

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

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

THIS FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF AVALON OF NAPLES II, A CONDOMINIUM ("Fourth Amendment") is made as of the 8 day of AUGUST, 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, and (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,

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 III of the Condominium, as more fully set forth and described in Exhibit "B-III" attached hereto, which lands and improvements comprise Phase III 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 9 of Phase III is attached hereto and incorporated herein and confirms that Building 9 of Phase III 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

Amy R. Mallon

Print Name


Signature

Veronica McGuire

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 8th day of August, 2018



NOTARY PUBLIC, State of Florida

My Commission Expires.

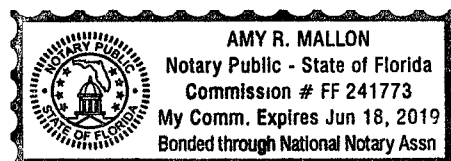


EXHIBIT B-III

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



POC DESC
N1/4 CORNER OF SECTION 8
S00 46°20'E 75 01'

DAVIS ROAD

S89 56°40'W 539 45'

NORTH RIGHT-OF-WAY

S00 03°20'E 377 37'



38° 45' W 154° 31' W
AVALON CIRCLE

DATE 05/15/17
PROJECT NO 140013 01 04
FILE NAME 001 CD2SP3
SHEET NUMBER 1 OF 9
DRAWN TJD
CHECKED MAW

SEC 8 TWP 50 RGE 26

SCALE 1" = 30'

PROJECT AVALON OF NAPLES 2, A CONDOMINIUM
TITLE PHASE 3 SITEPLAN - BUILDING 9
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-III"

PHASE 3 - BUILDING 9
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 75.01 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF DAVIS ROAD (STATE ROAD 84),

THENCE S 89°56'40"W ON SAID SOUTH RIGHT-OF-WAY LINE FOR 539.45 FEET,

THENCE S 00°03'20"E, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE FOR 377.37 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL,

THENCE SOUTHEASTERLY 35.56 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET THROUGH A CENTRAL ANGLE OF 16°58'51" AND BEING SUBTENDED BY A CHORD WHICH BEARS S 61°41'31"E FOR 35.43 FEET TO A POINT OF REVERSE CURVATURE,

THENCE SOUTHEASTERLY 83.55 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET THROUGH A CENTRAL ANGLE OF 14°30'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS S 62°55'45"E FOR 83.33 FEET TO A POINT OF REVERSE CURVATURE,

THENCE EASTERLY 52.52 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET THROUGH A CENTRAL ANGLE OF 50°09'10" AND BEING SUBTENDED BY A CHORD WHICH BEARS S 80°45'09"E FOR 50.86 FEET,

THENCE S 04°34'04"W, FOR 107.03 FEET TO A POINT ON A CURVE,

THENCE WESTERLY 35.17 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 165.00 FEET THROUGH A CENTRAL ANGLE OF 12°12'47" AND BEING SUBTENDED BY A CHORD WHICH BEARS N 72°27'36"W FOR 35.10 FEET,

THENCE S 21°54'36"W, FOR 23.01 FEET TO A POINT ON A CURVE,

THENCE NORTHWESTERLY 18.44 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 188.00 FEET THROUGH A CENTRAL ANGLE OF 05°37'12" AND BEING SUBTENDED BY A CHORD WHICH BEARS N 63°45'21"W FOR 18.43 FEET,

THENCE N 60°56'45"W, FOR 154.31 FEET,

THENCE N 25°30'27"E, FOR 107.77 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN,

CONTAINING 20,858 SQUARE FEET OR 0.48 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.

May 15, 2017 4:15 PM K:\2014\140013 01 04 Avalon Of Naples Condominium Exhibits\Condo 2\Rev 03\Condo 2\001 CD2SP3.dwg

DATE 05/15/17
PROJECT NO 140013 01 04
FILE NAME 001 CD2SP3
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 3 DESCRIPTION - BUILDING 9

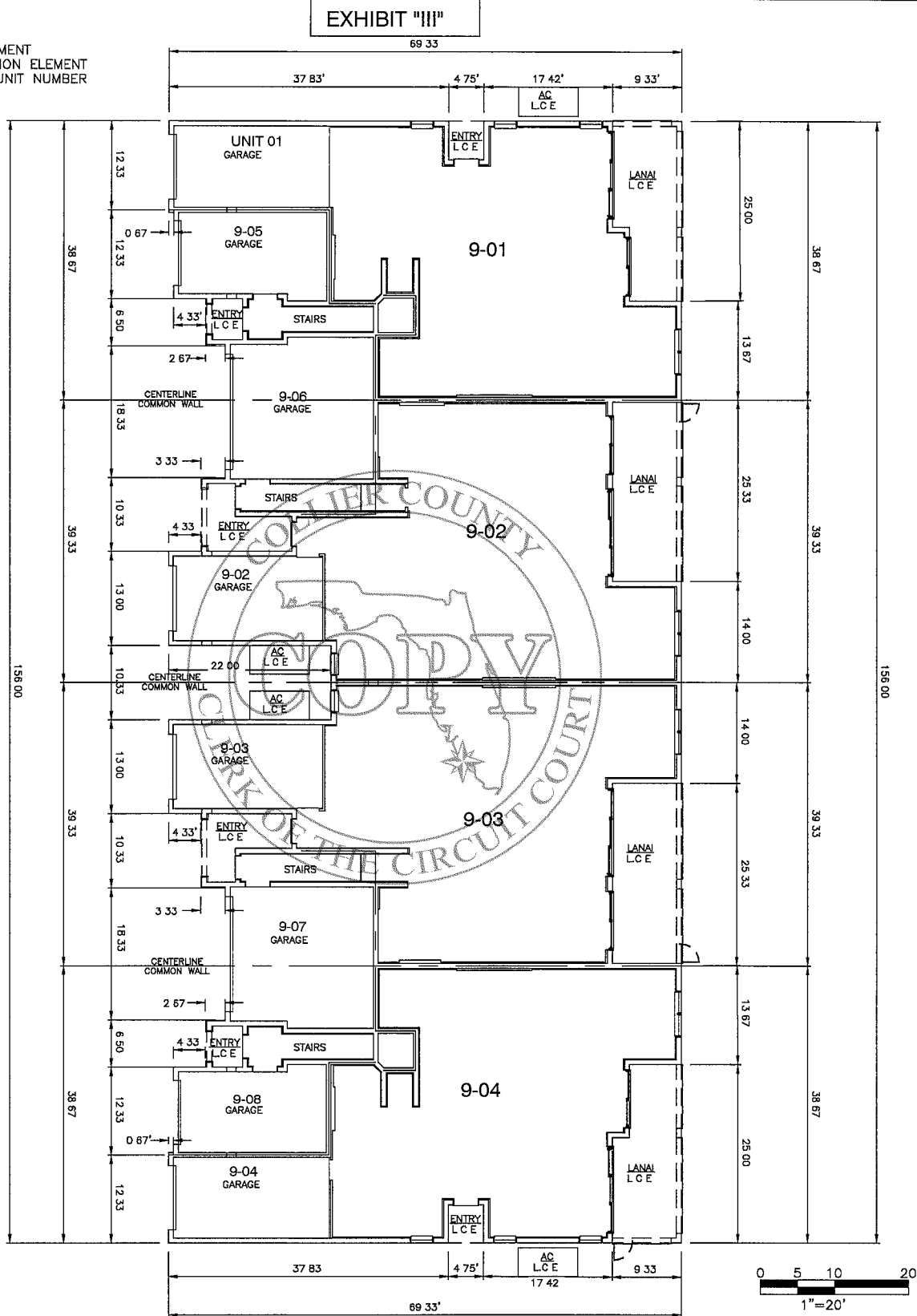
CLIENT AVALON OF NAPLES, LLC



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

LEGEND

CE = COMMON ELEMENT
 LCE = LIMITED COMMON ELEMENT
 9 = BUILDING - UNIT NUMBER



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DATE 05/15/17
 PROJECT NO 140013 01 04
 FILE NAME 001 CD2SP3
 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



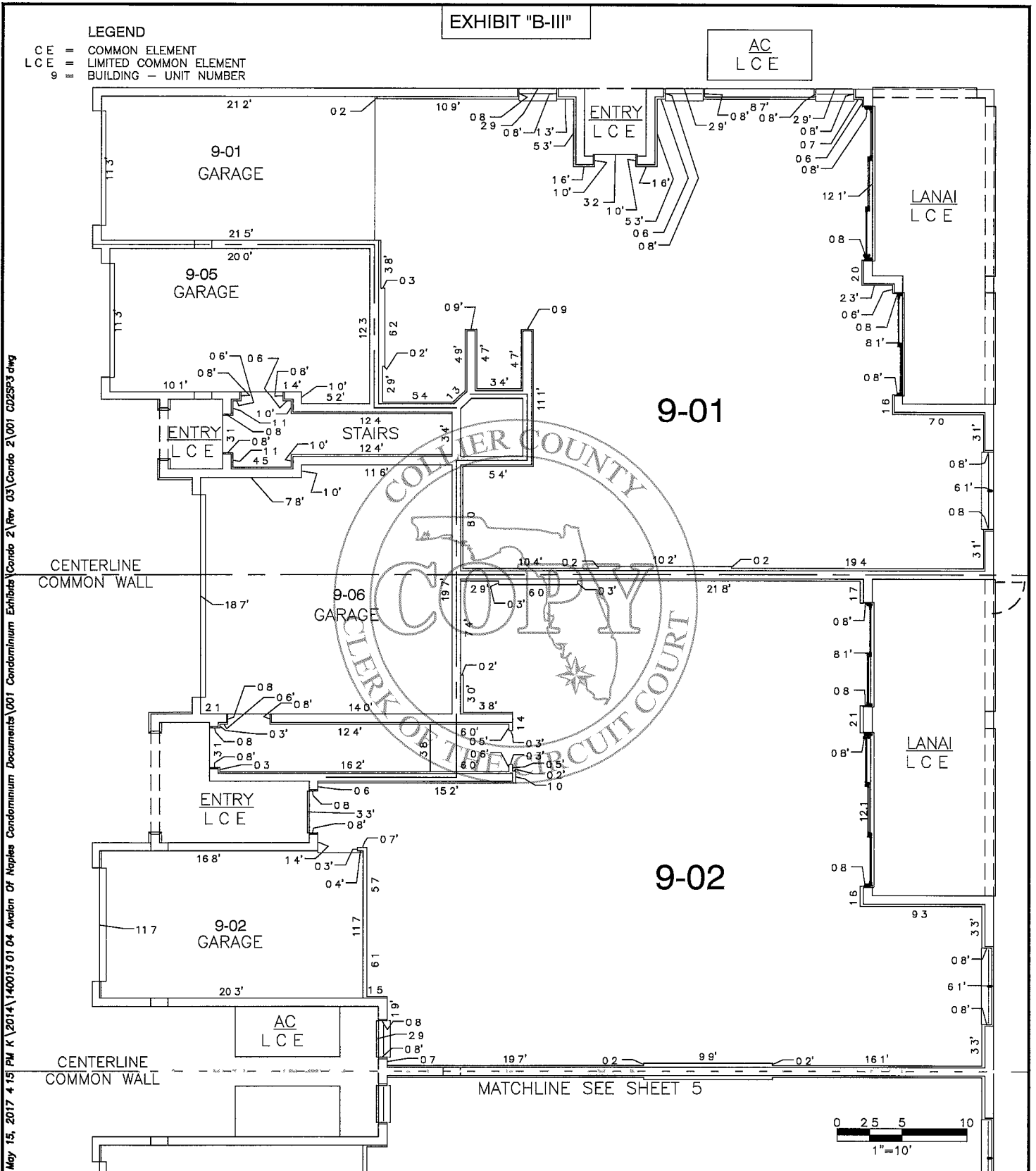
6610 Willow Park Drive Suite 200
 Naples Florida 34109
 Phone (239) 597-0575
 FAX (239) 597-0578
 LB No 6952

EXHIBIT "B-III"

LEGEND

CE = COMMON ELEMENT
 LCE = LIMITED COMMON ELEMENT
 9 = BUILDING - UNIT NUMBER

AC
 LCE



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DATE 05/15/17
 PROJECT NO 140013 01 04
 FILE NAME 001 CD2SP3
 SHEET NUMBER 4 OF 9
 DRAWN JMP
 CHECKED TJD

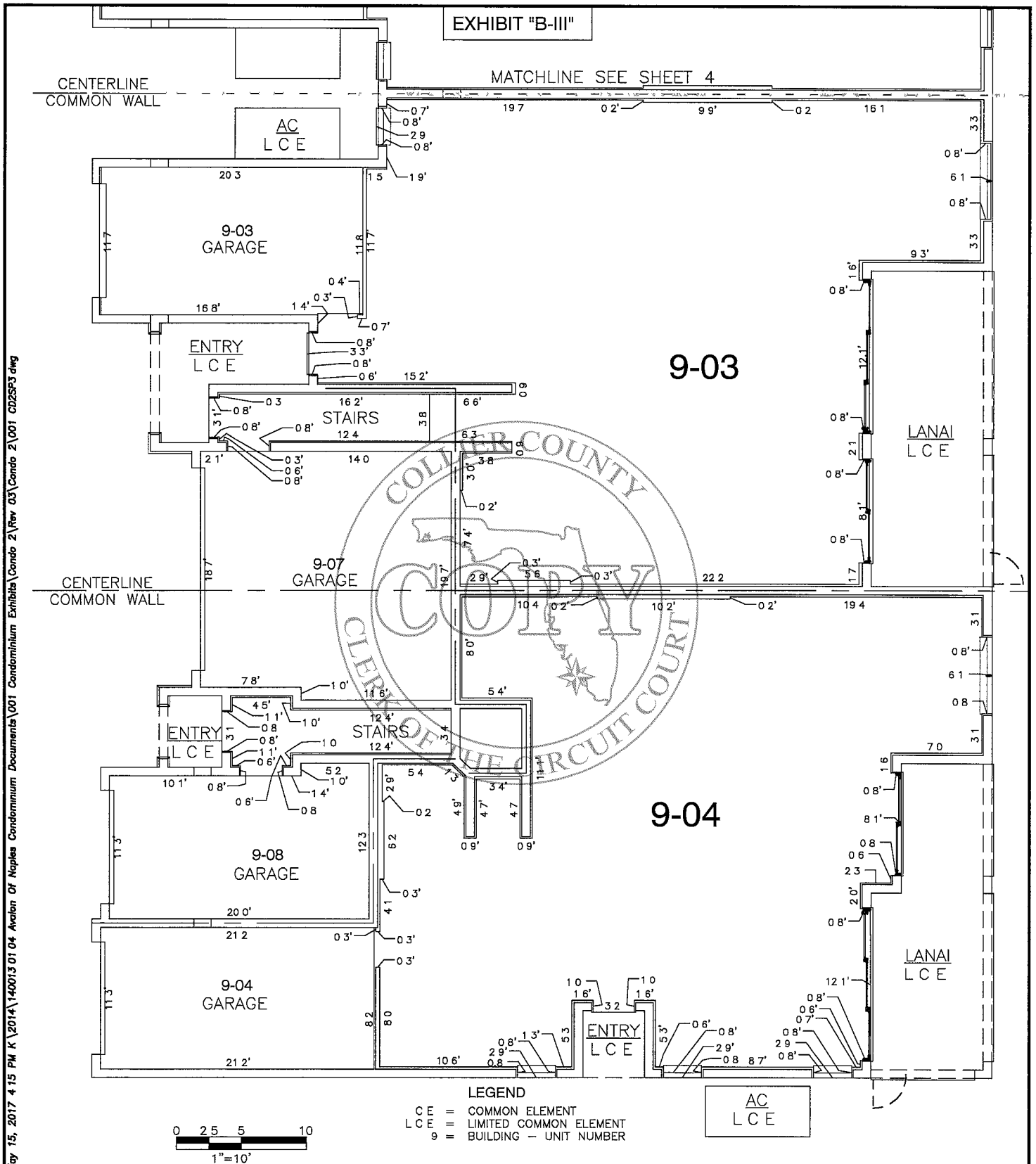
SEC 8 TWP 50S RGE 26E

SCALE 1" = 10'

PROJECT AVALON OF NAPLES 2, A CONDOMINIUM
 TITLE INTERIOR DIMENSIONS - FIRST FLOOR
 9-1 & 9-2
 CLIENT AVALON OF NAPLES, LLC



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 FAX (239) 597-0578
 LB No 6952



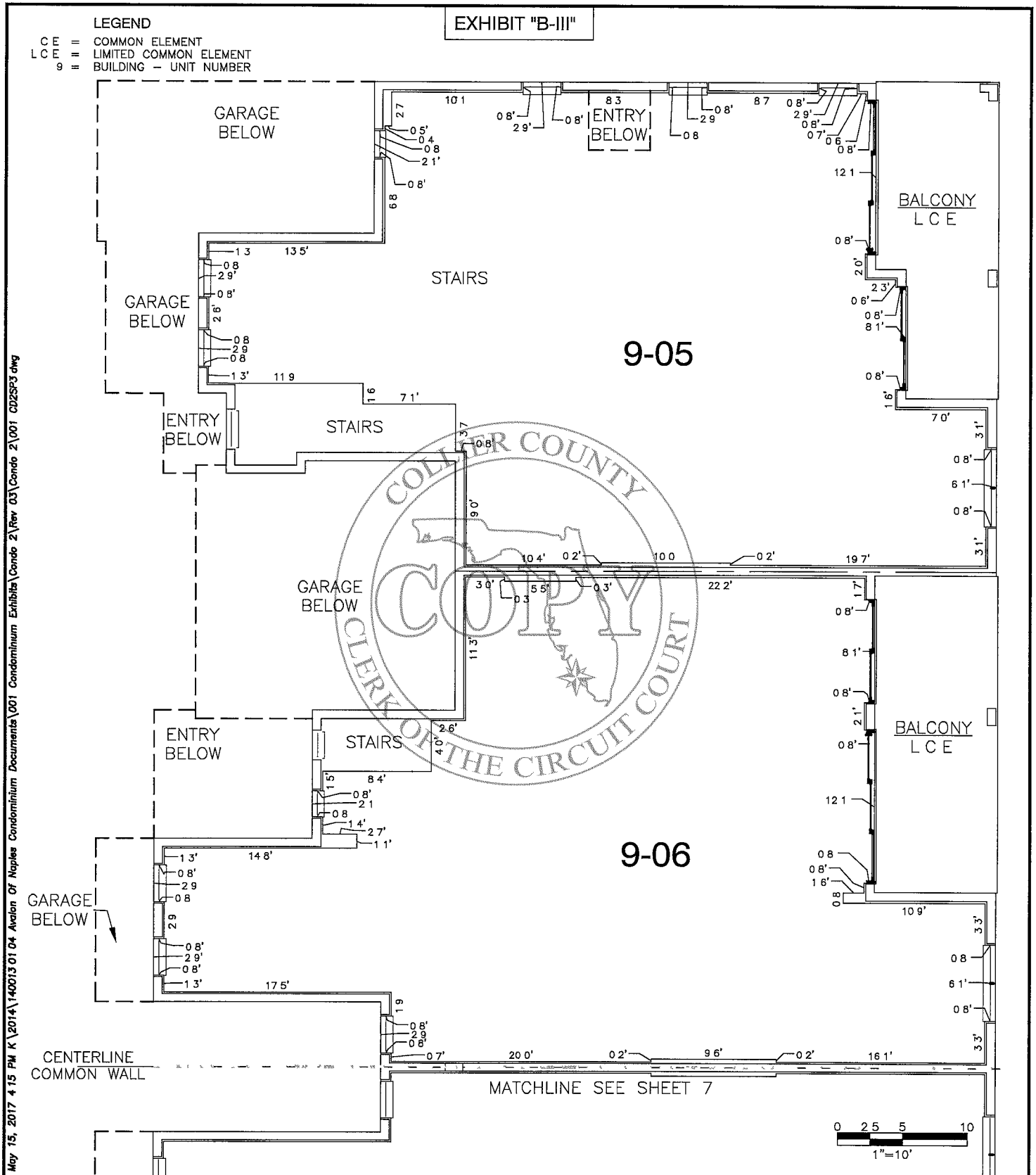
DATE 05/15/17
PROJECT NO 140013 01 04
FILE NAME 001 CD2SP3
SHEET NUMBER 5 OF 9
DRAWN JMP
CHECKED TJD

SEC 8 TWP 50S RGE 26E

SCALE 1" = 10'

PROJECT AVALON OF NAPLES 2, A CONDOMINIUM
TITLE INTERIOR DIMENSIONS - FIRST FLOOR
9-3 & 9-4
CLIENT AVALON OF NAPLES, LLC

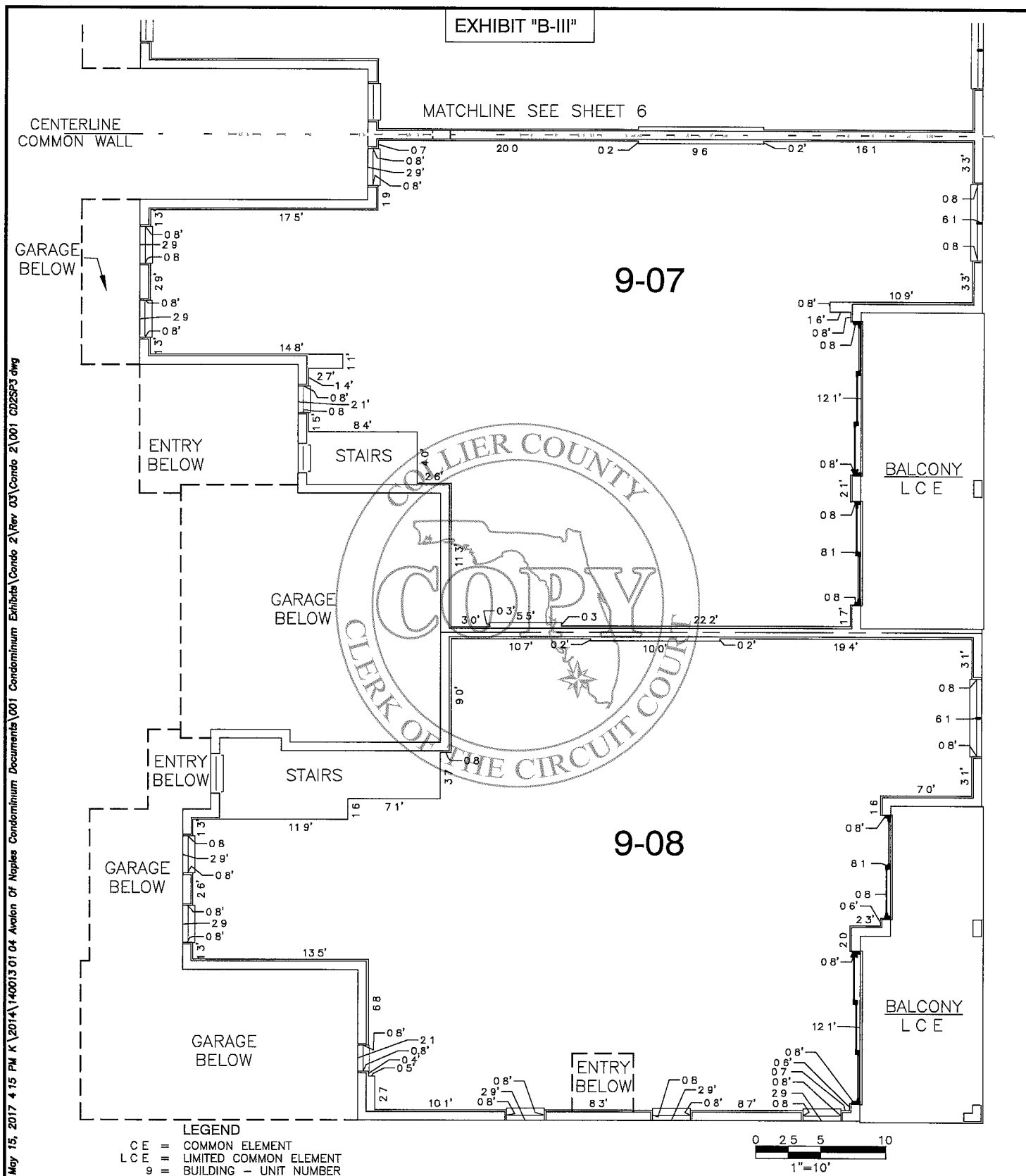
RWA
ENGINEERING
6610 Willow Park Drive, Suite 200
Naples Florida 34109
Phone (239) 597 0575
FAX (239) 597-0578
LB No 6952



DATE 05/15/17
 PROJECT NO 140013 01 04
 FILE NAME 001 CD2SP3
 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
 9-5 & 9-6
 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



DATE 05/15/17
PROJECT NO 140016 01 04
FILE NAME 001 CD2SP3
SHEET NUMBER 7 OF 9
DRAWN JMP
CHECKED TJD

SEC 8 TWP 50s RGE 26e
PROJECT AVALON OF NAPLES 2, A CONDOMINIUM
TITLE INTERIOR DIMENSIONS - SECOND FLOOR
9-7 & 9-8
CLIENT AVALON OF NAPLES, LLC

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

COLLIER COUNTY
CLERK OF THE CIRCUIT COURT

FRONT ELEVATION

COPY

PEAK = 30.64'

[illegible]

REAR ELEVATION

FF = FINISHED FLOOR

DATE 05/15/17
PROJECT NO 140013 01 04
FILE NAME 001 CD2SP3
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

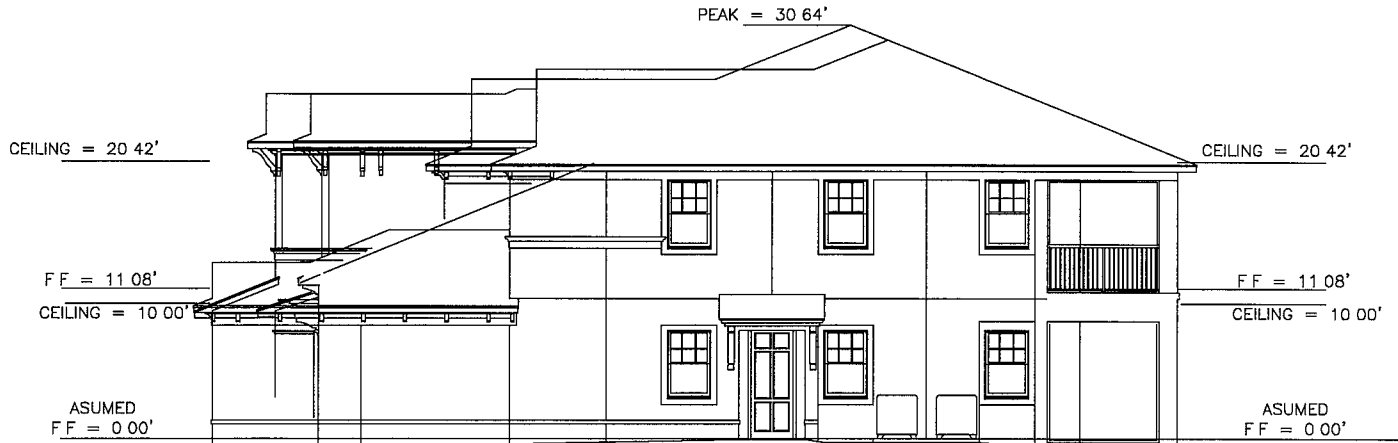
CLIENT AVALON OF NAPLES, LLC



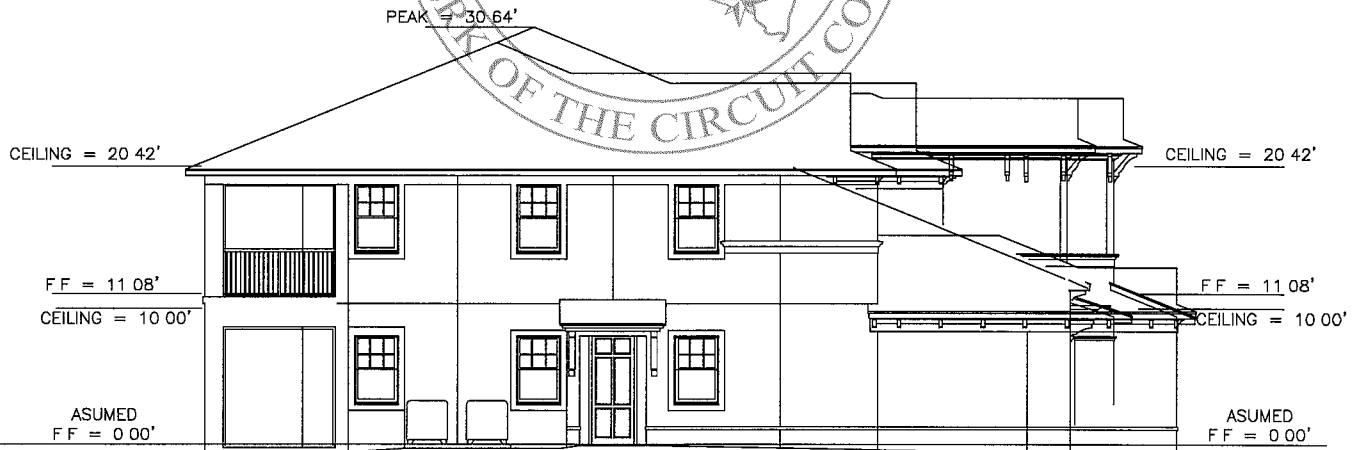
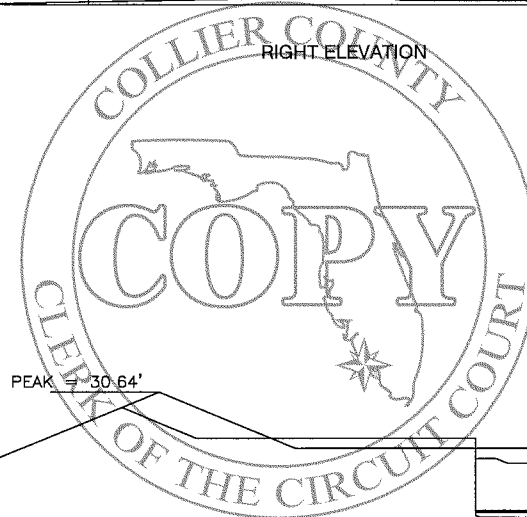
RWA
ENGINEERING

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Naples Florida 34109
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FAX (239) 597 0578
LB No 6952

EXHIBIT "B-III"



RIGHT ELEVATION



LEFT ELEVATION

LEGEND

FF = FINISHED FLOOR

DATE 05/15/17
 PROJECT NO 140013 01 04
 FILE NAME 001 CD2SP3
 SHEET NUMBER 9 OF 9
 DRAWN JMP
 CHECKED TJD

SEC 8 TWP 50S RGE 26E

SCALE NTS

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
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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 / 24</u>	4 1667%
6972 Avalon Circle, Naples, FL 34112, #1002	<u>1 / 24</u>	4 1667%
6972 Avalon Circle, Naples, FL 34112, #1003	<u>1 / 24</u>	4 1667%
6972 Avalon Circle, Naples, FL 34112, #1004	<u>1 / 24</u>	4 1667%
6972 Avalon Circle, Naples, FL 34112, #1005	<u>1 / 24</u>	4 1667%
6972 Avalon Circle, Naples, FL 34112, #1006	<u>1 / 24</u>	4 1667%
6972 Avalon Circle, Naples, FL 34112, #1007	<u>1 / 24</u>	4 1667%
6972 Avalon Circle, Naples, FL 34112, #1008	<u>1 / 24</u>	4 1667%

2. Phase II (Building 14)

6973 Avalon Circle, Naples, FL 34112, #1401	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1402	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1403	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1404	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1405	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1406	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1407	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1408	<u>1 / 24</u>	4 1667%

2. Phase III (Building 9)

6973 Avalon Circle, Naples, FL 34112, #1401	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1402	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1403	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1404	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1405	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1406	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1407	<u>1 / 24</u>	4 1667%
6973 Avalon Circle, Naples, FL 34112, #1408	<u>1 / 24</u>	4 1667%

24**100.00%**

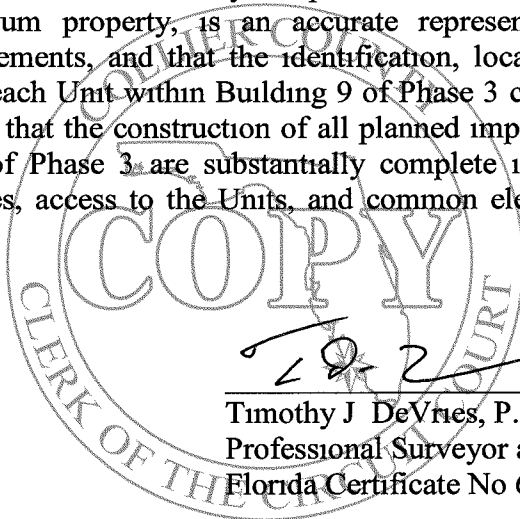
CERTIFICATE OF SURVEYOR

STATE OF FLORIDA)
) SS
 COUNTY OF COLLIER)

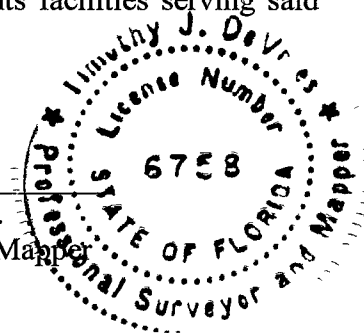
Before me, the undersigned authority, personally appeared Timothy J. DeVries, who after being duly sworn, deposes and says:

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")

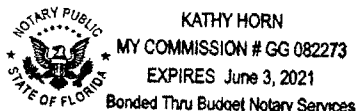
2. The construction of the improvements, with respect to all Units within Building 9 of Phase 3 of the Condominium are substantially complete so that the provisions of the Declaration describing the condominium property, is an accurate representation of the location and dimensions of the improvements, and that the identification, location, and dimensions of the common elements and of each Unit within Building 9 of Phase 3 can be determined from those materials. I further certify that the construction of all planned improvements with respect to all Units within Building 9 of Phase 3 are substantially complete including, but not limited to landscaping, utility services, access to the Units, and common elements facilities serving said Building 9 of Phase 3.



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



Signed and sworn to before me this 30th day of June, 2018, by Timothy J. DeVries who X is personally known to me or _____ has produced _____ as identification.



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