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ACT OF RESTRICTIONS

COB FILE OTHER \_\_\_\_\_

PELICAN POINT GOLF COMMUNITY, 9<sup>th</sup> FILING CLERK

BY CLERK IN RECORDER  
RIVER WINDS

Filing 9  
River winds  
Ph.1

PHASE 1

STATE OF LOUISIANA

PARISH OF ASCENSION

Before me, the undersigned authority, as Notary in and for the Parish of Ascension, State of Louisiana duly commissioned, qualified and residing in said parish and state, personally came and appeared:

Pelican Point Properties, LLC., a Maryland Limited Liability Company domiciled and doing business in the Parish of Ascension, herein represented by Douglas A. Diez, its duly authorized Managing Partner by virtue of resolution of its Board of Directors recorded in File No. \_\_\_\_\_ Of Ascension Parish records.

which declares that it is the owner of a certain tract or parcel of ground situated in Sections 6 & 7, Township 10 South, Range 3 East, SED, Ascension Parish, Louisiana, containing 594.079 acres, said tract is currently being developed by Developer into Pelican Point Golf Community, which will contain 27 residential lots to be designated on the final plat of the Ninth Filing of Pelican Point Golf Community. Developer hereby establishes certain building restrictions and conditions for the benefit of said property and properties, or any part thereof, it being the intention of Developer to establish these restrictions and conditions as servitudes and covenants running with the land, and encumbering existing and future residential lots which comprise or will comprise said filings of Pelican Point Golf Community, said restrictions being set forth out as follows, to-wit:

1. All of the lots contained in said subdivision are hereby designated as residential lots and restricted to residential use only unless specifically noted by developer. No building shall be erected, altered, placed or permitted to remain on any of said lots other than one (1) detached single family dwelling not to exceed 2 1/2 stories in height and a private garage for not more than four (4) automobiles and not less than two (2) automobiles. A lot cannot be used to connect to an adjoining property not owned by Pelican Point Properties, LLC.
2. All driveways must be completed upon completion of the home. Driveways shall be constructed no closer than one foot (1') from the side property line. Driveways must be constructed of concrete pavers such as the manufactured by Pavestone, UNI Ecostone, and Acker-Stone, or stamped concrete, or some sort of ACC approved architecturally sound concrete color and design. Driveways must have a minimum width of eleven feet (11'), have a depth of 4 inches (4") and flare to a minimum of fifteen feet (15'), but not more than eighteen feet (18'). The driveway turning radius shall not be less than twenty-one feet (21'). No driveway shall be permitted adjacent to another except where the configuration of lots dictates it necessary and then must be approved by the Architectural Control Committee.
3. There shall be a minimum of Four Thousand (4000) total under roof area for all River Winds Estates. No carports will be allowed in this area of Pelican Point Golf Community. No garages on the fairways may be entered from the rear (golf course fairway side) and none shall face directly to the street unless it compromises the integrity of the home to do otherwise. Side load garages in the rear are acceptable provided they do not go beyond the building line of the main house (no garages protruding into the rear yard). Garages must include automatic doors with a minimum of 8' height metal (no glass), and these shall remain closed. The committee may approve front load garages. Additional autos, trucks,

boats, trailers, etc. may not be stored on any residential lot except in an acceptable enclosed structure approved by the ACC.

4. No buildings shall be located on any lot nearer to the front, rear, or side property line than the building line dictated by the ACC or the Developer. For the purpose of covenant, eaves, steps and open porches shall not be considered as part of the building, provided, however, that this shall not be construed to allow any portion of a building on a lot to encroach upon another lot. Front setbacks will vary from 25' to 50'. Detached garages and accessory buildings, if approved by the Architectural Control Committee shall not be erected closer to any sideline than twelve-feet (12') nor nearer than twenty-five feet (25') to the rear lot line. Variances to both the side and front setback lines must be approved by the developer or the ACC. If a side servitude is greater than the Parish minimum side setback, a home can be built just inside the said servitude.

5. No building shall be erected, placed or altered on any lot until two (2) complete sets of construction plans (one to be kept by the ACC), specifications, and a plot plan showing the location of the structure to be so erected, placed or altered has been submitted to and approved in writing by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures and as to location with respect to topography and finish grade elevation. In an effort to avoid unnecessary changes at a later date, it is required that "preliminary" plans consisting of the site plan, floor plans and elevations be submitted for approval prior to submittal of final plans. Any ACC modifications may then be included in the final plans.

At the time of "preliminary" plan submittal, a \$3500.00 check must be submitted for deposit into the ACC escrow account. This deposit will be returned minus the cost of a certified inspection (\$250.00) after the home and landscaping is complete, inspected and signed off as meeting all restrictions and ACC requirements. (\$3250.00 eligible to be refunded.) A non-refundable sewer impact and connection fee of \$1000.00 will also be due at this time (See #10).

The Architectural Control Committee may impose other appropriate and reasonable standards for exterior finish and materials, which it may deem undesirable or which in its discretion detracts from the value of the building or structure itself or the surrounding properties, the general appearance of the neighborhood or the value of the adjacent structures. Any future alterations and/or improvements to the property must be submitted to and approved in writing by the HOA-ACC (including but not limited to fences, landscaping, gardens, etc.).

Corner lots 479 and 505 will need special side elevations with a "secondary entrance" and detailing on the side facing River Winds Lane.

6. All exterior colors including roof are to be submitted to the ACC for approval, no later than the "black in" stage of constructions.
7. All swimming pools and necessary fencing shall be submitted to the ACC for approval. All swimming pools shall be a minimum of fifteen feet (15') off of the rear property line on lots adjacent to the golf course.
8. Two (2) sets of landscape plans and specifications showing the name and location of all plant material, including quantity, quality, size and bed preparation shall be submitted for approval. Homeowners are encouraged to submit landscape plans with their house plans but must be submitted no later than black in stage of residence as it could take as much as ten (10) weeks for the review process.

The following are minimum landscape requirements within Pelican Point Golf Community.

1. The owner shall plant one (1) tree per two thousand (2000) square feet of lot area. Average lot size is 110' x 140'; therefore, 15,400 square feet would mean eight (8) trees per lot. Of these seventy-five percent (75%-rounded upward) must

be "large" trees (see list). The remaining trees can be "medium or small" trees. These trees must be a minimum of ten to twelve feet (10'-12') in height and a minimum of three-inch (3") caliper (measured at 12" above the ground). Multi-trunk trees shall have a minimum of three (3) trunks with a 3/4" to 1" caliper per trunk. Credit will be given for existing trees on lots; therefore, the number of trees required may vary as approved by the ACC.

2. Fifty percent (50%) of these large trees shall be planted in front of lots and the remaining trees shall be planted in the rear. Additional trees may be required on corner lots as requested by the ACC.
3. The owner shall plant a minimum of two hundred (200) shrubs with a minimum size of three (3) gallon container. Fifty percent (50%) of these must be planted in the front yard.
4. The owner must sod the entire front, side, and rear yards of lot with centipede sod. No other varieties will be allowed.
5. All homeowners in River Winds Estates will be required to install irrigation systems for all of their flowerbeds and grass.
6. All homeowners in River Winds Estates will be required to install architecturally sound rear patios, and landscaping equal to or better than the three Parkway models (Lots 23-24-25). All homeowners in River Winds Estates should budget a minimum of \$25,000 for landscaping, patios, fountains, sod, and irrigation.
7. All air conditioning compressors, utility boxes, pool equipment and gas meters must be screened from the front, side, and golf view by evergreen shrubs a minimum of four feet in height, or at least as high as the object being screened.

All landscaping and sod must be installed within thirty (30) days after completion of residence or prior to occupancy, whichever comes first. If landscaping and sodding is not completed within this time frame, the \$3250.00 deposit will be forfeited and placed in River Winds Beautification Fund. Requirements listed may be altered by the ACC based on quantity and overall appearance and design. PPGC wants to allow creative design among the landscapes. Although these are minimum design criteria, the ACC recommends that the homeowner go beyond these requirements. Seasonal color should be provided in several areas in the front yards to create colorful street appeal while driving through PPGC. Landscapes must be maintained at all times. If maintenance becomes a problem and a residence is seen as an "eye sore" to the community, the ACC will take necessary action to maintain the landscaping and charge the homeowners for all fees associated.

The following is a list of suggested trees. Other trees may be approved by the ACC. Trees, especially large trees, provide the core of the community. As these large trees mature, they increase property value and increase one's desire to be a resident of Pelican Point Golf Community.

#### LARGE TREES

Live Oak	Southern Red Oak	Willow Oak
Nuttall Oak	Tulip Tree	Southern Magnolia
White Oak	Bald Cypress (excellent near lakes)	

#### MEDIUM TREES

River Birch	Drake Elm	Red Maple
Bradford Pear	American Holly	Savannah Holly
Silver Maple	Sweetbay Magnolia	Weeping Willow(excellent near lake edges)

Pines (may be used on rear lots of perimeter lots and golf course lots in clusters and as approved by the ACC, but will not be allowed as a major design component of landscape)

#### SMALL TREES

Crepe Myrtle	Yaupon Holly	Chinese Redbud
Wax Myrtle	Sweet Olive	Chinese Parasol Tree
Windmill Palm	Japanese Maple	Cherry Laurel
Oriental Magnolia	Southern Crabapple	Parsley Hawthorn
Purple Leaf Plum	Sasanqua Carnellia	

9. No construction project will be allowed to drag on. New homes must be constructed within a nine- month period. Construction hours are Monday through Saturday 7:00 a.m. – 6:00 p.m. only.
10. These covenants prohibit the subdivision of lots from any dimensions other than those shown on the official recorded plat, provided, however, that this covenant shall not prohibit the use of more than one (1) lot for one (1) residence. Notwithstanding this prohibition to the subdivision of lots, any lot or lots may be subdivided only with the express written consent and permission of the developer.
11. Pelican Point Golf Community will be served by underground electric distribution system.
12. The Pelican Point Golf Community will be served by a community sewer system, in accordance with Parish and State regulations. Individual sewer systems are not permitted on any lot or lots. A sewer impact and connection fee of \$1000.00 will be collected by the Pelican Point Architectural Control Committee and turned over to the developer before plans will be approved. A monthly user fee will be set up by the Public Service Commission.
13. Water will be made available to each lot owner by arrangements with the Water Works company in accordance with its rates and requirements; and requirements of the Ascension Parish Health Unit and the State Board of Health.
14. Each home shall have at least one exterior gas lantern located on the front of the home. Gas service will be made available to each lot owner by arrangements with the designated Natural Gas Company in accordance with its rates and requirements; and requirements of the Ascension Parish Health Unit and State Board of Health.
15. The minimum roof pitch shall be architecturally sound, and must be approved by the Architectural Control Committee.
16. All residences shall be constructed with a minimum of 10' ceilings on the first floor, unless otherwise approved by the Architectural Control Committee.
17. Fireplace flues and chimneys shall be covered with the same materials as used on the exterior of the residence (plaster and brick acceptable). Fireplaces shall have copper or bronze chimney caps unless otherwise approved by the Architectural Control Committee.
18. Front landscape fencing is encouraged. Front fencing must be a minimum of eight feet (8") from the curb and the body of the fence must be no higher than six feet (6"). All fencing material must be wrought iron, stone, aluminum, brick or stucco, unless otherwise approved by the Architectural Control Committee. Only black aluminum or wrought iron or similar fencing will be constructed across the property line of each lot facing the golf course as designed by the Architectural Control Committee. The above materials may be used in the side fencing. Side yard fences on golf course and lake lots shall be wrought iron or similar fencing so as not to block views of neighboring homes.
19. All exterior exposed posts and columns shall be a minimum of twelve inches (12") in

diameter.

20. Each River Winds home will be subject to the scrutiny of high architectural standards and curb appeal, and must be approved as so. Only classic, time tested, historical styles will be approved. Traditional, Southern, Acadian, French and Mediterranean styles will be encouraged. In general Contemporary architecture will not be approved, as it would not blend well with the concept of River Winds.
21. Architectural shingles as approved by the Architectural Control Committee, shall be used on each house in lieu of standard 215# fiberglass shingles. Slate and tile roofs will also be acceptable. Any other type of roof must be approved by the Architectural Control Committee. No steel or aluminum roofs are allowed. All roof penetrations are to be to the rear, or least conspicuous location when possible, and all are to be painted the color of the roof (not black).  
  
False dormers will require the framing to be "blacked out"—painted black, or inexpensive curtains installed. Tinted glass may also be used for this purpose, but exposed framing must not be seen from the street.
22. The exterior of all homes shall consist of old brick as approved by the ACC, and/or real stucco/plaster. Siding as approved by the ACC is only allowed under covered porches and must not comprise of more than 10% of the home's exterior.
23. All windows on River Winds Estates homes must be of wood, vinyl clad, or dimensional vinyl, and approved by the ACC. Anderson Windows are recommended. If vinyl clad windows are used, appropriate brick moulding is required on all windows. All shutters shall be wood and operable with appropriate hardware including "S" hooks. However, shutters designed to be permanently fixed, closed shutters are allowed. All exterior doors on the front, corner and golf course shall be wood.
24. All homes must be pre-wired for security systems.
25. Only black cast aluminum mailboxes will be allowed. Style to be selected by the Architectural Control Committee.
26. Only one framed sign approximately 30" x 48" will be allowed during construction, and immediately after construction if house is a "spec" house. The sign shall include such information as the real estate company/agent, builder, architect, designers, plumbing contractor, electrical contractor, Lot Number, and anything required to be posted by the Ascension Parish Inspection Department (see attachment). After this initial period, only approved "for sale" signs will be allowed. No other signs will be allowed on any lots for any reason including, but not limited to house, cars, boats, travel trailers, furniture, clothing, etc. Also, no political/election signs are allowed.
27. Cutting down or removal of any tree or trees from any lot or parcel is prohibited without first obtaining the approval (in writing) of the Architectural Control Committee. Placement of any object on any tree or trees is prohibited.
28. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded subdivision plat. Lots shall be graded to direct drainage to the street or rear of lot unless otherwise shown on the approved drainage layout for each parcel. Contractors shall adhere to all requirements shown on this drainage layout.
29. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence, either temporary or permanent. Above ground pools are not allowed. No detached structure will be allowed without first having been approved by the Architectural Control Committee, and any such building must conform in every respect, including materials, with the exterior construction of the residence constructed on the same lot. For development of future filings and sale of lots, the developer is allowed to place a temporary office or sales tent on the property

30. No rubbish, trash, garbage or other waste materials may be accumulated or dumped or maintained on any lot of the subdivision. Garbage containers may not be placed near street more than one (1) day prior to scheduled pickup. Lot owners shall keep their respective lots mowed and free of weeds and trash. In the event that an owner fails to discharge this obligation after ten (10) days written notice, the ACC, or its representative, may, at its discretion, cause the lot to be mowed and may demand and sue for reimbursement for such cost, including legal fees and legal interest from the date of demand. Contractors are to ensure that concrete trucks do not wash out anywhere inside the community. Contractors are also responsible for adequate erosion control and/or soil washing into the streets or lakes.
31. No building materials and no building equipment of any kind may be placed or stored on any lot except in the actual course of construction of a residence or other building thereon.
32. No boats, vehicles, campers, motor homes, or trailers of any kind, or parts of appurtenances thereof, may be kept, stored, repaired or maintained on any street or on any lot nearer to the street than the minimum building setback line and in no event shall the same be kept stored, repaired or maintained in any manner which would detract from the appearance of both the individual lot and the subdivision. These same items may not be stored on any residential lot except in an enclosed structure approved by the ACC.
33. In order to protect each purchaser's investment, each lot owner shall be required to become an automatic member of Pelican Point Golf Community's Homeowners Association and immediately assume the responsibilities by abiding by its rules and regulations, and promptly contributing membership dues as set by the Association. The Homeowners Association shall enforce the subdivision restrictions, represent the subdivision in any public matter affecting the subdivision, private servitudes of passage, promote subdivision activities, and provide for the maintenance of subdivision entrances, common areas, lakes, and ponds. The Homeowners Association will collect yearly dues fixed by the Board of Directors. Until the Board of Directors sets a different amount, the yearly dues shall be \$360.00 per lot plus River Winds Estates will have extra dues of \$360 per lot earmarked only for River Winds to cover gate, premium landscaping expenses, and the private street. These will be due in full annually prior to June 15<sup>th</sup>. Lien rights will exist to enforce the collection of dues. Dues shall be collected starting from the purchase of the lot.
34. No commercial, no noxious, or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. No outdoor parties or outdoor music be allowed past 9:00 p.m., and will not be allowed at all if it becomes an annoyance or a nuisance to the neighborhood.
35. No outside lines or clotheslines, outside television antennas, satellite dishes, above ground improvements or hanging devices shall be allowed without the written consent of the ACC evidenced by a majority vote thereof.
36. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept on the owner's property, provided that they are not kept, bred or maintained for commercial purpose in such numbers or conditions as may be offensive to other property owners in the subdivision. Household pets are to be kept in their yard. They will not be allowed to run free in Pelican Point Golf Community. Pets will be on a leash when taking a walk with their owner.
37. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots shall have been recorded agreeing to change said covenants in whole or part.

