



TED W. BROWN
Secretary of State

Certificate

490304

It is hereby Certified that the Secretary of State of Ohio has custody of the
Records of Incorporation and Miscellaneous Filings; that said records show
the filing and recording of: ADD OF
INDIAN CREEK CONDOMINIUM ASSOCIATION

United States of America
STATE OF OHIO
Office of the Secretary of State

Recorded on Roll E219 at Frame 1816 of the
Records of Incorporation and Miscellaneous Filings.



Witness my hand and the seal of the Secretary of State, at the City of
Columbus, Ohio, this 3RD day of DECEMBER, A. D. 1976

Ted W. Brown

TED W. BROWN
Secretary of State

10-19-1913

4 9 2 5 7
ARTICLES OF INCORPORATION
OF
INDIAN CREEK CONDOMINIUM ASSOCIATION

PD. Ewr
12/3/76
25.29

The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation, not for profit, under Section 1702.01 et seq. of the Revised Code of Ohio, do hereby certify:

FIRST: The name of said corporation shall be INDIAN CREEK CONDOMINIUM ASSOCIATION.

SECOND: The place in Ohio where the principal office of the corporation is to be located in Dayton, Montgomery County.

THIRD: The purpose or purposes for which this corporation is formed are:

(a) To function as the "Unit Owners Association" as provided in the Declaration creating and establishing a plan for condominium ownership for Indian Creek Garden Condominiums, located in West Carrollton, Montgomery County, Ohio, said property being submitted to the provisions of Chapter 5311 of the Revised Code of Ohio.

(b) To exercise all of the powers and privileges and to perform all of the duties and obligations of the Association as set forth in the Declaration to establish Indian Creek Garden Condominiums.

(c) To fix, levy and collect all charges or assessments as provided by said Declaration, to pay all expenses and costs incident to its conduct of business as the Unit Owners Association for said condominium.

(d) To acquire (by gift, purchase or otherwise), own, hold, improve, operate, maintain, convey, sell, lease, transfer, dedicate for public use of real and personal property in connection with the affairs of the condominium.

(e) To borrow money, mortgage, pledge, hypothecate or otherwise to encumber any of its real or personal property as permitted by the Declaration or by the members of this corporation.

(f) To participate in mergers and consolidations provided that such action is approved by the membership and is consistent with the purposes of the condominium as outlined in the Declaration.

- 76 669E10 -

(g) To do any other thing necessary, expedient, incidental, appropriate, or convenient to the carrying out of the foregoing purposes, and insofar as permitted by law, to do any other thing that will promote the common benefit of all of the members of this corporation.

(h) To change, substantially or otherwise, any and all of the foregoing purposes.

(i) The foregoing shall be construed both as objects and powers, and the enumeration thereof shall not be held to limit or restrict in any manner the general powers conferred on the corporation by the laws of the State of Ohio.

FOURTH: Except as otherwise provided by law or herein, all of the authority of the corporation shall be exercised by the Trustees who shall be five (5) in number and expanded to six (6) in number should a mortgagee exercise the rights to designate a representative on the Board. The following persons shall initially serve as Trustees and shall continue to serve until replaced by the action of the membership.

BENJAMIN F. ALLBERRY - 1200 American Building, Dayton, Ohio

CHARLES F. ALLBERRY - 1200 American Building, Dayton, Ohio

FRANK FURLONG - 5 Indian Club Circle, West Carrollton, Ohio

The other Trustees shall be elected at the first meeting of the membership.

FIFTH: The members of this corporation, at any time, shall be every person or entity who is a record owner of a fee interest in any Unit of Indian Creek Garden Condominiums, but excluding such persons or entities holding any interest merely as a security for the performance of an obligation. Membership is an appurtenant to said ownership and may not be separated from ownership of any Unit.

SIXTH: This corporation must act as the Unit Owners Association for any amendment of the Declaration of Indian Creek Garden Condominiums, which incorporates additional land and buildings therein.

SEVENTH: This corporation shall exist perpetually, unless dissolved by the affirmative vote of at least seventy five percent (75%) of the voting power of this corporation, provided, however, such dissolution may not take place unless and until the real estate described in the Declaration of Indian Creek Garden Condominiums has been removed from the provisions of the Condominium Law.

EIGHTH: These Articles of Incorporation may be amended upon the approval of at least seventy five percent (75%) of the voting power of the membership.

100-1518

NINTH: Any Trustee or officer of the Corporation shall not be disqualified by his office or position from dealing or contracting with the corporation as a vendor, purchaser, employee, contractor, agent or otherwise; nor shall any transaction, contract or act of the corporation be void or voidable by reason of the fact that any Trustee voted or otherwise participated in the decision in which he has an interest, whether or not the other Trustees, officers or members of this corporation know of his interest, unless the concealment would be tantamount to a fraud on the corporation or be illegal. Such interested Trustee shall be counted in determining the existence of a quorum and he may vote or otherwise authorize such action.

IN WITNESS WHEREOF, the incorporators have hereunto subscribed their names this 1st day of December, 1976.


BENJAMIN F. ALLBERY


CHARLES F. ALLBERY

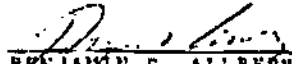

JACQUELINE L. MORRIS

EX-119


ORIGINAL APPOINTMENT OF AGENT

The undersigned, being at least a majority of the incorporators of INDIAN CREEK CONDOMINIUM ASSOCIATION, hereby appoint CHARLES F. ALLBERRY, a natural person in the county in which the corporation has its principal office, upon whom any process, notice or demand required or permitted by statute to be served upon the corporation, may be served. His complete address is 1200 American Building, Dayton, Montgomery County, Ohio 45402.

INDIAN CREEK CONDOMINIUM ASSOCIATION


BENJAMIN F. ALLBERRY


CHARLES F. ALLBERRY



JACQUELINE L. MORRIS

DATE: December 1, 1976

Dayton, Ohio

Indian Creek Condominium
Association

Gentlemen: I hereby accept appointment as agent of your corporation upon whom process, tax notices and demands may be served.


CHARLES F. ALLBERRY

76 670A01