

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
LASALLE POINTE**

INSTRUMENT # 00714988
FILED AND RECORDED
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DEPUTY CLERK & RECORDER

**STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE**

CERTIFIED TRUE COPY BY

BE IT KNOWN, that on this 30th day of January, 2009, before me, the undersigned authority, and in the presence of the undersigned competent witnesses, personally came and appeared:

DEPUTY CLERK
SL 2009-002

LASALLE POINTE DEVELOPMENT CORPORATION (the "**Developer**"), a Louisiana corporation domiciled in East Baton Rouge Parish, whose mailing address is 4151 Rhoda Drive, Baton Rouge, Louisiana 70816, represented herein by Daniel P. Jackson, its President, duly authorized;

who did depose and say that the Developer established covenants and restrictions for LASALLE POINTE in Ascension Parish, Louisiana (the "**Subdivision**"), by act entitled Declaration of Covenants and Restrictions for LaSalle Pointe and Dedication and Transfer of Common Property (the "**Restrictions**"), dated and recorded November 27, 2007, as Instrument # 00684778, of the official records of the Clerk and Recorder for Ascension Parish, Louisiana, as amended by act entitled First Amendment to Declaration of Convenants and Restrictions for LASALLE POINTE (the "**First Amendment**"), dated February 28, 2008 and recorded March 3, 2008 as Instrument #00690983, of the official records of the Clerk and Recorder for Ascension Parish, Louisiana.

Sections 11.4 and 12.4 of the Restrictions allow the Developer to amend the Restrictions at any time. The Developer desires to amend the Restrictions to revise certain provisions of the Restrictions.

NOW, THEREFORE, the Developer does hereby further amend the Restrictions in the following respects:

Section 4.1 (d) Preliminary Review of Proposed Elevations and Site Plans and Preliminary Application Fee. The Developer Committee will review a preliminary submission of proposed building elevations, floor plans, and site plans. Owners shall submit proposed building elevations, floor plans, and site plans as soon as possible for preliminary review by the Developer Committee before proceeding with preparation and submission of final building plans for approval. Although not the final approval of building plans required by these Restrictions, the preliminary review will provide input to the Owners and their design professionals with important information before full building plans are prepared. The preliminary submission of proposed building elevations, floor plans, and site plans shall be accompanied by a preliminary application fee in the amount of \$200.00 made payable to the Association; provided, however, that the Committee shall have the right to increase or reduce these amounts from time to time. The application fees will be used by the Committee to defray expenses associated with review of submitted plans, including, without limitation, payment of fees to professionals and advisers used by the Committee. Application fees are non-refundable and unused application fees will be paid to the Association.

Section 4.1 (e) Applications for Approval of Building Plans. Each application for approval of plans by the Developer Committee must be accompanied by such information as is reasonably required by the Developer Committee, including, without limitation, two (2) complete sets of plans, drawn to legible scale. The site plans shall be drawn to a minimum 1/16" = 1 foot scale. Failure to provide information reasonably required by the Developer Committee may result in disapproval of plans; provided, however, that failure of the Developer Committee to request any particular information or failure of an Owner to provide information requested by the Developer Committee, shall not affect, or limit the effect of, any approval of plans by the Developer Committee.

Section 4.1 (f) Application for Approval of Landscape Plans. Although not required to be submitted at the same time as an application of approval for building plans, each Owner must submit an application for approval of landscape plans prior to completion of

construction. Each application for approval of landscape plans by the Developer Committee must be accompanied by such information as is reasonably required by the Developer Committee, including, without limitation, two (2) complete sets of landscape plans, drawn to legible scale. Additional information that may be required by the Developer Committee includes, without, limitation, designation of existing trees to remain and the location of trees to be planted on the Lot. Failure to provide information reasonably required by the Developer Committee may result in disapproval of landscape plans; provided, however, that failure of the Developer Committee to request any particular information or failure of an Owner to provide information requested by the Developer Committee, shall not affect, or limit the effect of, any approval of landscape plans by the Developer Committee.

Section 4.1 (h) Commencement of Construction. No work shall begin on any Lot, including any grading or clearing (other than weed or trash removal) until the Owner thereof shall have received approval of building plans.

Section 4.1 (j) Final Application Fees. Each application for approval of building and landscaping plans by the Committee shall be accompanied by a fee determined by the Committee. The final application fees shall be (i) \$1,000.00 for building plans, and (ii) \$100.00 for landscape plans; provided, however, that the Committee shall have the right to increase or reduce these amounts from time to time. The application fees will be used by the Committee to defray expenses associated with review of submitted plans, including, without limitation, payment of fees to professionals and advisers used by the Committee. Application fees are non-refundable and unused application fees will be paid to the Association.

Section 4.1 (k) Completion Deposit. Each application for approval of building plans by the Committee must also be accompanied by a completion deposit of \$5,000.00 made payable to the Association. The purpose of this deposit is to insure compliance with these Restrictions and that all construction and landscaping is completed in accordance with approved plans and specifications and to establish an escrow account reserve fund for the maintenance of the private streets. \$1,000.00 of the \$5,000.00 will be non-refundable and will be placed in an escrow account in the name of the Association for use for the private street maintenance. The remaining \$4,000.00 shall be held by the Association. In the event an Owner fails to complete all construction and landscaping within the period allowed under these Restrictions, or to correct any building or landscaping problem within fifteen (15) days after receipt of written demand from the Committee or the Association, the Committee may (but is not obligated to) cause the required work to be completed. The Committee and the Association shall have a servitude across any such Owner's Lot to complete the required work. The actual cost incurred in connection therewith shall be paid from the completion deposit and any excess shall be an Assessment against the Lot and due and payable by its Owner pursuant to ARTICLE VIII of these Restrictions. Once building construction and landscaping is completed to the satisfaction of the Committee, the unused balance of the completion deposit, minus the \$1,000.00 placed in the escrow reserve for private street maintenance, if any, will be returned to the Owner.

Section 9.8 *Drainage and Fill*. Each Owner is responsible for providing "positive" storm water drainage in the direction indicated in the drainage plan for the Property on file with the planning commission for Ascension Parish. Drainage may be surface and/or subsurface. Owners of Lots 33 through 43, inclusive, and Lot 47 are also required to provide positive storm water drainage that ties into the subsurface drainage located within the fifteen foot (15') drainage servitudes located, in part, on those Lots. An Owner shall not impede or modify the natural drainage flow of any Lot in any manner (including, without limitation, the adding of fill material to any Lot) that will adversely affect other Owners.

Section 9.11 *Driveways, Sidewalks, and Walkways*. Driveways shall be constructed of brick, stone, concrete or other similar materials approved by the Committee. Asphalt and granular materials such as gravel, crushed stone, or dirt are not permitted for use on driveways. Sidewalks shall be constructed on Lots 33 through 43, inclusive, and Lot 47 along the side of the Lot adjacent to the curb. The sidewalks shall be constructed of materials approved by the Committee. Walkways shall be constructed on each Lot

consisting of hard surfaced paths leading from the street or driveway to the front entrance of the residence. Walkways will be constructed of brick, stone, concrete or other similar materials approved by the Committee. No driveway or other vehicular access to any Lot is permitted directly from Bluff Road (Louisiana Highway 928).

Section 9.12 *Landscaping*. Within thirty (30) days after substantial completion of the exterior of the residence constructed on any Lot, the areas between the residence constructed on the Lot and each street bordering the Lot (including both the full front and street facing side yards for corner Lots), and the side yards between the residence and the property line of each Lot, shall be fully planted with sod or covered with raised and planted plant beds. Within the same thirty (30) day period, the Owners of Lake A Lots must also completely sod the area of its Lake A Lakeshore (as defined in Section 7.3), and the Owners of Lake B Lots must also completely sod the area of its Lake B Lakeshore (as defined in Section 7.5). Each Owner who violates this restriction, knowingly or unknowingly, agrees to pay the Association the sum of \$50.00, as liquidated damages, for each day the required sodding and landscaping remains uncompleted after notice from the Association to the Owner. The obligation to pay such a fine shall be an Assessment against the Lot and due and payable by its Owner pursuant to ARTICLE VIII of these Restrictions.

Section 9.13 *Fences*. All fence locations and details must be submitted to the Committee for approval prior to construction including details of decorative fences and non-perimeter fences. All fencing material must be brick or wood unless otherwise approved by the Committee. All wood fences (including the posts and rails) shall be made of treated wood, such as pine, cedar, cypress, redwood, pressure treated pine or other natural material of similar appearance if approved by the Committee prior to commencement of construction. All fence posts (other than those constructed of brick) and all braces, support beams, and runners shall not be visible from any neighboring property or from any street. No fence or wall shall be erected in any servitude unless approved by the Committee. Any fence or wall allowed to be constructed in any area subject to servitude shall not interfere with any drainage improvement or utility located within said servitude or any other use or purpose allowed within the servitude. Fences on Lake A Lots and Lake B Lots shall be constructed in such a manner as to preserve the view of the Lake A from other Lake A Lots and of Lake B from other Lake B Lots. Fences that impair Lake A or Lake B views are discouraged, except as needed for children, swimming pools, and pets. Rear fences on Lake A Lots and Lake B Lots (the fence that runs roughly parallel to the boundary of Lake A or Lake B) shall be constructed of wrought iron, simulated wrought iron, or anodized or painted aluminum to a height of no more than four feet (4'). No wood fence may be constructed on any Lake A Lot or Lake B Lot that impairs panoramic views of Lake A from other Lake A Lots or of Lake B from other Lake B Lots.

Section 9.19 *Foundations*. An architect, structural engineer or other design professional should properly design foundations. Parish ordinances and regulations may establish minimum foundation elevation requirements.

Section 9.20 *Exterior Materials and Colors*. The exterior of the residence and all accessory buildings shall be constructed of stucco, synthetic stucco (Dryvit or equal), wood, or other single board lap siding material approved by the Committee. Metal buildings are not allowed. All painted exteriors must have at least two (2) coats of paint. The exterior of a building on any Lot may not be painted or decorated without first obtaining written consent of the Committee for the color to be used.

Section 9.25 *Doors*. All doors must be approved by the Committee.

Section 9.28 *Skylights and Solar Collectors*. Solar-collectors are not permitted. Skylights shall not be located on the front elevation of any building. Skylights must be properly located and clearly shown on plans (with details and dimensions) when submitted for approval and must be approved prior to installation.

Section 9.49 *Sidewalks*. Sidewalks shall be constructed on Lots 33 through 43, inclusive, and Lot 47 along the side of the Lot adjacent to the curb. The sidewalks shall be constructed of materials approved by the Committee. Each Owner shall be required to maintain any sidewalk located on that Owner's Lot, using the same type of materials used in the original construction of the sidewalk. The style and location of sidewalks may not

be modified or relocated without the written approval of the Committee. In the event an Owner fails to maintain any sidewalk on that Owner's Lot within fifteen (15) days after receipt of written demand from the Association, the Association may have the required maintenance work completed and the Association shall have a servitude across any such Owner's Lot to complete the required work. The actual cost incurred by the Association in connection therewith shall be an Assessment against the Lot and due and payable by its Owner pursuant to ARTICLE VIII of these Restrictions.

Terms defined in the Restrictions shall have their defined meanings when used herein, except as otherwise provided for herein. Except as amended and modified herein, the Restrictions and the First Amendment shall continue to be and shall remain in full force and effect in accordance with the terms of the Restrictions.

THUS DONE AND SIGNED in Baton Rouge, Louisiana, on the day, month and year first above written in the presence of the undersigned competent witnesses and me, Notary, after a due reading of the whole.

WITNESSES:

**LASALLE POINTE DEVELOPMENT
CORPORATION**

Jennifer Alleman
Print Name: Jennifer Alleman

By: Daniel P. Jackson
Daniel P. Jackson, President

Paige Tyra
Print Name: Paige Tyra

Chantel K Adams
NOTARY PUBLIC
PRINTED NAME: Chantel K Adams
NOTARY ID # 64790

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