

ANDREW JOFFE,
C/O MIDDLEBERG & RIDDLE
3131 I-10 Service Road East
Metairie, Louisiana 70002

FIFTH AMENDMENT TO
CONDOMINIUM DECLARATION
OF
AVANT GARDE, A CONDOMINIUM

83-08787

UNITED STATES OF AMERICA
STATE OF LOUISIANA
PARISH OF JEFFERSON

8308787
FILED FOR RECORD
CLERK OF COURT
PARISH OF JEFFERSON, LA

BE IT KNOWN, that on this 14th day of March in the year of our Lord 1983 and of the Independence of the United States of America the 109th, One Thousand Nine Hundred and Eighty-three,

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

PERSONALLY CAME AND APPEARED:

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

WHEREAS, Appearer and his 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:

1.

ONE CERTAIN TRACT OF LAND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in CHATEAU ESTATES, CITY OF KENNER, PARISH OF JEFFERSON, STATE OF LOUISIANA, in that part thereof designated as PHASE I 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 the westerly right of way line of Holly Heights Drive and the Southerly line of West Esplanade Avenue. From said Point of Beginning, run thence N 74 degrees 43 minutes 46 seconds, along the southerly line of West Esplanade Ave., 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 W, a distance of 36.12 feet to a point; 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 feet to a 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 S 86 degrees 06 minutes 21 seconds E, a distance of 222 feet to a point on the westerly right of way line of Holly Heights Drive; thence N 03 degrees 59 minutes 39 seconds E, along said right of way line, a distance of 161.36 feet to a point; thence continuing along said right of way line, along a curve to the right having a radius of 1530.95 feet, an arc distance of 177.67 feet to a point; thence N 74 degrees 43 minutes 46 seconds W, a distance of 142.21 feet to a point; thence N 29 degrees 43 minutes 46 seconds W, a distance of 25.46 feet to a point; thence N 70 degrees 37 minutes 11 seconds W, a distance of 138.43 feet to a point; thence N 29 degrees 43 minutes 46 seconds W, a distance of 23.92 feet to a point; thence N 15 degrees 16 minutes 14 seconds E, a distance of 105 feet to the Point of Beginning. PHASE I is bounded by Holly Heights Drive, West Esplanade Avenue, Greater Holly Heights, Section 1, and Ole Miss Drive.

2.

ONE CERTAIN TRACT OF LAND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated

Instrument: 8308787

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in CHATEAU ESTATES, CITY OF KENNER, PARISH OF JEFFERSON, STATE OF LOUISIANA, in that part thereof designated as SUBPHASE 1 OF PHASE 11 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 the westerly right of way line of Holly Heights Drive and the southerly line of West Esplanade Avenue; thence along said line of West Esplanade Ave., 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 W, a distance of 36.12 feet 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 feet to a 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 a plat of survey by Sterling Mandle, dated March 4, 1982, revised and recertified August 18, 1982.

3.

ONE CERTAIN TRACT OF LAND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in CHATEAU ESTATES, CITY OF KENNER, PARISH OF JEFFERSON, STATE OF LOUISIANA. Said tract of land commences at a point lying N 74 degrees 43 minutes 46 seconds W, a distance of 380 feet from the corner of the westerly right of way line of Holly Heights Drive and the southerly line of West Esplanade Avenue, the Point of Beginning; thence along the southerly line of West Esplanade Ave., N 74 degrees 43 minutes 46 seconds W, a distance of 195 feet to a point; thence N 86 degrees 06 minutes 21 seconds W, a distance of 31.05 feet to a point; thence S 03 degrees 59 minutes 39 seconds W, a distance of 155.98 feet to a point; thence S 86 degrees 06 minutes 21 seconds E, a distance of 198.61 feet to a point; thence N 15 degrees 16 minutes 14 seconds E, a distance of 120 feet to the Point of Beginning; all as shown on a plat of survey by Sterling Mandle, dated January 6, 1983.

AND 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, in COB 1021, folio 817, as amended by acts in COB 1032, folio 620, COB 1033, folio 279, and COB 1040, folios 184 and 530, Appearer submitted the above described real estate to the provisions of the Louisiana Condominium Act (La. R. S. 9:1121, et seq.)

AND WHEREAS, Appearer is the owner of certain additional real estate adjoining portions of the above described real estate, which additional property is more particularly described as follows:

ONE CERTAIN TRACT OF LAND, together with all the buildings and improvements thereon, and all the rights, ways, privileges, servitudes and appurtenances thereunto belonging or in anywise appertaining, situated in CHATEAU ESTATES, CITY OF KENNER, PARISH OF JEFFERSON, STATE OF LOUISIANA, in that part thereof designated as SUBPHASE 2 of PHASE 2 of LOT X-2. Said tract of land is more particularly described as follows: Commencing at the intersection of the westerly line of Holly Heights Drive and the southerly line of West Esplanade Ave., run thence S 15 degrees 16 minutes 14 seconds W, along the said line of Holly Heights Drive, a distance of 23.70 feet to a point; thence continuing along said line of Holly Heights Drive and along a curve to the left having a radius of 1530.95 feet, an arc distance of 303.97 feet to a point; thence continuing along said line of Holly Heights

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Drive S 03 degrees 53 minutes 39 seconds W, a distance of 161.36 feet to a point; thence N 86 degrees 06 minutes 21 seconds W, a distance of 440 feet to the Point of Beginning; thence continuing N 86 degrees 06 minutes 21 seconds W, a distance of 205 feet to a point; thence N 03 degrees 59 minutes 39 seconds E, a distance of 150 feet to a point; thence S 86 degrees 06 minutes 21 seconds E, a distance of 80 feet to a point; thence S 03 degrees 59 minutes 39 seconds W, a distance of 27 feet to a point; thence S 86 degrees 06 minutes 21 seconds E, a distance of 125 feet to a point; thence S 03 degrees 59 minutes 39 seconds W, a distance of 123 feet to the Point of Beginning; all as more fully shown on a plat of survey by Sterling E. Mandle, dated February 24, 1983, a copy of which is marked Exhibit "A-11-B", attached hereto and made a part hereof;

AND WHEREAS, Appearer desires to amend and supplement the aforesaid Declaration, as previously amended, as contemplated by its original terms, particularly with respect to Article XII, Paragraph 1., subparagraph (b) thereof and further with respect to Article XIII, paragraph 2. thereof;

NOW THEREFORE, Appearer hereby commits the hereinabove lastly described property to the condominium regime as created by the aforesaid Declaration, as previously amended, hereby integrating said SUBPHASE 2 of PHASE 2 as an added property to the condominium regime. The foregoing notwithstanding, Appearer hereby reserves the right to alter, in part, the Common Element status of portions of the said added property by construction thereon of additional improvements or amenities which, by further amendment to the Declaration, may be designated as additional Units and Limited Common Elements under the condominium regime.

FURTHER, Appearer hereby declares that, contrary provisions and exhibits in the original Declaration or its previous amendments notwithstanding, the actual location and dimensions of the Units, Common Elements, and Limited Common Elements composing SUBPHASE 2 of PHASE 2 of Avant Garde, A Condominium are as shown on the "as-built" plat of survey by Sterling E. Mandle, dated February 24, 1983, a copy of which is marked Exhibit "A-11-B", attached hereto and made a part hereof. The foregoing notwithstanding, Appearer hereby reserves the right to add additional improvements or amenities by further amendment to the Declaration.

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:

Meg Schellhaas

Donna L. Kelds

DONALD C. OSTER & ASSOCIATES, INC.

BY: Donald C. Oster
Donald C. Oster, President

Andrew Joffe
Andrew Joffe, Notary Public