

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

**SECOND AMENDMENT TO THE DECLARATION OF
PROTECTIVE COVENANTS AND RESTRICTIONS
FOR
OLD MILL SUBDIVISION**

THIS SECOND AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR OLD MILL SUBDIVISION (“Second Amendment”) is made this _____ day of March, 2003, by Old Mill Development LLC, a Louisiana limited liability company, represented by John H. Fetzer, III, it’s manager, duly authorized, hereinafter referred to as “Old Mill Development”.

WHEREAS, the Declaration of Protective Covenants and Restrictions for Old Mill Subdivision dated May 31, 2001 is recorded with the Clerk and Recorder of Mortgages for Ascension Parish, Louisiana, at Instrument Number 489115 (hereinafter referred to as “Declaration”).

WHEREAS, the “First Amendment to the Declaration of Protective Covenants and Restrictions for Old Mill Subdivision” dated January 4, 2002 is recorded with the Clerk and Recorder of Mortgages for Ascension Parish, Louisiana, at Instrument Number 504353 (hereinafter referred to as “First Amendment”).

WHEREAS, Old Mill Development wishes to subject certain additional real property to the provisions contained in the Declaration and the First Amendment by amendment pursuant to Article I, Paragraph 18;

WHEREAS, Crabapple Properties, Ltd. (“Developer”) is a Class B Member of the Old Mill Homeowner’s Association, Inc.;

WHEREAS, The Declaration may be amended at any time and from time to time by Developer in order to execute the Developer’s uniform plan for the improvement, development, sale, use, maintenance and enjoyment of the property;

WHEREAS, Developer appears herein to consent to the amendment of the Declaration and to the subjection of the additional property described herein owned by Old Mill Development to the provisions of the Declaration and the First Amendment;

Therefore, Old Mill Development LLC and Crabapple Properties, Ltd. do hereby amend and supplement the Declaration in the following particulars, to wit:

1.

The preamble of the Declaration is hereby amended by adding the following paragraphs:

“WHEREAS, Old Mill Development LLC is the owner of the following described tracts or parcels of land located in Section 23, T-9-S, R-2-E, Ascension Parish, Louisiana, and known as Old Mill Subdivision, First Filing – Part II and Second Filing, and being more particularly described as follows:

PARCEL ONE (I):

Ninety Five (95) tracts or parcels of property situated in Section 23, T-9-S, R-2-E, Ascension Parish, Louisiana, as shown on the Final Plat of Old Mill Subdivision, First Filing – Part II (Lots 115 – 171) Second Filing (Lots 172 – 209) (**the “Final Plat” or “Plat”**) made by GWS Engineering, Inc. Baton Rouge, Louisiana, dated February 13, 2003, being Lots One Hundred Fifteen (115) through One Hundred Seventy One (171), both inclusive, Old Mill Subdivision, First Filing – Part II and Lots One Hundred Seventy Two (172) through Two Hundred Nine (209), both inclusive, Old Mill Subdivision Second Filing , each of said tracts or parcels of property (**“Lots”**) having those dimensions and being subject to those servitudes and building setback lines as shown on the Final Plat. The Final Plat is filed of record in the official records of the Clerk and Recorder of Mortgages for the Parish of Ascension, Sate of Louisiana.

PARCEL TWO (II):

That certain tract or parcel of property situated in Section 23, T-9-S, R-2-E, Ascension Parish, Louisiana, containing 1.450 acres and designated as Tract E on the Final Plat being more particularly described on Exhibit “A” which is attached hereto and made a part hereof. (referred to interchangeably as **Tract “E”**, **“Common Area”** and/or **“Common Property”**)

PARCEL THREE (III):

That certain tract or parcel of property situated in Section 23, T-9-S, R-2-E, Ascension Parish, Louisiana, containing 0.199 acres and designated as Tract X on the Final Plat being more particularly described on Exhibit “B” which is attached hereto and made a part hereof. (referred to interchangeably as **Tract “X”**, **“Common Area”** and/or **“Common Property”**)

Parcels One, Two and Three collectively referred to herein as the **“Additional Property”**, **“Property”** or **“Subdivision”**

WHEREAS, the Additional Property shall be and is hereby subjected to the covenants, restrictions, servitudes, easements, assessments and liens set forth in the Declaration and the First Amendment and/or as hereinafter set forth and the Additional Property shall be held, transferred, sold, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the Declaration as amended and supplemented from time to time and the provisions hereof;

Article I, Paragraph 7 of the Declaration is hereby amended and supplemented so that the same shall henceforth read as follows:

7. “Developer” or Declarant shall mean and refer to Crabapple Properties, Ltd. and/or Old Mill Development LLC, their successors and assigns.

3.

Article I, Paragraph 14 of the Declaration is hereby amended and supplemented so that the same shall henceforth read as follows:

14. “Plat” or “Final Plat” shall mean and refer to that certain Final Plat for Old Mill Subdivision, First Filing – Part I prepared by GWS Engineering, Inc., dated May 8, 2001 and recorded in the office of the Clerk and Recorder of Mortgages for Ascension Parish, Louisiana, at Instrument Number 488247 and the Final Plat for Old Mill Subdivision, First Filing – Part II (Lots 115 – 171) Second Filing (Lot 172 – 209) dated February 13, 2003 and recorded in the office of the Clerk and Recorder of Mortgages for Ascension Parish, Louisiana.

4.

Article I, Paragraph 18 of the Declaration is hereby amended and supplemented so that the same shall henceforth read as follows:

18. “Property” shall mean and refer to the real property described in the Declaration and the real properties described in this Second Amendment together with such additional real property as made by subsequent amendment be added to and subjected to the Declaration.

5.

Article I, Paragraph 16 of the Declaration is hereby amended and supplemented so that the same shall henceforth read as follows:

16. “Pond Lot(s)” shall mean Lots 36 through 42, Old Mill Subdivision, First Filing – Part I, Lots 153 – 156, Old Mill Subdivision, First Filing - Part 2 and Lots 184 – 190, Old Mill Subdivision, Second Filing.

6.

Article II, Paragraph 4 (b) (ii) of the Declaration is hereby amended and supplemented so that the same shall henceforth read as follows:

ii) In addition to the responsibilities set forth in (i) above, the Owners of the Pond Lot(s) as defined in Article I, Paragraph 16 (“**Pond Lot Owners**”), shall have the additional responsibility at no expense to the Association of mowing and other

maintenance of the area between the Pond Owner's property line nearest the Pond to the water's edge of the Pond.

7.

Article V, Paragraph 25(i) of the Declaration and First Amendment is hereby amended and supplemented so that the same shall henceforth read as follows:

"...No opaque or solid fence or fences shall be constructed or located on any lot adjacent to the Pond which would result in obstructing view of the Pond for any person situated on any other Pond Lot, Tract "E" and/or Lot 183 Old Mill Subdivision, Second Filing."

8.

Article V, Paragraph 25(k) of the Declaration (added to the Declaration by the First Amendment) is hereby amended and supplemented so that the same shall henceforth read as follows:

"...No tree or trees or other landscaping shall be planted on any lot adjacent to the Pond which would result in obstructing view of the Pond for any person situated on any other Pond Lot, Tract "E" and/or Lot 183 Old Mill Subdivision, Second Filing."

9.

Article V, Paragraph 25 of the Declaration is amended and supplemented to add subparagraph (l) which shall read as follows:

"The Association, its successors or assigns is prohibited from erecting any opaque or solid fence or fences, constructing, erecting or installing any improvements or planting or maintaining any trees/plants that would obstruct view of the Pond from Lot 190 or any other Pond Lots."

This act has been signed by Old Mill Development LLC and Crabapple Properties, Ltd. in Baton Rouge, Louisiana on the date first above written, in the presence of the undersigned notary and witnesses.

WITNESSES:

CRABAPPLE PROPERTIES, LTD.

BY: _____
John H. Fetzer, III, President

OLD MILL DEVELOPMENT LLC

BY: _____
John H. Fetzer, III, Manager

NOTARY PUBLIC

EXHIBIT "A"

A certain tract or parcel of land being a portion of Lots 4 & 7 of the Hubert A. Fabacher, Sr. Property, situated in Section 23, Township 9 South, Range 2 East, Southeastern Land District, East of the Mississippi River, Ascension Parish, Louisiana and being more particularly described as follows:

Commencing at the intersection of the westerly right of way line of Old Millstone Drive and the northerly right of way line of Mill Gate Avenue, thence proceed South 89°18'07" West a distance of 149.00 feet to a point, thence proceed South 00°41'53" East a distance of 199.00 feet to a point, thence proceed South 89°18'07" West a distance of 292.00 feet to a point, thence proceed South 00°41'53" East a distance of 462.17 feet to a point, said point being the **Point of Beginning**; thence continue South 00°41'53" East a distance of 192.03 feet to a point and corner; thence proceed South 89°53'02" West, a distance of 350.66 feet to a point and corner; thence proceed North 00°45'51" West a distance of 30.00 feet to a point and corner; thence proceed North 89°53'02" East a distance of 60.00 feet to a point and corner; thence proceed North 00°45'51" West a distance of 60.00 feet to a point and corner; thence proceed South 89°53'02" West a distance of 60.00 feet to a point and corner; thence proceed North 00°45'51" West a distance of 98.46 feet to a point and corner; thence proceed North 89°18'07" East a distance of 350.87 feet to a point and corner, said point being the **Point of Beginning** (Tract "E", "Common Area" and/or "Common Property").

EXHIBIT "B"

A certain tract or parcel of land containing 0.199 acres, known as Tract X , being a portion of Old Mill Subdivision Second Filing, situated in Section 23, T-9-S, R-2-E, Southeastern Land District, East of the Mississippi River, Ascension Parish, Louisiana and being more particularly described as follows:

Commencing at the intersection of the southerly right of way line of LA Hwy 74 and the westerly right of way line of Old Mill Drive, thence proceed South 00°12'10" West, a distance of 253.40 feet to a point, thence proceed along the arc of a curve to the left having a radius of 321.70 feet, a delta of 17°58'58", a tangent of 162.19 feet, a chord bearing of South 08°47'19" East, a chord length of 320.38 feet, and an arc length of 321.70 feet to a point and corner, thence proceed South 89°18'07" West, along the northerly right of way line Cotton Mill Avenue, a distance of 730.62 feet to a point and corner, thence proceed along the arc of a curve to the left having a radius of 68.00 feet, a delta of 182°56'40", a tangent of 2645.91 feet, a chord bearing of South 48°57'20" West, a chord length of 135.96 feet, and an arc length of 217.12 feet to a point and corner, thence proceed South 00°41'53" East, along the Westerly right of way line Cotton Mill Avenue, a distance of 1249.98 feet to a point and corner, said point being the Point of Beginning;

Thence continue South 00°41'53" East, a distance of 60.00 feet to a point and corner,

Thence proceed South 89°18'07" West, a distance of 144.56 feet to a point and corner;

Thence proceed North 00°45'51" West, a distance of 60.00 feet to a point and corner;

Thence proceed North 89°18'07" East, a distance of 144.63 feet to a point and corner, said point being the "Point of Beginning". (Tract "X")