

This Instrument Prepared By  
And To Be Returned To:  
Laura Minton Young, Esquire  
DEAN MEAD  
7380 Murrell Road, Suite 200  
Viera, Florida 32940  
(321) 259-8900

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of the 19<sup>th</sup> day of August, 2024, by THE VIERA COMPANY, a Florida corporation, whose post office address is 7380 Murrell Road, Suite 201, Viera, Florida 32940 (hereinafter referred to as the "Grantor"), to ELAN BUILDERS, LLC, a Florida limited liability company, whose post office address is 3839 N. Harbor City Blvd., Suite 101, Melbourne, Florida 32940 (hereinafter referred to as the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument, the heirs, legal representatives and assigns of individuals, and the successors and assigns of trustees, partnerships and corporations.)

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all of the Grantor's right, title and interest in and to that certain real property situate, lying and being in Brevard County, Florida (hereinafter referred to as the "Property"), as more particularly described as follows:

Lot 9, Block A, MODERN DURAN, according to the Plat thereof, as recorded in Plat Book 61, Pages 99 and 100, Public Records of Brevard County, Florida.

TOGETHER with all of the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property, and hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against no others. This conveyance is made subject to those matters described in Exhibit "A", attached hereto and made a part hereof, including all reserved rights and easements in favor of Grantor individually or as "Declarant," "Community Declarant" or "Neighborhood

Declarant" set forth in the respective plats and Declaration of Covenants, Conditions, Easements, Reservations and Restrictions described in Exhibit "A" attached hereto as such documents may be amended from time to time (the "Reserved Rights and Easements"), with those Reserved Rights and Easements in favor of Grantor expressly being granted, affirmed, and restated by Grantor and Grantee for the avoidance of doubt and surviving this conveyance of the Property by Grantor to Grantee.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed and delivered in its name, and its corporate seal to be hereunto affixed, by its corporate officer thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Karen E. Esposito  
Print Name: Karen E. Esposito  
Address: 7380 Murrell Rd., Viera, FL 32940

Dana Vineis  
Print Name: Dana Vineis  
Address: 7380 Murrell Rd., Viera, FL 32940

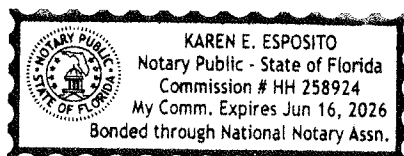
THE VIERA COMPANY, a Florida  
corporation

By: Todd J. Pokrywa  
Name: Todd J. Pokrywa  
Title: President

STATE OF FLORIDA

COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of (check one) ☒ physical presence or ☐ online notarization this 15 day of August, 2024, by Todd J. Pokrywa as President of THE VIERA COMPANY, a Florida corporation, on behalf of the corporation. Said person is personally known to me.



Karen E. Esposito  
Print Name: Karen E. Esposito  
Notary Public, State of Florida  
Commission No.: HH 258924  
My Commission Expires: 6-16-26

# **CONSENT AND JOINDER OF GRANTEE TO RESERVED RIGHTS AND EASEMENTS OF GRANTOR**

ELAN BUILDERS, LLC, referred to as "Grantee" in this Special Warranty Deed, hereby joins in the execution of this Special Warranty Deed for the purpose of confirming Grantee's agreement and consent to the reservation and granting of the Reserved Rights and Easements in favor of Grantor set forth in this Special Warranty Deed, all in accordance with the terms, conditions and provisions of this Special Warranty Deed.

Signed, sealed and delivered  
in the presence of:

*Craig Schmauss*  
Print Name: CRAIG SCHMAUSS  
Address: 3350 ROSEBORN WAY  
INDIALANTIC, FL 32903

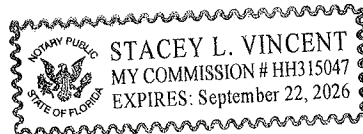
*Danielle Goodman*  
Print Name: Danielle Goodman  
Address: 3809 N Harbor City Blvd  
Melbourne FL 32935

ELAN BUILDERS, LLC,  
a Florida limited liability company

By: *Charles Pahulu*  
Name: Charles Pahulu  
Title: COO

STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of (check one)  
☒ physical presence or ☐ online notarization this 14<sup>th</sup> day of August, 2024 by Charles Pahulu, as Manager of ELAN BUILDERS, LLC, a Florida limited liability company, on behalf of the company. Said person is personally known to me.



*Stacey L. Vincent*  
Print Name: Stacey L. Vincent  
Notary Public, State of Florida  
Commission No.: HH 315047  
My Commission Expires: 9/22/2026

Exhibit "A"

- (1) Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for Central Viera Community recorded July 25, 1994, in Official Records Book 3409, Page 0624, of the Public Records of Brevard County, Florida, as the same may be amended, supplemented or modified from time to time.
- (2) Declaration of Covenants, Conditions, Easements, Reservations and Restrictions for Modern Duran District recorded February 5, 2016, in Official Records Book 7542, Page 2163, of the Public Records of Brevard County, Florida, as the same may be amended, supplemented or modified from time to time.
- (3) Amended and Restated Development Order for the Viera Development of Regional Impact, as approved by that certain Resolution 19-134 adopted by the Brevard County Board of County Commissioners on August 20, 2019 and as evidenced by Notice of Modification of a Development Order recorded September 23, 2019 in Official Records Book 8545, page 418, Public Records of Brevard County, Florida.
- (4) Notice of Agreement between A. Duda & Sons, Inc. and The Florida Department of Community Affairs recorded July 7, 1989 in Official Records Book 3005, Page 3575, Public Records of Brevard County, Florida, as the same may be amended, supplemented or modified from time to time.
- (5) Agreement between The Viera Company and The Florida Department of Community Affairs recorded in Official Records Book 3104, Page 1881, Public Records of Brevard County, Florida, as the same may be amended, supplemented or modified from time to time.
- (6) Agreement Covering Water Service between The Viera Company and the City of Cocoa, Florida, dated August 26, 1988, as amended by that certain Amendment #1 To Agreement To Provide Water Service dated June 13, 1989, and as further amended by that certain Second Amendment to Agreement dated May 27, 1994, as recorded in Official Records Book 3404, Page 0953, Public Records of Brevard County, Florida and re-recorded in Official Records Book 3407, Page 3452, Public Records of Brevard County, Florida.
- (7) All matters contained on the Plat of Duran Golf Club, according to the Plat thereof, as recorded in Plat Book 51, pages 63 through 65, inclusive, and the Plat of Modern Duran, according to the Plat thereof, as recorded in Plat Book 61, Pages 99 and 100, Public Records of Brevard County, Florida.
- (9) Easement Agreement recorded in Official Records Book 7920, Page 2132, Public Records of Brevard County, Florida.
- (10) Zoning, restrictions, reservations, prohibitions and other requirements imposed by governmental authorities.
- (11) Taxes for the year of closing and subsequent years.