

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# 2005-356035 # 1
Book: 5732
Page: 2907

DESIGNATION OF SUCCESSOR DECLARANT UNDER
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR PLANTATION BAY (Section 2EV, Unit 4)

WHEREAS, Intervest at Plantation Bay, a Florida Partnership ("IPB"), is, pursuant to that Designation recorded at Official Records Book 3723, Page 1651, Public Records of Volusia County, Florida, the Successor Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Plantation Bay originally recorded in Official Records Book 3005, Page 74, Public Records of Volusia County, Florida, ("Declaration"), as the said Declaration has been subsequently amended; and

WHEREAS, record title to the real property described on Exhibit A (the "Exhibit A Property"), attached hereto and made a part hereof, has been transferred to Prestwick at Plantation Bay, a Florida General Partnership ("Prestwick"); and

WHEREAS, Prestwick intends to subdivide and develop the Exhibit A Property described on Exhibit A; and

WHEREAS, IPB and Prestwick agree that Prestwick should be designated the Successor Declarant under the Declaration as to the Exhibit A Property, with IPB remaining the Successor Declarant as to the "Remaining Property", which shall be defined as all property conveyed to IPB by Ecocen Corp., except for the Exhibit A Property and that property to which Prestwick has heretofore been designated Successor Declarant; and

WHEREAS, IPB shall retain and reserve, as to the Remaining Property, all rights, privileges, powers and responsibilities of the Declarant under the terms of the Declaration.

NOW, THEREFORE, the undersigned Prestwick declares and states as follows:

1. As to the Exhibit A Property, IPB relinquishes its status as Declarant under the Declaration and designates Prestwick as the Successor Declarant, vesting Prestwick, as to said Exhibit A Property, with all rights, privileges and powers of the Declarant as described in the Declaration and all responsibilities accruing after the effective date.
2. The undersigned Prestwick hereby accepts, as to the Exhibit A Property, the status as Declarant under the Declaration as of the effective date and agrees as to said Exhibit A Property to perform as Declarant under the terms of the Declaration from and after the effective date.
3. The effective date of this designation is Dec 22nd, 2005.

IN WITNESS WHEREOF, the undersigned have set their hands and seals on the date so indicated.

Signed, sealed and delivered in the presence of:

INTERVEST AT PLANTATION BAY, a Florida Partnership

By: PlanMor, Inc., a Florida Corporation, General Partner

Joanne Schmieder
Printed Name: **JOANNE SCHMIEDER**
Nicole Keeley
Printed Name: **NICOLE KEELEY**

By: *[Signature]*
Morteza Hosseini-Kargar,
President

PRESTWICK AT PLANTATION BAY, a Florida Partnership

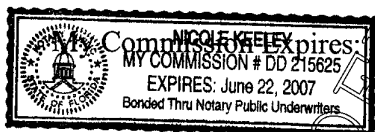
By: MHK of Volusia County, Inc., a Florida Corporation, General Partner

Joanne Schmieder
Printed Name: **JOANNE SCHMIEDER**
Nicole Keeley
Printed Name: **NICOLE KEELEY**

By: *[Signature]*
Cynthia C. Jones, President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 22nd day of December, 2005, by Morteza Hosseini-Kargar, President of PlanMor, Inc., a Florida Corporation, General Partner of Intervest at Plantation Bay, a Florida Partnership, on behalf of said Partnership. He is personally known to me or has produced _____ as identification and has not taken an oath.

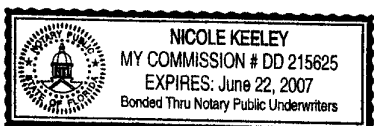


Nicole Keeley
Notary Public
Printed Name: **NICOLE KEELEY**
Commission No.:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 22nd 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 Partnership, on behalf of said Partnership. She is personally known to me or has produced _____ as identification and has not taken an oath.

My Commission Expires:



Nicole Keeley
Notary Public
Printed Name: **NICOLE KEELEY**
Commission No.:

Instrument# 2005-356035 # 3
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Diane M. Matousek
Volusia County, Clerk of Court

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.



STATE OF FLORIDA, VOLUSIA COUNTY
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office. This
27th day of Dec, A.D. 20 05
Clerk of Circuit and County Court

By: Melba Seay
Deputy Clerk

UNOFFICIAL