

**AMENDMENT OF
FOURTH ACT AMENDING AND MODIFYING
THE DEED RESTRICTIONS AND
COVENANTS FOR MARIGNY TRACE
SUBDIVISION, ADDING PHASE 5 TO
THE EFFECTS THEREOF AND MAKING
OTHER CERTAIN AMENDMENTS**

**STATE OF LOUISIANA
PARISH OF ST. TAMMANY**

BY: MARIGNY TRACE DEVELOPMENT CO., INC.

BE IT KNOWN, that on this 11th day of March, 2002;

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

MARIGNY TRACE 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 agent, authorized by virtue of a resolution of the Board of Directors, previously filed with the Clerk of Court of St. Tammany Parish, Louisiana; the mailing address of which is 505 Mariner's Boulevard, Mandeville, Louisiana, 70448;

WHO AFTER BEING DULY SWORN, did declare and say that Developer did amend and modify the master deed restrictions for Marigny Trace Subdivision, so as to add Phase 5 to the effects of the restrictions and in other regards, and that the said Amendments/ Modifications were recorded with the Clerk of Court, St. Tammany Parish, Louisiana as COB Instrument No. 936564, 976261, 1046368 and 1216182.

AND WHO DECLARED, that Developer does hereby and by these presents amend and modify the said restrictions for Phase 5 Marigny Trace previously filed as Instrument No. 936564, 976261, 1046368 and 1216182, as follows, with regard to all lots in Marigny Trace Subdivision, Phase 5, (subject to any amendments to the original restrictions heretofore), and this Amendment and Modification shall be deemed to run with and bind all lots in Marigny Trace, Phase 5 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.

St. Tammany Parish 13
Instrmnt #: 1292557
Registry #: 1134963 CVS
03/14/2002 12:56:00 PM
MB CB X MI UCC

Now therefore the following Amendment and Modification is adopted and applied to all lots in Marigny Trace Subdivision, Phase 5, Sections 38 and 55, Township 8 South, Range 11 East, and Section 44, Township 8 South, Range 12 East, St. Tammany Parish, all as is more fully shown on the final subdivision plat of Kelly J. McHugh & Association, Inc. dated as thereafter revised, which phase contains 15 residential lots, and which was approved by the proper parish authorities and thereafter filed with the Clerk of Court, St. Tammany Parish, Louisiana as Map File No. 2257.

AND WHO DECLARED, that Developer does hereby and by these presents amend and modify the said restrictions previously filed in as Instrument No.936564, 976261, 1046368, and 1216182 so as to add to the effects of said restrictions, all lots in Marigny Trace Subdivision, Phase 2, 3 and 4, all lots in Marigny Trace Subdivision, Phase 2, 3 and 4 subject to any amendments to the original restrictions heretofore made or 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, except as follows:

1. Trees:

The Lot Owner (Contractor) shall plant four (4) Drake Elm trees on each interior lot, and five (5) Drake Elm trees on a corner lot, between the sidewalk and street; a cul de sac lot shall require two (2) to three (3) trees to be planted between the street and the sidewalk, depending on the width of the said lot.. In addition to the above trees you will be required to have two (2) additional trees in the front yard on interior lots plus two (2) additional trees on the side street side on corner lots. All trees must be a minimum of ten

(10) feet in height and a minimum of two (2) inches in diameter measured twelve (12) inches above the ground. Any additional planted trees (not the trees planted between the sidewalk and the street) must be chosen from the tree list contained herein. The number of new trees needed may vary depending on the number of existing trees as credit is given on existing trees. However, all trees must be planted between the sidewalk and street. Any trees that die must be replaced within thirty (30) days. All Drake Elm trees shall be purchased from a nursery approved by the MATCC.

The following list contains approved trees recommended for your homesite. These materials were chosen for their compatibility with both the St. Tammany climate and the overall site design theme. Other trees, shrubs and ground covers may be used with the approval of the MATCC.

RECOMMENDED TREES:

<u>Common Name</u>	<u>Botanical Name</u>	<u>Uses, Qualities and Remarks</u>
Live Oak*	Quercus virginiana	Evergreen
Water Oak		
Shumard Oak		
Willow Oak*	Quercus phellos	Shade tree, fine texture
Southern Red Oak	Quercus falcata	Shade tree, red fall color
Cherry Bark Oak*	Quercus falcata	Red fall color, long lived shade tree
Cow Oak*	Quercus michauxii	Shade tree, fall color
Southern Magnolia*	Magnolia grandiflora	Evergreen, fragrant white flowers
Cypress	Taxodium distichum	Fall color, waterside planting
Green Ash*	Fraxinum pennsylvanica	Fall color, excellent shade tree
Longleaf Pine*	Pinus palustris	Large evergreen
Slash Pine*	Pinus Elliottii	Evergreen
Tulip Tree	Liriodendron tulipifera	Good upright, shade tree, fall color
Cottonwood*	Populus deltoides	Fastest growth shade tree
Lombardi Poplar	Populus nigra 'Italica'	Fast growth buffer tree

2. Garages:

All garages shall have a side entrance overhead door. Front entrance garages shall be prohibited, unless specifically approved in writing by the MTACC.

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 of the whole and for the purposes stated herein this 11th
day of March, ²⁰⁰² Mandeville, Louisiana

WITNESSES:

Stephanie D. Cravens
Deena B. Keys

MARIGNY TRACE DEVELOPMENT, INC.

BY: John J. Ploue III
JOHN J. PLOUE, III, PRESIDENT

Robert A. Barba
NOTARY PUBLIC

99-141

**CASH SALE OF PROPERTY
LANDMARK TITLE CORPORATION
FREDERICK A. EARHART
507 MARINERS PLAZA BOULEVARD
MANDEVILLE, LA. 70448**

<p><i>Monterey Development Co., Inc.</i></p> <p>TO:</p> <p><i>Marigny Trace Development Co., Inc.</i></p>	<p>UNITED STATES OF AMERICA</p> <p>STATE OF LOUISIANA</p> <p>PARISH OF ST. TAMMANY</p>
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BE IT KNOWN, that on April 14, 1999, before the undersigned Notary Public duly commissioned and qualified, in and for the above named Parish and State, therein residing, and in the presence of the undersigned competent witnesses,

PERSONALLY CAME AND APPEARED:

Monterey Development Co., Inc. (TIN 72-1243644), a Louisiana corporation, organized and existing under the laws of the State of Louisiana, domiciled in the Parish of St. Tammany, herein represented by Albert A. Kramer, Jr., its duly authorized officer, by virtue of a corporate resolution on file and of record in the official records of St. Tammany Parish, Louisiana; whose mailing address is declared to be: 139 Bodet Lane, Covington, Louisiana 70433;

who declares that it does by these presents, grants, bargains, sells, conveys, transfers, assigns, sets over and delivers, with warranty and with full substitution and subrogation in and to all rights and action of warranty which it has or may have against all preceding owners and vendors, unto

Marigny Trace Development Co., Inc., a Louisiana corporation organized and existing under the laws of the State of Louisiana, Parish of St. Tammany, being represented herein by John J. Ploue, III, by virtue of a corporate resolution on file and of record in the official records of St. Tammany Parish, Louisiana, as COB Instrument Number 1088063; whose mailing address is declared to be: 505 Mariner's Boulevard, Mandeville, Louisiana 70448;

here present and accepting, purchasing for its heirs and assigns, and acknowledging due delivery and possession, thereof, the following described property, to-wit:

ALL THAT CERTAIN TRACT OR PORTION OF LAND, together with all the buildings and improvements thereon, and all of the rights, ways, means, privileges, servitudes, appurtenances, and advantages thereunto belonging or in anywise appertaining, situated in Sections 38 and 55, Township 8 South, Range 11 East, St. Tammany Parish, Louisiana, more fully described as follows:

DT. REG # 883,960
Inst # 1144452
FILED ST. TAMMANY PAR
04/21/1999 10:42:00AM tbt
COB_X_ MOB___ MI___

Commence at the intersection of the Easterly right-of-way of Atalin Street and the Southerly right-of-way of Montmartre Street, the Point of Beginning.

From the Point of Beginning, run North 30 degrees 12 minutes 28 seconds East a distance of 362.29 feet; thence South 72 degrees 18 minutes 15 seconds East a distance of 180.76 feet; thence North 01 degrees 26 minutes 43 seconds West a distance of 709.90 feet; thence North 88 degrees 49 minutes 29 seconds East a distance of 519.49 feet; thence South 00 degrees 09 minutes 52 seconds East a distance of 648.97 feet; thence South 47 degrees 02 minutes 07 seconds West a distance of 443.66 feet; thence South 64 degrees 22 minutes 13 seconds West a distance of 351.99 feet; thence North 59 degrees 53 minutes 46 seconds West a distance of 249.46 feet to the Point of Beginning, containing 12.501 acres.

Being the same property acquired by vendor by several acts being recorded as COB Instrument Numbers 912945, 939772, and 941191 of the official records of St. Tammany Parish, Louisiana.

Said property is sold, conveyed, and accepted subject to any and all valid restrictions, servitudes, mineral conveyances and/or reservations of record affecting same, if any.

To have and to hold the above described property unto the said purchaser itself, its heirs and assigns forever.

This sale is made and accepted for and in consideration of the price and sum of Three Hundred Twelve Thousand Five Hundred Twenty-five and 00/100 (\$312,525.00) DOLLARS cash, which the said purchaser well and truly paid, in ready and current money, to the said vendor who hereby acknowledges the receipt thereof and grants full acquittance and discharge therefor.

All State and Parish Taxes up to and including the taxes due and eligible in 1998 are paid as per Parish Tax Research Certificate. Property Tax Assessment No. 1121253328.

The certificate of mortgage and conveyance required by Article 3364 of the Revised Civil Code of this State are waived by the parties hereto.

THUS DONE AND PASSED in my office at Mandeville, Louisiana, on the day, month and year herein first above written, in the presence of the undersigned competent witnesses who hereunto sign their names with the said appearers and me, Notary, after reading of the whole.

WITNESSES:

Deborah Pagart

Paula C. Sexton

Albert A. Kramer, Jr.
Monterey Development Co., Inc.
Albert A. Kramer, Jr., Agent

John J. Ploue, III
Mangny Trace Development Co., Inc.
John J. Ploue, III, Agent

Frederick A. Earhart
Frederick A. Earhart, NOTARY PUBLIC