

**FIRST AMENDMENT AND MODIFICATION
TO RESTRICTIVE COVENANTS AND
DEDICATION OF SERVITUDES AND EASEMENTS
(Adding Phase 2)**

**UNITED STATES OF AMERICA
STATE OF LOUISIANA**

FOR: ARBOR WALK SUBDIVISION

BY: LONESOME DEVELOPMENT, L.L.C.

PARISH OF ST. TAMMANY

BE IT KNOWN, that on this 21st day of August, 2003.

BEFORE ME, JEFFREY D. SCHOEN, a Notary Public, duly commissioned and qualified, in and for the State and Parish aforesaid, therein residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

LONESOME DEVELOPMENT, L.L.C. (TIN 72-1361390), a limited liability company, organized pursuant to articles of organization filed with the Louisiana Secretary of State, herein represented by its duly authorized Manager, Timothy R. Henning, its mailing address being P.O. Box 67, Mandeville, Louisiana 70470; hereinafter sometimes referred to as "Developer", and said Developer does declare as follows:

Pursuant to Article XII, Section 12.02, Amendments by the Developer, and in accordance with Article VIII, Sections 8.01, the undersigned, as the Developer of Arbor Walk Subdivision, does hereby amend the original restrictive covenants recorded as conveyance instrument number 1312174 of the official records of St. Tammany Parish, Louisiana, in the following particulars:

1. Developer does amend Exhibit A of instrument number 1312174 to add additional property to the restrictive covenants as authorized therein. The parcel of property to be added comprises all of Arbor Walk Subdivision, Phase 2, described as follows, to-wit:

This certain Parcel of Land situated in Section 41, Township 7 South, Range 10 East, St. Tammany Parish, Louisiana, and being more fully described as follows:

Commence at the Northwest Corner of Section 41, Township 7 South, Range 10 East, thence go South 00 degrees 00 minutes 40 seconds West, a distance of 2956.00 feet to a point on the southerly right-of-way line of LaLanne Road, also the Point of Beginning.

Thence from the Point of Beginning continue along the southerly right-of-way line of LaLanne Road, North 89 degrees 35 minutes 50 seconds East a distance of 1679.03 feet;

thence leaving the aforesaid right-of-way go South 00 degrees 40 minutes 00 seconds East a distance of 880.00 feet; thence go South 89 degrees 35 minutes 50 seconds West a distance of 242.90 feet; thence go North 00 degrees 24 minutes 10 seconds West a distance of 534.99 feet to a point of curvature to the left having a radius of 100.00 feet, an arc length of 157.08 feet, a chord bearing of North 45 degrees 24 minutes 10 seconds West and a chord distance of 141.42 feet; thence go South 89 degrees 35 minutes 50 seconds West a distance of 985.20 feet to a point of curvature to the left having a radius of 100.00 feet with an arc length of 104.72 feet with a chord bearing of South 59 degrees 35 minutes 50 seconds West a chord distance of 100.00 feet to a point on a non-tangent curve; thence go North 89 degrees 35 minutes 50 seconds East a distance of 166.60 feet; thence go South 00 degrees 24 minutes 10 seconds East a distance of 585.00 feet; thence go North 89 degrees 35 minutes 50 seconds East a distance of 405.00 feet; thence go South 00 degrees 24 minutes 10 seconds East a distance of 463.80 feet; thence go North 89 degrees 35 minutes 50 seconds East a distance of 395.00 feet; thence go South 00 degrees 24 minutes 10 seconds East a distance of 195.83 feet to a point on a non-tangent curve; thence along curve to the left having a radius of 50.00 feet with an arc length of 30.00 feet with a chord bearing of North 48 degrees 49 minutes 57 seconds East a chord distance of 29.55 feet; thence go North 31 degrees 38 minutes 46 seconds East a distance of 330.17 feet to a point of curvature to the left having a radius of 50.00 feet, an arc length of 27.97 feet, a chord bearing of North 15 degrees 37 minutes 18 seconds East and a chord distance of 27.60 feet; thence go North 00 degrees 24 minutes 10 seconds West a distance of 93.96 feet; thence go North 89 degrees 35 minutes 50 seconds East a distance of 350.97 feet; thence go South 31 degrees 38 minutes 46 seconds West a distance of 701.37 feet; thence go South 38 degrees 52 minutes 20 seconds West a distance of 115.40 feet, thence go South 89 degrees 35 minutes 50 seconds West a distance of 874.32 feet; thence go North 89 degrees 42 minutes 09 seconds West a distance of 454.32 feet; thence go North 01 degrees 04 minutes 57 seconds West a distance of 1241.03 feet; thence North 00 degrees 40 minutes 08 seconds West a distance of 557.31 feet to the Point of Beginning.

Said Parcel contains 44.923 acres of land more or less.

All as more fully shown on the Final Subdivision Plan for Arbor Walk, Phase 2 by Randall W. Brown & Associates, Inc., Survey No. 03440 dated May 12, 2003, revised August 15, 2003, recorded as Clerk of Court Map File No. 3124 of the official records of St. Tammany Parish, Louisiana.

2. Developer does amend Article I, Definitions, to add new (and replace the prior) subsections 25 and 27 to read as follows:

“25. **Streets** - shall mean the streets in the Subdivision, including but not limited to Arbor Walk, Glendurgan Way, Pencarrow Circle, Upton Grey Court, and Bellingrath Place. Ownership and fee title to said streets shall remain in the Association, its successors, transferees or assigns. Said ownership and fee title to said streets is not conveyed or

transferred herein or hereby. Nothing in this Act or on said plans is intended to dedicate in any manner said streets to the Parish of St. Tammany, State of Louisiana, the public in general or to public use.”

“27. **Subdivision Plat** - shall mean and refer to the final subdivision plat for Phase 1 of the Subdivision prepared by Randall W. Brown & Associates, Inc. and dated April 22, 2002, recorded as Clerk of Court Map File No. 2393 of the official records of St. Tammany Parish, Louisiana, as well as the Final Subdivision Plan for Arbor Walk, Phase 2 by Randall W. Brown & Associates, Inc., Survey No. 03440, dated May 12, 2003, revised August 15, 2003, recorded as Clerk of Court Map File No. 3124 of the official records of St. Tammany Parish, Louisiana, as same may be hereinafter amended.”

3. Developer does amend Article X, Section 10.10 entitled Building Location-Culverts-Elevations to add a new subsection (g) to read as follows:

“(g) All fences must be approved by Architectural Review Committee. All fences must be of a see through nature (wrought iron picket or aluminum imitation wrought iron picket), as solid fences (i.e. wood, masonry, vinyl, etc.) shall not be allowed within the Subdivision. However, solid fencing may be allowed on some perimeter Lots but only where approved by the Architectural Review Committee. Notwithstanding the foregoing, chain link fences are not permitted except as allowed in Section 10.12.”

In all other respects the original Restrictions except as amended and added to, shall remain the same.

THUS DONE AND PASSED, in my office in Covington, Louisiana, on the day, month and year herein first above written, in the presence of the undersigned witnesses and me, Notary, after reading of the whole.

WITNESSES:

LONESOME DEVELOPMENT, L.L.C.

BY: _____
TIMOTHY R. HENNING, Manager

JEFFREY D. SCHOEN
NOTARY PUBLIC