

SIXTH AMENDMENT
TO
ACT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LAKE BEAU PRE' TOWNHOMES

This Sixth Amendment to Act of Declaration of Covenants, Conditions and Restrictions for Lake Beau Pre' Townhomes (this "**Sixth Amendment**") is made effective as of this 13th day of October, 2022, by the following:

Lake Beau Pre' Townhomes Homeowner's Association, Inc., a non-profit corporation organized under the laws of the state of Louisiana, domiciled in the Parish of East Baton Rouge, State of Louisiana, represented by Kenneth Habetz, President, duly authorized (hereinafter referred to as "**Declarant**"),

WHEREAS, LBP Development, L.L.C. (the "**Owner**") was the owner and developer of certain property in East Baton Rouge Parish, Louisiana referred to as the "Lake Beau Pre' Townhomes, A Planned Unit Development" (the "**Development**"), which property Owner made subject to certain covenants, conditions and restrictions by virtue of that Act of Declaration of Covenants, Conditions and Restrictions for Lake Beau Pre' Townhomes, recorded on July 14, 2004 at Original 37 Bundle 11631 of the official records of East Baton Rouge Parish, Louisiana (the "**Declaration**");

WHEREAS, the Declaration was first amended by a Resolution of the Board of Directors of Lake Beau Pre' Townhomes Homeowner's Association, Inc. recorded on May 25, 2005 at Original 423, Bundle 11727 of the official records of east Baton Rouge Parish, Louisiana;

WHEREAS, the Declaration was amended a second time by virtue of that Supplemental Declaration to Act of Declaration of Covenants, Conditions and Restrictions for Lake Beau Pre' Townhomes, recorded on October 14, 2005 at Original 450, Bundle 11775 of the official records of East Baton Rouge Parish, Louisiana;

WHEREAS, the Declaration was amended a third time by virtue of that Amendment to Act of Declaration of Covenants, Conditions and Restrictions for Lake Beau Pre' Townhomes, recorded on February 29, 2008 at Original 192, Bundle 12036 of the official records of East Baton Rouge Parish, Louisiana in which any and all rights reserved for the Owner in the Declaration were transferred to Declarant;

WHEREAS, the Declaration was amended a fourth time by virtue of that Fourth Amendment to Act of Declaration of Covenants, Conditions and Restrictions for Lake Beau Pre' Townhomes, recorded on March 20, 2017 at Original 640, Bundle 12800 of the official records of East Baton Rouge Parish, Louisiana;

WHEREAS, the Declaration was amended a fifth time by virtue of that Fifth Amendment to Act of Declaration of Covenants, Conditions and Restrictions for Lake Beau Pre' Townhomes, recorded on February 6, 2020 at Original 018, Bundle 13009 of the official records of East Baton Rouge Parish, Louisiana; and

WHEREAS, pursuant to Article XII Section 6(a) of the Declaration, Declarant desires to amend the Declaration a sixth time for the purpose of clarifying an ambiguity in the Declaration in a way which is

consistent with an in furtherance of the general plan and scheme of the Development in order to clarify the Declaration's treatment of the patio fences serving the Living Units within the Development.

NOW THEREFORE, pursuant to the terms of the Declaration, the Declarant hereby amends the Declaration as follows:

1. Defined Terms. Capitalized terms used but not defined in this Sixth Amendment shall have the meanings given to them in the Declaration.

2. Article III, Section 2 of the Declaration is hereby amended by adding the following provision immediately after Article III, Section 2(o):

“(p) maintaining, repairing (ordinary wear and tear only and on an as-needed basis) and replacing 1) the outward facing portions (specifically excluding those portions of the patio fences which face are not visible from the roads or parking areas within the Property) of the patio fences serving each Living Unit, 2) the fencing around the perimeter of the Property and 3) the fencing surrounding the dumpster locations within the Property. Notwithstanding anything herein to the contrary, in no event shall the Association or its Board of Directors have any obligation or responsibility to repair any damage to the fencing described in this provision which is caused by the act, omission or negligence of an Owner or its guests, contractors, invitees, agents or representatives.”

3. Article IX, Section 3 of the Declaration is hereby amended by revising the final sentence of such Section to read as follows:

“Notwithstanding the foregoing, the Board of Directors, in its sole discretion, may reserve and utilize Assessments for (i) the purpose contemplated by Article III, Section 2(o) to maintain, repair (ordinary wear and tear only and on an as-needed basis) and replace (at the end of useful life only) the parking structures serving multiple Livings Units and (ii) for the purpose contemplated by Article III, Section 2(p) to maintain, repair (ordinary wear and tear only and on an as-needed basis) and replace the fencing within the Property described in Article III, Section 2(p).”

4. Article X, Section 29 of the Declaration is hereby amended by revising the final paragraph of such Section in its entirety to read as follows:

“All fencing described in Article III, Section 2(p) shall be uniform in appearance (as specified by the Architectural Committee). The Board of the Association may, but shall not be obligated to, undertake the maintenance and replacement of such uniform fencing as a common expense of the Association.”

[Remainder of Page Left Intentionally Blank]

THUS DONE AND SIGNED on this 13th day of October, 2022 in the presence of the undersigned competent witnesses, who hereunder sign their names with the said Declarant and me, Notary after due reading of the whole.

WITNESSES:

LAKE BEAU PRE TOWNHOMES

Pamela L. Killmer
Name: Pamela L. Killmer

By: Kenneth Habetz
Kenneth Habetz, President

Patricia Meyer
Name: Patricia Meyer

Lyle O. Fogleman, Jr.
NOTARY PUBLIC

Print Name: _____
State Bar No./Notary ID No.: _____
My Commission Expires: _____
Jurisdiction of Notary Public: _____

LYLE O. FOGLEMAN, JR
Attorney at Law, Bar #18599
Notary Public
Parish of Acadia, State of Louisiana
My Commission is for life