto R. Gonzales, Secretary of State

FILED  
In the Office of the  
Secretary of State of Texas  
SEP 23 1998  
Corporations Section

**ARTICLES OF INCORPORATION  
OF  
TIMBERVIEW ESTATES WEST HOMEOWNERS' ASSOCIATION, INC.**

**I, THE UNDERSIGNED** natural person of the age of eighteen years or more, acting as the incorporator of a corporation under the Texas Non-Profit Corporation Act, do hereby adopt the following as Articles of Incorporation for such corporation:

**1. Name.** The name of the corporation is TIMBERVIEW ESTATES WEST HOMEOWNERS' ASSOCIATION, INC. (the "Association").

**2. Non-Profit.** The Association is a non-profit corporation.

**3. Duration.** The period of the Association's duration is perpetual.

**4. Purpose.** The purpose or purposes for which the Association is organized are:

(a) to govern the residential area of the subdivision of Timberview Estates West, situated in the Town of Flower Mound, County of Denton, State of Texas which property is described in the Declaration of Covenants, Conditions and Restrictions (the "Declaration") dated the 7th day of November, 1996, and filed in the Real Property Records of Denton County, Texas under County Clerk's No. 96-R0081058, or any other areas created by the dedication of additional property to the subdivision by the developer;

(b) to promote the recreation, 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;

(c) to exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in the Bylaws of the Association or in the "Declaration", said Declaration being incorporated herein as if set forth at length;

(d) 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 property by the Association;

(e) 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;

(f) to borrow money, under the discretion of the Board of Directors of the Association as provided in the Bylaws of the Association, as the Board deems necessary and in the best interest of the Association;

(g) to dedicate, sell or transfer any part of the Common Areas to any public agency, authority, or utility for any service to the property above described and any additions thereto, or any part thereof, in accordance with the terms and provisions of the Declaration; and

(h) to have and to exercise any and all powers, rights and privileges which a corporation organized under the Texas Non-Profit Corporation Act by law may now or hereafter have or exercise.

The aforesaid statement of purposes shall be construed as a statement of both purposes and of power and shall be broadly construed to effectuate its intent.

**5. Members.** 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.

**6. Voting Rights.** Voting rights of the members are explained and described in the Bylaws of the Association and in the Declaration. Cumulative voting in the election of members of the Board of Directors or in other exercises of the right to vote is prohibited.

**7. Amendments.** Amendment, repeal or alteration of these articles, shall require the assent of the membership as more specifically set forth in the Bylaws of the Association and/or in the Declaration.

**8. Board of Directors.** The affairs of this Association shall be managed by a Board of five (5) Directors who need not be members of the Association. The number of directors may be changed by amendment of the Bylaws of the Association. The names and addresses of the persons who are to act in the capacity of the initial directors are set forth below.

**9. Initial Board of Directors.** The number of directors constituting the initial Board of Directors of the Association is five, and the names and addresses of the persons who are to serve as the initial directors are:

<u>NAME</u>	<u>ADDRESS</u>
Pat Quesnell	5105 Timberhaven Ct. Flower Mound, TX 75028
Wayne Russell	5307 Timber Park Drive Flower Mound, TX 75028
Ellen Earnest	2612 Timberhill Drive Flower Mound, TX 75028
Jeff Condrack	5421 Timber Park Drive Flower Mound, TX 75028
Michael Reber	5104 Timber Park Drive Flower Mound, TX 75028

**10. Limitation of Liability of Directors.** Directors of the Association shall not be liable to the Association or its members for monetary damages for an act or omission in the director's capacity as a director, except that this provision shall not eliminate or limit the liability of a director for:

- (1) a breach of a director's duty of loyalty to the Association or its members;
- (2) an act or omission not in good faith that constitutes a breach of the director's duty to the Association or an act or omission that involves intentional misconduct or a knowing violation of the law;
- (3) a transaction from which a director received an improper benefit, whether or not the benefit resulted from an action taken within the scope of the director's office; or
- (4) an act or omission for which the liability of a director is expressly provided by statute.

**11. Registered Agent and Registered Office Address.** The street address of the initial registered office of the Association is **4835 LBJ Freeway, Suite 850, Dallas, Texas 75244**, and the name of its initial registered agent at such address is **J. Waymon Levell**.

12. **Incorporator.** The name and street address of the incorporator is:

Douglas A. Tatum  
4835 LBJ Freeway, Suite 850  
Dallas, Texas 75244

EXECUTED, September 21, 1998.

BY:   
~~Douglas A. Tatum~~

Timberview\B\ARTL-INC.HOA