INSTR # 2016182107
BK 9952 Pgs 0041-0046 PG(s)6
10/05/2016 03:21:19 PM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 52.50

THIS INSTRUMENT PREPARED BY
AND RETURN TO:

Melisa Boross Konderik, Esq.
AV Homes
8601 N. Scottsdale Road, Suite 225
Scottsdale, AZ 85253

SECOND AMENDMENT TO AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA™

THIS SECOND AMENDMENT TO AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA™ (this "**Second Amendment**") is made this 28 day of September, 2016, by Avatar Properties Inc., a Florida corporation ("**Developer**") and joined in by Solivita Community Association, Inc., a Florida not-for-profit corporation ("**Association**").

RECITALS

A. That certain Amended and Restated Master Declaration for Solivita™ was recorded in Official Records Book 9142 at Page 1843 through 2018, as amended by virtue of that certain First Amendment to Amended and Restated Master Declaration for Solivita™ recorded in Official Records Book 9811 at Page 570, both of the Public Records of Polk County, Florida (collectively, the "**Amended and Restated Master Declaration**") respecting the residential community known as Solivita ("**Community**").

B. Section 5.3 of the Amended and Restated Master Declaration provides that, prior to the Turnover Date (as defined in the Amended and Restated Master Declaration), Developer, shall have the right to amend the Amended and Restated Master Declaration as it deems appropriate, without the joinder or consent of any person or entity whatsoever. The Turnover Date has not yet occurred.

C. Section 6.1 of the Amended and Restated Master Declaration provides that, prior to the Turnover Date (as defined in the Amended and Restated Master Declaration), Developer has the right to annex additional lands to the Community without the joinder or consent of any other party by the recording of an amendment to the Amended and Restated Master Declaration. The Turnover Date has not yet occurred.

D. Developer desires to amend the Amended and Restated Master Declaration as set forth herein.

NOW THEREFORE, Developer hereby declares that every portion of the Community is to be held, transferred, sold, conveyed, used and occupied subject to the covenants, conditions and restrictions hereinafter set forth.

1. Recitals. The foregoing Recitals are true and correct and are incorporated into and form a part of this Second Amendment.

2. Conflicts. In the event that there is a conflict between this Second Amendment and the Amended and Restated Master Declaration, this Second Amendment shall control. Whenever possible, this Second Amendment together with the Amended and Restated Master Declaration shall be construed as a single document. Except as modified hereby, the Amended and Restated Master Declaration shall remain in full force and effect.

3. Definitions. All initially capitalized terms not defined herein shall have the meanings set forth in the Amended and Restated Master Declaration, except that the defined terms are hereby modified as follows:

"**Declaration**" shall mean the Amended and Restated Master Declaration, the First Amendment and this Second Amendment together with all amendments and modifications thereof.

4. Annexation. The real property described in **Exhibit A** attached hereto is hereby annexed into and made a part of the real property described in **Exhibit 1** of the Amended and Restated Master Declaration and, as such, is part of the Community and is subject to the provisions of the Declaration and the jurisdiction of the Association.

5. Legal Description. The real property described in **Exhibit 1** of the Amended and Restated Master Declaration is hereby deleted in its entirety and replaced with the real property described in **Exhibit B** attached hereto.

6. Covenant. This Second Amendment shall be a covenant running with the land.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal as of this 28 day of September, 2016.

WITNESSES:

Print Name: Laura Iorio

Print Name: Tami Delgado

AVATAR PROPERTIES INC.,
a Florida corporation

By: _____
Name: ANTHONY S. IORIO
Title: Vice President

{SEAL}

STATE OF FLORIDA)
)SS.:
COUNTY OF Orange)

The foregoing was acknowledged before me this 28 day of September, 2016 by ANTHONY S. IORIO as Vice President of AVATAR PROPERTIES INC., a Florida corporation, who is personally known to me or who has produced _____ as identification on behalf of the corporation.

My commission expires:

TAMI DELGADO
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088061
Expires 1/30/2018

NOTARY PUBLIC
State of Florida at Large
Print name: Tami Delgado

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JOINDER

SOLIVITA COMMUNITY ASSOCIATION, INC.

SOLIVITA COMMUNITY ASSOCIATION, INC. ("**Association**") does hereby join in the Second Amendment to the Amended and Restated Master Declaration for Solivita™ (the **Second Amendment**") to which this Joinder is attached, and the terms thereof are and shall be binding upon the undersigned and its successors in title. Association acknowledges that this Joinder is for convenience purposes only and does not apply to the effectiveness of the Second Amendment, as Association has no right to approve the Second Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 28 day of September, 2016.

WITNESSES:

Print Name: Laura Junco

Print Name: Tami Delgado

SOLIVITA COMMUNITY ASSOCIATION, INC., a Florida not for profit corporation

By:
Name: **ANTHONY S. IORIO**
Title: **President**

{SEAL}

STATE OF FLORIDA)
) **SS.:**
COUNTY OF Orange)

The foregoing instrument was acknowledged before me this 28 day of September, 2016 by ANTHONY S. IORIO as President of SOLIVITA COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation, who is personally known to me or who has produced _____ as identification, on behalf of the corporation.

My commission expires:

TAMI DELGADO
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF088061
Expires 1/30/2018

NOTARY PUBLIC
State of Florida at Large

Print Name Tami Delgado

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EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY (PLATS) BEING ANNEXED

All of the following plats as recorded in the Public Records of Polk County, Florida:

1. Solivita Phase 1-F Unit 2, according to the plat thereof, as recorded in Plat Book 160 at Page 14;

2. Solivita Phase 7F, according to the plat thereof, as recorded in Plat Book 161 at Pages 7 through 10.

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EXHIBIT B
LEGAL DESCRIPTION FOR SOLIVITA

All of the following plats as recorded in the Public Records of Polk County, Florida:

1. Solivita Phase 1, according to the plat thereof, as recorded in Plat Book 112 at Page 1;
2. Solivita Phase 1C, according to the plat thereof, as recorded in Plat Book 155 at Page 44;
3. Solivita Phase 1D, according to the plat thereof, as recorded in Plat Book 122 at Page 9;
4. Solivita Phase 1E, according to the plat thereof, as recorded in Plat Book 128 at Page 27;
5. Solivita Phase 1-F Unit 1, according to the plat thereof, as recorded in Plat Book 158 at Page 46;
6. Solivita Phase 1-F Unit 2, according to the plat thereof, as recorded in Plat Book 160 at Page 14;
7. Solivita Phase 1H, according to the plat thereof, as recorded in Plat Book 153 at Page 14;
8. Solivita Phase 1H- Unit 2, according to the plat thereof, as recorded in Plat Book 154 at Page 41;
9. Solivita Phase 1H Unit 3, according to the plat thereof, as recorded in Plat Book 157 at Page 9;
10. Solivita Phase 2A, according to the plat thereof, as recorded in Plat Book 115 at Page 9;
11. Solivita Phase 2B, according to the plat thereof, as recorded in Plat Book 115 at Page 34;
12. Solivita Phase 2C, according to the plat thereof, as recorded in Plat Book 118 at Page 12;
13. Solivita Phase 2D, according to the plat thereof, as recorded in Plat Book 118 at Page 17;
14. Solivita Phase 3A, according to the plat thereof, as recorded in Plat Book 127 at Page 10;
15. Solivita Phase 3B, according to the plat thereof, as recorded in Plat Book 131 at Page 36;
16. Solivita Phase 4A, according to the plat thereof, as recorded in Plat Book 120 at Page 13;
17. Solivita Phase 4B, according to the plat thereof, as recorded in Plat Book 121 at Page 2;
18. Solivita Phase 4C Section 1, according to the plat thereof, as recorded in Plat Book 124 at Page 15;
19. Solivita Phase 4C Section 2, according to the plat thereof, as recorded in Plat Book 124 at Page 33;
20. Solivita Phase 5F, according to the plat thereof, as recorded in Plat Book 145 at Page 1;
21. Solivita Phase 5F – Unit 1, according to the plat thereof, as recorded in Plat Book 154 at Page 1 as replatted in its entirety by virtue of that certain plat of Solivita Phase 5F Unit 1 Replat, according to the plat thereof, as recorded in Plat Book 157 at Page 33;
22. Solivita Phase 5I, according to the plat thereof, as recorded in Plat Book 158 at Page 1;
23. Solivita Phase 5J, according to the plat thereof, as recorded in Plat Book 157 at Page 10;
24. Solivita Phase 6A, according to the plat thereof, as recorded in Plat Book 131 at Page 30;
25. Solivita Phase 6B, according to the plat thereof, as recorded in Plat Book 133 at Page 14;
26. Solivita Phase 7A, according to the plat thereof, as recorded in Plat Book 134 at Page 20;

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27. Solivita Phase 7B1, according to the plat thereof, as recorded in Plat Book 136 at Page 14;

28. Solivita Phase 7B2, according to the plat thereof, as recorded in Plat Book 136 at Page 39;

29. Solivita Phase 7C, according to the plat thereof, as recorded in Plat Book 136 at Page 3;

30. Solivita Phase 7D, according to the plat thereof, as recorded in Plat Book 137 at Page 9;

31. Solivita Phase 7E- Unit 1, according to the plat thereof, as recorded in Plat Book 155 at Page 9;

32. Solivita Phase 7E- Unit 2, according to the plat thereof, as recorded in Plat Book 155 at Page 13;

33. Solivita Phase 7F, according to the plat thereof, as recorded in Plat Book 161 at Page 7.

34. Solivita Phase 7G 1, according to the plat thereof, as recorded in Plat Book 143 at Page 13;

35. Solivita Phase 7G Unit 1, according to the plat thereof, as recorded in Plat Book 153 at Page 36; and

36. Solivita Phase 7G- Unit 2, according to the plat thereof, as recorded in Plat Book 155 at Page 4.

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