

FIRST ACT AMENDING AND MODIFYING  
THE DEED RESTRICTIONS AND  
COVENANTS FOR MARIGNY TRACE  
SUBDIVISION ADDING  
MARIGNY TRACE, PHASE 2 TO THE  
EFFECTS THEREOF AND MAKING  
OTHER CERTAIN AMENDMENTS

STATE OF LOUISIANA  
PARISH OF ST. TAMMANY

BY: MONTEREY DEVELOPMENT CO., INC.

BE IT KNOWN, that on this 8th day of December, 1995.

BEFORE ME, Martha L. Jumonville, Notary Public, in and for the Parish and State aforesaid, and in the presence of the undersigned competent witnesses, personally came and appeared:

MONTEREY DEVELOPMENT CO., INC., a corporation organized under the laws of the State of Louisiana, domiciled in St. Tammany Parish, Louisiana, represented herein by its duly authorized undersigned officer, by resolution of the Board of Directors, previously filed with the Clerk of Court, St. Tammany Parish, the mailing address of which is 139 Bodet Lane, Covington, La. 70433. (hereinafter "Developer").

WHO AFTER BEING DULY SWORN, did declare and say that Developer did place certain master deed restrictions on property known as Marigny Trace Subdivision, all by act dated January 25, 1995, and recorded with the Clerk of Court, St. Tammany Parish, Louisiana, as Instrument No. 936564. The restrictions provided that they will be amended from time to time to add additional properties being developed as Marigny Trace Subdivision.

AND WHO AFTER BEING DULY SWORN, did declare and say that the Developer has obtained approval for Marigny Trace Subdivision, Phase 2, which is located on a parcel of ground being 15.385 acres of ground located in Sections 38 and 55, Township 8 South, Range 11 East, and Sections 44 and 45, Township 8 South, Range 12 East, St. Tammany Parish, all as is more fully shown on the final subdivision plat of Kelly J. McHugh & Assoc., Inc., dated as thereafter revised, which phase contains 31 residential lots, and which was approved by the proper parish authorities and thereafter filed with the Clerk of Court, St. Tammany Parish as Map File No. 1382.

AND WHO DECLARED, that Developer does hereby and by these presents amend and modify the said restrictions previously filed in as Instrument No. 936564, so as to add to the effects of said restrictions, all lots in Marigny Trace Subdivision, Phase 2 and further, subject to any amendments to the original restrictions

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which may be made hereafter. In so doing, all lots shown on the said referenced plat shall be held, conveyed, hypothecated, encumbered, sold, leased, rented, used, occupied and owned subject to the said conditions, covenants, privileges, restrictions, and contractual rights and obligations set forth therein, all of which are declared to be in aid of a plan for the improvement of the said property shown on the said plat of subdivision described herein.

These Deed Restrictions and Covenants shall be deemed to run with the land and bind the land, and shall inure to the benefit of and be enforceable by the Developer, its successors and assigns, and any person acquiring or owning an interest in the Property and improvements or any portion thereof.

By reference to the other restrictions now in place, the original "base" restrictions are adopted and applied to Marigny Trace Subdivision, Phase 2, except as follows:

Section XI, 4 (A) of the restrictions is amended so that in the event that the set back lines for the phase herein named as shown on the top right hand corner of the recorded subdivision plat Map File 1382 should in any manner conflict with those contained in the original restrictions, the set back lines shown on the plat for this particular phase shall control.

AND NOW, Developer requests that the Clerk of Court record this amendment to serve as may hereafter be required.

THUS DONE AND PASSED, in the presence of me, Notary, and that of the undersigned competent witnesses, after reading the whole, and for the purposes stated herein this 8th day of December 1995, Covington, Louisiana.

WITNESSES:

Sandra Mackay  
Armed Dugan

MONTEREY DEVELOPMENT CO., INC.

BY: Dean Smith  
DEAN SMITH, AGENT  
MARtha L. JUMONVILLE  
MARTHA L. JUMONVILLE, NOTARY