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Index Type : Conveyances
Type of Document : Restrictions
Recording Pages : 10

File Number : 770786
Book : 1134 Page : 51

Recorded Information

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Return To :

BYLAWS
AND
ARCHITECTURAL CONTROL
COMMITTEE
OF
LANDING AT LIVE OAK
HOMEOWNER'S ASSOCIATION, INC.

P.O. Box 626

Watson, LA 70786

www.liveoaklandinghoa.org

As Revised and Adopted by the

Board of Directors on

June 13, 2012

Filed on

June 19, 2012

ARCHITECTURAL CONTROL COMMITTEE

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ARCHITECTURAL CONTROL COMMITTEE
OF
LANDING AT LIVE OAK HOMEOWNER'S ASSOCIATION, INC.

ARTICLE I.

ESTABLISHMENT, PURPOSE AND RESPONSIBILITIES

Section 1.1 **Establishment**

Whereas the Board of Directors is authorized by these Bylaws and by statute to establish committees necessary to further common goals of the subdivision, the Architectural Control Committee is hereby established. This committee shall be made up of a minimum of three, but no more than five, volunteer resident homeowners appointed by the Board of Directors who shall carry out the responsibilities as prescribed by the Bylaws and the Board of Directors. Incumbent director(s) and/or any agent authorized and appointed by the Board may also serve on the ACC. The Board shall have the power to act as the ACC and carry out the duties prescribed by these Bylaws to the ACC (including the appointment and/or discharge of volunteers). The Board shall supervise and authorize all ACC actions and shall have the final say on any and all matters of interpretation or permitted activities herein delegated to the ACC.

Section 1.2 **Purpose**

For the Board of Directors, this committee is charged with preserving the integrity and standard of buildings and grounds appearance throughout the Live Oak Landing subdivision as provided in The Architectural Control Committee Guidelines. The ACC shall provide interpretations, guidance and oversight to Live Oak Landing residents on all projects which affect the visual aesthetics of the subdivision, subject always to the Board of Directors' approval, and report to the Board of Directors before or concurrently with availing itself of any duties or powers as provided herein.

Section 1.3 **Responsibilities**

1. Receive, review and approve or disapprove all plans and specifications including, but not limited to:
 - a. New construction;
 - b. Modifications or additions to existing structures, buildings and property;
 - c. Fencing, walls, and major landscaping or other visually altering property projects; and
 - d. Private pools.
2. If desired, prepare an annual budget proposal for submission to the Board of Directors in regards to project funding. This budget request shall be given three months prior to the annual members' meeting. The ACC may also be required to submit additional appropriate funding requests to the Board of Directors in a timely manner for approval to meet project requirements.
3. Address upkeep of existing structures and properties in compliance with the covenants.
4. Provide interpretation of said covenants and provide the residents and the Board of Directors all clarifications where disagreement or dispute arises.

5. Welcome and encourage participation of members (open membership) to the ACC.
6. Submit and deliver a quarterly report to the Board of Directors at a regularly scheduled Board meeting.
7. Submit and deliver a report of the committee's preceding years and planned future activity to the Board of Directors and the membership at the annual meeting.
8. Conduct all other regular business in accordance with the Bylaws or as directed by the Board of Directors.

ARTICLE II.

GUIDELINES

Section 2.1 General Provisions

These Guidelines are an official addition to, but in no way alter, the provision and requirements established by the Building Restrictions on file with the Clerk and Recorder of the Parish of Livingston. Where questions arise on the validity of this document, those established in the recorded Building Restrictions take precedence.

These guidelines and procedures have been prepared to assist homeowners and builders in the construction and design requirements of new homes, for additions, alterations and landscaping of existing homes and installation requirements of fences and/or other movable structures on the properties within Live Oak Landing.

Where the General Provisions section of the Building Restrictions filed with the State of Louisiana does authorize the Homeowners Association the authority to enforce, by a proceeding at law or in equity, all restrictions and conditions as set forth in those restrictions and Bylaws, these guidelines, rules and procedures hereby establish and outline the violation notification and penalty processes for Live Oak Landing.

As with all Building Restrictions, compliance with these guidelines, rules and procedures is mandatory and each homeowner is considered to be in full consent solely by owning property within Live Oak Landing. Each homeowner shall be held responsible to and liable for all violations of the Building Restrictions and these guidelines, rules and procedures for all residents and visiting personnel of their property within Live Oak Landing.

Further, all residents shall comply with state law and local ordinances, including but not limited to:

Section 2.2 Landscaping

No weeds, underbrush or other unsightly growth which would unreasonably interfere with the enjoyment of adjacent Property Owners shall be permitted to grow or remain, and no refuse pile or unsightly objects shall be allowed to be placed or to remain upon any part of a common area or road right-of-way in accordance with Livingston Parish ordinance (Title IV, 16:41 *et seq.*).

Nothing shall be altered or constructed in or removed from the Common Area landscaping, if any, except upon the written consent of the Board of Directors.

Section 2.3 Pets and Kennels

The Owner of a pet, leashed or unleashed, is responsible for the removal of feces from his/her own lot, any lot not owned by the owner of the pet and all common areas. No kennels shall be placed in a location on any Lot where they can be seen from the street or on any common area. Pets shall not roam freely, and must be detained and leashed in accordance with La. R.S. 3:2771 and other applicable parish or city ordinances.

Section 2.4 Garbage Cans

It is each individual homeowner’s obligation to remove and properly discard of any remnants left behind by the waste disposal company in accordance with Livingston Parish ordinances (Title IV, 16.41 *et seq.*).

Section 2.5 Nuisances

The Association, through the Board or ACC, has the sole right to define and determine noxious or offensive activities as provided in the Building Restrictions.

Section 2.6 Trespass

The Association and/or its designated agent shall have unencumbered access to the subdivision, including but not limited to all Lots and/or Improved Lots and nothing done by them shall be deemed an unauthorized use or trespass.

ARTICLE III.

APPLICATION, REVIEW AND AUTHORIZATION PROCESS

Section 3.1 Application Requirement

To obtain ACC approval, a homeowner or builder must submit a completed Application Form containing all the information outlined below within the prescribed time intervals. All materials provided with the application, including blueprints, become the property of the ACC and the Association and will not be returned with the approval or disapproval notification.

1. Project Data
 - a. Name of Applicant (homeowner and/or builder);
 - b. Current mailing address of applicant;
 - c. Contact number and alternates;
 - d. Location of proposed work including lot number, if known;
 - e. Description of proposed work/project/construction;
 - f. Proposed work schedule.

2. Site Plan

Where professional blue prints are not used, draw as accurately as possible to denote:

- a. Lot lines including house placement;
- b. Layout of proposed project;
- c. Elevations, measurements and sizes where applicable.

3. Materials

Provide a complete description of all materials to be used in the project including:

- a. Color examples- either by picture, textured swatch or paint card;
- b. All hardscape materials to be used; in example: wood, vinyl, iron, concrete, sandstone, cultured stone, brick, pavers, etc.

Section 3.2 Application Time Line

These time lines should be used as standard templates only. Individual project applications may present unique circumstances that could either shorten or extend these prescribed times.

1. Submission

A fully completed Application Form shall be submitted to any ACC member no earlier than three months and no later than fifteen calendar days from the requested start work date on any given project.

2. Clarifications and/or Corrections

Should the application need to be returned from the ACC to the submitting individual for clarification or corrections, this action shall not adversely affect the originally requested start-work date when the following guideline can be met.

- a. The ACC has seven (7) calendar days from time of receipt of the application to initiate and return any requests for clarification or additional information.
- b. The submitting party has three (3) calendar days to respond to the ACC inquiry for clarification or additional information in order to keep the originally requested project start-work date.

3. Notification of Approval or Disapproval

Given all application procedures have been met successfully, the ACC has fourteen (14) calendar days from date of receipt of the application form to formally respond with an approval or disapproval noted in the appropriate section of the ACC Application Form.

Section 3.3 Review and Approval or Disapproval Process

1. Review

The ACC shall review all project applications and requests for full compliance to the guidelines contained herein.

2. Receipt

Any ACC member may receive an application form. This receipt does not constitute acceptance of the application but merely starts the application process for time-line purposes.

3. Project Number

For record-keeping purposes, all applications shall be given a sequential ACC project number denoting the calendar year, month and application received and logged accordingly whether approved or not. For example, an application received on May 21st of 2008 which is the third application received that month would be given the ACC Project Number 08-05003.

4. Voting

A majority vote of the ACC members is necessary to approve or disapprove all submitted requests. Where the vote from all AC members cannot be obtained within prescribed time frames, a majority vote of all available members will suffice with noted absences.

5. Approval or Disapproval

Upon majority vote of the ACC members, the applicant shall be returned a copy of the Application Form noting the approval or disapproval and any amplifying comment. A copy shall be provided to the Board of Directors and one retained on file by the ACC.

6. Failure to the ACC to Respond

Should the ACC not respond to an applicant within the prescribed fourteen (14) day time period, the application start date is deemed approved and the requesting party may commence work on the requested start-work date. The applicant should contact the ACC via email or letter requesting official disposition of the authorization.

7. Completion and Compliance Certification

On completion of the project, or when the work time frame submitted in the application has expired, the ACC shall provide a final inspection of the work and certify it was in keeping with the application and maintained compliance with these Bylaws. One ACC member is required to annotate the appropriate section on the ACC Application Form and provide copies to the applicant and to the Board of Directors.

8. Extensions and/or Postponements

Where changes of more than fourteen (14) calendar days to previously started work-dates are required, that request shall be canceled and a new request using the Application Form must be made. The new request need only reference the original ACC project number and all supporting documentation need not be recreated or resubmitted unless changes to those items will occur concurrently with the delay.

Section 3.4 Grievances or Disputes

Where differences on interpretation of restrictions occur, the ACC has final decision on said interpretations. In the interest of fair and just governance for all residences and/or residents, the Board of Directors can be requested to, and shall, arbitrate cases where agreeable resolution cannot be reached between the two parties.

Section 3.5 Infractions, Breaches and/or Violations

A. Authority to Notify of Building Restriction Infractions

In all instances, the ACC is subordinate to the Board of Directors in regards to providing notifications of building restriction infractions. The ACC shall seek approval from the Board by submitting the details of building restriction infractions and providing the Board with its plan of notice and action. The Board shall explicitly or impliedly authorize such action by the ACC within seventy-two (72) hours from the time that the notice and plan of action is received by the Board. The ACC may, acting alone, provide personal notice

of potential building restriction infractions to the homeowner; however, any violation letters or utilization of the enforcement procedure as outlined in Section 9.4 and 9.5 shall be authorized by the Board.

B. Noncompliance to ACC of Approved Projects

Where approved ACC projects have been deemed completed outside that approval or in direct violation of these Bylaws, the homeowner/builder will be given initial notice of violation and have three (3) days to communicate their corrective action plan to the Board of Directors.

C. Non-Approved Projects

Any homeowner or builder conducting work in direct violation of these policies and procedures shall be given the initial notice of violation and shall cease and desist all work until such time as an approved ACC application is returned. Failure on the homeowner's part to comply shall be in direct violation of these Bylaws and the building restrictions contained herein and appropriate enforcement actions will be initiated by the Board of Directors.

D. Continuing and/or Recurring Violations

If a resident is notified of a building restriction infraction by a violation letter, whether charged fines or not, and the infraction reoccurs within a six month period from the date of the latest violation letter, the ACC and/or Board may resume the enforcement process as if the infraction was never originally remedied. For example, should a resident receive a second violation letter and correct the violation within the fifteen (15) day period allowed, then at the time of reoccurrence which falls within six months from the date of the second violation letter, the Board and/or ACC may notify the resident using the second violation letter and applicable fine under Section 9.5. If upon the first occurrence, a resident receives a second violation letter and fails to correct the violation within the fifteen (15) day period such that the fine is incurred, at the time of reoccurrence, the Board and/or ACC may serve the resident with a third violation letter and the applicable fine under Section 9.5.

Section 3.6 Enforcement Procedure

A. Moveable Violations

For a moveable violation, the procedure shall be as follows:

1. After the initial report or sighting of suspected infraction/violation, the ACC may initiate a personal contact or choose to proceed with a formal notification process per Section 9.5.
2. If a personal contact is made and the ACC feels the homeowner's intent is not to initiate corrective measures or after three days from that contact with no corrective action initiated, formal notification per Section 9.5 shall commence.
3. Should the homeowner desire to request an extension to a specific date, a written letter of intent must be submitted to the Board of Directors within the three (3) days of initial infraction/violation notification. This request must include specific timelines for resolving noted infraction/violation and reasoning for the request.
4. Where a homeowner fails to satisfactorily correct noted infractions and/or violations within the time frame of an approved extension, the date of the extension request shall be deemed as the date of delivery of the first letter of fines (see Section 9.5).

B. Fixed Violations

For a fixed violation (outbuildings, home additions, major landscaping, major changes in appearance of main house, etc.) the following procedures shall apply:

1. If a homeowner begins construction on any outbuilding, home addition, major landscaping or other project that changes in the appearance of the property without ACC approval, per the procedures contained herein, a fine will be immediately assessed in accordance with Section 9.5 and a stop-work or cease-and-desist order will be given.
2. Where a homeowner is notified that work is not in keeping with an existing or previously approved ACC project request, that homeowner has three (3) days to submit a supplemental ACC Project Application Form detailing a plan to correct any and all infractions or deviations from the previously approved ACC project. If the homeowner fails to submit a supplemental ACC Project Application form within the three (3) day period, formal enforcement process per Section 9.5 shall commence.

Section 3.7 **Fine Structure**

A. First Violation Letter

A letter will be sent to the homeowner from the Board of Directors explaining the infraction via mail or email to the address on file with the Association. The homeowner has fifteen (15) calendar days from the date of the letter or notification to either respond in writing to the Board of Directors or correct the violation. The Board and/or ACC reserves the right to modify the time period allowed for response or corrective action should the infraction be of such nature that a shorter time for corrective action is not unduly burdensome to the resident. However, in no case shall the time period be less than five (5) days from the date of the letter.

B. Second Violation Letter

If neither a written response nor compliance is obtained from the homeowner within fifteen (15) calendar days from the date of the first fine letter, a second letter will be sent by the Board of Directors via certified mail with return receipt to the address on file with the Association notifying the homeowner that a fifty dollar (\$50.00) fine has been assessed and is payable within fifteen (15) calendar days from the date of the second notification. The Board and/or ACC reserves the right to modify the time period allowed for response or corrective action should the infraction be of such nature that a shorter time for corrective action is not unduly burdensome to the resident. However, in no case shall the time period be less than five (5) days from the date of the letter.

C. Third Violation Letter

If neither a written response nor compliance is obtained from the homeowner within fifteen (15) calendar days from the date on the second fine letter, a third letter will be sent by the Board of Directors via certified mail with return receipt notifying the homeowner of the dates that the first two fine notifications were sent and that an additional two hundred and fifty dollar (\$250.00) fine has been assessed and is payable from the date of the third fine letter. The fine are *cumulative*, i.e., as of the date of the third fine letter, the homeowner will be assessed three hundred dollars (\$300.00) in fines. The Board and/or ACC reserves the right to modify the time period allowed for response or corrective action should the infraction be of such nature that a shorter time for corrective action is not unduly burdensome to the resident. However, in no case shall the time period be less than five (5) days from the date of the letter.

D. Accrual of Interest

If payment of both fines imposed by the second and third fine letter is not obtained within fifteen (15) days of the date of the third fine letter, the Board of Directors will proceed with legal action against the homeowner. If legal action is pursued, an additional one thousand dollar (\$1000.00) fine will be assessed plus any court costs and attorneys fees, all of which must be paid by the homeowner within fifteen (15) calendar days from the date of the notice that counsel has been retained to address this matter and the one thousand dollar (\$1000.00) fine is being assessed. All legal costs, attorney fees, and fines are cumulative and must be paid by the homeowner.

E. Right to Place Lien

The Board of Directors reserves its statutory authority to place a lien on any homeowner's property for any past due annual homeowners' association dues, special assessments, court costs, attorney fees, interest, or any other costs incurred in the process of enforcing these building restrictions. The homeowner will receive the statutory notice required before a lien is filed.

F. Appeals

Any fine or pending lien assessed by the Board of Directors can be appealed to the Board of Directors in writing during the associated fifteen (15) day grace period as outlined in Section 9.5(A-D) above. Appeals will be heard at the next regularly scheduled Board of Directors meeting after a written appeal is requested by the homeowner.

G. Response Requirements

All responses made by the homeowner to the Board of Directors and/or the ACC must meet the following criteria:

1. All responses must be in writing and conspicuously dated.
2. Responses must be mailed via certified mail with return receipt requested to the Board of Directors, P.O. Box 626, Watson, LA 70786 or to such other address as specified in the notice provided to the resident.
3. Any disagreements with the Board of Directors' or Architectural Control Committee's determinations and actions regarding the violations and the procedures and penalties detailed in this document and the Association's governing documents must stipulate a clause or section in those documents to be considered a valid argument against the Board of Directors or Architectural Control Committee decisions or those actions on behalf of these bylaws and the covenants contained herein.

Section 3.8 Approvals Not a Guarantee or Representation of Proper Design or Good Workmanship

No approval of plans, location or specifications, and no publication of the design guidelines shall ever be construed as representing or implying that such plans, specifications or standards will, if followed, result in a properly designed project or that it will comply with applicable federal, state, or local governmental regulations. Such approvals and standards shall in no event be construed as representing or guaranteeing that any residence or improvement thereto will be build in good and workmanship-like manner. The Architectural Control Committee, its members, agents and assigns shall not be responsible or liable for any defects in any plans or specifications submitted, revised, or approved under these Bylaws nor for any defects in construction pursuant to such plans and specifications. The Property Owner shall have sole responsibility for compliance with approved plans and does hereby hold the Architectural Control Committee, its members, agents or assigns, harmless for any failure thereof

caused by the Property Owner's architect or builder. The Architectural Control Committee reserves the right to prohibit the Property Owner's builder and/or general contractor from the site in the event it is determined that failure to comply with approved plans is determined by the Architectural Control Committee in its sole discretion.

Section 3.9 Severability

If any term or provision of these guidelines or any application thereof shall be invalid or unenforceable, the remainder of these bylaws or any other application of such term or provision shall not be affected thereby.

Section 3.10 Summary of Process

- A. Homeowner submits the appropriate application.
- B. The Architectural Control Committee reviews the application.
- C. The ACC will grant written approval, return the application for modifications and re-submission, or reject the application based on the covenants and restrictions contained herein.
- D. Once written ACC approval is obtained, construction may begin.
- E. The homeowner must contact the ACC fifteen (15) days before the project is completed, or if the project is less than fifteen days, within a reasonable time for the ACC to determine that the work performed is in accordance with the approved application.
- F. If requested, a Certificate of Compliance will be issued by the ACC to the homeowner.

AGREED, AFFIRMED AND EXECUTED before me as notary, and the subscribing witnesses hereto, in Watson, Louisiana, Parish of Livingston, on this 13th day of June, 2012.

WITNESSES:

Monica Young
Print: Monica Young
Damon Boze
Print: Damon Boze

BOARD OF DIRECTORS:

[Signature]
Steve Parrish
Monica Little
Monica Little
[Signature]
Joshua Young
[Signature]
Jeff Aucoin
Holly Boze
Holly Boze

Natasha Fossett
Notary Public



Natasha Fossett
Bar Roll No. 33553
My Commission Expires at Death

ACC Project Number: _____

Application for Architectural Control Committee Approval Landing At Live Oak Homeowners Association Inc.

Applicant Name		Date of Request:	
Applicants Current Mailing Address			
Pri Phone		Sec Phone	
Lot Number		E-mail address	
Proposed work sight address within Live Oak Landing			

	Project / Improvement Description: Landscaping/Home Addition/Driveway/Exterior Painting/Fencing/Storage Shed/Driveway/etc Provide detailed drawings on page two or attachments
--	--

Planned Start Work and End Work Dates	to
---------------------------------------	----

I hereby submit the attached home construction/home improvement/beautification project request for ACC approval. I understand the ACC may disapprove requests not meeting Live Oak Landing Restrictions or published supplemental guidelines criteria. It is understood that I am fully responsible for obtaining any necessary local and/or state permits. I understand that should the ACC fail to respond within 14 days of the date the application is received by the ACC, the requested "Start Work Date" is considered acceptable and work may commence. It is also understood, however, that it should not be assumed the application itself has been approved and that a cease work order could be issued at any time by the ACC or the Board of Directors on their behalf. It is furthermore understood and acknowledged that upon completion of the approved project, a residing member of the ACC will be required to inspect and approve the project as being in accordance with the authorization given and in keeping with the Live Oak Landing CCR's.

Warning: Where digging or excavation is necessary, use Louisiana One Call - dial 811 or 800 272-3020 to ensure utilities integrity is maintained. Wait 24 hours and have all lines marked.

Signature:
(Must be homeowner(s))

This section to be completed by the Architectural Control Committee (ACC) only.

Date Received by ACC		All required documentation and drawings present?	Yes	
			No	

ACC Additional Comment:

ACC Member Name	Yes	No	ACC Member Name	Yes	No

Project Completion ACC Review		Yes
Completed in accordance with the submitted application.	ACC Member Signature	No

ACC Project Number: _____

Project Plan: Best drawn picture of how the planned project will be incorporated into your lot or home (note elevations for added roof lines/fences or posts/poles – Detail all colors and materials). Use additional sheets if necessary. Professionally produced blueprints/drawings acceptable.