

INSTR # 2016000058516, Doc Type DOC, Pages 9, Recorded 03/21/2016 at 01:52 PM,
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$78.00 Deputy
Clerk CFELTMAN

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

**TWENTY-EIGHTH AMENDMENT TO THE
DECLARATION OF CONDOMINIUM
OF SORRENTO, A CONDOMINIUM**

THIS TWENTY-EIGHTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM
OF SORRENTO, A CONDOMINIUM (the "**Twenty-Eighth Amendment**") is made this 21st day of
~~February~~, 2016, by D.R. Horton, Inc., a Delaware corporation ("**Developer**").

Dr. Marshall

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

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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, and as further amended by that certain Twenty-Seventh Amendment to the Declaration of Condominium of Sorrento, a Condominium, recorded on ~~February 9th~~, 2016 as Instrument #~~2016000049879~~, 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 34" in Exhibit "A" attached to this Twenty-Eighth 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 34, Building 34 and to add a certificate stating that Phase 34, Building 34 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 34 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 34 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 34, Building 34 as set forth in Exhibit "B" attached hereto and made a part hereof.

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3. The formula for allocating to Units in Phase 34 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. 108 Units, such that each Unit shall be allocated an equal and undivided interest in the Common Elements.

4. Each Unit in Phase 34 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 Twenty-Eighth Amendment by and through its representatives as of the date and year first above written.

Witnessed By:

Rebecca Sarver
Print Name: REBECCA SARVER
Rina Patel
Print Name: RINA PATEL

DEVELOPER:

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

By: Jonathan Pentecost
Name: JONATHAN PENTECOST
Title: DIVISION PRESIDENT

STATE OF FLORIDA)

COUNTY OF Lee) ss

The foregoing instrument was acknowledged before me this 21st day of March, 2016, by Jonathan Pentecost, as Div. 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: Rina Patel
Name: RINA PATEL

[NOTARIAL SEAL]

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



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EXHIBIT "A"

Legal Description of Phases 34

4813-5699-2301.1
37485.0073

SORRENTO
A CONDOMINIUM
 LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST,
 LEE COUNTY, FLORIDA
EXHIBIT "1.34"
PHASE 34

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 FOUND 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 298.26 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 98.67 FEET; THENCE S 00°56'02" E FOR 79.04 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 22.50 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 35.34 FEET; THENCE S 89°03'58" W FOR 76.17 FEET; THENCE N 00°56'02" W FOR 101.54 FEET TO THE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 0.228 ACRES, MORE OR LESS.

NOTE:

SEE SHEET 2 OF 3 FOR PLOT PLAN.

Banks Engineering

Professional Engineers, Planners & Land Surveyors
 FORT MYERS • FORT CHARLOTTE • SARASOTA
 FLORIDA BUSINESS LICENSING NUMBER: B 6996
 FORT MYERS, FLORIDA 33901
 (239) 634-5496

EXHIBIT "1.34" - PHASE 34 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	LEGAL DESCRIPTION	AMV	RMR	N/A	1	3	4-48-26

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EXHIBIT "B"

Certified As-Built for Phase 34, Building 34

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**CERTIFICATE OF SURVEYOR
AS TO PHASE 34 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 34 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 18th day of March, 2016.

MY COMMISSION EXPIRES:


Notary Public



DAVID L. SHEPPARD
Printed Name

S:\Jobs\13xx\1303D\Surveying\Condominium\Substantially Complete\Phase 34\1303D Certificate of Substantial Completion by Surveyor_PH-34.rtf

