

THIS INSTRUMENT PREPARED BY
AND WHEN RECORDED RETURN TO:
Phillip Tatich, Esquire
Post Office Drawer 2545
Winter Park, Florida 32790-2545

**SECOND SUPPLEMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CALABAY PARC AT TOWER LAKE**

THIS SECOND SUPPLEMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR CALABAY PARC AT TOWER LAKE, made
and executed as of the 28th day of August, 2007, by WESCOTT - TOWER LAKE, LLC,
a Florida limited liability company (the "Declarant"),

WITNESSETH:

WHEREAS, certain real property situate in Polk County, Florida, being more
particularly as follows:

Parcel 1

Commence at the Southeast corner of the Northwest 1/4 of the
Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk
County, Florida, and run S90°00'00"W along the South boundary
thereof, 540.00 feet to the Point of Beginning; thence continue
S90°00'00"W, 788.80 feet; thence S89°59'22"W, 994.85 feet; thence
N00°10'47"E, 1321.74 feet; thence S89°53'04"E, 511.80 feet to a point on
the Southerly right-of-way line of Bates Road, said point being a non-
tangent intersection with a curve concaved Northeasterly, having a
radius of 406.97 feet, a chord distance of 149.13 feet and a chord
bearing of S79°32'28"E; thence Southeasterly along the arc of said
curve and said right-of-way line, through a central angle of 21°06'53", an
arc distance of 149.98 feet to the end of said curve; thence N89°54'05"E
along said right-of-way, 310.52 feet; thence N87°31'25"E along said
right-of-way, 232.80 feet; thence S89°43'55"E, 160.52 feet; thence
S00°10'36"W, 277.97 feet; thence S89°56'06"E, 359.86 feet; thence
S00°03'54"W, 125.00 feet; thence S10°11'03"E, 40.65 feet; thence
S00°03'54"W, 120.00 feet; thence S89°56'06"E, 51.22 feet; thence
S00°01'24"E, 739.86 feet to the Point of Beginning. Less and Except:
Commence at the Southeast corner of the Northwest 1/4 of the
Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk
County, Florida; thence S90°00'00"W along the South line of said
Northwest 1/4 of the Southeast 1/4 a distance of 1199.43 feet; thence
N00°00'00"E, 337.11 feet to the Point of Beginning; thence continue
N00°00'00"W, 141.00 feet; thence S90°00'00"W, 336.92 feet to the point
of curvature of a curve concaved Southeasterly, having a central angle
of 75°44'10" and a radius of 30.00 feet; thence Southwesterly along said

curve, 39.66 feet to the point of reverse curvature of a curve concaved Northwesterly having a central angle of $09^{\circ}26'59''$, a radius of 760.00 feet, a chord bearing of $S18^{\circ}59'20''W$ and a chord distance of 125.20 feet; thence Southwesterly along said curve 125.35 feet; thence $N90^{\circ}00'00''E$, 406.73 feet to the Point of Beginning.

Parcel 2-A

Commence at the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk County, Florida and run $S90^{\circ}00'00''W$ along the South boundary thereof, 540.00 feet; thence $N00^{\circ}01'24''W$, 739.86 feet to the Point of Beginning; thence continue $N00^{\circ}01'24''W$, 31.69 feet; thence $N89^{\circ}58'36''E$, 110.83 feet; thence $N89^{\circ}35'46''E$, 40.68 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 55.00 feet, a chord distance of 2.94 feet and a chord bearing of $N14^{\circ}57'23''E$; thence Northeasterly along the arc of said curve through a central angle of $03^{\circ}04'00''$, an arc distance of 2.94 feet to the end of said curve; thence $N16^{\circ}29'24''E$, 30.22 feet; thence $S73^{\circ}30'36''E$, 111.42 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 200.00 feet, a chord distance of 55.04 feet and a chord bearing of $N18^{\circ}45'28''E$; thence Northeasterly along the arc of said curve through a central angle of $15^{\circ}49'08''$, an arc distance of 55.22 feet to the end of said curve; thence $N23^{\circ}27'03''E$, 50.42 feet to a non-tangent intersection with a curve concave Westerly, having a radius of 220.00 feet, a chord distance of 51.24 feet and a chord bearing of $N06^{\circ}51'49''E$; thence Northeasterly along the arc of said curve through a central angle of $13^{\circ}22'27''$, an arc distance of 51.35 feet to the end of said curve; thence $N00^{\circ}10'36''E$, 238.57 feet; thence $N89^{\circ}43'55''W$, 47.68 feet; thence $N00^{\circ}16'05''E$, 140.00 feet to a point on the South right-of-way line of Bates Road; thence $N89^{\circ}43'55''W$ along said right-of-way line, 232.54 feet; thence $S00^{\circ}10'36''W$, 276.37 feet; thence $N89^{\circ}56'06''W$, 90.01 feet; thence $S00^{\circ}03'54''W$, 125.00 feet; thence $S10^{\circ}11'03''E$, 40.65 feet; thence $S00^{\circ}03'54''W$, 120.00 feet; thence $S89^{\circ}56'06''E$, 51.22 feet to the Point of Beginning,

Parcel 2-B

Begin at the Southeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk County, Florida and run $S90^{\circ}00'00''W$ along the South boundary thereof, 540.00 feet; thence $N00^{\circ}01'24''W$, 771.54 feet; thence $N89^{\circ}58'36''E$, 110.83 feet; thence $N89^{\circ}35'46''E$, 40.68 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 55.00 feet, a chord distance of 2.94 feet and a chord bearing of $N14^{\circ}57'23''E$; thence Northeasterly along the arc of said curve through a central angle of $03^{\circ}04'00''$, an arc distance of 2.94 feet to the end of said curve; thence $N16^{\circ}29'24''E$, 30.22 feet; thence $S73^{\circ}30'36''E$, 111.42 feet to a non-tangent intersection with a curve concaved Southeasterly, having a radius of 200.00 feet, a chord distance of 55.04 feet and a chord bearing of $N18^{\circ}45'28''E$; thence Northeasterly along the arc of said curve

through a central angle of 15°49'08", an arc distance of 55.22 feet to the end of said curve; thence N23°27'03"E, 50.42 feet to a non-tangent intersection with a curve concaved Westerly, having a radius of 220.00 feet, a chord distance of 51.24 feet and a chord bearing of N06°51'49"E; thence Northeasterly along the arc of said curve through a central angle of 13°22'27", an arc distance of 51.35 feet to the end of said curve; thence N00°16'05"E, 238.57 feet; thence N89°43'55"W, 48.07 feet; thence N00°16'05"E, 140.00 feet to a point on the South right of way line of Bates Road; thence S89°43'55"E, 936.62 feet; thence S00°07'25"E, 636.67 feet; thence N89°58'45"W, 663.22 feet; thence S00°01'24"E, 659.29 feet to the Point of Beginning,

is hereby made subject to that certain *Declaration of Covenants, Conditions and Restrictions for Calabay Parc at Tower Lake* dated January 14, 2005, filed February 7, 2005, and recorded in Official Records Book 6077, Pages 1201 through 1251, as supplemented by that certain *First Supplement to Declaration of Covenants, Conditions and Restrictions for Calabay Parc at Tower Lake* dated May 23, 2005, filed June 27, 2005, and recorded in Official Records Book 6266, Pages 0260 through 0264, as amended by that certain *First Amendment to Declaration of Covenants, Conditions and Restrictions for Calabay Parc at Tower Lake* dated March 15, 2006, filed April 19, 2006, and recorded in Official Records Book 6735 Pages 0393 through 0397, all in the Public Records of Polk County, Florida (hereinafter referred to collectively as the "Declaration");

WHEREAS, pursuant to Section 8.1 of the Declaration, Declarant may annex Additional Property to the Declaration by supplement to the Declaration; and

WHEREAS, Declarant is the owner of real property situate in Polk County, Florida, being more particularly described as follows:

Parcel 3

Begin at the Southwest corner of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk County, Florida North 00°01'24" West along the East boundary of CALABAY PARC AT TOWER LAKE PHASE TWO, Plat Book 136, Page 45, 659.29 feet; thence South 89°58'45" East along the South boundary of said CALABAY PARC AT TOWER LAKE PHASE TWO, 663.22 feet, thence South 00°07'27" East along the East boundary of Tract 11 of FLORIDA DEVELOPMENT COMPANY SUBDIVISION, Plat Book 3, Pages 60 through 63 to the South line of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, 659.05 feet; thence along the South boundary of said Section 17 North 90°00'00" West, 664.38 feet to the POINT OF BEGINNING.

NOW, THEREFORE, Declarant hereby declares that the real property described herein as the "Additional Property" shall be henceforth subject the terms and provisions of the Declaration and shall be held, sold, conveyed, leased, encumbered and otherwise dealt with subject to the easements, restrictions, covenants and conditions, reservations, charges and lien rights as set forth in the Declaration as if fully set forth therein. The Additional Property covered by this Supplement shall be subject to the terms and conditions of the Declaration and binding upon, and inure to the benefit of all parties having or acquiring any right, title or interest in the Additional Property or any part thereof,

their heirs, successors and assigns.

1. **Additional Property** - That certain parcel of real property owned by the Declarant located in Polk County, Florida, being more particularly described as follows:

Begin at the Southwest corner of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, Polk County, Florida North 00°01'24" West along the East boundary of CALABAY PARC AT TOWER LAKE PHASE TWO, Plat Book 136, Page 45, 659.29 feet; thence South 89°58'45" East along the South boundary of said CALABAY PARC AT TOWER LAKE PHASE TWO, 663.22 feet, thence South 00°07'27" East along the East boundary of Tract 11 of FLORIDA DEVELOPMENT COMPANY SUBDIVISION, Plat Book 3, Pages 60 through 63 to the South line of the Southwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 17, Township 27 South, Range 27 East, 659.05 feet; thence along the South boundary of said Section 17 North 90°00'00" West, 664.38 feet to the POINT OF BEGINNING.

is hereby made subject to the *Declaration* as "Additional Property" (as such term is defined in Section 1.1(a) of the *Declaration* and shall be subject to each and every term and condition of the *Declaration* as fully as though originally designated there as Property.

2. **Declaration** - The Declarant does hereby declare by this Supplement that the Additional Property, as described herein, shall be subject to the terms and conditions of the *Declaration* when it is transferred, demised, sold, conveyed or occupied.

IN WITNESS WHEREOF, the Declarant has executed this *Second Supplement to the Declaration of Covenants, Conditions and Restrictions for Calabay Parc at Tower Lake* as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

WESCOTT - TOWER LAKE, LLC, a
Florida limited liability company

Stacey Imber
Name: Stacey Imber

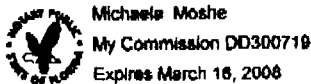
By: Joseph Kantor
Joseph Kantor, Managing Member

Jody J. Cavis
Name: Jody J. Cavis

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing *Second Supplement to the Declaration of Covenants, Conditions and Restrictions* was acknowledged before me this 28 day of August, 2007, by *Joseph Kantor*, as a Managing Member of **Wescott - Tower Lake, LLC**, a Florida limited liability company, who is personally known to me.

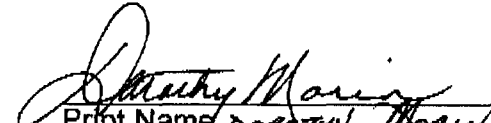
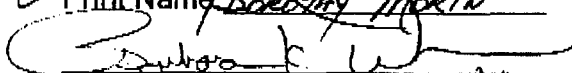
Michaela Moshe
Notary Public, State of Florida

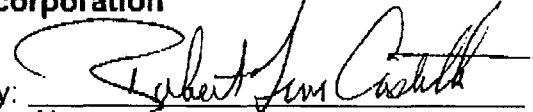


JOINDER AND CONSENT

The undersigned, as owner and holder of that certain *Mortgage and Security Agreement from Wescott - Tower Lake, LLC*, a Florida limited liability company, in favor of **CNLBank**, a Florida banking corporation, dated February 11, 2004, filed February 17, 2004, and recorded in Official Records Book 5675, Pages 0101 through 0125, securing a mortgage note in the original principal amount of \$4,150,000.00, as amended by that certain *Notice of Future Advance and Note and Mortgage Modification and Spreader Agreement* dated January 14, 2005, filed January 20, 2005, and recorded in Official Records Book 6059, Pages 0330 through 0339, as further amended by that certain *Second Notice Of Future Advance and Note And Mortgage Modification And Spreader Agreement* dated March 23, 2005, filed March 30, 2005, and recorded in Official Records Book 6140, Pages 1049 through 1059, as further amended by that certain *Third Note And Mortgage Modification and Extension Agreement* dated October 27, 2005, filed November 16, 2005, and recorded in Official Records Book 6491, Pages 1961 through 1968, as further amended by that certain *Fourth Note And Mortgage Modification and Extension Agreement* dated February 5, 2007, filed February 14, 2007, and recorded in Official Records Book 7174, Pages 2214 through 2221, all in the Public Records of Polk County, Florida. does hereby join in, and consent to, the foregoing *Second Supplement to Declaration of Covenants, Conditions and Restrictions for Calabay Parc at Tower Lake*, as the same may hereafter be amended, to ratify and confirm that the aforesaid *Mortgage and Security Agreement*, as amended and modified, shall be subordinate to the Declaration, as hereby supplemented.

CNLBANK, a Florida banking corporation


Print Name DOROTHY MORIN

Print Name BARBARA K WINSLOW

By: 
Name: ROBERT LUIS CASTILLO
Title: SVP

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing *Joinder and Consent* was acknowledged before me this 10 day of September, 2007, by ROBERT LUIS CASTILLO as Vice President of **CNLBank**, a Florida banking corporation, who is personally known to me or who has been identified by producing a Florida driver's license.




NOTARY PUBLIC, State of Florida