

**ARTICLES OF AMENDMENT AND RESTATEMENT**  
**of**  
**THE EAST GATE II HOMES ASSOCIATION, INC.**

THE EAST GATE II HOMES ASSOCIATION, INC., a Maryland nonstock corporation (the "Association"), certifies to the Maryland State Department of Assessments and Taxation that the following are the Articles of Amendment and Restatement of the Association, duly adopted as hereinafter set forth:

**FIRST:**            **Name.** The name of the Association is THE EAST GATE II HOMES ASSOCIATION, INC.

**SECOND:**         **Purposes.** The purposes for which the Association is formed are:

(a) to own, manage and maintain common areas and facilities within the subdivision known as East Gate of Potomac, Montgomery County, Maryland, as shown in Plats of Subdivision recorded among the Land Records of Montgomery County, Maryland, in Plat Book 89, plats 9555, 9556 and 9557, and in Plat Book 90, plats 9653 and 9654, for the use and enjoyment of the members of the Association and the general public;

(b) to administer and enforce covenants and restrictions for preserving the architecture and appearance of the 92 lots and the dwellings thereon (the "Units") located in said subdivision, as contained in the Declaration of Covenants and Restrictions dated February 2, 1971, and recorded among said Land Records on February 8, 1971 at Book 4041, page 349, as amended by Amendment to Declaration dated June 4, 2000 and recorded June 27, 2001 among said Land Records at Book 19351, page 642, and as thereafter amended and restated (the "Declaration"); and

(c) to engage in any other lawful activity permitted of, and to have and exercise all the power and authority granted to, Maryland nonstock corporations and Maryland homeowners associations.

**THIRD:**           **Principal Office.** The street address of the principal office of the Association in Maryland is 4419 East West Highway, Bethesda, MD 20814.

**FOURTH:**         **Resident Agent.** The name of the resident agent of the Association in Maryland is Charles H. Fleischer, whose street address is 4419 East West Highway, Bethesda, MD 20814.

**FIFTH:**                    **Nonstock, Nonprofit Status.** The Association has no authority to issue capital stock. The Association will not be operated for profit or for the private gain of any of its members.

**SIXTH:**                    **Members.** The Association has 92 members, being the persons or entities who from time to time are the record fee owners of the Units; except that any person or entity who holds such interest solely as security for the repayment of a debt or the performance of an obligation is not a member. Additional provisions regarding membership, voting and transfers of membership interests are set out in the Declaration and the Association's Bylaws. The Association may impose reasonable restrictions on the exercise of membership and voting rights, including suspending such rights when a member is delinquent in the payment of assessments or is in violation of the Association's governing documents.

**SEVENTH:**                **Contract Lien.** The Association is entitled to and may enforce a lien against the members' membership interests and against the Units for payment of assessments, costs of collection, late charges and attorneys' fees, as provided in the Maryland Contract Lien Act (Md. Code, Real Property Article, § 14-201, *et seq.*) as amended from time to time, and the Declaration.

**EIGHTH:**                 **Management.** The affairs of the Association are managed by a board of directors consisting of 10 directors, which number may be increased or decreased pursuant to the Association's Bylaws. The qualifications, powers, duties, tenure in office, and manner of election or appointment of directors are set forth in the Association's Bylaws.

**NINTH:**                    **Directors.** The names of the directors who are currently acting and who will continue to act until their successors are duly chosen and assume office are:

Tracy Jennison (Court I)	Bart Hosmer (Court III)
Shelly Balis (Court I)	Alan Mayer-Sommer (Court IV)
Peter Lopera (Court II)	Katherine Harris (Court V)
Susan Herbert (Court II)	Dawn Yardeni (Court V)
Lisa Shanley (Court III)	Judy O'Keefe ( <i>ex officio</i> )

**TENTH:**                    **Liability of Directors and Officers.** Pursuant to Md. Code, Corporations Article, §§ 2-104(b)(8) and 2-405.2, Md. Code, Courts Article, §§ 5-417, 5-418 and 5-422, and Md. Code, Real Property Article, § 14-118, all as amended from time to time, the Association's directors, officers and committee members are immune from liability and they will be indemnified by the Association subject to any conditions and limitations on such immunity and indemnity set forth in the Bylaws of the Association.

**ELEVENTH: Disposition on Dissolution.** In the event of dissolution of the Association, the net assets of the Association, after payment or provision for all liabilities, will be delivered to an appropriate public agency to be devoted to purposes as nearly as practicable the same as those to which they were required to be devoted by the Association. In the event that such delivery is refused, the net assets will be delivered to any non-profit corporation, association, trust or other organization to be devoted to purposes and uses that would most nearly reflect the purposes and uses to which they were required to be devoted by the Association.

**TWELFTH: Reserved Right.** The Association reserves the right to amend or restate these Articles in the manner now or hereafter prescribed or permitted by law.

**THIRTEENTH: Approval Procedure.** These Articles were recommended by the directors for approval by the voting members, and they were approved by a majority of the voting members at a meeting thereof duly noticed and held on January 8, 2009.

We the undersigned President and Secretary of the Association swear or affirm under penalties of perjury, this 26<sup>th</sup> day of January, 2009, that the foregoing is a corporate act.

Attest:

THE EAST GATE II HOMES  
ASSOCIATION, INC.

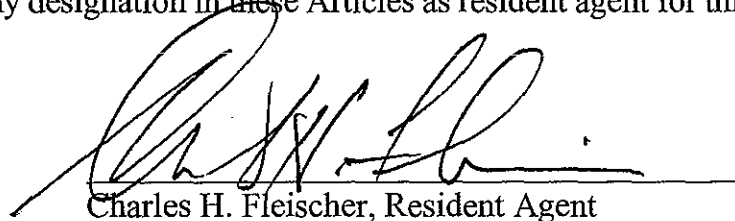


Carol Acree, Secretary



Lisa Shanley, President

I HEREBY CONSENT to my designation in these Articles as resident agent for this corporation.



Charles H. Fleischer, Resident Agent

Filing party's name and return address:

Charles H. Fleischer, Esq.  
Oppenheimer, Fleischer & Quiggle, P.C.  
4419 East West Highway  
Bethesda, MD 20814

State of Maryland  
Department of  
Assessments and Taxation



Martin O'Malley  
Governor

C. John Sullivan, Jr.  
Director

Paul B. Anderson  
Administrator

Charter Division

Date: 02/11/2009

OPPENHEIMER, FLEISCHER & QUIGGLE, P.C.  
4419 E WEST HWY  
BETHESDA MD 20814-4517

THIS LETTER IS TO CONFIRM ACCEPTANCE OF THE FOLLOWING FILING:

ENTITY NAME : THE EAST GATE II HOMES ASSOCIATION, INC.  
DEPARTMENT ID : D00334151  
TYPE OF REQUEST : ARTICLES OF AMENDMENT AND RESTATEMENT  
DATE FILED : 02-10-2009  
TIME FILED : 02:38 PM  
RECORDING FEE : \$100.00  
EXPEDITED FEE : \$50.00  
POSTAGE FEE : \$5.00  
FILING NUMBER : 1000361997607373  
CUSTOMER ID : 0002239442  
WORK ORDER NUMBER : 0001682480

PLEASE VERIFY THE INFORMATION CONTAINED IN THIS LETTER. NOTIFY THIS DEPARTMENT IN WRITING IF ANY INFORMATION IS INCORRECT. INCLUDE THE CUSTOMER ID AND THE WORK ORDER NUMBER ON ANY INQUIRIES.

Charter Division  
Baltimore Metro Area (410) 767-1350  
Outside Metro Area (888) 246-5941