

EXHIBIT III

ARTICLES OF INCORPORATION

DATED SEPTEMBER 25, 1979

STATE OF NEW MEXICO



State of New Mexico } SS
County of Bernalillo }
This instrument was filed for record on
1:53 SEP 28 1979 *Mui*
At 1:00'clock P.M. Recorded in Vol. 721
of records of said County File # 672-649
JANITY C. CULP Clerk & Recorder
Janey Culp Deputy Clerk

CERTIFICATE OF COMPARISON
OF

VILLA SANDIA AT BEAR CANYON NORTH HOMEOWNERS ASSOCIATION

The State Corporation Commission certifies that the attached is a true copy of the following document filed in this office:

Articles of Incorporation ----- Filed September 25, 1979.



In Testimony Whereof, the State Corporation Commission of the State of New Mexico has caused this certificate to be signed by its Chairman and the seal of said Commission to be affixed at the City of Santa Fe on
September 25, 1979

Attest:

Manuel L. Salinas
Manuel L. Salinas Director

Charles Rudolph
Charles Rudolph Chairman

FILE NO. 643
STATE OF NEW MEXICO

SEP 25 1978

ARTICLES OF INCORPORATION CORPORATION / ND
OF FRANCHISE TAX DEPTS.

VILLA SANDIA AT BEAR CANYON NORTH HOMEOWNERS ASSOCIATION

The undersigned, a corporation organized and existing under the laws of the State of California and duly authorized to do business in the State of New Mexico, acting as incorporator of a corporation (the "Association") under the provisions of the New Mexico Nonprofit Corporation Act, Section 58-8-1, et seq., N.M.S.A., 1978 (this act as amended from time to time is referred to herein as the "Act") hereby adopts the following Articles of Incorporation:

Article 1

Name

The name of the Association is VILLA SANDIA AT BEAR CANYON NORTH HOMEOWNERS ASSOCIATION.

Article 2

Duration

The Association shall have perpetual existence.

Article 3

Purposes and Powers

The purposes for which the Association is founded are:

1. To provide for the management, maintenance, care, administration, preservation and architectural control of the

RECEIVED

SEP 25 1978

ST. CORP. COMM.
FRANCHISE TAX DEPT.

condominiums, common areas and improvements from time to time to be construed on the property known as Villa Sandia at Bear Canyon North located in Albuquerque, Bernalillo County, New Mexico (hereinafter called the "Condominium Property").

2. To have and exercise all of the powers enumerated in the Act which are not expressly in conflict with these Articles of Incorporation. This statement of capacity, authority and power is to be broadly construed without the necessity of specific enumeration.

3. The Association shall have all of the powers and duties set forth in the Building Unit Ownership Act, Section 47-7-1, et seq., N.M.S.A., 1978, except as limited by these Articles and the Declaration of Covenants, Conditions and Restrictions of Villa Sandia at Bear Canyon North (hereinafter called the "Declaration"), and all of the powers and duties reasonably necessary to operate the Condominium Property as set forth in the Declaration, and as it may be amended from time to time hereafter, including, but not limited to the following:

(a) To make and collect assessments against members to defray the costs, expenses and losses of the Condominium Property.

(b) To use the proceeds of assessments in the exercise of its powers and duties.

(c) To administer, manage, maintain, operate, repair, restore, improve and enhance the Condominium Property, and to acquire property, real and personal, for such purposes.

(d) To purchase insurance upon the Condominium Property and insurance for the protection of the Association and its members.

(e) To acquire, repair, replace or reconstruct improvements after casualty or to improve the Condominium Property further.

(f) To make and amend reasonable regulations respecting the use of the Condominium Property.

(g) To enforce by legal means the provisions of the Building Unit Ownership Act, the Declaration, these Articles of Incorporation, the By-Laws of the Association, and regulations of the Association governing the use of the Condominium Property.

(h) To obtain management of the Condominium Property and to delegate to such management all powers and duties of the Association except such as are specifically required by the Declaration to have approval of the Board of Directors or the membership of the Association.

(i) To employ personnel to perform the services required for the proper operation of the Condominium Property.

4. To qualify as an exempt homeowners' association within the meaning of Section 528 of the Internal Revenue Code of 1954, as amended.

Article 4

Restrictions

No part of the net earnings of the Association shall inure to the benefit of any private individual (other than by acquiring, constructing, or providing management, maintenance, and care of Association property, and other than by rebate of excess membership dues, fees or assessments).

Article 5

Membership

Each Unit Owner shall, by virtue of holding title to a Unit, be a member of the Association, shall hold one membership for each Unit so owned by said Unit Owner and shall have the voting rights enumerated in the Declaration and the By-Laws of the Association. For the purpose of this Article 5, the terms "Unit Owner" and "Unit" shall have the meaning specified in the By-Laws of the Association.

Article 6

Initial Registered Office and Agent

The address of the initial registered office of the Association is 6400 Uptown Boulevard, N.E., Suite 473-W, Albuquerque, New Mexico 87110. The name of the initial registered agent of the Association, whose business office is at such address, is L. B. Nelson Corporation of New Mexico.

Article 7

647

Board of Directors

The number of directors of the Association shall be not less than three. The initial Board of Directors shall consist of the persons named below, who shall hold office until the first annual meeting of members held for the election of directors. Thereafter, the Board of Directors shall consist of such number of persons, not less than three, as shall be fixed by the By-Laws of the Association.

| <u>Name</u> | <u>Address</u> |
|----------------|---|
| Norman Orchant | 725-3 Tramway Lane, N.E. Albuquerque, New Mexico 87122 |
| Lee Ross | 876 Tramway Lane Court, N.E. Albuquerque, New Mexico 87122 |
| Jake Bell | 6117 Del Campo Place, N.E. Albuquerque, New Mexico 87109 |

Article 8

Amendments

These Articles may be amended by resolution of the Board of Directors and the affirmative vote of at least two-thirds of the voting interest of members cast at a meeting, either in person or by proxy, called for the purpose of considering such resolution who are entitled to cast votes in accordance with the By-Laws of the Association.

Article 9

648

Incorporator

The name and address of the Incorporator of the Association
is:

| <u>Name</u> | <u>Address</u> |
|---|---|
| L. B. Nelson Corporation Of New Mexico | 6400 Uptown Boulevard, N.E. Suite 473-W Albuquerque, New Mexico 87110 |

Executed this 24th day of September, 1979.

L. B. NELSON CORPORATION OF NEW MEXICO

By *Norman Orchant*
Norman Orchant, President

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

The foregoing instrument was acknowledged before me this
24th day of September, 1979 by Norman Orchant, President of L. B.
Nelson Corporation of New Mexico, a California corporation, on
behalf of said corporation.

William B. Garsen
Notary Public

My Commission Expires:
13 Feb 1982
(S E A L)

RECEIVED

SEP 25 1979

ST. CORP. COMM.
FRANCHISE TAX DEPT.

649
STATE

AFFIDAVIT OF ACCEPTANCE OF APPOINTMENT
BY DESIGNATED INITIAL REGISTERED AGENT

INCORPORATION AND
FRANCHISE TAX DEPTS.

To the State Corporation Commission
State of New Mexico

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

On this 24th day of September, 1979, before me, a Notary Public in and for the State and County aforesaid, personally appeared Norman Orchant, President of L. B. Nelson Corporation of New Mexico, who is known to me to be the undersigned person and who, being by me duly sworn, declared that L. B. Nelson Corporation of New Mexico does hereby accept its appointment as the Initial Registered Agent of VILLA SANDIA AT BEAR CANYON NORTH HOMEOWNERS ASSOCIATION, the Corporation to whose Articles of Incorporation this is annexed, and signed this instrument through its duly authorized officer to evidence its acceptance.

L. B. NELSON CORPORATION OF NEW MEXICO

By Norman Orchant
Norman Orchant, President

856-79-41
in NCO

SUBSCRIBED AND SWORN TO before me the day, month and year first above set forth.

Sileen B. Parson
Notary Public

My Commission Expires:

13 Feb 1982

(S E A L)

RECEIVED

SEP 25 1979

ST. CORP. COMM.
FRANCHISE TAX DEPT.