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BOOK PAGE
VOLUSIA COUNTY
FLORIDA

SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OF
BAYMEADOWS AT TOMOKA OAKS, A CONDOMINIUM

THIS AMENDMENT to the Declaration of Condominium of Baymeadows at Tomoka Oaks is executed as of the 14th day of APRIL, 1988, by D.F. Services, Inc., a Florida corporation, and Intervest Construction, Inc., a Florida corporation, as joint venturers in Baymeadows at Tomoka Oaks, a Florida Joint Venture, the Developer of Baymeadows at Tomoka Oaks, a Condominium. The joint venturers shall be referred to collectively as the "Developer".

WHEREAS, the Developer on November 12, 1985, executed the Declaration of Condominium of Baymeadows at Tomoka Oaks, a Condominium, hereinafter referred to as the "Declaration", which was recorded in Official Records Book 2775, Page 1795 et seq., of the Public Records of Volusia County, Florida, on January 20, 1986; and

WHEREAS, an Amendment to the Declaration, was recorded in Official Records Book 2797, Page 1767 et seq., of the Public Records of Volusia County, Florida, on March 19, 1986; and

WHEREAS, Sheets 2 and 3 of Exhibit A to the Declaration incorrectly identified the numbers of the units shown thereon;

WHEREAS, Developer desires to amend the Declaration to correct the unit numbering, to revise the boundary between Phases I and II of the Condominium, and to correct an error in the wording of the last sentence of Paragraph 3.7C as amended; and

WHEREAS, the relocation of the boundary involves the altering of common elements, necessitates the reservation by existing owners and the granting by Developer of an easement for access and utility installation and maintenance.

NOW, THEREFORE, in consideration of the premises, the execution of this Second Amendment, and the joinders herein, and other good and valuable considerations, the Declaration is amended as follows:

1. Sheet 2 and Sheet 3 of Exhibit A shall be and they are hereby amended by substituting the pages attached hereto.
2. The legal description of the real property comprising Phase I is hereby amended to read:

"A portion of the Thomas Fitch Grant, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: From at the intersection of the Westerly right-of-way line of State Road No. 5-A, also known as Nova Road (a 100 foot right-of-way as now laid out and used) with the South line of the Thomas Fitch Grant; run North 25 degrees 39 minutes 57 degrees West along the west right-of-way line of said State Road No. 5-A a distance of 332.77 feet to the P.C. of a curve, concave Northeast, having a radius of 1196.28 feet, central angle of 01 degrees 11 minutes 51 seconds, and a chord bearing of North 25 degrees 04 minutes 02 seconds west; thence run Northerly along the arc of said curve a distance of 25.00 feet to the Point of Beginning; thence continue along the arc of said curve, concave easterly, having a radius of 1196.28 feet central angle of 09 degrees 37 minutes 04 seconds and a chord bearing of North 19 degrees 39 minutes 34 seconds West; thence run Northerly along the arc of said curve distance of

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200.81 feet; thence departing said right-of-way, run South 68 degrees 00 minutes 35 seconds West a distance of 269.66 feet; thence South 25 degrees 33 minutes 04 seconds East a distance of 181.00 feet; thence North 64 degrees 26 minutes 56 seconds East a distance of 25.00 feet; thence South 42 degrees 34 minutes 41 seconds East a distance of 37.32 feet; thence North 64 degrees 20 minutes 03 seconds East a distance of 212.62 feet to the Point of Beginning. Containing 1.20 acres.

"Together with a nonexclusive easement in favor of Developer and the owners of units in Phase I of Baymeadows at Tomoka Oaks, a Condominium, their successors, assigns, mortgagees, tenants, lessees and invitees, for access and for the installation, maintenance, repair and replacement of utilities and cable T.V. facilities over, under and upon the Northerly 70 feet of the Easterly 212.02 feet of a portion of Thomas Fitch Grant, Section 39, Township 14 South, Range 32 East, Volusia County, Florida, being more particularly described as follows: From at the intersection of the Westerly right-of-way line of State Road No. 5-A, also known as Nova Road, (a 100 foot right-of-way as now laid out and used) with the South line of Thomas Fitch Grant as the Point of Beginning, run North 25 degrees 39 minutes 57 seconds West along the Westerly right-of-way of said State Road No. 5-A a distance of 332.77 feet to the P.C. of a curve, concave Northeast, having a radius of 1196.28 feet, a central angle of 01 degrees 11 minutes 51 seconds, and a chord bearing of North 25 degrees 04 minutes 02 seconds West; thence run Northerly along the arc of the said curve a distance of 25.00 feet; Thence departing said right-of-way line, run South 64 degrees 20 minutes 03 seconds West a distance of 212.62 feet; thence North 42 degrees 34 minutes 41 seconds West a distance of 37.32 feet; thence South 64 degrees 26 minutes 56 seconds West a distance of 46.00 feet; thence South 25 degrees 33 minutes 04 seconds East a distance of 60.00 feet; thence North 64 degrees 26 minutes 56 seconds East a distance of 21.00 feet; thence South 25 degrees 33 minutes 04 seconds East a distance of 49.29 feet; to a point on the arc of a curve, concave Westerly, having a radius of 128.00 feet, central angle of 21 degrees 19 minutes 36 seconds, a chord bearing of South 33 degrees 12 minutes 10 seconds West; thence run Southerly along the arc of said curve 47.64 feet; thence South 25 degrees 33 minutes 04 seconds East a distance of 42.17 feet; thence North 64 degrees 26 minutes 56 seconds East a distance of 10.00 feet; thence South 25 degrees 33 minutes 04 seconds East a distance of 60.00 feet; thence South 64 degrees 26 minutes 56 seconds West a distance of 27.50 feet; thence South 25 degrees 33 minutes 04 seconds East a distance of 65.00 feet; thence North 64 degrees 26 minutes 56 seconds East a distance of 15.00 feet; thence South 25 degrees 33 minutes 04 Seconds East a distance of 92.00 feet to the South line of said Thomas Fitch Grant; thence North 64 degrees 26 minutes 56 seconds East along said line a distance of 292.00 feet to the Point of Beginning."

3. Developer and the Unit Owners, by their joinder herein, specifically grant the foregoing easement and reserve same for the

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purposes and beneficiaries described above. The Unit Owners and Mortgagee, by their joinders herein, consent to this amendment, including specifically the amendment of the common elements of Phase I of Baymeadows at Tomoka Oaks, a Condominium.

4. The last sentence of Paragraph 3.7C, as amended, is further amended (the corrected words being underlined) to read as follows:

"The portion shall be that fraction which has one as its numerator and as its denominator the total number of residential units served by the common entrance road."

IN WITNESS WHEREOF, the parties have executed this amendment on this 14th day of APRIL, 1988.

Witnesses:

BAYMEADOWS AT TOMOKA OAKS, a Florida Joint Venture

BY: D.F. Services, Inc., a Florida Corporation

Arthur B. Johnson Jr.
Lori Ann Beachack

By Robert B. Dunlap
Vice-President

Attest Rebecca J. Raybon
Assistant Secretary

(CORPORATE SEAL)

BY: Intervest Construction, Inc., a Florida corporation

Sharon J. Kane
Deborah Romano

By Is. S. [Signature]
President

Attest [Signature]
Asst. Secretary

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14th day of APRIL, 19 88, by ROBERT B. DUNLAP and REBECCA J. RAYBON, vice president and Asst. Secretary, respectively, of D.F. Services, Inc., a Florida corporation, on behalf of the corporation, a joint venturer of Baymeadows at Tomoka Oaks, a Florida joint venture.

Barbara Paulson
Notary Public, State of Florida
at Large
My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES: OCT. 5, 1990,
BOOKED THRU NOTARY PUBLIC UNDERWRITERS.

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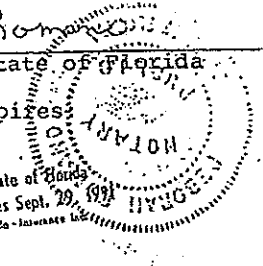
STATE OF FLORIDA
COUNTY OF VOLUSIA

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 14th
day of April, 1988, by Morteza Hosseini and Charlene
Irland, President and Secretary, respectively, of Interest
Construction, Inc., a Florida corporation, on behalf of the
corporation, a joint venturer of Baymeadows at Tomoka Oaks, a Florida
joint venture.

Deborah Romo
Notary Public, State of Florida
at Large
My Commission Expires

Notary Public, State of Florida
My Commission Expires Sept. 29, 1991
Bonded thru Troy Fela-Insurance Co.



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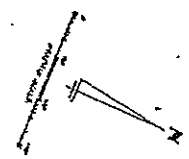
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FLORIDA

BAVMEADOWS AT TOMOKA OAKS CONDOMINIUM PHASE I

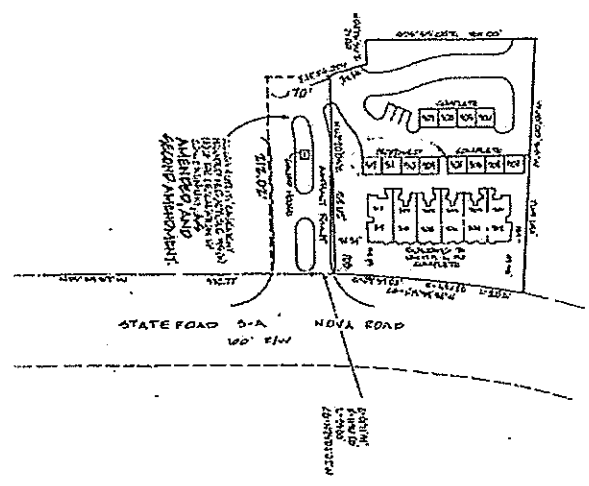
Point 1
LEGAL DESCRIPTION

Point 1 of the above described parcel, Section 24, Township 14 North, Range 14 East, County of Volusia, State of Florida, is located at the intersection of the existing right-of-way of the State Road 5-A and the existing right-of-way of the Tomoka River. The total area of the parcel is 1.23 acres. The parcel is bounded on the north by the Tomoka River, on the east by the right-of-way of the State Road 5-A, on the south by the right-of-way of the Tomoka River, and on the west by the right-of-way of the State Road 5-A. The parcel is to be divided into 123 units. The units are to be located on the parcel as shown on the attached site plan. The units are to be located on the parcel as shown on the attached site plan. The units are to be located on the parcel as shown on the attached site plan.

- Legend:
- 1. Units
 - 2. Common Areas
 - 3. Access
 - 4. Easements
 - 5. Other



TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ACCESS AND INSTALLATION, REPAIR AND REPLACEMENT AND MAINTENANCE OF CABLE TV OVER, UNDER AND UPON THE MONTICENTRY TO FLEET OF THE EXISTING 2700' FEET PARCEL, CONSTITUTING PHASE I, AS MORE FULLY DESCRIBED ON SHEET 3 OF THIS EXHIBIT A.



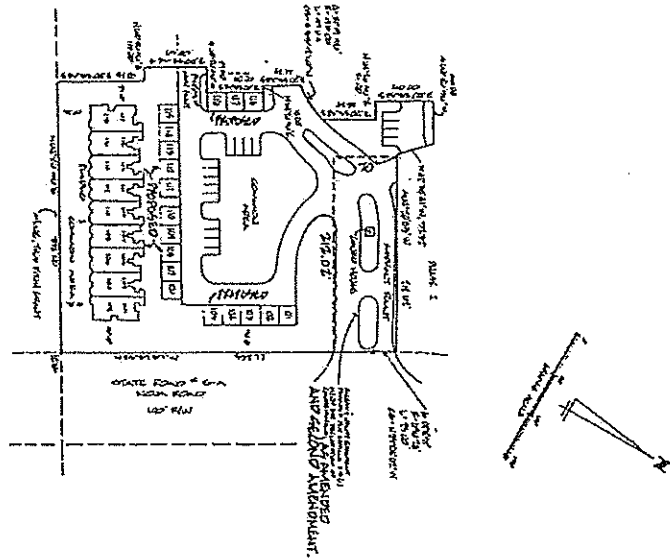
Subject to a non-encumbrance easement for access and repair and upon the north and cable TV over the eastern 2000 feet of the above described parcel.

(Intentionally Not Contained)

LEGAL DESCRIPTION

Parcel 11 of the Tomoka County, Florida, ... containing 3.3 acres (SEE BELOW)

- 1. All of the ... 2. ... 3. ... 4. ... 5. ... 6. ...



BAYMEADOWS AT TOMOKA OAKS CONDOMINIUM PHASE II

JOINDER AND CONSENT OF MORTGAGEE

KNOW ALL MEN BY THESE PRESENTS:

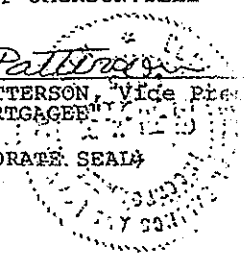
That Duval Federal Savings and Loan Association of Jacksonville, ("Mortgagee") joins the Developer, Baymeadows at Tomoka Oaks, a Florida joint venture, joins in and consents to the foregoing Second Amendment to Declaration of Condominium of Baymeadows at Tomoka Oaks, a Condominium, located in Volusia County, Florida, and further joins said Developer in the First Amendment to Declaration of Condominium of Baymeadows at Tomoka Oaks, a Condominium, recorded on March 19, 1986, in Official Records Book 2797, pages 1767, et. seq., Public Records of Volusia County, Florida, and consents to said amendments, but such Joinder and Consent is entered into by Mortgagee without recourse or warranty, whether of title or otherwise; without assuming any obligation whatsoever of the owner; and reserving to Mortgagee all of its rights and remedies as granted under the mortgages held by Mortgagee on the land and improvements lying and being in Volusia County, Florida, more particularly described in the mortgages owned and held by Mortgagee, recorded in Official Records Book 2724, Page 104, Official Records Book 2590, Page 1087 (modified in Official Records Book 2737, Page 1084), Official Records Book 2802, Page 1264 and Official Records Book 2823, Page 1565, Public Records of Volusia County, Florida, on January 20, 1986, and under the notes secured by said mortgages, and other loan documents executed in connection with said mortgages.

DATED this 14th day of APRIL, 1988.

DUVAL FEDERAL SAVINGS AND LOAN
ASSOCIATION OF JACKSONVILLE

Periah Duffin
Barbara Paulson

BY: C. L. Patterson
C. L. PATTERSON, Vice Pres.
"MORTGAGEE"
(CORPORATE SEAL)



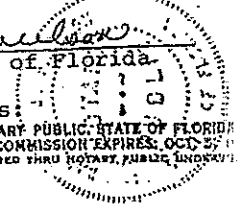
STATE OF FLORIDA
COUNTY OF DUVAL

On this 14th day of APRIL, 1988, personally appeared before me C. L. PATTERSON, Vice President, of Duval Federal Savings and Loan Association of Jacksonville, to me known and

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FLORIDA

known to me to be the Vice President of said corporation who executed the foregoing Joinder of Mortgagee, and he acknowledged before me that he executed said Joinder on behalf of Duval Federal Savings and Loan Association of Jacksonville for the purposes therein expressed.

Barbara Paulson
Notary Public, State of Florida
At Large
My Commission Expires:  OCT 31 1981
NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES: OCT 31 1981
(NOTARY SEAL) BONDED THRU NOTARY PUBLIC UNDER...

JOINDER AND CONSENT
TO SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OF BAYMEADOWS
AT TOMOKA OAKS, A CONDOMINIUM

The undersigned, Beverley R. Reid, the owner of Unit 309, Baymeadows at Tomoka Oaks, a Condominium, hereby joins in and consents to the foregoing Second Amendment to Declaration of Condominium of Baymeadows at Tomoka Oaks, a Condominium.

IN WITNESS WHEREOF, the parties have executed this Joinder and Consent to Amendment on this 13th day of April, 1988.

WITNESSES:

[Signature]
[Signature]
As to Beverley R. Reid

Beverley R. Reid (SEAL)
Beverley R. Reid

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me, this 13th day of April, 1988, by Beverley R. Reid.

[Signature]
Notary Public, State of Florida,
at Large
My Commission Expires 01/19/91
My Commission Expires 01/19/91
Tracked This Copy Fair - Insurance

JOINDER AND CONSENT
TO SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OF BAYMEADOWS
AT TOMOKA OAKS, A CONDOMINIUM

The undersigned, Anne Haber, unmarried widow of John G. Haber, deceased, the owner of Unit 306, Baymeadows at Tomoka Oaks, a Condominium, hereby joins in and consents to the foregoing Second Amendment to Declaration of Condominium of Baymeadows at Tomoka Oaks, a Condominium.

IN WITNESS WHEREOF, the undersigned has executed this Joinder and Consent to Amendment on this 4th day of May, 1988.

WITNESSES:

Sinner D. Keith
Melinda M. Schwarz

Anne Haber (SEAL)
Anne Haber

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 4th day of May, 1988, by Anne Haber, the unmarried widow of John G. Haber, deceased.

Sinner D. Keith
Notary Public, State of Florida
at Large

My Commission Expires APR 18, 1991
NOTARY PUBLIC STATE OF FLORIDA
BY COMMISSION EXPIRES APR 18, 1991
GRANTED THRU GENERAL INS. #

(NOTARY SEAL)

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1988

JOINDER AND CONSENT
TO SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OF BAYMEADOWS
AT TOMOKA OAKS, A CONDOMINIUM

The undersigned, Leonard J. Tamburello and Ruth P. Tamburello, husband and wife, owners of Unit 307, Baymeadows at Tomoka Oaks, a Condominium, hereby join in and consent to the foregoing Second Amendment to Declaration of Condominium of Baymeadows at Tomoka Oaks, a Condominium.

IN WITNESS WHEREOF, the parties have executed this Joinder and Consent to Amendment on this 5th day of MAY, 1988.

WITNESSES:

Richard Kish
John J. ...

Leonard J. Tamburello (SEAL)
Leonard J. Tamburello
Ruth P. Tamburello (SEAL)
Ruth P. Tamburello

STATE OF NEW JERSEY
COUNTY OF ESSEX

The foregoing instrument was acknowledged before me this 5th day of MAY, 1988, by Leonard J. Tamburello and Ruth P. Tamburello, husband and wife.

Sabin J. Fallone

Notary Public
My Commission Expires:

(NOTARY SEAL)

SABIN J. FALLONE
NOTARY PUBLIC - STATE OF NEW JERSEY
My Commission Expires 1-29-89

