

INSTR # 2016000238138, Doc Type DOC, Pages 10, Recorded 11/09/2016 at 11:40 AM,  
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$86.50 Deputy  
Clerk JMILLER

10

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

THIS THIRTY-SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "**Thirty-Sixth Amendment**") is made this 8<sup>th</sup> day of November, 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

9849 1793.X1741  
374850073

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, and as further amended by that certain Thirty-Fifth Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on October 5, 2016 as

Instrument #2016000211230, 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 38" in Exhibit "A" attached to this Thirty-Sixth 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 38, Building 38 and to add a certificate stating that Phase 38, Building 38 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 38 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 38 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 38, Building 38 as set forth in Exhibit "B" attached hereto and made a part hereof.
3. The formula for allocating to Units in Phase 38 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., 140 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.
4. Each Unit in Phase 38 is allocated one vote in the Association on all matters which Unit Owners are entitled to vote.

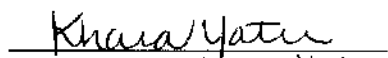
[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

Witnessed By:



Print Name: Rebecca Sarver



Print Name: Khara Yaton

**DEVELOPER:**

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

By: 

Name: Jonathon Pentecost

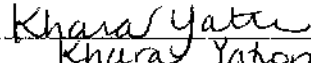
Title: Division President

STATE OF FLORIDA )

) ss

COUNTY OF LEE )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of November, 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: Khara Yaton

[NOTARIAL SEAL]

Serial Number, if any: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



---

INSTR # 2016000238138 Page Number: 5 of 10

**EXHIBIT "A"**

**Legal Description of Phases 38**

4839-1784-8379 |  
17485-0275

**SORRENTO**  
**A CONDOMINIUM**  
 LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA  
**EXHIBIT "1.38"**  
**PHASE 38**

**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 702.30 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 108.88 FEET TO THE INTERSECTION WITH A NOW TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 985.50 FEET TO WHICH POINT A RADIAL LINE BEARS S 87°29'16" E; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°55'25" FOR 33.09 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 164.50 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°20'42" FOR 49.80 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 24.50 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 102°00'41" FOR 43.62 FEET; THENCE S 89°06'08" W FOR 85.22 FEET; THENCE N 00°56'02" W FOR 112.04 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 0.274 ACRES, MORE OR LESS.

**NOTE:**

SEE SHEET 2 OF 3 FOR PLOT PLAN.

**Banks Engineering**

Professional Engineers, Planners & Land Surveyors  
 FORT MYERS • FORT CHARLOTTE  
 11000 S. SUNSHINE BOULEVARD, SUITE 100  
 FORT MYERS, FLORIDA 33908  
 (239) 939-5496

EXHIBIT "1.38" - PHASE 38 LEGAL DESCRIPTION  
**SORRENTO, A CONDOMINIUM**  
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S T R)
1-22-13	13030	LEGAL DESCRIPTION	AMV	RMR	N/A	1	5	4-48-26

---

INSTR # 2016000238138 Page Number: 7 of 10

**EXHIBIT "B"**

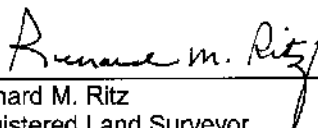
**Certified As-Built for Phase 38, Building 38**

4839-1786-8379 I  
374857003

**CERTIFICATE OF SURVEYOR  
AS TO PHASE 38 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 38 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 7<sup>th</sup> day of November, 2016.

MY COMMISSION EXPIRES:



Notary Public



David L. Sheppard  
Printed Name

S:\Jobs\13001303D\Surveying\Condominium\Substantially Complete\Phase 38\1303D Certificate of Substantial Completion by Surveyor\_PH-38.tif



**SORRENTO**  
**A CONDOMINIUM**  
LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
EXHIBIT "4"  
PHASE 38 PLOT PLAN

