INSTR # 2022026188
BK 12095 Pgs 0218-0222 PG(s)5
01/31/2022 08:06:01 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

THIRTEENTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA

THIS THIRTEENTH AMENDMENT TO THE AMENDED AND RESTATED MASTER DECLARATION FOR SOLIVITA (the "**Thirteenth 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, the Turnover Date has not yet occurred; and

NOW THEREFORE, Developer hereby makes this Thirteenth Amendment and hereby reconfirms and declares that the property described on Exhibit A attached hereto and made a part hereof ("**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 Thirteenth Amendment, as follows:

Amendments

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

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

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

4. Developer hereby confirms that the Additional Property 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 Thirteenth 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 Thirteenth 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# 2022026188 OR BK 12095 PG 219 Pgs 0218-0222 01/31/2022 08:06:01 AM

IN WITNESS WHEREOF, Developer has executed this Thirteenth Amendment on the 28 day of January, 2022.

WITNESSES:

Print Name: Kali Russell

Print Name: MARIA PEREZ

AVATAR PROPERTIES INC., a Florida corporation

By:
Name: RICHARD ROSELLO
Title: VICE 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 28 day of January, 2022, by RICHARD ROSELLO as Vice President, of Avatar Properties Inc., a Florida corporation, on behalf thereof, who is personally known to me or has produced KNOWN as identification.

(Stamp)

Notary Public
Printed Name: MARIA PEREZ
My Commission No.: GG 352363
My Commission Expires: 7/7/2023

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

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JOINDER
SOLIVITA COMMUNITY ASSOCIATION, INC.

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

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 28 day of January, 2022.

WITNESSES:

Print Name: Kali Russell

Print Name: MARIA PEREZ

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

By:
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 28 day of January, 2022, by Nora Schuster, as President, of Solivita Community Association, Inc., a Florida not-for-profit corporation, on behalf thereof, who is personally known to me or has produced KNOWN as identification.

(Stamp)

Notary Public
Printed Name: MARIA PEREZ
My Commission No.: GG 352363
My Commission Expires: 7/7/2023

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

Stacy M. Butterfield POLK
CFN# 2022026188 OR BK 12095 PG 221 Pgs 0218-0222 01/31/2022 08:06:01 AM

EXHIBIT A

Legal Description of Additional Property

TRACTS FD-1 AND FD-2 OF **SOLIVITA PHASE 5C**, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 187 AT PAGES 26 THROUGH 30, INCLUSIVE, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA; AND

ALL PROPERTY SHOWN ON THAT CERTAIN PLAT OF **SOLIVITA PHASE 5D**, TO BE RECORDED IN THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A tract of land, being all of Tract FD-1, and portion of Tracts P-6 and P-8 of SOLIVITA PHASE 5C, according to the plat thereof, as recorded in Plat Book 187 at Pages 26 through 30, inclusive, of the Public Records of Polk County, Florida.

Stacy M. Butterfield POLK
CFN# 2022026188 OR BK 12095 PG 222 Pgs 0218-0222 01/31/2022 08:06:01 AM