

PREPARED BY/ RECORD AND RETURN TO:
Justin E. Spiller, Esq.
The Law office of Maggie Jo Hilliard, P.A.
444 Third Street
Neptune Beach, Florida 32266

**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM OF OCEAN
TERRACE VILLAS II**

THIS Second Amendment to Declaration of Condominium of Ocean Terrace Villas II (the "Amendment") is made this 26th day of March 2009, by **TUTTLE & TUTTLE, INC.**, a Florida corporation ("Declarant").

RECITALS:

A. Declarant has previously executed and recorded that certain Declaration of Condominium of Ocean Terrace Villas II recorded at Official Records Book 14192, page 520 of the current public records of Duval County, Florida, as amended by that certain Amendment to Declaration of Condominium of Ocean Terrace Villas II recorded at Officials Records Book 14352, page 688 of the aforesaid records (Collectively, the "Declaration").

B. Declarant now desires to amend the Declaration as set forth below in this Amendment.

NOW, THEREFORE, in consideration of the sum of TEN AND NO/100 DOLLARS and of the covenants herein contained, Declarant hereby declares and agrees that Declaration shall be amended as follows:

1. Recitals. The foregoing recitals are true, accurate and correct and are incorporated herein by this reference.

2. Definitions. Unless otherwise indicated, capitalized terms used in this Amendment shall have the same meaning ascribed to them in the Declaration.

3. Legal Description. Substantial rewording of Declaration. See Exhibit "A" of the Declaration for present text. The Developer hereby amends the legal description for Ocean Terrace Villas II Condominium as described in Exhibit "A" of the Declaration to the legal description described in **Exhibit "A"** attached hereto and incorporated herein.

4. Surveyor's Certificate. In accordance with Section 718.104, Florida Statutes, the Developer hereby amends the Declaration to include that certain Surveyor's Certificate of Substantial Completion, as prepared by Boatwright Land Surveyors, Inc.

and dated February 23, 2009 (the "Surveyor's Certificate"). The Surveyor's Certificate is attached hereto and incorporated herein as **Exhibit "B"**.

5. No Other Amendment. Except as set forth herein, the Declaration shall continue in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

TUTTLE & TUTTLE, INC., a Florida
corporation

[Signature]
Print Name: KAREN HUGHES

By: [Signature]
Name: Greg Tuttle
Title: President

[Signature]
Print Name: Linda Platt

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 20 day of March, 2009, by Greg Tuttle, the President of **Tuttle & Tuttle, Inc.**, a Florida corporation, on behalf of the corporation. He is personally known to me or who has produced N/A as identification.

[Signature]
Notary Public, State of Florida
Name: SUSAN GAIL HELMLY

My Commission
Expires 12/30/2011
My Commission Number
is:

DD 745308



SUSAN GAIL HELMLY
MY COMMISSION # DD 745308
EXPIRES: December 30, 2011
Bonded Thru Budget Notary Services

CONSENT AND JOINDER

CAPITALSOUTH BANK, is the owner and holder of the following:

1. That certain Consolidated, Amended and Restated Mortgage and Security Agreement dated April 6, 2006 and recorded in Official Records Book **13188**, beginning at page **211**, as modified by Modification of Mortgage dated May 7, 2008 and recorded in Official Records Book **14516**, page **810** and as modified by Mortgage Modification and extension Agreement dated as of November 7, 2008 and recorded in Official Records Book **14796**, page **1407**, all of the current public records of **Duval** County, Florida (the "Mortgage").

CAPITALSOUTH BANK, therefore joins in the execution of this Declaration for the purpose of consenting thereto and agreeing to be bound by the terms herein.

IN WITNESS WHEREOF, **CAPITALSOUTH BANK** has caused this instrument to be executed as of the 16th day of March, 2009.

Signed, Sealed and Delivered
in the presence of:

CAPITALSOUTH BANK,
an Alabama Banking Corporation

Kathleen F. Smith
Print Name: Kathleen F. Smith

By: Timothy E. Wilson
Name: Timothy E. Wilson
Title: Vice President

April D. Briscoe
Print Name: APRIL D. BRISCOE

Address: 10161 Centurion PKWY N
350
JACKSONVILLE, FL 32226

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 16th day of March, 2009, by Timothy E. Wilson, the Vice President of CapitalSouth Bank, on behalf of the Bank. Timothy E. Wilson is personally known to me or who has produced as identification.

Kathleen F. Chismar
Notary Public, State of Florida
Name: Kathleen F. Chismar

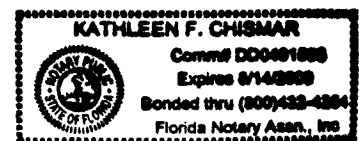


Exhibit "A"

AMENDED
LEGAL DESCRIPTION
FOR
OCEAN TERRACE VILLAS II CONDOMINIUM

Condominium Unit No. A-1, Building 1, of OCEAN TERRACE VILLAS II CONDOMINIUM, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 14192, page 520, and any amendments thereto, if any, of the Public Records of Duval, Florida, together with an undivided interest in the common areas, if any.

Condominium Unit No. CR-5, Building 1, of OCEAN TERRACE VILLAS II CONDOMINIUM, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 14192, page 520, and any amendments thereto, if any, of the Public Records of Duval, Florida, together with an undivided interest in the common areas, if any.

Condominium Unit No. B-2, Building 1, of OCEAN TERRACE VILLAS II, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 14192, page 520, and any amendments thereto, if any, of the Public Records of Duval County, Florida, together with an undivided interest in the common areas, if any.

Condominium Unit No. CR-7, Building 2, of OCEAN TERRACE VILLAS II, a Condominium, according to the Declaration of Condominium thereof, as recorded in Official Records Book 14192, page 520, and any amendments thereto, if any, of the Public Records of Duval County, Florida, together with an undivided interest in the common areas, if any.

UNIT 8 A/K/A UNIT DR-R OF BLDG. #135 OF OCEAN TERRACE VILLAS II CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 14192, AT PAGE 320, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

UNIT 6 A/KA/ UNIT D-R OF BLDG. #137 OF OCEAN TERRACE VILLAS II CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 14192, AT PAGE 320, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

Exhibit "B"OCEAN TERRACE VILLAS II
A CONDOMINIUM

THIS IS TO CERTIFY THAT THE CONSTRUCTION OF THE IMPROVEMENTS IN "OCEAN TERRACE VILLAS II, A CONDOMINIUM", IS SUBSTANTIALLY COMPLETE SO THAT THIS MATERIAL, TOGETHER WITH THE PROVISIONS AND EXHIBITS OF THIS DECLARATION DESCRIBING THE PROPERTY, ARE AN ACCURATE REPRESENTATION OF THE LOCATION AND DIMENSIONS OF THE IMPROVEMENTS SUCH THAT THE IDENTIFICATION, LOCATION AND DIMENSIONS OF THE COMMON ELEMENTS AND EACH UNIT CAN BE DETERMINED FROM THESE MATERIALS.



DONN W. BOATWRIGHT, P.S.M.
FLA. LIC. SURVEYOR AND MAPPER No. LS 3295
FLA. LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

"NOT VALID WITHOUT THE SIGNATURE AND THE
ORIGINAL RAISED SEAL OF A FLORIDA LICENSED
SURVEYOR AND MAPPER."

CHECKED BY: _____
DRAWN BY: _____ SWC
FILE #: _____ 2005-0528

BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE
JACKSONVILLE BEACH, FLORIDA 241-8550

DATE: FEBRUARY 23, 2009
SHEET 1 OF 1