

INSTR # 2014000175653, Doc Type DOC, Pages 9, Recorded 08/25/2014 at 12:27 PM,  
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$78.00 Deputy  
Clerk CFELTMAN

**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

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

THIS TENTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "Tenth Amendment") is made this 25<sup>th</sup> day of August, 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, and as further amended by that certain Ninth Amendment to the Declaration of Condominium of Sorrento, a Condominium on July 8, 2014 as Instrument #2014000141935, 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

155\*-4706 7260.1  
37-851073

WHEREAS, Developer desires to amend the Declaration to add to the Condominium the real property described as "Phase 3" in Exhibit "A" attached to this Tenth 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 3, Building 3 and to add a certificate stating that Phase 3, Building 3 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 3 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 3 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 3, Building 3 as set forth in Exhibit "B" attached hereto and made a part hereof.
3. The formula for allocating to Units in Phase 3 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. 36 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.
4. Each Unit in Phase 3 is allocated one vote in the Association on all matters which Unit Owners are entitled to vote.

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

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

Witnessed By:

Rebecca Salver  
Print Name: REBECCA SALVER

Wayne Everett  
Print Name: J. Wayne Everett

DEVELOPER:

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

By: Jonathan Pentecost  
Name: JONATHAN PENTECOST  
Title: VICE PRESIDENT

STATE OF FLORIDA )

COUNTY OF Lee ) ss

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of August, 2014, by Jonathan Pentecost as VICE 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 1.3**

ASEI 4796-7250.1  
574830073

CERTIFICATE OF SURVEYOR  
AS TO PHASE 3 OF SORRENTO

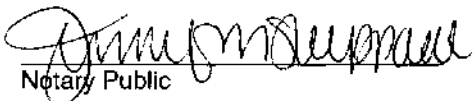
Before me, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared Richard M. Ritz known by me to me to be the person hereinafter described does hereby certify as follows:

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 3 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.

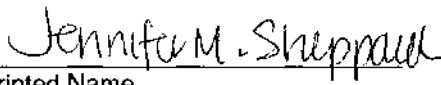
  
Richard M. Ritz, R.L.S.  
Registered Land Surveyor  
Florida Certification No. LS 4069  
State of Florida

Sworn to and Subscribed before me this 21<sup>st</sup> day of August, 2014.

MY COMMISSION EXPIRES:

  
Notary Public



  
Printed Name

S:\Jobs\13xx\1303D\Surveying\Condominium\Substantially Complete\Phase 3\1303D Certificate of Substantial Completion by Surveyor\_PH-3.rtf

**SORRENTO**  
**A CONDOMINIUM**  
 LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
 EXHIBIT "1.3"  
 PHASE 3

**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 THE 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°06'21" 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 17°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 11°34'51" FOR 68.12 FEET; THENCE N 88°57'40" W FOR 27.85 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N 88°57'40" W FOR 111.60 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 304.50 FEET TO WHICH POINT A RADIAL LINE BEARS S 88°57'40" E; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°59'29" FOR 80.54 FEET; THENCE S 73°48'20" E FOR 110.19 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 309.17 FEET TO WHICH POINT A RADIAL LINE BEARS S 70°26'42" E; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°24'46" FOR 110.15 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 0.245 ACRES, MORE OR LESS.

**NOTE:**

SEE SHEET 3 OF 3 FOR PLOT PLAN

**Banks Engineering**

Professional Engineers, Planners & Land Surveyors  
 FORT MYERS • FORT CHARLOTTE • SARASOTA  
 LICENSE # 00000000000000000000000000000000  
 12001 SW 11TH STREET, SUITE 100  
 FORT MYERS, FL 33906  
 (239) 336-0100

EXHIBIT "1.3" - PHASE 3 LEGAL DESCRIPTION  
**SORRENTO, A CONDOMINIUM**  
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	ISSUED	CHECKED	SCALE	SHEET	OF	FILE NO. (3-1-10)
1-22-13	13030	CONV. PL. DESC.	ANY	RWR	N/A	1	3	4-48-26

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**EXHIBIT "B"**

**Certified As-Built for Phase 3, Building 3**

4851-2996-7260.1  
37485/00173

