

118557

ARTICLES OF INCORPORATION
OF

HOMINY VALLEY RECREATION PARK, INC.

(Name of Corporation)

A Non-Profit Corporation

SEP 13 10 58 AM 1965

THAD BURE
SECRETARY OF STATE
NORTH CAROLINA

We, the undersigned natural persons of the age of twenty-one years or more, acting as incorporators for the purpose of creating a non-profit corporation under the laws of the State of North Carolina, as contained in Chapter 55A of the General Statutes of North Carolina, entitled "Non-Profit Corporation Act", and the several amendments thereto, do hereby set forth:

1. The name of the corporation is [✓]Hominy Valley Recreation Park, Inc.TM

2. The period of duration of the corporation shall be perpetual and unlimited.

3. The purposes for which the corporation is organized are: to plan, create, organize, establish, acquire, develop, provide, conduct, maintain, control and supervise adequate recreational programs, opportunities, facilities, systems and activities, including those which are diversionary in character and which aid in promoting entertainment, pleasure, relaxation, instruction, and other physical, mental, and cultural development and experiences of a leisure time nature, for residents of all ages of the Hominy Valley area (as said area is from time to time defined in the by-laws of this non-profit corporation) of the County of Buncombe, State of North Carolina, and to cooperate with other organizations, groups, associations, educational and other institutions, and governmental units in the achievement and perpetuation of the aims, objectives and purposes for which this non-profit corporation is created, organized and operated.

4. The corporation is to have the following class or classes of members: (if there are to be no members, so state); One class of members, whose eligibility, qualifications, and rights shall be as set forth in the by-laws of this corporation.

5. Directors of the corporation shall be elected in the following manner: as set forth in the by-laws of this corporation.

6. The address of the initial registered office of the corporation is as follows: Street address (if none, so state), P. O. Box 126 (no street address); City or town, Candler; County, Buncombe. The name of the initial registered agent of the corporation at the above address is J. William Russell.

7. The number of directors constituting the initial board of directors shall be Fourteen (14), and the names and address (including street and number, if any) of the persons who are to serve as directors until the first meeting of the corporation or until their successors are elected and qualified are:

<u>NAME</u>	<u>STREET ADDRESS</u>	<u>CITY OR TOWN</u>
William A. Peebles, Jr.	402 Creasman Rd., Rt. 3	Asheville, N.C.
Mrs. George Lancaster	P. O. Box 302	Enka, N. C.
Clay London	Rt. 1, Pisgah Highway	Candler, N. C.
Harold Peebles	P. O. Box 677	Candler, N.C.
Harrel C. Hoglen	Rt.4, Box 126 Cathey Rd.	Candler, N.C.
Rev. Luther G. Brewer		Enka, N. C.
Eugene A. Lamb	P. O. Box 2128	Candler, N. C.
Rhea J. Poore	Rt.4, Box 130 Cathey Rd.	Candler, N. C.
Edward S. Beall		Enka, N. C.
Rev. John Burton	Rt. 3 Canton Highway	Candler, N.C.
Mrs. Francis J. Fisher	Rt.4, Box 262 Brooks Cove Road	Candler, N.C.
Roy D. Phillips	Rt. 4, Box 31 Morgan Rd.	Candler, N.C.
Hugh M. Tomberlin	Box 128	Enka, N. C.
J. William Russell	P. O. Box 126	Candler, N. C.

8. The names and addresses (including street and number, if any) of all the incorporators are:

<u>NAME</u>	<u>STREET ADDRESS</u>	<u>CITY OR TOWN</u>
Mrs. Francis J. Fisher	Rt. 4, Box 262 Brooks Cove Road	Candler, N.C.
Roy D. Phillips	Rt. 4, Box 31 Morgan Rd.	Candler, N.C.
Hugh M. Tomberlin	P. O. Box 128	Enka, N. C.

9. In addition to the powers granted corporations under the laws of the State of North Carolina, including Chapter 55A of the General Statutes of North Carolina, and the amendments thereto, the corporation shall have full power and authority to create, lay out, manage, maintain and control public parks and drives within the County of Buncombe, under such rules and regulations as the corporation may prescribe, for the reasonable regulation and management thereof, to purchase and hold property and take gifts or donations for such purposes, to hold property and exercise such powers in trust for any town, city, township or county in connection with which said parks and drives shall be maintained, as provided in, and with all other powers granted to it by, Section 16 of Chapter 55A of the General Statutes of North Carolina, and the amendments thereto; to make donations for the public welfare or for religious, charitable, scientific, educational or recreational purposes; in time of war to make donations in aid of war activities; to sponsor, participate in or engage in activities, programs and projects to raise funds for use in furthering the purposes and objects for which this corporation is organized; provided, however, that no portion of any funds so raised shall inure at any time to the benefit of any individual member; and shall generally have any and all power to do and perform acts necessary, suitable, convenient, expedient, conducive or proper for the

accomplishment of the purposes for which this non-profit corporation is formed, organized and operated.

10. This corporation is not organized for profit, but is organized and shall be operated exclusively for charitable, scientific, testing for public safety, literary and educational purposes, for the promotion of social welfare, and for pleasure, recreation and other non-profitable purposes. The net earnings, if any, of this non-profit corporation shall be devoted exclusively to charitable, educational or recreational purposes, and no part of its net earnings, if any, shall inure to the benefit of any private shareholder or individual. No substantial part of its activities shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and it shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

This non-profit corporation may be merged or consolidated with any other corporation or corporations, or may be dissolved, all as provided in Chapter 55A, and the amendments thereto, of the General Statutes of North Carolina entitled "Non-Profit Corporation Act." In the event this non-profit corporation is ever dissolved and after all liabilities and obligations of said corporation are paid, satisfied and discharged, and after all assets held by said corporation upon condition requiring return, transfer or conveyance, which condition occurs by reason of said dissolution, shall be returned, transferred or conveyed in accordance with such requirements, then any and all of the remaining assets of said corporation shall be distributed, donated, assigned or transferred to another

non-profit organization (not organized and operated for profit and no part of the net earnings of which inures to the benefit of any private shareholder, individual, member, officer or director thereof) operated exclusively for the promotion of either religious, charitable, scientific, educational or public or social welfare or other eleemosynary purposes for the benefit of the citizens of the Hominy Valley Area of the County of Buncombe, State of North Carolina, and no part of said remaining assets shall be distributed, donated, assigned or transferred to any individual member, officer, director or employee of this non-profit corporation.

11. Neither the incorporators, directors, officers, nor members of this non-profit corporation shall be individually liable for said corporation's debts, defaults, or other obligations or liabilities of whatever nature, kind or description.

IN TESTIMONY WHEREOF, we have hereunto set our hands, this the 10th day of September, A.D. 1965.

Mrs Francis J. Fisher
Roy Phillips
Hugh M. Tomberlin

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

This is to certify that on the 10th day of September, A.D., 1965, before me, a Notary Public, personally appeared MRS. FRANCIS J. FISHER, ROY PHILLIPS, AND HUGH M. TOMBERLIN, who, I am satisfied, are the persons named in and who executed the foregoing Article of Incorporation, and I having first made known to them the contents thereof, they did each acknowledge that they signed and delivered the same as their voluntary act and deed for the uses and purposes therein expressed.

In Testimony Whereof, I have hereunto set my hand and official seal, this the 10th day of September, A. D. 1965.

Elizabeth Jones
NOTARY PUBLIC

My Commission Expires:

4-3-66