

ARTICLES OF INCORPORATION  
OF  
DENVER AVENUE COMMERCIAL PARK CONDOMINIUM ASSOCIATION

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\$ 100.00  
SECRETARY OF STATE  
10-31-2001 16:30:29

The undersigned, as an Incorporator of a nonprofit corporation pursuant to the Colorado Revised Nonprofit Corporation Act, C.R.S. §7-121-101, et seq.), hereby adopts the following Articles of Incorporation.

**ARTICLE I. NAME**

The name of the Corporation is **DENVER AVENUE COMMERCIAL PARK CONDOMINIUM ASSOCIATION**, hereinafter called "Association."

**ARTICLE II. DURATION**

The duration of the Association shall be perpetual.

**ARTICLE III. OFFICES**

A. The street address of the initial registered office of the Association is 601 Breakwater Drive, Fort Collins, Colorado 80525, and the name of the initial registered agent at that address is Craig C. Hau. The written consent of the initial registered agent to the appointment as registered agent of the Association is stated below.

B. The address of the Association's initial principal office is 601 Breakwater Drive, Fort Collins, Colorado 80525.

**ARTICLE IV. PURPOSES AND POWERS OF ASSOCIATION**

This Association does not contemplate pecuniary gain or profit to the Members thereof, and the specific purposes for which it is formed are as follows:

A. To operate the Common Interest Community known as DENVER AVENUE COMMERCIAL PARK CONDOMINIUMS located in Larimer County, Colorado ("Common Interest Community"), in accordance with the Colorado Common Interest Ownership Act of the Colorado Revised Statutes, as amended, and the Colorado Revised Nonprofit Corporation Act, as amended.

B. To promote the health, safety, welfare and common benefit of the Owners and occupants of the Common Interest Community.

C. To do any and all permitted acts, and to have and exercise any and all powers, rights and privileges which are granted to a Common Interest Community Association under the laws of the State of Colorado and the Condominium Declaration for the Common Interest Community ("Declaration"), Bylaws, Rules and Regulations, and other governing documents of the Association.

The foregoing statements of purpose shall be construed as a statement of both purposes and powers. The purposes and powers stated in each clause shall not be limited or restricted by reference to or inference from the terms or provisions of any other clause, but shall be broadly construed as independent purposes and powers.

**ARTICLE V. NONPROFIT**

The Association shall be a nonprofit corporation, without shares of stock.

**ARTICLE VI. MEMBERSHIP RIGHTS AND QUALIFICATIONS**

The classes, rights and qualifications and manner of election or appointment of Members are as follows: Any person who holds title to a Unit in the Common Interest Community shall be a Member of the Association. There shall be one (1) membership for each Unit owned within the Common Interest Community. This membership shall be automatically transferred upon the conveyance of that Unit.

**ARTICLE VII. VOTING RIGHTS**

Each Unit Owner shall be entitled to vote as provided in the Declaration. If more than one (1) person holds a beneficial interest in a Unit as joint tenant, tenant in common, or otherwise, all such persons shall be Members of the Association. If only one (1) of the multiple Owners of a Unit is present at a meeting of the Association, such Owner is entitled to cast the vote allocated to that Unit. If more than one (1) of the multiple Owners are present, the vote allocated to that Unit may be cast only in accordance with the agreement of a majority in interest of the Owners. There is a majority agreement if any one (1) of the multiple Owners casts the vote allocated to that Unit without

protest being made promptly to the person presiding over the meeting by any of the other Owners of the Unit.

Notwithstanding the foregoing, the Declarant of the Common Interest Community shall have additional rights and qualifications as may be provided under the Colorado Common Interest Ownership Act and the Declaration, including the right to appoint members of the Executive Board.

**ARTICLE VIII. EXECUTIVE BOARD**

The affairs of the Association shall be managed by an Executive Board. The initial Executive Board shall consist of three (3) persons. The number of members of the Executive Board may be changed by a duly adopted amendment to the Bylaws, except that in no event may the number of members of the Executive Board be less than three (3). The names and addresses of the persons who shall serve as members of the Executive Board until their successors shall be elected and qualified are as follows:

Craig C. Hau  
601 Breakwater Drive  
Fort Collins, CO 80525

A. W. Fleming  
P.O. Box 1029  
Glenwood Springs, CO 81602

Timothy A. Conine  
109 N. Washington  
Fort Collins, CO 80521

**ARTICLE IX. DISSOLUTION**

The Association may be dissolved only with the written consent of sixty-seven percent (67%) of all First Security Interests encumbering Units within the Common Interest Community and by written agreement of Unit Owners to which sixty-seven percent (67%) of the votes in the Association are allocated as more fully provided in the Colorado Common Interest Ownership Act as amended from time to time. Upon dissolution of the Association, other than incident to merger or consolidation, the assets of the Association shall be sold and the proceeds thereof shall be distributed to Unit Owners and lienholders as their interests may appear or, if not sold, title to such assets shall vest in the Unit Owners as tenants in common, all as more fully provided in the Colorado Common Interest Ownership Act.

**ARTICLE X. AMENDMENT**

Amendments to these Articles of Incorporation shall require the assent of at least sixty-seven percent (67%) of the Members of the Association.

**ARTICLE XI. INCORPORATOR**

The name and address of the Incorporator are:

Craig C. Hau  
601 Breakwater Drive  
Fort Collins, CO 80525

IN WITNESS WHEREOF, for the purpose of forming this Association under the Colorado Revised Nonprofit Corporation Act,

I, the undersigned, constituting the Incorporator of this Association, have signed these Articles of Incorporation this 31st day of October, 2001.

  
 \_\_\_\_\_  
 CRAIG C. HAU, Incorporator

STATE OF COLORADO )  
 ) ss.  
 COUNTY OF LARIMER )

The foregoing Articles of Incorporation were signed and acknowledged before me this 31st day of October, 2001, by CRAIG C. HAU.

WITNESS my hand and official seal:

My commission expires: 11-14-01.



  
 \_\_\_\_\_  
 Notary Public

**CONSENT OF REGISTERED AGENT**

I hereby consent to my appointment as the initial Registered Agent of the Association in the foregoing Articles of Incorporation.

  
 \_\_\_\_\_  
 CRAIG C. HAU, Registered Agent


STATE OF COLORADO )  
 ) ss.  
 COUNTY OF LARIMER )

The foregoing Consent of Registered Agent was signed and sworn to before me this 31st day of October, 2001, by CRAIG C. HAU, as the initial Registered Agent.

WITNESS my hand and official seal:

My commission expires: 11-14-01.



  
 \_\_\_\_\_  
 Notary Public

DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
OGDEN UT 84201

DATE OF THIS NOTICE: 11-27-2001  
NUMBER OF THIS NOTICE: CP 575 C  
EMPLOYER IDENTIFICATION NUMBER: 84-1609006  
FORM: SS-4  
2916606373 B

PAGE 01

DENVER AVENUE COMMERCIAL PARK  
% CRAIG C HAU  
601 BREAKWATER DR  
FORT COLLINS CO 80525

FOR ASSISTANCE CALL US AT:  
1-800-829-1040

OR WRITE TO THE ADDRESS  
SHOWN AT THE TOP LEFT.

IF YOU WRITE, ATTACH THE  
STUB OF THIS NOTICE.

**WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER (EIN)**

Thank you for your Form SS-4, Application for Employer Identification Number (EIN). We assigned you EIN 84-1609006. This EIN will identify your business account, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Use your complete name and EIN shown above on all federal tax forms, payments and related correspondence. If you use any variation in your name or EIN, it may cause a delay in processing and incorrect information in your account. It also could cause you to be assigned more than one EIN.

Based on the information shown on your Form SS-4, you must file the following forms(s) by the date we show.

Form 1120H

03/15/2002

Your assigned tax classification is based on information obtained from your Form SS-4. It is not a legal determination of your tax classification and is not binding on the IRS. If you want a determination on your tax classification, you may seek a private letter ruling from the IRS under the procedures set forth in Rev. Proc. 98-01, 1998-1 I.R.B. 7 (or the superceding revenue procedure for the year at issue).

If you need help in determining what your tax year is, you can get Publication 538, Accounting Periods and Methods, at your local IRS office.

If you have questions about the forms shown or the date they are due, you may call us at 1-800-829-1040 or write to us at the address shown above.

If you're required to deposit for employment taxes (Forms 941, 943, 940, 945, CT-1, or 1042), excise taxes (Form 720), or income taxes (Form 1120), we will send an initial supply of Federal Tax Deposit (FTD) coupon books within six weeks. You can use the enclosed coupons if you need to make a deposit before you receive your supply.

*Brenda*

(IRS USE ONLY) 575C 841609006 11-27-2001 DENV B 2916606373 SS-4

Start your business off right - pay your taxes the easy way. Pay through the Electronic Federal Tax Payment System (EFTPS). For information, call 1-800-829-3676 and request Publication 966, EFTPS Answers to the Most Commonly Asked Questions.

Please use the label IRS provided when filing tax documents. Use FTD coupons when making FTD payments. If that isn't possible, use your EIN and complete name and address as shown below to identify your account and to avoid delays in processing.

DENVER AVENUE COMMERCIAL PARK  
 CONDOMINIUM ASSOCIATION  
 % CRAIG C HAU  
 601 BREAKWATER DR  
 FORT COLLINS CO. 80525

If this information isn't correct, please correct it using the bottom part of this notice. Return it to the address shown so we can correct your account.

Note: If you change your corporation to a S corporation, you must file Form 2553, Election by a Small Business Corporation.

Note: If you change your business to a corporation, you may need to file Form 8832, Entity Classification Election. See the form's instructions to determine if you're required to file.

Keep this part for your records.

CP 575\_C (Rev. 1-20

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address.

CP 575 C

2916606373

Your Telephone Number Best Time to Call  
 ( )

DATE OF THIS NOTICE: 11-27-2001  
 EMPLOYER IDENTIFICATION NUMBER: 84-1609006  
 FORM: SS-4

INTERNAL REVENUE SERVICE  
 OGDEN UT 84201

DENVER AVENUE COMMERCIAL PARK  
 CONDOMINIUM ASSOCIATION  
 % CRAIG C HAU  
 601 BREAKWATER DR  
 FORT COLLINS CO 80525