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ASSIGNMENT OF DECLARANT'S RIGHTS

THIS ASSIGNMENT OF DECLARANT'S RIGHTS ("Assignment"), dated this * 28th * day of October, 1992, is made by MAGNOLIA SERVICE CORPORATION, a Florida corporation ("Assignor") in favor of DEBARY ESTATES ASSOCIATES, LTD., a Florida limited partnership ("Assignee").

R E C I T A L S:

A. The property described on Exhibit A, attached hereto and made a part hereof (the "Property") is subject to that certain Declaration of Master Covenants, Conditions and Restrictions of DeBary Plantation recorded on January 24, 1990, in Official Records Book 3417 at Page 702, as amended by Supplementary Declaration recorded in Official Records Book 3756 at Page 3009, all of the foregoing recorded in the Public Records of Volusia County, Florida (collectively the "Declaration");

B. Assignee has requested that Assignor, as "Declarant" (as defined in the Declaration) assign and Assignor desires to assign to Assignee all of Assignor's right, title, interests, powers and reservations as Declarant under the Declaration.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10) lawful money of the United States, the Assignor in hand paid by Assignee, and other good and valuable consideration, the receipt, sufficiency and adequacy of which is hereby acknowledged, Assignor hereby agrees as follows:

1. The foregoing recitations are true and correct and are incorporated herein by reference.

2. Assignor states that (a) it has unrestricted title and interest in and retains the unconditional right to assign to Assignee all of Declarant's interests, powers and reservations rights under the Declaration; (b) Assignor has taken no action as Declarant since March 1, 1992, except to make additional property subject to the Declaration, said property being described as DeBary Plantation, Unit 8, as per Map Book 43, Pages 32 and 33 in the Public Records of Volusia County, Florida.

3. Effective as of the date hereof, but not with respect to acts or omissions occurring or arising prior to the date hereof, Assignor hereby assigns, transfers and sets over unto Assignee all right, title, interest, powers and reservations of Assignor as Declarant with regard to the Declaration including, without in any way limiting the breadth of this Assignment, (a) and any and all rights of Declarant specifically required or permitted to be assigned pursuant to the Declaration; (b) all of Declarant's veto powers pursuant to Paragraph 3.06 of the Declaration; and (c) Declarant's right, pursuant to Paragraph 8.01 of the Declaration,

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CLERK OF THE CIRCUIT
CITY COURT VOLUSIA CO. FL.
[Signature]

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4. This Assignment is a complete and total assignment divesting Assignor of all of its right, title, and interest under the Declaration and Assignor hereby acknowledges its divestment of all of its right, title, interest, powers and reservations under the Declaration in favor of Assignee.

IN WITNESS WHEREOF, Assignor has duly executed this Assignment as of the day and year set forth above.

Signed, sealed and delivered in the presence of:

ASSIGNOR:

MAGNOLIA SERVICE CORPORATION,
a Florida corporation

Paul S. Allen
Print name: Paul S. Allen

By: *Robert L. Smartt*
Robert L. Smartt, President

Jennifer Flynn
Print name: Jennifer Flynn

STATE OF GEORGIA)
) ss.:
COUNTY OF COBB)

The foregoing instrument was acknowledged before me this 32nd day of October, 1992, by Robert L. Smartt, as President of MAGNOLIA SERVICE CORPORATION, who is personally known to me or who produced _____ as identification and who did not take an oath on behalf of the corporation.

My commission expires:
Notary Public, Gwinnett, Georgia.
My Commission Expires February 27, 1996

Shirley M. Lindley
NOTARY PUBLIC, State of Georgia
at Large

Print name: Shirley M. Lindley

DESCRIPTION:

The East 1/2 of Section 21, Township 18 South, Range 30 East, Volusia County, Florida, LESS the following portions thereof, The North 3/4 of the Northeast 1/4 and the East 885.00 feet of the South 1/2 of the Southeast 1/4 of the Northeast 1/4,

AND the West 1/2 of the Southwest 1/4 of Section 22, Township 18 South, Range 30 East, Volusia County, Florida,

AND the Southeast 1/4 of the Southwest 1/4 and that part of the Southwest 1/4 of the Southeast 1/4 lying West of U.S. Highway No. 17-92 right of way line, all in Section 22, Township 18 South, Range 30 East, Volusia County, Florida,

AND the Northwest 1/4 of the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 and the East 3/4 of the North 1/2 lying West of U.S. Highway No. 17-92 right of way line, LESS and except the South 330.00 feet thereof, all in Section 27, Township 18 South, Range 30 East, Volusia County, Florida,

AND the Northeast 1/4 of Section 28, Township 18 South, Range 30 East, and the Southeast 1/4 of Section 28, Township 18 South, Range 30 East, LESS right-of-way of Highbanks Road, Volusia County, Florida

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTIES:

The South 365.00 feet of the East 1450.00 feet of the Southeast 1/4 of Section 28, Township 18 South, Range 30 East, Volusia County, Florida,

The North 1/2 of the Northwest 1/4 of the Southwest 1/4 and the East 1/2 of the North 1/2 of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 22, Township 18 South, Range 30 East, Volusia County, Florida,

From the South 1/4 corner of Section 22, Township 18 South, Range 30 East, Volusia County, Florida, run N 00 degrees 50 minutes 03 seconds W, along the East line of the Southeast 1/4 of the Southwest 1/4 of said Section 22 a distance of 64.42 feet to the point of beginning; thence run S 61 degrees 59 minutes 00 seconds W, 65.10 feet; thence run N 00 degrees 50 minutes 03 seconds W, parallel with said East line 1298.39 feet to a point on the North line of said Southeast 1/4 of the Southwest 1/4 of Section 22; thence run N 89 degrees 41 minutes 48 seconds E, along said North line 57.92 feet to the Northeast corner of the Southeast 1/4 of the Southwest 1/4 of Section 22; thence run N 89 degrees 43 minutes 14 seconds E, along the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 22 a distance of 1012.18 feet to the Westerly right of way line of U.S. Highway No. 17-92 (S.R. #15 & #600); thence run S 13 degrees 49 minutes 08 seconds W, along said

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Westerly right of way line 1305.00 feet to a point on a curve concave Northerly and having a radius of 100.00 feet; thence leaving said Westerly right of way line, from a tangent bearing of S 63 degrees 31 minutes 49 seconds W, run Westerly along the arc of said curve 159.50 feet through a central angle of 91 degrees 23 minutes 22 seconds to a point of reverse curvature of a curve concave Southwesterly and having a radius of 200.00 feet; thence run Westerly along the arc of said curve 324.41 feet through a central angle of 92 degrees 56 minutes 11 seconds to the point of tangency; thence run S 61 degrees 59 minutes 00 seconds W, 307.86 feet to the point of beginning.

From the Southeast corner of the Southwest 1/4 of Section 22, Township 18 South, Range 30 East, Volusia County, Florida, run N 00 degrees 50 minutes 03 seconds W, along the East line of the Southeast 1/4 of the Southwest 1/4 of said Section 22 a distance of 64.42 feet; thence run S 61 degrees 59 minutes 00 seconds W 65.10 feet to the point of beginning; thence continue S 61 degrees 59 minutes 00 seconds W, a distance of 218.60 feet; thence S 89 degrees 41 minutes 48 seconds W, a distance of 93.74 feet; thence N 08 degrees 54 minutes 05 seconds W, a distance of 213.76 feet; thence N 00 degrees 50 minutes 03 seconds W, parallel with the East line of the Southeast 1/4 of the Southwest 1/4 of said Section 22 a distance of 887.10 feet to a point on a curve concave Northeasterly having a radius of 370.00 feet; thence from a tangent bearing of N 15 degrees 16 minutes 43 seconds W through a central angle of 14 degrees 26 minutes 40 seconds run Northwesterly along the arc of said curve a distance of 93.28 feet to a point of tangency; thence N 00 degrees 50 minutes 03 seconds W, a distance of 209.41 feet to a point on the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 22, thence N 89 degrees 41 minutes 48 seconds E, along said North line a distance of 329.90 feet; thence S 00 degrees 50 minutes 03 Seconds E, a distance of 1298.40 feet to the point of beginning.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTIES:

That part of Section 27, Township 18 South, Range 30 East, Volusia County, Florida, being more particularly described as follows:

Commence at the North 1/4 corner of said Section 27, thence run S 89 degrees 38 minutes 48 seconds W along the North line of the Northwest 1/4 of said Section 27 for a distance of 30.96 feet; thence run S 00 degrees 21 minutes 12 seconds E for a distance of 623.67 feet to the Point of Beginning; thence run S 80 degrees 29 minutes 18 seconds E for a distance of 220.94 feet; thence run N 09 degrees 21 minutes 54 seconds E for a distance of 163.01 feet; thence run N 81 degrees 24 minutes 16 seconds W for a distance of 14.45 feet to the point of curvature of a curve concave Northeasterly having a radius of 1050.00 feet; thence run Northwesterly along the arc of said curve through a central angle of 08 degrees 40 minutes 31 seconds for a distance of 158.98 feet to the point of reverse curvature of a curve concave Southeasterly having a radius of 25.00 feet; thence run Southwesterly along the

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arc of said curve through a central angle of 88 degrees 04 minutes 16 seconds for a distance of 38.43 feet to the point of compound curvature of a curve concave Southeasterly having a radius of 1857.36 feet; thence run Southwesterly along the arc of said curve through a central angle of 04 degrees 43 minutes 10 seconds for a distance of 152.99 feet to the Point of Beginning.

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LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTIES:

Lots 1-3, 5-13, 15-20, 23, 26-28, 30-33, 35-39, Tracts B, C and D, DEBARY PLANTATION, UNIT 4, as recorded in Map Book 43, Pages 42, 43 & 44 of the Public Records of Volusia County, Florida.

Lots 1-4, 6-14, 16-18, 20-25, 27-44, 47, 50, 52, 54 and 55, DEBARY PLANTATION, UNIT 5, as recorded in Map Book 43, Pages 45, 46 & 47 of the Public Records of Volusia County, Florida.

Lot 11, DEBARY PLANTATION, UNIT 8, as recorded in Map Book 44, Pages 32 & 33 of the Public Records of Volusia County, Florida.

LESS PLATTED ROAD RIGHTS-OF-WAY.

Containing 718.265 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

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CONSENT TO ASSIGNMENT

The undersigned, DEBARY ESTATES ASSOCIATES, LTD., hereby consents to Assignor's assignment to the undersigned of all of Assignor's right, title, interest, powers and reservation as Declarant with regard to the Declaration to the undersigned and the undersigned hereby assumes all of Assignor's duties as Declarant as provided for in the Declaration, from the date of this Consent forward, but not with respect to acts or omissions arising or occurring prior to the date hereof.

Dated this 28 day of October, 1992

DEBARY ESTATES ASSOCIATES, LTD.,
a Florida limited partnership
By: WJM INVESTMENTS, INC., a Florida
corporation as general partner

By: William G. Vernon
Print Name: William G. Vernon
Title: President
(seal)

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STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 28 day of October, 1992, by William G. Vernon, as President of WJM Investments, Inc., general partner of DeBary Estates Associates, Ltd., a Florida limited partnership, on behalf of the partnership. He is personally known to me and has not taken an oath.

NOTARY PUBLIC:

Sign: Jerri D. Hopkins
Print: Jerri D. Hopkins
State of Florida At Large
(Seal)
My Commission Expires:
Title/Rank: _____
Commission Number: _____

