

INSTR # 2016000269964, Doc Type DOC, Pages 10, Recorded 12/22/2016 at 01:41 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-SEVENTH AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM  
OF SORRENTO, A CONDOMINIUM**

THIS THIRTY-SEVENTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "**Thirty-Seventh Amendment**") is made this 21<sup>st</sup> day of December, 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

4861-8145-8491  
374857073

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, and as further amended by that certain Thirty-Sixth Amendment to the

Declaration of Condominium of Sorrento, a Condominium, recorded on November 9, 2016 as Instrument //2016000238138, 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 23" in Exhibit "A" attached to this Thirty-Seventh 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 23, Building 23 and to add a certificate stating that Phase 23, Building 23 of the Condominium is now substantially complete pursuant to Fla. Stat. § 718.104(4)(e);

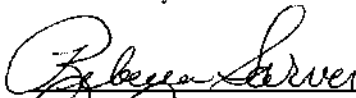
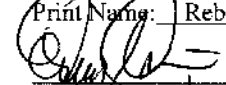
NOW, THEREFORE, the Declaration is hereby amended as set forth below. Except as provided herein, capitalized terms shall have the meaning ascribed to them in the Declaration.

1. The Declaration is hereby amended to add the Phase 23 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 23 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 23, Building 23 as set forth in Exhibit "B" attached hereto and made a part hereof.
3. The formula for allocating to Units in Phase 23 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. 144 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.
4. Each Unit in Phase 23 is allocated one vote in the Association on all matters which Unit Owners are entitled to vote.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

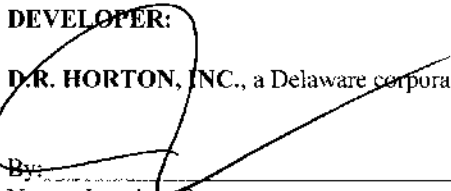
IN WITNESS WHEREOF, the undersigned Developer hereby executes this Thirty-Seventh Amendment by and through its representatives as of the date and year first above written.

Witnessed By:

  
 Print Name: Rebecca Sarver  
  
 Print Name: Nicole Gattorna

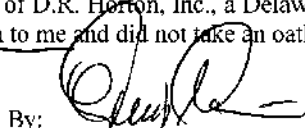
DEVELOPER:

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

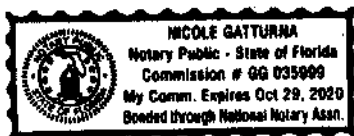
By:   
 Name: Jonathon Pentecost  
 Title: Division President

STATE OF FLORIDA       )  
   ) ss  
 COUNTY OF LEE        )

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of December, 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.

By:   
 Name: Nicole Gattorna

[NOTARIAL SEAL]



Serial Number, if any: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

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**EXHIBIT "A"**

**Legal Description of Phases 23**

3843-8141-8694 1  
174850073

**SORRENTO**  
**A CONDOMINIUM**  
 LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
 EXHIBIT "1.23"  
 PHASE 23

**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 25 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 670.78 FEET; THENCE N 89°03'58" E FOR 156.12 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE S 89°22'08" E FOR 117.41 FEET; THENCE S 00°49'49" E FOR 21.12 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°24'17" FOR 34.21 FEET; THENCE S 10°45'54" W FOR 31.72 FEET; THENCE S 36°15'25" W FOR 117.50 FEET TO THE INTERSECTION WITH A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 117.50 FEET TO WHICH POINT A RADIAL LINE BEARS S 36°15'25" W; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°53'09" FOR 18.43 FEET; THENCE S 44°59'57" W FOR 18.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 135.50 FEET TO WHICH POINT A RADIAL LINE BEARS S 45°12'38" W; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49°13'31" FOR 116.41 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 1,014.50 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°48'16" FOR 67.36 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 0.416 ACRES, MORE OR LESS.

NOT:

SEE SHEET 2 OF 3 FOR PLOT PLAN.

**Banks Engineering**

Professional Engineers, Planners & Land Surveyors

FOR: MYERS • MOBILE CHARLOTTE • SARASOTA

FLORIDA BUSINESS CERTIFICATION NUMBER LB 6862

12611 94 MILE CYPRESS PARKWAY

FORT MYERS, FL 33905

(239) 539-5403

EXHIBIT "1.23" - PHASE 23 LEGAL DESCRIPTION

**SORRENTO, A CONDOMINIUM**

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGNED	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-K)
1-22-13	13030	LEGAL PLANS	AMV	RMR	N/A	1	3	4-48-26

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**EXHIBIT "B"**

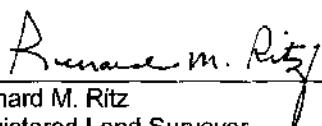
**Certified As-Built for Phase 23, Building 23**

4842.8:45 8492.1  
Y7425-0673

CERTIFICATE OF SURVEYOR  
AS TO PHASE 23 OF SORRENTO

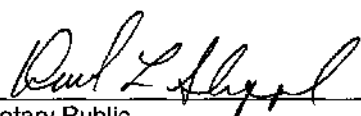
Before me, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared Richard M. Ritz, known by me to be the person hereinafter described does hereby certify as follows:

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 23 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 20<sup>th</sup> day of December, 2016.

MY COMMISSION EXPIRES:

  
Notary Public

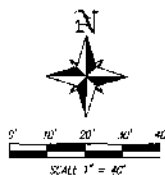


David L. Sheppard  
Printed Name

S:\Jobs\13xx\1303D\Surveying\Condominium\Substantially Complete\Phase 23\1303D Certificate of Substantial Completion by Surveyor\_PH-23.rtf



**SORRENTO**  
**A CONDOMINIUM**  
LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
EXHIBIT "4"  
PHASE 23 PLOT PLAN



CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C73	25.00'	78°24'37"	34.71'	31.60'	S 40°01'57" E
C74	117.50'	08°59'09"	18.43'	18.41'	N 49°55'00" W
C75	135.50'	43°73'31"	116.41'	112.87'	N 20°10'37" W
C76	1014.50'	0°34'29" W	62.36'	62.45'	N 02°15'01" E

LINE	BLARING	DISTANCE
L81	S 10°45'54" W	31.77'
L82	S 44°59'57" W	18.06'

CORNER (NE #)	NORTHING	EASTING
NE #1	N=509366.92	E=505720.50
NE #2	N=509383.94	E=505519.07
NE #3	N=509367.37	E=503653.42
NE #4	N=509370.30	E=503034.84

## NOTES

ALL PORTIONS OF THE CONVOY WERE NOT  
NOTICED WITHIN THE LIMITS OF THE TOWN ARE  
COMMON ELEMENTS (C.E.) UNLESS OTHERWISE  
NOTED

EACH HIGHWAY IS IDENTIFIED AS "HIGHWAY" ON EXHIBIT "A" SHALL BE A UNITED COMMON INTEREST (U.C.I.) RESERVED FOR THE EXCLUSIVE USE OF THE UNIT OWNER OF THE ALLUANCE UNIT TO WHICH IT RELATES. THE HIGHWAY SHALL BE MAINTAINED BY THE ASSOCIATION. ANY SPACE LOCATED BETWEEN HIGHWAYS SHALL BE COMMON ELEMENTS (C.E.).

ANY SMUTTER, AIRING, DUMPSTER, STAIRWAY, POPPO, ANY CONDITIONER, OR OTHER FEATURES DESIGNED TO SERVE A SINGLE UNIT, NOT 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: 12 30 2006

## NOTE:

SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION

PJC  
NW DEWEY  
40 2012050184147

NORTHERLY LINE PARCEL 14  
S 89°53'08" W

3,20,95,00 ₹

N 89°03'58" E 156.12'

SOSTA I, ANI

U.S. 20130351752

LEGEND

A/C	INDICATES DATE
A/C	INDICATES AIR CONDITIONER
C	INDICATES COMMON ELEMENT
U/C	INDICATES UTILITY PASSENGER
LS	INDICATES LICENSED BUSINESS
P.O.C.	INDICATES POINT OF BEGINNING
IN	INDICATES INSTRUMENT NUMBER
O/P	INDICATES OFFICIAL RECORDS BOOK
P.O.C.	INDICATES POINT OF COMMENCEMENT
U.C.S	INDICATES UNITED COMMUNITY CO-OPERATION
P.L.S.	INDICATES PREPARED AND SUBMITTED
12	INDICATES 126 DATA SET LINE NUMBER
LS	INDICATES LEGAL MILEAGE
E.S.P.	INDICATES SPECIAL SERVICE UTILITY PASSENGER
1.H.	INDICATES FOUND 1/8" FROM BOB "HANKS END 1/8" BOB"
7/10	INDICATES FORMING SAND AND DISK "HANKS END 1/8" BOB"

## Banka Engineering

Professional Engineers, Planners &amp; Land Surveyors

PORT MYERS • PORT CHARLOTTE

\* CRIME BUSINESS IDENTIFICATION NUMBER IS 6690

100:1 5A. MILE CYPRESS = 49X 42

FORT MYERS, FLORIDA 33958  
(813) 939-3468

(238) 939-5451

EXHIBIT "4" - PHASE 23 PLOT PLAN  
SORRENTO, A CONDOMINIUM  
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-I-H)
1-22-13	1303D	1303D PH-21.SN	AMV	RMR	1"=40'	2	3	4-48-26

