

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

THIS THIRTY-THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF SORRENTO, A CONDOMINIUM (the "**Thirty-Third Amendment**") is made this 26th day of July, 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, 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, and as further amended by that certain Thirty-Second Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on June 24, 2016 as Instrument #2016000136075, 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 25" in Exhibit "A" attached to this Thirty-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

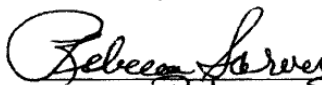
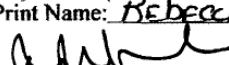
WHEREAS, Developer desires to amend the Declaration to add the final survey and floor plans for Phase 25, Building 25 and to add a certificate stating that Phase 25, Building 25 of the Condominium is now substantially complete pursuant to Fla. Stat. § 718.104(4)(e);

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 25 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 25 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 25, Building 25 as set forth in Exhibit "B" attached hereto and made a part hereof.
3. The formula for allocating to Units in Phase 25 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. 128 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.
4. Each Unit in Phase 25 is allocated one vote in the Association on all matters which Unit Owners are entitled to vote.

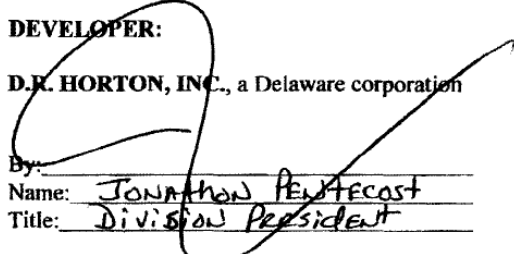
IN WITNESS WHEREOF, the undersigned Developer hereby executes this Thirty-Third Amendment by and through its representatives as of the date and year first above written.

Witnessed By:


Print Name: REBECCA SARVER

Print Name: RINA PATEL

DEVELOPER:

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

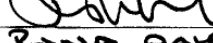
By: 
Name: JONATHAN PENTECOST
Title: DIVISION PRESIDENT

STATE OF FLORIDA)
COUNTY OF Lee) ss

The foregoing instrument was acknowledged before me this 26th day of July, 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: RINA PATEL

Serial Number, if any: _____
My Commission Expires: _____

EXHIBIT "A"

Legal Description of Phases 25

SORRENTO
A CONDOMINIUM
 LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA
EXHIBIT "1.25"
PHASE 25

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 496.24 FEET; THENCE N 89°03'58" E FOR 147.13 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE N 84°52'50" E FOR 123.40 FEET; THENCE S 05°47'26" E FOR 0.83 FEET; THENCE S 03°07'11" E FOR 88.70 FEET; THENCE S 01°58'30" E FOR 0.90 FEET; THENCE S 00°49'49" E FOR 0.51 FEET; THENCE S 85°46'49" W FOR 119.03 FEET TO THE INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1,014.50 FEET TO WHICH POINT OF CURVE A RADIAL LINE BEARS N 85°46'49" E; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°59'38" FOR 53.01 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 985.50 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°05'38" FOR 36.02 FEET TO THE **POINT OF BEGINNING**.

THE DESCRIBED PARCEL CONTAINS 0.250 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 "1.25" - PHASE 25 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 | 13030_PL_DESC | AMV | RMR | N/A | 1 | 3 | 4-48-26 |

EXHIBIT "B"

Certified As-Built for Phase 25, Building 25

CERTIFICATE OF SURVEYOR
AS TO PHASE 25 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 25 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 25th day of July, 2016.

MY COMMISSION EXPIRES:

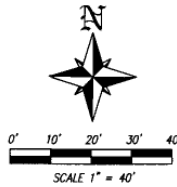

Notary Public



David L. Sheppard
Printed Name

SORRENTO A CONDOMINIUM

LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA
EXHIBIT "4"
PHASE 25 PLOT PLAN



LINE TABLE

| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L83 | S 05°47'26" E | 0.83' |
| L84 | S 01°58'30" E | 0.90' |
| L85 | S 00°49'49" E | 0.51' |

BUILDING CORNER COORDINATE TABLE

| CORNER (NE #) | NORTHING | EASTING |
|---------------|-------------|-------------|
| NE #1 | N:510053.03 | E:503109.53 |
| NE #2 | N:509985.45 | E:503117.06 |
| NE #3 | N:509978.18 | E:503051.79 |
| NE #4 | N:510045.77 | E:503044.27 |

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.

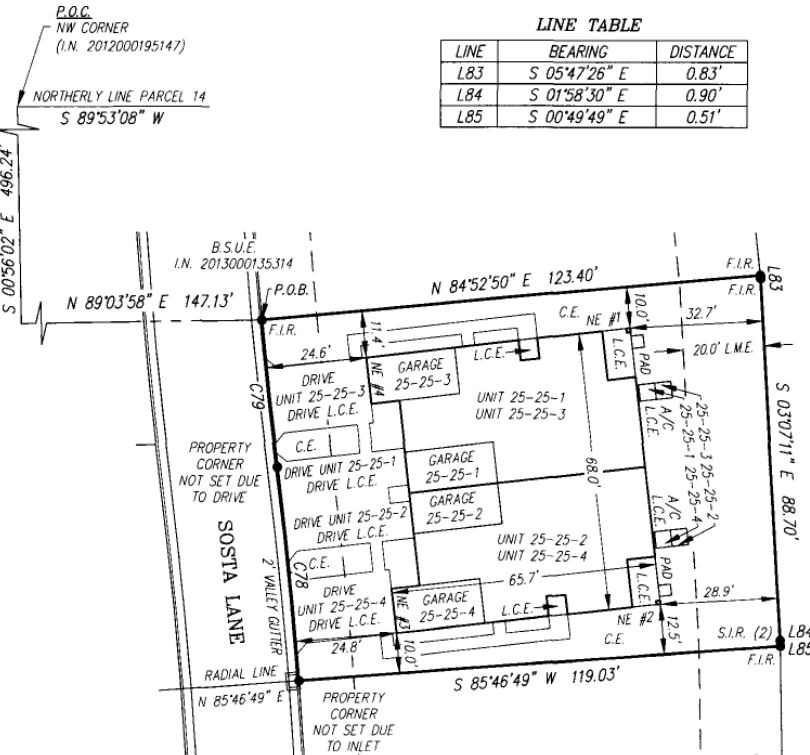
COORDINATE BASIS IS ASSUMED

ALL DISTANCE SHOWN ARE IN FEET AND DECIMALS THEREOF.

DATE OF LAST FIELD WORK: 7-25-2016.

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"



NOTE:

SEE SHEET 1 OF 3 FOR LEGAL DESCRIPTION.

CURVE TABLE

| CURVE | RADIUS | DELTA | ARC | CHORD | CHORD BEARING |
|-------|----------|-----------|--------|--------|---------------|
| C78 | 1014.50' | 02°59'38" | 53.01' | 53.00' | N 05°43'00" W |
| C79 | 985.50' | 02°05'38" | 36.02' | 36.01' | N 06°09'59" W |

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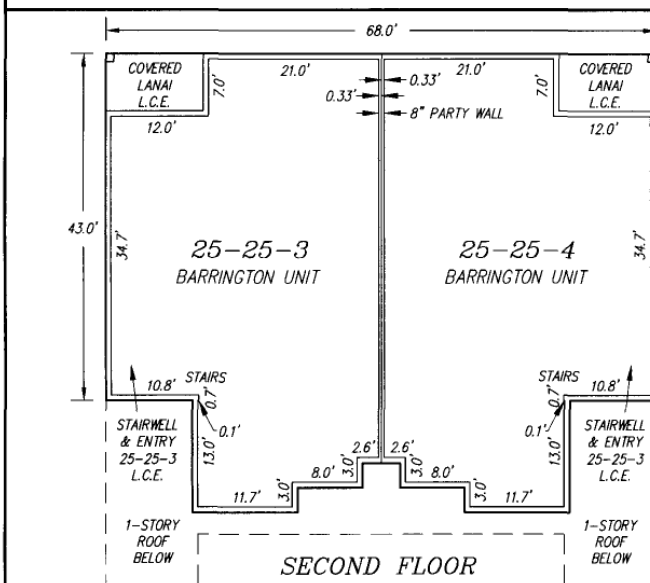
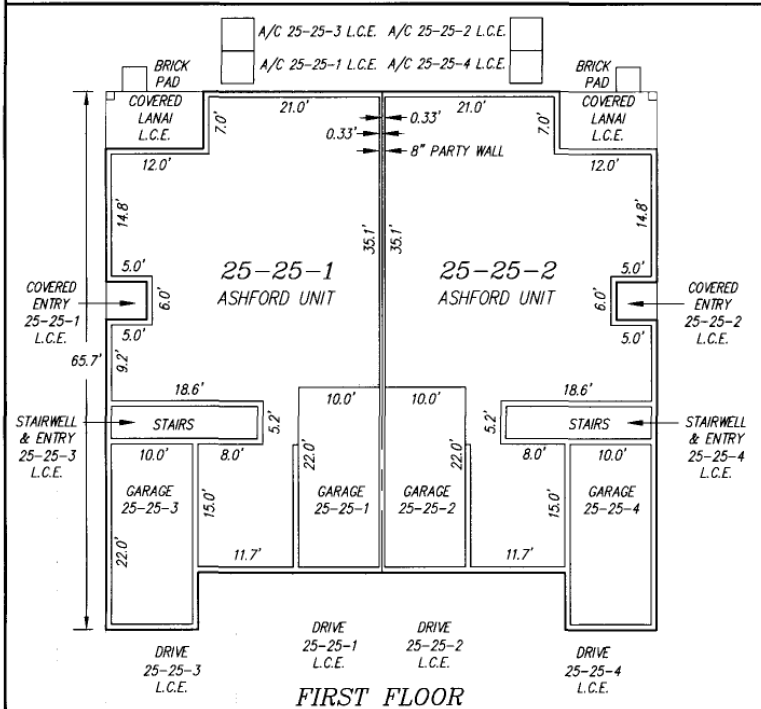
EXHIBIT "4" - PHASE 25 PLOT PLAN SORRENTO, A CONDOMINIUM LEE COUNTY, FLORIDA

| DATE | PROJECT | DRAWING | DRAWN | CHECKED | SCALE | SHEET | OF | FILE NO. (S-T-R) |
|---------|---------|----------------|-------|---------|--------|-------|----|------------------|
| 1-22-13 | 1303D | 1303D_P1-25_SF | AMY | 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:

- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE SHOWN.
- 25-25-1 INDICATES PROPOSED PHASE NUMBER, BUILDING NUMBER AND UNIT NUMBER OF SORRENTO, A CONDOMINIUM.
- C.E. INDICATES COMMON ELEMENT AS DEFINED IN THE DECLARATION.
- L.C.E. INDICATES LIMITED COMMON ELEMENT AS DEFINED IN THE DECLARATION.
- A/C INDICATES AIR CONDITIONER.

GENERAL NOTES:

- 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:

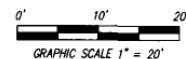
(i) **UPPER BOUNDARIES:** THE UPPER BOUNDARY OF A UNIT SHALL BE THE UNFINISHED LOWER SURFACE OF ITS CONCRETE CEILING. THE UNIT SHALL INCLUDE ANY DRYWALL ATTACHED TO WOOD FRAMING WITHIN THE CEILING.

(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_PLN | AMV | RMR | 1"=20' | 3 | 3 | 4-48-26 |