

BY-LAWS

OF

SOUTHPORT ONE EAST HOMEOWNERS ASSOCIATION

ARTICLE I.

NAME AND LOCATION

The name of the corporation is Southport One East Homeowners Association, hereinafter referred to as the "Association". Meetings of directors and members may be held at such places within the State of North Dakota as may be designated by the Board of Directors. Meetings of members shall be held at such places within Burleigh County as may be designated by the Board of Directors.

ARTICLE II.

DEFINITIONS

Section 1. "Association" shall mean and refer to Southport One East Homeowners Association, its successors and assigns.

Section 2. "Properties" shall mean and refer to the following described real property:

Lots 1 through 52, Lot A-1 of Lot 53, and Lot A of Lot 54,
Block 1, Southport Addition to the City of Bismarck,
Burleigh County, North Dakota.

Section 3. "Lot" shall mean lots within the above-described real property.

Section 4. "Member" shall mean and refer to every person or entity who holds membership in the Association.



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Section 5. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

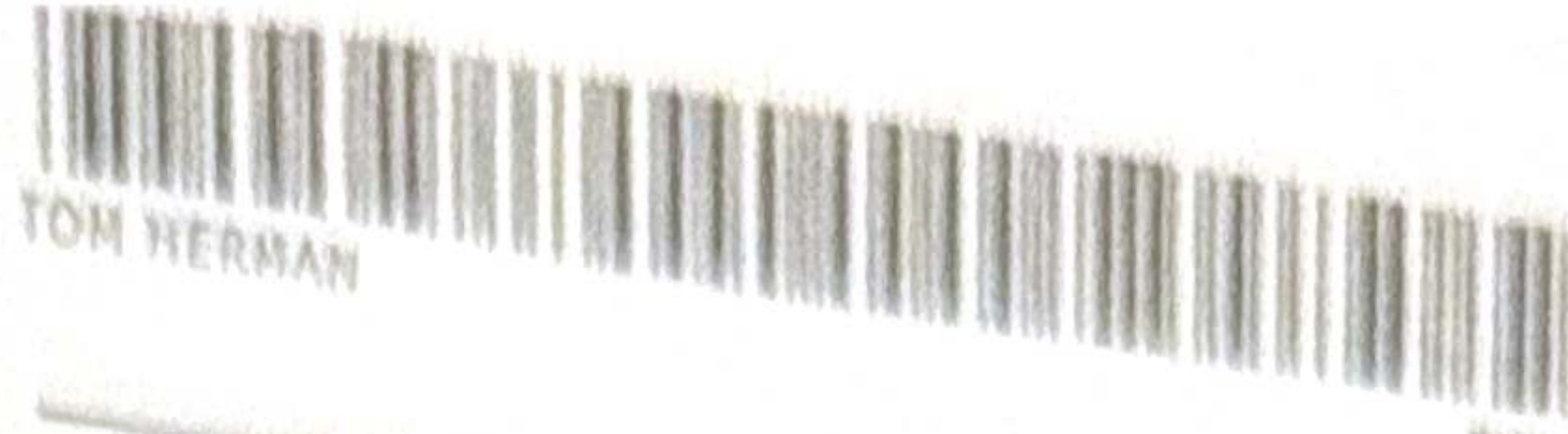
ARTICLE III.

MEMBERSHIP

Section 1. Membership. Every person or entity who is a record owner of a fee or undivided fee interest in any lot which is a part of the Properties, including contract sellers, 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 a part of the Properties. Ownership of such lot shall be the sole qualification for membership.

Section 2. Suspension of Membership. During any period in which a member shall be in default in the payment of any regular or special assessment levied by the Association, the voting rights of such member may be suspended by the Board of Directors until such assessment has been paid. Such rights of a member may also be suspended, after notice and hearing, for a period not to exceed thirty (30) days, for any single infraction of any rules and regulations established by the Board of Directors.

actions in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.



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ARTICLE IV.

BOARD OF DIRECTORS – SELECTION – TERM OF OFFICE

Section 1. Number. The affairs of this Association shall be managed by a Board of five (5) directors. The number of directors may be increased or decreased from time to time (but in no event shall there be less than five (5) directors) by the amendment of these By-Laws by the members, as hereinafter provided in Article XIII.

Section 2. Election. The members shall elect three (3) directors for a term of one (1) year, and two (2) directors for a term of two (2) years; and at such annual meeting thereafter the members shall elect three (3) or two (2) directors for a term of two (2) years.

Section 3. Vacancies. In the event of death, resignation or removal of a director, his or her successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his or her predecessor.

Section 4. Compensation. No director shall receive compensation for any service he or she may render to the Association. However, any director may be reimbursed for his or her actual expenses incurred in the performance of his or her duties.

Section 5. Action taken without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.



Section 6. Exculpation. No director or officer of the Association shall be liable for acts or faults of any other member or officer or any loss sustained by the Association or any member thereof, unless the same resulted from his or her own willful misconduct or negligence.

Section 7. Indemnification. Every director, officer, and member of the Association shall be indemnified by the Association against all reasonable costs, expenses, and liabilities (including legal fees), actually and necessarily incurred by or imposed upon him or her in connection with any claim, action sued, proceeding, investigation or inquiry of whatever nature in which he or she may be involved as a party or otherwise by reason of his or her having been an officer or member of the Association, whether or not he or she continues to be such director, officer or member of the Association at the time of the incurring of such costs, expenses or liability, except in relation to matters as to which he or she shall be finally adjudged in such sections, suits, proceedings, investigation or inquiry, to be liable for willful misconduct or negligence toward the Association in the performance of his or her duties, or in the absence of such final adjudication, any determination of such liability by the opinion of legal counsel selected by the Association. The foregoing right of indemnification shall be in addition to and not in limitation of all rights to which such persons may be entitled as a matter of law and shall inure to the benefit of the legal representatives of such person.



ARTICLE V.

MEETINGS OF THE DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held yearly without notice at such place and hour as may be fixed, from time to time, by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday. All members of the Association may attend all regular and special meetings of the Board of Directors.

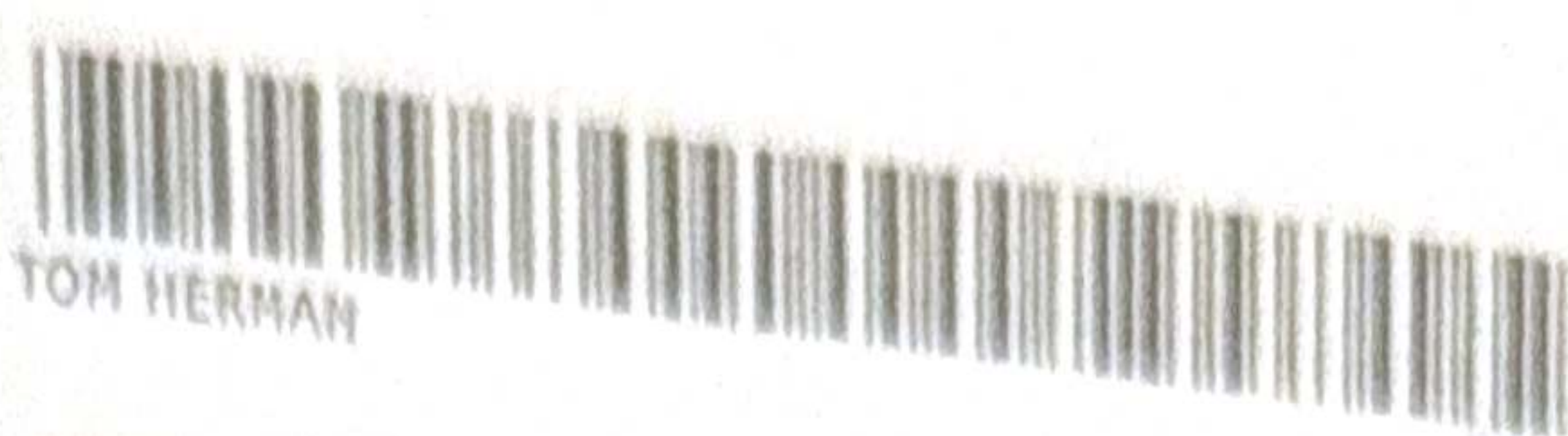
Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two (2) directors, after no less than three (3) days notice to each director.

Section 3. Quorum. A majority of the directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

ARTICLE VI.

NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by a nominating committee. Nominations may also be made from the floor at the annual meeting of the members. The nominating committee shall consist of a chairman, who shall be a member of the Board of Directors, and two (2) or more members of the Association. The nominating committee shall be appointed by the Board of Directors prior to each annual meeting of the members, and such



appointment shall be announced at each annual meeting. The nominating committee shall make as many nominations for election to the Board of Directors as it shall, in its discretion, determine, but not less than the number of vacancies that are to be filled.

Section 2. Election. Election to the Board of Directors shall be by secret written ballot. At such election, the members or their proxies may cast as many votes as there are vacancies to be filled to elect directors by cumulative voting with each lot being able to cast one vote per vacancy, notwithstanding the fact that two (2) or more persons may be the record owners of a lot, it being the intent that each lot shall have equal weight with every other lot.

ARTICLE VII.

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. Powers. The Board of Directors shall have those Association powers and duties specifically granted in the "Declaration of Restrictions and Obligations" dated July 9, 1993 and recorded on July 9, 1993 as Document Number 448231, except those powers related to the construction, operation, maintenance, repair and replacement of the water areas in the Southport Development Project which include gates, channels, and roadways affected by such waterways as well as any mitigation areas because those powers have been transferred to the Southport Maintenance Association, Inc. pursuant to a merger between the maintenance association of the properties and Southport Maintenance Association, Inc. X

In addition, the Board of Directors shall have the power:



(a) To adopt and publish rules and regulations governing the use of easements, common areas and limited common areas and maintenance of the said property, and the personal conduct of the members and their guests thereon;

(b) To exercise for the Association all powers, duties and authority vested in or delegated to this Association not reserved to the membership by other provisions of these By-Laws or the Articles of Incorporation;

(c) To declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors;

(d) To employ a manager, an independent contractor, managing agent (which may be a corporation), or such other employees as they deem necessary, and to prescribe their duties; provided that any managing agent selected prior to the first annual election, as provided in Article VIII, Section 1 hereof, shall be continued at the discretion of the Board of Directors, at which time the continuance of the same or the selection of another managing agent shall be determined by a majority vote of the members; and

(e) To establish, levy and assess, and collect assessments or charges referred to in Article X.

Section 2. Duties. It shall be the duty of the Board of Directors:



(a) To cause to be kept a complete record of all its acts and Association affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting, when such statement is requested in writing by one-half ($\frac{1}{2}$) of the membership who are entitled to vote.

(b) To supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;

(c) As more fully provided herein:

(1) To fix the amount of the regular assessment against each lot at least thirty (30) days in advance of each regular assessment period, as hereinafter provided in Article X; and

(2) To send written notice of each assessment to every owner subject thereto at least thirty (30) days in advance of each annual assessment period;

(d) To issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether any assessment has been paid. A reasonable charge may be made by the board for issuance of these certificates. Such certificate shall be conclusive evidence of any assessment therein stated to have been paid;

(e) To procure and maintain as the Board of Directors deems fit liability insurance on all easements and all limited and common areas of the Properties. All lot owners are responsible for insuring their own lots in all respects; and



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(f) To cause the easements and all limited and common areas of the Properties to be maintained.

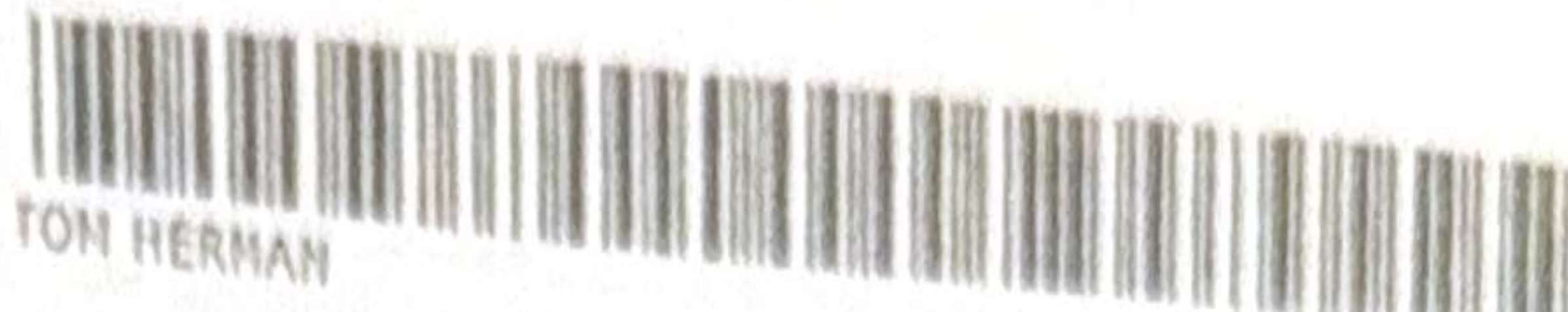
ARTICLE VIII.

MEETINGS OF MEMBERS

Section 1. Annual Meetings. The annual meeting of the members shall be held on the second Tuesday of February of each year, at the hour of 7:00 P.M., beginning with the year 2013, at a location set by the Board of Directors each year. If the day for the annual meeting of the members is a legal holiday, the meeting will be held the same hour on the first day following which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the members may be called at any time by the President or by the Board of Directors, or upon written request of the members who are entitled to vote one-half ($\frac{1}{2}$) of all of the votes of the entire membership.

Section 3. Notice of Meetings. Written notice of each meeting of the members shall be given by the Secretary of the Board, by mailing a copy of such notice, postage prepaid, at least seven (7) days, but not more than thirty (30) days, before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and in the case of a special meeting, the purpose of the meeting.



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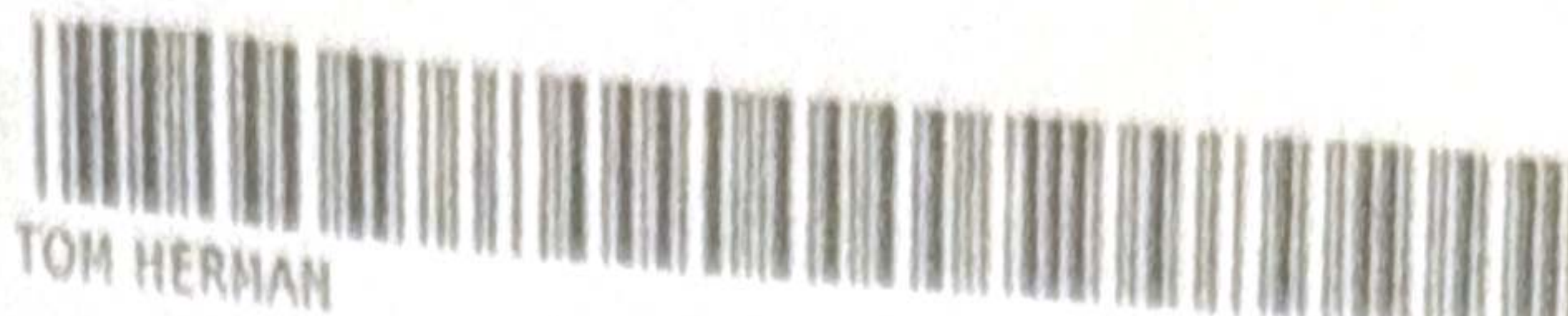
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Section 4. Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast, at least twenty percent (20%) of the votes of the entire membership shall constitute a quorum for any action, except as otherwise provided in the Articles of Incorporation or these By-Laws. If, however, such quorum shall not be present in person or by proxy at any such meeting, the members entitled to vote thereat shall have power to adjourn the meeting without notice other than announcement at the meeting, to a time not less than forty-eight (48) hours nor more than thirty (30) days from the time the original meeting was called, at which meeting the quorum requirement shall be only ten percent (10%) of the votes of the entire membership. *

Section 5. Other Quorum Requirements. Notwithstanding Section 4 of this Article, the quorum required for assessments shall be as provided for in Article X of these By-Laws.

Section 6. Proxies and Voting. At all meetings of members, such member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his or her lot. Except as otherwise provided in the Articles of Incorporation or By-Laws, a majority of the voting power present, in person or by proxy, shall prevail at such meeting. mail?



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ARTICLE IX.

OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Officers. The officers of this Association shall be a President and a Vice President, who shall at all times be members of the Board of Directors, a Secretary and a Treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the meetings of the Board of Directors.

Section 3. Term. The officers of this Association shall be elected annually by the Board, and each shall hold office for one (1) year, unless sooner removed by the Board.

Section 4. Special Appointment. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board, the President, or the Secretary. Such resignation shall take effect on the date of the receipt of such notice, or at any later time specified thereon, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

described for regular election. The officer elected to such vacancy shall serve for the remainder of the term of the officer he or she replaces.

Section 7. Multiple Offices. The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices, except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. Duties. The duties of the officers are as follows:

(a) The President shall preside at all meetings of the Board of Directors and of the general membership; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds, and other written instruments, and shall co-sign all promissory notes; shall sign the lien for the assessment as provided in Article X.

(b) The Vice President shall act in the place and stead of the President in the event of his or her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him or her by the Board.

(c) The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members, serve notice of meetings of the Board and of the members, keep appropriate records, records

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Section 1. Qualifications of the Men and Personal Qualifications
Members. Each member is bound to observe and agree to pay to the
Church, as provided in said Constitution, the regular or special assessments or a
portion or other value as determined by the Board of Directors for the up-keep and
maintenance of the grounds, building, common areas, common areas, and the
congregation. Each member, together with each person, family and crew of
vessel or vessel, as hereinafter provided, shall be a charge on the lot and shall be
a contributing lien upon the lot against which each such assessment is made when

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recorded in the office of the Burleigh County Recorder. Each such assessment, together with such interest, costs and reasonable attorney's fees shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due and shall not pass to his or her successors in title, unless expressly assumed by them.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used for the exclusive purpose of maintaining and preserving the easements and common areas on the Properties.

X Section 3. Regular Assessments. After consideration of current maintenance costs of the easements and common areas and the future needs thereof, the Board of Directors may fix the regular assessments in their discretion.

Section 4. Special Assessment for Capital Improvements. In addition to the regular assessments authorized above, the Association may levy in any fiscal year a special assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of the limited common and common areas, provided that any such assessment shall have the assent of a majority of the votes of the members of the Association at a special or regular meeting of the members. Such vote shall be taken at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than thirty (30) nor more than sixty (60) days in advance of the meeting, setting forth the purpose of the meeting.



X Section 4. Special Assessment for Capital Improvements. In addition to the regular assessments authorized above, the Association may levy in any fiscal year a special assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of the easements and common areas, provided that any such assessment shall have the assent of a majority of the votes of the members of the Association. Such vote shall be taken at a meeting duly called for this purpose, written notice of which shall be sent to all members not less than thirty (30) nor more than sixty (60) days in advance of the meeting, setting forth the purpose of the meeting.

Section 5. Quorum for any Action Authorized Under Sections 3 and 4. At the first meeting called, as provided in Sections 3 and 4 hereof, the presence at the meeting of members or of proxies entitled to cast sixty percent (60%) of all the votes of the membership, shall constitute a quorum. If the required quorum is not forthcoming at any meeting, another meeting may be called, subject to the notice requirement set forth in Sections 3 and 4, the required quorum at any such subsequent meeting shall be one-half ($\frac{1}{2}$) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

Section 6. Date of Commencement of Regular Assessments and Fixing

Thereof.



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commencement of the initial assessments shall be a month other than January, the assessment period shall be deemed to end at the end of such fractional fiscal year. Written notice of the assessment shall be sent to every owner subject thereto. The due dates shall be established by the Board of Directors.

Section 7. Certificate of Payment. The Association shall, upon demand, furnish to any owner liable for said assessment, a certificate in writing signed by an officer of the Association, setting forth whether the regular annual and special assessments on a specified lot have been paid, and the amount of the delinquency, if any. A reasonable charge may be made by the Board for the issuance of these certificates. Such certificates shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 8. Effect of Non-Payment of Assessments - Remedies of the Association. Any assessment provided for herein, which is not paid when due, shall be delinquent. With respect to each assessment not paid within thirty (30) days after its due date, the Association may, at its election, require the owner to pay a "late charge" in a sum to be determined by the Association, but not to exceed TWENTY FIVE DOLLARS Dollars (\$ 25⁰⁰) per delinquent assessment. If any assessment is not paid within thirty (30) days after the delinquency date, the assessment shall bear interest from the date of delinquency at the then legal rate, and the Association may, at its option, bring an action at law against the lot owner personally obligated to pay the same to foreclose the lien against the lot, and there shall be added to the amount of such assessment the costs

...the complaint in such action, and in the event a judgment is obtained, such judgment shall include said interest and reasonable attorney fees, together with the costs of action. Each lot owner vests in the Association or its assigns, the right and power to bring all actions at law or lien foreclosures against such lot owner or other lot owners for the collection of such delinquent assessments. No lot owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the easements or common areas or abandonment of his or her lot.

ARTICLE XI.

BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

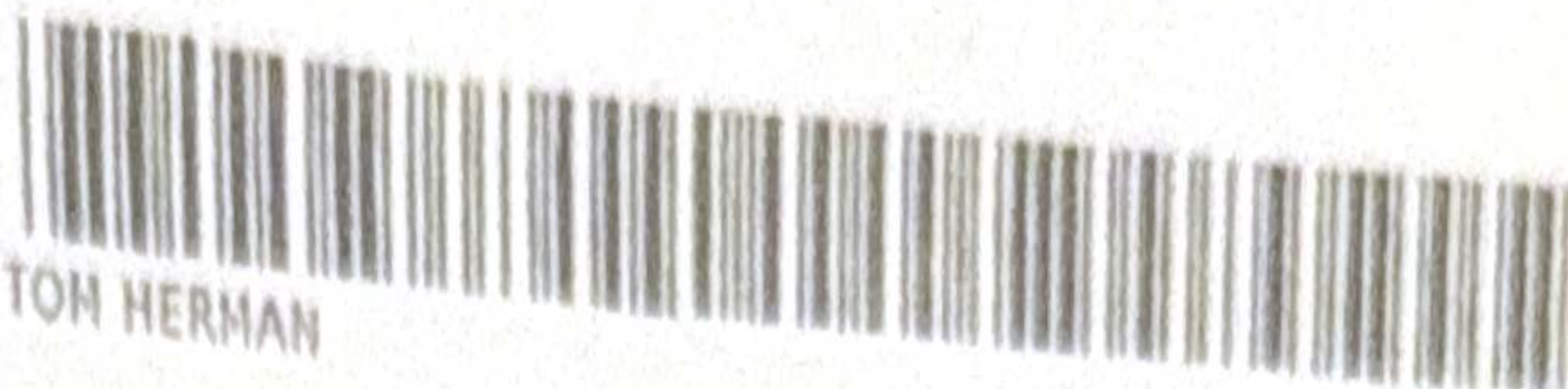
ARTICLE XII.

ASSOCIATION SEAL

The Association shall have no Association seal.

One East Homeowners Association have hereto set our hands this 18th day of October, 2023

Thomas R. Hines
President
Lance M. Hines
Secretary



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ARTICLE XIII.

AMENDMENTS

These By-Laws may be amended, at a regular or special meeting of the Association, by a vote of twenty percent (20%) of the lot owners present in person or by proxy, except in those matters where the Articles of Incorporation, or these By-Laws, specify a greater majority for action, in which case such majority shall be required for amendment. Such vote shall be taken at a meeting duly called for this purpose (including a regular annual meeting), written notice of which shall be sent to all members not less than thirty (30) nor more than sixty (60) days in advance of the meeting, setting forth the proposed amendment.

ARTICLE XIV.

MISCELLANEOUS

Section 1. Fiscal Year. The fiscal year of the Association shall begin on the first (1st) day of January and end on the thirty-first (31st) day of December of every year.

Section 2. Conflict. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control.

IN WITNESS WHEREOF, we, the President and Secretary of the Southport One East Homeowners Association have hereunto set our hands this 18th day of October, 2023

Thomas Herman
President

Vanessa M. Judson
Secretary

On this 18th day of October, 2023, before me personally appeared Thomas R. Herman + Janelle M. Gunderson known to me to be the President and Secretary of the Southport One East Homeowners Association described in and who executed the within and foregoing instrument, and acknowledged to me that they executed the same.

Tammie Meier
Notary Public, Burleigh County,
State of North Dakota.

