

re-recording - \$78.00  
recording - \$69.50  
doc. stamps - \$9,608.90

RECORD AND RETURN TO:  
J. ATWOOD TAYLOR, III  
2101 INDIAN RIVER BOULEVARD  
SUITE 200  
VERO BEACH, FLORIDA 32960  
772-231-4440

2075228  
THIS DOCUMENT HAS BEEN  
RECORDED IN THE PUBLIC RECORDS  
OF INDIAN RIVER COUNTY FL  
BK: 2429 PG: 32, Page 1 of 8  
06/29/2010 at 03:34 PM, DOC STAMPS D  
\$9608.90

JEFFREY K BARTON, CLERK OF COURT

### WARRANTY DEED

THIS INDENTURE is made effective the 25<sup>th</sup> day of June, 2010, and is executed by BW DEVELOPMENT, LLC, a Florida limited liability company, whose address is 9015 Americana Road, Suite 9, Vero Beach, Florida 32966 (hereinafter referred to as "Grantor"), in favor of MARINE BANK & TRUST COMPANY, whose address is 571 Beachland Boulevard, Vero Beach, Florida 32963 (hereinafter referred to as "Grantee").

### WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN and NO/100 (\$10.00) DOLLARS and other good and valuable consideration to said Grantor in hand paid, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, transfer, and convey to the said Grantee, and Grantee's heirs, legal representatives, successors, and assigns forever, the following described property, to-wit:

See EXHIBIT "A" attached hereto and incorporated herein by reference;

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

This conveyance from Grantor to Grantee represents a deed-in-lieu of foreclosure and is an absolute conveyance of title to the above described property in consideration and extinguishment of the obligations, as evidenced and secured by those certain loan and security documents described on SCHEDULE "1" and SCHEDULE "2," respectively, attached hereto and incorporated herein by reference, and is not intended to be and shall not be construed as being additional security for said obligation. This conveyance from Grantor to Grantee shall operate as and have the effect of a merger of title in the Grantee herein.


TOGETHER WITH all tenements, hereditaments, and appurtenances benefitting and appertaining to the said property.

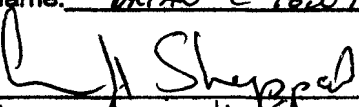
IN WITNESS WHEREOF, Grantor has caused these presents to be executed on the day and year set forth below.

Signed, sealed, and delivered in  
the presence of:

"GRANTOR"

BW DEVELOPMENT, LLC,  
a Florida limited liability company

  
(Name: Brian C. Fowler)

  
(Name: Anne H. Sheppard)

By:

  
CARY A. BROWN, Managing Member

**STATE OF FLORIDA** )  
 ) **ss:**  
**COUNTY OF INDIAN RIVER** )

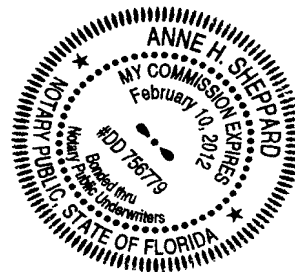
I HEREBY CERTIFY that before me, a Notary Public, personally appeared **CARY A. BROWN**, as Managing Member of **BW DEVELOPMENT, LLC**, a Florida limited liability company, who did acknowledge and swear before me that said person executed the foregoing instrument for the uses and purposes therein set forth on behalf of said company. I further state that (check one) ☒ I have examined the current driver's license of the aforesaid person or \_\_\_\_\_ I am familiar with the identity of the aforesaid person and have confirmed said person's identity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at the County and State aforesaid this 28TH day of June, 2010.

[Signature]  
NOTARY PUBLIC, STATE OF FLORIDA

**My commission expires:**

**(Affix Seal)**



**EXHIBIT "A"**

**(Legal Description)**

Unit 9, Building A, AMERICANA BUSINESS PARK CONDOMINIUM, together with an undivided interest in the common elements, according to the Declaration of Condominium thereof recorded in Official Records Book 1842, Page 2405, as amended from time to time, of the Public Records of Indian River County, Florida.

Together with any and all easements, entitlements, rights, or other appurtenances benefitting the above described properties.

- and -

Units 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39, Building D of AMERICANA BUSINESS PARK CONDOMINIUM, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1842, Page 2405, of the Public Records of Indian River County, Florida, and any amendments thereto, together with its undivided share in the common elements.

Formerly described as Lot 16, AMERICANA PLAZA, according to the map or plat thereof, recorded in Plat Book 17, Page 68, Public Records of Indian River County, Florida.

Together with any and all easements, entitlements, rights, or other appurtenances benefitting the above described properties.

**SCHEDULE "1"**

Loan Documents executed by BW DEVELOPMENT, LLC, a Florida limited liability company ("BORROWER"), and by CARY A. BROWN, individually, JILL H. BROWN, individually, REX WOOD, individually, and FRANCES L. WOOD, individually (collectively "GUARANTORS"), in favor of MARINE BANK & TRUST COMPANY ("BANK"):

<b><u>INSTRUMENT</u></b>	<b><u>DATE</u></b>	<b><u>RECORDING REFERENCE</u></b>
Promissory Note in the original principal amount of \$350,000.00	September 16, 2004	N/A
Mortgage (Future Advances)	September 16, 2004	ORB 1784/Page 1324 Public Records of Indian River County, Florida
Hazardous Substances Certificate and Indemnity Agreement	September 16, 2004	ORB 1784/Page 1331 Public Records of Indian River County, Florida
Business Loan Agreement	September 16, 2004	N/A
Commercial Guaranty (Cary A. Brown)	September 16, 2004	N/A
Commercial Guaranty (Jill H. Brown)	September 16, 2004	N/A
Commercial Guaranty (Rex Wood)	September 16, 2004	N/A
Commercial Guaranty (Frances L. Wood)	September 16, 2004	N/A
Future Advance Promissory Note in the original principal amount of \$150,000.00	December 12, 2005	N/A
Future Advance Agreement	December 12, 2005	ORB 1971/Page 1366 Public Records of Indian River County, Florida
Business Loan Agreement	December 12, 2005	N/A
Commercial Guaranty (Cary A. Brown)	December 12, 2005	N/A
Commercial Guaranty (Jill H. Brown)	December 12, 2005	N/A
Commercial Guaranty (Rex Wood)	December 12, 2005	N/A

<u>INSTRUMENT</u>	<u>DATE</u>	<u>RECORDING REFERENCE</u>
Commercial Guaranty (Frances L. Wood)	December 13, 2005	N/A
Future Advance Promissory Note in the original principal amount of \$500,000.00	December 13, 2005	N/A
Modification of Mortgage	December 13, 2005	ORB 1971/Page 1364 Public Records of Indian River County, Florida
Business Loan Agreement	December 13, 2005	N/A
Commercial Guaranty (Cary A. Brown)	December 13, 2005	N/A
Commercial Guaranty (Jill H. Brown)	December 13, 2005	N/A
Commercial Guaranty (Rex Wood)	December 13, 2005	N/A
Commercial Guaranty (Frances L. Wood)	December 13, 2005	N/A
Consolidated Promissory Note in the original principal amount of \$1,300,000.00	February 10, 2006	N/A
Business Loan Agreement	February 10, 2006	N/A
Future Advance Promissory Note in the original principal amount of \$800,000.00	February 10, 2006	N/A
Business Loan Agreement	February 10, 2006	N/A
Modification of Mortgage	February 10, 2006	ORB 1996/Page 1827 Public Records of Indian River County, Florida
Future Advance Agreement	February 10, 2006	ORB 1996/Page 1829 Public Records of Indian River County, Florida
Commercial Guaranty (Cary A. Brown)	February 10, 2006	N/A
Commercial Guaranty (Jill H. Brown)	February 10, 2006	N/A

<u>INSTRUMENT</u>	<u>DATE</u>	<u>RECORDING REFERENCE</u>
Commercial Guaranty (Rex Wood)	February 10, 2006	N/A
Commercial Guaranty (Frances L. Wood)	February 10, 2006	N/A
Renewal Promissory Note in the original principal amount \$1,108,750.00	October 10, 2007	N/A
Business Loan Agreement	October 10, 2007	N/A
Commercial Guaranty (Cary A. Brown)	October 10, 2007	N/A
Commercial Guaranty (Jill H. Brown)	October 10, 2007	N/A
Commercial Guaranty (Rex Wood)	October 10, 2007	N/A
Commercial Guaranty (Frances L. Wood)	October 10, 2007	N/A
Future Advance Promissory Note in the original principal amount of \$50,000.00	November 13, 2007	N/A
Future Advance Agreement	November 13, 2007	ORB 2220/Page 130 Public Records of Indian River County, Florida
Modification of Mortgage	November 13, 2007	ORB 2220/Page 132 Public Records of Indian River County, Florida
Commercial Guaranty (Cary A. Brown)	November 13, 2007	N/A
Commercial Guaranty (Jill H. Brown)	November 13, 2007	N/A
Commercial Guaranty (Rex Wood)	November 13, 2007	N/A
Commercial Guaranty (Frances L. Wood)	November 13, 2007	N/A
Consolidated Promissory Note in the original principal amount of \$1,158,750.00	November 14, 2007	N/A

<u>INSTRUMENT</u>	<u>DATE</u>	<u>RECORDING REFERENCE</u>
Business Loan Agreement	November 14, 2007	N/A
Commercial Guaranty (Cary A. Brown)	November 14, 2007	N/A
Commercial Guaranty (Jill H. Brown)	November 14, 2007	N/A
Commercial Guaranty (Rex Wood)	November 14, 2007	N/A
Commercial Guaranty (Frances L. Wood)	November 14, 2007	N/A
Promissory Note and Mortgage Modification and Extension Agreement	March 25, 2009	ORB 2332/Page 1954 Public Records of Indian River County, Florida
Promissory Note and Mortgage Modification Agreement and Receipt for Future Advances	July 10, 2009	ORB 2360/Page 2028 Public Records of Indian River County, Florida
UCC-1 Financing Statement	Recorded August 11, 2009	ORB 2360/Page 2042 Public Records of Indian River County, Florida

**SCHEDULE "2"**

Loan Documents executed by BW DEVELOPMENT, LLC, a Florida limited liability company ("BORROWER"), and by CARY A. BROWN, individually, JILL H. BROWN, individually, REX WOOD, individually, and FRANCES L. WOOD, individually (collectively "GUARANTORS"), in favor of MARINE BANK & TRUST COMPANY ("BANK"):

<b><u>INSTRUMENT</u></b>	<b><u>DATE</u></b>	<b><u>RECORDING REFERENCE</u></b>
Promissory Note in the original principal amount of \$100,000.00	January 12, 2007	N/A
Mortgage	January 12, 2007	ORB 2124/Page 1362 Public Records of Indian River County, Florida
Assignment of Rents	January 12, 2007	ORB 2124/Page 1369 Public Records of Indian River County, Florida
Commercial Guaranty (Cary A. Brown)	January 12, 2007	N/A
Commercial Guaranty (Jill H. Brown)	January 12, 2007	N/A
Commercial Guaranty (Rex Wood)	January 12, 2007	N/A
Commercial Guaranty (Frances L. Wood)	January 12, 2007	N/A
Future Advance Promissory Note in the original principal amount of \$50,000.00	June 6, 2007	N/A
Modification of Mortgage	June 6, 2007	ORB 2173/Page 1857 Public Records of Indian River County, Florida
Future Advance Agreement	June 6, 2007	ORB 2173/Page 1859 Public Records of Indian River County, Florida
Commercial Guaranty (Cary A. Brown)	June 6, 2007	N/A
Commercial Guaranty (Jill H. Brown)	June 6, 2007	N/A
Commercial Guaranty (Rex Wood)	June 6, 2007	N/A



<u>INSTRUMENT</u>	<u>DATE</u>	<u>RECORDING REFERENCE</u>
Commercial Guaranty (Frances L. Wood)	June 6, 2007	N/A
Consolidation Promissory Note in the original principal amount of \$150,000.00	June 7, 2007	N/A
Business Loan Agreement	June 7, 2007	N/A
Commercial Guaranty (Cary A. Brown)	June 7, 2007	N/A
Commercial Guaranty (Jill H. Brown)	June 7, 2007	N/A
Commercial Guaranty (Rex Wood)	June 7, 2007	N/A
Commercial Guaranty (Frances L. Wood)	June 7, 2007	N/A
Promissory Note and Mortgage Modification and Extension Agreement	March 25, 2009	ORB 2332/Page 1965 Public Records of Indian River County, Florida