

**Secretary of State**  
**Corporations Division**  
**315 West Tower**  
**#2 Martin Luther King, Jr. Dr.**  
**Atlanta, Georgia 30334-1530**

CONTROL NUMBER: 0225936  
EFFECTIVE DATE: 05/17/2002  
JURISDICTION : GEORGIA  
REFERENCE : 0070  
PRINT DATE : 05/21/2002  
FORM NUMBER : 311

SUSAN S. STUART  
192 ANDERSON STREET  
MARIETTA, GA 30060

**CERTIFICATE OF INCORPORATION**

I, Cathy Cox, the Secretary of State and the Corporations Commissioner of the State of Georgia, do hereby certify under the seal of my office that

**CREEKWOOD COMMONS TOWNHOME ASSOCIATION, INC.**  
**A DOMESTIC NONPROFIT CORPORATION**

has been duly incorporated under the laws of the State of Georgia on the effective date stated above by the filing of articles of incorporation in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on the date set forth above.



A handwritten signature in black ink, appearing to read "Cathy Cox".

Cathy Cox  
Secretary of State



CORPORATIONS DIVISION  
 Suite 315, West Tower  
 2 Martin Luther King, Jr., Drive  
 Atlanta, Georgia 30334-1530  
 (404) 656-2817

Warren H. Rary  
 Director

CATHY COX  
 Secretary of State

**TRANSMITTAL INFORMATION  
 GEORGIA PROFIT OR NONPROFIT CORPORATIONS**

DO NOT WRITE IN SHADED AREA - SOS USE ONLY

DOCKET # _____	PENDING # <u>P450237</u>	CONTROL # _____
DOCKET CODE _____	DATE FILED _____	AMOUNT RECEIVED _____
TYPE CODE _____	EXAMINER _____	CHECK/RECEIPT # _____
		JURISDICTION (COUNTY) CODE <u>33</u>

NOTICE TO APPLICANT: PRINT PLAINLY OR TYPE REMAINDER OF THIS FORM.

1. 021140696  
 Corporate Name Reservation Number  
**Creekwood Commons Townhome Association, Inc.**  
 Corporate Name

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2. Susan S. Stuart 770-429-1499  
 Applicant/Attorney Telephone Number  
192 Anderson Street  
 Address  
Marietta GA 30060  
 City State Zip Code

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3. Mail or deliver to the Secretary of State, at the above address, the following:

- 1) This transmittal form
- 2) The original and one copy of the Articles of Incorporation
- 3) A filing fee of \$60.00 payable to the Secretary of State. Filing fees are NON-refundable

I certify that a Notice of Incorporation or Notice of intent to incorporate with a publication fee of \$40.00 has been/or will be mailed or delivered to the official organ of the county where the initial registered office of the corporation is to be located. (The Clerk of Court can advise you of the official organ in a particular county).

[Signature] 5/15/02  
 Authorized Signature Date

**Business information via the Internet: <http://www.sos.state.ga.us/corporations>**

**ARTICLES OF INCORPORATION  
OF  
CREEKWOOD COMMONS TOWNHOME ASSOCIATION, INC.**

In compliance with the requirements of Georgia Law, the undersigned has this day voluntarily associated a corporation not for profit, which is hereby organized pursuant to the Georgia Non-Profit Corporation Code, and does hereby certify:

**ARTICLE I**

The name of the Corporation is Creekwood Commons Townhome Association, Inc., (hereinafter called the "Association").

**ARTICLE II**

The initial principal office and mailing address of the Association is located at P.O. Box 2707, Acworth, GA 30102, said address being located in Cobb County.

**ARTICLE III**

Susan S. Stuart, whose address is 192 Anderson Street, Marietta, Cobb County, Georgia 30060, is hereby appointed the initial registered agent of this Association.

**ARTICLE IV**

**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 Lots and Common Area within that certain tract of property described in the Declaration of Covenants, Conditions and Restrictions for Creekwood Commons Townhome Place Subdivision (the "Declaration") as the same is recorded or will be recorded in the Superior Court Records, Cherokee County, Georgia, 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:

(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 and the same may be amended from time to time as therein provided, the 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) upon the assent of two-thirds (2/3) of each class of members, 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 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 Georgia by law may now or hereafter have or exercise.

## **ARTICLE V**

### **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 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 VI**

### **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 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 as set forth in the Declaration.

## **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.

## **ARTICLE VIII**

### **DURATION**

The corporation shall exist perpetually.

## **ARTICLE IX**

### **AMENDMENTS**

Amendment of these Articles shall require the assent of seventy-five 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**

**INCORPORATOR**

The name and address of the incorporator is:

Susan S. Stuart  
MOORE INGRAM JOHNSON & STEELE, LLP  
192 Anderson Street  
Marietta, Georgia 30060

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of Georgia, the undersigned, constituting the incorporator of this Association, has executed these Articles of Incorporation this 16<sup>th</sup> day of May, 2002.

  
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SUSAN S. STUART  
Incorporator

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SECRETARY OF STATE  
2002 MAY 17 A 9:46  
CORPORATIONS DIVISION