

524094-80

NONPROFIT ARTICLES OF INCORPORATION
OF

COPY
FILED
JUN 25 1996
SECRETARY OF STATE

FAIRVIEW VILLAGE HOMEOWNERS' ASSOCIATION, INC.

Acting pursuant to the Oregon Nonprofit Corporation Act and the Oregon Planned Community Act, the undersigned individual, 18 years of age or older, hereby adopts the following Articles of Incorporation:

ARTICLE 1:

Corporate Name

The name of the corporation is Fairview Village Homeowners' Association, Inc. (the "Association") and its duration shall be perpetual.

ARTICLE 2:

Offices and Registered Agent

The address, including street address and number, of the Association's initial registered office is:

Bradach Law Offices
700 NE Multnomah Street, Suite 900
Portland, OR 97232

The name of the Association's initial registered agent at that location is:

Ronald W. Messerly

An alternate corporate mailing address, to which notices required by the Oregon Nonprofit Corporation Act may be mailed, is:

Fairview Village Homeowners' Association, Inc.
1200 NW Front Avenue, Suite 620
Portland, OR 97209

ARTICLE 3:

Type of Nonprofit Corporation

The Association is a mutual benefit corporation.

ARTICLE 4:

Membership

The Association will have members.

ARTICLE 5:

Purposes of the Corporation

The 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 residence lots and the common areas within that certain tract of property (the "property") described in Exhibit "A", attached hereto, and to promote the health, safety, and welfare of the residents within the property and any additions thereto as may hereafter be brought within the jurisdiction of the Association; for this purpose and 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 that certain Declaration of Covenants, Conditions and Restrictions (the "Declaration") applicable to the property and recorded in the Office the Recorder, Multnomah County, Oregon, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth in full;

(b) 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 the members;

(c) Have and Exercise any and all powers, rights and privileges which a corporation organized under the Oregon Nonprofit Corporation Act and the Oregon Planned Community Act by law may now or hereafter have or exercise.

ARTICLE 6:

Dissolution

Upon the dissolution of the Association, other than incident to a merger or consolidation, the Board of Directors, after paying or making provision for the payment of the liabilities of the Association, shall dispose of all of the remaining assets of the Association, if any, by dedicating them to a public agency to be used for purposes similar to those for which the Association was created. In the event 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 7:

Limitation of Liability and Indemnification

No officer or director of the Association shall be liable to any member of the Association for any damage, loss, or prejudice suffered or claimed to have been suffered on account of any act or failure to act of the Association, its officers, its Board, any member of the Board, or any committee established by the Board; and any officer or director so accused shall be indemnified by the Association against all expenses and liabilities, including reasonable attorney fees, incurred or imposed against such person in such capacity; *provided, however*, that such officer or director is not guilty of wilful misconduct or bad faith in connection with such act or failure to act.

ARTICLE 8:

Incorporator

The name and address of the incorporator is:

Ronald W. Messerly
Bradach Law Offices
Suite 900
700 NE Multnomah Street
Portland, Oregon 97232

Execution

These Nonprofit Articles of Incorporation of Fairview Village Homeowners' Association, Inc., are hereby executed by its Incorporator:



Ronald W. Messerly

If you have any questions about this filing, please contact:

Ronald W. Messerly, Esq. at (503) 238-7170

FAIRVIEW VILLAGE

A SUBDIVISION OF A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 1995-41
SITUATED IN THE N.E. 1/4 OF SECTION 33,
AND THE N.W. 1/4 OF SECTION 34,
TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE
WILLAMETTE MERIDIAN, CITY OF FAIRVIEW,
MULTNOMAH COUNTY, OREGON

SURVEYED: APRIL 24, 1995

ALPHA ENGINEERING, INC.
9600 S.W. OAK, PLAZA WEST, SUITE 230
PORTLAND, OREGON 97223
(503) 452-8003

SURVEYOR'S CERTIFICATE

I, MICHAEL R. GATES, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH 5/8" x 30" IRON RODS WITH ALUMINUM AND PLASTIC CAPS INSCRIBED "ALPHA ENG., INC." THE LOT CORNERS, STREET CENTERLINE AND CURVE POINTS AND BOUNDARY LINE CHANGES IN DIRECTION OF THE LANDS REPRESENTED ON THE ANNEXED MAP OF "FAIRVIEW VILLAGE", BEING A SUBDIVISION OF A PORTION OF PARCEL 1 OF PARTITION PLAT NO. 1995-41; LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 33 AND THE NORTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF FAIRVIEW, MULTNOMAH COUNTY, OREGON; THAT AS THE INITIAL POINT OF SAID SURVEY I FOUND AND HELD A 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG., INC." AT AN ANGLE POINT ON THE NORTH LINE OF PARCEL 2 OF PARTITION PLAT NO. 1995-41, WHICH BEARS N 00° 03' 20" W, 95.00 FEET, AND N 89° 59' 24" W, 106.20 FEET FROM THE S.W. CORNER OF THE A. DUNBAR DONATION LAND CLAIM, A BRASS NAIL IN A STONE IN A MONUMENT BOX; THENCE ALONG THE NORTH LINE OF SAID PARCEL 2, THE FOLLOWING TWO COURSES:
S 45° 00' 36" W, 35.36 FEET; THENCE N 89° 59' 24" W, 570.53 FEET TO THE CENTERLINE OF CLEAR CREEK; THENCE ALONG SAID CLEAR CREEK CENTERLINE, THE FOLLOWING FIFTEEN COURSES:
N 11° 45' 16" E, 141.22 FEET; THENCE N 16° 02' 07" E, 76.28 FEET; THENCE N 55° 02' 23" E, 118.00 FEET; THENCE N 14° 10' 59" E, 109.35 FEET; THENCE N 08° 04' 31" E, 50.14 FEET; THENCE N 12° 23' 41" E, 100.79 FEET; THENCE N 28° 00' 18" E, 21.99 FEET; THENCE N 04° 31' 30" E, 43.43 FEET; THENCE N 06° 25' 51" W, 25.18 FEET; THENCE N 14° 47' 29" W, 58.59 FEET; THENCE N 55° 37' 10" W, 101.68 FEET; THENCE N 38° 58' 06" W, 30.75 FEET; THENCE N 87° 39' 48" W, 41.47 FEET; THENCE N 61° 34' 38" W, 47.95 FEET; THENCE N 71° 42' 30" W, 32.74 FEET TO THE CENTERLINE OF FAIRVIEW CREEK; THENCE LEAVING SAID CLEAR CREEK CENTERLINE, ALONG SAID FAIRVIEW CREEK CENTERLINE, THE FOLLOWING ELEVEN COURSES:
N 19° 49' 32" E, 65.62 FEET; THENCE N 27° 35' 09" E, 108.76 FEET; THENCE N 22° 45' 58" E, 158.46 FEET; THENCE N 54° 34' 01" E, 110.33 FEET; THENCE N 27° 07' 40" E, 57.13 FEET; THENCE N 75° 06' 05" E, 31.22 FEET; THENCE N 44° 47' 32" E, 117.20 FEET; THENCE N 71° 10' 06" E, 106.02 FEET; THENCE N 38° 04' 09" E, 87.47 FEET; THENCE N 07° 15' 59" E, 164.45 FEET; THENCE N 14° 35' 58" E, 25.50 FEET; THENCE LEAVING SAID FAIRVIEW CREEK CENTERLINE, N 83° 17' 02" E, 24.38 FEET TO A POINT OF THE NORTHEASTERLY LINE OF SAID PARCEL 1; THENCE ALONG SAID NORTHEASTERLY LINE, THE FOLLOWING FOUR COURSES:
S 08° 26' 41" E, 82.11 FEET; THENCE N 89° 56' 14" E, 80.00 FEET; THENCE ALONG A 20.00 FEET RADIUS CURVE TO THE LEFT, BEING CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90° 00' 00", 31.42 FEET (CHORD BEARS N 44° 56' 14" E, 28.28 FEET); THENCE N 89° 56' 14" E, 9.85 FEET TO SAID WEST RIGHT-OF-WAY LINE OF N.E. 223RD AVENUE; THENCE LEAVING SAID NORTHEASTERLY LINE, ALONG SAID WEST RIGHT-OF-WAY LINE, S 00° 03' 20" E, 1511.79 FEET TO THE N.E. CORNER OF PARCEL 2 OF PARTITION PLAT NO. 1995-41; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE, ALONG THE NORTH LINE OF SAID PARCEL 2, N 89° 59' 24" W, 76.20 FEET TO THE INITIAL POINT.

CONTAINING 756,684 SQUARE FEET, OR 17.37 ACRES.

AS PER O.R.S. 92.060(5) AND 92.070 (2), I, MICHAEL R. GATES, CERTIFY THAT THE INTERIOR MONUMENTS IN THIS SUBDIVISION WILL BE SET AFTER COMPLETION OF IMPROVEMENTS AND PRIOR TO MAY 1, 1996.