

OFFICE OF THE SECRETARY OF STATE

NEW MEXICO

Certificate of Incorporation

OF

Hawks Landing Community Association

5813700

New Mexico

The Office of the Secretary of State certifies that the Articles of Incorporation, duly signed and verified pursuant to the provisions of the

Nonprofit Corporation Act

53-8-1 to 53-8-99 NMSA 1978

have been received and are found to conform to law. Accordingly, by virtue of the authority vested in it by law, the Office of the Secretary of State issues this Certificate of Incorporation and attaches hereto a duplicate of the Articles of Incorporation.

Dated: **January 14, 2019**

In testimony whereof, the Office of the Secretary of State has caused this certificate to be signed on this day in the City of Santa Fe, and the seal of said office to be affixed hereto.



Maggie Toulouse Oliver

Maggie Toulouse Oliver
Secretary of State

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CERT R:\$25.00 Linda Stover, Bernalillo County



ARTICLES OF INCORPORATION

OF

HAWKS LANDING COMMUNITY ASSOCIATION

a New Mexico non-profit corporation

Pursuant to the provisions of the New Mexico Nonprofit Corporation Act (Sections 53-8-1 et seq., NMSA 1978), the undersigned incorporator, being a New Mexico corporation, and being desirous of forming a New Mexico nonprofit corporation, hereby adopts the following Articles of Incorporation. Capitalized terms used herein without definition shall have the meanings specified for such terms in the Declaration (defined below).

ARTICLE 1

NAME

The name of the non-profit corporation (herein the "Association") is HAWKS LANDING COMMUNITY ASSOCIATION.

ARTICLE 2

DURATION

The period of duration of the Association is perpetual.

ARTICLE 3

PURPOSE AND POWERS

The purposes for which the Association is formed and which it is authorized to pursue are:

A. To operate exclusively for the benefit of, and to promote the health, safety, and welfare of, the residents of Hawks Landing, County of Bernalillo, State of New Mexico, as the same is described in the Declaration of Covenants, Conditions, and Restrictions for Hawks Landing, recorded in the records of Bernalillo County, New Mexico (hereinafter the "Subdivision"); and to provide for acquisition, construction, management, maintenance, and care of Association property; and for these purposes, to:

1. Provide for the administration, operation, management, maintenance, preservation, and control of the Subdivision;

2. Exercise all rights and powers granted to the Association and perform all duties and obligations incumbent upon the Association as expressed in or implied from the Declaration of Covenants, Conditions, and Restrictions for Hawks Landing (the "Declaration"), including, without limitation, enforcement of the provisions of the Declaration;

3. Acquire, own, construct, operate, manage, maintain, care for, and improve those areas and facilities of the Subdivision which are designated in the Declaration as "Common Areas";

4. Fix and collect all assessments and charges to be levied against the Lots located within the Subdivision;

5. Pay all taxes and assessments, if any, levied against the Common Areas; and

6. Insofar as permitted by law, do any other thing that, in the opinion of the Board of Directors ("Board"), will promote the common benefit, health, safety, welfare, and enjoyment of the residents of the Subdivision.

B. To accomplish the foregoing purposes, the Association shall have the power and authority to perform all acts, and to exercise all powers, authorized by the New Mexico Nonprofit Corporation Act, as amended from time to time, and all other applicable laws with respect to nonprofit corporations, which powers shall include but not be limited to the following, in furtherance of and not in limitation of the business and purposes of the Association as hereinbefore set forth:

1. To do any and all things herein set forth as purposes, powers, or otherwise, either alone or in conjunction with others;

2. To receive and administer funds, assets, rights and services of every kind and description, and to hold, invest, expend, contribute, use, sell, or otherwise dispose of any funds, assets, rights or services for the purposes referred to herein;

3. To lend money; to buy and sell securities; to make investments and grants; and, otherwise, to engage in financial transactions of all types for the purposes referred to herein;

4. To borrow money and to make, accept and endorse bonds, promissory notes and other corporate obligations for money borrowed, and to secure payment of any such obligation by mortgage, pledge, or otherwise;

5. To invest, reinvest, and lend its funds in such mortgages, bonds, notes, debentures, shares of preferred and common stock, and any other securities of any kind whatsoever, and properties, real, personal, or mixed, tangible or intangible, for the purposes referred to herein;

6. To own, hold, operate, use, improve, lease, rent, sell, convey, dispose of, encumber, and otherwise engage and deal in, properties, property rights, and assets of every kind, and to carry out any business whatsoever, for the purposes referred to herein;

7. To enter into, make, perform, and enforce contracts, agreements, commitments, assurances, and leases of every kind with any person or entity for the purposes referred to herein; and

8. In doing, exercising, or performing any of the foregoing, to do the same as a contractor, subcontractor, principal, agent, employee, or on its own account, or in association, partnership (as a general and/or limited partner), limited liability company, corporation, joint venture, or any other relationship with any other person or entity.

The Association shall not be operated for, and shall not afford to its members, profit or pecuniary gain, directly, indirectly, incidentally, or otherwise; no profit or pecuniary gain of the Association shall inure, directly or indirectly, to the benefit of any member thereof; and the Association shall not carry on propaganda, nor participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office.

The foregoing provisions of this Article 3 shall be construed both as purposes and powers and each as an independent purpose and power. The foregoing enumeration of specific purposes and powers is by way of example and not by way of limitation and shall not be held or construed to limit or restrict in any manner the purposes and powers of the Association, provided only that nothing herein contained shall be construed as authorizing the Association to carry on any business or to exercise any power not permitted by the New Mexico Nonprofit Corporation Act, as it may be amended from time to time.

All of the foregoing purposes and powers shall be exclusively for such charitable, benevolent, eleemosynary, educational, and other purposes as are within the meaning of Section 528 of the U.S. Internal Revenue Code, as from time to time amended. The Association shall neither have nor exercise any power, nor shall it directly or indirectly engage in any activity, that would prevent it from obtaining and retaining exemption from U.S. income taxation as a corporation described in such Section, or cause it to lose such exempt status.

ARTICLE 4
ADDRESS OF REGISTERED OFFICE AND
NAME OF REGISTERED AGENT

The address of the registered office of the Association is 449 Live Oak Loop NE, Albuquerque, NM 87122, and the name of the registered agent of the Association at that address is John Lowe.

ARTICLE 5
BOARD OF DIRECTORS

The affairs of the Association shall be managed by a board of directors to be known as the "Board." Directors need not be residents of New Mexico and need not be members of the Association. The By-Laws may prescribe other qualifications for Directors. The Board shall comprise such number of Directors, not less than three (3), as shall be fixed from time to time by the By-Laws.

The number of Directors constituting the initial Board is three (3), and the names and addresses of the persons who are to serve as Directors until the first annual meeting of the membership of the Association or until their successors are elected and qualified are:

<u>Name</u>	<u>Address</u>
John Lowe	P.O. Box 94897 Albuquerque, NM 87199
Scott Schiabor	P.O. Box 91417 Albuquerque, NM 87199
Trace Salley	P.O. Box 91417 Albuquerque, NM 87199

ARTICLE 6
NAME AND ADDRESS OF INCORPORATOR

The name and address of the incorporator is:

The Lowe Company
P.O. Box 94897
Albuquerque, NM 87199

ARTICLE 7
OTHER PROVISIONS

A. By-Laws. The By-Laws for the Association shall be adopted by the Board, and may be altered, amended, or rescinded in the manner provided in the By-Laws.

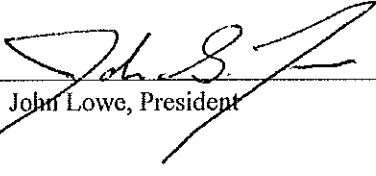
B. Membership. Membership and voting rights shall be set forth in the Declaration and By-Laws of the Association.

C. Amendments. These Articles may be amended, altered, changed, modified, or repealed in the manner now or hereafter prescribed by law, by the affirmative vote of the then record Owners of not less than two-thirds (2/3rds) of the Lots in the Subdivision.

D. Dissolution. The Association may be dissolved by the affirmative vote of the then record Owners of not less than two-thirds (2/3rds) of the Lots in the Subdivision. 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 purposes similar to those for which this Association was created. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any nonprofit corporation, association, trust or other organization to be devoted to such similar purposes.

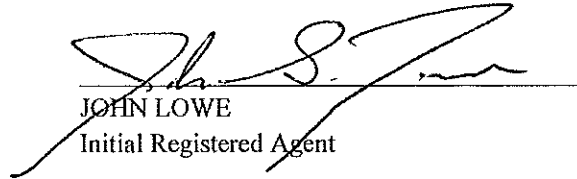
IN WITNESS WHEREOF, for the purpose of forming this nonprofit corporation under the laws of the State of New Mexico, the undersigned corporation constituting the incorporator of this nonprofit corporation has made and signed these Articles of Incorporation on this 10th day of January, 2019.

THE LOWE COMPANY
a New Mexico corporation

By 
John Lowe, President

**STATEMENT OF ACCEPTANCE OF APPOINTMENT
BY DESIGNATED INITIAL REGISTERED AGENT**

I, John Lowe, hereby acknowledge that the undersigned individual accepts appointment as Initial Registered Agent of HAWKS LANDING COMMUNITY ASSOCIATION, the nonprofit corporation which is named in the annexed Articles of Incorporation.


JOHN LOWE
Initial Registered Agent