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RED APPLE AT MANATEE, LLC

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**AMENDED ARTICLES OF AMENDMENT  
TO THE ARTICLES OF ORGANIZATION  
OF  
RED APPLE AT MANATEE, LLC**

The following provisions of the Articles of Organization of RED APPLE AT MANATEE, LLC, a Florida limited liability company (the "Company"), filed with the Department of State on July 20, 2012, Document Number L12000033254, be and they are hereby, amended as shown below:

1. The following is added as Article VI to the Articles of Organization of this Company:

**Article VI**

So long as any Series 2023 Bonds are outstanding, the Company will not:

- (1) guarantee any obligation of any Person, including any Affiliate;
- (2) incur, create or assume any indebtedness other than the Bonds (as defined in the Indenture\*\*) or Additional Bonds (as defined in the Indenture\*\*), except for trade payables incurred in the ordinary course of performing the activities permitted under the Operating Agreement, provided that such trade payable debt is not evidenced by a note, is required to be paid within sixty (60) days of the date first incurred, is paid when due and does not exceed at any time, in the aggregate, \$25,000;
- (3) make any loan or advance to any member, general partner, shareholder, principal or affiliate of any other LLC Landlord, or any member, general partner, shareholder, principal or affiliate of any of any of the foregoing, make any loans or advances to any third party, or own or acquire any stock or securities of, any Person without the Trustee's consent;
- (4) to the fullest extent permitted by law, engage in any dissolution, liquidation, consolidation, merger, asset sale or transfer of ownership interests;
- (5) without obtaining the unanimous written consent of its member, make a general assignment for the benefit of creditors, file or consent to the filing of any petition, either voluntary or involuntary, to take advantage of any applicable insolvency, bankruptcy, liquidation or reorganization statute or make an assignment for the benefit of creditors;
- (6) take any material action that would adversely affect its governance as a limited liability company; or
- (7) own any subsidiary without Trustee's prior consent.

*\*\*Indenture" means that certain Indenture of Trust dated as of April 1, 2007, by and between the Lee County Industrial Development Authority, a public instrumentality and a local agency organized and existing under the laws of the State of Florida, and Regions Bank, as Trustee, as supplemented by that certain First Supplemental Indenture of Trust dated as of August 1, 2012 (the "First Supplemental Indenture"), as further supplemented by the Second Supplemental Indenture of Trust, dated as of the December 1, 2023.*

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2. These Articles of Amendment shall be effective at the time of their filing with the Department of State.

Dated: November 21, 2023.

RED APPLE DEVELOPMENT, LLC,  
its Authorized Member

By:   
Name: Jonathan K. Flage  
Title: President