

This Instrument Prepared By, And  
After Recording Return To:

J. Andrew Hagan, Esq.  
Intervest Construction, Inc.  
2379 Beville Road  
Daytona Beach, FL 32119

12/27/2005 08:50 AM  
Instrument# 2005-356036 # 1  
Book : 5732  
Page : 2910

ANNEXATION AMENDMENT OF  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR PLANTATION BAY  
VOLUSIA COUNTY, FLORIDA  
(Section 2E-V, Unit 4)

This instrument executed this 22<sup>nd</sup> day of December, 2005, is executed by Prestwick at Plantation Bay, a Florida General Partnership ("Successor Declarant"), to be recorded in the Public Records of Volusia County, Florida. All references to recording data herein are to the Public Records of Volusia County, Florida.

WHEREAS, Prestwick is, by instruments recorded on even date herewith, the Successor Declarant, as to the Property described on Exhibit "A" attached hereto and made a part hereof, under that certain Declaration of Covenants, Conditions and Restrictions for Plantation Bay, Volusia County, Florida, recorded in Official Records Book 3005, Page 74, as amended from time to time (the "Declaration"); and

WHEREAS, Successor Declarant has authority under Section 8.01 of the Declaration to annex additional real property to be subject to the terms of the Declaration; and

WHEREAS, Successor Declarant desires and intends to annex, and to subject to the provisions of the Declaration, as amended, and to the jurisdiction of Plantation Bay Community Association, Inc., (the "Association"), the Property described on Exhibit "A" attached hereto.

NOW, THEREFORE, in consideration of the premises hereinabove set forth and other good and valuable considerations, receipt and sufficiency of which are acknowledged, Prestwick hereby annexes the real Property described on Exhibit "A" attached hereto and declares the same subject to the jurisdiction of the Association, and to all of the terms and conditions of the Declaration, as amended, as if said real Property were originally set forth therein; provided, however, that Successor Declarant hereby reserves the right, in its sole discretion and without the approval of the Association, to revoke this annexation and remove said real Property from the jurisdiction of the Association and from the terms and conditions of the Declaration. Any provision hereof to the contrary notwithstanding, any covenants in favor of or enforceable by the St. Johns River Water Management District (the "SJRWMD") may not be revoked or amended without the prior written consent of the SJRWMD. This exemption from the Successor Declarant's unilateral power to revoke in favor of the SJRWMD shall not be interpreted as preventing the Successor Declarant from revoking covenants in favor of any other party, including, but not limited to, the Association. The real Property described on Exhibit "A" attached hereto shall be held, sold, transferred and conveyed subject to all of the terms, conditions, obligations, covenants, rights, privileges and immunities of the Declaration, and the covenants of the same shall constitute covenants running with the land, subject to the reservation of rights in the Successor Declarant, as hereinabove set forth.

In addition to those terms, conditions, obligations, covenants, rights, privileges and immunities set forth in the Declaration, notice is hereby given that a minimum of one tree per 2,500 square feet of lot area must be planted prior to the issuance of a Certificate of Occupancy. Owners of each residential lot platted within the real Property described on Exhibit "A" shall also be responsible for the maintenance of any grass or landscaping between their respective lot lines and the street curb or any adjoining body of water. Certain lots are subject to drainage easements which allow the Association to enter upon the lot to perform maintenance operations to the drainage facilities. Accordingly, the owner of a residential lot with a drainage easement may not install a fence, tree or any other obstruction to block access or the ability to perform the maintenance operations.

Except as set forth above, Successor Declarant hereby ratifies and confirms all of the terms and conditions of the Declaration.


IN WITNESS WHEREOF, Prestwick has caused these presents to be executed under seal by its Managing Partner.

Signed, sealed and delivered  
in the presence of:

PRESTWICK AT PLANTATION BAY, a  
Florida General Partnership

By: MHK of Volusia County, Inc., a  
Florida Corporation, General Partner

  
Printed Name: **JOANNE SCHMIEDER**

By:   
Cynthia C. Jones, President

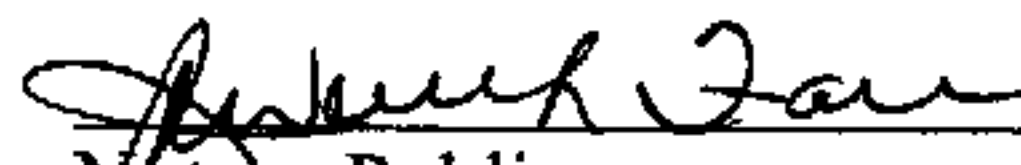
  
Printed Name: **JEWELL L. FAIR**

Address: 2379 Beville Road  
Daytona Beach, FL 32119

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of December, 2005, by Cynthia C. Jones, President of MHK of Volusia County, Inc., a Florida Corporation, General Partner of PRESTWICK AT PLANTATION BAY, a Florida General Partnership, on behalf of said Partnership. ~~She is personally known to me~~ or has produced \_\_\_\_\_ as identification.

My Commission Expires:

  
Notary Public  
Printed Name:  
Commission No.:



LEGAL DESCRIPTION:

A PORTION OF SECTION 14 AND 23, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE SOUTHEASTERLY CORNER OF TRACT LOT 137, PLANTATION BAY, SECTION 1D-V, UNIT 3B, AS RECORDED IN MAP BOOK 50, PAGES 9-12, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE RUN N20°18'13"W, ALONG THE EASTERLY LINE OF SAID LOT 137, A DISTANCE OF 126.38 FEET TO THE SOUTHEASTERLY LINE OF TRACT "KK", SAID PLANTATION BAY SECTION 1D-V, UNIT 3B; THENCE N40°11'55"E ALONG SAID SOUTHEASTERLY LINE, 1372.50 FEET TO THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 95 (STATE ROAD 9), A 300 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NUMBER 79002-2426961; THENCE S20°43'11"E ALONG SAID WESTERLY RIGHT OF WAY LINE, 743.70 FEET; THENCE DEPART SAID WESTERLY RIGHT OF WAY LINE S46°14'32"W, 422.52 FEET, THENCE S21°04'15"E, 21.90 FEET; THENCE S68°55'45"W, 36.97 FEET; THENCE S20°43'11"E, 550.01 FEET; THENCE N68°55'45"E, 40.34 FEET; THENCE S21°04'15"E, 207.50 FEET; THENCE N68°55'45"E, 384.05 FEET TO SAID WESTERLY RIGHT OF WAY LINE; THENCE S20°43'11"E ALONG SAID WESTERLY RIGHT OF WAY LINE, 1564.29 FEET TO THE SOUTHEASTERLY CORNER OF TRACT "D", PLANTATION BAY SECTION 2E-V, UNIT 1, AS RECORDED IN MAP BOOK 50, PAGES 181-187, SAID PUBLIC RECORDS; THENCE DEPART SAID WESTERLY RIGHT OF WAY LINE ALONG THE EASTERLY BOUNDARY OF SAID PLANTATION BAY SECTION 2E-V, UNIT 1, N52°42'22"W, 489.17 FEET; THENCE CONTINUE ALONG SAID EASTERLY BOUNDARY N48°06'25"W, 745.31; THENCE N71°52'57"W ALONG SAID BOUNDARY, 49.36 FEET; THENCE N78°51'51"W ALONG SAID BOUNDARY, 93.56 FEET; THENCE N67°03'26"W ALONG SAID BOUNDARY, 50.07 FEET; THENCE N63°52'15"W ALONG SAID BOUNDARY, 140.00 FEET; THENCE N78°38'14"W ALONG SAID BOUNDARY, 68.69 FEET; THENCE N35°10'12"W ALONG SAID BOUNDARY, 1163.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 44.03 ACRES, MORE OR LESS.