

## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
Banyan Bay Macks, LLC, a Delaware limited liability company	4750 Owings Mills Boulevard Owings Mills, MD 21117

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
Josh E. Fidler	c/o Chesapeake Realty Partners 4750 Owings Mills Blvd Owings Mills, MD 21117	50%
Lawrence M. Macks	c/o Chesapeake Realty Partners 4750 Owings Mills Blvd Owings Mills, MD 21117	50%

(If more space is needed attach separate sheet)

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

<b>Name</b>	<b>Address</b>	<b>Interest</b>

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

<b>Application Name and/or Project Number</b>	<b>Names &amp; Addresses of Parties involved</b>	<b>Date</b>	<b>Type of Application</b>	<b>Status of Application *</b>
<b>B082-039</b>	<b>Same as property owner</b>	<b>Jan. 2020</b>	<b>Rev. master &amp; Ph. 2C FSP</b>	<b>Pending</b>

(If more space is needed attach separate sheet)

- Status defined as:  
A = Approved  
P = Pending  
D = Denied  
W = Withdrawn

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

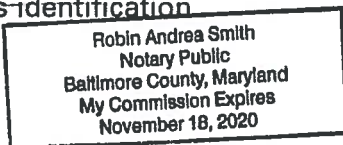


Jonathan C. Mayers, Manager  
Banyan Bay Macks, LLC

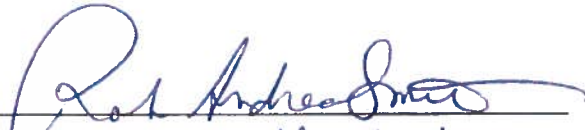
STATE OF Maryland  
COUNTY OF Baltimore

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 3rd day of July 2019, by JONATHAN C. MAYERS, MANAGER OF BANYAN BAY MACKS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, who is personally known to me or have produced \_\_\_\_\_

as identification



(Notary Seal)



Notary Public, State of Maryland

Print Name: Robin Andrea Smith

My Commission Expires: 11-18-2020

**Exhibit "A"**  
**(Disclosure of Interest and Affidavit)**  
**(Legal Description)**

**EXHIBIT A**  
**BANYAN BAY PUD, PHASE 2C**  
**LEGAL DESCRIPTION**

Commence at the Northeasterly corner of Banyan Bay P.U.D. (Plat Book 16, Page 75) and the Westerly right-of-way line of State Road No. 76 and the beginning of a non-tangent curve concave to the left having a radius of 5669.58 feet; the chord of which bears North 08°33'30" East, a distance of 272.44 feet; thence along the arc of said curve through a central angle of 02°45'13", a distance of 272.47 feet to the POINT OF BEGINNING; Thence, departing said Westerly right-of-way line, and along the easterly portion of that certain Conservation Easement recorded in Official Record Book 2095, page 252, Public Records of Martin County, Florida the following courses, and non-tangent to the last described curve, North 79°02'28" West, a distance of 108.53 feet; Thence South 80°41'31" West, a distance of 102.43 feet; Thence South 56°07'04" West, a distance of 75.20 feet;

Thence South 79°58'00" West, a distance of 71.60 feet;

Thence North 80°02'11" West, a distance of 105.31 feet;

Thence South 87°33'54" West, a distance of 107.33 feet;

Thence South 83°24'41" West, a distance of 55.21 feet;

Thence North 11°06'01" West, a distance of 39.36 feet;

Thence North 43°08'57" West, a distance of 7.95 feet;

Thence North 60°10'20" West, a distance of 75.58 feet;

Thence North 44°07'50" West, a distance of 67.92 feet;

Thence North 23°38'07" West, a distance of 78.91 feet;

Thence North 44°34'57" West, a distance of 29.99 feet;

Thence North 66°17'32" East, a distance of 80.69 feet;

to the beginning of a non-tangent curve concave to the left having a radius of 50.00 feet; the chord of which bears South 67°29'15" East, a distance of 34.56 feet; thence along the arc of said curve through a central angle of 40°26'28", a distance of 35.29 feet; Thence South 87°42'29" East, a distance of 140.73 feet; to the beginning of a curve concave to the left having a radius of 50.00 feet; the chord of which bears North 60°54'54" East, a distance of 52.07 feet; thence along the arc of said curve through a central angle of 62°45'15", a distance of 54.76 feet; Thence North 29°32'16" East, a distance of 120.22 feet; Thence North 04°31'43" East, a distance of 119.01 feet; Thence North 20°56'43" West, a distance of 83.36 feet;

Thence North 07°11'26" West, a distance of 49.86 feet;

Thence North 13°55'07" East, a distance of 119.90 feet;

Thence North 14°50'04" West, a distance of 211.47 feet;

Thence North 47°25'55" West, a distance of 85.32 feet;

Thence North 66°17'32" East, a distance of 257.68 feet;

Thence South 67°14'56" East, a distance of 56.85 feet;

to the beginning of a curve concave to the left having a radius of 50.00 feet; the chord of which bears North 81°27'08" East, a distance of 51.95 feet; thence along the arc of said curve through a central angle of 62°35'52", a distance of 54.63 feet;

Thence South 72°41'46" East, non-tangent to the last described curve, a distance of 94.11 feet; Thence South 86°57'46" East, a distance of 33.55 feet;

Thence South 39°17'58" East, a distance of 35.60 feet;

Thence South 77°04'42" East, a distance of 70.04 feet;

Thence North 76°22'46" East, a distance of 33.82 feet to the westerly Right of Way of State Road 76 (a 120 foot Right of Way); thence, departing the aforesaid easterly line of that certain Conservation easement, along said Westerly Right of Way, a non-tangent curve concave to the right having a radius of 5669.58 feet; the chord of which bears South 02°15'06" West, a distance of 974.44 feet; thence along the arc of said curve through a central angle of 09°51'35", a distance of 975.65 feet to the POINT OF BEGINNING.

Containing 12.94 acres more or less.

PARCEL I.D. NUMBER 41-38-41-000-000-00040-0

98

Consideration: \$19,000,000.00  
 Doc Stamps: \$ 133,000.00

*Prepared by and return to:*

**FELDMAN & MAHONEY, P.A.**  
**Donna J. Feldman, Esq.**  
**2240 Belleair Road**  
**Suite 210**  
**Clearwater, Florida 33764**

Tax Parcel Numbers: Multiple

### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed") is made as of December 28, 2016, by **BANYAN BAY VENTURE I, LLC**, a Delaware limited liability company, and **BANYAN BAY VENTURE II, LLC**, a Delaware limited liability company (collectively, the "**Grantor**"), each as their interests appear, each of whose address is 7807 Baymeadows Road East, Suite 205, Jacksonville, Florida 32256, in favor of **BANYAN BAY MACKS, LLC**, a Delaware limited liability company ("**Grantee**"), whose address is 4750 Owings Mills Boulevard, Owings Mills, Maryland 21117.

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration, lawful money of the United States of America, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed to Grantee, its successors and assigns forever, all of the following described land in Martin County, Florida ("**Property**"), together with all ways, easements, covenants, benefits, rights of way, agreements, privileges, fixtures, improvements and appurtenances thereunto appertaining:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the Property, with the appurtenances, unto Grantee, its successors and assigns, in fee simple forever;

And Grantor does hereby covenant with Grantee that the Property is free from all liens and encumbrances except those matters set forth on Exhibit "B" attached hereto and incorporated herein by reference (the "**Permitted Exceptions**");

And Grantor does hereby fully warrant title to the Property unto said Grantee, its successors and assigns, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other, subject only to the Permitted Exceptions.

*[Signatures begin on the following page.]*

[Banyan Bay Venture I Signature page to Special Warranty Deed]

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the date aforesaid.

Signed, sealed and delivered  
in the presence of:

BANYAN BAY VENTURE I, LLC,  
a Delaware limited liability company

Sara G. Zebouni  
Signature of Witness #1  
SARA G. ZEBOUNI

By: [Signature]  
Graydon E. Miars, Vice President

Typed/Printed Name of Witness #1

Chris O'Sannon  
Signature of Witness #2

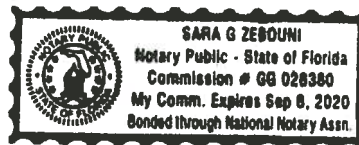
CHRIS O'SANNON  
Typed/Printed Name of Witness #2

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14<sup>TH</sup> day of December, 2016, by Graydon E. Miars, as Vice President of Banyan Bay Venture I, LLC, a Delaware limited liability company, on behalf of the company, (check one) ☒ who is personally known to me or ☐ who has produced a \_\_\_\_\_ as identification.

Sara G. Zebouni  
Notary Public, State of Florida  
My Commission Expires: 9/8/2020  
Affix Notary Seal Below:





[Banyan Bay Venture II Signature page to Special Warranty Deed]

IN WITNESS WHEREOF, Grantor has executed this Deed under seal on the date aforesaid.

Signed, sealed and delivered  
in the presence of:

SARA G. ZEBOUNI

Signature of Witness #1

SARA G. ZEBOUNI

Typed/Printed Name of Witness #1

CHRIS O'BANNON

Signature of Witness #2

CHRIS O'BANNON

Typed/Printed Name of Witness #2

BANYAN BAY VENTURE II, LLC,  
a Delaware limited liability company

By: [Signature]

Graydon E. Miars, Vice President

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14<sup>TH</sup> day of December, 2016, by Graydon E. Miars, as Vice President of Banyan Bay Venture II, LLC, a Delaware limited liability company, on behalf of the company, (check one) /V/ who is personally known to me or / / who has produced a                      as identification.

[Signature]  
Notary Public, State of Florida

My Commission Expires: 9/8/2020

Affix Notary Seal Below:



Exhibit "A"  
Property

PARCEL 1:

A PARCEL OF LAND LYING PARTIALLY IN LOT 6 AND PARTIALLY IN LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED LOT 7, THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF LOT 7 FOR A DISTANCE OF 206.38 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 AND THE POINT OR PLACE OF BEGINNING; (1) THENCE CONTINUE SOUTH 66° 37' 10" WEST, ALONG THE SOUTH LINE OF SAID LOT 7 FOR A DISTANCE OF 1316.00 FEET TO A POINT; (2) THENCE PROCEED NORTH 23° 22' 50" WEST FOR A DISTANCE OF 1900.00 FEET TO A POINT; (3) THENCE PROCEED NORTH 66° 37' 10" EAST FOR A DISTANCE OF 2892.17 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76, SAID POINT BEING ON A CURVE CONCAVE TO THE WEST AND SAID CURVE HAVING A RADIUS OF 5679.65 FEET; (4) THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 76, THROUGH A CENTRAL ANGLE OF 18° 23' 09", FOR A DISTANCE OF 1822.56 FEET TO THE END OF SAID CURVE; (5) THENCE PROCEED SOUTH 23° 02' 30" WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 FOR A DISTANCE OF 660.15 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL 2:

A PARCEL OF LAND LYING PARTIALLY IN LOT 6 AND PARTIALLY IN LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED LOT 7; THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF LOT 7 FOR A DISTANCE OF 206.38 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76; THENCE PROCEED NORTH 23° 02' 30" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 FOR A DISTANCE OF 660.15 FEET TO A POINT OF CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 5679.65 FEET; THENCE PROCEED NORTHERLY ALONG THE ARC OF SAID CURVE AND ALONG THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 THROUGH A CENTRAL ANGLE OF 18° 23' 09" FOR A DISTANCE OF 1822.56 FEET TO THE POINT OR PLACE OF BEGINNING; (1) THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG A LINE PARALLEL TO AND 1900 FEET NORTHERLY OF, AS MEASURED PERPENDICULAR TO, THE SOUTH LINE OF THE ABOVE DESCRIBED LOT 7 FOR A DISTANCE OF 4067.56 FEET TO THE EASTERLY SHORE OF THE SOUTH FORK OF THE ST. LUCIE RIVER; THENCE PROCEED ALONG THE SHORE OF SAID RIVER OF THE FOLLOWING BEARINGS AND DISTANCES; (2) NORTH 00° 25' 55" WEST FOR 111.67 FEET; (3) NORTH 05° 00' 38" WEST FOR 100.33 FEET; (4) NORTH 07° 16' 55" WEST FOR 100.07 FEET; (5) NORTH 10° 43' 57" WEST FOR 100.02 FEET; (6) NORTH 10° 09' 01" WEST FOR 100.01 FEET; (7) NORTH 23° 40' 31" WEST FOR 103.07 FEET; (8) NORTH 24° 52' 45" WEST FOR 92.54 FEET; (9) NORTH 27° 22' 34" WEST FOR 100.60 FEET; (10) NORTH 31° 55' 43" WEST FOR 100.04 FEET; (11) NORTH 41° 36' 39" WEST FOR 26.79 FEET AND THE END OF SAID RIVER SHORE TRAVERSE; (12) THENCE PROCEED NORTH 66° 37' 10" EAST ALONG A LINE PARALLEL TO AND 909.45 FEET NORTHERLY OF, AS MEASURED PERPENDICULAR TO THE LINE DESCRIBED IN CALL NO. 1 FOR A DISTANCE OF 4339.96 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 SAID POINT BEING ON A CURVE CONCAVE TO THE WEST AND SAID CURVE HAVING A RADIUS OF 5679.65 FEET; (13) THENCE PROCEED SOUTHERLY ALONG THE ARC OF SAID CURVE AND ALONG

THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 76 THROUGH A CENTRAL ANGLE OF 09° 58' 58" FOR A DISTANCE OF 989.58 FEET TO THE POINT OR PLACE OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND LYING AND BEING IN LOT 7 OF THE COMMISSIONER'S SUBDIVISION OF THE MILES OR HANSON GRANT AS RECORDED IN PLAT BOOK 1, PAGE 11, PALM BEACH COUNTY, NOW MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE PROCEED SOUTH 66° 37' 10" WEST ALONG THE SOUTH LINE OF THE HANSON GRANT FOR A DISTANCE OF 1522.38 FEET TO THE POINT OR PLACE OF BEGINNING; (1) THENCE PROCEED NORTH 23° 22' 50" WEST FOR A DISTANCE OF 1900.00 FEET TO A POINT; (2) THENCE PROCEED SOUTH 66° 37' 10" WEST FOR A DISTANCE OF 1175.39 FEET TO A POINT ON THE APPROXIMATE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; (3) THENCE MEANDER SOUTHERLY ALONG THE APPROXIMATE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER ON THE FOLLOWING BEARINGS AND DISTANCES; THENCE SOUTH 01° 29' 55" EAST FOR 89.15 FEET; THENCE SOUTH 02° 21' 15" EAST FOR 100.08 FEET; THENCE SOUTH 13° 11' 34" EAST FOR 30.80 FEET; THENCE SOUTH 00° 53' 11" EAST FOR 70.01 FEET; THENCE SOUTH 00° 31' 07" WEST FOR 100.00 FEET; THENCE SOUTH 04° 39' 00" WEST FOR 109.54 FEET; THENCE SOUTH 15° 58' 58" WEST FOR 95.04 FEET; THENCE SOUTH 21° 01' 09" WEST FOR 87.60 FEET; THENCE SOUTH 34° 40' 17" WEST FOR 185.40 FEET; THENCE SOUTH 42° 56' 04" WEST FOR 49.64 FEET; THENCE SOUTH 10° 24' 51" EAST FOR 24.84 FEET; THENCE SOUTH 65° 36' 31" EAST FOR 22.52 FEET; THENCE NORTH 41° 57' 34" EAST FOR 15.33 FEET; THENCE NORTH 19° 32' 32" EAST FOR 15.87 FEET; THENCE NORTH 84° 23' 41" EAST FOR 35.73 FEET; THENCE SOUTH 47° 30' 15" EAST FOR 31.23 FEET; THENCE SOUTH 05° 15' 53" WEST FOR 85.88 FEET; THENCE SOUTH 01° 47' 58" WEST FOR 109.63 FEET; THENCE SOUTH 06° 51' 17" EAST FOR 101.72 FEET; THENCE SOUTH 29° 58' 59" WEST FOR 52.21 FEET; THENCE SOUTH 41° 55' 21" WEST FOR 165.69 FEET; THENCE SOUTH 52° 25' 30" WEST FOR 70.37 FEET; THENCE SOUTH 56° 40' 04" WEST FOR 66.19 FEET; THENCE SOUTH 06° 39' 57" WEST FOR 58.32 FEET; THENCE SOUTH 17° 41' 50" WEST FOR 44.21 FEET; THENCE SOUTH 04° 41' 51" WEST FOR 10.75 FEET; THENCE SOUTH 25° 58' 39" EAST FOR 50.16 FEET; THENCE SOUTH 42° 57' 56" EAST FOR 51.19 FEET; THENCE SOUTH 20° 30' 36" WEST FOR 27.61 FEET TO A POINT IN THE CENTERLINE OF A CREEK SHOWN AS POINTE LAGOON CREEK; (4) THENCE MEANDER GENERALLY SOUTHEASTERLY ALONG THE CENTERLINE OF SAID POINTE LAGOON CREEK TO THE POINT OF INTERSECTION OF SAID CENTERLINE AND THE SOUTH LINE OF THE HANSON GRANT; (5) THENCE PROCEED NORTH 66° 37' 10" EAST ALONG THE SOUTH LINE OF THE HANSON GRANT FOR A DISTANCE OF 1639.03 FEET TO THE POINT OR PLACE OF BEGINNING.

LESS AND EXCEPT:

THAT PART OF LOTS 6 AND 7, ACCORDING TO THE PLAT OF MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, LYING WESTERLY OF STATE ROAD 76, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 7; THENCE RUN SOUTH 66° 11' 42" WEST ALONG THE SOUTH LINE OF SAID LOT 7 A DISTANCE OF 206.38 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76; THENCE NORTH 22° 45' 25" EAST ALONG SAID EXISTING RIGHT OF WAY LINE, A DISTANCE OF 193.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 22° 45' 25" EAST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 467.25 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 5679.58 FEET AND A CHORD WHICH BEARS NORTH 08° 34' 42" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AND SAID EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76 SUBTENDED BY A CENTRAL ANGLE OF 28° 21' 26" , A DISTANCE

OF 2810.98 FEET TO A LINE PARALLEL WITH AND 2809.45 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF LOTS 6 AND 7; THENCE SOUTH  $66^{\circ} 11' 42''$  WEST ALONG SAID PARALLEL LINE A DISTANCE OF 3.27 FEET TO A POINT ON A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 5669.58 FEET AND A CHORD WHICH BEARS S  $06^{\circ} 19' 23''$  W; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF  $23^{\circ} 34' 03''$  A DISTANCE OF 2332.07 FEET TO A PROPOSED ENTRANCE ROAD IN THE PROPOSED SUBDIVISION OF BANYAN BAY; THENCE SOUTH  $63^{\circ} 24' 50''$  WEST, A DISTANCE OF 35.54 FEET; THENCE SOUTH  $18^{\circ} 56' 31''$  WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH  $25^{\circ} 49' 30''$  EAST, A DISTANCE OF 35.63 FEET TO A POINT ON A CURVE CONCENTRIC WITH THE LAST DESCRIBED CURVE, HAVING A RADIUS OF 5669.58 FEET AND A CHORD WHICH BEARS SOUTH  $21^{\circ} 11' 35''$  WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, SUBTENDED BY A CENTRAL ANGLE OF  $03^{\circ} 07' 39''$  A DISTANCE OF 309.47 FEET TO A POINT OF TANGENCY WITH A LINE PARALLEL WITH AND 10.00 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO SAID WESTERLY EXISTING RIGHT OF WAY FOR STATE ROAD 76; THENCE SOUTH  $22^{\circ} 45' 25''$  WEST ALONG SAID PARALLEL LINE A DISTANCE OF 481.80 FEET; THENCE SOUTH  $67^{\circ} 14' 35''$  EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF LOT 7 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN O.R. BOOK 716, PAGE 119, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 6; THENCE SOUTH  $66^{\circ} 11' 42''$  WEST ALONG THE SOUTHERLY LINE FOR SAID LOT 6, A DISTANCE OF 206.38 FEET TO THE WESTERLY EXISTING RIGHT OF WAY LINE FOR STATE ROAD 76 (KANNER HIGHWAY) AND THE POINT OF BEGINNING; THENCE NORTH  $22^{\circ} 45' 25''$  EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 193.93 FEET; THENCE NORTH  $67^{\circ} 14' 35''$  WEST, A DISTANCE OF 10.00 FEET; THENCE SOUTH  $22^{\circ} 45' 25''$  WEST A DISTANCE OF 204.49 FEET TO A POINT ON THE SOUTHERLY LINE FOR SAID LOT 7; THENCE NORTH  $66^{\circ} 11' 42''$  EAST ALONG SAID LOT LINE, A DISTANCE OF 14.34 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

BEING A PARCEL OF LAND LYING IN LOT 6 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN), COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 7 OF THE COMMISSIONER' S SUBDIVISION OF THE MILES OR HANSON GRANT, AS RECORDED IN PLAT BOOK 1, PAGE 11, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE ALONG THE EASTERLY LINE OF SAID LOT 7 NORTH  $23^{\circ} 42' 28''$  WEST, A DISTANCE OF 210.26 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 76; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH  $22^{\circ} 43' 24''$  EAST, A DISTANCE OF 380.43 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE LEFT HAVING A RADIUS OF 5669.58 FEET; THE CHORD OF WHICH BEARS NORTH  $18^{\circ} 12' 59''$  EAST; THENCE ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF  $09^{\circ} 00' 50''$  , A DISTANCE OF 891.95 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE NORTH  $31^{\circ} 48' 03''$  WEST, A DISTANCE OF 42.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS NORTH  $12^{\circ} 48' 17''$  EAST, A DISTANCE OF 118.99 FEET AND HAVING A RADIUS OF 5639.58 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF  $01^{\circ} 12' 32''$  , A DISTANCE OF 119.00 FEET; THENCE NORTH  $57^{\circ} 32' 04''$  EAST, NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 24.57 FEET TO THE BEGINNING OF A

NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS NORTH 10° 43' 23" EAST, A DISTANCE OF 257.13 FEET AND HAVING A RADIUS OF 5657.08 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 02° 36' 16" , A DISTANCE OF 257.15 FEET; THENCE SOUTH 76° 52' 32" EAST, NON-TANGENT TO LAST DESCRIBED CURVE, A DISTANCE OF 12.53 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 76 AND THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, THE CHORD OF WHICH BEARS SOUTH 11° 34' 09" WEST, A DISTANCE OF 423.56 FEET AND HAVING A RADIUS OF 5669.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04° 16' 49" , A DISTANCE OF 423.46 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT FROM ALL OF THE ABOVE:

ALL OF THOSE LANDS SHOWN ON THE PLAT OF BANYAN BAY PUD PHASE 1, AS RECORDED IN PLAT BOOK 16, PAGE 75, AS AFFECTED BY RESOLUTION NO. 08-5.32, RECORDED IN OFFICIAL RECORDS BOOK 2350, PAGE 1342, ALL OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL 4:

ALL THOSE LANDS SHOWN ON THE PLAT OF BANYAN BAY PUD PHASE 1, AS RECORDED IN PLAT BOOK 16, PAGE 75, AS AFFECTED BY RESOLUTION NO. 08-5.32, RECORDED IN OFFICIAL RECORDS BOOK 2350, PAGE 1342, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.



**Exhibit "B"**  
**Permitted Exceptions**

1. Taxes and assessments for the year 2017 and subsequent years, which are not yet due and payable.
2. Resolution NO. 04-11.4 (Regarding Change in Zoning District Classification) recorded December 14, 2004, in Official Records Book 1963, Page 1085; Banyan Bay Planned Unit Development Zoning Agreement recorded February 4, 2005, in Official Records Book 1979, Page 2199; Resolution Number 05-9.3 (Regarding Final Site Plan Approval for Banyan Bay PUD, Phase 1 with a Certificate of Public Facilities Reservation) recorded December 2, 2005, in Official Records Book 2088, Page 1069; Martin County Florida Development Order Change (Administrative Amendment Regarding Revised Master Site Plan and Revised Final Site Plan for Banyan Bay PUD, Phase 1) recorded September 28, 2006, in Official Records Book 2183, Page 2378; Martin County, Florida Development Order Change Regarding Second Amendment to the Banyan Bay PUD Agreement to Allow Phase 1 Plat Approval recorded August 8, 2008, in Official Records Book 2344, Page 2254; Third Amendment to Banyan Bay Planned Unit Development Zoning Agreement recorded July 23, 2009, in Official Records Book 2402, Page 2289; Fourth Amendment to Banyan Bay Planned Unit Development Zoning Agreement recorded May 10, 2011, in Official Records Book 2516, Page 2235; Fifth Amendment to Banyan Bay Planned Unit Development Zoning Agreement, recorded October 18, 2013 in Official Records Book 2682, Page 2387; Development Order - Resolution Number 16-5.17 Regarding a Revised Phase 1 Final Site Plan Approval for Banyan Bay PUD With a Certificate of Public Facilities Exemption recorded July 22, 2016, in Official Records Book 2868, Page 697; and Sixth Amendment to Banyan Bay Planned Unit Development Zoning Agreement, recorded July 22, 2016, in Official Records Book 2868, Page 708.
3. Proprietary Deed of Conservation Easement granted to the South Florida Water Management district by instrument recorded January 27, 2005, in Official Records Book 1976, Page 1975.
4. Water and Wastewater Service Agreement as set forth in instrument recorded December 9, 2005, in Official Records Book 2091, Page 230.
5. Deed of Conservation Easement granted to the South Florida Water Management District by instrument recorded December 21, 2005, in Official Records Book 2095, Page 252.
6. Reclaimed Water Agreement for Irrigation Quality Reuse as set forth in instrument recorded June 9, 2006, in Official Records Book 2151, Page 985.
7. Perpetual Easement granted to the State of Florida Department of Transportation by instrument recorded September 24, 2007, in Official Records Book 2280, Page 1385.
8. Restrictions, dedications, conditions, reservations, easements and other matters shown on the Plat of BANYAN BAY PUD PHASE 1, as recorded in Plat book 16, Page 75; as affected by Resolution No. 08-5.32 recorded September 12, 2008, in Official Records Book 2350, Page 1342.
9. Utility Easement granted to Martin County by instrument recorded September 12, 2008, in Official Records Book 2350, Page 1343; and re-recorded September 23, 2008, in Official Records Book 2351, Page 2629; and together with Resolution No. 08-5.31 recorded September 12, 2008, in Official Records Book 2350, Page 1341.
10. Declaration of Covenants, Conditions and Restrictions for Banyan Bay, which contains

provisions for a private charge or assessments, recorded September 12, 2008, in Official Records Book 2350, Page 1346; as amended by First Amendment to Declaration recorded in Official Records Book 2429, Page 1497.

11. Assignment of Developer Rights and Assumption Agreement between Banyan Bay Development Corporation, a Florida corporation, and Banyan Bay Land, LLC, a Florida limited liability company, recorded December 23, 2009, in Official Records Book 2429, Page 1474, as further assigned by that Assignment of Developer Rights and Assumption Agreement, recorded on January 10, 2012 in Official Records Book 2555, Page 69, and assigned to Grantee concurrent herewith.

12. Assignment and Assumption of Development Rights between Banyan Bay Development Corporation, a Florida corporation and Banyan Bay Land, LLC, recorded December 23, 2009, in Official Records Book 2429, Page 1486, as affected by that certain Assignment and Assumption of Development Rights, recorded January 10, 2012 in Official Records Book 2555, Page 78, as further affected by assignment to Grantee concurrent herewith.

13. Utility Easement in favor of City of Stuart recorded in Official Records Book 2516, Page 124.

14. Assignment and Assumption S.R. 76 Agreement, recorded on January 10, 2012 in Official Records Book 2555, Page 91, as assigned to Grantee concurrent herewith.

15. Temporary Easement as set forth and described in that certain Order of Taking, contained in the Notice of Appeal of a Non-Final Order, recorded in Official Records Book 2794, Page 2600.

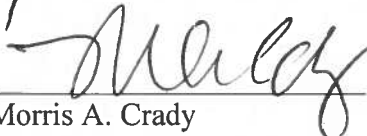
16. Perpetual Easement as set forth and described in that certain Order of Taking, contained in the Notice of Appeal of a Non-Final Order, recorded in Official Records Book 2794, Page 2600.

17. Unrecorded Stockpile License Agreement by and between Grantor and the Florida Department of Transportation dated November 12, 2015, as assigned to Grantee concurrent herewith.

*NOTE:* All recording references refer to the public records of Martin County, Florida.

To the best of my knowledge and belief, there has been no transfer of the Phase 2C subject property since the Special Warranty Deed into Banyan Bay Macks, LLC was recorded in the Martin County Public Records.

DATED THIS 28<sup>th</sup> DAY OF July, 2020.

  
Morris A. Crady

STATE OF FLORIDA  
COUNTY OF MARTIN

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME BY MEANS OF ☒ PHYSICAL PRESENCE OR ☐ ONLINE NOTARIZATION, THIS 28<sup>th</sup> DAY OF July, 2020 BY MORRIS A. CRADY, WHO ☒ IS PERSONALLY KNOWN TO ME OR ☐ HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

