

**AMENDMENT TO DECLARATION OF CONDOMINIUM OF
CASTAWAY BEACH RESORT, A CONDOMINIUM**

The Developer, W.L. Summers & Associates, Inc., a Florida corporation ("Developer"), files this Amendment to the Declaration of Condominium of Castaways Beach Resort, a condominium and would state:

WHEREAS, the Developer is the sole owner of all of the condominium units of Castaway Beach Resort, a condominium; and

WHEREAS, the Declaration of Condominium of Castaway Beach Resort, a condominium was recorded at Official Records Book 4236, Page 3937 - 4023 of the Public Records of Volusia County, Florida; and

WHEREAS, two versions of Page 40 of the Declaration of Condominium that were incorrect were recorded at Official Records Book 4236, Page 3979 and 3980; and

WHEREAS, both versions of Page 40 of the Declaration of Condominium need to be eliminated and replaced with the proper Page 40, a copy being attached hereto as Exhibit "A"; and

WHEREAS, the Developer has complied with the requirements of Article V (Amendment to Declaration) to the Declaration of Condominium in that it has given proper notice of the subject matter of the proposed amendment to the Board of Directors, a copy of the consent being attached hereto as Exhibit "B"; and

WHEREAS, the Board of Directors agreed unanimously to amend the Declaration of Condominium to eliminate both recorded versions of Page 40 and to replace them with the new Page 40 attached hereto; and

WHEREAS, the President of the Castaway Beach Resort Condominium Association, Inc. has executed the proper consent allowing the Declaration to be amended as reflected in Exhibit "C", the Developer declares as follows:

1. The two originally recorded versions of Page 40 of the Declaration of Condominium, recorded in Official Records Book 4236, Pages 3979 and 3980 respectively are hereby eliminated. The new Page 40 is that shown as Exhibit "A" to this Amendment.

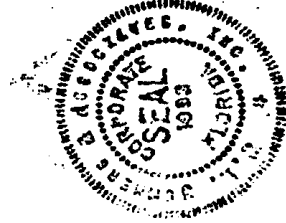
IN WITNESS WHEREOF, the Developer has caused this Amendment to Declaration of Condominium to be executed this 9th day of October, 1997.

Signed, sealed and delivered in our presence:

Harold Ann
Witness Signature
Howard Van Arman, JR
Printed Name
Pearl H. McElroy
Witness Signature
Pearl H. McElroy
Printed Name

W.L. Summers & Associates, Inc.

By: W.L. Summers
W.L. SUMMERS, President



STATE OF FLORIDA
COUNTY OF Columbia

The foregoing instrument was acknowledged before me this 9 day of
October, 1997 by W. S. Jernisse, who is personally known to me or
who has produced _____ as identification and who did take
an oath.

Pearl H. McElroy
Notary Public, State of Florida
Pearl H. McElroy
Printed Notary Signature
At Large
My Commission Expires:



condemnation awards for losses to or a taking of any portion of the common elements or common property.

J. All taxes, assessments and charges which may become liens prior to the liens of Institutional Mortgagees under local law shall relate only to the individual Units and not to the Condominium Property as a whole.

K. Upon written request from the Department of Housing and Urban Development or from the Federal National Mortgage Administration or from the Federal Home Loan Mortgage Corporation or from the Veterans Administration, the Association shall prepare and furnish within a reasonable period of time, an audited financial statement of the Association for the immediately preceding fiscal year of the Association.

L. Neither the Association nor the unit owners shall interfere with the sale of Units by the Developer. As long as the Developer owns at least one (1) Unit in the Condominium and offers it for sale in the ordinary course of business, the Developer (or its duly authorized agents or assigns) may make such use of the unsold Unit(s), conference room and the common elements (including any portions of the common elements designated as offices on the Plot Plan, Survey and Graphic Description attached hereto as Exhibit "B") as may facilitate the Developer's administrative activities (which administrative activities may include, but shall not be limited to, administration of the Association, bookkeeping, post closing repair work and Developer sales, leasing and closing functions) and sales (with respect to units within this Condominium) including, but not limited to, the maintenance of administrative offices and the maintenance of sales and/or leasing offices, for the showing of the Unit(s) and for the display of signs, billboards, placards and visual promotional materials. The Developer may use unsold Units as model units.

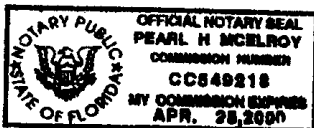
CONSENT OF BOARD OF DIRECTORS TO AMENDMENT

The Board of Directors of Castaways Beach Resort Condominium Association, Inc., by unanimous consent of all of the below-named persons who represent the entire Board of Directors, hereby consent to the Amendment of Declaration of Condominium referred to herein. Said Amendment eliminates the two recorded versions of Page 40, recorded at Official Records Book 4236, Page 1979 and 1980 of the Public Records of Volusia County, Florida, and replaces them with a correct Page 40 reflected as Exhibit "A" to the Amendment.

W. P. Summer
Ernest S. Radson
[Signature]

STATE OF FLORIDA
COUNTY OF Columbia

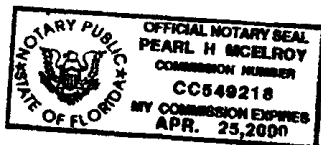
The foregoing instrument was acknowledged before me this 9 day of October, 1997 by W. P. Summer, who is personally known to me or who has produced Personally known as identification and who did take an oath.



Pearl H. McElroy
Notary Public, State of Florida
Pearl H. McElroy
Printed Notary Signature
At Large
My Commission Expires:

STATE OF FLORIDA
COUNTY OF Columbia

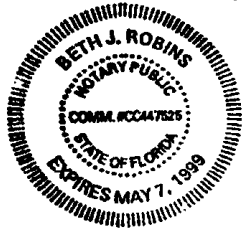
The foregoing instrument was acknowledged before me this 9 day of October, 1997 by Ernest S. Radson, who is personally known to me or who has produced Personally known as identification and who did take an oath.



Pearl H. McElroy
Notary Public, State of Florida
Pearl H. McElroy
Printed Notary Signature
At Large
My Commission Expires:

STATE OF FLORIDA
COUNTY OF VOLUSTA

The foregoing instrument was acknowledged before me this 9th day of October, 1997 by Judith R. Nero, who is personally known to me or who has produced an identification and who did take an oath.



Beth J. Robins
Notary Public, State of Florida

Printed Notary Signature
At Large
My Commission Expires:

EXHIBIT "C"

Book: 4242
Page: 2505
Diane M. Matousek
Volusia County, Clerk of Court

CONSENT OF ASSOCIATION TO AMENDMENT

The Castaways Beach Resort Condominium Association, Inc., by and through the below-signed President and Secretary, hereby execute their consent to the Amendment to the Declaration of Condominium and agree to eliminating the two erroneous versions of Page 10 of the Declaration of Condominium and substituting the new page 10 shown in the Amendment as Exhibit "A".

CASTAWAYS BEACH RESORT CONDOMINIUM
ASSOCIATION, INC.

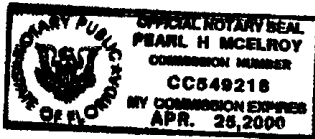
W. R. Sumner
President

[Signature]
Secretary



STATE OF FLORIDA
COUNTY OF Columbia

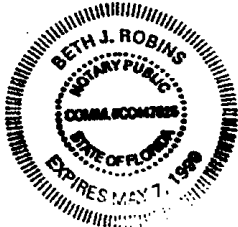
The foregoing instrument was acknowledged before me this 9 day of October, 1997 by W. R. Sumner, who is personally known to me or who has produced Personally known as identification and who did take an oath.



Pearl H. McElroy
Notary Public, State of Florida
Pearl H. McElroy
Printed Notary Signature
At Large
My Commission Expires:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this 9th day of October, 1997 by Judith R. Nero, who is personally known to me or who has produced _____ as identification and who did take an oath.



Beth J. Robins
Notary Public, State of Florida
Printed Notary Signature
At Large
My Commission Expires: