



097092834

97 AUG 11 PM 2:31

FILED COPY

J. PATRICK KELLY
EL PASO COUNTY CLERK

185
25
1

ARTICLES OF INCORPORATION
OF
THE BOULDERS DRAINAGE HOMEOWNERS ASSOCIATION,
a Colorado Nonprofit Corporation

The undersigned adult natural person, acting as incorporator, hereby establishes a nonprofit corporation pursuant to Articles 2 and 29 of Title 7 of the Colorado Revised Statutes, being the Colorado Nonprofit Corporation Act and adopts the following Articles of Incorporation:

ARTICLE I

Name

The name of the corporation is The Boulders Drainage Homeowners Association (the "Association").

ARTICLE II

Duration

The Association shall have perpetual existence.

19971108212 - C
\$ 50.00
SECRETARY OF STATE
07-09-97 09:01:39

ARTICLE III

Purposes

The purposes and objectives for which this Association is formed (none of which shall be for pecuniary profit) are:

(a) To be a homeowners association for the homeowners in The Boulders Broadmoor, a subdivision in the City of Colorado Springs, El Paso County, Colorado in accordance with the provisions set forth in that certain Declaration of Conditions, Covenants, Restrictions and Easements Affecting the Real Property known as The Boulders Broadmoor Filing No. 1 and The Boulders Broadmoor Filing No. 1-A, to be recorded in the real property records of El Paso County, Colorado, as may be amended from time to time (the "Covenants"), to provide for the maintenance of the debris flow channels described in the Covenants and such other tasks as a majority of the members of the Association may elect from time to time pursuant to the terms of the Association bylaws and the Covenants;

(b) To provide for the ownership (if any), care, management, control, preservation, operation, maintenance, repair, restoration and replacement of the Maintenance Area (as that term is defined in the Covenants), in the manner prescribed by the Covenants, and to provide other services with respect to such areas deemed advantageous by a majority of the owners of the Subdivision or required or authorized under the Covenants.

(c) To levy and enforce adequate assessments to meet all expenses of the Association, including but not limited to the expenses of owning, operating, maintaining, repairing and replacing the Maintenance Area, insuring the Maintenance Area and the obligations or liabilities of the Association.

(d) To enforce, in its own name or on behalf of its Members (as defined in the Covenants), the protective covenants, conditions and restrictions set forth in the Covenants and in rules and regulations of the Association and to seek redress for the violation of any provisions, by any and all remedies available at law or equity or authorized under the Covenants.

(e) To exercise any and all other rights, powers and authority and undertake such actions as may be necessary, convenient or useful in connection with the governance of the Association and the performance of the Association's functions as set forth in the Covenants.

The Association is not intended to be the entity which enforces the Covenants or the provisions thereof except to the extent specifically provided in the Covenants.

ARTICLE IV

Additional Powers

In furtherance of the purposes and objectives (but not otherwise) set forth in Article III and subject to the restrictions set forth in Article V, the Association shall have and may exercise all of the powers and do everything necessary or convenient for the accomplishment of any of the corporate purposes either alone or in connection with other corporations, firms or individuals, and either as principal or agent, subject to such limitations as are or may be prescribed by the laws of the State of Colorado.

ARTICLE V

Restrictions Upon the Powers

No part of the net earnings of the Association (other than by providing management, maintenance and care of the Maintenance Area and in furtherance of other purposes of the Association, and other than a rebate of excess assessments) shall inure to the benefit of any Member, director or officer of the Association, or any other individual (except that reasonable compensation may be paid for services rendered to or for the Association affecting one or more of its purposes). Upon final dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be distributed and transferred as the Members may direct, subject to the requirements, limitations of the Covenants and these Articles. In such event, the assets may be granted, conveyed and assigned to any public agency, nonprofit corporation, as so created, or other organization devoted to nonprofit purposes similar to those of the Association.

Notwithstanding any other provision of these Articles of Incorporation or any provision that may be contained in the Association's bylaws, the Association shall not carry out any activity not permitted to be carried out by a corporation exempt from Federal Income Tax under Section 528 of the Internal Revenue Code of 1986, as amended.

ARTICLE VI

Initial Registered Office and Agent

The address of the initial registered office of the Association is 102 N. Cascade Avenue, Suite 350, P.O. Box 1435, Colorado Springs, Colorado 80901-1435. The name of its initial registered agent at such address is Caroleen French Jolivet.

ARTICLE VII

Membership and Voting

- (a) Membership in the Association shall be as provided in the Covenants and the bylaws of the Association.
- (b) Cumulative voting shall not be allowed in the election of directors or otherwise.

ARTICLE VIII

Board of Directors

The management of the affairs of the Association shall be vested in a Board of Directors. The number of directors, their term of office and manner of their selection and election shall be determined according to the bylaws of the Association from time to time in force. Three directors shall constitute the initial board of directors. Their names and addresses are as follows:

<u>Name</u>	<u>Address</u>
Donna Popke	The Boulders Drainage Homeowners Association 5110 Langdale Way Colorado Springs, CO 80906
Earl Robertson	The Boulders Drainage Homeowners Association 5110 Langdale Way Colorado Springs, CO 80906

<u>Name</u>	<u>Address</u>
Michelle Grove	The Boulders Drainage Homeowners Association 5110 Langdale Way Colorado Springs, CO 80906

ARTICLE IX

Bylaws

The initial bylaws of the Association shall be as adopted by the Board of Directors. Such board shall have power to alter, amend or repeal the bylaws from time to time in force and to adopt new bylaws. Such bylaws may contain any provisions for the regulation or management of the affairs of the Association which are not inconsistent with the laws of the State of Colorado, the Covenants, or these Articles of Incorporation, as the same may from time to time be amended.

ARTICLE X

Incorporator

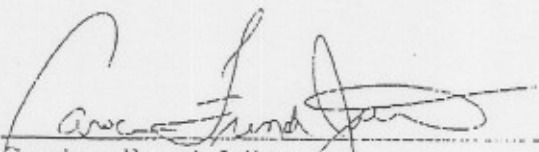
The name and address of the incorporator are:

Caroleen F. Jolivet
102 N. Cascade Avenue, Suite 350
P.O. Box 1435
Colorado Springs, CO 80901-1435

ACCEPTANCE OF APPOINTMENT OF REGISTERED AGENT

I, Caroleen French Jolivet, hereby accept the position as registered agent of THE BOULDERS DRAINAGE HOMEOWNERS ASSOCIATION, effective as of the date of incorporation of such Association. I hereby state that I am familiar with and accept the obligations of the position of registered agent.

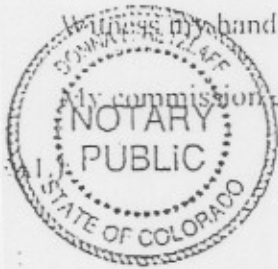
Dated: July 8, 1997


Caroleen French Jolivet
102 N. Cascade Avenue, Suite 350
P.O. Box 1435
Colorado Springs, CO 80901 1435

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing was acknowledge before me this 8th day of July, 1997, by Caroleen French Jolivet.

Witness my hand and official seal.
My commission expires: 1-11-98
(S1311)
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires
1-11-1998



[Signature]
Notary Public

IN WITNESS WHEREOF, these Articles of Incorporation have been signed and acknowledged effective as of July 8, 1997.

[Signature]
Caroleen F. Jolivet, Incorporator