



# NORTH CAROLINA

## Department of the Secretary of State

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To all whom these presents shall come, Greetings:

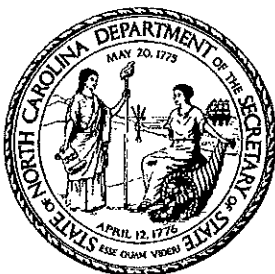
I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

### ARTICLES OF INCORPORATION

OF

**ABIGAIL TRAILS HOMEOWNERS ASSOCIATION, INC.**

the original of which was filed in this office on the 18th day of April, 2023.



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 18th day of April, 2023.

*Elaine F. Marshall*

Secretary of State

## ARTICLES OF INCORPORATION

### OF

### ABIGAIL TRAILS HOMEOWNERS ASSOCIATION, INC.

The undersigned individual hereby does make and acknowledge these Articles of Incorporation for the purpose of forming a nonprofit corporation under and by virtue of the laws of the State of North Carolina as contained in Chapter 55A of the General Statutes of North Carolina, entitled "North Carolina Nonprofit Corporation Act," and the several amendments thereto, and to that end hereby does set forth:

1. Name: The name of the corporation is Abigail Trails Homeowners Association, Inc. (the "Association").

2. Principal Office Address: The street address of the Association's principal office is 1003 Red Banks Road, Greenville, Pitt County, North Carolina 27858. The mailing address of the Association's principal office is 1003 Red Banks Road, Greenville, Pitt County, North Carolina 27858.

3. Registered Office and Agent: The street address of the initial registered office of the Association is 1003 Red Banks Road, Greenville, Pitt County, North Carolina 27858; the mailing address of the initial registered office of the Association is 1003 Red Banks Road, Greenville, Pitt County, North Carolina 27858; and the name of the initial registered agent at such address is Gina P. Glick.

4. Purpose: This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to operate, manage, preserve and provide architectural control of that certain tract or property, including but not limited to the Lots and common areas (the "Property") as described in attached Exhibit A, and described in the certain Declaration of Conditions, Restrictions and Covenants Running With the Land for Abigail Trails Subdivision recorded in Book 4379, Page 108 of the Register of Deeds of Pitt County, as amended, and any additional property thereto as may hereafter be brought within the jurisdiction of this Association (the "Declaration") (said Declaration being incorporated herein by reference), for those purposes, including but not limited to:

- (a) Exercise all of the powers and privileges and perform all of the duties and obligations of the Association, as set forth in the Declaration;
- (b) Make, establish and enforce reasonable rules and regulations concerning the use of subdivision development, common elements, land, and other real and personal property which may be owned by the Association itself;

- (c) Fix, levy, collect and enforce payment, by any lawful means, of all charges or assessments against lot owners pursuant to the terms of the Declaration; pay all expenses in connection therewith and all office and other expenses including all licenses, taxes or governmental charges levied or imposed against the property of the Association; provide funds to pay for common expenses of the Association as provided in the Declaration and to use and expend the proceeds of assessments in the exercise of the powers and duties of the Association;
- (d) Acquire, own, hold, improve, 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;
- (e) Contract for the management of the property and delegate to such manager or managers all powers and duties of the Association except those powers and duties which are specifically required to have approval of the Board of Directors or the membership of the Association;
- (f) Enforce, by any legal means, the provisions of the Declaration, the Bylaws of the Association and the rules and regulations for the use of the Association property;
- (g) Undertake the performance of and carry out the acts and duties incident to the administration of the operation and management of the Association in accordance with the terms, provisions, conditions and authorization contained in these Articles, the Declaration and the Bylaws of the Association;
- (h) Dedicate, sell or transfer all or any part of the common area of the Property to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. After Class B lots cease to exist, no such dedication or transfer shall be effective unless the Members entitled to at least 80% of the vote of the entire membership of the Association, agree to such dedication, sale or transfer and signify their agreement by a signed document recorded in the applicable public registry in Pitt County, North Carolina;
- (i) 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 except as otherwise specified in the Declaration; and,
- (j) Have and exercise any and all powers, rights and privileges which a corporation organized under the North Carolina Nonprofit Corporation Act may now or hereafter have or exercise.

5. Membership: The Association shall have members with such designations, rights, powers and privileges as provided in the Declaration and bylaws of the Association.

6. Board of Directors: The affairs of this Association shall be initially managed by a board of directors of two (2) directors, who shall be qualified as set forth in the Bylaws. The names and addresses of the persons who are to act in the capacity of directors until the selection of their successors are:

<u>Name</u>	<u>Address</u>
Gina P. Glick	1003 Red Banks Rd. Greenville, NC 27858
David G. Vaughn	3732 Bristolwood Court Grimesland NC 27837

Subsequent boards of directors, the number of directors, their terms of office, and the method of their selection shall be provided for and determined as is set forth in the Bylaws of the Association.

7. Nonprofit Issues: The Association shall have all of the powers granted to nonprofit corporations under the North Carolina General Statutes. It is further provided that no distributions of income of the Association are to be made to the members, directors or officers of the Association; provided, however, that members may receive a rebate of any excess dues and assessments previously paid. No part of the net earnings of the Association shall inure to the benefit of its members, directors, officers, or any other individuals, except that the Association shall be authorized and empowered to pay reasonable compensation for services actually rendered, and to make payments and distributions in furtherance of the exempt purposes of the Association.

8. Dissolution: The Association may be dissolved with the assent given in writing and signed by not less than eighty percent (80%) of each class of the 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 the purposes similar to those for which this Association was created, or to one or more nonprofit organizations or associations to be devoted for similar purposes as set forth in these Articles of Incorporation as shall be selected by the Board of Directors.


9. Limitation of Personal Liability: The members, directors and officers shall not be individually or personally liable for debts or other liabilities of this Association, and the private property of the members, directors and officers of the Association shall be exempt from corporate debts and liabilities of the Association of any kind whatsoever. To the fullest extent provided by law, the directors and officers shall be indemnified by the Association, and every other person serving as an employee or direct agent of the Association may, in the discretion of the board of directors, be indemnified by the Association, against all expense and liability, including but not limited to attorneys' fees, reasonably incurred by or imposed upon him or her in connection with any proceeding to which he or she may be a party, or in which he or she may become involved, by reason of his or her being or having served in such capacity on behalf of the Association or any settlement thereof, whether or not he or she is a director, officer or member of a committee or serving in such other specified capacity at the time such expenses are incurred; provided that the

board of director shall determine, in good faith, that the person to be indemnified hereunder did not act, or fail to act or refuse to act with gross negligence or fraudulent or criminal intent in the performance of his or her duties. The foregoing rights of indemnification shall be in addition to, and not exclusive of, all other rights to which such persons may be entitled at law or otherwise. No director shall be personally liable for monetary damages arising out of an action, whether by or in right of the Association or otherwise, for breach of any duty as a director.

10. Incorporator: The name of the incorporator is Amy Alston Wells and the address of the incorporator is 498 Red Banks Road, Greenville, Pitt County, North Carolina 27858.

11. Effective Date: These Articles will be effective upon filing.

IN WITNESS WHEREOF, for the purpose of forming this Association under the laws of the State of North Carolina, the undersigned, constituting the incorporator of this Association, has executed these Articles of Incorporation this the 18<sup>th</sup> day of April, 2023.

  
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Amy Alston Wells  
Incorporator

Prepared by and return to:  
Amy Alston Wells  
Gaylord, McNally, Strickland, Snyder, & Wells, PLLC  
498 Red Banks Road  
P.O. Drawer 545  
Greenville, NC 27835  
Phone: (252) 321-7111  
Fax: (252) 321-7112

## Exhibit A

### Tract 1 (part of Phase 1)

Lying and being in Arthur Township, Pitt County, North Carolina, lying south of West Star Street, north of Megan Drive and east of NCSR 1127 Frog Level Road and beginning at an existing iron stake found at the northeast corner of the Roberson Land Development, Inc. (Deed Book 2195, Page 23) (Parcel Number 03117), said iron is shown as a control corner for Mill Creek Subdivision, Phase One (Map Book 67, Page 25), and is also shown on Map Book 85, Page 9, of the Pitt County Registry, the "Point of beginning".

Thence from the existing iron stake, the "Point of Beginning", following the common line to Mill Creek Subdivision, Phase 2 (Map Book 85, Page 9), Mill Creek Subdivision, Phase One (Map Book 67, Page 25) and Carl W. Blackwood (Deed Book 3293, Page 43) (Parcel Number 13789) S 89°26'32" W - 3046.57' to a point in the northern line of Lot 21, Mill Creek Subdivision, Phase One (Map Book 67, Page 25), a corner to Abigail Trails, LLC (Deed Book 4124, Page 717), thence leaving the Mill Creek line and following the boundary of Abigail Trails, LLC the following calls: N 00°47'42" W - 381.29', thence S 89°12'18" W - 273.25' to a point on the eastern right-of-way of NCSR 1127 Frog Level Road, thence along the eastern right-of-way of Frog Level Road N 02°10'32" W - 50.01' to the TRUE POINT of BEGINNING.

Thence from the True Point of Beginning, continuing along the eastern right-of-way of Frog Level Road N 02°10'32" W - 20.01', thence leaving the right-of-way of Frog Level Road and crossing the lands of Carl W. Blackwood (Deed Book 3293, Page 43) N 89°12'18" E - 274.94' to a point in the line of Abigail Trails, LLC, thence with the Abigail Trails, LLC boundary S 00°47'42" E - 20.00', thence continuing with the boundary of Abigail Trails, LLC S 89°12'18" W - 274.46' to the true point of beginning containing 0.1261 Ac and being a portion of Parcel Number 87346 as filed with the Pitt County Tax Assessor's Office.

### Tract 2 - Abigail Trails Phase 1

Lying and being in Arthur Township, Pitt County, North Carolina, lying south of West Star Street, north of Megan Drive and east of NCSR 1127 Frog Level Road and beginning at an existing iron stake found at the northeast corner of the Roberson Land Development, Inc. (Deed Book 2195, Page 23) (Parcel Number 03117), said iron is shown as a control corner for Mill Creek Subdivision, Phase One (Map Book 67, Page 25), and is also shown on Map Book 85, Page 9, of the Pitt County Registry, the "Point of beginning".

Thence from the existing iron stake, the "Point of Beginning", following the common line to Mill Creek Subdivision, Phase 2 (Map Book 85, Page 9), Mill Creek Subdivision, Phase One (Map Book 67, Page 25) and Carl W. Blackwood (Deed Book 3293, Page 43) (Parcel Number 13789) S 89°26'32" W - 2378.96' to a point in the northern line of Lot 29, Mill Creek Subdivision, Phase One (Map Book 67, Page 25), the TRUE POINT of BEGINNING.

Thence from the TRUE POINT OF BEGINNING, continuing along the common line Mill Creek Subdivision, Phase One (Map Book 67, Page 25) and Carl W. Blackwood (Deed Book 3293, Page 43) S 89°26'32" W –667.61' to a point in the northern line of Lot 21, Mill Creek Subdivision, Phase One, thence leaving the northern line of Mill Creek Subdivision and following a line through the lands of Carl W. Blackwood (Deed Book 3293m Page 43) the following calls: N 00°47'42" W – 381.29', thence S89°12'18" W –273.25' to a point on the eastern right-of-way of NCSR 1127 Frog Level Road, thence along the eastern right-of-way of Frog Level Road N 02°10'32" W - 50.01', thence leaving the eastern right-of-way of Frog Level Road and continuing along a line through the lands of Carl W. Blackwood the following calls: N 89°12'18" E – 274.46', thence N 00°47'42" W 230.00' to a point in the northern line of Carl W. Blackwood, the southern line of Jamie Gray Stokes (Map Book 27, Page 169), thence along the line common Blackwood and Stokes N 89°12'18" E – 660.00', thence leaving the southern line of Stokes and crossing the lands of Carl W. Blackwood the following calls: S 00°47'42" E – 280.00', thence N 89°12'18" E – 7.60', thence S 00°47'42" E – 384.06' to the TRUE POINT OF BEGINNING, containing 10.4217 Acres and being a portion of Parcel Number 13789 as filed with the Pitt County Tax Assessor's Office.

### **Tact 3 - Abigail Trails, Phase 2**

Lying and being in Arthur Township, Pitt County, North Carolina, lying south of West Star Street, north of Megan Drive and east of NCSR 1127 Frog Level Road and beginning at an existing iron stake found at the northeast corner of the Roberson Land Development, Inc. (Deed Book 2195, Page 23) (Parcel Number 03117), said iron is shown as a control corner for Mill Creek Subdivision, Phase One (Map Book 67, Page 25), and is also shown on Map Book 85, Page 9, of the Pitt County Registry, the "Point of beginning".

Thence from the existing iron stake, the "Point of Beginning", following the common line to Mill Creek Subdivision, Phase 2 (Map Book 85, Page 9) and Carl W. Blackwood (Deed Book 3293, Page 43) (Parcel Number 13789) S 89°26'32" W – 1641.56' to a point in the northern line of Lot 127, Mill Creek Subdivision, Phase 2 (Map Book 85, Page 9), the TRUE POINT OF BEGINNING. Thence from the TRUE POINT OF BEGINNING, continuing along the northern line of Mill Creek Subdivision (Map Book 85, Page 9 and Map Book 67, Page 25) S 89°26'32" W – 737.40' to a point in the northern line of Lot 29, Mill Creek Subdivision, Phase One, the southeast corner of the Abigail Trails, LLC property as recorded in Deed Book 4124, Page 717 of the Pitt County Registry, thence leaving the northern line of Mill Creek Subdivision and following the eastern line of Abigail Trails, LLC the following calls: N 00°47'42" W – 384.06', thence S 89°12'18" W – 7.60', thence N 00°47'42" W – 280.00' to a point in the southern line of Jamie Gray Stokes (Map Book 27, Page 169), the northeast corner of the Abigail Trails, LLC property (Deed Book 4124, Page 717), thence along the southern line of Jamie Gray Stokes N 89°12'18" E – 745.00' to a point, thence leaving the southern line of Stokes and crossing the lands of Carl W. Blackwood S 00°47'42" E - 667.11' to the TRUE POINT OF BEGINNING, containing 11.3161 Acres and being a portion of Parcel Number 13789 as filed with the Pitt County Tax Assessor's Office.