INSTR # 2021300116
BK 11986 Pgs 1201-1205 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

# ELEVENTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA

THIS ELEVENTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA (the "**Eleventh Amendment**") is made by AVATAR PROPERTIES, INC., ("**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, Page 1843, in the Official Records of Polk County Florida on December 27, 2013, as the same has been amended from time to time (collectively, 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,** all of the property described on Exhibit A, attached hereto and made part hereof ("**Additional Property**") was previously annexed into Solivita under the terms of the Declaration in a previous amendment, but has since been replatted, and Developer desires to confirm and clarify the previous annexation of the Additional Property into Solivita; and

**WHEREAS**, the Turnover Date has not yet occurred; and

**NOW THEREFORE**, Developer hereby makes this Eleventh Amendment and hereby reconfirms and 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 Eleventh Amendment, as follows:

**Amendments**

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

2. Conflicts. In the event that there is a conflict between this Eleventh Amendment and the Declaration, this Eleventh Amendment shall control. Whenever possible, this Eleventh Amendment and the Declaration shall be construed as a single instrument. Except as modified in this Eleventh 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 Eleventh Amendment, this Eleventh Amendment shall be deemed to follow such prior recorded amendment(s) in time and title. In the event of a conflict between this Eleventh Amendment and any such prior recorded amendment(s), this Eleventh 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 was previously annexed into Solivita under the terms of the Declaration in a previous amendment, but has since been replatted, and Developer hereby confirms that the Additional Property was designated and a part of Solivita and shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of this Eleventh Amendment, and the Declaration. The Additional Property shall be subject to the applicable covenants, 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. This Eleventh Amendment shall become effective upon recording in the Official Records of Polk County, Florida.

6. 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)



Stacy M. Butterfield POLK
CFN# 2021300116 OR BK 11986 PG 1202 Pgs 1201-1205 11/17/2021 08:29:23 AM

IN WITNESS WHEREOF, Developer has executed this Eleventh Amendment on the _____ 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.: HH081892
My Commission Expires: Feb. 10, 2025



Stacy M. Butterfield POLK
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## JOINDER
## SOLIVITA COMMUNITY ASSOCIATION, INC.

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

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

**WITNESSES:**

**Print Name:** Debra Cunningham

**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**

Legal Description of Additional Property

ALL PROPERTY SHOWN ON THAT CERTAIN PLAT OF SOLIVITA-PHASE 5H-UNIT 2, RECORDED IN PLAT BOOK 182 AT PAGES 50 AND 51, OF THE OFFICIAL RECORDS OF POLK COUNTY, FLORIDA, LESS AND EXCEPT ANY PROPERTY DEDICATED TO THE PUBLIC THEREON.



Stacy M. Butterfield POLK
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