

ARTICLES OF INCORPORATION  
OF  
MIDWAY PARK HOME OWNERS ASSOCIATION

DEC 20, 1972

We, the undersigned, natural persons of the age of twenty-one (21) years or more, at least two (2) of whom are citizens of the State of Texas, acting as incorporators of a corporation under the Texas Non-Profit Corporation Act, do hereby adopt the following Articles of Incorporation for such corporation:

ARTICLE I

The name of the corporation is MIDWAY PARK HOME OWNERS ASSOCIATION.

ARTICLE II

The corporation is a non-profit corporation.

ARTICLE III

The period of its duration is perpetual.

ARTICLE IV

The purpose or purposes for which the corporation is organized are:

(1) To promote the health, safety, aesthetic well-being, and welfare of the residents within the MIDWAY PARK ADDITION, an Addition to the City of Lubbock, Lubbock County, Texas, and for this purpose to:

- (A) Own, acquire, build, operate, and maintain recreation areas, swimming pools, common areas, footways, including buildings, structures, and personal property incident thereto;
- (B) Supplement municipal services;
- (C) Fix assessments (or charges) to be levied against the lot owners in the above-described property;
- (D) Enforce any and all covenants and restrictions and

agreements applicable to the above-described Addition; pay taxes, if any, on the common areas and facilities thereon; and, insofar as permitted by law, to do any other thing that will promote the common benefit and enjoyment of the residents in the said Addition.

ARTICLE V

The street address of the initial registered office of the corporation is 5208 - 34th Street, Lubbock, Texas 79407; and the name of its initial registered agent at such address is C. W. TURNER.

ARTICLE VI

The number of directors constituting the initial board of directors of the corporation is three (3), and the names and addresses of the persons who are to serve as the initial directors are:

<u>NAME</u>	<u>ADDRESS</u>
HOMER C. WILSON	5208 - 34th Street Lubbock, Texas 79407
LEONARD W. WILSON, JR.	5208 - 34th Street Lubbock, Texas 79407
C. W. TURNER	5208 - 34th Street Lubbock, Texas 79407.

The number of directors may be changed by amendment of the Bylaws of the Association. At the first annual meeting, the members of the Association shall elect one (1) director for a term of one (1) year, one (1) director for a term of two (2) years, and one director for a term of three (3) years; and at each annual meeting thereafter the members shall elect one (1) director for a term of three (3) years.

ARTICLE VII

Every person or entity who is a record owner of a fee or undivided fee interest in any lot in the said MIDWAY PARK ADDITION

to the City of Lubbock, Lubbock County, Texas, 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. No lot shall carry with it more than one membership. Membership shall be appurtenant to and may not be separated from ownership of any lot. Ownership of a lot in the Addition shall be the sole qualification for membership.

#### ARTICLE VIII

The Association shall have two (2) classes of voting membership:

(1) Class A. Class A members shall be all those lot owners as defined in Article VII with the exception of WILSON & WILSON, INC., hereafter referred to as the Developer. Class A members shall be entitled to one (1) vote for each lot in which they hold the interest required for membership by Article VII. When more than one (1) person holds such interest in any lot, all such persons shall be members. The vote for such lot shall be exercised as they, among themselves, determine; but in no event shall more than one (1) vote be cast with respect to any lot.

(2) Class B. The Class B member shall be the Developer. The Class B member shall be entitled to two (2) votes for each lot in which it holds the interest required for membership by Article VII; provided that the Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- (A) When the total votes outstanding in the Class A membership equals the total votes outstanding in the Class B membership; or
- (B) On July 1, 1973.

ARTICLE IX

The total debts of the corporation, including the principal amount of the mortgages outstanding on its properties, outstanding at any time, shall not exceed the total of Five Thousand Dollars (\$5,000.00), provided that authority to exceed said maximum in any particular case may be given by an affirmative vote of 80 percent of each class of members who are voting in person or by proxy at a meeting duly called for this purpose. For the purpose as provided in this Article, the presence of members, or of proxies, entitled to cast 90 percent of all of the votes of each class of membership shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called; and the required quorum at any subsequent meeting shall be two-thirds (2/3rds) of the required quorum at the preceding meeting, provided that no such subsequent meeting shall be had more than sixty (60) days following such preceding meeting.

ARTICLE X

The directors of the Association need not be members of the Association.

ARTICLE XI

The name and street address of each incorporator is:

<u>NAME</u>	<u>ADDRESS</u>
HOMER C. WILSON	5208 - 34th Street Lubbock, Texas 79407
LEONARD W. WILSON, JR.	5208 - 34th Street Lubbock, Texas 79407
C. W. TURNER	5208 - 34th Street Lubbock, Texas 79407.

IN WITNESS WHEREOF, we have hereunto set our hands this

17<sup>th</sup> day of December, 1972.

[Signature]  
HOMER C. WILSON


[Signature]  
LEONARD W. WILSON, JR.

[Signature]  
C. W. TURNER

THE STATE OF TEXAS X  
COUNTY OF LUBBOCK X

I, the undersigned, a Notary Public in and for Lubbock County, Texas, do hereby certify that on this 18<sup>th</sup> day of December, 1972, personally appeared before me, HOMER C. WILSON, LEONARD W. WILSON, JR., and C. W. TURNER, who, each being by me first duly sworn, severally declared that they are the persons who signed the foregoing document as incorporators, and that the statements contained therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

  
NOTARY PUBLIC in and for  
Lubbock County, Texas