

ARTICLES OF INCORPORATION
SUMMIT CREEK PLACE HOMEOWNERS
ASSOCIATION
A Utah Nonprofit Corporation

ARTICLE I Recitals

WHEREAS, the original articles of incorporation (the “Original Articles”) for SUMMIT CREEK PLACE HOMEOWNERS ASSOCIATION, a Utah nonprofit corporation, (the “Association” and the “Corporation”) were duly file with the State of Utah on August 1, 2019; and

WHEREAS, the Corporation expired on December 1, 2021, for failure to file a renewal and was subsequently administratively dissolved; and *et seq.*, (the “Nonprofit Act”); and

WHEREAS, the Association can and should be reincorporated pursuant to Section 221 of the Utah Community Association Act, UCA 57-8a-101 *et seq.*, (the “Act”) so as to continue meeting its obligations under its declaration of covenants, conditions and restrictions (the “Declaration”),¹ which runs with the land;

NOW THEREFORE:

ARTICLE II Incorporators

The Directors listed below, each a natural person aged eighteen (18) years or older and acting as the Incorporators, do hereby adopt and authorize the filing of these Articles of Incorporation that are substantially similar to the Original Articles do hereby reincorporate the Association pursuant to Section 221 of the Act and the Utah Revised Nonprofit Corporation Act, UCA 16-6a-101 *et seq.*, (the “Nonprofit Act”) and reestablish the following.

ARTICLE III Corporation Name

Consistent with Article 1.1 of the Declaration, the name of the Corporation and Association is SUMMIT CREEK PLACE HOMEOWNERS ASSOCIATION.

¹ “Summit Creek Place – Declaration of Covenants, Conditions and Restrictions” duly recorded as entry no. 1268298 on December 1, 2020, in the recorder’s office of Cache County, Utah, as such may be amended or restated from time to time.

ARTICLE IV Office and Registered Agent

The office and registered agent of the Corporation within the State of Utah are:

Smith Knowles, PLLC, Attn: Burt R, Willie, Attorney
225 Washington Boulevard, Suite 200
Ogden, Utah 84401

ARTICLE V Duration

The duration of the Corporation is perpetual.

ARTICLE VI Purpose

Consistent with the Original Articles, the Corporation is organized for the purpose of operating, maintaining, and governing the Association in accordance with its duly recorded Declaration, bylaws of the Association (the "Bylaws"),² and the Association's other governing documents. Except as otherwise provided in its Declaration, no dividend or any part of the net income of the Association, if any, shall be paid to its directors, officers, committee members, volunteers, or members.

ARTICLE VII Powers, Limitations, and Restrictions

Consistent with the Original Articles, the powers of the Association, as well as the limitations and restrictions on such powers, shall be as provided by its Declaration and Bylaws.

ARTICLE VIII Incorporators and Directors

Consistent with the Original Articles, the Association shall have a board of directors which shall be organized as provided in its Bylaws. Notwithstanding the foregoing, the three current directors of the Association identified below shall continue in their positions as directors of the Association pursuant to its Bylaws and shall be deemed the Incorporators for purposes of this reincorporation.

Incorporators and Directors:

Elizabeth Dougherty
17 W 440 N
Smithfield, UT 84335

Lauren Kidman
42 W 460 N
Smithfield, UT 84335

² "Summit Creek Place Homeowner's Association By Laws" recorded as entry no. 1270353 on December 18, 2020, in the recorder's office of Cache County, Utah, as such may be amended or restated from time to time.

Ella Newman
474 N 60 W
Smithfield, UT 84335

ARTICLE IX Membership, Voting Rights, and Stock

Consistent with the Original Articles, the Association shall have members with voting rights, and persons shall be admitted as members, as provided in the Declaration and Bylaws as they may be amended or restated from time to time. The Association is organized as a nonprofit corporation and, except as otherwise provided in the Declaration, shall not issue stock or interests in water or other property rights.

ARTICLE X Bylaws

Consistent with the Original Articles, the board of directors shall, by duly filing these Articles of Incorporation, be deemed to have readopted the Bylaws pursuant to Section 221(2)(a) of the Act.

ARTICLE XI Dedication of Property

Consistent with the Original Articles, the property of the Corporation is irrevocably dedicated to the purposes described in the Association's plat, Declaration, and other governing documents, and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, trustee, officer, or member of the Corporation, or to the benefit of any private individual.

ARTICLE XII Amendment

Consistent with the Original Articles, amendment of these Articles of Incorporation shall require the assent of sixty-six percent (66%) of the entire membership of the Association.

ARTICLE XIII Dissolution

If for any reason the Corporation is terminated or dissolved without possibility of reinstatement, the Association shall reincorporate pursuant to Section 221(1) of the Act. Upon duly reincorporating the Association, the board shall thereby be deemed to have readopted the Bylaws pursuant to Section 221(2)(a) of the Act.

Dated this 18 day of J in the year 2024.

INCORPORATOR:

Elizabeth Zook 07/18/2024
Elizabeth Dougherty, Incorporator and Director

Dated this 18 day of July in the year 2024.

INCORPORATOR:

Lauren Kidman 07/25/2024
Lauren Kidman, Incorporator and Director

[SIGNATURE BLOCKS CONTINUED ON THE NEXT PAGE]

Dated this 18 day of July in the year 2024.

INCORPORATOR:

Ella Newman 07/18/2024
Ella Newman, Incorporator and Director

Acceptance of Appointment and Consent to Serve as Registered Agent

I acknowledge, accept, and consent to my designation or appointment as a registered agent in Utah on behalf of **Summit Creek Place Homeowners Association**. I understand that it will be my responsibility to receive any process, notice, or demand that is served on me as the registered agent of the represented entity; to provide the notices to the represented entity at the address most recently supplied to the agent by the represented entity; to keep current the information required by Utah Code 16-17-203(1) or 16-17-204(1) in the most recent registered agent filing for the entity; and in the event I am to resign, I shall promptly furnish the represented entity notice in a record of the date on which a statement of resignation was filed.

REGISTERED AGENT:

Burt R. Willie
Smith Knowles, PLLC
Burt R, Willie, Attorney

Date: July 30, 2024