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THIRD AMENDMENT TO * UNITED STATES OF AMERICA
 CONDOMINIUM DECLARATION *
 OF * STATE OF LOUISIANA
 *
 * PARISH OF JEFFERSON
 *
 AVANT GARDE, A CONDOMINIUM *
 *
 * * * * *

83-01988

BE IT KNOWN, that on this 21st day of December in the year of our Lord one thousand nine hundred and eighty-two,

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified, in and for the State and Parish aforesaid, and in the presence of the undersigned competent witnesses:

PERSONALLY CAME AND APPEARED: **8301988**
FILED FOR RECORD
 1/18/83 10:49 A.M.

DONALD C. OSTER & ASSOCIATES, INC., a corporation organized under the laws of the State of Louisiana, and doing business in the Parish of Jefferson, herein represented by its undersigned officer, duly authorized by virtue of a resolution of the Board of Directors, recorded in COB 940, folio 793, Jefferson Parish, Louisiana, and whose mailing address is Post Office Box 1935, Kenner, Louisiana, 70063 (hereinafter referred to as "Appearer"), who declared as follows:

WHEREAS, Appearer and its assigns are the owners of certain real estate situated in the City of Kenner, Parish of Jefferson, State of Louisiana, more fully described as follows:

ONE CERTAIN TRACT OF LAND, together with all the buildings and improvements thereon, and all rights, ways, privileges, servitudes and appurtenances thereunto belonging or in any-wise appertaining, situated in CHATEAU ESTATES, CITY OF KENNER, in the PARISH OF JEFFERSON, STATE OF LOUISIANA, in that part thereof designated as SUBPHASE I OF PHASE II of LOT X-2. Said tract of land commences N 74 degrees, 43 minutes, 46 seconds W a distance of 310 feet from the corner of Holly Heights Drive and along the South right-of-way line of West Esplanade Avenue to a point; thence along the South right-of-way line of West Esplanade Avenue N 74 degrees, 43 minutes, 46 seconds W a distance of 70 feet to a point; thence S 15 degrees 16 minutes, 14 seconds W a distance of 120 feet to a point; thence N 86 degrees, 06 minutes, 21 seconds West a distance of 36.12 to the point of beginning; thence S 03 degrees, 59 minutes, 39 seconds, W a distance of 52.34 feet to a point; thence N 86 degrees 06 minutes, 21 seconds W a distance of 8.74 to point; thence S 03 degrees, 59 minutes, 39 seconds W a distance of 210 feet to a point; thence S 86 degrees, 06 minutes, 21 seconds E, a distance of 33.74 feet to a point; thence S 03 degrees, 59 minutes, 39 seconds W a distance of 51.68 feet to a point; thence S 86 degrees, 06 minutes, 21 seconds E a distance of 70 feet to a point; thence N 03 degrees, 59 minutes, 39 seconds, E a distance of 15 feet to a point; thence S 86 degrees, 06 minutes, 21 seconds E a distance of 80.51 feet to a point; thence S 03 degrees, 59 minutes, 39 seconds W a distance of 145 feet to a point; thence N 86 degrees, 06 minutes, 21 seconds W a distance of 218 feet to a point; thence N 03 degrees, 59 minutes, 39 seconds E a distance of 123 feet to a point; thence N 86 degrees, 06 minutes, 21 seconds W a distance of 50 feet to a point; thence N 03 degrees, 59 minutes, 39 seconds E a distance of 321.02 feet to a point; thence S 86 degrees, 06 minutes, 21 seconds E a distance of 92.49 feet to the point of beginning; all as shown on plat

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of survey by Sterling Mandle, R.L.S., dated March 4, 1982,
revised and recertified August 18, 1982;

WHEREAS, by Declaration Creating and Establishing Condominium Property Regime executed on March 17, 1982, registered on March 18, 1982 in the Conveyance Office of the Parish of Jefferson, State of Louisiana, in COB 1021, folio 817, Appearer submitted the above described real estate, together with all buildings and improvements and other permanent fixtures of whatsoever kind thereon, and all rights and privileges belonging or in anywise appertaining thereto to the provisions of the Louisiana Condominium Act (LSA R.S. 9:1121, et seq.); and

WHEREAS, Appearer desires to amend the aforesaid Declaration as contemplated by its original terms, particularly with respect to Article XII, Paragraph 3 thereof and further with respect to Article I, paragraph 9, subparagraph (h) thereof;

NOW THEREFORE, Appearer hereby declares that contrary provisions in the original Declaration notwithstanding, Declarant now wishes to amend Article I, paragraph 9, subparagraph (h) by deleting said subparagraph (h) of Article I, paragraph 9 from the Declaration Creating and Establishing the Condominium Property Regime for Avant Garde, a Condominium.

AND FURTHER, appearer desires to amend said Declaration by amending the beginning paragraph of Article X to delete the following language:

"with the exception that Declarant shall be partially exempt from the payment of his share of the annual operating budget to the extent that on the unsold units belonging to the Declarant, Declarant shall be only obligated to pay its percentage of the insurance premium covering the Common Elements and Condominium Units, provided, however, that the Declarant, during the time of ownership of any remaining condominium units, must contribute to the operating budget when necessary and as may be required from time to time to compensate for any deficiency in the operating budget occasioned by non-assessment of the Declarant and"

so that said paragraph shall now and henceforth read as follows:

"Assessments against the Unit Owners individually, including the Declarant, shall be made by the Board of Directors of the Association and paid by the Unit Owners to the Association except for its responsibilities as a unit owner as provided for herein, Declarant shall not have any responsibilities for the maintenance, repair or replacement of any part of the Common Elements after the date the Declarant conveys title to the first purchaser of the unit in accordance with the following provisions."

AND FURTHER, appearer in accord with the terms and provisions of Article III of the Declaration desires to amend Exhibit D of said Declaration to read as follows:

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"Each Unit Owner's percentage ownership in the Common Elements and share in the Common Expenses shall consist of a 1/X interest where X shall be defined as the total number of units in the condominium development as provided for under the terms and provisions of Article XIII "Phase Construction" of the Declaration.

In like manner appearer desires to amend Article II Paragraph 7 to read as follows:

"7. Undivided Ownership Interests of Unit Owners in Common Elements. Each Unit Owner's percentage ownership in the Common Elements and share in the Common Expenses shall consist of a 1/X interest where X shall be defined as the total number of units in the Condominium development as provided for under the terms and provisions of Article XIII 'Phase Construction' and Exhibit D of this Declaration as amended. Said ownership interest shall be an undivided interest in accord with said percentage or fractional interest. The percentage of undivided interest in the common areas allocable to each Unit shall be allocated equally to each Unit."

Appearer further wishes to clarify the terms of Section 3, Paragraph C as follows:

Notwithstanding anything contained in Section 3, Paragraph C to the contrary, Appearer as Declarant shall relinquish all special rights, expressed or implied, through which the Declarant may directly or indirectly control, direct, modify or veto any action of the owners association, its executive board or a majority of the unit owners, and control of the owners association shall pass to the owners of units within the project not later than the earlier of the following:

- (a) 120 days after the date by which 75% of the units have been conveyed to the unit purchasers, or
- (b) three years from the date of conveyance of the first unit in phase 1 to a unit purchaser.

THUS DONE AND PASSED in my office in the Parish of Jefferson on the day, month and year herein first above written, in the presence of the undersigned competent witnesses and me, Notary, after reading of the whole.

WITNESSES:

DONALD C. OSTER & ASSOCIATES, INC.

Karen R. Mayne
Donna T. Siebenman

BY: Donald C. Oster, Jr.
DONALD C. OSTER, JR., VICE PRESIDENT

George L. Gibbs
GEORGE L. GIBBS, NOTARY PUBLIC