

INSTR # 2017000060028, Doc Type DOC, Pages 4, Recorded 03/21/2017 at 01:36 PM,
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$35.50 Deputy
Clerk JMILLER

UPON RECORDING RETURN TO:

Jennifer Lawton Marquina, Esq.
Broad and Cassel LLP
7777 Glades Road, Suite 300
Boca Raton, FL 33434

ABOVE THIS LINE FOR RECORDER'S USE

**FORTIETH AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
OF SORRENTO, A CONDOMINIUM**

THIS FORTIETH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF
SORRENTO, A CONDOMINIUM (the "**Fortieth Amendment**") is made this ____
3/15/2017 day of March, 2017, by D.R. Horton, Inc., a Delaware corporation ("**Developer**").

W I T N E S S E T H

WHEREAS, Developer recorded that certain Declaration of Condominium of Sorrento, a Condominium on October 24, 2013, as Instrument #2013000242074, as amended by that certain First Amendment to the Declaration of Condominium of Sorrento, a Condominium on February 4, 2014 as Instrument #2014000023545, as amended by that certain Second Amendment to the Declaration of Condominium of Sorrento, a Condominium on February 4, 2014 as Instrument #2014000023550, as amended by that certain Third Amendment to the Declaration of Condominium of Sorrento, a Condominium on February 4, 2014 as Instrument #2014000023578, as amended by that certain Fourth Amendment to the Declaration of Condominium of Sorrento, a Condominium on March 24, 2014 as Instrument #2014000058917, as amended by that certain Fifth Amendment to the Declaration of Condominium of Sorrento, a Condominium on March 24, 2014 as Instrument #2014000058925, as amended by that certain Sixth Amendment to the Declaration of Condominium of Sorrento, a Condominium on April 3, 2014 as Instrument #2014000067728, as amended by that certain Seventh Amendment to the Declaration of Condominium of Sorrento, a Condominium on April 3, 2014 as Instrument #2014000067736, as amended by that certain Eighth Amendment to the Declaration of Condominium of Sorrento, a Condominium on July 7, 2014 as Instrument #2014000141026, as amended by that certain Ninth Amendment to the Declaration of Condominium of Sorrento, a Condominium on July 8, 2014 as Instrument #2014000141935, as amended by that certain Tenth Amendment to the Declaration of Condominium of Sorrento, a Condominium on August 25, 2014 as Instrument #2014000175653, as amended by that certain Eleventh Amendment to the Declaration of Condominium of Sorrento, a Condominium on October 22, 2014 as Instrument #2014000217158, as amended by that certain Twelfth Amendment to the Declaration of Condominium of Sorrento, a Condominium on October 23, 2014 as Instrument #2014000218517, as amended by that certain Thirteenth Amendment to the Declaration of Condominium of Sorrento, a Condominium on November 17, 2014 as Instrument #2014000234884, as amended by that certain Fourteenth

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Amendment to the Declaration of Condominium of Sorrento, a Condominium on December 15, 2014 as Instrument #2014000253909, as amended by that certain Fifteenth Amendment to the Declaration of Condominium of Sorrento, a Condominium on December 15, 2014 as Instrument #2014000254067, as amended by that certain Sixteenth Amendment to the Declaration of Condominium of Sorrento, a Condominium on February 13, 2015 as Instrument #2015000030985, as amended by that certain Seventeenth Amendment to the Declaration of Condominium of Sorrento, a Condominium on February 18, 2015 as Instrument #2015000033815, as amended by that certain Eighteenth Amendment to the Declaration of Condominium of Sorrento, a Condominium on February 26, 2015 as Instrument #2015000040288, as amended by that certain Nineteenth Amendment to the Declaration of Condominium of Sorrento, a Condominium on April 20, 2015 as Instrument #2015000082746, as amended by that certain Twentieth Amendment to the Declaration of Condominium of Sorrento, a Condominium on May 5, 2015 as Instrument #2015000096064, as amended by that certain Twenty-First Amendment to the Declaration of Condominium of Sorrento, a Condominium on July 30, 2015 as Instrument #2015000167289, as amended by that certain Twenty-Second Amendment to the Declaration of Condominium of Sorrento, a Condominium on August 25, 2015 as Instrument #2015000185767, as amended by that certain Twenty-Third Amendment to the Declaration of Condominium of Sorrento, a Condominium on October 1, 2015 as Instrument #2015000213013, as amended by that certain Twenty-Fourth Amendment to the Declaration of Condominium of Sorrento, a Condominium on November 17, 2015 as Instrument #2015000247955, as amended by that certain Twenty-Fifth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on December 11, 2015 as Instrument #2015000265053 and re-recorded on December 17, 2015 as Instrument #2015000270051, as amended by that certain Twenty-Sixth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on December 28, 2015 as Instrument #2015000276047, as amended by that certain Twenty-Seventh Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on March 9, 2016 as Instrument #2016000049879, as amended by that certain Twenty-Eighth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on March 21, 2016 as Instrument #2016000058516, as amended by that certain Twenty-Ninth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on April 26, 2016 as Instrument #2016000087567, as amended by that certain Thirtieth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on May 5, 2016 as Instrument #2016000097000, as amended by that certain Thirty-First Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on June 21, 2016 as Instrument #2016000132543, as amended by that certain Thirty-Second Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on June 24, 2016 as Instrument #2016000136075, as amended by that certain Thirty-Third Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on July 26, 2016 as Instrument #2016000157881, as amended by that certain Thirty-Fourth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on September 15, 2016 as Instrument #2016000196326, as amended by that certain Thirty-Fifth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on October 5, 2016 as Instrument #2016000211230, as amended by that certain Thirty-Sixth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on November 9, 2016 as Instrument

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#2016000238138, as amended by that certain Thirty-Seventh Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on December 22, 2016 as Instrument #2016000269964, as amended by that certain Thirty-Eighth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on February 21, 2017 as Instrument #2017000037449, and as further amended by that certain Thirty-Ninth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on March 9, 2017 as Instrument #2017000050804, all in the Public Records of Lee County, Florida (as may be amended from time to time, the "**Declaration**"); and

WHEREAS, pursuant to Section 6.2 of the Declaration, Developer reserved the right to unilaterally amend the Declaration during the time it has the right to elect a majority of the Board of Directors of the Association, to affect any amendment, except as provided in Section 6.2 (i) and (ii); and

WHEREAS, the Developer currently has the right to elect a majority of the Board and no amendments herein are in violation of the restrictions set forth in Section 6.2 (i) and (ii); and

WHEREAS, Developer desires to amend the Declaration to correct an error therein as set forth below:

NOW, THEREFORE, the Declaration is hereby amended as set forth below.

1. The recitals set forth above are true and correct and are incorporated herein by reference. Except as provided herein, capitalized terms shall have the meaning ascribed to them in the Declaration.
2. Section 13.11 is hereby amended as follows, with deletions shown by strikethrough and additions shown by underlined text:

"13.11. Working Capital Contribution. Upon each conveyance of a Unit, ~~including the initial conveyance of Units from the Developer and all subsequent conveyance to a third party purchaser,~~ at the time of the closing, the Developer may charge the Unit purchaser ~~shall pay to the Association~~ the sum of \$100.00 as a working capital contribution. These funds shall be deposited in the Association's accounts for the purpose of establishing working capital and operating funds to be used in the Association's discretion in accordance with the Act. Such contributions shall not be credited to any Assessments owed by an Owner and no refund of the working capital contribution will be made on re-sale."
3. Except as specifically amended herein, the Declaration shall in all other respects remain in full force and effect.

[SIGNATURE AND ACKNOWLEDGMENT ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, the undersigned Developer hereby executes this Fortieth Amendment by and through its representatives as of the date and year first above written.

Witnessed By:

DEVELOPER:

Print Name: James Ratz

Print Name: Tom McLean

D.R. HORTON, INC., a Delaware corporation

By: [Signature]
Name: Jonathan Pentecost
Title: Division President

STATE OF FLORIDA)

) ss

COUNTY OF Lee)

The foregoing instrument was acknowledged before me this 17th day of March, 2017, by Jonathan Pentecost, as Division President of D.R. Horton, Inc., a Delaware corporation on behalf of the company. He is personally known to me and did not take an oath.

[NOTARIAL SEAL]



By: [Signature]
Name: Meagan Krafjack
Serial Number, if any: FF 212945
My Commission Expires: 3/23/19