

Division of Corporations

Page 1 of 1

LO5000052682

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MICHAEL CREEK, LLC

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H08000276578 3

COVER LETTER

**TO: Registration Section
Division of Corporations**

SUBJECT: Michael Creek, LLC

(Name of Limited Liability Company)

The enclosed Articles of Amendment and fee(s) are submitted for filing.

Please return all correspondence concerning this matter to the following:

Jessica Lifshitz

(Name of Person)

McDonald Hopkins LLC

(Firm/Company)

505 S. Flagler Drive, Suite 300

(Address)

West Palm Beach, Florida 33401

(City/State and Zip Code)

For further information concerning this matter, please call:

Jessica Lifshitz

(Name of Person)

at (561) 472-2121

(Area Code & Daytime Telephone Number)

Enclosed is a check for the following amount:

☐ \$25.00 Filing Fee

☐ \$30.00 Filing Fee &
Certificate of Status

☐ \$55.00 Filing Fee &
Certified Copy
(additional copy is enclosed)

☒ \$60.00 Filing Fee,
Certificate of Status &
Certified Copy
(additional copy is enclosed)

MAILING ADDRESS:
Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

STREET/COURIER ADDRESS:
Registration Section
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, FL 32301

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

Michael Creek, LLC

(Name of the Limited Liability Company as it now appears on our records.)
(A Florida Limited Liability Company)

The Articles of Organization for this Limited Liability Company were filed on May 26, 2005 and assigned
Florida document number L05000052682.

This amendment is submitted to amend the following:

A. If amending name, enter the new name of the limited liability company here:

The new name must be distinguishable and end with the words "Limited Liability Company," the designation "LLC" or the abbreviation "L.L.C."

Enter new principal offices address, if applicable:

(Principal office address MUST BE A STREET ADDRESS)

Enter new mailing address, if applicable:

(Mailing address MAY BE A POST OFFICE BOX)

B. If amending the registered agent and/or registered office address on our records, enter the name of the new registered agent and/or the new registered office address here:

Name of New Registered Agent:

New Registered Office Address:

(Enter Florida street address)

_____, Florida _____
(City) (Zip Code)

New Registered Agent's Signature, if changing Registered Agent:

I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, F.S. Or, if this document is being filed to merely reflect a change in the registered office address, I hereby confirm that the limited liability company has been notified in writing of this change.

(If Changing Registered Agent, Signature of New Registered Agent)

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If amending the Managers or Managing Members on our records, enter the title, name, and address of each Manager or Managing Member being added or removed from our records:

MGR = Manager
MGRM = Managing Member

<u>Title</u>	<u>Name</u>	<u>Address</u>	<u>Type of Action</u>
			<input type="checkbox"/> Add
			<input type="checkbox"/> Remove
			<input type="checkbox"/> Add
			<input type="checkbox"/> Remove
			<input type="checkbox"/> Add
			<input type="checkbox"/> Remove
			<input type="checkbox"/> Add
			<input type="checkbox"/> Remove
			<input type="checkbox"/> Add
			<input type="checkbox"/> Remove

D. If amending any other information, enter change(s) here: *(Attach additional sheets, if necessary.)*

See attached.

Dated December 18, 2008

Signature of a member or authorized representative of a member

Gary Glickstein

Typed or printed name of signee

Page 2 of 2

Filing Fee: \$25.00

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ARTICLES OF AMENDMENT
TO
ARTICLES OF ORGANIZATION
OF
MICHAEL CREEK, LLC

L05000052682

Section D.

Article III is hereby amended and restated in its entirety as follows: The purpose for which this Limited Liability Company is organized is: (a) the operation, development, construction, improvement, sale, leasing, financing and management of certain real property located in the City of Vero Beach, County of Indian River, State of Florida, as described in Exhibit A, attached hereto and made a part hereof, and (b) engaging in all activities necessary, customary, convenient or incident to the foregoing.

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Exhibit A

Property

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PARCEL 1:

Commencing at a point on the East bank of the Indian River five hundred and thirty-five (535) feet South, forty-three (43) degrees East of Meander corner between Sections Twenty-two (22) and Twenty-seven (27) and running thence on a straight line North forty-three (43) degrees thirty (30) minutes East to intersection of said line with the Section line dividing Sections Twenty-two (22) and Twenty-seven (27); thence East along said Section line dividing Sections Twenty-two (22) and Twenty-seven (27) to the Northeast corner of Section Twenty-seven (27); thence South along Section line between Sections Twenty-six (26) and Twenty-seven (27) to the Easterly bank of the said Indian River; thence along the bank of said Indian River in a Northerly or Northwesterly direction to the Place of Beginning; all of said land hereby conveyed lying and being in Section Twenty-seven (27), Township Thirty-one (31) South, Range Thirty-nine (39) East, Indian River County, Florida. (The said Indian River County having formerly been a part of St. Lucie County, Florida); together with all riparian rights and all other rights whatsoever belonging or attached to said lands unto the channel of said Indian River and which may be vested in the said grantor;

Less the following portion of the above described property, to-wit: From the NE corner of Section 27, Township 31 South, Range 39 East, run South along Section line a distance of 980.73 feet to the Point of Beginning; thence continue along said Section line a distance of 408.10 feet to an iron pipe in a concrete monument, said iron pipe being 20 feet from the river's edge; thence North 69° 14' West a distance of 227.00 feet to a point; thence North 57° 04' 00" West a distance of 353.00 feet; thence North 52° 25' 00" West a distance of 362.00 feet to a point; thence North 69° 17' East a distance of 180.00 feet to a point; thence South 44° 03' East a distance of 154.00 feet to a point; thence North 65° 35' East a distance of 129.00 feet; thence South 76° 43' 34" East a distance of 643.80 feet to the Point of Beginning.

Also less and excepting the following described property:

A parcel of land being part of the Northeast one-quarter of Section 27, Township 31 South, Range 39 East, Indian River County, Florida, being more particularly described as follows:

Beginning at the common section corner of Sections 22, 23, 26 and 27 of Township 31 South, Range 39 East, run South 00° 00' 43" West, along the common section line dividing Sections 26 and 27, a distance of 663.50 feet to a point; thence run South 74° 27' 37" West a distance of 198.46 feet to a point; thence run North 89° 38' 45" West a distance of 155.58 feet to a point; thence run South 77° 50' 15" West a distance of 146.73 feet to a point; thence run North 76° 02' 07" West a distance of 109.04 feet to a point; thence run North 00° 00' 43" East and parallel to the East line of said Section 27 a distance of 209.38 feet to a point; thence run North 89° 45' 10" East and parallel to the North line of said Section 27 a distance of 408.49 feet to a point; thence run North 00° 00' 43" East and parallel to said East line a distance of 510.35 feet to a point on said North line; thence run North 89° 45' 10" East along said North line a distance of 187.54 feet to the Point of Beginning. Less and except the North 40.00 feet thereof for right of way of County road 510 (formerly State Road 510).

PARCEL 2:

1. Commencing at a point on the East bank of the Indian River 535 feet, South 43° 00' 00" East of Meander corner between Sections 22 and 27, Township 31 South, Range 39 East, Indian River County, Florida;

(Continued on Attached)

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2. and running thence North 43° 30' 00" East a distance of 409.71 feet to an intersection with the South right of way line of Florida State Road 510, said intersection being a point on a curve a radial bearing to which is South 18° 54' 32" East;
 3. thence run Southwesterly 382.42 feet on the South right of way of said State Road 510 along the arc of a 1081.05 foot radius curve, concave to the Southeast, through a central angle of 19° 12' 19" to a point of tangency;
 4. thence continue along said right of way South 51° 52' 39" West a distance of 59.90 feet on a line parallel to the center line of S.R. 510 and distance 85.00 feet therefrom;
 5. thence run South 43° 00' 00" East a distance of 120.31 feet to the Point of Beginning.

TOGETHER WITH any right, title or interest Grantor may have in or to lands lying between a projection of the courses run by paragraphs 3 and 4 of the above to the high water line of the Indian River.

All of the foregoing property is conveyed together with all riparian and littoral rights appertaining thereto or to any part thereof.

Less and except any portion thereof lying and being in C.R. 510, right of way.

TOGETHER WITH EASEMENT FOR INGRESS AND EGRESS:

A 20 foot wide ingress and egress easement located within part of the Northwest one-quarter (1/4) of Section 26, and the Northeast one-quarter (1/4) of Section 27, Township 31 South, Range 39 East, Indian River County, Florida, the centerline of which is more particularly described as follows:

From the common section corner of Sections 22, 23, 26 and 27, Township 31 South, Range 39 East, run South 00°00'43" West along the common section line dividing said Sections 26 and 27, a distance of 40.00 feet to the South right of way line of County Road 510/Wabasso Road (formerly State Road 510) and point of beginning; thence continue South 00°00'43" West along said common section line a distance of 635.88 feet to the point of ending.

PARCEL 3:

a parcel of land being part of the Northeast one-quarter of Section 27, Township 31 South, Range 39 East, Indian River County, Florida, being more particularly described as follows:

Beginning at the common section corner of Sections 22, 23, 26 and 27 of township 31 South, Range 39 East, run South 00° 00' 43" West, along the common section line dividing Sections 26 and 27, a distance of 665.58 feet to a point; thence run South 74° 27' 37" West a distance of 198.46 feet to a point; thence run North 89° 38' 45" West a distance of 155.58 feet to a point; thence run South 77° 50' 15" West a distance of 146.73 feet to a point; thence run North 76° 02' 07" West a distance of 109.04 feet to a point; thence run North 00° 00' 43" East and parallel to the East line of said Section 27 a distance of 209.39 feet to a point; thence run North 89° 45' 10" East and parallel to the North line of said Section 27 a distance of 408.49 feet to a point; thence run North 00° 00' 43" East and parallel to said East line a distance of 510.35 feet to a point on said North line; thence run North 89° 45' 10" East along said North line a distance of 187.54 feet to the Point of Beginning. Less and except the North 40.00 feet thereof for right of way of County Road 510 (formerly State Road 510).

TOGETHER WITH EASEMENT FOR INGRESS AND EGRESS.
 (Continued on Attached)

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A 20 foot wide ingress and egress easement located within part of the Northwest 1/4 of Section 26, and the Northeast 1/4 of Section 27, Township 31 South, Range 39 East, Indian River County, Florida, the centerline of which is more particularly described as follows:

From the common section corner of Sections 22, 23, 26, and 27, Township 31 South, Range 39 East, run South 00°00'43" West along the common section line dividing said Sections 26 and 27, a distance of 40.00 feet to the South right of way line of County Road 510/Wabasso Road (formerly State Road 510) and point of beginning. Thence continue South 00°00'43" West along said common section line a distance of 635.88 feet to the point of ending.

PARCEL 4:

Beginning at the Northwest corner of Section 26, Township 31 South, Range 39 East, thence run South 89°59'46" East along the North line of said Section 26 a distance of 328.50 feet; thence run South 88°01'26" West parallel to the West line of said Section 26 a distance of 686.4 feet; thence run North 89°59'46" West a distance of 328.5 feet to the West line of said Section 26; thence run North 00°01'26" East, along the West line of said Section 26, a distance of 686.4 feet to the point of beginning.

said property being subject to the right of way for State Road 510 on, over and upon the North 40 East thereof,

TOGETHER WITH EASEMENT FOR INGRESS AND EGRESS.

A 20 foot wide ingress and egress easement located within part of the Northwest 1/4 of Section 26, and the Northeast 1/4 of Section 27, Township 31 South, Range 39 East, Indian River County, Florida, the centerline of which is more particularly described as follows:

From the common section corner of Sections 22, 23, 26, and 27, Township 31 South, Range 39 East; run South 00°00'43" West along the common section line dividing said sections 26 and 27, a distance of 40.00 feet to the South right of way line of County Road 510/Wabasso Road (formerly State Road 510) and point of beginning. Thence continue South 00°00'43" West along said common section line a distance of 635.88 feet to the point of ending.

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Exhibit "A-1"

Description of Overall Site

A TRACT OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 27, TOWNSHIP 31 SOUTH, RANGE 39 EAST, AND IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 31 SOUTH, RANGE 39 EAST, LYING SOUTH OF COUNTY ROAD NO. 510, AND BEING IN INDIAN RIVER COUNTY, FLORIDA, SAID TRACT ALSO LYING IN SUBMERGED PORTIONS OF MICHAEL CREEK AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE AT THE NORTHEAST CORNER OF SAID SECTION 27, BEING THE NORTHWEST CORNER OF SAID SECTION 26, PROCEED SOUTH 00° 01' 07" WEST ALONG THE LINE DIVIDING SECTIONS 26 AND 27, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY (R/W) LINE OF COUNTY ROAD NO. 510 (WABASSO ROAD, R/W WIDTH VARIES), SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89° 58' 46" EAST ALONG SAID SOUTH R/W LINE, A DISTANCE OF 328.50 FEET; THENCE DEPARTING SAID R/W LINE, SOUTH 00° 01' 07" WEST, PARALLEL TO SAID SECTION LINE, A DISTANCE OF 846.34 FEET; THENCE NORTH 89° 58' 46" WEST, PARALLEL TO SAID SOUTH R/W LINE, A DISTANCE OF 328.50 FEET TO A POINT ON SAID SECTION LINE; THENCE SOUTH 00° 01' 07" WEST ALONG SAID SECTION LINE, A DISTANCE OF 294.39 FEET TO A POINT IN MICHAEL CREEK LAGOON; THENCE NORTH 76° 42' 27" WEST A DISTANCE OF 399.82 FEET TO A POINT ON THE SOUTH MEAN HIGH WATER LINE (M.H.W.L.) OF MICHAEL CREEK (MEAN HIGH WATER LINE ELEVATION=0.60 FEET NGVD '29); THENCE ALONG SAID SOUTH M.H.W.L. THE FOLLOWING COURSES: SOUTH 70° 32' 50" WEST A DISTANCE OF 72.74 FEET; NORTH 75° 07' 37" WEST A DISTANCE OF 80.98 FEET; NORTH 35° 46' 41" WEST A DISTANCE OF 44.39 FEET; NORTH 20° 55' 41" WEST A DISTANCE OF 72.00 FEET; THENCE NORTH 74° 48' 33" WEST A DISTANCE OF 19.11 FEET; THENCE SOUTH 48° 38' 08" WEST A DISTANCE OF 68.29 FEET; SOUTH 78° 31' 48" WEST A DISTANCE OF 88.43 FEET; SOUTH 71° 52' 30" WEST A DISTANCE OF 92.68 FEET; THENCE DEPARTING SAID M.H.W.L. AND ACROSS THE MOUTH OF MICHAEL CREEK, NORTH 31° 47' 22" WEST A DISTANCE OF 46.87 FEET TO A POINT ON THE M.H.W.L. ON THE EAST BANK OF THE INDIAN RIVER (ELEVATION=0.60 FEET NGVD '29); THENCE ALONG SAID M.H.W.L. THE FOLLOWING COURSES: NORTH 68° 03' 53" WEST A DISTANCE OF 28.03 FEET; NORTH 50° 52' 14" WEST A DISTANCE OF 52.61 FEET; NORTH 36° 36' 38" WEST A DISTANCE OF 43.31 FEET; NORTH 29° 51' 06" WEST A DISTANCE OF 52.43 FEET; NORTH 30° 28' 02" WEST A DISTANCE OF 77.08 FEET; NORTH 29° 01' 20" WEST A DISTANCE OF 51.53 FEET; NORTH 27° 28' 40" WEST A DISTANCE OF 72.43 FEET; NORTH 28° 02' 15" WEST A DISTANCE OF 50.72 FEET; NORTH 29° 53' 53" WEST A DISTANCE OF 31.98 FEET; NORTH 37° 47' 23" WEST A DISTANCE OF 51.54 FEET TO A POINT ON THE SOUTH R/W LINE OF COUNTY ROAD NO. 510; THENCE ALONG SAID SOUTH R/W LINE THE FOLLOWING COURSES: NORTH 51° 53' 39" EAST A DISTANCE OF 8.86 FEET; NORTH 38° 08' 21" WEST A DISTANCE OF 35.00 FEET; NORTH 51° 53' 39" EAST A DISTANCE OF 156.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 1081.05 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 37° 52' 31", A DISTANCE OF 714.63 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING NORTH 70° 49' 55" EAST, 701.69 FEET; THENCE CONTINUE ALONG SAID SOUTH R/W LINE, NORTH 89° 46' 10" EAST, ALONG A LINE PARALLEL TO AND 40.00 FEET SOUTH OF, WHEN MEASURED PERPENDICULAR TO, THE THE NORTH LINE OF AFOREMENTIONED SECTION 27, A DISTANCE OF 363.46 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 23.56 ACRES.

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EXHIBIT A-2

A PORTION OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 31 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 26, PROCEED SOUTH 00° 01' 07" WEST ALONG THE WEST LINE OF SAID SECTION 26, A DISTANCE OF 40.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY (R/W) LINE OF COUNTY ROAD No. 510 (80' R/W WIDTH); THENCE SOUTH 89° 58' 46" EAST ALONG SAID SOUTH R/W LINE A DISTANCE OF 328.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89° 58' 46" EAST ALONG SAID SOUTH R/W LINE, A DISTANCE OF 182.23 FEET; THENCE DEPARTING SAID SOUTH R/W LINE, SOUTH 00° 01' 07" WEST, PARALLEL TO SAID WEST LINE OF SECTION 26, A DISTANCE OF 381.31 FEET; THENCE NORTH 27° 30' 02" EAST A DISTANCE OF 54.17 FEET; THENCE SOUTH 00° 01' 07" WEST, PARALLEL TO SAID WEST LINE OF SECTION 26, A DISTANCE OF 313.09 FEET; THENCE NORTH 89° 58' 46" WEST, PARALLEL TO SAID SOUTH R/W LINE OF COUNTY ROAD No. 510, A DISTANCE OF 207.23 FEET; THENCE NORTH 00° 01' 07" EAST, PARALLEL TO SAID WEST LINE OF SECTION 26, A DISTANCE OF 546.34 FEET TO THE POINT OF BEGINNING.

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