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ANNEXATION AMENDMENT OF
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR PLANTATION BAY
VOLUSIA COUNTY, FLORIDA
(Section 2E-V, Unit 1)

This instrument executed this 20 day of APRIL, 2004, 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. Florida Corporation, General Partner

By: Cynthia C. Jones
Cynthia C. Jones, President



James A. Hagan
Printed Name: James A. Hagan

Trish L. Mohr
Printed Name: Trish L. Mohr

Address: 2359 Beville Road
Daytona Beach, FL 32119

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 20 day of April, 2004, 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:

Trish L. Mohr
Notary Public
Printed Name: Trish L. Mohr
Commission No.:



UNOFFICIAL COPY

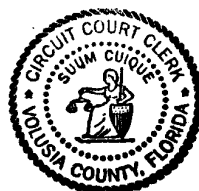
EXHIBIT A

PB 2EV-1 LEGAL DESCRIPTION:

A PORTION OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, AND A PORTION OF TRACT "C", PLANTATION BAY SECTION 1E-V, UNIT 2, AS RECORDED IN MAP BOOK 49, PAGES 57-61, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHERLY MOST CORNER OF TRACT "A", SAID PLANTATION BAY, SECTION 1E-V, UNIT 2, SAID POINT BEING THE POINT OF BEGINNING; THENCE S56°35'26"W, ALONG THE NORTHERLY LINE OF SAID TRACT "A", 502.50 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 90°00'00"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, 39.27 FEET TO THE EASTERLY LINE OF TRACT "A", PLANTATION BAY SECTION 1E-V, UNIT 1, AS RECORDED IN MAP BOOK 47, PAGES 149-154, OF SAID PUBLIC RECORDS; THENCE N33°24'34"W, ALONG SAID EASTERLY LINE OF TRACT "A", 109.01 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 570.00 FEET AND A CENTRAL ANGLE OF 33°28'20"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, 332.99 FEET; THENCE N00°03'45"E, 411.76 FEET; THENCE DEPARTING SAID EASTERLY LINE, N76°27'46"E, 786.12 FEET; THENCE N24°28'42"W, 310.00 FEET; THENCE N65°31'18"E, 26.74 FEET; THENCE N53°20'49"W, 285.65 FEET; THENCE N40°11'55"E, 899.35 FEET; THENCE S35°10'12"E, 1,163.49 FEET; THENCE S78°38'14"E, 68.69 FEET; THENCE S63°52'15"E, 140.00 FEET; THENCE S67°03'26"E, 50.07 FEET; THENCE S78°51'51"E, 93.56 FEET; THENCE S71°52'57"E, 49.36 FEET; THENCE S48°06'25"E, 745.31 FEET; THENCE S52°42'22"E, 489.17 FEET; THENCE S69°16'49"W, 1,100.75 FEET; THENCE S43°22'09"W, 120.00 FEET; THENCE S34°55'51"W, 50.55 FEET; THENCE S43°22'09"W, 120.00 FEET; THENCE N46°37'51"W, 8.00 FEET; THENCE S70°47'13"W, 306.19 FEET TO THE EASTERLY LINE OF TRACT "C", SAID PLANTATION BAY, SECTION 1E-V, UNIT 2; THENCE N47°37'10"W, ALONG SAID EASTERLY LINE, 790.66 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE N52°01'10"W, 248.56 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 325.00 FEET, A CENTRAL ANGLE OF 13°00'15" AND A CHORD BEARING OF S63°05'34"W, THENCE DEPART SAID EASTERLY LINE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 73.76 FEET TO THE NORTHERLY LINE OF SAID TRACT "C", PLANTATION BAY, SECTION 1E-V, UNIT 2; THENCE S56°35'26"W ALONG SAID NORTHERLY LINE, 5.03 FEET TO THE EASTERLY LINE OF SAID TRACT "A"; THENCE N33°24'34"W ALONG SAID EASTERLY LINE, 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 80.541 ACRES, MORE OR LESS.



STATE OF FLORIDA VOLUSIA COUNTY
I HEREBY certify that the foregoing is a true copy
of the original filed in this office. This

78th day of December 2005
Clerk of Circuit and County Court

By Christina Ragonis
Deputy Clerk