

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-FIRST AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
OF SORRENTO, A CONDOMINIUM**

THIS THIRTY-FIRST AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "**Thirty-First Amendment**") is made this 21st day of June, 2016, 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 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, and as further amended by that certain Thirtieth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on May 5, 2016 as Instrument #2016000097000, 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 35" in Exhibit "A" attached to this Thirty-First 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 35, Building 35 and to add a certificate stating that Phase 35, Building 35 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 35 land, as more particularly described in Exhibit "A" attached hereto and made a part hereof, to the Condominium.

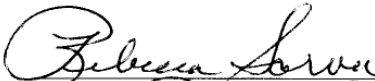
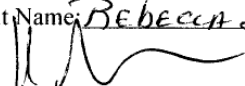
2. The survey exhibit pages for Phase 35 in Exhibit "4" to the Declaration are hereby replaced in their entirety with the certified as-built survey, plot plan and floor plans of Phase 35, Building 35 as set forth in Exhibit "B" attached hereto and made a part hereof.

3. The formula for allocating to Units in Phase 35 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. 120 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.

4. Each Unit in Phase 35 is allocated one vote in the Association on all matters which Unit Owners are entitled to vote.

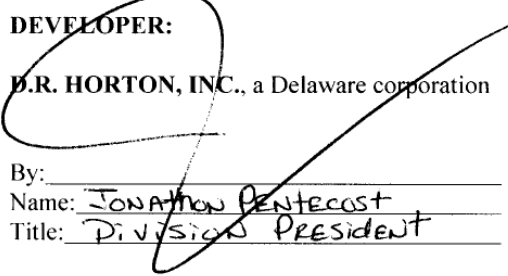
IN WITNESS WHEREOF, the undersigned Developer hereby executes this Thirty-First Amendment by and through its representatives as of the date and year first above written.

Witnessed By:


Print Name: REBECCA SARVER

Print Name: Katherine Mohr

DEVELOPER:

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

By: 
Name: JONATHAN PENTECOST
Title: DIVISION PRESIDENT


STATE OF FLORIDA)

COUNTY OF Lee) ss

The foregoing instrument was acknowledged before me this 21st day of June, 2016, 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: 
Name: Katherine Mohr

Serial Number, if any: 166896
My Commission Expires: 10/8/2018

EXHIBIT "A"

Legal Description of Phases 35

SORRENTO A CONDOMINIUM

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

EXHIBIT "1.35"

PHASE 35

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 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 526.30 FEET; THENCE N 89°03'58" E FOR 16.83 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N 89°03'58" E FOR 103.81 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,014.50 FEET TO WHICH POINT A RADIAL LINE BEARS S 83°17'45" W; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°16'42" FOR 75.76 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 22.50 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°30'30" FOR 34.76 FEET; THENCE S 89°03'58" W FOR 76.52 FEET; THENCE S 00°56'02" E FOR 97.50 FEET TO THE **POINT OF BEGINNING**.

THE DESCRIBED PARCEL CONTAINS 0.222 ACRES, MORE OR LESS.

NOTE:

SEE SHEET 2 OF 3 FOR PLOT PLAN.

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ PORT CHARLOTTE ♦ SARASOTA
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
(239) 939-5490

EXHIBIT "1.35" - PHASE 35 LEGAL DESCRIPTION

SORRENTO, A CONDOMINIUM

LEE COUNTY, FLORIDA

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

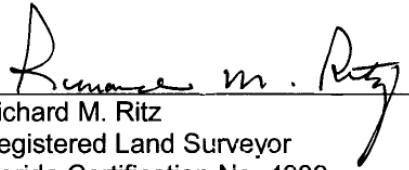
EXHIBIT "B"

Certified As-Built for Phase 35, Building 35

CERTIFICATE OF SURVEYOR
AS TO PHASE 35 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 35 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 June, 2016.

MY COMMISSION EXPIRES:


Notary Public

DAVID L. SHEPPARD
Printed Name

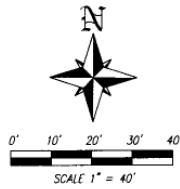


SORRENTO A CONDOMINIUM

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

EXHIBIT "4"

PHASE 35 PLOT PLAN



LINE TABLE

LINE	BEARING	DISTANCE
L98	N 89°03'58" E	16.83'
L111	N 00°56'02" W	97.50'

NOTE:

SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.

BUILDING CORNER COORDINATE TABLE

CORNER (NE #)	NORTHING	EASTING
NE #1	N:510032.89	E:502897.52
NE #2	N:510100.88	E:502896.41
NE #3	N:510101.95	E:502962.07
NE #4	N:510033.96	E:502963.18

NOTES:

ALL PORTIONS OF THE CONDOMINIUM NOT INCLUDED WITHIN THE LIMITS OF THE UNIT ARE COMMON ELEMENTS (C.E.), UNLESS OTHERWISE SHOWN.

EACH DRIVEWAY IS LABELED AS "DRIVE" ON EXHIBIT "4" 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, AWNING, 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 (L.C.E.) ALLOCATED EXCLUSIVELY TO THE UNIT(S) THEY SERVE.

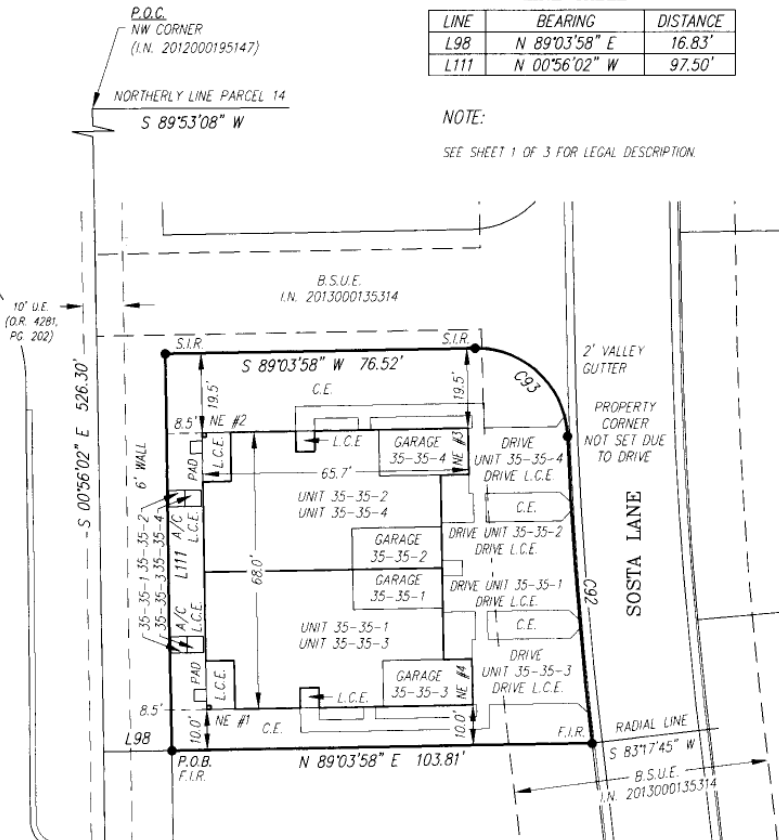
COORDINATE BASIS IS ASSUMED.

ALL DISTANCE SHOWN ARE IN FEET AND DECIMALS THEREOF.

DATE OF LAST FIELD WORK: 6-17-2016

LEGEND:

- PG. INDICATES PAGE
- A/C INDICATES AIR CONDITIONER
- C.E. INDICATES COMMON ELEMENT
- U.E. INDICATES UTILITY EASEMENT
- LB INDICATES LICENSED BUSINESS
- P.O.B. INDICATES POINT OF BEGINNING
- I.N. INDICATES INSTRUMENT NUMBER
- O.R. INDICATES OFFICIAL RECORDS BOOK
- P.O.C. INDICATES POINT OF COMMENCEMENT
- L.C.E. INDICATES LIMITED COMMON ELEVATION
- R.L.S. INDICATES REGISTERED LAND SURVEYOR
- L2 INDICATES LINE DATA- SEE LINE TABLE
- C4 INDICATES CURVE DATA- SEE CURVE TABLE
- B.S.U.E. INDICATES BONITA SPRINGS UTILITY EASEMENT
- S.I.R. INDICATES SET 5/8" IRON ROD "BANKS LB 6690"
- F.I.R. INDICATES FOUND 5/8" IRON ROD "BANKS ENG LB 6690"



CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C92	1014.50'	04°16'42"	75.76'	75.74'	N 04°33'54" W
C93	22.50'	88°30'30"	34.76'	31.40'	N 46°40'47" W

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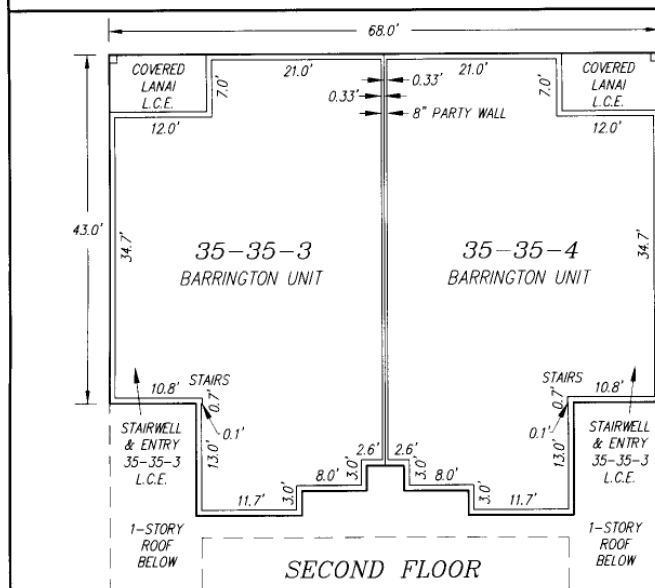
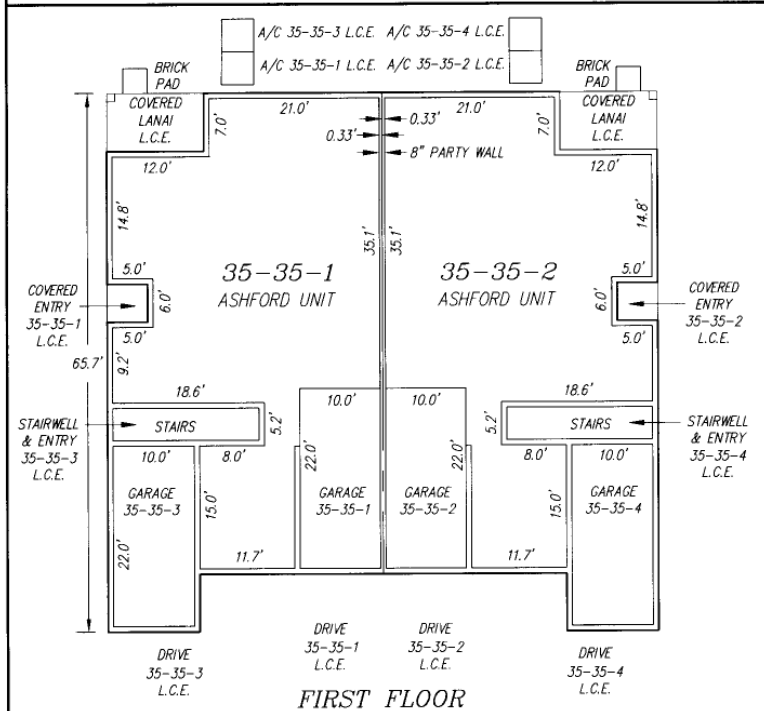
EXHIBIT "4" - PHASE 35 PLOT PLAN SORRENTO, A CONDOMINIUM LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
1-22-13	1303D	1303D_PH-35_SF	AMV	RMR	1"=40'	2	3	4-48-26

SORRENTO A CONDOMINIUM

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

EXHIBIT "4" UNIT FLOOR PLAN

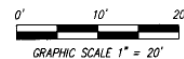


NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE SHOWN.
2. 35-35-1 INDICATES PROPOSED PHASE NUMBER, BUILDING NUMBER AND UNIT NUMBER OF SORRENTO, A CONDOMINIUM.
3. C.E. INDICATES COMMON ELEMENT AS DEFINED IN THE DECLARATION.
4. L.C.E. INDICATES LIMITED COMMON ELEMENT AS DEFINED IN THE DECLARATION.
5. A/C INDICATES AIR CONDITIONER.

GENERAL NOTES:

- 3.3 **UNIT BOUNDARIES.** EACH UNIT SHALL INCLUDE THAT PART OF THE CONDOMINIUM PROPERTY THAT LIES WITHIN THE FOLLOWING BOUNDARIES:
 - (a) **UPPER AND LOWER BOUNDARIES.** THE UPPER AND LOWER BOUNDARIES OF THE UNIT SHALL BE THE FOLLOWING BOUNDARIES EXTENDED TO THEIR PLANAR INTERSECTIONS WITH THE PARAMETRICAL BOUNDARIES.
 - (i) **UPPER BOUNDARIES.** THE UPPER BOUNDARY OF A UNIT SHALL BE THE UNFINISHED LOWER SURFACE OF ITS CONCRETE CEILING. THE UNIT SHALL INCLUDE ANY DRYWALL ATTACHED TO WOOD FRAMING WITHIN THE CEILING.
 - (ii) **LOWER BOUNDARIES.** THE LOWER BOUNDARY OF THE UNIT SHALL BE THE HORIZONTAL PLANE OF THE UNFINISHED UPPER SURFACE OF THE FLOOR OF THE UNIT.
 - (iii) **INTERIOR DIVISIONS.** EXCEPT AS PROVIDED IN SUBSECTIONS (i) AND (ii) ABOVE, NO PART OF THE FLOOR, STAIRWELL ADJOINING FLOORS OR NONSTRUCTURAL INTERIOR WALLS SHALL BE CONSIDERED A BOUNDARY OF THE UNIT.
 - (b) **PARAMETRICAL BOUNDARIES.** THE PARAMETRICAL BOUNDARIES OF THE UNIT SHALL BE THE VERTICAL PLANES OF THE UNFINISHED INTERIOR SURFACES OF THE WALLS BOUNDING THE UNIT EXTENDED TO THEIR PLANAR INTERSECTIONS WITH EACH OTHER AND WITH THE UPPER AND LOWER BOUNDARIES EXCEPT AS PROVIDED BELOW.
 - (c) **APERTURES.** WHERE THERE ARE APERTURES IN ANY BOUNDARY, INCLUDING, BUT NOT LIMITED TO, WINDOWS, DOORS, BAY WINDOWS AND SKYLIGHTS, SUCH BOUNDARIES SHALL BE EXTENDED TO INCLUDE THE WINDOWS, DOORS AND OTHER FIXTURES LOCATED IN SUCH APERTURES, INCLUDING ALL FRAMEWORKS, WINDOW CASINGS AND WEATHER STRIPPING THEREOF, TOGETHER WITH EXTERIOR SURFACES OF GLASS THEREOF, PROVIDED HOWEVER, THE EXTERIOR SURFACES OF DOORS FACING OTHER COMMON ELEMENTS THEREOF SHALL BE DEEMED LIMITED COMMON ELEMENTS FOR PURPOSES OF PAINTING. NOTWITHSTANDING ANYTHING TO THE CONTRARY, THE STRUCTURAL COMPONENTS OF THE BUILDING ARE EXPRESSLY EXCLUDED FROM THE UNITS AND ARE HEREBY DEEMED COMMON ELEMENTS.



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EXHIBIT "4" - UNIT FLOOR PLAN SORRENTO, A CONDOMINIUM LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
1-22-13	1303D	1303D_FLR_PN	AMY	RMR	1"=20'	3	3	4-48-26