

INSTR # 2014000023578, Doc Type DOC, Pages 8, Recorded 02/04/2014 at 01:20 PM,  
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$69.50 Deputy  
Clerk LAMBROSIO

**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

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

THIS THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "Third Amendment") is made this 4 day of ~~January~~ <sup>February</sup>, 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 ~~January~~ <sup>February</sup> 4, 2014 as Instrument #~~2014000023545~~, and as further amended by that certain Second Amendment to the Declaration of Condominium of Sorrento, a Condominium on ~~January~~ <sup>February</sup> 4, 2014 as Instrument #~~2014000023550~~, 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 19" in Exhibit "A" attached to this Third 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 19, Building 19 and to add a certificate stating that Phase 19, Building 19 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.

4850-5152-1559.1  
37485-0073

1. The Declaration is hereby amended to add the Phase 19 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 19 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 19, Building 19 as set forth in Exhibit "B" attached hereto and made a part hereof.
3. The formula for allocating to Units in Phase 19 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. 16 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.
4. Each Unit in Phase 19 is allocated one vote in the Association on all matters which Unit Owners are entitled to vote.

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

Witnessed By:

Rebecca Server  
Print Name: REBECCA SERVER

Kay Plein  
Print Name: Kay Plein

DEVELOPER:

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

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

STATE OF FLORIDA )

) ss

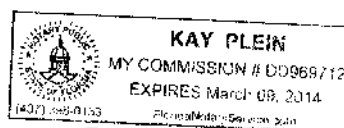
COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 4 day of February, 2014, by Jonathon 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: \_\_\_\_\_



---

INSTR # 2014000023578 Page Number: 3 of 8

**EXHIBIT "A"**

**Legal Description of Phase 1.19**

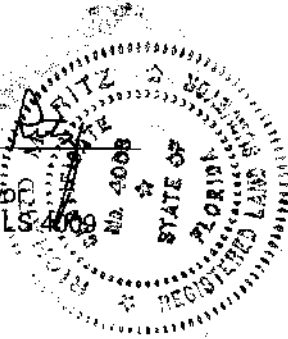
4850-5152-1599,  
v943-90673

CERTIFICATE OF SURVEYOR  
AS TO PHASE 19 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 19 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*  
Richard M. Ritz, R.L.S.  
Registered Land Surveyor  
Florida Certification No. LS 4009  
State of Florida



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

MY COMMISSION EXPIRES:

*David L. Sheppard*  
Notary Public

DAVID L. SHEPPARD  
Printed Name



S:\Jobs\1303D\Surveying\Condominium\Substantially Complete\Phase 19\1303D Certificate of Substantial Completion by Surveyor\_PH-19.rtf

**SORRENTO**  
**A CONDOMINIUM**  
 LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
**EXHIBIT "1.19"**  
**PHASE 19**

**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 12°10'03" FOR 94.56 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 152.00 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HERELIN DESCRIBED; THENCE CONTINUE N 62°35'15" W FOR 122.45 FEET TO THE INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 35.00 FEET TO WHICH POINT A RADIAL LINE BEARS N 85°32'09" E; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°52'37" FOR 19.41 FEET; THENCE S 27°24'45" W FOR 67.35 FEET; THENCE S 62°35'15" E FOR 117.17 FEET; THENCE N 27°24'45" E FOR 85.83 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 0.252 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  
 FLORIDA BUSINESS CERTIFICATION NUMBER: B 2690  
 1001 SIX MILE CYPRESS PARKWAY  
 FORT MYERS, FLORIDA 33906  
 (239) 319-5100

EXHIBIT "1.19" - PHASE 19 LEGAL DESCRIPTION  
**SORRENTO, A CONDOMINIUM**  
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S+1-N)
1-22-13	1303D	LEGAL_DESC	AMV	RMP	N/A	1	3	4-48-26

---

INSTR # 2014000023578 Page Number: 6 of 8

**EXHIBIT "B"**

**Certified As-Built for Phase 19, Building 19**

4850-5152-1559, v. 1

4850-5152-1559.1  
3748530093

