

**CERTIFICATE OF AMENDMENT AND RESTATEMENT
OF THE
ARTICLES OF INCORPORATION
OF
PACIFIC POINTE ESTATES HOMEOWNERS ASSOCIATION**

Pursuant to the provisions of the Nebraska Nonprofit Corporation Act (the "Act"), the undersigned Association hereby certifies that:

1. The name of the Association is: Pacific Pointe Estates Homeowners Association.
2. The Amended and Restated Articles of Incorporation, attached hereto as Exhibit "A" ("Restated Articles"), shall supersede the existing Articles of Incorporation and all amendments thereto.
3. The Restated Articles contain amendments to the existing Articles of Incorporation of the Association which require approval by the members and the Board of Directors. The Restated Articles of Incorporation were adopted by the members and the Board of Directors of the Association in the manner prescribed by the existing Articles of Incorporation of the Association and the Act on NOVEMBER 3, 2019.

Dated this 3rd day of NOVEMBER, 2019.

PACIFIC POINTE ESTATES HOMEOWNERS
ASSOCIATION, a Nebraska nonprofit corporation,

By: _____


Carl Andersen, President

EXHIBIT "A"

AMENDED AND RESTATED ARTICLES OF INCORPORATION OF PACIFIC POINTE ESTATES HOMEOWNERS ASSOCIATION

Pursuant to the provisions of the Nebraska Nonprofit Corporation Act, as amended ("Act"), the Articles of Incorporation of Pacific Pointe Estates Homeowners Association, a Nebraska nonprofit corporation, which were originally filed with the Nebraska Secretary of State on February 15, 2005, are hereby amended and restated in their entirety as follows:

ARTICLE I

Name

The name of the Association is: Pacific Pointe Estates Homeowners Association (the "Association").

ARTICLE II

Type

The Association is a mutual benefit corporation pursuant to Neb. Rev. Stat. Section 21-19,177

ARTICLE III

Principal Office

The principal office of the Association is located at 19454 Walnut Circle, Omaha, Nebraska 68130.

ARTICLE IV

Registered Agent and Office

The street address of the registered office of the Association is 19454 Walnut Circle, Omaha, Nebraska 68130, and the name of its registered agent at such address is Carl Andersen.

ARTICLE V

Purpose and Powers

This Association does not contemplate pecuniary gain or profit to the members thereof, and the specific purposes for which it is formed are to provide for maintenance, preservation and architectural control of the residence Lots within that certain tract of property described as:

Lots 3 through 25, inclusive, and Lots 27 through 40, inclusive, all in PACIFIC POINTE ESTATES, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, on November 15, 2004, as Instrument Number 2004149551, as may be amended from time to time.

Lots 1 through 4, inclusive, all in PACIFIC POINTE ESTATES REPLAT ONE, a subdivision, platted and recorded in Douglas County, Nebraska, on November 8,

EXHIBIT "A"

2005, as Instrument Number 2005141441, as may be amended from time to time.

Lot 1 in PACIFIC POINTE ESTATES REPLAT 4, a subdivision, platted and recorded in Douglas County, Nebraska, on October 18, 2013, as Instrument Number 2013105680, as may be amended from time to time.

and to promote the health, safety and welfare of the residents within the above-described property and of the homes situated on the above-described property and any additions thereto as may hereafter be brought within the jurisdiction of this Association, for this purpose to:

a. exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in that certain Declaration of Covenants, Conditions and Restrictions of Pacific Pointe Estates, and any amendments and/or restatements thereto, hereinafter collectively called the "Declaration," applicable to the property and recorded or to be recorded in the Office of the Register of Deeds of Douglas County, Nebraska, said Declaration and amendments and/or restatements being incorporated herein as if set forth at length;

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

d. borrow money, and with the assent of members holding two-thirds (2/3) of the votes mortgage, pledge, deed in trust, or hypothecate any or all of its real personal property as security for money borrowed or debts incurred;

e. participate in mergers and consolidations with other nonprofit corporations organized for the same purposes or annex additional residential property, provided that any such merger, consolidation or annexation shall have the assent of members holding two-thirds (2/3) of the votes; and

f. have and to exercise any and all powers, rights and privileges which a corporation organized under the Act may now or hereafter have or exercise.

ARTICLE VI **Membership**

Every person or entity who is a record owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including contract purchasers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment by the Association.

EXHIBIT "A"

**ARTICLE VII
Dissolution**

The Association may be dissolved with the assent given in writing and signed by members holding not less than two-thirds (2/3) of the votes. 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.

**ARTICLE VIII
Duration**

The period of the Association's existence is perpetual.

**ARTICLE IX
Amendments**

An amendment of these Articles shall require the assent of members holding at least two-third (2/3) of the votes cast or a majority of the voting power of the Association, whichever is less.

IN WITNESS WHEREOF, the President has executed these Amended and Restated Articles of Incorporation this 3rd day of NOVEMBER, 2019.



Carl Andersen, President

PROOF OF PUBLICATION, Midlands Business Journal

STATE OF NEBRASKA
SS
COUNTY OF DOUGLAS

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**NOTICE OF AMENDMENT AND RESTATEMENT OF THE
ARTICLES OF INCORPORATION OF PACIFIC POINTE ESTATES
HOMEOWNERS ASSOCIATION**

Notice is hereby given that the Articles of Incorporation of Pacific Pointe Estates Homeowners Association (the "Association") have been amended and restated in their entirety as follow:

Article I states the name of the Association is Pacific Pointe Estates Homeowners Association.

Article II states that the Association is a mutual benefit corporation.

Article III states the principal office of the Association is 19454 Walnut Circle, Omaha, Nebraska 68130.

Article IV states the Registered Office of the Association is 19454 Walnut Circle, Omaha, Nebraska 68130, and the Registered Agent is Carl Andersen.

Article V states the purpose and powers of the Association.

Article VI states the provisions relating to membership of the Association.

Article VII states the provisions relating to dissolution.

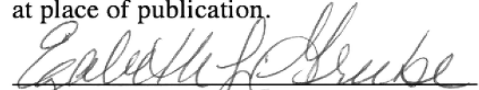
Article VIII states the provisions relating to duration.

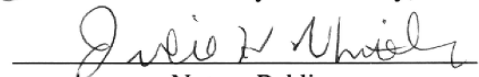
Article IX states the provisions relating to amendments.

The Amended and Restated Articles of Incorporation were filed with the Nebraska Secretary of State on February 4, 2020.

First publication February 14, 2020, final February 28, 2020

Elizabeth J. Grube, being duly sworn, deposes and says that she is the Legal Notice Representative of The Midlands Business Journal, a legal weekly newspaper published in the City of Omaha, Douglas County, Nebraska, printed in the English language, having a bona fide circulation in Douglas County in excess of 300 copies for more than 52 weeks last year; that the printed notice attached hereto was published in said Midlands Business Journal for 3 weeks, beginning on February 14, 2020, and ending February 28, 2020, and said newspaper was during that time and has since been in general circulation in said County and State, and that said newspaper was printed in whole or in part in the office maintained at place of publication.


Subscribed in my presence, and sworn to before me this 28th day of February, 2020


Notary Public

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