INSTR # 2021249814
BK 11908 Pgs 62-67 PG(s)6
RECORDED 09/24/2021 09:18:47 AM
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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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TENTH AMENDMENT TO AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA™

THIS TENTH AMENDMENT TO AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA™ ("**Tenth Amendment**") is made this ___ day of _____, 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 Tenth Amendment, the Turnover Date has not occurred.

NOW, THEREFORE, Developer hereby makes this Tenth 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 Tenth 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 Tenth 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 Tenth Amendment and the Declaration.

4. Developer hereby declares that all of the Additional Property designated on Exhibit "A" to this Tenth 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" (Almalfi Street and Umbrai Drive), and Tract "C" (Wetland Tract), as shown on the Plat of Solivita Phase 5C to be recorded in the Public Records of Polk County, Florida (as described in Exhibit "A" to this Tenth 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. Designation and Maintenance of PCDD Property. Tracts "OS-1" and "OS-3" (Open Space), Tracts "P-6," "P-8" and "P-16" (Wet Detention Pond), as shown on the Plat of Solivita Phase 5C to be recorded in the Public Records of the County (as described on Exhibit "A" to this Supplemental Declaration, are hereby declared to be PCDD Property. Maintenance of the PCDD Property shall be by the PCDD, as provided in the Declaration.

7. 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 Tenth Amendment shall control. Except as otherwise specifically set forth in this Tenth Amendment, in the event of any conflict between the provisions of this Tenth Amendment and the provisions of the Declaration, the provisions of the Declaration shall control.

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

9. 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)

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

Witnesses:

Signature

MARIA E. PEREZ
Printed Name

Signature

Ruben Pereira
Printed Name

AVATAR PROPERTIES, INC.,
a Florida corporation

By:

Printed Name: RICHARD ROSELLO

Title: VP OF LAND

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 VP OF LAND 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 3 day of MAY, 2021.

Notary Public, State of Florida at Large

MARIA E PEREZ
Typed, Printed or Stamped Name of Notary Public

My Commission Expires:

Notary Public State of Florida
Maria E. Perez
My Commission GG 352383
Expires 07/07/2023

ASSOCIATION:

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

WITNESSES AS TO ASSOCIATION:

Signature
Print Name MARIA E. PEREZ

Signature
Print Name Ruben Pereira

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 VP OF LAND 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 3 day of MAY, 2021.

Notary Public, State of Florida at Large

MARIA E. PEREZ
Typed, Printed or Stamped Name of Notary Public

My Commission Expires:

Notary Public State of Florida
Maria E. Perez
My Commission GG 352363
Expires 07/07/2023

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EXHIBIT "A"

Legal Description of Additional Property

ALL PROPERTY SHOWN ON THAT CERTAIN PLAT OF SOLIVITA PHASE 5C, RECORDED IN PLAT BOOK _____, PAGES _____ THROUGH _____, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT TRACTS "FD-1" AND "FD-2", AND ANY PROPERTY DEDICATED TO THE PUBLIC THEREON.