

INSTR # 2017000037449, Doc Type DOC, Pages 10, Recorded 02/21/2017 at 01:30 PM,
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$86.50 Deputy
Clerk JMILLER

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

**THIRTY-EIGHTH AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
OF SORRENTO, A CONDOMINIUM**

THIS THIRTY-EIGHTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "**Thirty-Eighth Amendment**") is made this 30th day of February, 2017, 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, 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

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November 17, 2014 as Instrument #2014000234884, as amended by that certain Fourteenth 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 #2016000238138, and as further amended by that certain Thirty-Seventh Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on December 22, 2016 as Instrument #2016000269964, all in the Public Records of Lee County, Florida (as may be amended from time to time, the "**Declaration**"); and

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 12" in Exhibit "A" attached to this Thirty-Eighth 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 12, Building 12 and to add a certificate stating that Phase 12, Building 12 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 12 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 12 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 12, Building 12 as set forth in Exhibit "B" attached hereto and made a part hereof.
3. The formula for allocating to Units in Phase 12 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. 148 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.
4. Each Unit in Phase 12 is allocated one vote in the Association on all matters which Unit Owners are entitled to vote.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

Witnessed By:

DEVELOPER:

Rebecca Sarver
Print Name: Rebecca Sarver

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

Khara Yatron
Print Name: Khara Yatron

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

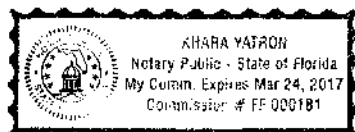
STATE OF FLORIDA)
) ss
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this 20th day of February, 2017, by Jonathon 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: Khara Yatron
Name: Khara Yatron

Serial Number, if any: FF000181
My Commission Expires: Mar 24, 2017



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EXHIBIT "A"

Legal Description of Phases 12

4815-0322-.312 4
174850071

SORRENTO
A CONDOMINIUM
 LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA
EXHIBIT "1.12"
PHASE 12

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, ON 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 NORTHWEST CORNER OF SAID LANDS DESCRIBED IN INSTRUMENT NUMBER 2012000195147, OF THE PUBLIC RECORDS OF SAID LEE COUNTY, SAID CORNER ALSO BEING ON THE NORTH LINE 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 00°56'02" E FOR 835.34 FEET; THENCE N 89°06'08" E FOR 16.93 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N 89°06'08" E FOR 115.80 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 24.50 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 54°39'24" FOR 23.37 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 164.50 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°02'55" FOR 77.66 FEET; THENCE S 26°42'37" W FOR 100.26 FEET; THENCE N 74°38'10" W FOR 52.07 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 115.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 59°30'36" FOR 119.44 FEET; THENCE N 15°07'34" W FOR 11.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 182.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°19'05" FOR 39.13 FEET TO THE POINT OF BEGINNING

THE DESCRIBED PARCEL CONTAINS 0.450 ACRES, MORE OR LESS.

NOTE:

SEE SHEET 2 OF 3 FOR PLOT PLAN.

Manks Engineering

Professional Engineers, Planners & Land Surveyors
 FORT MYERS • FORT CHARLOTTE
 FLORIDA BUSINESS CERTIFICATION NUMBER 18 F580
 10511 SIX MILE CYPRESS PARKWAY
 FORT MYERS, FLORIDA 33906
 (239) 938-5400

EXHIBIT "1.12" - PHASE 12 LEGAL DESCRIPTION
SORRENTO, A CONDOMINIUM
 LEE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | GRAPH | CHECKED | SCALE | SHEET | OF | FILE NO. (S-T-R) |
|---------|---------|------------|-------|---------|-------|-------|----|------------------|
| 1-22-13 | 13030 | LEGAL_DESC | ANY | RMR | N/A | 1 | 3 | 4-48-26 |

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EXHIBIT "B"

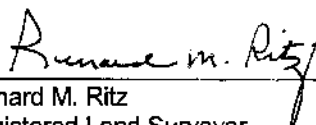
Certified As-Built for Phase 12, Building 12

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**CERTIFICATE OF SURVEYOR
AS TO PHASE 12 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:

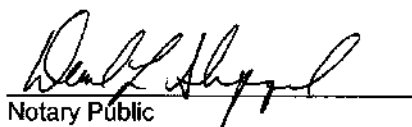
1. That he is a duly registered and duly licensed land surveyor, authorized to practice under the laws of the State of Florida.
2. That the construction of all improvements constituting Phase 12 of Sorrento, a Condominium are substantially complete so that the material, together with the provisions of 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
Registered Land Surveyor
Florida Certification No. 4009
State of Florida

Sworn to and Subscribed before me this 20th day of February, 2017.

MY COMMISSION EXPIRES:


Notary Public



David L. Sheppard
Printed Name

S:\Jobs\130x\1303D\Surveying\Condominium\Substantially Complete\Phase 12\1303D Certificate of Substantial Completion by Surveyor_PH-12.rtf

