

Prepared By and Return To:
Edward Vogler II, Esquire
Vogler Ashton, PLLC
2411-A Manatee Avenue West
Bradenton, Florida 34205
(941) 388-9400

**FIFTH AMENDMENT TO DECLARATION OF
CONDOMINIUM OF AVALON OF NAPLES II, A CONDOMINIUM**

THIS FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF AVALON OF NAPLES II, A CONDOMINIUM ("Fifth Amendment") is made as of the 11 day of October, 2018, by Neal Communities on the Braden River, LLC, a Florida limited liability company, whose address is 5800 Lakewood Ranch Blvd., Sarasota, FL 34240, for itself, its successors, grantees, and assigns ("NCBR").

WHEREAS, NCBR is the Developer ("Developer") described in that certain Declaration of Condominium for Avalon of Naples II, a Condominium, recorded in Official Records Book 5517, Page 2347, of the Public Records of Collier County, Florida, ("Declaration"), as amended by (i) First Amendment to Declaration of Condominium of Avalon of Naples II, a Condominium as recorded in Official Records Book 5517, Page 2536, (ii) Second Amendment to Declaration of Condominium of Avalon of Naples II as recorded in Official Records Book 5523, Page 3624, (iii) Third Amendment to Declaration of Condominium of Avalon of Naples II as recorded in Official Records Book 5535, Page 2213 of said records, and (iv) Fourth Amendment to Declaration of Condominium of Avalon of Naples II as recorded in Official Records Book 5548, Page 1710 of said records, and;

WHEREAS, Developer was the owner and holder of all of the Condominium Property delineated on and submitted to the condominium form of ownership pursuant to Section 1.2 of said Declaration on the date of the execution and recording of the Declaration, and is the present owner and holder of the Condominium Property described in this Fourth Amendment, and;

WHEREAS, Developer desires to amend the Declaration as provided herein pursuant to authority retained by the Developer in the Declaration and as authorized by the Condominium Act,

NOW THEREFORE, in consideration of the foregoing, Developer makes the following amendment to the Declaration:

1. **Recitals.** The above recitals are true and correct and are hereby incorporated herein.
2. **Amendment.**

a. Developer does hereby declare and submit the lands and all improvements erected or to be erected thereon, all rights and appurtenants belonging thereto, and all other property, real, personal or mixed, now or hereafter situated on or within the said lands it owns as identified and described in the legal description, survey, plot plan, and graphic descriptions for Phase IV of the Condominium, as more fully set forth and described in Exhibit "B-IV" attached hereto, which lands and improvements comprise Phase IV of the Condominium, to condominium ownership pursuant to the provisions of Chapter 718, Florida Statute, and to the terms and conditions of the Declaration.

b. The unit numbers and the Percentage Ownership Schedule of Common Elements, Common Surplus, and Obligations for Common Expenses, attributable to each Unit is set forth on Exhibit C to this First Amendment.

c. The Certificate of Surveyor for Building 15 of Phase IV is attached hereto and incorporated herein and confirms that Building 15 of Phase IV is substantially complete in accordance with Chapter 718 of the Florida Statutes.

3. **Capitalized Terms.** All capitalized terms shall have the same meanings as defined in the Declaration, unless previously amended or as otherwise defined herein.

4. **No Further Amendment.** Except as specifically provided herein the Declaration remains unchanged and in full force and effect.

IN WITNESS WHEREOF, Neal Communities on the Braden River, LLC, a Florida limited liability company, as Developer, has caused this First Amendment to be executed in its name as of the day and year first written above.

WITNESSES:

Neal Communities on the Braden River, LLC,
a Florida limited liability company

By: NCDG Management, LLC, a Florida
limited liability company, Its Manager

By:

James R. Schier
Its: Manager

Signature

Veronica McGuire

Print Name

Signature

Kris Watts

Print Name

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgements, personally appeared James R. Schier, as Manager of NCDG Management, LLC, a Florida limited liability company, as Manager of Neal Communities on the Braden River, LLC, a Florida limited liability company, on behalf of the Companies, personally known to me (☒) or who produced _____ as identification, and he acknowledged the execution thereof to be his free act and deed, on behalf of the company and for the uses and purposes therein mentioned.

WITNESS my hand and official seal in the county and state last aforesaid, this 11 day of October, 2018.

NOTARY PUBLIC, State of Florida

My Commission Expires:

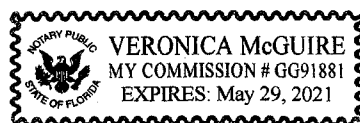


EXHIBIT B-IV

[Legal description, survey, plot plan, and graphic descriptions for Phase IV]

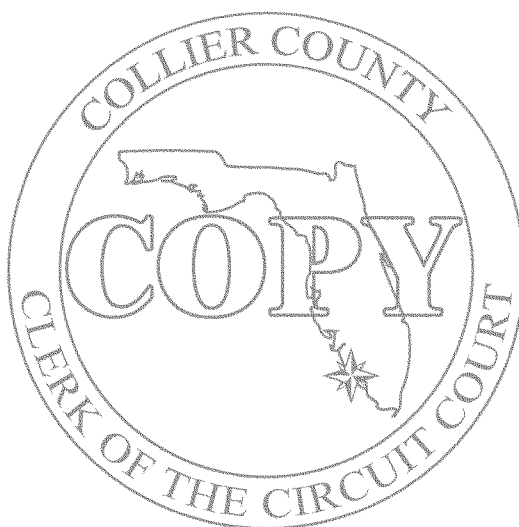
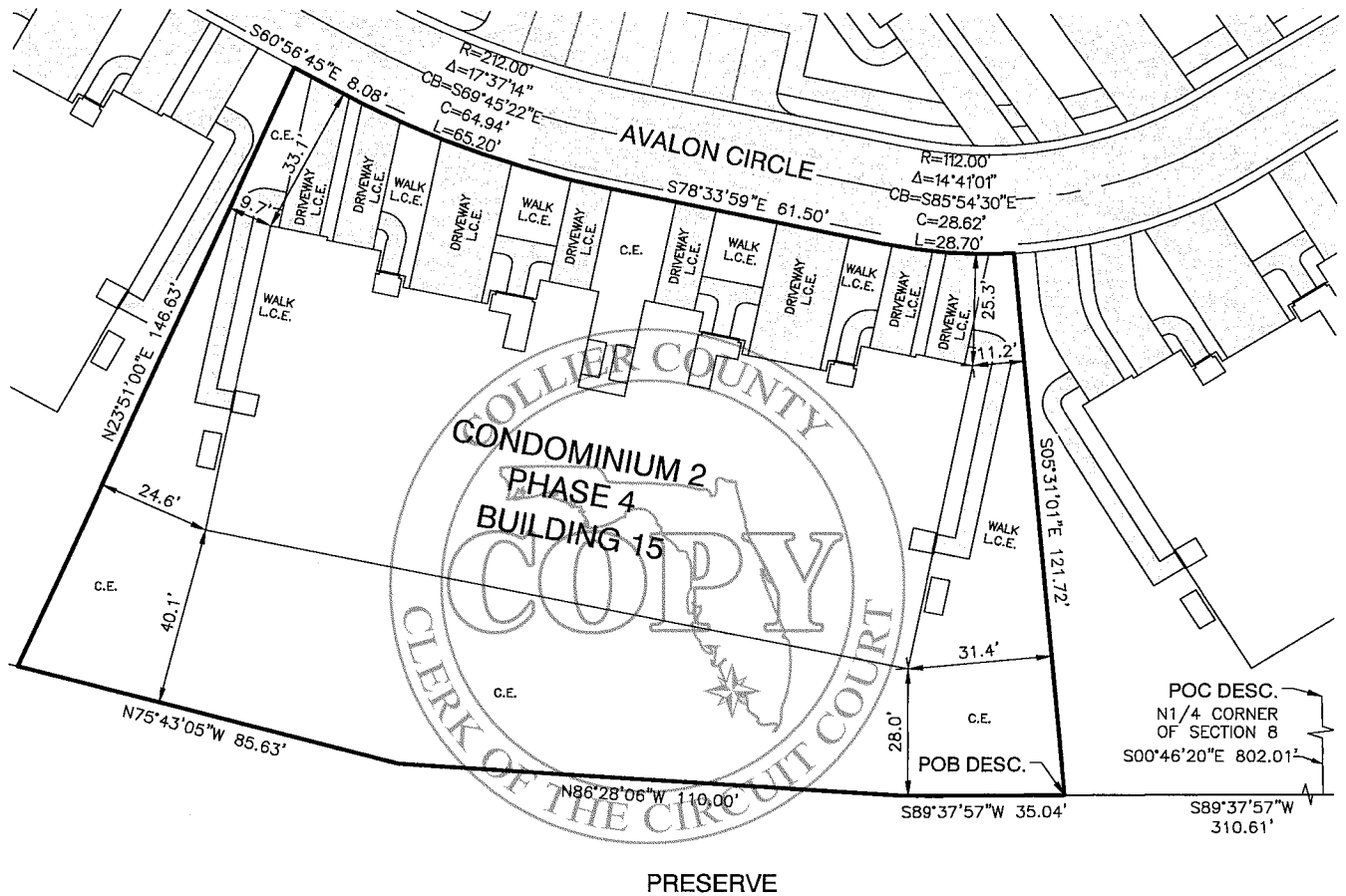
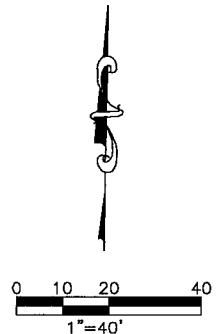


EXHIBIT "B-IV"



PRESERVE



DATE: 05/15/17
 PROJECT NO.: 140013.01.04
 FILE NAME.: 001 CD2SP4
 SHEET NUMBER: 1 OF 9
 DRAWN: TJD
 CHECKED: MAW

SEC: 8 TWP: 50 RGE: 26

SCALE: 1" = 40'

PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM

TITLE: PHASE 4 SITE PLAN - BUILDING 15

CLIENT: AVALON OF NAPLES, LLC



6610 Willow Park Drive, Suite 200
 Naples, Florida 34109
 Phone: (239) 597-0575
 FAX: (239) 597-0578
 LB No.: 6952

EXHIBIT "B-IV"

PHASE 4 - BUILDING 15
DESCRIPTION

A TRACT OR PARCEL OF LAND, LYING IN SECTION 8, TOWNSHIP 50 SOUTH, RANGE 26 EAST, COLLIER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 8, THENCE S.00°46'20"E. ON THE NORTH-SOUTH QUARTER SECTION LINE FOR 802.01 FEET

THENCE S.89°37'57"W., DEPARTING SAID QUARTER SECTION LINE FOR 310.61 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUE S.89°37'57"W., FOR 35.04 FEET;

THENCE N.86°28'06"W., FOR 110.00 FEET;

THENCE N.75°43'05"W., FOR 85.63 FEET;

THENCE N.23°51'00"E., FOR 146.63 FEET;

THENCE S.60°56'45"E., FOR 8.08 FEET TO A POINT OF CURVATURE;

THENCE EASTERLY 65.20 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 212.00 FEET THROUGH A CENTRAL ANGLE OF 17°37'14" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.69°45'22"E. FOR 64.94 FEET;

THENCE S.78°33'59"E., FOR 61.50 FEET TO A POINT OF CURVATURE;

THENCE EASTERLY 28.70 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 112.00 FEET THROUGH A CENTRAL ANGLE OF 14°41'01" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.85°54'30"E. FOR 28.62 FEET;

THENCE S.05°31'01"E., FOR 121.72 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 25,780 SQUARE FEET OR 0.59 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (NSRS 2011) WHEREIN THE NORTH-SOUTH QUARTER SECTION OF LINE OF SAID SECTION 8 BEARS S.00°46'20"E.

DATE: 05/15/17
PROJECT NO.: 140013.01.04
FILE NAME.: 001 CD2SP4
SHEET NUMBER: 2 OF 9
DRAWN: TJD
CHECKED: MAW

SEC: 8 TWP: 50 RGE: 26

SCALE: N/A

PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM

TITLE: PHASE 2 DESCRIPTION - BUILDING 15

CLIENT: AVALON OF NAPLES, LLC

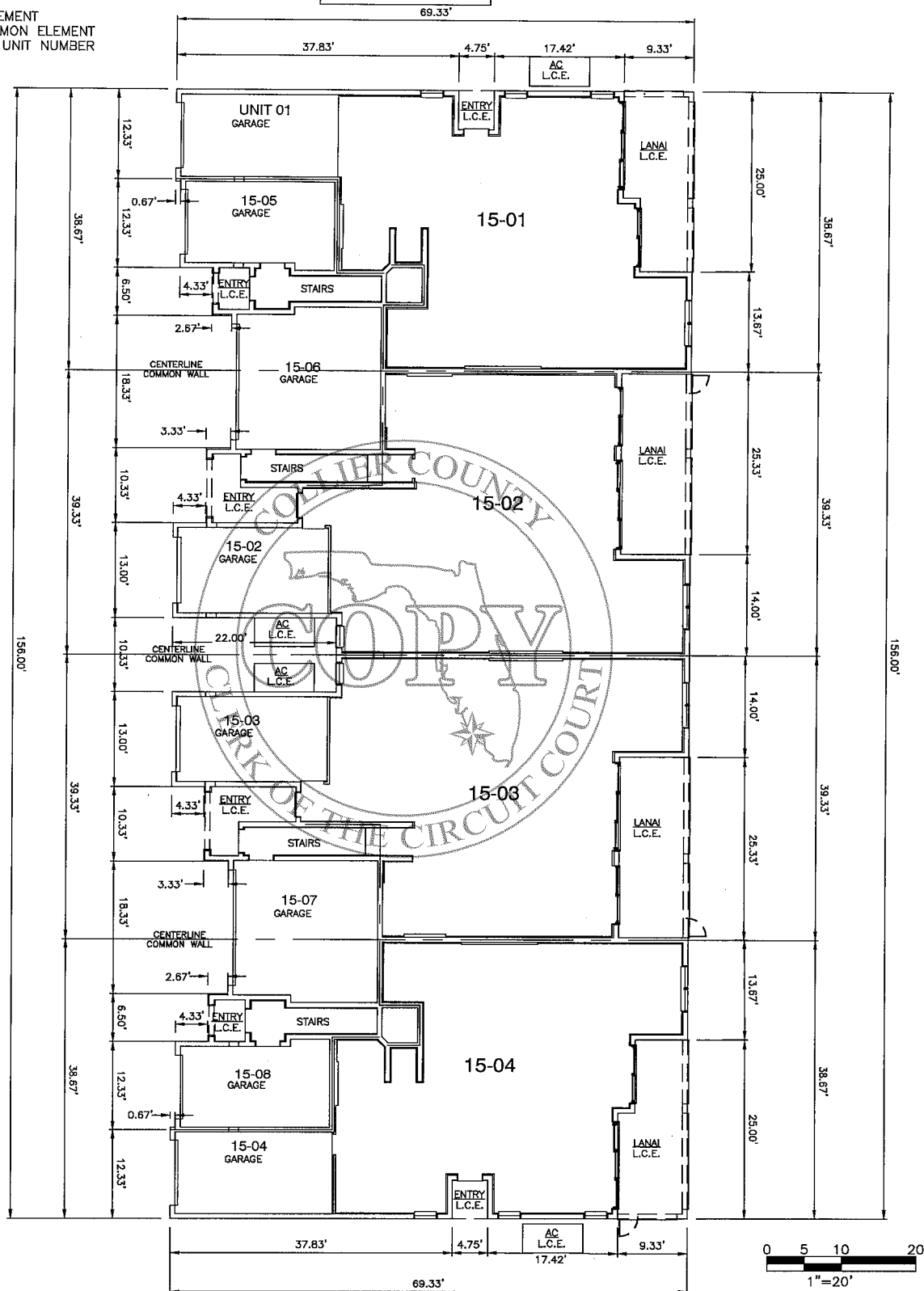


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LB No.: 6952

LEGEND

C.E. = COMMON ELEMENT
 L.C.E. = LIMITED COMMON ELEMENT
 15 = BUILDING - UNIT NUMBER

EXHIBIT "IV"



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DATE: 05/15/17
 PROJECT NO.: 140013.01.04
 FILE NAME.: 001 CD2SP4
 SHEET NUMBER: 3 OF 9
 DRAWN: JMP
 CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E

SCALE: 1" = 20'

PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM
 TITLE: EXTERIOR DIMENSIONS - FIRST FLOOR
 CLIENT: AVALON OF NAPLES, LLC



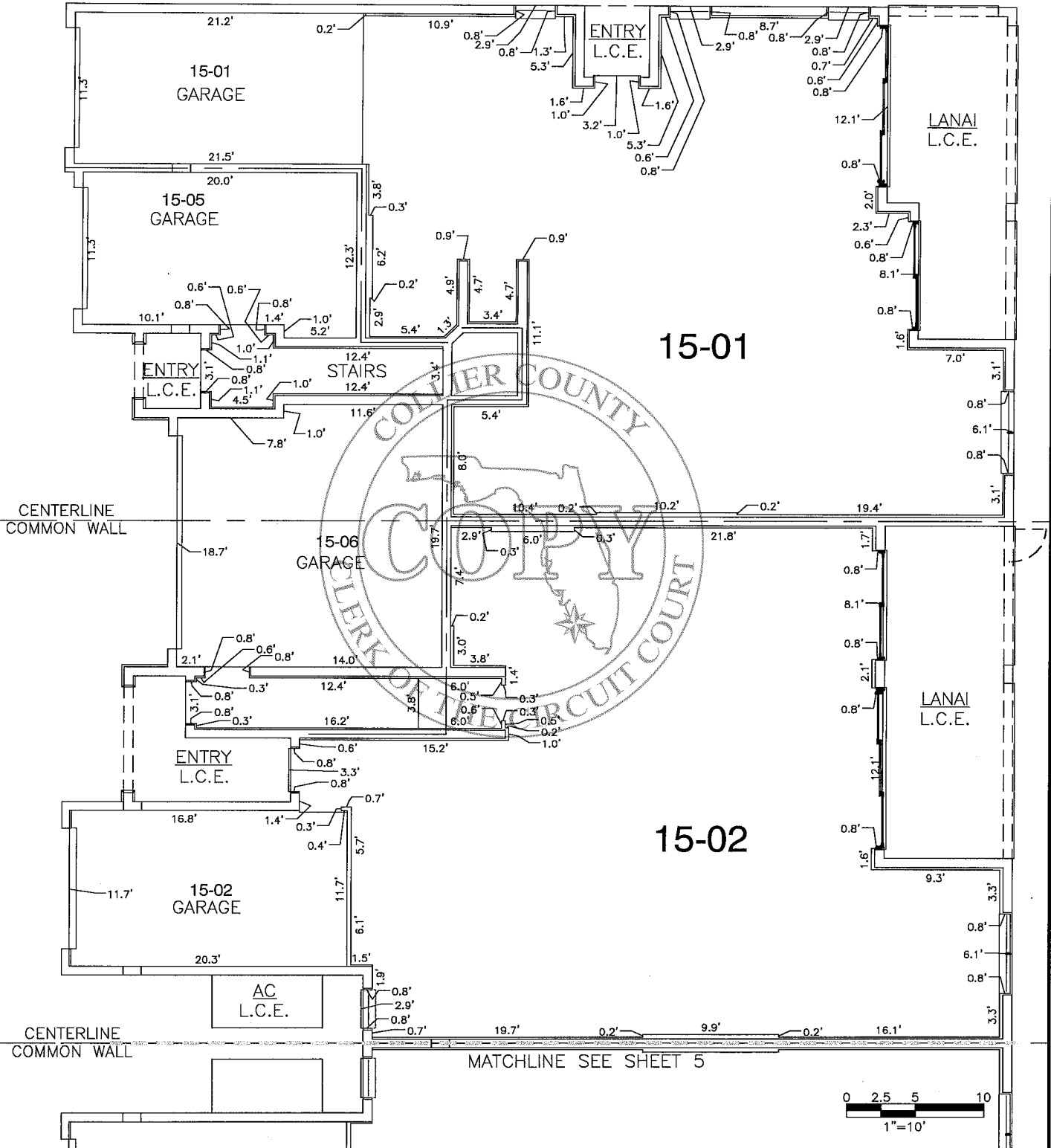
6610 Willow Park Drive, Suite 200
 Naples, Florida 34109
 Phone: (239) 597-0575
 FAX: (239) 597-0578
 LB No.: 6952

EXHIBIT "B-IV"

LEGEND

C.E. = COMMON ELEMENT
 L.C.E. = LIMITED COMMON ELEMENT
 15 = BUILDING - UNIT NUMBER

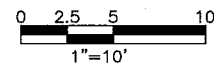
AC
 L.C.E.



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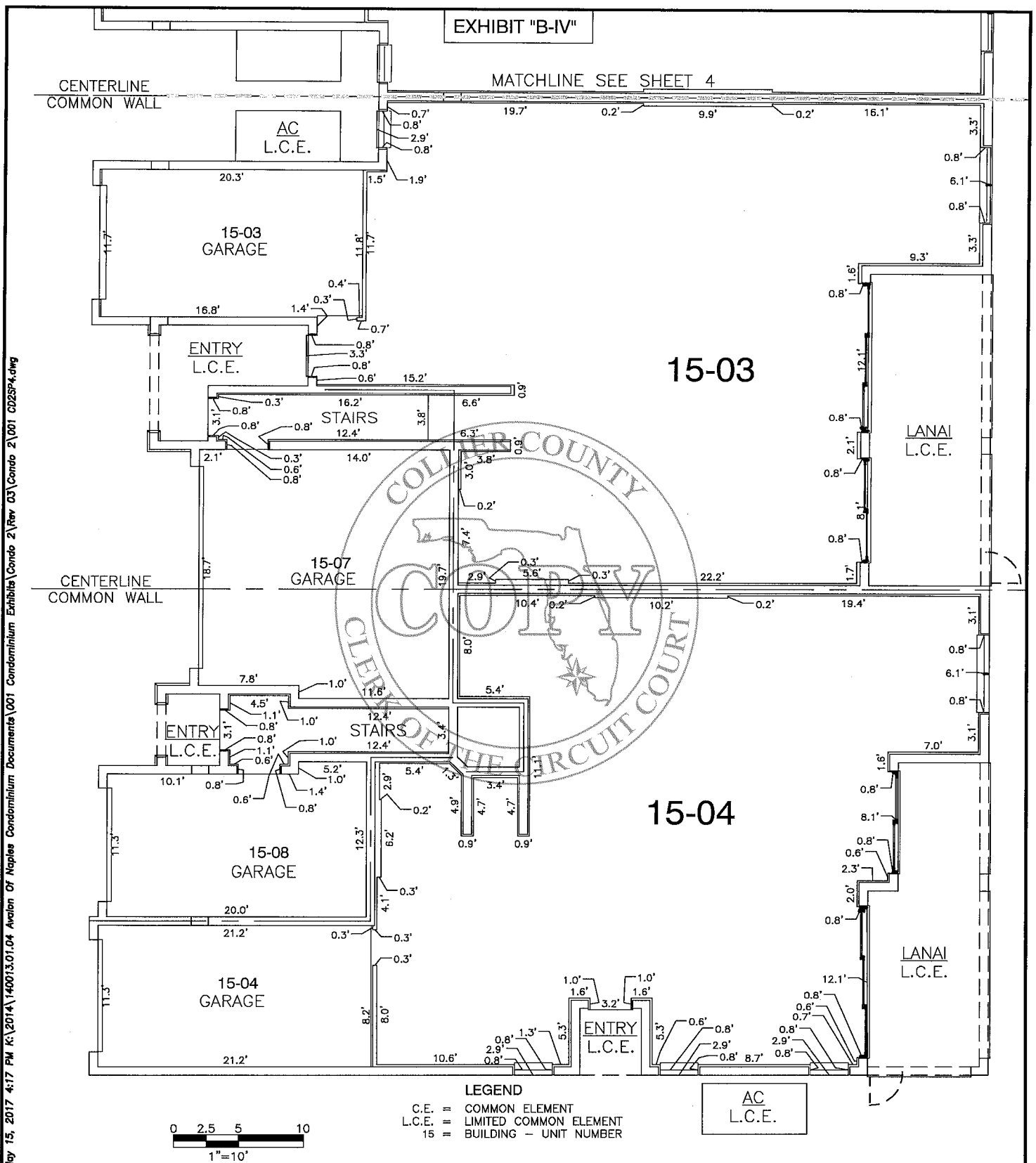
DATE: 05/15/17
 PROJECT NO.: 140013.01.04
 FILE NAME.: 001 CD2SP4
 SHEET NUMBER: 4 OF 9
 DRAWN: JMP
 CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E
 SCALE: 1" = 10'
 PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM
 INTERIOR DIMENSIONS - FIRST FLOOR
 TITLE: 15-1 & 15-2
 CLIENT: AVALON OF NAPLES, LLC



RWA
 ENGINEERING

6610 Willow Park Drive, Suite 200
 Naples, Florida 34109
 Phone: (239) 597-0575
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 LB No.: 6952



DATE: 05/15/17
PROJECT NO.: 140013.01.04
FILE NAME: 001 CD2SP4
SHEET NUMBER: 5 OF 9
DRAWN: JMP
CHECKED: TJD

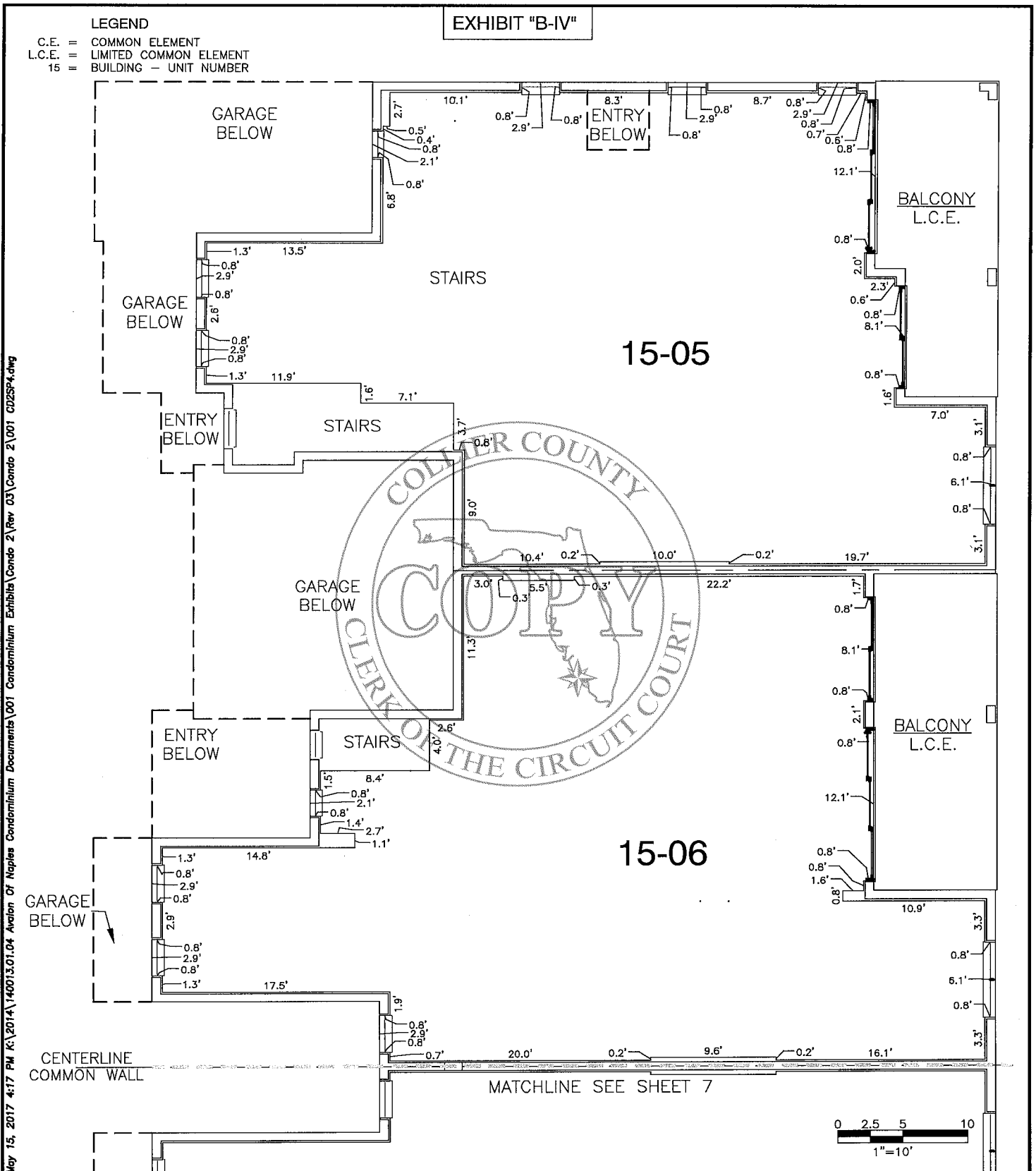
SEC: 8 TWP: 50S RGE: 26E SCALE: 1" = 10'

PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM
TITLE: INTERIOR DIMENSIONS - FIRST FLOOR
15-3 & 15-4
CLIENT: AVALON OF NAPLES, LLC

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ENGINEERING
6610 Willow Park Drive, Suite 200
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Phone: (239) 597-0575
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LB No.: 6952

EXHIBIT "B-IV"

LEGEND
 C.E. = COMMON ELEMENT
 L.C.E. = LIMITED COMMON ELEMENT
 15 = BUILDING - UNIT NUMBER



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DATE: 05/15/17

PROJECT NO.: 140013.01.04

FILE NAME.: 001 CD2SP4

SHEET NUMBER: 6 OF 9

DRAWN: JMP

CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E

SCALE: 1" = 10'

PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM
 TITLE: INTERIOR DIMENSIONS - SECOND FLOOR
 15-5 & 15-6
 CLIENT: AVALON OF NAPLES, LLC

RWA
 ENGINEERING

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 Naples, Florida 34109
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 FAX: (239) 597-0578
 LB No.: 6952

EXHIBIT "B-IV"

CENTERLINE
COMMON WALL

MATCHLINE SEE SHEET 6

GARAGE
BELOW

15-07

ENTRY
BELOW

STAIRS

GARAGE
BELOWBALCONY
L.C.E.ENTRY
BELOW

STAIRS

GARAGE
BELOW

15-08

GARAGE
BELOWBALCONY
L.C.E.

LEGEND

C.E. = COMMON ELEMENT
 L.C.E. = LIMITED COMMON ELEMENT
 15 = BUILDING - UNIT NUMBER

0 2.5 5 10
 1"=10'

DATE: 05/15/17
 PROJECT NO. 140016.01.04
 FILE NAME.: 001 CD2SP4
 SHEET NUMBER: 7 OF 9
 DRAWN: JMP
 CHECKED: TJD

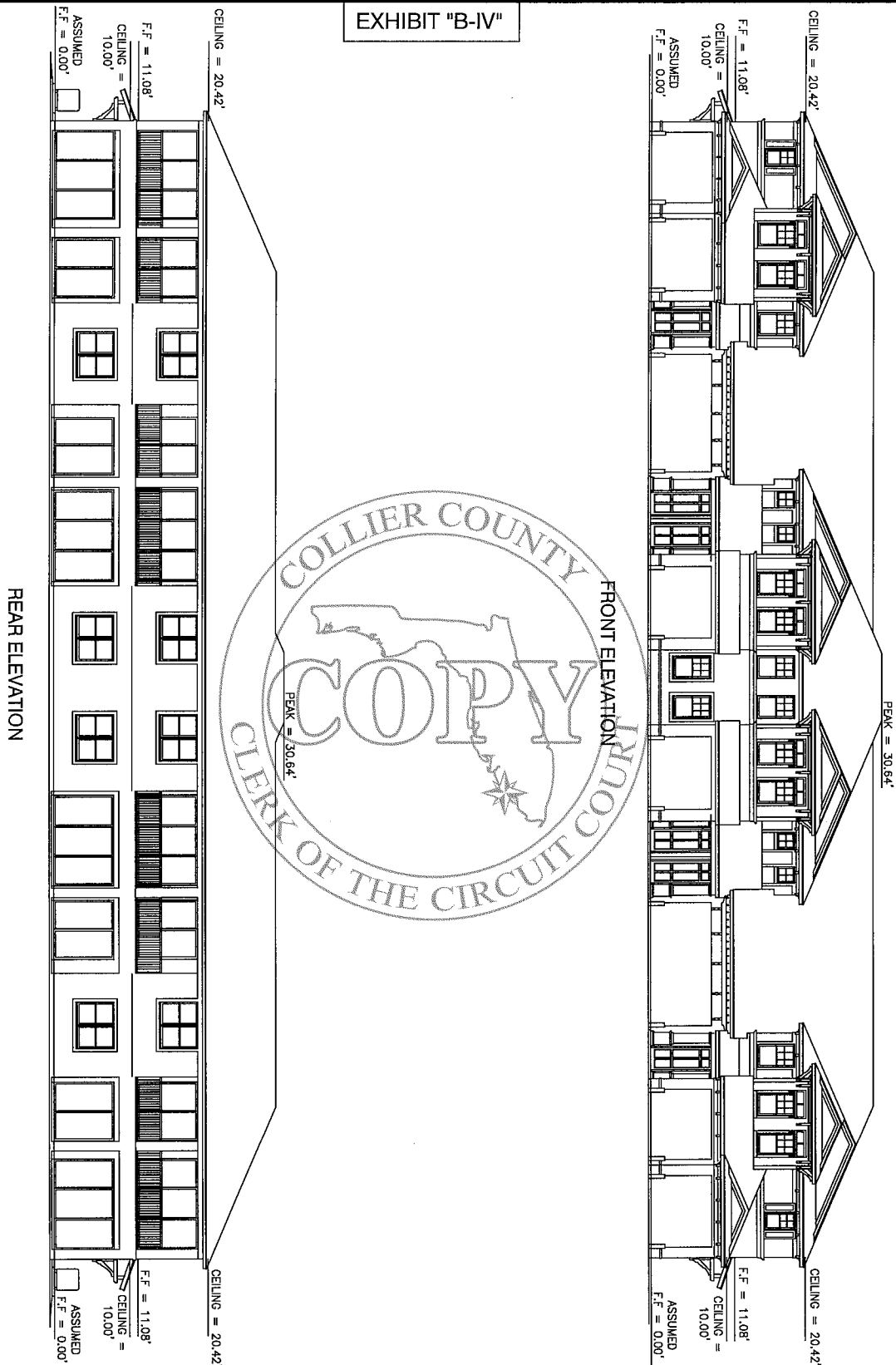
SEC: 8 TWP: 50s RGE: 26e SCALE: 1" = 10'
 PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM
 TITLE: INTERIOR DIMENSIONS - SECOND FLOOR
 15-7 & 15-8
 CLIENT: AVALON OF NAPLES, LLC

RWA
 ENGINEERING

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 FAX: (239) 597-0578
 LB No.: 6952

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EXHIBIT "B-IV"



LEGEND
F.F. = FINISHED FLOOR

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DATE: 05/15/17
PROJECT NO.: 140013.01.04
FILE NAME.: 001 CD2SP4
SHEET NUMBER: 8 OF 9
DRAWN: JMP
CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E

SCALE: N.T.S.

PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM

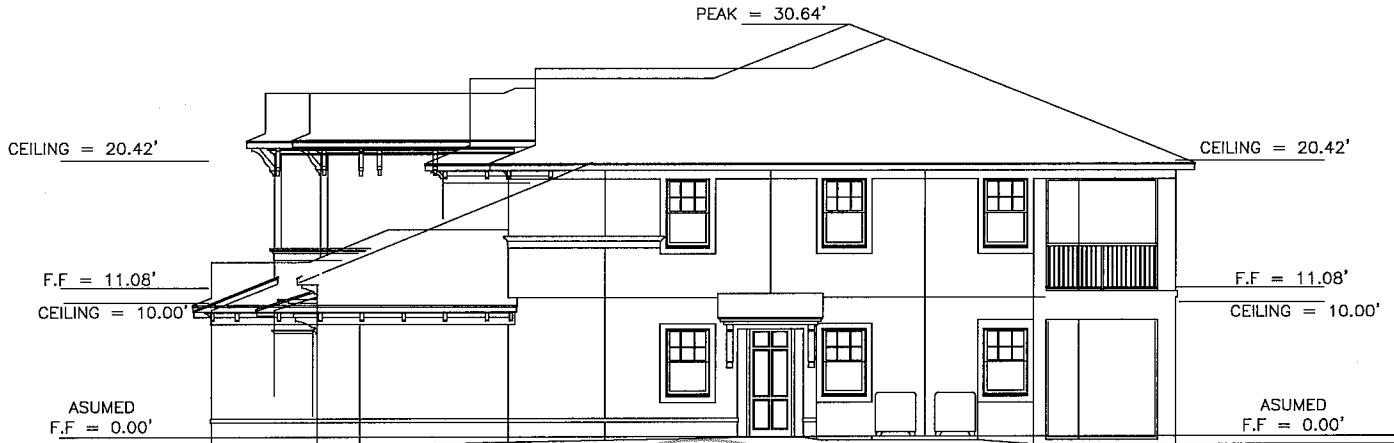
TITLE: ELEVATIONS FRONT AND REAR

CLIENT: AVALON OF NAPLES, LLC

RWA
ENGINEERING

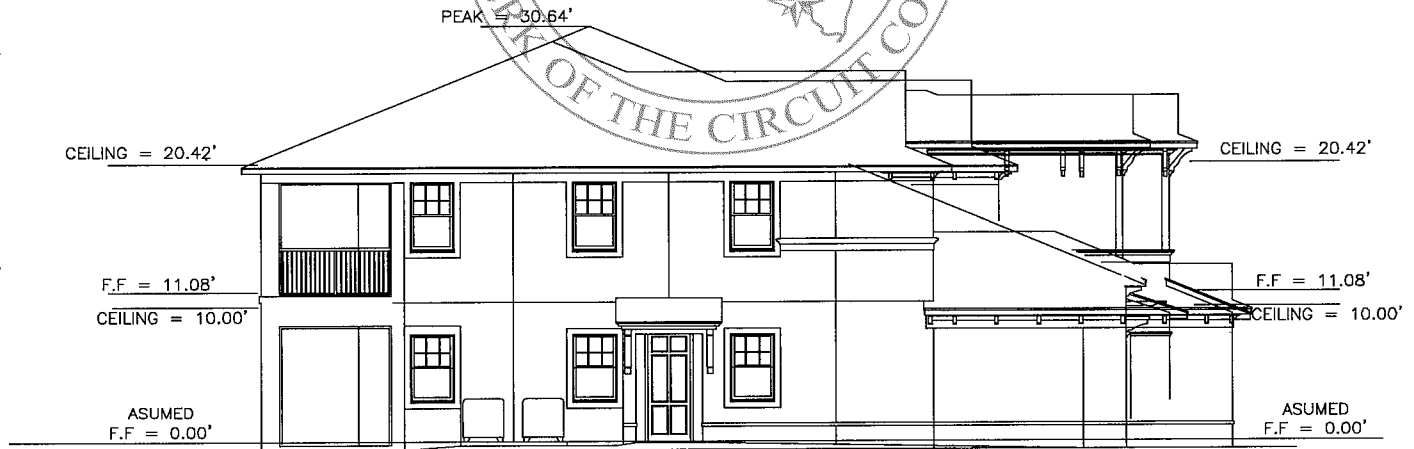
6610 Willow Park Drive, Suite 200
Naples, Florida 34109
Phone: (239) 597-0575
FAX: (239) 597-0578
LB No.: 6952

EXHIBIT "B-IV"



RIGHT ELEVATION

PEAK = 30.64'



LEFT ELEVATION

LEGEND

F.F. = FINISHED FLOOR

DATE: 05/15/17
 PROJECT NO.: 140013.01.04
 FILE NAME.: 001 CD2SP4
 SHEET NUMBER: 9 OF 9
 DRAWN: JMP
 CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E

SCALE: N.T.S.

PROJECT: AVALON OF NAPLES 2, A CONDOMINIUM

TITLE: ELEVATIONS RIGHT AND LEFT

CLIENT: AVALON OF NAPLES, LLC



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 Naples, Florida 34109
 Phone: (239) 597-0575
 FAX: (239) 597-0578
 LB No.: 6952

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EXHIBIT C

**Percentage Ownership Schedule of Common Elements, Common Surplus, and
Obligations for Common Expenses**

1. Phase I (Building 10)		
6972 Avalon Circle, Naples, FL 34112, #1001	<u>1 / 32</u>	3.1250%
6972 Avalon Circle, Naples, FL 34112, #1002	<u>1 / 32</u>	3.1250%
6972 Avalon Circle, Naples, FL 34112, #1003	<u>1 / 32</u>	3.1250%
6972 Avalon Circle, Naples, FL 34112, #1004	<u>1 / 32</u>	3.1250%
6972 Avalon Circle, Naples, FL 34112, #1005	<u>1 / 32</u>	3.1250%
6972 Avalon Circle, Naples, FL 34112, #1006	<u>1 / 32</u>	3.1250%
6972 Avalon Circle, Naples, FL 34112, #1007	<u>1 / 32</u>	3.1250%
6972 Avalon Circle, Naples, FL 34112, #1008	<u>1 / 32</u>	3.1250%
2. Phase II (Building 14)		
6973 Avalon Circle, Naples, FL 34112, #1401	<u>1 / 32</u>	3.1250%
6973 Avalon Circle, Naples, FL 34112, #1402	<u>1 / 32</u>	3.1250%
6973 Avalon Circle, Naples, FL 34112, #1403	<u>1 / 32</u>	3.1250%
6973 Avalon Circle, Naples, FL 34112, #1404	<u>1 / 32</u>	3.1250%
6973 Avalon Circle, Naples, FL 34112, #1405	<u>1 / 32</u>	3.1250%
6973 Avalon Circle, Naples, FL 34112, #1406	<u>1 / 32</u>	3.1250%
6973 Avalon Circle, Naples, FL 34112, #1407	<u>1 / 32</u>	3.1250%
6973 Avalon Circle, Naples, FL 34112, #1408	<u>1 / 32</u>	3.1250%
3. Phase III (Building 9)		
6966 Avalon Circle, Naples, FL 34112, #901	<u>1 / 32</u>	3.1250%
6966 Avalon Circle, Naples, FL 34112, #902	<u>1 / 32</u>	3.1250%
6966 Avalon Circle, Naples, FL 34112, #903	<u>1 / 32</u>	3.1250%
6966 Avalon Circle, Naples, FL 34112, #904	<u>1 / 32</u>	3.1250%
6966 Avalon Circle, Naples, FL 34112, #905	<u>1 / 32</u>	3.1250%
6966 Avalon Circle, Naples, FL 34112, #906	<u>1 / 32</u>	3.1250%
6966 Avalon Circle, Naples, FL 34112, #907	<u>1 / 32</u>	3.1250%
6966 Avalon Circle, Naples, FL 34112, #908	<u>1 / 32</u>	3.1250%
4. Phase IV (Building 15)		
6969 Avalon Circle, Naples, FL 34112, #1501	<u>1 / 32</u>	3.1250%
6969 Avalon Circle, Naples, FL 34112, #1502	<u>1 / 32</u>	3.1250%
6969 Avalon Circle, Naples, FL 34112, #1503	<u>1 / 32</u>	3.1250%
6969 Avalon Circle, Naples, FL 34112, #1504	<u>1 / 32</u>	3.1250%
6969 Avalon Circle, Naples, FL 34112, #1505	<u>1 / 32</u>	3.1250%
6969 Avalon Circle, Naples, FL 34112, #1506	<u>1 / 32</u>	3.1250%
6969 Avalon Circle, Naples, FL 34112, #1507	<u>1 / 32</u>	3.1250%
6969 Avalon Circle, Naples, FL 34112, #1508	<u>1 / 32</u>	3.1250%
	32	100.00%

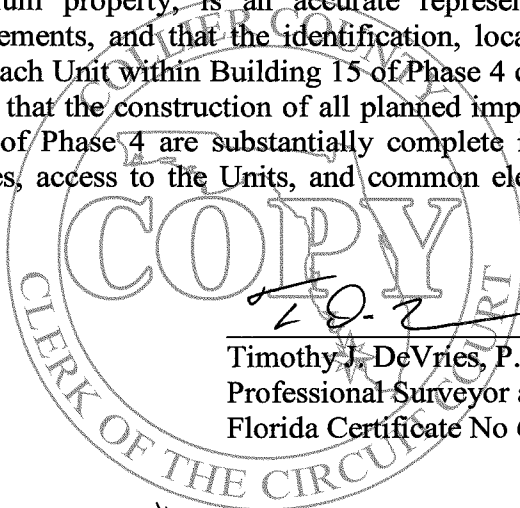
CERTIFICATE OF SURVEYOR

STATE OF FLORIDA)
) SS
 COUNTY OF COLLIER)

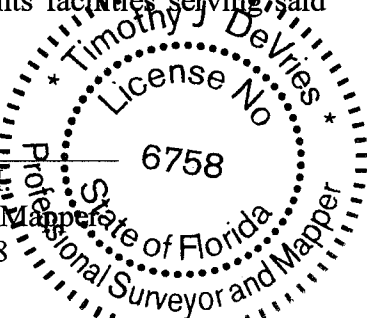
Before me, the undersigned authority, personally appeared Timothy J. DeVries, who after being duly sworn, deposes and says:

1. That Affiant is a registered Surveyor and Mapper holding Florida Certificate No. 6758, and is the surveyor who surveyed the property known and identified as "AVALON OF NAPLES II", a condominium, as per Declaration of Condominium recorded in Official Record Book 5517, Page 2347, of the Public Records of Collier County, Florida (the "Condominium").

2. The construction of the improvements, with respect to all Units within Building 15 of Phase 4 of the Condominium are substantially complete so that the provisions of the Declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements, and that the identification, location, and dimensions of the common elements and of each Unit within Building 15 of Phase 4 can be determined from those materials. I further certify that the construction of all planned improvements with respect to all Units within Building 15 of Phase 4 are substantially complete including, but not limited to landscaping, utility services, access to the Units, and common elements facilities serving said Building 15 of Phase 4.



Timothy J. DeVries, P.S.M.
 Professional Surveyor and Mapper
 Florida Certificate No 6758



Signed and sworn to before me this 15th day of June, 2018, by Timothy J. DeVries who X is personally known to me or _____ has produced _____ as identification.



KATHY HORN
 MY COMMISSION # GG 082273
 EXPIRES: June 3, 2021
 Bonded Thru Budget Notary Services

Kathy Horn
 Notary Public, State of Florida
 Printed Name of Notary Public
 My Commission Expires: 6-3-2021

NOTE: It is requested that, subsequent to the recording of this affidavit, the clerk make a marginal notation on the face of the desk copy of said plat referencing this affidavit.

PREPARED BY: Edward Vogler II, Esq.
 Vogler Ashton, PLLC
 2411-A Manatee Avenue West
 Bradenton, FL 34205