

PREPARED BY AND RETURN TO:

PATRICIA KIMBALL FLETCHER, ESQ.
AVATAR PROPERTIES INC.
395 VILLAGE DRIVE
POINCIANA, FLORIDA 34759

le- INTEGRITY FIRST TITLE
908 MABBETTE ST
KISSIMMEE, FL 34741

INSTR # 2012071440
BK 08631 PGS 2212-2214 PG(5)3
RECORDED 04/24/2012 11:52:54 AM
RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
RECORDING FEES 27.00
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**FOURTH AMENDMENT TO AMENDED AND RESTATED SOLIVITA
DECLARATION**

THIS FOURTH AMENDMENT TO AMENDED AND RESTATED SOLIVITA DECLARATION (this "**Fourth 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 at Page 1224 of the Public Records of Polk County, Florida (the "**Amended and Restated Declaration**") respecting the residential community known as Solivita ("**Community**").

B. The Amended and Restated Declaration was amended by that certain First Amendment to Amended and Restated Solivita Declaration recorded in Official Records Book 7364 at Page 1475, of the Public Records of Polk County, Florida (the "**First Amendment**") and further amended by that certain Second Amendment to Amended and Restated Solivita Declaration recorded in Official Records Book 07393 at Page 0400, of the Public Records of Polk County, Florida (the "**Second Amendment**") and the Third Amendment to Amended and Restated Solivita Declaration recorded in Official Records Book 08068 at Page 1802, of the Public Records of Polk County, Florida (the "**Third Amendment**").

C. Section 42.3 of the Amended and Restated Declaration provides that, prior to the Turnover Date (as defined in the Amended and Restated Declaration), Declarant, shall have the right to amend the Amended and Restated Declaration as it deems appropriate, without the joinder or consent of any person or entity whatsoever. The Turnover Date has not yet occurred.

D. Declarant desires to amend the Amended and Restated 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 Fourth Amendment.

2. **Conflicts**. In the event that there is a conflict between this Fourth Amendment, the Third Amendment, Second Amendment, the First Amendment and the Amended and Restated Declaration, this Fourth Amendment shall control. Whenever possible, this Fourth Amendment together with the Amended and Restated Declaration and the First, Second and Third Amendments shall be construed as a single document. Except as modified hereby, the Amended and Restated Declaration shall remain in full force and effect.

3. **Definitions**. All initially capitalized terms not defined herein shall have the meanings set forth in the Amended and Restated Declaration, except that the defined terms are hereby modified as follows:

"Declaration" shall mean the Amended and Restated Declaration, the First Amendment, the Second Amendment, the Third Amendment and this Fourth Amendment together with all amendments and modifications thereof.

"Poinciana Subdivision" shall mean all of the real property subject to the APV Declaration which does not include Solivita pursuant to the Amendment to Poinciana Subdivision Declaration recorded in Official Records Book 8567 at Page 866, of the Public Records of Polk County, Florida (the **"Amendment"**). The Amendment served to remove Solivita from the provisions of the APV Declaration.

Commercial Activity. Section 16.42 of the Amended and Restated Declaration is deleted in its entirety and replaced with the following:

16.42 Commercial Activity. No Owner may actively engage in any solicitations in person or by flyer or similar modality for commercial purposes within Solivita. No solicitors of a commercial nature shall be allowed within Solivita, without the prior written consent of Association. No garage sales are permitted except as permitted by the Association. No day care center, group babysitting service or day care facility may be operated out of a Home. Prior to the Community Completion Date, Association shall not permit any garage sales without the prior written consent of Declarant. Subject to the provisions and restrictions in the Polk County Land Development Code Chapter 2 Ordinance No. 04-80 Home Occupations, as amended ("County Home Occupation Ordinance"), to the extent applicable, an Owner may maintain a home business within a Home in strict compliance with the County Home Occupation Ordinance. Notwithstanding the foregoing, in no way shall a home occupation cause a Nuisance as defined in this Declaration.

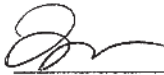
5. APV Declaration. Sections 29 and 45.6.1 of the Amended and Restated Declaration are hereby deleted in their entirety pursuant to the recordation of the Amendment to Poinciana Subdivision Declaration which served to remove Solivita from the provisions of the APV Declaration.

6. Covenant. This Fourth Amendment shall be a covenant running with the land.


IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal as of this 11 day of April, 2012.

WITNESSES:

AVATAR PROPERTIES INC.,
a Florida corporation,


Print Name: MELISSA R. BARROS

By: Patricia K Fletcher


Print Name: Francesca Vandy

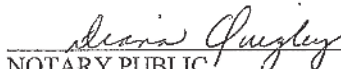
Name: PK FLETCHER
Title: EXECUTIVE VICE PRESIDENT

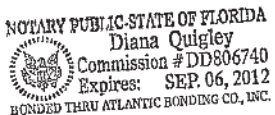
{SEAL}

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

The foregoing was acknowledged before me this 11 day of April, 2012 by Patricia K. Fletcher as EXEC. VICE President of AVATAR PROPERTIES INC., a Florida corporation, who is personally known to me or who has produced _____ as identification on behalf of the corporation.

My commission expires: 9/6/10


NOTARY PUBLIC
State of Florida at Large



JOINDER

SOLIVITA COMMUNITY ASSOCIATION, INC.

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

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 9th day of April, 2012.

WITNESSES:

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

Kristin Whitaker
Print Name: Kristin Whitaker.

Dotti Plaitgen
Print Name: Dotti Plaitgen

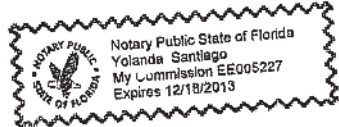
By: [Signature]
Name: John R. Corners
Title: President

{SEAL}

STATE OF FLORIDA)
COUNTY OF Polk) SS.:

The foregoing instrument was acknowledged before me this 9 day of April, 2012 by John R. Corners, as President of SOLIVITA COMMUNITY ASSOCIATION, INC., a Florida not for profit corporation, who is personally known to me or who has produced _____ as identification, on behalf of the corporation.

My commission expires: 12/18/2013



Yolanda Santiago
NOTARY PUBLIC
State of Florida at Large
Print Name Yolanda Santiago