

4

**THIS INSTRUMENT PREPARED BY AND  
UPON RECORDING, PLEASE RETURN TO:**

Stephen E. Cook, Esq.  
Shutts & Bowen LLP  
300 S. Orange Ave., Suite 1000  
Orlando, FL 32801

Parcel Identification Number(s):  
25-36-17-00-6  
26-36-24-02-F-10

-----[SPACE ABOVE THIS LINE FOR RECORDING DATA]-----

**SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** is made and entered into as of the 14th day of August, 2012, by and between **MERCEDES HOMES, LLC**, a Florida limited liability company, whose post office address is 6905 N. Wickham Road, Suite 501, Melbourne, Florida 32940 ("**Grantor**"), to **D. R. HORTON, INC.**, a Delaware corporation, whose post office address is 100 Rialto Place, Suite 800, Melbourne, Florida 32901 ("**Grantee**").

Wherever used herein, the terms "Grantor" and "Grantee" shall be deemed to include all the parties to this Special Warranty Deed and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations. The singular shall be deemed to include the plural, and vice versa, where the context so permits.

**W I T N E S S E T H:**

**THAT**, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are acknowledged by Grantor, Grantor hereby grants, bargains, sells, conveys and confirms unto Grantee all that certain real property together with the improvements thereon (hereinafter collectively referred to as the "**Real Property**") in Brevard County, Florida, more particularly described as follows:

[SEE **EXHIBIT "A"** ATTACHED HERETO AND  
INCORPORATED HEREIN BY REFERENCE]

**TOGETHER WITH** all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

**TO HAVE AND TO HOLD** the same unto Grantee in fee simple, forever.

**AND** Grantor hereby covenants with Grantee: (1) that Grantor is lawfully seized of the Real Property in fee simple; (2) that Grantor has good right and lawful authority to sell and convey the Real Property; (3) that Grantor hereby fully warrants the title to the Real Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but not otherwise; and (4) that the Real Property is free of all encumbrances, except real estate taxes or assessments for the year 2012, zoning, and those matters shown on **EXHIBIT "B"** ("Permitted Exceptions") attached hereto, provided, however, reference thereto shall not serve to reimpose the Permitted Exceptions.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, sealed and delivered  
in the presence of:

"GRANTOR"

MERCEDES HOMES, LLC,  
a Florida limited liability company

Dawn Viesins Bailey  
Print Name: Dawn Viesins Bailey

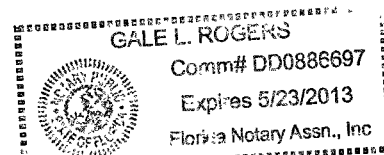
Marcus A. Cain  
Print Name: MARCUS A. CAIN

By: Marcus Watson, Jr.  
Marcus Watson, Jr. CFO

STATE OF FLORIDA     )  
  )  
COUNTY OF BREVARD    )

The foregoing instrument was acknowledged before me this 14th day of August, 2012, by Marcus Watson, Jr. as CFO of **Mercedes Homes, LLC**, a Florida limited liability company, on behalf of the company, and he/she ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

Gale L. Rogers  
Notary Public - State of Florida  
Printed Name: Gale L. Rogers  
Commission Number: DD0886697  
Commission Expiration: 5-23-13



**EXHIBIT "A"**  
**Legal Description**

**Parcel 1:**

A parcel of land lying in Section 17, Township 25 South, Range 36 East, Brevard County, Florida, being more particularly described as follows:

Commence at a 4 inch by 4 inch concrete monument marking the Southeast corner of said Section 17 and run South 89 degrees 21 minutes 47 seconds West, along the South line of said Section, a distance of 1215.03 feet to a point on the East right of way line of Fiske Boulevard (a 200 foot wide right of way); thence North 00 degrees 00 minutes 30 seconds East, along said East right of way line, a distance of 2847.72 feet to the Point of Beginning; thence continue North 00 degrees 00 minutes 30 seconds East, along said East right of way line, a distance of 543.95 feet to the Southwest corner of Lot 1, Block 4 of Woodsmere Section No. 1, recorded in Plat Book 20, Page 124 of the Public Records of Brevard County, Florida; thence North 89 degrees 34 minutes 28 seconds East along the South line of said Block 4, a distance of 200.00 feet to the point of curvature of a 230.00 foot radius curve to the right; thence Southeasterly along the arc of said curve and along said South line thru a central angle of 46 degrees 59 minutes 50 seconds, a distance of 188.66 feet to the point of tangency; thence South 43 degrees 25 minutes 42 seconds East, along said South line, a distance of 691.72 feet to the Northwestern corner of Lot 1, Block 6 of said Woodsmere Section No. 1; thence South 46 degrees 34 minutes 18 seconds West, a distance of 230.00 feet; thence North 43 degrees 25 minutes 42 seconds West, a distance of 242.68 feet; thence South 46 degrees 34 minutes 18 seconds West, a distance 81.50 feet; thence North 43 degrees 25 minutes 42 seconds West, a distance of 130.93 feet; thence North 43 degrees 25 minutes 53 seconds West, a distance of 122.00 feet; thence North 04 degrees 24 minutes 55 seconds West, a distance of 52.10 feet; thence South 89 degrees 34 minutes 28 seconds West, a distance of 152.38 feet; thence South 00 degrees 00 minutes 30 seconds West, a distance of 148.18 feet; thence South 58 degrees 26 minutes 06 seconds West, a distance of 37.54 feet; thence South 89 degrees 59 minutes 30 seconds East, a distance of 89.00 feet to the Point of Beginning.

Together with non-exclusive easements for ingress and egress as set forth in Amendment to Declaration of Condominium of Swiss Pointe, a Condominium filed October 15, 1992 in Official Records Book 3237, Page 1990, of the Public Records of Brevard County, Florida.

Less and Except: Lands described in official Records Book 3011, Page 2843, of the Public Records of Brevard County, Florida.

**Parcel 2:**

Lot 10, Block F, Casabella Phase Two, according to the plat thereof as recorded in Plat Book 51, Pages 46 through 48, of the Public Records of Brevard County, Florida.

**EXHIBIT "B"**  
**Permitted Exceptions**

**As to Parcel 1:**

1. Terms, provisions, covenants, conditions, restrictions, assessments, easements, options, liens, and other matters established by the Declaration of Condominium described in Schedule A herein, and recorded in Official Records Book 2973, Page 1854, and amendment(s) thereto which are recorded in Official Records Book 3049, Page 3578, Official Records Book 3051, Page 3154, Official Records Book 3237, Page 1990 and Official Records Book 3414, Page 2638, as may be further amended. (As to the easement under Parcel 1 only.)
2. Reciprocal Non-Exclusive Retention, Maintenance, and Access Easement Agreement recorded in Official Records Book 5403, Page 717.
3. Water Line & Ingress/Egress Easement recorded in Official Records Book 2951, Page 317.
4. Water Line & Ingress/Egress Easement recorded in Official Records Book 3058, Page 4936.

**As to Parcel 2:**

5. Restrictions, covenants, conditions and easements, which include provisions for (i) an easement on the land; (ii) a lien for liquidated damages; (iii) a private charge or assessments; and (iv) an option to purchase, a right of first refusal or the prior approval of a future purchaser or occupant, as contained in that certain; Amended and Restated Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 5434, Page 5686; Amendments recorded in Official Records Book 5614, Page 1615; Official Records Book 5769, Page 9600; Official Records Book 5936, Page 208, as may be subsequently amended.
6. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Casabella Phase Two, recorded in Plat Book 51, Page 46 through 48.
7. Binding Development Plan recorded in Official Records Book 3807, Page 1958.

NOTE: All recording references shall refer to the public records of Brevard County, Florida.