

First Amendment to the
Declaration of Covenants, Conditions and Restrictions of
Audubon Trace Subdivision

BE IT KNOWN that on this 5th day of January, 2000, before me, the undersigned notary public, and in the presence of the undersigned competent witnesses, personally came and appeared:

S Lazy S Development Company, L.L.C., a Louisiana limited liability company domiciled in East Baton Rouge Parish, Louisiana, whose Articles of Organization were recorded with the Secretary of State on June 22, 1998, having its principal place of business at 5322 Riverbend Boulevard, Baton Rouge, Louisiana 70820, and whose federal taxpayer identification number is 72-143826, appearing herein through its Managing Member, Sylvia S. Duke (the "Declarant")

who did depose and say that:

Recitals

- A. By the "Declaration of Covenants, Conditions and Restrictions of Audubon Trace Subdivision," recorded with the Clerk and Recorder of Mortgages of Livingston Parish, Louisiana on August 23, 1999 in COB 749, Entry No. 429312 (the "Declaration"), certain predial servitudes and building restrictions were created for Audubon Trace Subdivision (as described on Exhibit "A" attached hereto, and as designated on the Final Plat of Audubon Trace Subdivision).
- B. Pursuant to its authority under Section 9.1 of the Declaration, the Declarant seeks to amend the Declaration.

Therefore, in consideration of the premises, the provisions hereinafter contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant executes this Declaration affecting the Property, and by this Declaration, imposes upon the Property the restrictions, conditions, liens and servitudes hereinafter set forth.

Agreement

1. Article 4, Section 4.8 is hereby deleted in its entirety and for all purposes is hereby intentionally left blank.
2. Article 7, Section 7.1 is hereby amended to state in its entirety as follows:

7.1 Determination of Assessments. The Board of Directors has the specific right, upon a majority vote of its Members present at a duly called meeting of the Association, to levy and collect (by legal proceedings if necessary) from each Owner an Assessment in an amount it determines is necessary in order to maintain the fencing, landscaping and Common Areas and provide all other services generally undertaken or furnished by the Association. Assessments shall be in equal amounts per Lot and shall be made in writing directed to the Owner of the Lot. In addition to using the revenue for the purpose specified herein, the Board of Directors may use the revenue for such purposes as will, in the opinion of the majority of the Board of Directors, benefit all of the Owners; provided, however, that when notice of such Assessment is filed with the Clerk and Recorder of Mortgages, it shall rank only from the date of Recordation. Assessments shall initially be set at \$50.00 per year per Lot and shall commence July 1, 2000. Assessments may subsequently be increased in accordance with the By-Laws, but shall not exceed \$100.00 per year."

3. Article 8, Section 8.3.1 is hereby amended to state in its entirety as follows:

"8.3.1 Specific Plan Requirements. No Improvements shall be commenced, erected or maintained, nor shall any addition, change of any kind thereto be made, on any Lot, until plans and specifications showing the nature, kind, shape, height, materials,

STATE OF LOUISIANA)
PARISH OF LIVINGSTON) CLERK'S OFFICE
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR
RECORD 1-5 2000 AT 3:29 M.
AND RECORDED 1-5 2000 IN COB
BOOK NO. 756 ENTRY NO. 436570
OFFICIAL RECORDS

floor plans, elevations, exterior color schemes, locations, garage door and garage specifications, and the grading plan of the Lot and plans for landscaping of the lot on which the Improvements are to be erected shall have been submitted to and approved in writing by a majority vote of the Review Board and a copy thereof as finally approved lodged permanently with the Review Board."

4. Article 8, Section 8.3.5 is hereby deleted in its entirety and for all purposes is hereby intentionally left blank.
5. Article 8, Section 8.3.10 is hereby deleted in its entirety and for all purposes is hereby intentionally left blank.
6. Article 8, Section 8.4.2 is hereby amended to state in its entirety as follows:

"8.4.2 Building Size. Minimum allowed square footage of heated area of Dwelling Unit, exclusive of porches, breezeways and garages, shall be 1,750 square feet for Dwelling Units on lots which abut a lake, as shown on the Final Plat, and 1,500 square feet for all other Dwelling Units. For those Dwelling Units more than one story in height, the first floor shall contain a minimum square footage of heated area of Dwelling Unit, exclusive of porches, breezeways, and garages of 1,300 square feet."
7. Article 8, Section 8.4.3 is hereby amended to state in its entirety as follows:

"8.4.3 Exterior Materials/Colors. Any residence erected, placed or altered shall not be constructed exteriorly of imitation brick, stone or aluminum/vinyl siding, and not more than forty (40%) percent of the exterior may be wood or similar building materials. All painted exteriors must have at least two (2) coats of paint. Exterior color samples, including siding, trim, brick, roof material, and colors should be submitted simultaneously to the Review Board with final plans or, at the latest, prior to black-in. Exterior colors, including siding, trim, brick, roof materials, and colors must be approved by the Review Board. Any changes in exterior colors or materials must be approved by the Review Board, as must all changes to plans. No bright or "strong" colors will be accepted. Colors will be examined not only in relation to one another on the subject home, but in relation to other homes within the line of sight."
8. Article 8, Section 8.5 is hereby amended to state in its entirety as follows:

"8.5 Drainage. The Owner of a Lot is responsible for providing for "positive" storm water drainage in the direction indicated in the drainage plan for Audubon Trace on file with the Declarant and any required governmental agencies. Drainage may be surface and/or subsurface. An Owner shall not impede or modify the natural drainage flow of any lot in any manner that will adversely affect other Owners. The Review Board or any other Owner shall have the right to bring legal action to enforce this restriction."
9. Article 8 Section 13 is hereby amended to state in its entirety as follows:

"8.13 Grade Elevation. The minimum finished grade of elevation of any residence or permanent structure constructed within the Property shall be as required by the appropriate governing agencies."
10. Article 8 Section 22 is hereby amended to state in its entirety as follows:

"8.22 Building Setbacks. Unless approved in advance by the Review Board (and provided that the placement on a Lot does not violate any zoning or subdivision ordinances or regulations), no residence, building or structure, or part thereof, of any kind shall be located nearer than eight feet (8') to any Lot boundary, unless a greater distance is shown on the Final Plat, except that the front minimum building setback line for all Lots shall be as shown on the Final Plat, Revision One. The rear minimum setback line shall be fifteen feet (15')."
11. Except as amended and modified herein, the Declaration remains in full force and effect.

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

Witnesses:

S Lazy S Development Company, L.L.C.

Kelly A. Kitchens
Linda Bond

By: Julia S. Duke
Julia S. Duke, Managing Member

Mary Ann Blanton
NOTARY PUBLIC

Exhibit "A"

PROPERTY DESCRIPTION

One (1) certain tract or parcel of ground, together with all the buildings and improvements thereon, containing 35.41 acres and being a portion of the Sullivan Estate, located in Sections 21 and 28, Township 6 South, Range 3 East, Greensburg Land District, Parish of Livingston, State of Louisiana, said tract more fully described and having such measurements and dimensions and being subject to such servitudes as are shown on the "Final Plat for Audubon Trace Subdivision, Being a 35.41 Acre Portion of the Sullivan Estate, Located in Sections 21 & 28, T6S-R3E, Greensburg Land District, Livingston Parish, Louisiana, dated August 12, 1999, prepared by Michael B. Songy, said plat on file and of record in the office of the Clerk and Recorder of Livingston Parish, Louisiana, at Entry No. 428973.