INSTR # 2021300115
BK 11986 Pgs 1196-1200 PG(s)5
11/17/2021 08:29:23 AM
STACY M. BUTTERFIELD,
CLERK OF COURT POLK COUNTY
RECORDING FEES 44.00

THIS INSTRUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:
S. Todd Merrill, Esq.
Taylor Morrison
3030 Rocky Pointe Drive
Suite 710
Tampa, FL 33607

CORRECTIVE TENTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA
(Correcting Scrivener's Error)

THIS CORRECTIVE TENTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA (the "**Corrective Tenth Amendment**") is made by AVATAR PROPERTIES INC., a Florida corporation ("**Developer**") and joined in by SOLIVITA COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**").

RECITALS

WHEREAS, the Amended and Restated Master Declaration for Solivita was recorded in Official Records Book 9142 at Page 1843, in the Official Records of Polk County Florida on December 27, 2013, as the same has been amended and/or supplemented (hereinafter collectively referred to as the "**Declaration**"); and

WHEREAS, Section 5.3 of the 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, The Solivita Phase 5C plat was recorded in the Official Records of Polk County as Instrument Number 2021249812, in Plat Book 187 at Pages 26 through 30; and

WHEREAS, the Developer recorded the Tenth Amendment to the Amended and Restated Master Declaration for Solivita ("**Tenth Amendment**") in the Official Records of Polk County as Instrument Number 2021249814, in Official Records Book 11908 at Page 62, wherein the Solivita Phase 5C plat was annexed and made part of Solivita; and

WHEREAS, the Tenth Amendment contained a scrivener's error in Exhibit A, the legal description for the Solivita Phase 5C plat, being that the Polk County Plat Book and Pages were left out of the legal description; and

WHEREAS, Developer desires to further amend the Declaration to fix the scrivener's error and to make clear the Solivita Phase 5C plat book and page numbers; and

WHEREAS, the Turnover Date has not yet occurred; and

NOW THEREFORE, Developer, with the joinder and consent of the Association, hereby amends the Declaration as follows:

Amendments

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

2. Conflicts. In the event that there is a conflict between this Corrective Tenth Amendment and the Declaration, this Corrective Tenth Amendment shall control. Whenever possible, this Corrective Tenth Amendment and the Declaration shall be construed as a single instrument. Except as modified in this Amendment, the Declaration shall remain in full force and effect. In the event that any amendment(s) to the Declaration have been recorded prior to this Corrective Tenth Amendment, this Corrective Tenth Amendment shall be deemed to follow such prior recorded amendment(s) in time and title. In the event of a conflict between this Corrective Tenth Amendment and any such prior recorded amendment(s), this Corrective Tenth Amendment shall control.

3. Definitions. All initially capitalized terms not defined herein shall have the meanings set forth in the Declaration.

4. The Additional Property described on Exhibit A to this Corrective Tenth Amendment, which was previously attached to the Tenth Amendment, is clarified to state that Solivita Phase 5C was recorded in the Official Records of Polk County as Instrument Number 2021249812, in Plat Book 187 at Pages 26 through 30.

5. This Corrective Tenth Amendment shall relate back in time to the recording of the Tenth Amendment, insofar that it is done purely to correct the scrivener's error in that recording.

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

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IN WITNESS WHEREOF, Developer has executed this Corrective Tenth Amendment on the 10th day of November, 2021.

WITNESSES:

AVATAR PROPERTIES INC., a Florida corporation

Print Name: Debra Cunningham

By: _____
Name: Joel Underwood
Title: VICE PRESIDENT

Print Name: Julia A. Aragona

{SEAL}

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

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this 10th day of November, 2021 by Joel Underwood as Vice President, of Avatar Properties Inc., a Florida corporation, on behalf thereof, who is personally known to me or has produced _____ as identification.

(Stamp)

JULIA A. ARAGONA
Commission # HH 081892
Expires February 10, 2025
Bonded Thru Budget Notary Services

Notary Public _____
Printed Name: Julia A. Aragona
My Commission No.: HH 081892
My Commission Expires: Feb 10, 2025

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JOINDER
SOLIVITA COMMUNITY ASSOCIATION, INC.

SOLIVITA COMMUNITY ASSOCIATION, INC. ("**Association**") does hereby join in the Corrective Tenth Amendment to the Amended and Restated Master Declaration for Solivita™ (the "**Corrective Tenth 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 Corrective Tenth Amendment, as Association has no right to approve the Corrective Tenth Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 10th day of November, 2021.

WITNESSES:

Print Name: Deb

Print Name: Julia A. Aragona

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

By: Nora Schuster
Name: Nora Schuster
Title: President

{SEAL}

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

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization this 10th day of November, 2021 by Nora Schuster, as President, of Solivita Community Association, a Florida not-for-profit corporation, on behalf thereof, who is personally known to me or has produced _____ as identification.

(Stamp)

JULIA A. ARAGONA
Commission # HH 081892
Expires February 10, 2025
Bonded Thru Budget Notary Services

Notary Public
Printed Name: Julia A. Aragona
My Commission No. HH081892
My Commission Expires: Feb. 10, 2025

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EXHIBIT A

Corrected Legal Description of Additional Property

ALL PROPERTY SHOWN ON THAT CERTAIN PLAT OF SOLIVITA PHASE 5C, RECORDED IN PLAT BOOK 187, PAGES 26 THROUGH 30, 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.

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