

INSTR # 2014000058925, Doc Type DOC, Pages 9, Recorded 03/24/2014 at 01:07 PM,
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$78.00 Deputy
Clerk MNOLAN

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

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

THIS FIFTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "**Fifth Amendment**") is made this 20th day of March, 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, and as further amended by that certain Fourth Amendment to the Declaration of Condominium of Sorrento, a Condominium on March ~~24~~ 2014 as Instrument ~~#2014000058917~~ 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 20" in Exhibit "A" attached to this Fifth 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 20, Building 20 and to add a certificate stating that Phase 20, Building 20 of the Condominium is now substantially complete pursuant to Fla. Stat. § 718.104(4)(c);

4438 5487 4765 1
3 7002 7072

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 20 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 20 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 20, Building 20 as set forth in Exhibit "B" attached hereto and made a part hereof.
3. The formula for allocating to Units in Phase 20 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. 20 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.
4. Each Unit in Phase 20 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 Fifth Amendment by and through its representatives as of the date and year first above written.

Witnessed By:

Rebecca Sarver
Print Name: REBECCA SARVER
Kay Plein
Print Name: Kay Plein

DEVELOPER:

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

By: [Signature]
Name: PAUL ROMANOWSKI
Title: DIVISION PRESIDENT

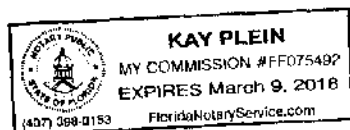
STATE OF FLORIDA)

COUNTY OF LEE)

1.55

The foregoing instrument was acknowledged before me this 20th day of March, 2014, by PAUL ROMANOWSKI, 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"

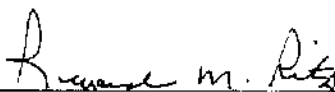
Legal Description of Phase 1.20

48.58 5402 6 765.1
13.69 00.75

CERTIFICATE OF SURVEYOR
AS TO PHASE 20 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 registered land surveyor, authorized to practice in the State of Florida, pursuant to section 718.104(4)(e) Florida Statutes.
2. That the construction of all improvements constituting Phase 20 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 4009
State of Florida

Sworn to and Subscribed before me this 13th day of March, 2014.

MY COMMISSION EXPIRES:


Notary Public

DAVID L. SHEPPARD
Printed Name



S:\Jobs\13xx\1303D\Surveying\Condominium\Substantially Complete\Phase 20\1303D Certificate of Substantial Completion by Surveyor_P4-20.tif

SORRENTO
A CONDOMINIUM
 LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA
 EXHIBIT "1.20"
 PHASE 20

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 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 43.00 FEET FOR TO WHICH A RADIAL LINE BEARS N 66°05'21" E; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°47'47" FOR 17.86 FEET; THENCE S 00°06'52" E FOR 52.44 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 445.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 127°10'03" FOR 94.50 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 337.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°41'40" FOR 233.47 FEET; THENCE S 27°24'45" W FOR 52.30 FEET; THENCE N 62°35'15" W FOR 180.00 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N 62°35'15" W FOR 104.45 FEET TO THE INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET TO WHICH POINT A RADIAL LINE BEARS N 85°32'09" E; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°31'55" FOR 5.21 FEET; THENCE N 12°59'47" W FOR 42.23 FEET; THENCE N 60°58'26" E FOR 68.54 FEET; THENCE N 82°53'21" E FOR 75.24 FEET TO THE INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 79.50 FEET TO WHICH POINT A RADIAL LINE BEARS N 74°07'51" E; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16°29'00" FOR 22.87 FEET; THENCE S 89°44'46" E FOR 18.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 97.50 FEET TO WHICH POINT A RADIAL LINE BEARS S 89°27'08" E; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°30'13" FOR 7.66 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 275.50 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°14'10" FOR 82.88 FEET; THENCE N 67°36'30" W FOR 18.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 257.50 FEET TO WHICH POINT A RADIAL LINE BEARS S 67°43'11" E; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°07'56" FOR 23.07 FEET; THENCE S 27°24'45" W FOR 13.89 FEET TO THE POINT OF BEGINNING

THE DESCRIBED PARCEL CONTAINS 0.323 ACRES, MORE OR LESS.

NOTE:

SEE SHEET 3 OF 3 FOR PLOT PLAN

Banks Engineering

Professional Engineers, Planners & Land Surveyors
 FORT MYERS • PORT CHARLOTTE • SARASOTA
 LICENSED SURVEYING CERTIFICATION NUMBER 48 6632
 2511 52nd AVENUE, SUITE 100, SARASOTA, FL 34235
 (941) 555-5499
 (202) 425-5499

EXHIBIT "1.20" - PHASE 20 LEGAL DESCRIPTION
SORRENTO, A CONDOMINIUM
 LEE COUNTY, FLORIDA

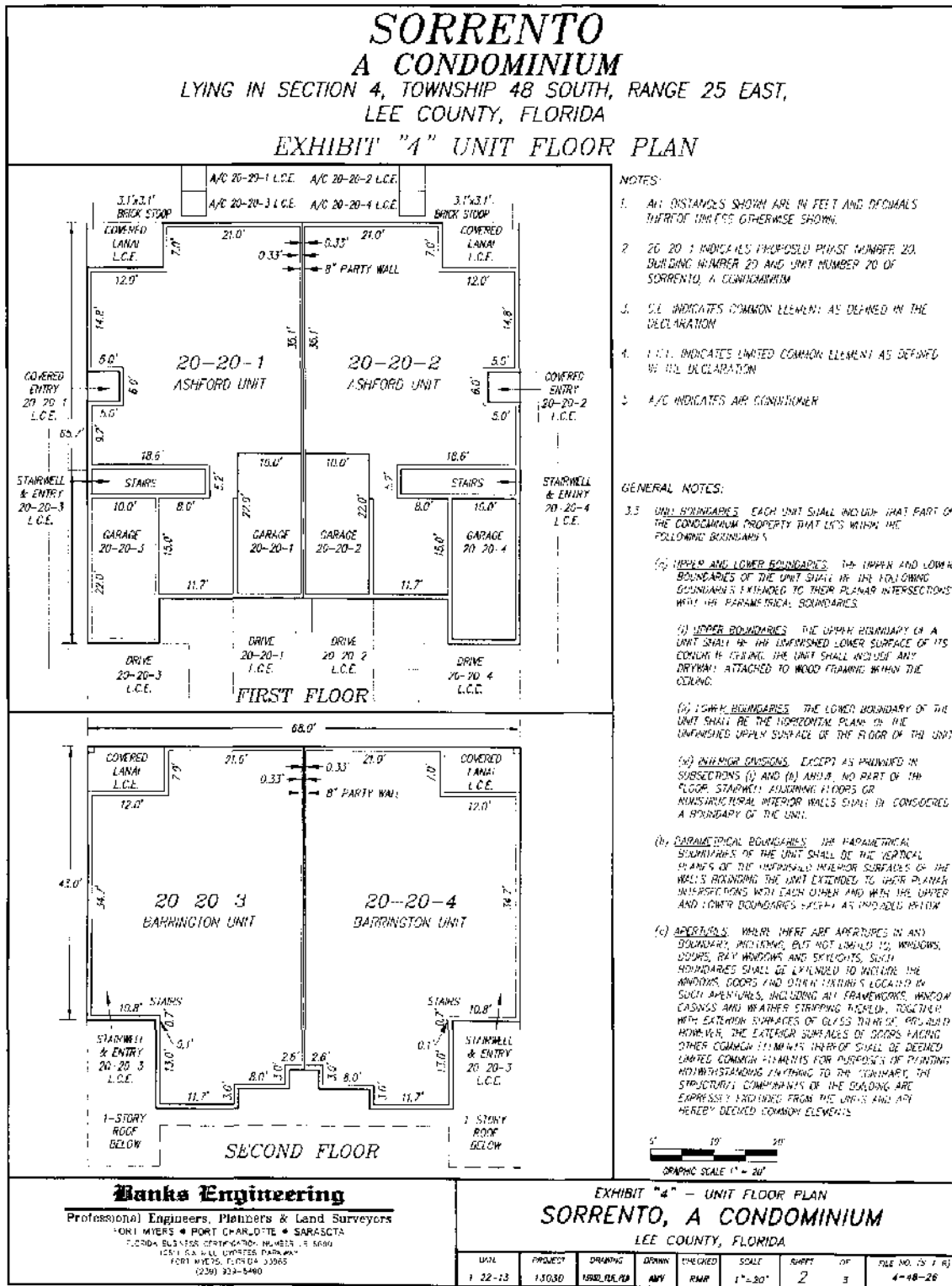
DATE	PROJECT	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-N)
1-22-13	13030	MOORE, NICK	AMY	N/A	1	3	4-48-26

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EXHIBIT "B"

Certified As-Built for Phase 20, Building 20

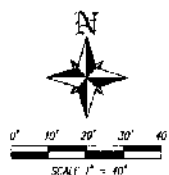
4638-5422-6255 1
4738-4073



SORRENTO A CONDOMINIUM

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

EXHIBIT "4"
PHASE 20 PLOT PLAN

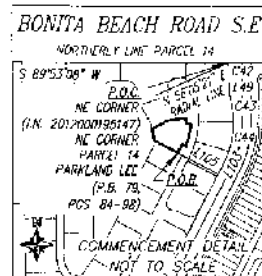


BUILDING CORNER COORDINATE TABLE

CORNER (NE #)	NORTHING	EASTING
N# 01	N:515237.93	E:503434.67
N# 02	N:515305.93	E:503435.64
N# 03	N:515304.99	E:503551.36
N# 04	N:510237.62	E:503250.33

LINE TABLE

LINE	BEARING	DISTANCE
L24	S 89°44'46" E	18.00'
L25	N 67°36'30" W	18.00'
L26	S 27°24'45" W	13.89'
L49	S 00°06'52" E	52.44'
L103	S 27°24'45" W	52.30'
L105	N 62°36'15" W	18.00'



NOTES:

ALL PORTIONS OF THE ECONOMYWHOLE MUST ADD UP TO WITHIN
THE LIMITS OF THE UNIT ARE COMMON ELEMENTS (C.E.)
UNLESS OTHERWISE SHOWN

EACH DRIVEWAY IS LABELED AS "DRIVE" ON EXHIBIT "A" SHALL BE A LIMITED COMMON ELEMENT (L.C.E.) RESERVED FOR THE EXCLUSIVE USE OF THE UNIT OWNER OF 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 SHUTTER, WINDOW, DOORSTEP, STAIRWAY, PORCH, AIR
CONDITIONER, OR OTHER FIXTURES DESIGNED TO SERVE A
SINGLE UNIT, BUT LOCATED OUTSIDE THE UNIT'S BOUNDARIES,
ARE LIMITED COMMON ELEMENTS (LCE) ALLOCATED
EXCLUSIVELY TO THE UNIT(S) THEY SERVE.

COORDINATE BASIS IS ASSUMED

ALL INSTANCES SHOWING ANY IN 1951 AND DECIMALS THEREOF

DATE OF LAST FULL REVIEW: 11/2014

LEGEND:

- | | |
|--------|------------------------------------|
| POS | INDICATES PAGE |
| P8 | INDICATES PAGE |
| P9 | INDICATES PLY BOX |
| BP | INDICATES BRICK PAD |
| IP | INDICATES LIGHT POLE |
| AY | INDICATES WATER ALIVE |
| MY | INDICATES WATER MATH |
| A/C | INDICATES AIR CONDITIONER |
| SHN | INDICATES STEEL MANHOLES |
| CE | INDICATES CEMENT ELEMENT |
| DT | INDICATES DRAINAGE DRAINAGE |
| LB | INDICATES LINED PIPEWORK |
| P.S.R. | INDICATES POINT OF TERMINATION |
| IN | INDICATES INCREMENT NUMBER |
| CSR | INDICATES CABLE STRAINING |
| P1 | INDICATES POINT OF INTERSECTION |
| OW | INDICATES OFFICIAL ATTACHED MARK |
| SHAN | INDICATES SANITARY SEWER MANHOLE |
| L.S.C. | INDICATES LIGHT CEMENT MANHOLE |
| L.C.C. | INDICATES LINED CEMENT MANHOLE |
| ING | INDICATES FIRE DEPARTMENT CONTROLS |
| 1.1.1 | INDICATES 1st MANHOLE IN LINE |
| 1.1.2 | INDICATES 2nd MANHOLE IN LINE |
| 1.1.3 | INDICATES 3rd MANHOLE IN LINE |
| 1.1.4 | INDICATES 4th MANHOLE IN LINE |
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| 1.1.95 | INDICATES 95th MANHOLE IN LINE |
| 1.1.96 | |

NOTE.

SEE SHEET 1 OF 3 FOR ECHL DESCRIPTION

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C16	97.50'	04°30'13"	7.66'	7.66'	S 02°41'58" W
C17	275.50'	17°14'10"	82.88'	82.57'	S 13°40'10" W
C18	259.50'	05°07'56"	23.07'	23.06'	S 24°50'47" W
C42	43.00'	23°47'43"	17.86'	17.73'	S 12°00'45" E
C43	445.00'	12°10'03"	94.50'	94.32'	S 05°11'53" E
C44	337.00'	30°41'46"	233.47'	228.83'	S 07°33'55" W
C62	79.50'	16°29'00"	22.27'	22.75'	S 07°37'35" E
C68	35.00'	08°31'55"	5.21'	5.21'	N 08°45'49" W

THIS IS NOT A SURVEY

EXHIBIT "4" - PHASE 20 PLOT PLAN

SORRENTO, A CONDOMINIUM
LEE COUNTY, FLORIDA

Banks Engineering

Professional Engineers, Planners & Land Surveyors

FORT MYERS • PORT CHARLOTTE • SARASOTA

-105004 NUTRITION NUMBER 2550

271 S X WIDE (CYRUS) 1-3/4" WIDE
FDP* MYERS, FLORIDA 32466

(254) 228-2400

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-R)
1-22-13	1303D	1303D-PA-20-50	AMV	RMR	1"=40'	3	3	4-48-26