

INSTR # 2014000234884, Doc Type DOC, Pages 9, Recorded 11/17/2014 at 02:07 PM,  
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$78.00 Deputy  
Clerk ALUCKEY

**UPON RECORDING RETURN TO:**

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

\_\_\_\_\_  
ABOVE THIS LINE FOR RECORDER'S USE

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

THIS THIRTEENTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "**Thirteenth Amendment**") is made this 13<sup>th</sup> day of November, 2014, by D.R. Horton, Inc., a Delaware corporation ("**Developer**").

**WITNESSETH**

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, and as further amended by that certain Twelfth Amendment to the Declaration of Condominium of Sorrento, a Condominium on October 23, 2014 as Instrument #2014000218517 all in the Public Records of Lee County, Florida (as may be amended from time to time, the "**Declaration**"); and

4817.3524.1248.1  
37485/0073

WHEREAS, pursuant to Section 3.2 of the Declaration, Developer reserved the right to unilaterally amend the Declaration from time to time to add to the Condominium all or portions of the additional property described in Exhibits "1.1" through "1.52" to the Declaration and to designate all or portions of such added property as Units, Common Elements, Limited Common Elements, or a combination thereof, and to change each Unit's percentage of undivided interest in the Common Elements and liability for Common Expenses; and

WHEREAS, Developer desires to amend the Declaration to add to the Condominium the real property described as "Phase 22" in Exhibit "A" attached to this Thirteenth Amendment and to change each Unit's percentage of undivided interest in the Common Elements and liability for Common Expenses to reflect the addition of Units to the Condominium; and

WHEREAS, Developer desires to amend the Declaration to add the final survey and floor plans for Phase 22, Building 22 and to add a certificate stating that Phase 22, Building 22 of the Condominium is now substantially complete pursuant to Fla. Stat. § 718.104(4)(e);

NOW, THEREFORE, the Declaration is hereby amended as set forth below. Except as provided herein, capitalized terms shall have the meaning ascribed to them in the Declaration.

1. The Declaration is hereby amended to add the Phase 22 land, as more particularly described in Exhibit "A" attached hereto and made a part hereof, to the Condominium.
2. The survey exhibit pages for Phase 22 in Exhibit "4" to the Declaration are hereby replaced in their entirety with the certified as-built survey, plot plan and floor plans of Phase 22, Building 22 as set forth in Exhibit "B" attached hereto and made a part hereof.
3. The formula for allocating to Units in Phase 22 and for reallocating to Units previously submitted to the Condominium a percentage of undivided interest in the Common Elements and liability for Common Expenses shall be one divided by the total number of Units within the Condominium, i.e. 48 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.
4. Each Unit in Phase 22 is allocated one vote in the Association on all matters which Unit Owners are entitled to vote.

**[SIGNATURE AND ACKNOWLEDGMENT ON FOLLOWING PAGE]**

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

Witnessed By:

DEVELOPER:

*Rebecca Sarver*  
Print Name: REBECCA SARVER

*[Signature]*  
D.R. HORTON, INC., a Delaware corporation

*Kay Plein*  
Print Name: Kay Plein

By: \_\_\_\_\_  
Name: Jonathon Pentecost  
Title: Division President

STATE OF FLORIDA )

) ss

COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of November, 2014, by Jonathon Pentecost, as Division President of D.R. Horton, Inc., a Florida corporation on behalf of the company. He is personally known to me and did not take an oath.

[NOTARIAL SEAL]

By: *Kay Plein*  
Name: Kay Plein

Serial Number, if any: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



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**EXHIBIT "A"**

**Legal Description of Phase 1.22**

4617-3524-4248.1  
J2988.0075

# SORRENTO A CONDOMINIUM

LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

EXHIBIT "1.22"

PHASE 22

## LEGAL DESCRIPTION:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 26 EAST, BEING A PART OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2012000195147, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, SAID LANDS ALSO BEING A PORTION OF PARCEL 14 OF PARKLANDS LEE, DULY RECORDED IN PLAT BOOK 79, PAGES 84 THROUGH 98, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN INSTRUMENT NUMBER 2012000195147, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF SAID PARCEL 14 OF PARKLANDS LEE, DULY RECORDED IN PLAT BOOK 79, PAGES 84 THROUGH 98, OF PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S 89°53'08" W ALONG THE NORTHERLY LINE OF SAID LANDS AND SAID PARCEL 14 FOR 166.93 FEET; THENCE S 00°06'52" E FOR 49.76 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND THEREIN DESCRIBED; THENCE CONTINUE S 00°06'52" E FOR 14.31 FEET TO THE BEGINNING OF A NOW TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 47.50 FEET TO WHICH POINT A RADIAL LINE BEARS N 36°41'36" E; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 153°23'14" FOR 127.16 FEET; THENCE S 61°44'42" W FOR 16.48 FEET; THENCE S 70°48'49" W FOR 100.67 FEET; THENCE N 22°46'58" W FOR 34.86 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°40'07" FOR 17.80 FEET; THENCE N 00°06'52" W FOR 10.61 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'19" FOR 54.98 FEET; THENCE S 89°52'49" W FOR 30.80 FEET; THENCE N 00°40'56" W FOR 19.17 FEET; THENCE N 89°53'08" E FOR 263.50 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 0.325 ACRES, MORE OR LESS.

## NOTE:

SEE SHEET 3 OF 3 FOR PLOT PLAN.

## Banka Engineering

Professional Engineers, Planners & Land Surveyors

FORT MYERS • FORT CHARLOTTE • SARASOTA

FLORIDA LICENSED PROFESSIONAL ENGINEERS 14-MB-01

1111 3RD HILL CIRCLE, PARKWAY

FORT MYERS, FLORIDA 33904

(239) 639-5490

EXHIBIT "1.22" - PHASE 22 LEGAL DESCRIPTION

**SORRENTO, A CONDOMINIUM**

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-1-10)
1-22-13	130303	JULIE HENDER	AMY	RMR	N/A	7	3	4-48-25

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**EXHIBIT "B"**

**Certified As-Built for Phase 22, Building 22**

4817 3524 1248 1  
32485 0073

**CERTIFICATE OF SURVEYOR  
AS TO PHASE 22 OF SORRENTO**

Before me, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared Richard M. Ritz known by me to me to be the person hereinafter described does hereby certify as follows:

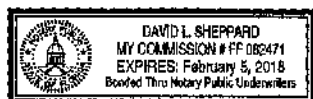
1. That he is a duly registered and duly licensed land surveyor, authorized to practice under the laws of the State of Florida.
2. That the construction of all improvements constituting Phase 22 of Sorrento, a Condominium are substantially complete so that the material, together with the provisions of the declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements and so that the identification, location and dimensions of the common elements and of each unit can be determined from these materials.

  
Richard M. Ritz, R.L.S.  
Registered Land Surveyor  
Florida Certification No. LS 4008  
State of Florida

Sworn to and Subscribed before me this 11<sup>th</sup> day of November, 2014.

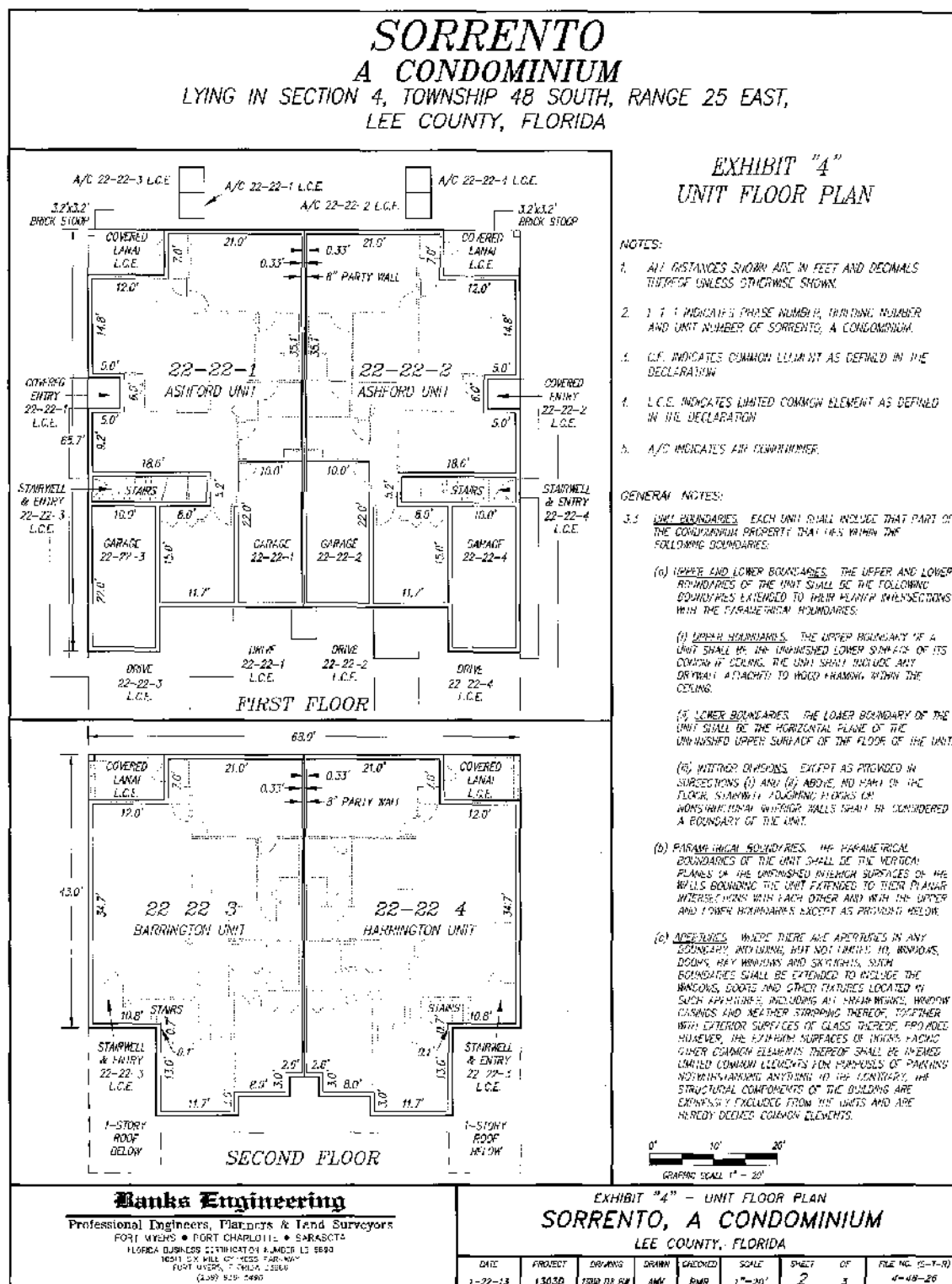
MY COMMISSION EXPIRES:

  
Notary Public



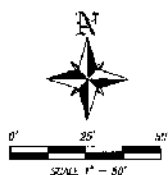
DAVID L. SHEPARD  
Printed Name

S:\Jobs\13xx\1303D\Surveying\Condominium\Substantially Complete\Phase 22\1303D Certificate of Substantial Completion by Surveyor\_PH-22.tif





**SORRENTO**  
**A CONDOMINIUM**  
LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
EXHIBIT "4"  
PHASE 22 PLOT PLAN



CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C6	15.00'	22°40'17"	17.80'	17.69'	N 11°26'55" W
C7	35.00'	90°09'18"	54.98'	48.50'	N 45°07'02" W
C72	47.50'	153°23'14"	127.16'	92.45'	S 48°38'58" W

BONTA BEACH ROAD S.E.

NOPTHER LINE LV 2452600205147 & PAGE 14

- DUTY FASES -  
(C.F. 4161 PG. 3236)

P. 26  
 RE CORNER  
 (P. 2012000185147  
 RE CORNER PARCEL 1  
 PARKLAND LEE  
 (P. 2012000185147

NOTE:

SEE SUMMARY OF 3 FOR LEGAL DESCRIPTION

LEGEND:

R0. INDICATES PAGE  
 R10. INDICATES PLAT BOOK  
 R20. INDICATES PLAT BOOK  
 A00. INDICATES AIR CORRELATION  
 A10. INDICATES AIR CORRELATION  
 B00. INDICATES COMMON ELEMENT  
 B10. INDICATES COMMON ELEMENT  
 B20. INDICATES COMMON ELEMENT  
 C00. INDICATES COMMON ELEMENT  
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 Z10. INDICATES COMMON ELEMENT  
 Z20. INDICATES COMMON ELEMENT

### LINE TABLE

LINE	BEARING	DISTANCE
L17	N 00°06'52" W	10.51'
L18	S 29°52'49" W	30.20'
L19	N 00°40'56" W	19.17'
L19	S 00°06'52" E	14.34'
L20	S 61°44'42" W	15.46'

## RESULTS

ALL PERFORMS OF THE COMPOSER ARE NOT INCLUDED WITHIN THE LIMITS OF THE UNIT ARE USUALLY ELEMENTS (SEE, UNLESS OTHERWISE SHOWN).

EACH DRIVEWAY LABELED AS "DRIVE" ON EXHIBIT "A" SHALL BE A LIMITED COMMON ELEMENT (L.C.E.) RESERVED FOR THE EXCLUSIVE USE OF THE UNIT SHOWN ON THE ADJACENT UNIT TO WHICH IT SERVES. THE DRIVEWAY SHALL BE MAINTAINED BY THE ASSOCIATION. ANY SPACE LOCATED BETWEEN DRIVEWAYS SHALL BE COMMON ELEMENTS (C.E.)

ANY SWITCH, AIRING, DOORSTEP, STAIRWAY, HOOKS, AIR CONDITIONER, OR OTHER FIXTURES DESIGNED TO SERVE A SINGLE UNIT, BUT LOCATED OUTSIDE THE UNIT'S BOUNDARIES, ARE LIMITED COMMON ELEMENTS (L.C.E.) ALLOCATED EXCLUSIVELY TO THE UNIT(S) THEY SERVE.

CONTRACT 2475 (S. 410) 40

ALL DISTANCES GIVEN ARE IN FEET AND DECIMALS THEREOF

DATE OF LAST CHECK: 11-13-2014

## Banks Engineering

Professional Engineers, Planners & Land Surveyors  
FORT MYERS • FORT CHARLOTTE • SARASOTA  
FLORIDA BUSINESS CERTIFICATION NUMBER 15 0000  
1051 SW 11TH STREET, SUITE 200  
FORT MYERS, FLORIDA 33906  
(813) 836-5600

EXHIBIT "4" - PHASE 22 PLOT PLAN  
SORRENTO, A CONDOMINIUM  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO.
1-22-13	F3030	1306 PM-22.50	AMV	BMF	1"=50'	3	3	5-7-9, 4-48-26