

**SECOND AMENDMENT TO DECLARATION OF RIGHTS, COVENANTS, RESTRICTIONS, AFFIRMATIVE OBLIGATIONS AND CONDITIONS APPLICABLE TO HIGHCROFT TOWNHOMES**

BE IT KNOWN, that on this 9<sup>th</sup> day of November, 2023, before me, the undersigned Notary Public, and in the presence of the undersigned competent witnesses, personally came and appeared:

**Alvarez Construction Co., L.L.C., (TIN XX-XXX6611)**, a Louisiana Limited Liability Company, domiciled in the Parish of East Baton Rouge, represented herein by Carlos Alvarez, its duly authorized Manager, pursuant to a Certificate of Authority recorded in the records of the Clerk and Recorder for East Baton Rouge Parish, State of Louisiana, acting on behalf of **HIGHCROFT TOWNHOMES HOMEOWNERS' ASSOCIATION, INC.**, a Louisiana nonprofit corporation with Articles of Incorporation on file with the Secretary of State of the State of Louisiana; (hereinafter "Declarant");

Pursuant to the provisions of, and the authority granted in Sections 14.01 and 14.02 of the Declaration of Rights, Covenants, Restrictions, Affirmative Obligations and Conditions Applicable to Highcroft Townhomes, recorded at Original 860, Bundle 13187, as amended and recorded at Original 951, Bundle 13242, and as correction is recorded at Original 29, Bundle 13244 in the official records of the East Baton Rouge, Louisiana, ("the Declaration"), Contractor does hereby amend the declaration as follows:

**I.**

**Section 3.30 FENCES** is hereby amended to read, in its entirety as follows:

**"Section 3.30 FENCES.** All fences and similar improvements must be constructed, installed, and maintained pursuant to standards and/or specific approval obtained from the Architectural Committee after submission of drawings and/or proposal. The Architectural Committee possesses documentation containing specific guidelines and specifications for fences (gates), which documentation is available for review by Members. Vinyl, barbed wire, chain link or any other wire fences shall not be used. A 6' -0" height wooden privacy fence may be used with Dog ear boards and 6" posts for all lots in the subdivisions. (If explanation is needed regarded this or any other Restriction, inquiries may be made to the Architectural Committee.) Materials shall be southern yellow pine or cedar. No Fencing, including shrubbery used in a fence like manner, shall be allowed in the front of the duplex. The use or application of a stain that cures in a solid color is prohibited. Approved stain for wood fences is SW3518SS Hawthorne. A wooden, brick, stucco, wrought iron or similar approved fence or privacy screen may only be used if constructed pursuant to prior approval obtained from Committee. Approval by the Architectural Committee of a fence design and/or installation does not relieve Member from full and sole responsibility for obtaining any and/or all necessary permits and/or other necessary governmental approvals and appropriate lot placement. Further, it is Member's full and sole responsibility to abide by all servitudes and to respect property lines so as to not encroach on another's' rights/property. Each



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Member hereby agrees to fully defend and indemnify Contractor, Architectural Committee and HIGHCROFT TOWNHOMES Homeowners' Association for any claims made asserting encroachment and/or damages incurred as a result of the installation of a fence by a member or its contractor. Fencing installed by the Contractor will be maintained by the HOA. All other fencing is the responsibility of the homeowner.

II.

**Section 3.31 FENCES ON LOTS ADJACENT TO COMMON PROPERTY {INCLUDING PARK AREAS, RECREATIONAL FIELDS AND PATHWAYS).** is hereby amended to read, in its entirety as follows:

**“Section 3.31 FENCES ON LOTS ADJACENT TO COMMON PROPERTY (INCLUDING PARK AREAS, RECREATIONAL FIELDS AND PATHWAYS).** Fences installed on a lot having frontage on any common properties, including common areas, recreational areas, park areas, pathways, and the like ("lot neighboring common areas"), shall be constructed in accordance with the requirements under this Section 3.31. (a) Any fence on a lot neighboring common areas shall be constructed in such a manner as to preserve the view from all other lots of the lakes and other common properties. (b) With respect to lake lots and lots neighboring common areas, no wood fence will be allowed. The fence on the rear/back of the property and on side property lines that meets the rear property line must be 5-foot ornamental aluminum press point. In areas where differing height fences meet, tapering shall occur. (If explanation is needed regarded this or any other Restriction, inquiries may be made to the Architectural Committee.) (c) There shall be no fences placed by any Lot Owner on any Common Area (including any Lot Servitude area). (d) Any portion of a fence on a lot neighboring common areas must have a "finished side" appearance that faces the street, alley, or other Common Area. Retaining walls must be constructed entirely with Architectural Reviewer-approved materials; however railroad ties may not be used for a retaining wall visible from a street.”

The remaining paragraphs of the Master Declaration, First Amended Declaration and the above amendments constitute the entire governing declaration of rights, covenants, restrictions, affirmative obligations and conditions of Highcroft Townhomes. Should any restriction or covenant in this amendment conflict with the original restrictions referenced above, this document shall govern that rule, restriction, or covenant.



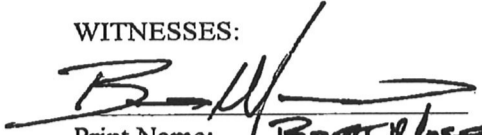
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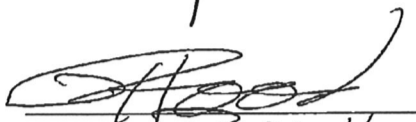
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IN WITNESS WHEREOF, Declarant has executed this Second Amended Declaration on the date stated above, in the presence of the undersigned competent witnesses and me, Notary Public, after due reading of the whole.

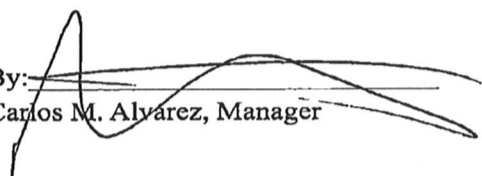
WITNESSES:

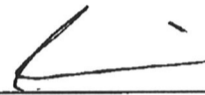
  
Print Name: Brett Cross

  
Print Name: Patrick Hood

DECLARANT:

ALVAREZ CONSTRUCTION CO., L.L.C.

By:   
Carlos M. Alvarez, Manager

  
My Commission Expires At My Death.



Second Amended Declaration of Rights, Covenants, Restrictions, Affirmative Obligations and Conditions  
Applicable To Highcroft Townhomes Page 3 of 2



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