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STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

FIFTH AMENDMENT TO THE DECLARATION OF
PROTECTIVE COVENANTS AND RESTRICTIONS

FOR

THE PRESERVE AT HARVESTON

THIS FIFTH AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS FOR THE PRESERVE AT HARVESTON (“Fifth Amendment”) is made this 16th day of October, 2017, by Longwood Development I Corporation, a Louisiana corporation, herein represented by its duly authorized Secretary, John H. Fetzer, III, which corporation is hereinafter referred to as “Developer”.

WHEREAS, the Declaration of Protective Covenants and Restrictions for The Preserve at Harveston dated May 29, 2013 was recorded with the East Baton Rouge Parish Clerk of Court and Recorder of Mortgages at Original 077, Bundle 12502 on May 30, 2013, as amended by the First Amendment to the Declaration of Protective Covenants and Restrictions for The Preserve at Harveston dated June 12, 2014 recorded with the East Baton Rouge Parish Clerk of Court and Recorder of Mortgages at Original 099, Bundle 12586 on June 19, 2014, as further amended by the Second Amendment to the Declaration of Protective Covenants and Restrictions for The Preserve at Harveston dated November 17, 2014 recorded with the East Baton Rouge Parish Clerk of Court and Recorder of Mortgages at Original 912, Bundle 12618 on November 18, 2014, as further amended by the Third Amendment to the Declaration of Protective Covenants and Restrictions for The Preserve at Harveston dated April 25, 2015 recorded with the East Baton Rouge Parish Clerk of Court and Recorder of Mortgages at Original 257, Bundle 12650 on April 29, 2015; as further amended by the Fourth Amendment to the Declaration of Protective Covenants and Restrictions for The Preserve at Harveston dated March 4, 2016 recorded with the East Baton Rouge Parish Clerk of Court and Recorder of Mortgages at Original 959, Bundle 12716 on March 8, 2016 (hereinafter collectively referred to as “Declaration”);

WHEREAS, Developer wishes to subject certain Additional Property to the provisions contained in the Declaration by amendment pursuant to Article VII, paragraph 10;

WHEREAS, Developer is currently the Class B Member of The Preserve at Harveston Homeowners 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 Developer to the provisions of the Declaration;

Therefore, Developer does hereby amend and supplement the Declaration in the following particulars, to wit:

1.

The Preamble of the Declaration is hereby amended and supplemented to add the following Additional Property to the definition of the Property:

PARCEL FIVE (V) (The Preserve at Harveston, Part 3A):

Seventy Four (74) lots or parcels of property situated in Section 51, T-8-S, R-1-E, East Baton Rouge Parish, Louisiana, as shown on the Final Plat of The Preserve at Harveston, Phase 1 Part 3A (Formerly Longwood Village), and being a Subdivision of Tracts Y-5-A of the Burtville Plantation & Longwood Plantation located in Section 51, T-8-S, R-1-E, Greensburg Land District, East Baton Rouge Parish, Louisiana made (“Final Plat”) by CSRS, Inc., dated September 28, 2017, being Lots Two Hundred Eighteen (218) through Two Hundred Ninety One (291), inclusive, each of the lots or parcels of property having those dimensions as shown on the Final Plat. The Final Plat was filed of record in the official records of the Clerk of Court and Recorder of Mortgages for the Parish of East Baton Rouge, State of Louisiana on October 11, 2017 as Original 598, Bundle12845;

PARCEL SIX (VI):

Tracts GS- 6, GS- 7, and the Private Servitudes of Access shown on the Final Plat(s) of Part 3A as Alley Tract K (Elm Row Lane), Alley Tract L (Elm Row Lane), Alley Tract M (Rose Glen Lane), Alley Tract N (Rose Glen Lane, including the concrete alleys and drainage improvements thereon).

2.

The Preamble of the Declaration is hereby further amended, revised and supplemented to add the following paragraph so that the Preamble henceforth includes the following provision:

“**WHEREAS**, the Additional Property described herein shall be henceforth referred to as The Preserve at Harveston Part 3A and shall be and is hereby subjected to the covenants, restrictions, servitudes, easements, assessments and liens set forth in the Declaration as amended 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 to the provisions hereof;”

3.

The provisions of Article I, Paragraph 2 are amended, revised and supplemented to add the following:

“The Alley-Loaded Lots in The Preserve at Harveston Part 3A are Lots 229 through 280, both inclusive.”

4.

The provisions of Article I, Paragraph 9 are amended, revised and restated so that the same shall henceforth read as follows:

“**9. “Common Area” and/or “Common Property”** shall mean all immovable and movable property currently owned by the Developer, including Tracts C-1, G-1, G-4, P-1, P-2, P-3, P-3-A, P-4, P-4-A, P-5, GS-1, GS-2, GS-3, GS-4, GS-5, GS-6, GS-7, GS-B, PS1 and the Private Servitudes of Access shown on the Final Plat as Alley Tracts A, B, C, D, E, F, G, H, I, J and Alley Tracts K and L (Elm Row Lane) and Alley Tracts M and N (Rose Glen Lane)including the concrete alleys and drainage improvements thereon, as shown and designated on the Final Plat including, but not limited to masonry walls, columns, landscaping, lighting, irrigation system and meters, private utility lines and meters, club with fitness center, swimming pool, cooking pavilion, pedestrian bridge, walks, trails, guest parking spaces and concrete drives and the ponds and the banks of the ponds (collectively, the “**Ponds**”) situated on Tracts P-1, P-2, P-3, P-4, P-4-A, and P-5, together

with any and all other improvements existing, constructed or to be constructed and/or located thereon. Common Property shall also include those tracts or parcels of land described in any amendment to this Declaration which subjects Additional Properties to the provisions of this Declaration. The designation of any land and/or improvements as Common Property shall not infer or imply that the public at large acquires any rights of use or enjoyment therein, which rights are expressly denied. Further, the Common Areas shall be owned by the Developer until such Common Area is transferred or dedicated to the Association. Until such dedication, Developer reserves the right to remove any area from "Common Area", modify boundaries, or transfer the Common Areas free of any obligation that the area be maintained for common use. For example, but not by limitation, Common Areas can be redesignated to be part of a Lot. Nothing herein shall obligate the Developer to construct or dedicate any such improvement or Common Area."

5.

The provisions of Article I, Paragraph 13 are amended, revised and supplemented to add the following:

"The Corner Lots in The Preserve at Harveston Part 3A are Lots 228, 229, 234, 235, 241, 248, 249, 254, 255, 260, 261, 268, 274, 275, 280 and 291."

6.

The provisions of Article I, Paragraph 18 are amended, revised and supplemented to add the following:

"The Front Loaded Lots in The Preserve at Harveston Part 3A are Lots 218 through 228 inclusive and 281 through 291 inclusive."

7.

The provisions of Article I, Paragraph 26 are amended, revised and restated so that the same shall henceforth read as follows:

"26. "Plat" or "Final Plat" shall collectively mean and refer to the (i) Final Plat of The Preserve at Harveston, Part 1 (Formerly Longwood Village), and being a Subdivision of Tracts Y-3 & Y-4 of the Burtville Plantation & Longwood Plantation located in Section 51, T-8-S, R-1-E, Greensburg Land District, East Baton Rouge Parish, Louisiana prepared by CSRS, Inc., dated February 6, 2013 and recorded in the office of the Clerk of Court of East Baton Rouge Parish, Louisiana on March 1, 2013 as Original 760, Bundle 12479, revised on June 26, 2013 and recorded as Original 816, Bundle 12520, revised further on March 24, 2015 and recorded as Original 882, Bundle 12645 of said records and revised further on October 23, 2015 and recorded as Original 571, Bundle 12693; and (ii) Final Plat of The Preserve at Harveston, Part 2 (Formerly Longwood Village), and being a Subdivision of Tract Y-4-A of the Burtville Plantation & Longwood Plantation located in Section 51, T-8-S, R-1-E, Greensburg Land District, East Baton Rouge Parish, Louisiana made by CSRS, Inc., dated March 24, 2015, and recorded in the office of the Clerk of Court of East Baton Rouge Parish, Louisiana as Original 883, Bundle 12645, revised on October 13, 2015 and recorded as Original 698, Bundle 12690; and (iii) Final Plat of The Preserve at Harveston, Phase 1, Part 3A (Formerly Longwood Village), and being a Subdivision of Tract Y-5-A of the Burtville Plantation & Longwood Plantation located in Section 51, T-8-S, R-1-E, Greensburg Land District, East Baton Rouge Parish, Louisiana made by CSRS, Inc. dated September 28, 2017, and recorded in the office of the Clerk of Court of East Baton Rouge Parish, Louisiana as Original 598, Bundle 12845; and (iv) together with the Final Plats and any amendments thereof of any Additional Property that may be subjected to this Declaration.

8.

The provisions of Article I, Paragraph 31 are amended, revised and restated so that the same shall henceforth read as follows:

“31. “Property” shall mean and refer to Parcel One (I) and Parcel Two (II) as described in the Declaration, Parcel Three (III) and Parcel Four (IV) described in the Third Amendment to the Declaration and Parcel Five (V) and Parcel Six (VI) set forth herein, together with such additional property as may by subsequent amendment be added to and subjected to this Declaration (**“Additional Property”**). Additional Property specifically includes but is not limited to the remaining portion of Tract Y-5, and/or any resubdivisions thereof, and a portion of Tract Z, Longwood Plantation, located in Section 51, T-8-S, R-1-E, Greensburg Land District, East Baton Rouge Parish, Louisiana.”

9.

The provisions of Article VI, Paragraph 13 are amended, revised and restated so that the same shall henceforth read as follows:

“13. Nuisances. No noxious odors shall issue or emanate from any Lot. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereupon which may be or may become an annoyance or nuisance to the neighborhood or to any Owner of a Lot. No exterior speakers, horns, whistles, bells or other sound transmitting, generating or amplifying devices other than security devices used exclusively for security purposes shall be located, used or placed on any Lot in such manner that the sound emitted therefrom may be heard on any other Lot. No noise shall be permitted to exist or operate upon any Lot that may be a nuisance to any other Owner or resident, including noise emanating from barking dogs and/or nuisances associated with other pets. All laws, building codes, orders, rules, regulations or requirements of any governmental agency having jurisdiction shall be complied with. An activity, sound or odor that does not violate a law, ordinance, order and/or any other regulation promulgated by any authority having jurisdiction thereof shall only constitute a nuisance under this Section 13 if found by the Architectural Control Committee or the Board of Directors to constitute same.”

10.

The provisions of Article VI, Paragraph 22 are amended, revised and restated so that the same shall henceforth read as follows:

“22. Animals and Pets.

(a) No animals, livestock, or poultry, of any kind, shall be raised, bred, or kept, on any Lot except that household pets may be kept provided they are not kept, bred, or maintained for any commercial purpose. No more than two (2) pets shall be kept and maintained on a lot, except that the number of pets may be increased in the sole discretion of the Association. No vicious or dangerous breeds of animals shall be permitted. What constitutes “vicious or dangerous breeds of animals” shall be determined in the sole discretion of the Association.

(b) All pets must be maintained in a fenced area which area shall be screened from view with landscaping and/or fencing so that it cannot be seen from any street in the Community.

(c) All pets shall be kept on leash when outside the designated fenced area consistent with this Declaration and shall not be allowed to run free on the Property.

(d) The provisions of this Declaration set forth in this Article VI in Paragraph 13 entitled “Nuisances” shall be applicable to any pets kept and maintained on any Lot.


(e) Notwithstanding anything contained herein, the Developer may stock the Ponds with fish, waterfowl and/or other birds that it deems appropriate.”

11.

Except as amended, revised, restated and/or supplemented by the provisions contained in this Fifth Amendment to the Declaration of Protective Covenants and Restrictions for The Preserve at Harveston, the provisions of the Declaration, as amended, shall be applicable to all Lots and Owners of Lots in The Preserve at Harveston Part 3A and shall remain in force and effect as though the provisions of the Declaration, as amended, were set forth herein in extenso.

This Fifth Amendment to the Declaration has been signed in the Parish of East Baton Rouge, State of Louisiana on the 16th day of October, 2017, in the presence of the undersigned competent witnesses and me, Notary Public, after due reading of the whole.


WITNESSES:

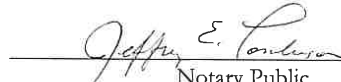

Name: Kimberly Jackson


Name: Holly Rachal

DEVELOPER:

Longwood Development I Corporation

By: 
John H. Fetzer, III,
Duly Authorized Secretary


Notary Public
Name: _____
Bar Roll/Notary #: _____

Jeffrey Earl Tomlinson
Bar Roll No. 28786
Notary Public, State of Louisiana
My Commission is for Life.