

PREPARED BY AND RETURN TO:

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POLK COUNTY
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FIRST AMENDMENT TO AMENDED AND RESTATED SOLIVITA DECLARATION

THIS FIRST AMENDMENT TO AMENDED AND RESTATED SOLIVITA DECLARATION (this "**First Amendment**") is made by Avatar Properties Inc., a Florida corporation ("**Declarant**") and joined in by Solivita Community Association, Inc., a Florida not-for-profit corporation ("**Association**").

RECITALS

- A. That certain Amended and Restated Solivita Declaration was recorded in Official Records Book 7191, Page 1224, of the Public Records of Polk County, Florida (the "**Declaration**") respecting the residential community known as Solivita (the "**Community**").
- B. Section 42.3 of the Declaration provides that prior to the Turnover Date (as defined in the Declaration), Declarant shall have the right to amend the Declaration as it deems appropriate, without the joinder or consent of any person or entity whatsoever. The Turnover Date has not yet occurred.
- C. Section 43.1 of the Declaration provides that prior to the Community Completion Date (as defined in the Declaration), Declarant has the right to annex additional lands to the Community without the joinder or consent of any other party by the recording of an amendment to the Declaration. The Community Completion Date has not yet occurred.
- D. Declarant desires to amend the Declaration as set forth herein.

NOW THEREFORE, Declarant hereby declares that every portion of the Community is to be held, transferred, sold, conveyed, used and occupied subject to the covenants, conditions and restrictions hereinafter set forth.

1. **Recitals**. The foregoing Recitals are true and correct and are incorporated into and form a part of this First Amendment.
2. **Conflicts**. In the event that there is a conflict between this First Amendment and the Declaration, this First Amendment shall control. Whenever possible, this First Amendment and the Declaration shall be construed as a single document. Except as modified hereby, the Declaration shall remain in full force and effect.

JOINDER

SOLIVITA COMMUNITY ASSOCIATION, INC.

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

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 12th day of July, 2007.

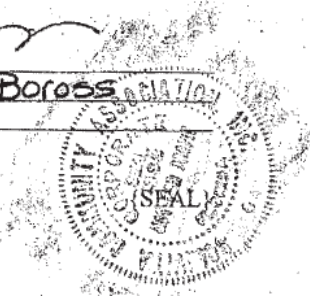
WITNESSES:

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

Maribel G. Pila
Print Name: Maribel G. Pila

Noel E. Sanchez
Print Name: Noel E. Sanchez

By: Melissa R. Boross
Name: Melisa R. Boross
Title: President



STATE OF FLORIDA)
) SS.:
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 12th day of July, 2007 by Melisa R. Boross as President of SOLIVITA COMMUNITY ASSOCIATION, INC., a Florida not for profit corporation, who is personally known to me or who has produced N/A as identification, on behalf of the corporation.

My commission expires:

Maribel G. Pila
NOTARY PUBLIC
State of Florida at Large
Print Name Maribel G. Pila

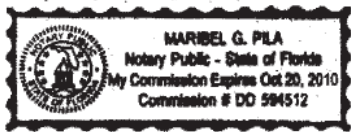


Exhibit A

Legal Description
Solivita

A replat of Poinciana Neighborhood 1 East, Village 4 according to the plat thereof recorded in Plat Book 56, Pages 25 through 31 of the Public Records of Polk County, Florida.

And

A portion of Poinciana Neighborhood 2, Village 4 according to the plat thereof recorded in Plat Book 56, Pages 42 through 58 of the Public Records of Polk County, Florida.

And

A replat of Tract F-1 and Tract P-B5 of Solivita Phase 1E, according to the plat thereof as recorded in Plat Book 128, Pages 27 through 30 of the Public Records of Polk County, Florida,

And

A replat of Tract P-C1 and a portion of Tract G-4 of Solivita - Phase 1, according to the plat thereof as recorded in Plat Book 112, Pages 1 through 14 of the Public Records of Polk County, Florida,

And

A replat of Parcel PK-8 and a portion of Tract C-1 of Solivita - Phase IVA, according to the plat thereof as recorded in Plat Book 120, Pages 13 through 17 of the Public Records of Polk County, Florida,

All lying within Sections 14 and 15, Township 27 South, Range 28 East, Polk County, Florida and being more particularly described as follows:

Commence at the Northwest corner of said Section 14; thence run South 00° 09' 01" West, along the West line of said Section 14 a distance of 300.00 feet to the Point of Beginning; also being a point

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on the Southerly right of way line of Cypress Parkway as shown on said Plat of Poinciana Neighborhood 1 East, Village 4; thence South 89° 46' 58" East, along said Southerly right of way line 2172.13 feet; thence leaving said Southerly right of way line, run South 00° 13' 02" West, 335.00 feet along the Westerly line of a Parcel of land as described in Official Record Book 5725, Pages 1851 through 1855 of the Public Records of Polk County, Florida to a point on the Southerly line of said Parcel; thence South 89° 46' 40" East, along said Southerly line, 323.30 feet to a point on the Westerly right of way line of Laurel Avenue as shown on said Plat of Poinciana Neighborhood 1 East, ~~Village 4~~, being a point on a non-tangent curve concave Westerly, having a radius of 1350.00 feet, a central angle of 09° 57' 41" and a chord of 234.42 feet that bears South 08° 04' 27" West; thence along the arc of said curve and Westerly right of way line a distance of 234.71 feet; thence leaving said curve and Westerly right of way line, run North 58° 24' 19" West, 330.00 feet along the Northerly line of a Parcel of land as described in Official Record Book 2070, Page 1933 of the Public Records of Polk County, Florida to a point on the Westerly line of said Parcel; thence South 31° 35' 41" West, along said Westerly line 376.04 feet to a point on the Southerly line of said Parcel; thence the following courses and distance along said Southerly line, South 81° 02' 59" East, 119.59 feet; thence South 58° 24' 19" East, 286.04 feet to a point on said Westerly right of way line of Laurel Avenue, being a point on a non-tangent curve concave Westerly, having a radius of 1350.00

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feet, a central angle of $06^{\circ} 24' 49''$ and a chord of 151.04 feet that bears North $24^{\circ} 10' 18''$ East; thence along the arc of said curve and Westerly right of way line a distance of 151.12 feet; thence leaving said curve and Westerly right of way line, run South $69^{\circ} 02' 07''$ East, 280.00 feet to a point on ~~non-tangent curve concave Westerly,~~ ~~concave Southeasterly,~~ having a radius of 1630.00 feet, a central angle of $20^{\circ} 44' 51''$ and a chord of 587.03 feet that bears North $10^{\circ} 35' 28''$ East; thence along the arc of said curve a distance of 590.25 feet to the point of tangency; thence North $00^{\circ} 13' 02''$ East, 267.20 feet to a point on said Southerly right of way line of Cypress Parkway; thence South $89^{\circ} 46' 40''$ East, along said Southerly right of way line 496.59 feet to a point on the Westerly line of Tract P-B6 per said Plat of Solivita - Phase IE; thence South $00^{\circ} 13' 20''$ West, along said Westerly line 25.00 feet to a point on the Northerly right of way line of Milano Road per said Plat of Solivita - Phase IE, being a point on a non-tangent curve concave ~~Southeasterly,~~ having a radius of 65.00 feet, a central angle of $51^{\circ} 52' 49''$ and a chord of 56.87 feet that bears South $64^{\circ} 16' 56''$ West; thence along the arc of said curve and Northerly right of way line a distance of 58.86 feet to a point on the Northerly lot line of Lot 65 per said Plat of Solivita - Phase IE; thence leaving said curve and Northerly right of way line, run North $51^{\circ} 39' 29''$ West, along said Northerly lot line 17.63 feet; thence North $89^{\circ} 47' 22''$ West, along said Northerly lot line 127.00 feet to the rear lot line of said Lot 65; thence South $00^{\circ} 12' 38''$ West, along the rear lot lines of Lots 65 through 71 per said Plat of Solivita -

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Phase IE a distance of 569.80 feet to a point on the Northerly lot line of Lot 72 per said Plat of Solivita - Phase IE; thence North $89^{\circ} 47' 22''$ West, along said Northerly lot line 5.00 feet to the rear lot line of said Lot 72, being a point on a non-tangent curve concave Northeasterly, having a radius of 357.00 feet, a central angle of $61^{\circ} 09' 06''$ and a chord of 363.20 feet that bears South $30^{\circ} 21' 55''$ East; thence along the arc of said curve and the rear lot lines of Lots 72 through 75 per said Plat of Solivita - Phase IE a distance of 381.03 feet to the point of reverse curvature of a curve to the right, having a radius of 343.00 feet and a central angle of $09^{\circ} 48' 41''$; thence along the arc of said curve and rear lot line of Lot 75 a distance of 58.74 feet to a point on the Northerly line of Tract G-4 per said Plat of Solivita - Phase IE; thence leaving said curve and rear lot line of Lot 75, run the following courses and distances along said Northerly line of Tract G-4, South $44^{\circ} 00' 00''$ West, 431.52 feet to the point of curvature of a curve to the left, having a radius of 440.50 feet and a central angle of $05^{\circ} 51' 31''$; thence along the arc of said curve a distance of 45.04 feet to the point of tangency; thence South $38^{\circ} 08' 29''$ West, 60.87 feet; thence South $49^{\circ} 20' 10''$ West, 76.16 feet; thence South $38^{\circ} 08' 29''$ West, 40.87 feet to the Southerly boundary line of said Solivita - Phase IE; thence leaving said Northerly line of Tract G-4, run South $51^{\circ} 51' 31''$ East, along said Southerly boundary line 80.14 feet; thence South $38^{\circ} 08' 29''$ West, along said Southerly boundary line 70.00 feet; thence leaving said Southerly boundary line, run South $00^{\circ} 00' 41''$ East, 191.92 feet to a point

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on the Westerly line of Tract M, per said Plat of Solivita Phase 1; thence South 08° 27' 59" West, along said Westerly line 187.01 feet; thence leaving said Westerly line, run North 86° 30' 18" West, 149.94 feet to a point on the Northerly line of Tract G-4 per said Plat of Solivita Phase 1; thence the following courses and distances along said Northerly line of Tract G-4, also being a point of curvature of a curve to the left, having a radius of 110.00 feet and a central angle of 29° 41' 26"; thence along the arc of said curve a distance of 57.00 feet to the point of reverse curvature of a curve to the right, having a radius of 413.60 feet and a central angle of 23° 36' 18"; thence along the arc of said curve a distance of 170.40 feet to the point of reverse curvature of a curve to the left, having a radius of 519.60 feet and a central angle of 22° 25' 04"; thence along the arc of said curve a distance of 203.30 feet to the point of tangency; thence South 64° 59' 31" West, 91.07 feet to the point of curvature of a curve to the right, having a radius of 152.50 feet and a central angle of 24° 28' 21"; thence along the arc of said curve a distance of 65.14 feet to the point of compound curvature of a curve to the right, having a radius of 64.00 feet and a central angle of 04° 06' 44"; thence along the arc of said curve a distance of 4.59 feet; thence leaving said curve and Northerly line of Tract G-4, run South 52° 00' 36" West, 315.98 feet to a point on the Westerly boundary line of said Plat of Solivita Phase 1; thence South 47° 40' 43" West, along said Westerly boundary line 114.60 feet; thence leaving said Westerly boundary line, run South 48° 22' 18" West, 556.62 feet; thence South 06° 27' 29" East,

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102.60 feet; thence South 64° 11' 07" West, 145.68 feet; thence South 10° 05' 51" East, 90.07 feet; thence South 38° 05' 05" West, 495.64 feet to a point on said Westerly boundary line; thence South 06° 15' 51" East, along said Westerly boundary line 1639.65 feet to a point on the Northerly right of way line of Solivita Boulevard per said Solivita Phase 1, being a point on a non-tangent curve concave Southerly, having a radius of 369.00 feet, a central angle of 04° 43' 52" and a chord of 30.46 feet that bears South 55° 20' 47" West; thence along the arc of said curve and Northerly right of way line a distance of 30.47 feet to the point of tangency; thence South 57° 42' 43" West, along said Northerly right of way line 146.49 feet to a point on the Easterly boundary line of said Solivita Phase IVA; thence leaving said Northerly right of way line, run the following courses and distances along said Easterly boundary line, North 05° 03' 58" West, 93.70 feet; thence North 58° 14' 29" West, 48.67 feet; thence North 83° 03' 04" West, 117.14 feet; thence North 50° 00' 40" West, 116.23 feet; thence North 04° 14' 28" West, 61.96 feet; thence North 17° 42' 44" East, 146.18 feet; thence North 67° 16' 03" East, 53.16 feet; thence North 56° 15' 01" East, 90.18 feet; thence North 32° 18' 50" East, 87.72 feet; thence North 81° 40' 07" West, 52.48 feet; thence North 11° 08' 37" East, 68.60 feet; thence North 10° 40' 45" East, 91.83 feet; thence North 38° 03' 53" West, 76.83 feet; thence North 64° 09' 01" West, 98.31 feet; thence South 33° 43' 31" West, 27.53 feet; thence North 51° 06' 39" West, 91.72 feet; thence North 22° 25' 40" West, 121.85 feet; thence South 74° 11' 39" West, 71.45 feet; thence North 85° 47' 45"

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West, 183.36 feet; thence North 43° 18' 57" West, 19.24 feet; thence North 60° 50' 50" West, 335.50 feet; thence North 33° 49' 51" East, 167.83 feet; thence North 40° 53' 39" East, 294.12 feet; thence North 24° 23' 08" West, 158.92 feet; thence North 29° 59' 11" West, 136.24 feet; thence South 88° 01' 14" West, 126.57 feet; thence South 11° 48' 25" West, 198.25 feet; thence South 48° 50' 34" West, 94.70 feet; thence North 29° 42' 35" West, 328.29 feet; thence leaving said Easterly boundary line, run South 69° 09' 42" West, 121.19 feet; thence South 67° 38' 13" West, 124.70 feet; thence South 65° 40' 38" West, 92.42 feet; thence South 43° 25' 53" West, 14.33 feet to a point on the rear lot line of Lot 91 per said Solivita Phase IVA; thence North 48° 52' 43" West, 149.67 feet along said rear lot line of Lot 91 and the rear lot line of Lot 92 per said Solivita Phase IVA to a point on the Southerly line of Parcel PK-8 per said Solivita Phase IVA; thence the following courses and distances along said Southerly line, South 41° 07' 17" West, 140.28 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 120.00 feet, a central angle of 63° 41' 11" and a chord of 126.62 feet that bears North 87° 48' 56" West; thence along the arc of said curve a distance of 133.38 feet to the point of tangency; thence South 60° 20' 29" West, 185.28 feet to the point of curvature of a curve to the left, having a radius of 4086.96 feet and a central angle of 02° 29' 59"; thence along the arc of said curve a distance of 178.31 feet to the point of tangency; thence South 57° 50' 30" West, 146.19 feet to the point of curvature of a curve to the right, having a radius of 25.00 feet and a

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central angle of $66^{\circ} 20' 37''$; thence along the arc of said curve a distance of 28.95 feet to a point of the Northerly boundary line of said Solivita Phase IVA; ~~thence leaving said curve and the~~ Southerly line of Parcel PK-8, run South $57^{\circ} 50' 29''$ West, along said Northerly boundary line 4.85 feet to a point on the Easterly boundary line of Solivita Phase 7A as currently proposed as of March 15, 2005; thence the following courses and distances along said Easterly boundary line, North $32^{\circ} 09' 30''$ West, 345.55 feet to the point of curvature of a curve to the right, having a radius of 1287.00 feet and a central angle of $16^{\circ} 30' 09''$; thence along the arc of said curve a distance of 370.68 feet to the point of tangency; thence North $15^{\circ} 39' 21''$ West, 531.07 feet to the point of curvature of a curve to the right, having a radius of 15.00 feet and a central angle of $90^{\circ} 00' 00''$; ~~thence along the arc of said curve a distance of 23.56 feet to the point of tangency;~~ thence North $74^{\circ} 20' 39''$ East, 1.00 feet; thence North $15^{\circ} 39' 21''$ West, 50.00 feet; thence South $74^{\circ} 20' 39''$ West, 1.00 feet to the point of curvature of a curve to the right, having a radius of 15.00 feet and a central angle of $90^{\circ} 00' 00''$; thence along the arc of said curve a distance of 23.56 feet to the point of tangency; thence leaving said Easterly boundary line of Solivita Phase 7A, run the following courses and distances along the Easterly boundary line of propose Solivita 7F, North $15^{\circ} 39' 21''$ West, 131.81 feet to the point of curvature of a curve to the left, having a radius of 1986.00 feet and a central angle of $02^{\circ} 16' 57''$; thence along the arc of said curve a distance of ~~79.12 feet, thence leaving~~

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said curve, run North $72^{\circ} 03' 42''$ East, 19.00 feet to a point on a non-tangent curve concave Southwesterly, having a radius of 2005.00 feet, a central angle of $07^{\circ} 04' 05''$ and a chord of 247.18 feet that bears North $21^{\circ} 28' 21''$ West; thence along the arc of said curve a distance of 247.34 feet to the point of reverse curvature of a curve to the right, having a radius of 75.00 feet and a central angle of $86^{\circ} 33' 17''$; thence along the arc of said curve a distance of 113.30 feet to the point of tangency; ~~thence North $61^{\circ} 32' 53''$ East, 1.08 feet; thence North $28^{\circ} 27' 07''$ West, 100.00 feet; thence South $61^{\circ} 32' 53''$ West, 1.08 feet to the point of curvature of a curve to the right, having a radius of 75.00 feet and a central angle of $86^{\circ} 33' 17''$; thence along the arc of said curve a distance of 113.30 feet to the point of reverse curvature of a curve to the left, having a radius of 2005.00 feet and a central angle of $06^{\circ} 33' 23''$; thence along the arc of said curve a distance of 229.43 feet; thence leaving said curve, run South $51^{\circ} 32' 47''$ West, 19.00 feet to a point on non-tangent a curve to the left, having a radius of 1986.00 feet, a central angle of $01^{\circ} 12' 08''$ and a chord of 41.67 feet that bears North $39^{\circ} 03' 17''$ West; thence along the arc of said curve a distance of 41.68 feet to the point of tangency; thence North $39^{\circ} 39' 21''$ West, 466.42 feet to the point of curvature of a curve to the right, having a radius of 25.00 feet and a central angle of $90^{\circ} 00' 00''$; thence along the arc of said curve a distance of 39.27 feet; thence leaving said curve, run North $39^{\circ} 39' 21''$ West, 50.00 feet to a point on a non-tangent curve concave Northerly, having a radius of 25.00 feet, a central angle of $90^{\circ} 00'$~~

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00" and a chord of 35.36 feet that bears North 84° 39' 21" West; thence along the arc of said curve a distance of 39.27 feet to the point of tangency; thence North 39° 39' 21" West, 120.41 feet to the point of curvature of a curve to the right, having a radius of 1669.00 feet and a central angle of 13° 58' 33"; thence along the arc of said curve a distance of 407.11 feet to the point of compound curvature of a curve to the right, having a radius of 1225.00 feet and a central angle of 25° 46' 18"; thence along the arc of said curve a distance of 551.00 feet to the point of tangency; thence North 00° 05' 30" East, 192.19 feet to the point of curvature of a curve to the right, having a radius of 25.00 feet and a central angle of 90° 00' 00"; thence along the arc of said curve a distance of 39.27 feet to the point of tangency also being a point on the aforesaid Southerly right of way line of Cypress Parkway; thence leaving said Easterly boundary line of propose Solivita 7F, run South 89° 54' 30" East, along said Southerly right of way line 2930.85 feet to the Point of Beginning.

Said parcel contains 368.51 acres, more or less.

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Exhibit B

**Legal Description
The Courtyards at Montelena**

All of SOLIVITA PHASE 5F, according to the plat thereof, recorded in Plat Book 145, at Page 1, of the Public Records of Polk County, Florida