

ARTICLES OF INCORPORATIONOFTARTAN RIDGE HOMEOWNERS ASSOCIATION, INC.

In compliance with the requirements of Corporations and Associations, Title 2, Annotated Code of Maryland (1975), and any amendments thereto, the undersigned, Steven L. Weiman, whose post office address is Suite 200, 444 N. Frederick Avenue, Gaithersburg, Maryland 20877, being at least eighteen (18) years of age, has this day, by execution of these Articles, voluntarily declared himself to be an incorporator for the purpose of forming a non-stock, non-profit corporation pursuant to the general laws of Maryland, and does hereby certify:

ARTICLE I
NAME OF CORPORATION

The name of the Corporation is Tartan Ridge Homeowners Association, Inc., (hereinafter called the "Association").

ARTICLE II
PRINCIPAL OFFICE

The post office address of the principal office of the Association is 11120 New Hampshire Avenue, Silver Spring, Maryland 20904.

ARTICLE III
RESIDENT AGENT

The name of its resident agent is Steven L. Weiman, whose post office address is Suite 200, 444 N. Frederick Avenue, Gaithersburg, Montgomery County, Maryland 20877.

ARTICLE IV
POWERS AND PURPOSES

This Association does not contemplate pecuniary gain or profit, direct or indirect, to the members thereof, and the specific purposes for which it is formed are to provide for or assure maintenance, preservation and architectural control of the Lots and Common Area within the Property described on Exhibit "A" attached hereto and made a part hereof, including such additions thereto as may be hereafter brought within the jurisdiction of the Association, and any storm water management facilities, and to promote the health, safety and welfare of the Owners within the Property and any additions thereto as may hereafter be brought within the jurisdiction of this Association. For this purpose, the Association shall have the power and authority to:

GIMMEL, WEIMAN
& SAVITZ, P.A.
ATTORNEYS AT LAW
444 N. FREDERICK AVE.
SUITE 200
GAITHERSBURG,
M D AND 20877

(301) 840-8565

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(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 of Covenants, Conditions and Restrictions, hereinafter called the "Declaration", applicable to the Property and recorded or to be recorded among the Land Records of Montgomery County, Maryland, and as the same may be amended from time to time as therein provided, said Declaration being incorporated herein as if set forth at length and made a part hereof;

(b) Fix, levy, collect and enforce payment by any lawful means, of all charges or assessments pursuant to the terms of the Declaration; to pay all expenses in connection therewith, including all office expenses, licenses, taxes or governmental charges levied or imposed against the property of the Association and all other expenses incident to the conduct of the business of the Association;

(c) Acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, dedicate for public use or otherwise dispose of real or personal property in connection with the affairs incurred;

(d) Borrow money, and with the assent of two-thirds (2/3) of each class of members, mortgage, pledge, deed in trust, or hypothecate any or all of the real or personal property owned by the Association as security for money borrowed or debts incurred;

(e) Dedicate, sell or transfer all or any part of the Common Area to any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument has been signed by two-thirds (2/3) of each class of members agreeing to such dedication, sale or transfer, and unless the Maryland National Capital Park and Planning Commission, or its successors or assigns, has given its prior written approval thereof, which approval shall not be unreasonably withheld or delayed.

(f) Participate in mergers and consolidations with other non-profit 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, unless the Declaration or By-Laws provides otherwise.

(g) Have and exercise any and all powers, rights and privileges which a non-stock, non-profit corporation organized under the laws of the State of Maryland by law may now or hereafter have or exercise.

ARTICLE V
NO CAPITAL STOCK

This Association is not authorized to issue any capital stock and shall not be operated for profit. The Association does not anticipate distributing dividends, gains or profits to its members. No member shall have any personal liability for the debts or obligations of the Association.

ARTICLE VI
MEMBERSHIP

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

Class A: All Owners shall be Class A members with the exception of the Declarant (as defined in the Declaration), and Class A members shall be entitled to one (1) vote for each Lot (as such term is defined in the Declaration) owned. When more than one (1) person holds an 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 by a Class A member with respect to any Lot.

Class B: The Declarant shall be the initial Class B member and shall be entitled to three (3) votes for each Lot which it owns; provided, however, that the Class B membership(s) shall cease and become a nullity upon the happening of any of the following events, whichever occurs earliest:

(i) when the total authorized and outstanding votes of the Class A members equal the total authorized and outstanding votes of the Class B members; or

(ii) four (4) years from the date of recordation of the Declaration; provided, however, that if the Declarant is delayed in the improvement and development of the Property on account of a sewer, water or building permit moratorium or any other cause or event beyond the Declarant's control, then the aforesaid four (4) year period shall be extended by a period of time equal to the length of the delays or two (2) years, whichever is less; or

(iii) upon the surrender of said Class B memberships by the then holders thereof for cancellation on the books of the Association.

Upon the lapse or surrender of the Class B memberships as provided for in this Article, the Declarant shall thereafter become a Class A member of the Association as to each and every Lot in which the Declarant then holds the interest otherwise required for such Class A membership.

The members of the Association shall have no preemptive rights, as such members, to acquire any memberships of this Association that may at any time be issued by the Association except as may be specifically provided in these Articles of Incorporation or the By-Laws of the Association.

ARTICLE VII VOTING RIGHTS

Every person or entity who is a record owner of a fee or undivided fee interest of any Lot, including contract sellers, shall be a member of the Association; provided that any such person or entity who or which holds such interest merely as security for the performance of an obligation shall not be a member. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment by the Association.

ARTICLE VIII RIGHT OF ENJOYMENT

Every Owner shall have a right and easement of enjoyment in and to the Common Area, including the private streets and parking lots and walkways included therein, which shall be appurtenant to and shall pass with the title to every Lot, for purposes of ingress and egress to and from his Lot.

ARTICLE IX BOARD OF DIRECTORS

The affairs of this Association shall be managed by a Board initially consisting of three (3) directors whose names and addresses are hereinafter listed. Commencing with the first annual meeting of the Association, the Board shall

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consist of not less than three (3) nor more than five (5) directors. The names and addresses of the persons who are to initially act in the capacity of directors until the selection of their successors are:

| <u>Name</u> | <u>Address</u> |
|----------------------|---|
| Alan Kurland | 11120 New Hampshire Avenue Silver Spring, Maryland 20904 |
| Stephen Eyclesheimer | 11120 New Hampshire Avenue Silver Spring, Maryland 20904 |
| Clayton W. Miller | 11120 New Hampshire Avenue Silver Spring, Maryland 20904 |

The number, qualifications, powers, duties and tenure of the office of the directors and the manner by which directors are to be chosen shall be as prescribed and set forth in the By-Laws of the Association. Officers of the Association shall be elected and shall serve as provided for in said By-Laws.

ARTICLE X DISSOLUTION

The Association may be dissolved with the assent given in writing and signed by not less than two-thirds (2/3) of each class of members, and with the written approval of the Maryland National Capital Park and Planning Commission, or its successors or assigns, which approval shall not be unreasonably withheld or delayed. Written notice of a proposal to dissolve, setting forth the reasons therefor and the disposition to be made of the assets (which shall be consonant with this ARTICLE X), shall be mailed to every member not less than ten (10) days nor more than fifty (50) days in advance of any action to be taken. 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 non-profit corporation, association, trust or other organization to be devoted to such similar purposes.

ARTICLE XI
DURATION

This Association shall exist perpetually.

ARTICLE XII
AMENDMENTS

Amendment of these Articles shall require the assent of seventy-five percent (75%) of the entire membership.

ARTICLE XIII
FHA/VA APPROVAL

As long as there is a Class B membership and any Lot subject to the Declaration is then encumbered by a deed of trust or mortgage which is insured by the Federal Housing Administration or guaranteed by the Veterans Administration, the following actions will require the prior approval of the Federal Housing Administration and/or the Veterans Administration (as applicable): annexation of additional properties, not in conformance with the Development Plan (and amendments thereto) as approved by FHA and/or VA, mergers and consolidations, mortgaging of Common Area, dedication of Common Area, dissolution and amendment of these Articles.

ARTICLE XIV
RIGHTS OF THE MARYLAND-NATIONAL
CAPITAL PARK AND PLANNING COMMISSION

Any other provision of the Bylaws, the Declaration or these Articles of Incorporation of the Association to the contrary notwithstanding, neither the members, the Board of Directors nor the Association shall, by act or omission, take any of the following actions without the prior written consent of the Commission, which consent shall not be unreasonably withheld or delayed:

a) abandon, partition, dedicate, subdivide, encumber, sell or transfer any of the Common Areas or community facilities; provided, however, that the granting of rights-of-way, easements and the like for public utilities or for other purposes consistent with the use of the Common Areas and community facilities by the members of the Association shall not be considered a transfer within the meaning of this Section; or

b) abandon or terminate the Declaration; or

c) modify or amend any material or substantive provision of the Declaration, or the Bylaws or these Articles of Incorporation of the Association; or

d) merge or consolidate the association with any other entity or sell, lease, exchange or otherwise transfer all or substantially all of the assets of the Association to any other entity; or

e) substantially modify the method of determining and collecting assessments as provided in the Declaration.

The Commission shall have the right to bring action for any legal or equitable relief necessary to enforce the rights and powers granted to the Commission hereunder.

ARTICLE XV
MISCELLANEOUS

Unless it is plainly evident from the context that a different meaning is intended, all terms used herein shall have the same meaning as they are defined to have in the Declaration.

IN WITNESS WHEREOF, Steven L. Weiman has signed, sealed and delivered these Articles of Incorporation as his own free act and deed on this 24 day of May, 1985.

WITNESS:

[Signature]

Steven L. Weiman
Steven L. Weiman

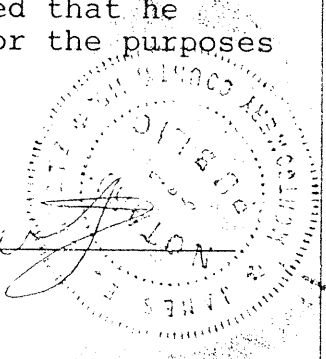
STATE OF MARYLAND

COUNTY OF MONTGOMERY

On this 24 day of May, 1985, before me, a Notary Public in and for the above County and State, personally appeared Steven L. Weiman and acknowledged that he signed the foregoing Articles of Incorporation for the purposes therein stated.

WITNESS my hand and Notarial Seal.

[Signature]
NOTARY PUBLIC



My Commission Expires: 7/1/86.

SIMMEL, WEIMAN & SAVITZ, P.A. ATTORNEYS AT LAW 4 N. FREDERICK AVE. SUITE 200 GAITHERSBURG, MARYLAND 20877 (301) 840-8565



Johnson, Mirmiran and Thompson, P.A.
PLANNERS ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS

DESCRIPTION OF
14.7240 ACRE PARCEL

PROPERTY OF
BALILES PROPERTY, INC.
A MARYLAND CORPORATION

COLESVILLE (5TH) DISTRICT
MONTGOMERY COUNTY, MARYLAND

Being a part of the same land acquired by Baliles Properties, Inc. from Walter P. Baliles and Lillie Mae Baliles, his wife, by deed dated December 3, 1973 and recorded among the Land Records of Montgomery County, Maryland in Liber 4473 at Folio 365 and being more particularly described as follows

Beginning for the same at a point on the northerly right of way line of U.S. Route 29 as shown on a State Roads Commission plat entitled "New Columbia Pike, Cedarcroft Sanitarium to Burnt Mills" Plat No. 16439, said point being opposite baseline station 1173+02.37, as shown thereon, and running thence, with and binding on the northerly right of way line of U.S. Route 29 as shown on a State Roads Commission Plat No. 12185, as now surveyed, and its continuation thereof, said continuation being reversely with and binding on the three (3) following lines, more particularly described as being the westerly or South $02^{\circ}43'58''$ East, 191.02 feet plat line as shown on a plat of subdivision entitled "Dumont Oaks" dated September, 1980 and recorded in Plat Book 113 as Plat No. 13307; the westerly or South $02^{\circ}43'58''$ East, 724.37 feet plat line as shown on a plat of subdivision entitled "Dumont Oaks", dated June, 1981, and recorded in Plat Book 114 as Plat No. 13537; the westerly or South $02^{\circ}43'58''$ East, 313.46 feet plat line as shown on a plat of subdivision entitled "Dumont Oaks", dated November, 1981, and recorded in Plat Book 114 as Plat No. 13440, a portion of the said 313.46 feet plat line being as shown on a plat of correction and resubdivision entitled "Dumont Oaks", dated November, 1981 and recorded in Plat Book 118 as Plat No. 13891, all recorded among the aforesaid Land Records

1. North $02^{\circ}43'47''$ West, 1299.40 feet to an iron pipe found at the northerly end of the aforesaid 313.46 feet plat line; passing in transit an iron pipe found at a distance of 70.70 feet; the first aforesaid iron pipe being also on the southerly or South $77^{\circ}14'10''$ East, 2668.05 feet plat line of Blocks C & D as shown on a plat of subdivision entitled "Quaint Acres",

Description Of
 14.7240 Acre Parcel
 Property of
 Baliles Property, Inc.
 A Maryland Corporation
 Montgomery County, Maryland

dated March, 1946 and recorded among the aforesaid Land Records in Plat Book 27 as Plat No. 1717, the first aforesaid iron pipe being 762.88 feet westerly, from the easterly end thereof; and running thence with, and binding on a part of the aforesaid 2668.05 feet plat line, and also with, and binding on the 7th or South 77°55'00" East, 67.38 feet deed line as described in a deed dated August 24, 1954 from LeLand C. Quaintance to Louis Be Spencer and Minnie H. Spencer, his wife, recorded among the aforesaid Land Records in Liber 1961 at Folio 345, as now surveyed

2. South 77°41'02" East, 762.85 feet to a stone found at the easterly end of the aforesaid 67.38 feet deed line, said stone being at the southerly end of the first or North 42°03'50" East, 385.07 feet deed line of the aforesaid Liber 1961 at Folio 345 and running thence, with and binding on said line
3. North 42°17'48" East, 79.10 feet to a point on the 2nd or North 85°30' East, 218 feet deed line of a deed dated October 6, 1936, from John F. Harper to Walter B. Jett and Achsah L. Jett, his wife, and recorded among the aforesaid Land Records in Liber 642 at Folio 451; and running thence, with and binding on a part of said deed line, as now surveyed
4. North 85°07'48" East, 79.83 feet to a point on the westerly or South 41°13'10.2" West right of way line of U.S. Route 29 as shown on a State Roads commission plat entitled "New Columbia Pike, Cedarcroft Sanitarium to Burnt Mills", Plat No. 12184, said point being opposite baseline station 3487.05; and running thence, reversely with and binding on, said right of way line, as now surveyed, and the westerly or North 41°15'10" East, 117.97 right of way line as shown on a State Roads Commission plat entitled "New Columbia Pike, Cedarcroft Sanitarium to Burnt Mills", Plat No. 16438 the following thirteen (13) courses and distances, as now surveyed
5. South 33°24'19" West, 262.95 feet to a point; thence
6. South 31°16'42" West, 98.92 feet to a point; thence
7. South 09°08'27" West, 64.51 feet to a point; thence

Description Of
14.7240 Acre Parcel
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8. South $11^{\circ}43'50''$ West, 257.00 feet to a point; thence
9. South $13^{\circ}33'43''$ West, 29.63 feet to a point; thence
10. South $18^{\circ}28'12''$ West, 49.76 feet to a point; thence
11. South $24^{\circ}37'24''$ West, 49.76 feet to a point; thence
12. South $30^{\circ}46'35''$ West, 49.76 feet to a point; thence
13. South $36^{\circ}55'46''$ West, 49.76 feet to a point; thence
14. South $43^{\circ}04'58''$ West, 49.76 feet to a point; thence
15. South $48^{\circ}34'39''$ West, 39.12 feet to a point; thence
16. South $50^{\circ}59'44''$ West, 3.24 feet to a point; thence
17. North $39^{\circ}00'16''$ West, 4.00 feet to a point at the easterly end of the northerly or North $58^{\circ}48'36''$ East, 502.37 feet right of way line of U.S. Route 29 as shown on the State Roads Commission plat entitled "New Columbia Pike, Cedarcroft Sanitarium to Burnt Mills", Plat No. 16439 and running thence, reversely with and binding on said right of way line, as now surveyed
18. South $50^{\circ}59'44''$ West, 502.37 feet to the point of beginning, containing 641,377.83 square feet or 14.7240 acres of land.

LIBER 0568 FOLIO 285

ARTICLES OF INCORPORATION
OF
TARTAN RIDGE HOMEOWNERS ASSOCIATION, INC.

APPROVED AND RECEIVED FOR RECORD BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION
MAY
OF MARYLAND AT O'CLOCK M. AS IN CONFORMITY
WITH LAW AND ORDERED RECORDED.

11

RECORDED IN LIBER 2722, FOLIO 002865, OF THE RECORDS OF THE STATE
DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND.

BONUS TAX PAID:
\$ _____

RECORDING FEE PAID: 30
\$ _____

SPECIAL FEE PAID:
\$ _____

D1933037

MONTGOMERY
TO THE CLERK OF THE CIRCUIT COURT OF

IT IS HEREBY CERTIFIED, THAT THE WITHIN INSTRUMENT, TOGETHER WITH ALL INDORSEMENTS THEREON, HAS
BEEN RECEIVED, APPROVED AND RECORDED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND.

AS WITNESS MY HAND AND SEAL OF THE DEPARTMENT AT BALTIMORE.

Paul B. O'Connell



A 178046