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RESTATED DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
OAK HARBOR SUBDIVISION  
ST. TAMMANY PARISH, LOUISIANA

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OAK HARBOR SUBDIVISION  
ST. TAMMANY PARISH, LOUISIANA

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LIST OF EXHIBITS

EXHIBIT "A" Resolution of the Board of Directors of Landmark  
Land Company of Louisiana, Inc.

EXHIBIT "B" Description of Real Property Initially Subject Hereto

EXHIBIT "C" Development Plan

RESTATED DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
OAK HARBOR SUBDIVISION  
ST. TAMMANY PARISH, LOUISIANA

STATE OF LOUISIANA  
PARISH OF ORLEANS

BE IT KNOWN, that on this 26th day of June, 1989,  
BEFORE ME, a Notary Public, duly commissioned and  
qualified, in and for the Parish of Orleans, State of Louisiana,  
therein residing, and in the presence of the Witnesses  
hereinafter named and undersigned,

PERSONALLY CAME AND APPEARED: Landmark Land Company of  
Louisiana, Inc., a corporation organized under the laws of the  
State of Louisiana, domiciled in the Parish of St. John the  
Baptist, State of Louisiana, whose mailing address is Suite 1410,  
201 St. Charles Avenue, New Orleans, Louisiana 70170, herein  
appearing through John E. Kushner, its duly authorized President  
\_\_\_\_\_, by virtue of a resolution of the Board of  
Directors of said Corporation, a copy of which is attached hereto  
as Exhibit "A", which said appearer did declare as follows:

WITNESSETH:

WHEREAS, Declarant is the record owner of the real  
property herein described in Exhibit "B" of this Declaration, and  
desires to create thereon the first stage of a planned  
development of portions of the area known as Oak Harbor (formerly  
known as Eden Isles) St. Tammany Parish, Louisiana, such

development to have a planned mix of land uses. Exhibit "B" also contains a list of private properties subject to this declaration; and

WHEREAS, Declarant has established a general plan for the subdivision, improvement, and use of the Properties, as hereinafter described, and the lots therein, in order to secure the uniform subdivision, improvement, and use of the Properties as a part of a planned development, and desires to subject the Properties to certain covenants, conditions, and restrictions; and

WHEREAS, Declarant intends to (but shall not be required to) develop and improve the real property which is or in the future may be subject to this Declaration, and to provide for planned mixed uses, including but not limited to, residential, commercial, recreational, institutional and multi-use, according to a development plan for the Properties; and

WHEREAS, Declarant desires to provide for preserving and enhancing the value, desirability, and attractiveness of the Properties, promoting the general health, safety and welfare of Owners, and maintaining the land and the improvements thereon; and

WHEREAS, to accomplish the purposes set forth herein, Oak Harbor Property Owners' Association, Inc., a nonprofit corporation, has been or will be incorporated under the laws of the State of Louisiana; and

WHEREAS, Declarant intends that all lots and property

within the Properties shall be conveyed subject to the covenants, conditions, and restrictions that are hereinafter set forth, and those that may be further imposed at a later date by Declarant subject to the regulations set forth in Section 2.0905 of St. Tammany Parish Land Use Regulation Zoning Ordinance No. 523 and also to the other Governing Documents, as hereinafter defined, the provisions of all of which shall run with the land; and

WHEREAS, the covenants, conditions and restrictions hereinafter set forth shall restate in their entirety those covenants, conditions and restrictions set forth in the Primary Declaration of Covenants, Conditions and Restrictions registered on June 1, 1984 in Conveyance Office Book 1154, folio 478 of the Official Records of the Parish of St. Tammany, which Primary Declaration was amended by Act dated \_\_\_\_\_, 19\_\_ and registered on \_\_\_\_\_, 19\_\_ in Conveyance Office Book \_\_\_\_\_, folio \_\_\_\_\_ of the Official Records of the Parish of St. Tammany.

NOW, THEREFORE, Declarant declares that the Properties shall be subject to the covenants, conditions and restrictions hereinafter set forth, as a part of and pursuant to a general plan for the planned development of the Properties.

#### ARTICLE I

#### DEFINITIONS

For the purposes of this Declaration the following explanations and definitions of words, terms, and phrases shall govern:

Section 1. ARCHITECTURAL GUIDELINES shall mean the guidelines established by the Architectural Review Committee.

Section 2. ARCHITECTURAL REVIEW COMMITTEE, also referred to as the ARC, shall mean the committee established pursuant to Article VII of this Declaration.

Section 3. APPROVAL shall mean the issuance by any public agency or Institutional Lender of required written approval, or any written waiver of required approval rights or a letter of "no objection", or the failure, upon request for approval, to respond within a reasonable time after such request.

Section 4. ARTICLES shall mean the Articles of Incorporation of the Oak Harbor Property Owners' Association, Inc.

Section 5. ASSESSMENTS shall refer individually, severally, and collectively to the assessments provided for by this Declaration.

Section 6. ASSOCIATION shall mean the Oak Harbor Property Owners' Association, Inc., a nonprofit Louisiana corporation, its successors, and assigns.

Section 7. ASSOCIATION RULES shall mean the rules and regulations adopted by the Association pursuant to the terms of the Governing Documents.

Section 8. BOARD shall mean the Board of Directors of the Association.

Section 9. BOOK OF RESOLUTIONS shall mean the collection of policies, rules and regulations of the Association,

as such may be amended from time to time.

Section 10. BYLAWS shall mean the Bylaws of the Association.

Section 11. COMMON AREAS shall mean all real property, and the improvements or excavations thereon, owned or leased by the Association, or over which the Association has a servitude, or over which the Association may acquire an interest, and intended to be utilized for the common use and enjoyment of Members, which shall be deeded to the Association at such time that the Subdivision Map of the subdivision in which such property is located is recorded in the Official Records of the Parish of St. Tammany.

Section 12. COMMON EXPENSES shall mean the actual and estimated cost of:

(a) Maintenance, management, and operation of the Common Areas;

(b) Unpaid Assessments;

(c) Costs of management and administration of the Association, including, but not limited to, compensation paid by the Association to managers, accountants, attorneys, agents, and employees;

(d) Costs of services which the Board may from time to time deem to benefit the Properties;

(e) The costs of insurance obtained by the Association;

(f) Reasonable reserves as deemed appropriate by



the Board;

(g) The cost of bonding members of the Board, any professional managing agent, or any other person handling the funds of the Association;

(h) Taxes paid by the Association;

(i) Amounts paid to discharge any lien or encumbrance against the properties administered by the Association;

(j) Costs incurred by any Board committees; and

(k) Other expenses incurred by the Association for any reason whatsoever in connection with the cost of discharging any right, power or duty of the Association provided for in the Governing Documents, or in furtherance of the purposes of the Association, or in the discharge of any rights, duties or powers of the Association.

Section 13. DECLARANT shall mean Landmark Land Company of Louisiana, Inc. and its expressly designated appointees, if any, and its successors and assigns; provided, however, that no successor or assignee of the Declarant shall have any rights, powers or duties of the Declarant hereunder unless such rights, powers and duties are specifically set forth in the instrument of succession or assignment or unless such rights, powers and duties pass by operation of law.

Section 14. DECLARATION shall mean this Restated Declaration of Covenants, Conditions, and Restrictions as

recorded in the office of the Clerk of Court, Parish of St. Tammany, State of Louisiana, and any recorded amendments and supplements thereto.

Section 15. DEVELOPMENT PLAN shall mean and refer to the land as illustrated in Exhibit "C" hereof, as such may be amended from time to time subject to the regulations set forth in Section 2.0905 of the St. Tammany Parish Land Use Regulation Zoning Ordinance No. 523.

Section 16. FEDERAL MORTGAGE AGENCIES shall mean and refer to those Federal Agencies who have or come to have an interest in the Properties, possibly including but not limited to, the Federal Housing Administration, the Veterans Administration, the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, or successors to their interests.

Section 17. FIRST MORTGAGEE shall mean and refer to an Institutional Lender who holds the first mortgage on a Lot or Unit and who has notified the Association of its holdings.

Section 18. FOUNDING DOCUMENTS shall mean collectively, severally, and individually, the Articles, Bylaws, this Declaration and applicable Supplementary Declarations, all as initially drawn and all as may be duly amended from time to time.

Section 19. GOVERNING DOCUMENTS shall mean collectively, severally and individually, the Founding Documents, the Architectural Guidelines and the Book of Resolutions, as such

may be amended from time to time.

Section 20. IMPROVEMENTS shall mean all structures and appurtenances thereto of every type and kind, including but not limited to: buildings, outbuildings, garages, swimming pools, irrigation and drainage devices or systems, landscaping, plantings, windbreaks, trees, shrubs, fences, screening walls, retaining walls, sidewalks, animal enclosures, poles, works within Common Areas, light standards, recreational facilities and streets and parking areas.

Section 21. INSTITUTIONAL LENDER shall mean and refer to one or more commercial or savings banks, savings and loan associations, trust companies, credit unions, industrial loan associations, insurance companies, pension funds, business trusts, or other similar lenders, including but not limited to real estate investment trusts, any other lender regularly engaged in financing the purchase, construction or improvement of real estate, or any assignee of loans made by such a lender, or any private governmental institution which has insured a loan of such a lender, or any combination of any of the foregoing entities.

Section 22. LOT shall mean any plot of land shown upon any recorded Subdivision Map of the Properties, with the exception of Common Areas as heretofore defined, and any unit that may be created under applicable state law, as such may be amended from time to time.

Section 23. MEMBER shall mean every person who qualifies for membership in the Association, pursuant to this

Declaration.

Section 24. MORTGAGE shall mean a conventional mortgage against any Lot to secure the performance of an obligation. MORTGAGEE shall mean a person or entity to whom a Mortgage is made. MORTGAGOR shall mean a person or entity who mortgages his/her property to another, i.e., to a Mortgagee.

Section 25. NOTICE shall mean (1) written notice delivered personally or mailed to the last known address of the intended recipient or (2) notice published once a week for two weeks in a newspaper of general circulation in St. Tammany Parish.

Section 26. OCCUPANT shall mean the occupant of a Unit who shall be the Lot Owner, a contract purchaser, or a lessee who holds a written lease having an initial term of at least twelve (12) months.

Section 27. OWNER shall mean one or more persons or entities, who alone, collectively or cooperatively own a Lot, but excluding any person or entity who holds such interest merely as a security for the performance of an obligation, including a Mortgagee, unless and until such person has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

Section 28. PROPERTIES shall mean all of the real property initially subject to this Declaration, together with such other real property as may from time to time be annexed thereto under the provisions of this Declaration.

Section 29. QUORUM OF MEMBERS shall mean the

representation by presence or proxy of Members who hold twenty-five percent (25%) of the memberships.

Section 30. RESTRICTED COMMON AREAS shall mean those portions of the Common Area which are designated for use by less than all the Members of the Association.

Section 31. SUBDIVISION MAPS shall mean the official maps that subdivide the Properties which are, or will be in the future, recorded in the office of the Clerk of Court, St. Tammany Parish.

Section 32. SUPPLEMENTARY DECLARATION shall mean any declaration of covenants, conditions and restrictions that may be recorded, that subjects real property wholly owned by Declarant and presently subject to this Declaration and subjects additional real property to this Declaration and extends the provisions of this Declaration to said additional real property and/or otherwise imposes covenants, conditions and restrictions on said real property wholly owned by Declarant and presently subject to this Declaration and subjects said additional real property subject to the regulations set forth in Section 2.0905 of St. Tammany Parish Land Use Regulation Zoning Ordinance No. 523.

Section 33. UNIT shall mean any structure or a portion of a structure situated upon the Properties.

Section 34. UNIT CLASS shall mean each class of development as set forth in Article V.

ARTICLE II

PROPERTY SUBJECT TO THIS DECLARATION

A. The Properties. The real property which is or shall be initially subject to this Declaration is located in the Parish of St. Tammany, State of Louisiana, as more particularly described in Exhibit "B".

B. Additions to Existing Property. Additional properties may be subjected to this Declaration in the following manner:

(1) Additions by the Declarant. The Declarant shall have the right to subject to this Declaration any additional property which lies within the land area represented by the Development Plan, as it may be amended from time to time, subject to the regulations set forth in Section 2.0905 of St. Tammany Parish Land Use Regulation Zoning Ordinance No. 523, provided that Declarant is the owner of at least one lot then subject to this Declaration. Declarant does not warrant development of the land covered by the Development Plan, and Declarant is not required to subject any land, within the geographic boundaries of the Development Plan, to this Declaration. Under no circumstances shall Declarant be obligated to subject any portion of the area covered by the Development Plan to this Declaration or to develop such property, other than the property initially subjected to the Declaration as of the date of recordation hereof. Declarant may, from time to time, subject all, or any part of, the land covered by the Development Plan to the provisions of this Declaration. Upon request of the

Federal Mortgage Agencies or the Association, the Declarant shall provide a statement that shall set forth an estimate of the net additional operating costs expected to result from the annexation and an estimate of the expected increase in user load, if any, upon existing developed recreation facilities. Said estimate shall not be binding upon Declarant. In any event, the Declarant shall provide to the Association written notice of such annexation when it occurs.

(2) Other Additions. Additional land, other than as provided above, may be annexed to the Properties, and become a part thereof, upon approval of the Board of Directors of the Association subject to the regulations set forth in Section 2.0905 of St. Tammany Parish Land Use Regulation Zoning Ordinance No. 523.

The additions authorized under subsections (1) and (2) shall be made by complying with any requirements of the zoning ordinances of St. Tammany Parish, Louisiana, by filing of record one or more Supplementary Declarations with respect to the additional property and by filing with the Association the preliminary plat for such additions.

(3) The Declarant shall have the right to subject real property wholly owned by Declarant and presently subject to this Declaration to a Supplemental Declaration which otherwise imposes covenants, conditions, and restrictions on said property subject to the regulations set forth in Section 2.0905 of St. Tammany Parish Land Use Regulation Zoning Ordinance No. 523.