



SECOND AMENDMENT TO DECLARATION  
CREATING AND ESTABLISHING A  
CONDOMINIUM REGIME FOR

- \* UNITED STATES OF AMERICA
- \* STATE OF LOUISIANA
- \* PARISH OF ORLEANS
- \* CITY OF NEW ORLEANS

THE SAINT CHARLES GARDENS  
CONDOMINIUMS

\* \* \* \* \*

BE IT KNOWN, that on the 8th day of November, 2007,

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the State and Parish hereinabove set forth, and in the presence of the undersigned competent witnesses, personally came and appeared:

THE SAINT CHARLES GARDENS HOMEOWNERS ASSOCIATION, INC., a Louisiana non-profit corporation domiciled in the Parish of Orleans, State of Louisiana, represented herein by its Vice-President, Connie Yeaton and by its Secretary, William Goodwin

MAILING ADDRESS: 3915 ST. CHARLES AVENUE, NEW ORLEANS, LOUISIANA 70115

TAXPAYER ID No.: XX-XXX3356

(hereinafter referred to as the "Association")

who declared to me, Notary, that:

WHEREAS, the Declaration Creating and Establishing a Condominium Regime for The Saint Charles Gardens Condominium, dated October 19, 2004, was recorded on October 22, 2004, Notarial Archives No. 2004-53768, Conveyance Instrument No. 294178 of the conveyance records of Orleans Parish, Louisiana (hereinafter the "Condominium Declaration"); and

WHEREAS, a First Amendment to the Condominium Declaration, dated November 17, 2004 was recorded in Notarial Archives No. 2004-63583, Conveyance Instrument No. 297795; and

WHEREAS, capitalized terms not otherwise defined herein have the meanings assigned to them in the Declaration; and

WHEREAS, the Association was organized for the purpose of operating and managing The Saint Charles Gardens Condominiums for the use and benefit of the Unit Owners; and

WHEREAS, under and by virtue of Article XIV, Section 3 of the Declaration, the Declaration may be amended by vote of the Unit Owners in accordance with the procedures therein; and

WHEREAS, a second amendment to the Declaration, the text of which is set forth below, was duly adopted in accordance with the procedures set forth in Article XIV, Section 3 of the Declaration, including without limitation its approval by more than sixty-six and two-thirds

CIN 378061

(66.66%) per cent of the votes of the Association at a special meeting legally called and convened on September 27, 2007 ;

NOW, THEREFORE, pursuant to the vote of the Association adopting the amendment set forth below, the Declaration is amended as set forth below:

#### AMENDMENT

Article XII, Section 6 of the Declaration, captioned "Capital Reserve Account," is hereby amended as follows:

1. The second sentence in the final paragraph of Article XII, Section 6, which states, "Such deposit may, however, be transferred to the credit of any subsequent purchaser of the Unit owned by such Unit Owner, upon notice to the Association." is hereby DELETED.
2. The following paragraph before the final paragraph of Article XII, Section 6, is hereby ADDED:

"Each subsequent purchaser of a Unit, by virtue of a resale, exchange or transfer, shall also be required to deposit with the Association a sum equal to two (2) times the then current monthly condominium association fee for the capital reserve account. This requirement shall not apply in the event of transfers due to deaths, foreclosures, donations, capital contributions or transfers to entities or trusts in which the transferor controls or owns a majority interest in the transferee."

3. The foregoing amendment to the Declaration is effective on October 27, 2007, which is thirty (30) days from its approval by the Association.

In all other respects the Declaration remains unchanged and in full force and effect except as amended, modified and restated herein.

Thus Done and Passed in my office in the City of New Orleans, State of Louisiana, on the date hereinabove set forth, in the presence of the undersigned competent witnesses and me, Notary, after due reading of the whole.

WITNESSES:

*Sheila M. Thomas*  
PRINT NAME: SHEILA M. THOMAS

*Marjell Durlach*  
PRINT NAME: Marjell Durlach

THE SAINT CHARLES GARDENS  
HOMEOWNERS ASSOCIATION, INC.  
BY: *Connie Yeaton*  
CONNIE YEATON, VICE-PRESIDENT

BY: *William Goodwin*  
WILLIAM GOODWIN, SECRETARY

*Peter S. Title*  
NOTARY PUBLIC

Peter S. Title  
Notary Public  
State of Louisiana  
Bar No. 12832  
My commission is for life.