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 MARTHA O. HAYNIE, COMPTROLLER  
 ORANGE COUNTY, FL  
 05/23/2005 03:22:52 PM  
 REC FEE 35.50

This instrument prepared by  
 and when recorded return to:  
 Rosa Eckstein Schechter, Esq.  
 Landstar Development Corporation  
 Suite 1110  
 550 Biltmore Way  
 Coral Gables, Florida 33134

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FIRST AMENDMENT TO DECLARATION FOR SANDHILL PRESERVE

This First Amendment to Declaration for Sandhill Preserve (this "Amendment") is made this 23<sup>rd</sup> day of May, 2005, by LANDSTAR DEVELOPMENT CORPORATION, a Florida corporation ("Developer").

RECITALS:

- A. Developer recorded that certain Declaration for Sandhill Preserve dated as of March 9, 2005 and recorded March 18, 2005 in Official Records Book 7879, page 1196, of the Public Records of Orange County, Florida (the "Declaration").
- B. Section 5.3 of the Declaration permits Developer to amend the Declaration without the joinder of any party.
- C. Developer desires to amend the Declaration as set forth herein.

NOW, THEREFORE, Developer hereby declares that every portion of Sandhill Preserve (as defined in the Declaration) is to be held, transferred, sold, conveyed, used and occupied subject to the covenants, conditions and restrictions hereafter set forth.

- 1. Recitals. The foregoing Recitals are true and correct and are hereby incorporated into and form a part of this Amendment.
- 2. Conflicts. In the event there is a conflict between this Amendment and the Declaration, this Amendment shall control. Whenever possible, this Amendment and the Declaration shall be construed as a single document. Except as modified hereby, the Declaration shall remain in full force and effect.
- 3. Definitions. All initially capitalized terms not defined herein shall have the meaning set forth in the Declaration.
- 4. Section 15.11: Initial Capital Contribution. Section 15.11 is hereby deleted in its entirety and replaced with the following: "The first purchaser of each Lot, Home or Parcel, at the

time of closing of the conveyance from Developer to the purchaser, shall pay to Association an initial capital contribution in the amount of two (2) months Assessments (the "Initial Capital Contribution"). The funds derived from the Initial Capital Contributions shall be used at the discretion of Association for any purpose, including but not limited to, future and existing capital improvements, operating expenses, support costs and start-up costs."

23rd IN WITNESS WHEREOF, the undersigned Developer has hereunto set its hand and seal this day of May, 2005.

WITNESSES:

LANDSTAR DEVELOPMENT  
CORPORATION, a Florida corporation

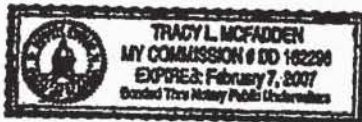
Guy Trussell  
Print Name: Guy Trussell

By: [Signature]  
Name: William D. Morrissey  
Title: Executive Vice President

[Signature]  
Print Name: Jaine Adams

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 23rd day of May, 2005, by William D. Morrissey, as Executive Vice President of LANDSTAR DEVELOPMENT CORPORATION, a Florida corporation, on behalf of the corporation.



[Signature]  
Print Name: Tracy L. McFadden  
Title: \_\_\_\_\_  
Serial Number: \_\_\_\_\_

My Commission Expires: 2-7-07

(if any)

JOINDER AND CONSENT

Sandhill Preserve, as described on Exhibit "1" to the Declaration for Sandhill Preserve (the "Declaration") is presently encumbered by a Real Estate Mortgage, Assignment and Security Agreement to Bank of America, N.A., a national banking association (the "Mortgagee") dated April 5, 2004 and recorded on April 6, 2004 in Official Records Book 7376, page 3602, of the Public Records of Orange County, Florida, and a Financing Statement recorded on April 6, 2004 in Official Records Book 7376, page 3639, of the Public Records of Orange County, (collectively the "A&D Mortgage") and by a Consolidated and Restated Real Estate Mortgage, Assignment, and Security Agreement dated October 17, 2000, and recorded November 10, 2000 in Official Records Book 6128, at Page 2288, of the Public Records of Orange County, Florida, as modified by First Mortgage Modification and Future Advance Agreement dated November 13, 2000 and recorded in Official Records Book 6135, page 2789, of the Public Records of Orange County, Florida, as modified by Second Mortgage Modification and Spreader Agreement dated April 5, 2004 and recorded on April 6, 2004, in Official Records Book 7376, page 3646 of the Public Records of Orange County, Florida, as modified by Third Mortgage Modification and Spreader Agreement dated April 5, 2004 and recorded on April 6, 2004 in Official Records Book 7376, page 3652, of the Public Records of Orange County, Florida, as modified by Fourth Mortgage Modification and Spreader Agreement dated August 20, 2004 and recorded on August 26, 2004, in Official Records Book 7590, page 2671 of the Public Records of Orange County, Florida, as modified by Fifth Mortgage Modification and Spreader Agreement dated October 19, 2004 and recorded on October 25, 2004, in Official Records Book 7671, page 4087 of the Public Records of Orange County, Florida (collectively, the "Construction Mortgage").

Mortgagee hereby certifies that it is the holder of the A&D Mortgage and Construction Mortgage and hereby joins in and consents to the First Amendment to Declaration for Sandhill Preserve.

IN WITNESS WHEREOF, Mortgagee has executed this Joinder and Consent as of the date this 16<sup>th</sup> day of May, 2005.

Signed, sealed and delivered  
in the presence of:

Print Name: Bridget A. Kincaid

Print Name: Heather Teague

BANK OF AMERICA, N.A., a national  
banking association

By: Evita Francisco  
Name: Evita Francisco  
Title: Vice President

[ACKNOWLEDGEMENT APPEARS ON NEXT PAGE]

STATE OF FLORIDA :  
: ss:  
COUNTY OF MIAMI-DADE :

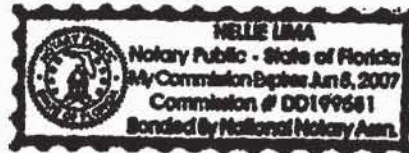
The foregoing instrument was acknowledged before me by Evita Francuz, as Vice President of Bank of America, N.A., a national banking association. Such individual is personally known to me or has produced a driver's license as identification, and did not take an oath.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the 16 day of May, 2005.

*Nelle Lima*

Notary Public  
State of Florida at Large  
(Notarial Seal)

My Commission expires:



2007