

Nov
1987

ACT OF AMENDMENT TO
DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS
OF AZALEA LAKES SUBDIVISION
FIRST FILING - PART ONE

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the aforesaid Parish and State, on this 9th day of November, 1987, personally came and appeared:

RSL LAND COMPANY, a Louisiana corporation, represented herein by the duly authorized undersigned officer, referred to herein as "RSL",

who after being duly sworn, did declare that:

RSL is the owner of certain real property located in East Baton Rouge Parish, State of Louisiana, such property being Lots ONE (1) through ONE HUNDRED SIXTEEN (116), AZALEA LAKES, FIRST FILING, PART ONE, all according to the official plan of Azalea Lakes Subdivision, First Filing, Part One, made by Breaux & Associates, Inc., dated April 22, 1987, and on file and of record in the office of the Clerk and Recorder for the Parish of East Baton Rouge, Louisiana, as Original 12, Bundle 9918, and Original 13, Bundle 9918, revised April 30, 1987, recorded at Original 71, Bundle 9919.

RSL established certain protective covenants and restrictions affecting each of the Lots in Azalea Lakes Subdivision, First Filing, Part One, by virtue of that certain Declaration of Restrictions and Protective Covenants of Azalea Lakes Subdivision, First Filing - Part One, dated June 8, 1987, recorded as Original 202, Bundle 9937, Official Records of East Baton Rouge Parish (the "Declaration").

RSL desires to and does hereby amend the Declaration as follows:

Paragraphs 5.3, 5.4 and 5.5 of the Declaration are hereby amended in their entirety so as to read as follows:

5.3 REAR SETBACK LINES. Rear setback distances shall be twenty-five (25') feet from the rear on all Lots. The main structure shall not be built within this setback distance but the carport or garage on a Lake Lot may be built within the setback distance but shall not encroach or overhang into a rear setback distance of twenty (20') feet from the rear and the carport or garage on a Lot other than a Lake Lot may be built within the setback distance but shall not encroach or overhang into the servitude.

5.4 GARAGE OR CARPORT. As used herein, the term "garage" shall mean a roofed shelter for automobiles which is enclosed on at least three sides, and the term "carport" shall mean a roofed shelter for automobiles which need not be enclosed on three sides. No garage or carport on a Lake Lot shall open on to the Lake. No garage located at the front portion of

the main structure on any Lot shall open on to the street on which the dwelling located on the Lot fronts. No carport shall be constructed on any Lot such that any portion of the carport is nearer to the street on which the dwelling located on the Lot fronts than the front line of the main structure on such Lot.

5.5 FENCES AND WALLS. Any fence constructed on a Lot shall be constructed of cedar or any other material approved in advance by the Council in accordance with the specifications below. In no event will the Council approve the use of a chain link fence on any Lot.

(a) Fences on all Lots except Lake Lots shall be six (6') feet in height and may start at the front setback line to the rear of the Lot and shall be constructed along the rear six (6') feet in height.

(b) Fences on Lake Lots shall be constructed six (6') feet in height along the side lot lines and may start at the front setback line to within twenty (20') feet of the rear property line and shall be constructed three and one-half (3 1/2') feet in height on the rear twenty (20') feet of the lot along the side property lines. Any fence constructed along the rear of Lake Lots shall be set back at least ten (10') feet from the rear property line and shall not exceed three and one-half (3 1/2') feet in height. In no event shall a fence or wall within twenty (20') feet of the Lake be more than three and one-half (3 1/2') feet in height.

Paragraph 7.2(d) of the Declaration is hereby amended in its entirety so as to read as follows:

(d) Class D membership shall be held by the Owner of Tract "W" and Tract "Y", as shown on the Official Plan, or any portion thereof, as long as any portion of Tract "W" or Tract "Y" adjoins or borders the Lake and such portion has not been restricted to single family residential use. In any event, Class D membership shall cease fifteen (15) years from the date of this Declaration. Membership of these tracts is not compulsory. The Class D member shall initially be entitled to 559 votes. The number of votes held by the Class D member shall be reduced from time to time in the following manner at such time or times as a subdivision plat or plats is (are) filed in the Office of the Clerk and Recorder for the Parish of East Baton Rouge restricting all or any portion of Tract "W" or Tract "Y" to single family residential use. Upon the filing of such a plat, the number of votes held by the Class D member shall be reduced (until the Class D member as Class D member has no votes) by the sum of (i) the number of lots contained in such filing which do not border or adjoin the Lake, and (ii) three multiplied by the number of lots contained in such filing which border or adjoin the Lake.

Paragraph 7.5(e) of the Declaration is hereby amended in its entirety so as to read as follows:

(e) Special Assessments. If the assessment set forth above proves inadequate for any year, the board may at any time levy a special assessment against all Members, except the Class C Member and the Class D Member. Prior to becoming effective, however, any

special assessment shall be approved by the affirmative vote of two-thirds (2/3) of those present, in person or by proxy, at a special or annual meeting of the Members, notice of which shall specify that purpose.

In all other respects the Declaration shall remain unchanged and in full force and effect.

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

WITNESSES:

RSL LAND COMPANY

Linda Smock

By: William A. Fogleman
William A. Fogleman

Varoni Dargis

Thomas Segaris, Jr.
Notary Public

CERTIFICATE OF ADOPTION OF RESOLUTION
OF RSL LAND COMPANY

RESOLVED, that this corporation amend the restrictions and protective covenants previously established affecting the property described below upon such terms and conditions as William A. Fogleman, Vice President, may in his sole discretion determine.

RESOLVED, that William A. Fogleman, Vice President, be and he is hereby authorized and directed, for and on behalf of this corporation, to prepare, execute and deliver an Act of Amendment to Declaration of Restrictions and Protective Covenants and such other certificates and documents necessary or appropriate to carry out the purposes of this resolution, containing such terms and conditions and in such form as the Vice President may in his sole discretion determine.

RESOLVED, that the property affected by these resolutions is described as follows:

Three certain tracts or parcels of land, together with all the buildings and improvements thereon, and all of the rights, ways, privileges, servitudes, appurtenances and advantages thereunto belonging or in anywise appertaining, situated in Sections 39 and 40, Township 8 South, Range 2 East, Greensburg Land District, East Baton Rouge Parish, Louisiana, designated as Tract X, Lots 1 through 116 in Azalea Lakes Subdivision First Filing, Part One, and the Tract designated as Azalea Lake, on a map entitled "Final Plat of Azalea Lakes, Being the Subdivision of a Portion Tr. A-1-A of a resubdivision of Tr. A-1 of the Dr. Edwin J. Herpich Tract and Lot A-3 of the A. E. Heard Property. Located in Sections 39 and 40, T-8-S, R-2-E, G.L.D. of La., East Baton Rouge Parish, Louisiana for RSL Land Company" made by Breaux & Associates, Inc., dated April 22, 1987, and on file and of record in the office of the Clerk and Recorder for the Parish of East Baton Rouge, Louisiana, as Original 12, Bundle 9918, and Original 13, Bundle 9918, revised April 30, 1987, recorded at Original 71, Bundle 9919.

CERTIFICATE

I, Secretary of RSL Land Company, do hereby certify that a duly convened meeting of the Board of Directors of RSL Land Company was held on the 9th day of November, 1987, at the offices of the corporation, at which meeting a quorum was present and acting throughout, and that the foregoing resolutions were adopted and that such resolutions are still in full force and effect and have not been replaced.

In witness whereof, I hereunto set my hand this 9th day of NOVEMBER, 1987.

Michael F. Harter
Michael F. Harter, Secretary

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