

Rec. \$52.50

Prepared by and Return to:
Melissa S. Turra, Esq.
Holland & Knight LLP
50 North Laura Street, Suite 3900
Jacksonville, Florida 32202

**AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
FOR
INDIGO, A CONDOMINIUM**

THIS AMENDMENT is made this 23rd day of December, 2004, by **INDIGO, LLC**, a Florida limited liability company ("Developer").

RECITALS:

- A. Developer has subjected certain property to the condominium form of ownership as more fully described in the Declaration of Condominium for Indigo, A Condominium ("Declaration"), in Official Records Book 5519, page 1187 of the public records of Escambia County, Florida (referred to herein as "Declaration").
- B. The improvements described in Exhibit "C" to the Declaration sustained sufficient damage from various hurricanes, causing the improvements to no longer meet the definition of substantial completion set forth in Section 718.104(4)(e), Florida Statutes.
- C. No unit closings have occurred subsequent to the recording of the Declaration.
- D. Pursuant the provisions of Article 17.03(b)(1) of the Declaration, the Developer desires to amend the Declaration to correct what is now an error in the Declaration.

NOW, THEREFORE, in consideration of the premises, the Developer hereby amends the Declaration as follows:

1. Exhibit "C" of the Declaration is amended to replace the Surveyor's Certificate which is a part of the Declaration with the Addendum to Exhibit "C" attached hereto and made a part hereof.
2. Except as herein amended, the terms and conditions of the Declaration remain in full force and effect. All references to Exhibit "C" in the Declaration or

this Amendment shall mean and refer to the Exhibit "C" of the Declaration and the Addendum to Exhibit "C" attached hereto.

IN WITNESS WHEREOF, this Amendment to the Declaration of Condominium has been duly executed on this 23rd day of December, 2004.

Signed, sealed and delivered
in the presence of:

INDIGO, LLC, a Florida limited liability
company

Richard H. Polunin
Print Name: Richard H. Polunin

By: Head (PBC), LLC, a Florida limited
liability company, its Co-Manager

Gary L. Meredith
Print Name: Gary L. Meredith

By: David Head
David Head, its Manager

-and-

By: Yates, L.L.C., an Alabama limited
liability company, its Co-Manager

Print Name: _____

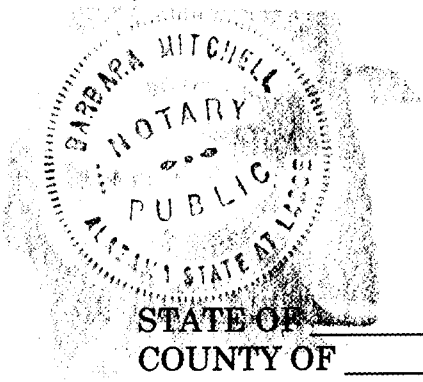
By: _____
Jason R. Voyles, its Manager

Print Name: _____

whose address is:
781 Larson Street
Jackson, Mississippi 39202

STATE OF ALABAMA
COUNTY OF BALDWIN

The foregoing instrument was acknowledged before me this 23rd day of December, 2004, by David Head, the Manager of Head (PBC), LLC, a Florida limited liability company, as Co-Manager of Indigo, LLC, a Florida limited liability company, on behalf of the limited liability companies. He/she is personally known to me or produced _____ as identification.



Barbara Mitchell
Print Name BARBARA MITCHELL
Notary Public State of ALABAMA
My commission expires: _____
COMMISSION NUMBER: _____
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Aug 25, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 200__, by Jason R. Voyles, as Manager of Yates, L.L.C., an Alabama limited liability company, the Co-Manager of Indigo, LLC, a Florida limited liability company, on behalf of the corporation and the limited liability companies. He/she is personally known to me or produced _____ as identification.

Print Name _____
Notary Public State of _____
My commission expires: _____
Commission Number _____

this Amendment shall mean and refer to the Exhibit "C" of the Declaration and the Addendum to Exhibit "C" attached hereto.

IN WITNESS WHEREOF, this Amendment to the Declaration of Condominium has been duly executed on this 23rd day of December, 2004.

Signed, sealed and delivered
in the presence of:

INDIGO, LLC, a Florida limited liability
company

Print Name: _____

By: Head (PBC), LLC, a Florida limited
liability company, its Co-Manager

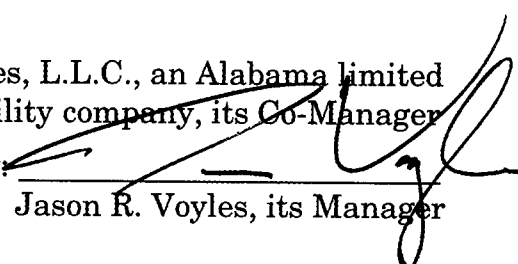
Print Name: _____

By: _____
David Head, its Manager

-and-

By: Yates, L.L.C., an Alabama limited
liability company, its Co-Manager

Dee Oswalt
Print Name: DEE OSWALT

By: 
Jason R. Voyles, its Manager

Stephen King
Print Name: STEPHEN KING

whose address is:
781 Larson Street
Jackson, Mississippi 39202

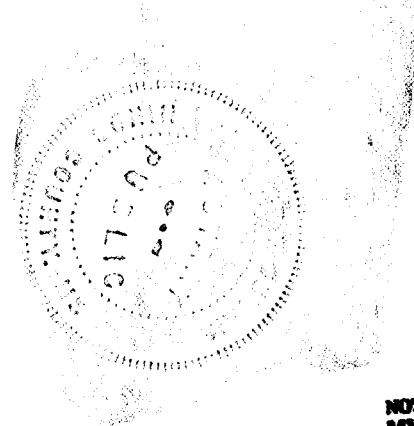
STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of _____, 200__, by David Head, the Manager of Head (PBC), LLC, a Florida limited liability company, as Co-Manager of Indigo, LLC, a Florida limited liability company, on behalf of the limited liability companies. He/she is personally known to me or produced _____ as identification.

Print Name _____
Notary Public State of _____
My commission expires: _____
Commission Number _____

STATE OF Mississippi
COUNTY OF Hinds

The foregoing instrument was acknowledged before me this 23rd day of December, 2004, by Jason R. Voyles, as Manager of Yates, L.L.C., an Alabama limited liability company, the Co-Manager of Indigo, LLC, a Florida limited liability company, on behalf of the corporation and the limited liability companies. He/she is personally known to me or produced _____ as identification.



Dee Oswalt

Print Name Dee Oswalt
Notary Public State of MS
My commission expires: October 5, 2008
Commission Number _____

**NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: Oct 5, 2008
BONDED THRU NOTARY PUBLIC UNDERWRITERS**

**ADDENDUM TO EXHIBIT "C"
TO
DECLARATION OF CONDOMINIUM FOR
INDIGO, A CONDOMINIUM**

Surveyor's Certificate

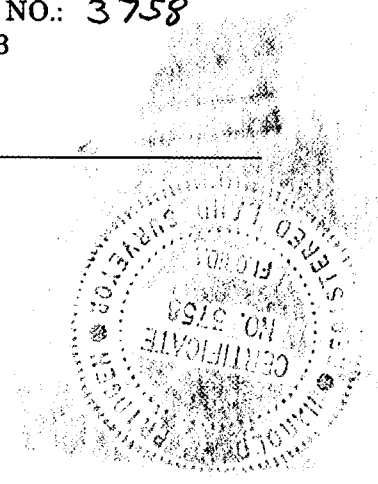
CERTIFICATION

BY CERTIFICATE DATED SEPTEMBER 23RD, 2004 AND ATTACHED AS A PART OF EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM FOR INDIGO, A CONDOMINIUM, RECORDED IN OFFICIAL RECORDS BOOK 5519, PAGE 1187, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, THE SUBSTANTIAL COMPLETION OF THE CONSTRUCTION OF THE IMPROVEMENTS DESCRIBED IN SUCH EXHIBIT "C" WAS PREVIOUSLY CONFIRMED. HOWEVER, THE IMPROVEMENTS SUSTAINED DAMAGES FROM VARIOUS HURRICANES SUCH THAT THE UNDERSIGNED CAN NO LONGER CERTIFY THE IMPROVEMENTS TO BE SUBSTANTIALLY COMPLETED AS OF THE DATE HEREOF.

W. L. Prigden

WADE PRIDGEN FLORIDA REGISTRATION NO.: 3758
Hatch Mott MacDonald Florida, LLC L.B. #6783
5111 N. 12th Avenue
Pensacola, FL 32504
Dated: 12-23-04

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RCD Jan 20, 2005 03:49 pm
Escambia County, Florida

ERNIE LEE MAGAHA
Clerk of the Circuit Court
INSTRUMENT 2005-325445