

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# 2005-356031 # 1  
Book : 5732  
Page : 2895

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

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 Schieder  
Printed Name: **JOANNE SCHIEDER**  
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

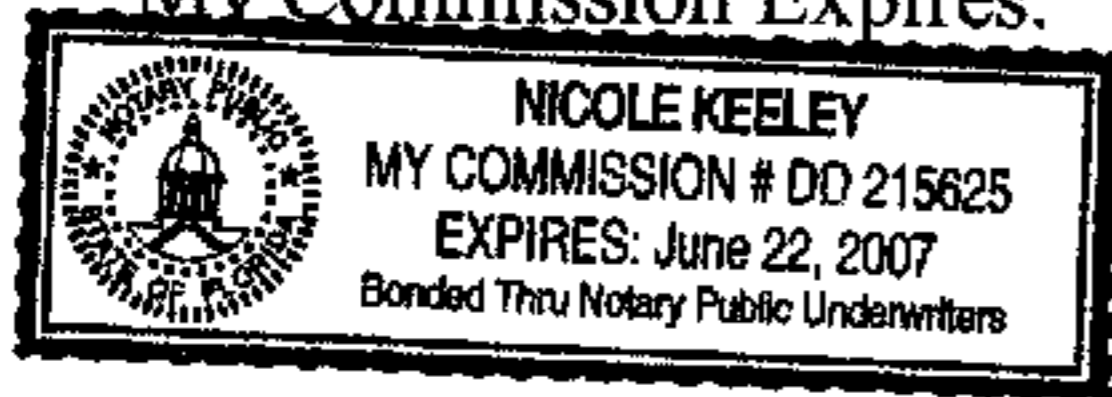
Joanne Schieder  
Printed Name: **JOANNE SCHIEDER**  
Nicole Keeley  
Printed Name: **NICOLE KEELEY**

By: *(Signature)*  
Cynthia C. Jones, President

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> 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.

My Commission Expires:



*(Signature)*  
Notary Public  
Printed Name: **NICOLE KEELEY**  
Commission No.:

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 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:



*(Signature)*  
Notary Public  
Printed Name: **NICOLE KEELEY**  
Commission No.:

LEGAL DESCRIPTION:

A PORTION OF SECTION 23, TOWNSHIP 13 SOUTH, RANGE 31 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WESTERLY MOST CORNER OF TRACT "C", PLANTATION BAY, SECTION 2E-V, UNIT 1 AS RECORDED IN MAP BOOK 50, PAGES 181-187 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, THENCE ALONG THE WESTERLY BOUNDARY LINE OF SAID PLANTATION BAY SECTION 2E-V, UNIT 1, S53°20'49"E, 285.65 FEET; THENCE CONTINUE ALONG SAID BOUNDARY S65°31'18"W, 26.74 FEET; THENCE CONTINUE ALONG SAID BOUNDARY S24°28'42"E, 310.00 FEET; THENCE CONTINUE ALONG SAID BOUNDARY, S76°27'46"W, 786.12 FEET TO THE EASTERLY LINE OF HAMPSTEAD LANE AS SHOWN ON THE PLAT OF PLANTATION BAY SECTION 1E-V, UNIT 1, AS RECORDED IN MAP BOOK 47, PAGES 149-154, SAID PUBLIC RECORDS; THENCE N00°03'46"E ALONG SAID EASTERLY LINE, 49.88 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 294.84 FEET AND A CENTRAL ANGLE OF 37°03'46"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID EASTERLY LINE, 190.72 FEET; THENCE CONTINUE ALONG SAID EASTERLY LINE, N37°00'00"W, 6.82 FEET TO THE SOUTHEASTERLY LINE OF LOT 66, PLANTATION BAY SECTION 1D-V, UNIT 2, AS RECORDED IN MAP BOOK 47, PAGES 128-135, SAID PUBLIC RECORDS; THENCE N40°11'55"E ALONG SAID SOUTHEASTERLY LINE, 147.67 FEET TO THE WESTERLY LINE OF LOT 145, PLANTATION BAY, SECTION 1D-V, UNIT 3B, AS RECORDED IN MAP BOOK 50, PAGES 9-12, SAID PUBLIC RECORDS; THENCE S37°00'00"E ALONG THE WESTERLY LINE OF SAID LOT 145, A DISTANCE OF 29.53 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE N53°00'00"E ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PLANTATION BAY SECTION 1D-V, UNIT 3B, 280.65 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 765.00 FEET AND A CENTRAL ANGLE OF 12°48'05"; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID SOUTHEASTERLY BOUNDARY, 170.92 FEET; THENCE N40°11'55"E ALONG SAID SOUTHEASTERLY BOUNDARY, 51.54 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.  
CONTAINING 6.679 ACRES MORE OR LESS.

EXHIBIT "A"