



# State of California



## SECRETARY OF STATE

I, *Kevin Shelley*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 4 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

**IN WITNESS WHEREOF**, I execute this certificate and affix the Great Seal of the State of California this day of

**DEC - 6 2003**



*Kevin Shelley*  
Secretary of State

ENDORSED - FILED  
In the office of the Secretary of State  
of the State of California

DEC - 2 2003

CERTIFICATE OF RESTATED  
ARTICLES OF INCORPORATION OF  
THE HARTZELL HOMEOWNERS ASSOCIATION, INC.

KEVIN SHELLEY  
Secretary of State

The undersigned certify that:

1. They are the President and Secretary, respectively, of The Hartzell Homeowners Association, Inc., a California nonprofit mutual benefit corporation.

2. The amendment set forth in paragraph 3 below has been duly approved by the **Board of Directors** and by the required vote of the **Members**. The required **Member** vote was a majority of the voting power.

3. The **Articles** of Incorporation of this corporation are amended and restated in full to read as follows:

**AMENDED AND RESTATED ARTICLES OF INCORPORATION OF  
THE HARTZELL HOMEOWNERS ASSOCIATION, INC.**

**ARTICLE I  
NAME OF CORPORATION**

The name of this corporation is THE HARTZELL HOMEOWNERS ASSOCIATION, INC. (hereinafter referred to as the "**Association**").

**ARTICLE II  
PURPOSES OF CORPORATION**

The Corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity, other than credit union business, for which a corporation may be organized under such law.

More specifically, the corporation owns, repairs, maintains and manages **Common Areas**, enforces **Governing Documents**, including rules and regulations adopted from time to time by the **Board of Directors**, and discharges such other lawful duties and responsibilities required pursuant to the corporation's **Bylaws** and the Declaration of Covenants, Conditions and Restrictions (the "**Declaration**"), as amended from time to time, with respect to The Harzell Homeowners Association.

**ARTICLE III  
HOMEOWNER'S ASSOCIATION**

This corporation is intended to qualify as a nonprofit homeowner's association under the applicable provisions of the Internal Revenue Code and of the Revenue and Taxation Code of California. No part of the net earnings of this corporation shall inure to

the benefit of any private individual, except as expressly provided in those sections with respect to the acquisition, construction, or provision for management, maintenance and care of the property owned or controlled by the corporation, and other than by a rebate of excess membership dues, fees or **Assessments**. Dissolution, liquidation or winding up of the corporation, upon or after termination of the The Hartzell Homeowners Association, Inc. **Property** shall only be in accordance with applicable law. Upon winding up and dissolution of this corporation, after paying or adequately providing for the debts and obligations of the corporation, the remaining assets shall be distributed to the **Members** in accordance with their respective rights. For as long as the **Association** has any **Common Area** responsibility, it shall require 100% **Member** approval to dissolve the corporation.

#### **ARTICLE IV** **FURTHERANCE OF CORPORATION**

Notwithstanding any of the above statements of purposes and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purposes of this corporation.

#### **ARTICLE V** **QUALIFICATIONS, RIGHTS AND PRIVILEGES**

The qualifications for membership in this corporation, the property, voting and other rights and privileges of **Members** and their liability for dues and **Assessments** and the methods of collection thereof, shall be as provided for in the **Declaration** and the **Bylaws** of this corporation.

#### **ARTICLE VI** **STATUTORY NOTICE**

In compliance with Civil Code Section 1363.5 and requirements for Articles of Incorporation, the following is hereby provided:

1. This corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act.
2. The **Association** does not maintain a business office other than the managing agent. It's clubhouse is located on Pine Tree Court. The front street of the development is Los Ranchitos Road, and the nearest cross street is Golden Hinde Blvd., San Rafael, California. The nine digit zip code of the development is 94903-3873.
3. The name and address of the **Association's** managing agent is currently: Betty Morris, 33 Summerhill Way, San Rafael, California 94903-3873.

**ARTICLE VII  
AMENDMENT**

These **Articles** of Incorporation may be amended from time to time by approval of the **Board** and the affirmative vote of the **Members** representing at least a majority of a quorum of the voting power of the **Association**.

*Ron Berce* 11-5-03  
President:  
*Ron BERCE*

*Ann Kirby*  
Secretary:  
*Ann Kirby*

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge. Executed at *San Rafael*, California, on *10-31-*, 2003.

*Ron Berce* 11-5-03  
President:  
*Ron BERCE*

*Ann Kirby*  
Secretary:  
*Ann Kirby*

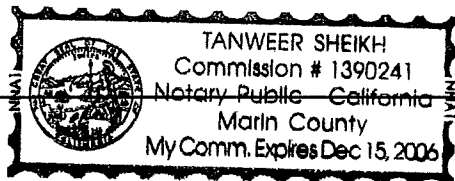
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STATE OF CALIFORNIA  
COUNTY OF *MARIN* }

On *31st October, 2003*, before me, *TANWEER SHEIKH*, Notary Public, personally appeared *ANN KIRBY* and *[Signature]*, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

*Tanweer Sheikh*  
Notary Public



Glenn H. Youngling, PLC  
1108 Irwin Street, San Rafael, CA 94901  
(415) 454-1090

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of MARIN

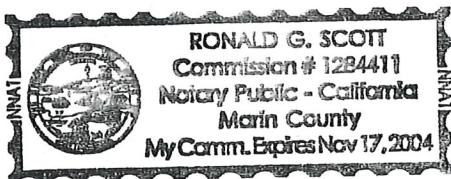
SS.

On 11-5-03, before me, RONALD G. SCOTT, Notary Public,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared RON BERGER  
Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Ronald G. Scott

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: AMENDMENT

Document Date: 11-5-03 Number of Pages: 3

Signer(s) Other Than Named Above: ANN KIRBY

### Capacity(ies) Claimed by Signer

Signer's Name: RON BERGER

☐ Individual

☒ Corporate Officer — Title(s): PRESIDENT

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

