INSTR # 2021131351
BK 11723 Pgs 1062-1068 PG(s)7
05/20/2021 07:06:44 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 61.00

Return to: (enclose self-addressed stamped envelope)

Name:
Laura DiSalvo, Paralegal

Address:
Greenspoon Marder LLP
201 N. Orange Avenue, Suite 500
Orlando, Florida 32801

This Instrument Prepared by:

Mark F. Grant, Esq.
Greenspoon Marder LLP
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301

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NINTH AMENDMENT TO AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA™

THIS NINTH AMENDMENT TO AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA™ ("**Ninth Amendment**") is made this 8th day of MARCH, 2021, by AVATAR PROPERTIES, INC., a Florida corporation ("**Developer**") and joined in by SOLIVITA™ COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation ("**Association**").

WHEREAS, that certain Amended and Restated Declaration for Solivita™ was recorded in Official Records Book 9142, Page 1843, of the Public Records of Polk County, Florida, as the same has been amended and/or supplemented (hereinafter collectively referred to as the "**Declaration**"); and

WHEREAS, Developer is desirous of further amending the Declaration; and

WHEREAS, Section 5.3 of the Declaration provides that, prior to and including the Turnover Date, Developer shall have the right to amend the Declaration as it deems appropriate in Developer's sole and absolute discretion, without the joinder or consent of any person or entity whatsoever; and

WHEREAS, Section 6.1 of the Declaration provides that, prior to and including the Turnover Date, additional lands may be made part of Solivita by Developer, at Developer's sole discretion. Such additional lands to be annexed may or may not be adjacent to Solivita. Except for applicable governmental approvals (if any), no consent to such annexation shall be required from any other party (including, but not limited to, Association, Owners or any Lenders of any portion of Solivita, including a Home). Such annexed lands shall be brought within the provisions and applicability of the Declaration by the recording of an amendment to the Declaration in the Public Records; and

WHEREAS, Developer desires to subject the property described on Exhibit "A" attached hereto and made a part hereof ("Additional Property") to the provisions of the Declaration; and

WHEREAS, Developer now desires to add the Additional Property to Solivita as herein provided; and

WHEREAS, as of the date of this Ninth Amendment, the Turnover Date has not occurred.

NOW, THEREFORE, Developer hereby makes this Ninth Amendment and hereby declares that the Additional Property shall be deemed a portion of Solivita under the Declaration and that the Additional Property shall be owned, held, used, transferred, sold, conveyed, demised, and occupied subject to the covenants, restrictions, reservations, regulations, burdens, and liens set forth in the Declaration as modified by this Ninth Amendment, as follows:

1. The above recitals are true and correct and are incorporated herein by reference.

2. Unless otherwise defined herein, each term defined in the Declaration and used herein shall have its meaning as defined in the Declaration.

3. The Additional Property described on Exhibit "A" " to this Ninth Amendment is hereby designated a part of Solivita and shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of this Ninth Amendment and the Declaration.

4. Developer hereby declares that all of the Additional Property designated on Exhibit "A" to this Ninth Amendment is hereby annexed into and made part of the real property described in Exhibit 1 of the Declaration and, as such, is a part of Solivita and is therefore subject to the applicable land use covenants and the benefits and burdens established under the Declaration as fully as though it were originally designated as such in the Declaration and subject to the jurisdiction of the Association.

5. Designation and Maintenance of Common Area. Tract "A" (Via Rizzoli Court) and Tracts "B" and "C" (Park) as shown on the Plat of Solivita-Phase 5H-Unit 3 to be recorded in the Public Records of Polk County, Florida (as described in Exhibit "A" to this Ninth Amendment), are hereby declared to be Common Area. Maintenance of the Common Area shall be by the Association, as provided in Article 11 of the Declaration. All costs of maintenance pursuant to this Paragraph shall be assessed against all Lots in Solivita as an Operating Cost pursuant to the provisions of Article 28 of the Declaration and shall be subject to the lien of the Association pursuant to Section 28.17 of Article 28 of the Declaration.

6. Conflict. In the event of any conflict between the provisions hereof and the provisions of the Articles and/or Bylaws and/or rules and regulations promulgated by the Association, the provisions of this Ninth Amendment shall control. Except as otherwise specifically set forth in this Ninth Amendment, in the event of any conflict between the provisions of this Ninth Amendment and the provisions of the Declaration, the provisions of the Declaration shall control.

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7. This Ninth Amendment shall become effective upon recording amongst the Public Records of Polk County, Florida.

8. Except as modified hereby, the Declaration shall remain in full force and effect in accordance with the terms thereof.

(SIGNATURES APPEAR ON THE FOLLOWING PAGES)

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IN WITNESS WHEREOF, Developer has executed this Ninth Amendment as of the day and year first above written.

Witnesses:

Signature

Ruben Pereira
Printed Name

Signature

MATT CLARKIN
Printed Name

AVATAR PROPERTIES, INC.,
a Florida corporation

By:

Printed Name: Richard Rosello

Title: Vice President

STATE OF FLORIDA)
COUNTY OF ORANGE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of [x] physical presence or [ ] online notarization by Richard Rosello, as Vice President of AVATAR PROPERIES, INC., a Florida corporation, freely and voluntarily under authority duly vested in them by said corporation, who is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 8th day of March, 2021.

Notary Public, State of Florida at Large

Nora J Schuster
Typed, Printed or Stamped Name of Notary Public

My Commission Expires:

Notary Public State of Florida
Nora J Schuster
My Commission GG 102011
Expires 09/04/2021

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ASSOCIATION:

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

WITNESSES AS TO ASSOCIATION:

Signature
Print Name KALI RUSSELL

Signature
Print Name Chrissie Kirk

By: Nora Schuster
Name: Nora Schuster
Title: President

[CORPORATE SEAL]

STATE OF FLORIDA)
) SS
COUNTY OF ORANGE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by means of [x] physical presence or [ ] online notarization by NORA SCHUSTER, as PRESIDENT of SOLIVITA™ COMMUNITY ASSOCIATION, INC., a Florida corporation not for profit, freely and voluntarily under authority duly vested in him/her by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation. He/She is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this 8th day of MARCH, 2021.

Notary Public, State of Florida at Large

My Commission Expires:

Typed, Printed or Stamped Name of Notary Public

CHRISSIE KIRK
Commission # GG 307723
Expires March 4, 2023
Bonded Thru Budget Notary Services

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EXHIBIT "A"

Legal Description of Additional Property

A PARCEL OF LAND BEING A PORTION OF TRACT FD-1, SOLIVITA – PHASE 5H – UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 171, PAGES 37 THROUGH 43, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 584 OF SAID PLAT OF SOLIVITA – PHASE 5H – UNIT 1, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 90°00'00" EAST, ALONG SAID SOUTHERLY LINE OF SAID LOT 584, A DISTANCE OF 115.00 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF VIA MAZZINI COURT; THENCE RUN SOUTH 00°00'00" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 65.00 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, RUN NORTH 90°00'00" WEST, 130.00 FEET; THENCE RUN NORTH 00°00'00" EAST, 65.00 FEET TO A POINT LYING ON THE WESTERLY EXTENSION OF SAID SOUTHERLY LINE OF LOT 584; THENCE RUN NORTH 90°00'00" EAST, ALONG SAID WESTERLY EXTENSION, 15.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN POLK COUNTY, FLORIDA AND CONTAINS 0.194 ACRES MORE OR LESS.

TOGETHER WITH:

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACTS FD-1 AND C-12, SOLIVITA – PHASE 5H – UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 171, PAGES 37 THROUGH 43, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF VIA MAZZINI COURT OF SAID PLAT OF SOLIVITA – PHASE 5H – UNIT 1, FOR THE POINT OF REFERENCE; SAID POINT LIES ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VIA RIZZOLI COURT; THENCE RUN NORTH 90°00'00" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 20.00 FEET TO THE POINT OF BEGINNING; THENCE RUN ALONG THE SOUTHERLY AND WESTERLY RIGHT-OF-WAY LINES OF VIA RIZZOLI COURT, THE FOLLOWING THREE (3) COURSES: NORTH 90°00'00" EAST, 185.00 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY, ALONG SAID CURVE, HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 117.81 FEET, A CHORD LENGTH OF 106.07 FEET AND A CHORD BEARING OF SOUTH 45°00'00" EAST TO THE POINT OF TANGENCY; THENCE RUN SOUTH 00°00'00" WEST, 306.16 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, RUN NORTH 90°00'00" WEST,

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115.00 FEET; THENCE RUN NORTH 00°00'00" EAST, 65.00 FEET; THENCE RUN NORTH 90°00'00" WEST, 15.00 FEET; THENCE RUN NORTH 00°00'00" EAST, 183.16 FEET; THENCE RUN NORTH 90°00'00" WEST, 130.00 FEET; THENCE RUN NORTH 00°00'00" EAST, 130.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN POLK COUNTY, FLORIDA AND CONTAINS 1.466 ACRES MORE OR LESS.

TOGETHER WITH:

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF TRACTS FD-1 AND C-12, SOLIVITA – PHASE 5H – UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 171, PAGES 37 THROUGH 43, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 604 OF SAID PLAT OF SOLIVITA – PHASE 5H – UNIT 1, FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 20°43'58" EAST, ALONG THE WESTERLY LINE OF SAID LOT 604, A DISTANCE OF 115.00 FEET; THENCE RUN SOUTH 69°16'02" WEST, 227.00 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY, ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 194.00 FEET, A CENTRAL ANGLE OF 177°26'46", AN ARC LENGTH OF 600.82 FEET, A CHORD LENGTH OF 387.90 FEET AND A CHORD BEARING OF NORTH 00°40'09" EAST; THENCE RUN NORTH 00°00'00" WEST, NON-RADIAL TO SAID CURVE, 35.18 FEET; THENCE RUN NORTH 90°00'00" EAST, 15.00 FEET; THENCE RUN NORTH 00°00'00" EAST, 65.00 FEET; THENCE RUN NORTH 90°00'00" EAST, 115.00 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF VIA RIZZOLI COURT; THENCE RUN SOUTH 00°00'00" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 181.03 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND SAID CURVE, HAVING A RADIUS OF 175.00 FEET, A CENTRAL ANGLE OF 20°43'58", AN ARC LENGTH OF 63.32 FEET, A CHORD LENGTH OF 62.98 FEET AND A CHORD BEARING OF SOUTH 10°21'59" EAST TO THE POINT OF TANGENCY; THENCE RUN SOUTH 20°43'58" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, 62.57 FEET; THENCE RUN NORTH 69°16'02" EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VIA RIZZOLI COURT, 3.82 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN POLK COUNTY, FLORIDA AND CONTAINS 2.897 ACRES MORE OR LESS.

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