

DESIGNATION OF SUCCESSOR DECLARANT UNDER  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR PLANTATION BAY (Section 2E-V, Unit 1)

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:

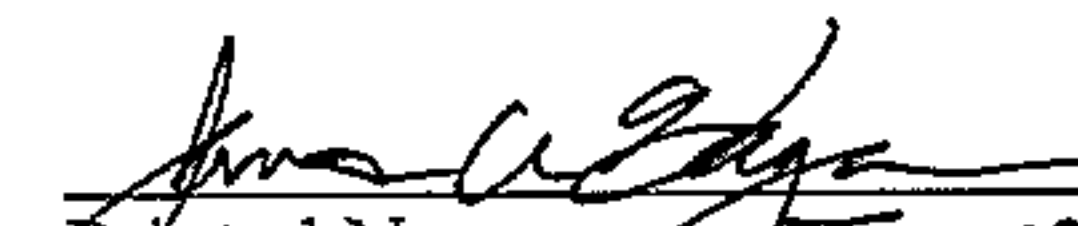

1. As to the Exhibit A Property, IPB relinquishes its status as Declarant under the Declaration and designates Prestwick as the Successor Declarant, vesting Prestwick, as to said Exhibit A Property, with all rights, privileges and powers of the Declarant as described in the Declaration and all responsibilities 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 April 20<sup>th</sup>, 2004.


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

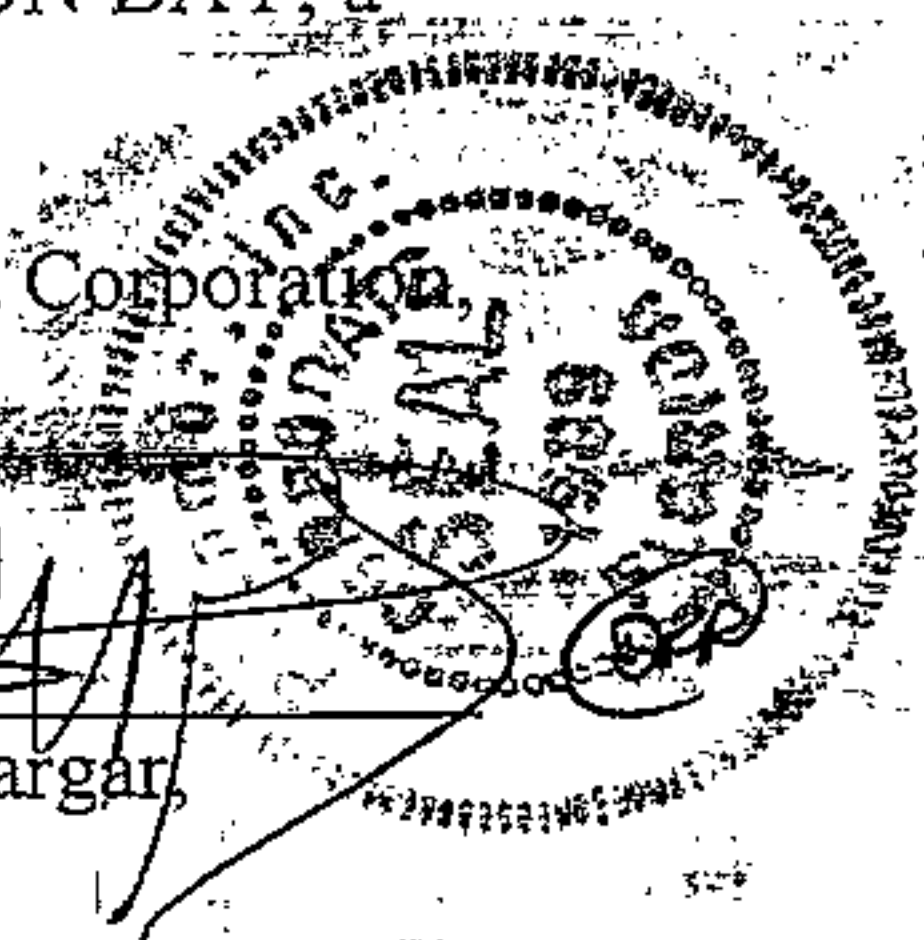
Signed, sealed and delivered  
in the presence of:

INTERVEST AT PLANTATION BAY, a  
Florida Partnership

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

  
Printed Name: James A. Hagan  
  
Printed Name: Trish L. Mohr

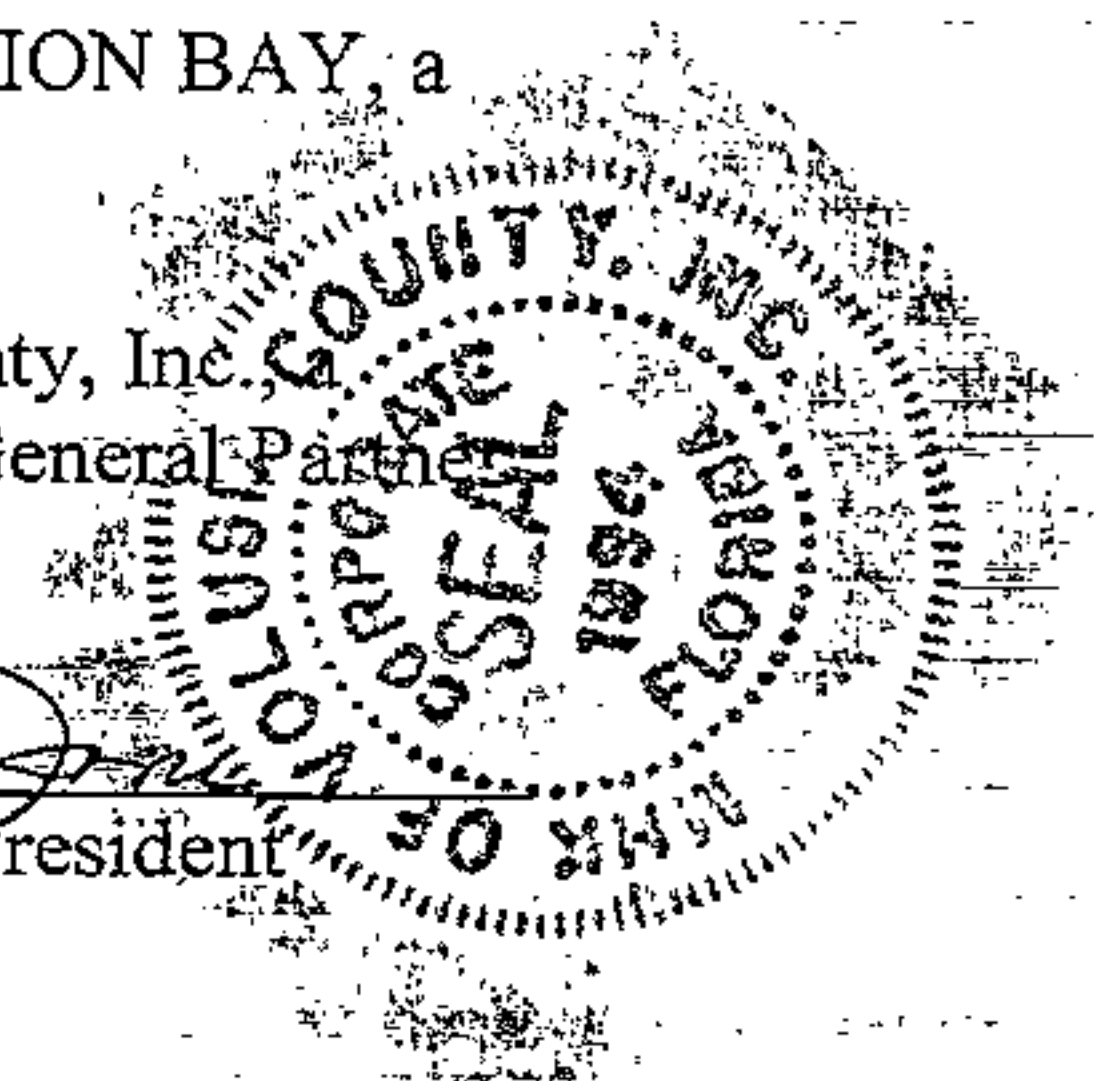
By:   
Morteza Hosseini-Kargar,  
President



PRESTWICK AT PLANTATION BAY, a  
Florida 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

STATE OF FLORIDA  
COUNTY OF VOLUSIA

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

My Commission Expires:

Trish L. Mohr  
Notary Public

Printed Name: Trish L. Mohr

Commission No.:



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 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:

Trish L. Mohr  
Notary Public

Printed Name: Trish L. Mohr

Commission No.:



## 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.