

SECOND AMENDMENT TO DECLARATION
OF SERVITUDES, EASEMENTS, AND
RESTRICTIVE COVENANTS FOR
RIVER CLUB SUBDIVISION

UNITED STATES OF AMERICA

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

BY: RIVER CLUB DEVELOPMENT, LLC

BE IT KNOWN, that on this 28th day of August, 2017;

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the state and parish aforesaid, there in residing, and in the presence of the witnesses hereinafter named and undersigned:

PERSONALLY CAME AND APPEARED:

RIVER CLUB DEVELOPMENT, LLC, a limited liability company organized and existing under the laws of the State of Louisiana, domiciled and doing business in the Parish of St. Tammany, represented herein by A. Wayne Buras and Gary M. Intravia, duly authorized by Unanimous Consent dated November 5, 2012, and recorded at CIN 1880715 of the records of St. Tammany Parish, Louisiana, and its mailing address being 7037 Hwy 190, Covington, Louisiana 70433, hereinafter sometimes referred to as "Developer";

St. Tammany Parish 2386
Instrmnt #: 2077147
Registry #: 2517842 bdf
8/29/2017 9:11:00 AM
MB CB X MI UCC

WHEREAS, Developer imposed a *Dedication of Servitudes, Easements, and Restrictive Covenants for River Club Subdivision* by instrument dated December 14, 2015, recorded as CIN 2005812 of the records of St. Tammany Parish, Louisiana, as amended by the *First Amendment to Dedication of Servitudes, Easements, and Restrictive Covenants for River Club Subdivision* by instrument dated April 18, 2016, recorded as CIN 2018857 ("**Restrictive Covenants**");

WHEREAS, pursuant to Article XIV, Section 14.1, of the Restrictive Covenants, the Developer has authority to amend the Restrictive Covenants pursuant to acts of amendment properly executed and recorded in the records of St. Tammany Parish, Louisiana;

WHEREAS, Developer desires to provide for amendments to the Restrictive Covenants in furtherance of the orderly administration of the property encumbered by the Restrictive Covenants.

NOW, THEREFORE, the Developer under authority of Article XIV, Section 14.1, of the Restrictive Covenants does hereby amend the Restrictive Covenants in the following particulars:

1. By amending Article XI, Section 11.10 entitled "Tree Cutting," to read as follows:

11.10 Tree Cutting. Except for those trees that must of necessity be removed in order to clear any Lot or portion of a Lot for purposes of the construction of improvements thereon, and the removal of dead, damages, or diseased trees, no sound trees measuring in excess of twelve (12") inches in diameter at two (2') feet above the ground shall be removed from any Lot without written approval of the ACC or the Board of Directors.

Prior to the clearing of any Lot, the Owner or agent should clearly mark the proposed house and property lines, drive, patio, walk, and if applicable, pool location with corner stakes. Staking shall include a continuous ribbon encircling the area to be cleared and marking any additional trees to be removed which are located outside the encircled area. Prior to the clearing of any Lot, the Owner shall schedule a meeting with a representative of the ACC or a representative of

Developer to inspect the Property after the trees are marked and the general location of buildings and improvements on the Property are identified with contiguous ribbon encircling the area to be cleared, and in all events, before the cutting or removal of any trees on the Lot. Prior to the cutting or removal of any trees from a Lot, the ACC must inspect and approve any such tree cutting or removal. The inspection shall consider the necessary Lot fill line, topography, site improvement plan, and other relevant factors that directly affect the survival of trees affected by fill and construction activity. The Board of Directors may from time to time adopt and promulgate such additional rules and Regulations regarding the maintenance of trees, other natural resources, and wildlife upon the Property as it may consider appropriate. Unauthorized cutting of trees may result in a fine being levied by the ACC against the Owner. Fines shall be as follows: trees 12" in diameter or greater, \$1,000 per tree. Any plans for replanting must be approved by the ACC.

2. By amending Article XI, Section 11.19 entitled "Lot Landscaping and Street Trees," to read as follows:

11.19.1 Lot Landscaping. Upon completion of a Dwelling on any Lot, the Front Yard (defined herein) shall be sodded with a lawn grass material approved by the ACC. The "Front Yard" shall mean the area from the front of the house on a line parallel to the street fronting the Lot to the edge of the street fronting the Lot. All Lots upon which a Dwelling has been constructed shall have in the Front Yard: (i) not less than 200 square feet of landscape flower bedding with planting and mulch materials, (ii) **Estate Lots and River Lots** shall have not less than two (2) Class A trees (one of which may be a Street Tree (defined below)) of a minimum two and one-half inch (2 ½ ") caliper at six inches (6") above the root ball and a minimum ten feet (10') in height, and (iii) **Deluxe Lots** shall have not less than one (1) Street Tree (defined below). A Class A tree species is the type of tree defined as "Class A" in the St. Tammany Parish Unified Development Code, or as otherwise determined by the ACC.

11.19.2 Street Trees. Each of Lots 1 through 67, inclusive, shall have planted in the Front Yard a Street Tree (defined below) in the location designated by the ACC and paid for by the Owner. Unless collected earlier by the Association, at the plan review for Lots 1 through 67, inclusive, the party requesting approval of a home shall pay to the ACC approximately \$575.00 representing the cost of purchase and planting of a Street Tree. "Street Tree" shall mean a nuttall oak tree, or a substitute tree species determined by the ACC, of a minimum two and one-half inch (2 ½ ") caliper at six inches (6") above the root ball and a minimum ten feet (10') in height, planted by the Association or the Developer in a Front Yard location as determined by Developer, at the cost and expense of the Owner. Street Trees are designed to create a uniform street-scape of trees along Ox Bow Lane, which represents the gateway to the Subdivision.

11.19.3 Rear Yard Trees. Each River Lot fronting on River Club Bayou shall have in the rear yard not less than two (2) Class A trees of a minimum two and one-half inch (2 ½ ") caliper at six inches (6") above the root ball and a minimum ten feet (10') in height. A Class A tree is the type of tree defined as "Class A" in the St. Tammany Parish Unified Development Code, or as otherwise determined by the ACC.

3. By amending, substituting, and replacing Exhibit 11.20.3, entitled "Design Sketch/Criteria for Wood Board Fences," attached to the Restrictive Covenants, filed for record with the Clerk of Court for St. Tammany Parish on December 14, 2015, with a new Exhibit 11.20.3, which is attached hereto and made a part of the Restrictive Covenants through this second amendment; henceforth, the new Exhibit 11.20.3 attached hereto shall provide the design sketch/criteria for wood board fences in the Subdivision.

4. By amending Article XI, Section 11.20 entitled "Fences," to delete subsection 11.20.4 in its entirety.

5. By amending Article XI, Section 11.26 to read as follows:

11.26 Out-buildings. Any out-building, storage shed, garage, cabana, guest house, gazebo, or other detached structure ("**Out-buildings**") shall comply with the following guidelines:

11.26.1 The following shall apply to Out-buildings constructed on **Estate Lots and Deluxe Lots:** (i) setback from all Property lines not less than five feet (5'), (ii) located in the rear yard of a Lot, (iii) the building must architecturally conform and be compatible with the elevation, roof pitch, design, and material of the main residential Dwelling on the Lot, (iv) the square footage **under beam** of any Outbuilding shall not exceed thirty percent (30%) of the total square footage of the main residential Dwelling **under beam**, and (v) prior to construction, a site plan must be submitted to and approved by the ACC which includes approval of the location, color, elevation, height, square footage, and materials to be used in the construction of an Out-building.

11.26.2 The following shall apply to Out-buildings constructed on **River Lots:** (i) comply with and be located within the side building setback lines and not closer than thirty feet (30') from the rear lot line adjoining River Club Bayou, (ii) located in the rear yard of a Lot, (iii) the building must architecturally conform and be compatible with the elevation, roof pitch, design, and material of the main residential Dwelling on the Lot, (iv) the square footage **under beam** of any Outbuilding shall not exceed thirty percent (30%) of the total square footage of the main residential Dwelling **under beam**, and (v) prior to construction, a site plan must be submitted to and approved by the ACC which includes approval of the location, color, elevation, height, square footage, and materials to be used in the construction of an Out-building.

6. By amending Article XI, Section 11.28.6(i) to read as follows:

i. The Dock Servitude within River Club Bayou is located and established in favor of the adjacent Lot to which it is connected, in accordance with the Plat. The "**Dock Servitude**" and/or Dock shall not exceed twenty feet (20') into River Club Bayou from the rear Lot line; A Dock or structure shall not be greater than forty-five feet (45') in length and shall not be closer than thirty feet (30') from any side Lot line; provided that on River Lots of less than one hundred five feet (105'), the Dock Servitude shall be reduced in size to a size and location approved by the ACC;

7. By amending Exhibit 11.28.6 entitled "Design Sketch Design Sketch / Criteria for Boat House and Bulkhead Construction" in order to change the size of the dock servitude from 18 feet to 20 feet into River Club Bayou. In furtherance thereof, Exhibit 11.28.6 is hereby amended to provide a Dock Servitude that allows a dock/boat house to be constructed within an area of River Club Bayou measuring up to 20 feet from the rear Lot line, as set forth in Section 11.28.6 of the Restrictive Covenants, as amended herein.

8. By amending Article XI, Section 11.40 "Swimming Pools; Outside Tubs" to read as follows:

11.40 Swimming Pools; Outside Tubs. For all Lots, swimming pools and outside tubs shall be located in the rear yard and screened from view of a person on the street fronting the Lot or adjacent Lot. Fencing between the pool and the Lot lines must be installed in compliance with St. Tammany Parish Regulations for the fencing of swimming pools and these Restrictive Covenants. All pool equipment must be screened from view from the Streets and/or surrounding properties. Slides, diving boards, and other pool accessories in view from an

adjoining Lot are prohibited. Pools shall not be drained onto adjacent Property, Lots, Open Space, Common Areas, or River Club Bayou.

On **Estate Lots and River Lots**, pool decks should be no closer than three (3') feet from a Lot line, and the pool or outside tub shall be no closer than ten (10') feet from the Lot line. Swimming pools on **River Lots** may be located outside of the rear building setback line but not closer than thirty feet (30') from the rear Lot line adjoining River Club Bayou.

On **Deluxe Lots**, pool decks should be no closer than one (1') foot from a Lot line, and the pool or outside tub shall be no closer than five (5') feet from the Lot line.

9. By amending Article XI, Section 11.48 "Streetscapes" to add a new Section 11.48.6 to read as follows:

11.48.6 Except for the period of time that Garage doors are in an up position and in use for the ingress and egress to and from a Garage, all Garage doors and/or Garage door openings shall be in a down or closed position in order to preclude the view of the inside of a Garage by a pedestrian from the Street fronting the Lot.

10. By amending Article XII, Section 12.1.1 to add a new subsection (iii) entitled "Mandatory Architectural Elements" to read as follows:

(iii) Mandatory Architectural Elements.

In addition to the other required architectural/building elements in these Restrictive Covenants, every Dwelling constructed in the Subdivision shall have not less than four (4) of the following itemized architectural/building elements, to-wit:

- (a) Custom exterior doors approved by the ACC;
- (b) A brick wall courtyard;
- (c) Operative shutters on the exterior of the Dwelling;
- (d) One or more pergolas;
- (e) Brick, stucco, or cement board structural or wrapped columns on the front of the Dwelling;
- (f) Roof dormers with operative glass window lights;
- (g) Lintels above windows and all doors that are visible to a pedestrian on the Street fronting the Lot;
- (h) Side-load Garage to the exclusion of a front (street)-load Garage.


In all other respects except as amended herein, the Restrictive Covenants shall remain the same.

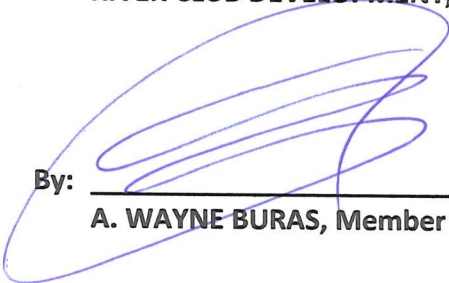
[SIGNATURES ON THE FOLLOWING PAGE]


THUS DONE AND PASSED in Covington, St. Tammany Parish, Louisiana, on the day, month and year herein above first written, in the presence of undersigned competent witnesses, who hereunto subscribe their names with the said Notary, after due reading of the whole.

WITNESSES:

RIVER CLUB DEVELOPMENT, LLC


Print Name: Courtney Thompson

By: 
A. WAYNE BURAS, Member


Print Name: Christina Badenheiser

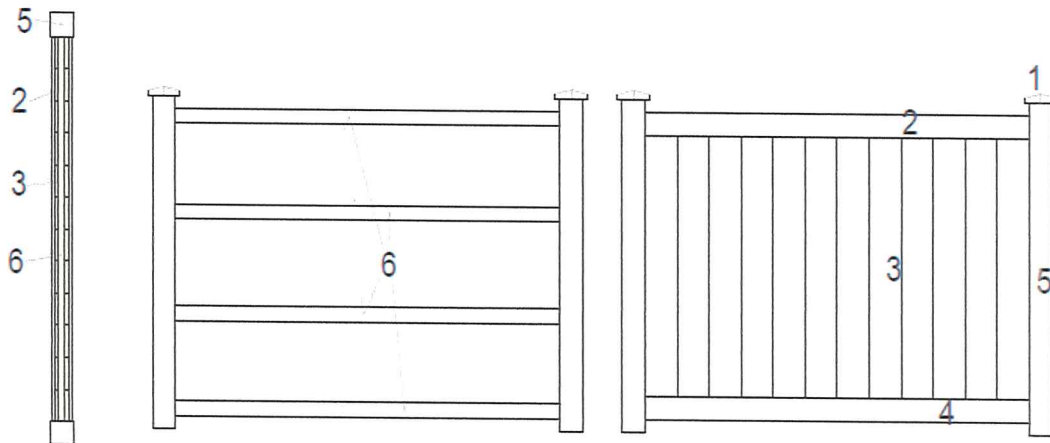
By: 
GARY M. INTRAVIA, Member


NOTARY PUBLIC

Print Name: Wendie J. Daigle
LA Bar/Commission No: 024684
My Commission Expires: at Death

EXHIBIT 11.20.3

Design Sketch / Criteria for
Wood Board Fences



Overhead
View

1. Copper metal cap on post
2. 1x6 cedar face plate
3. 1x6 or 1x8 cedar boards
4. 1x6 cedar face plate
5. 6x6 treated post
6. 2x4 runners, treated or cedar
(4 total)

Notes:

- not exceeding 6' Height
- shall be stained an earth tone REF: 11.20.3
- all fasteners, hangers, and brackets used to be corrosion resistant; galvanized or equivalent