

L07000002534

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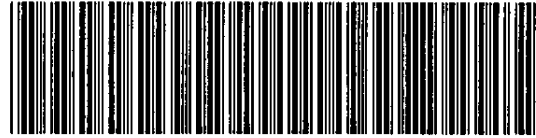
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January 11, 2007

BY: FEDERAL EXPRESS

Registration Section
Division of Corporations
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Tallahassee, FL 32301

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Subject: 409 Big Tree Road, LLC,

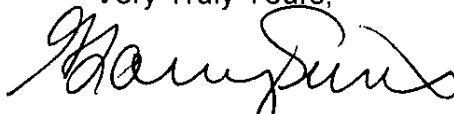
Enclosed Articles of Amendment and fees are submitted for filing. Please return all correspondence concerning this matter to the following:

G. Larry Sims, Esquire
Black, Sims & Birch, LLP
P.O. Drawer 265669
Daytona Beach, FL 32126

For further information concerning this matter please call G. Larry Sims at 386-253-8195 x 322.

Enclosed is a check for the following amount: \$60.00 filing fee, certificate of status and certified copy of the Amendment.

Very Truly Yours,



G. Larry Sims, Esquire

GLS/ral
Encl:

**ARTICLES OF AMENDMENT
TO
ARTICLES OF ORGANIZATION
OF**

409 BIG TREE, LLC

FIRST: The Articles of Organization of **409 BIG TREE, LLC** were filed on January 8, 2007, and assigned document number L07000002534.

SECOND: This Amendment is submitted to amend Article III, to amend the purpose for which this limited liability company is organized. The previous language of Article III is deleted, and in its place is inserted the following:

Article III

Purpose: The purpose of the company shall be solely to acquire, operate and dispose of that real properties located at 409 Big Tree Road, South Daytona, Florida, (the "**Property**"). So long as the Company is obligated on any indebtedness or obligations of any kind whatsoever to LaSalle Bank National Association, a national Banking association (and its successors and/or assigns, collectively, "**Lender**"), except upon the express prior written consent of Lender: (i) the foregoing statement of purpose shall not be amended; and (ii) the Company shall not hold or acquire, directly or indirectly, any ownership interest (legal or equitable) in any real or personal property other than the Property, or become a shareholder of or member or partner in any entity which acquires or holds and property other than the Property.

THIRD: The following Article VII shall be added to the Articles of Organization:

Article VII

Amendments to Articles of Organization: These Articles of Organization may be amended by the Members in accordance with the provisions of Florida Statute 608.411, and as it may be subsequently amended, except as provided in Article IX below.

FOURTH: The following Article VIII shall be added to the Articles of Organization:

Article VIII

Dissolution: The company may be dissolved in accordance with the provisions of Florida Statute 608.441, and as it may be subsequently amended, except as provided in Article IX below.

FIFTH: The following Article IX shall be added to the Articles of Organization:


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Article IX

Dissolution: Notwithstanding anything to the contrary contained in these Articles of Organization, the Company and its Manager and Members hereby waive their right to dissolve or terminate (and waive their right to consent to the dissolution or termination of) the Company or this Agreement, and shall not take any action towards that end, so long as the Company is obligated on any indebtedness or obligations of any kind whatsoever to LaSalle Bank National Association, a national banking association (and its successors and/or assigns, collectively, "**Lender**"), except upon the express prior written consent of Lender. Further, the death, retirement, incapacity, insanity, expulsion or resignation, bankruptcy, insolvency, dissolution or other similar proceeding of, or pertaining to, any Manager or Member, or any other event or act causing dissolution of the Company pursuant to Florida Statutes 608.441 or this Agreement, shall not constitute an event of liquidation, dissolution or termination of the Company or this Agreement, except upon the express prior written consent of Lender. Any amendments to this provision of the Agreement, Article III - Purpose, Article VII - Amendments to Articles of Organization, or Article VIII - Dissolution hereunder shall require the prior written consent of Lender, provided that such consent shall not be required once the Company no longer has any indebtedness or other obligation of any kind whatsoever owing or due Lender. This paragraph shall cease to be of further force or effect once the Company no longer has any outstanding indebtedness or other obligation of any kind whatsoever owing or due Lender."

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JAN 11 2007
STATE OF FLORIDA

SIGNED this 17 day of January, 2007



D. ANDREW CLARK, Manager


D. ANDREW CLARK, as Trustee

STATE OF FLORIDA
COUNTY OF VOLUSIA

THE FOREGOING INSTRUMENT was acknowledged before me this 17th day of January, 2007, by D. ANDREW CLARK, Manager, and as Trustee, Member, and he (a) ☒ is personally known to me; or (b) _____ produced the following form of identification: his Florida Driver's license, and he acknowledged that he executed the same for the purposes therein expressed.



Notary Public
My commission expires:

 **G. Larry Sims**
Commission # DD373396
Expires February 11, 2009
Bonded Troy Fair - Insurance, Inc. 800-385-7019