

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

**FIRST AMENDMENT TO DECLARATION OF
CONDOMINIUM OF AVALON OF NAPLES III, A CONDOMINIUM**

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OF AVALON OF NAPLES III, A CONDOMINIUM ("First Amendment") is made as of the 22nd day of January, 2019, 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 III, a Condominium, recorded in Official Records Book 5594, Page 1162, of the Public Records of Collier County, Florida (the "Declaration"), 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 V of the Condominium, as more fully set forth and described in Exhibit "B-V" attached hereto, which lands and improvements comprise Phase V 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.

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

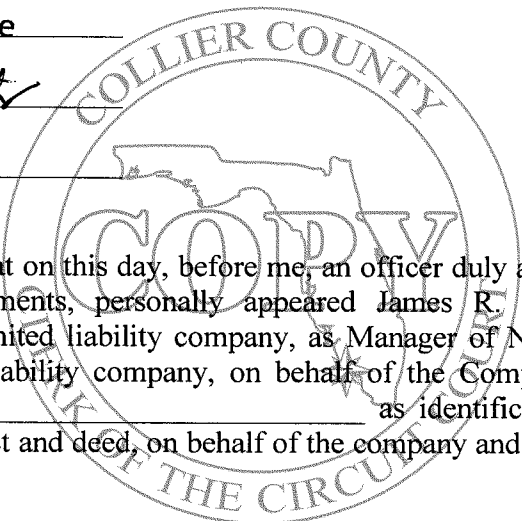
Veronica McGuire
Signature

Veronica McGuire
Print Name

Kris Watts
Signature

Kris Watts
Print Name

By: James R. Schier
James R. Schier
Its: Manager



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 22 day of January, 2019.

Veronica McGuire
NOTARY PUBLIC, State of Florida

My Commission Expires:

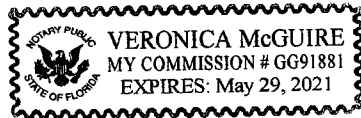
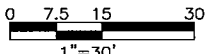
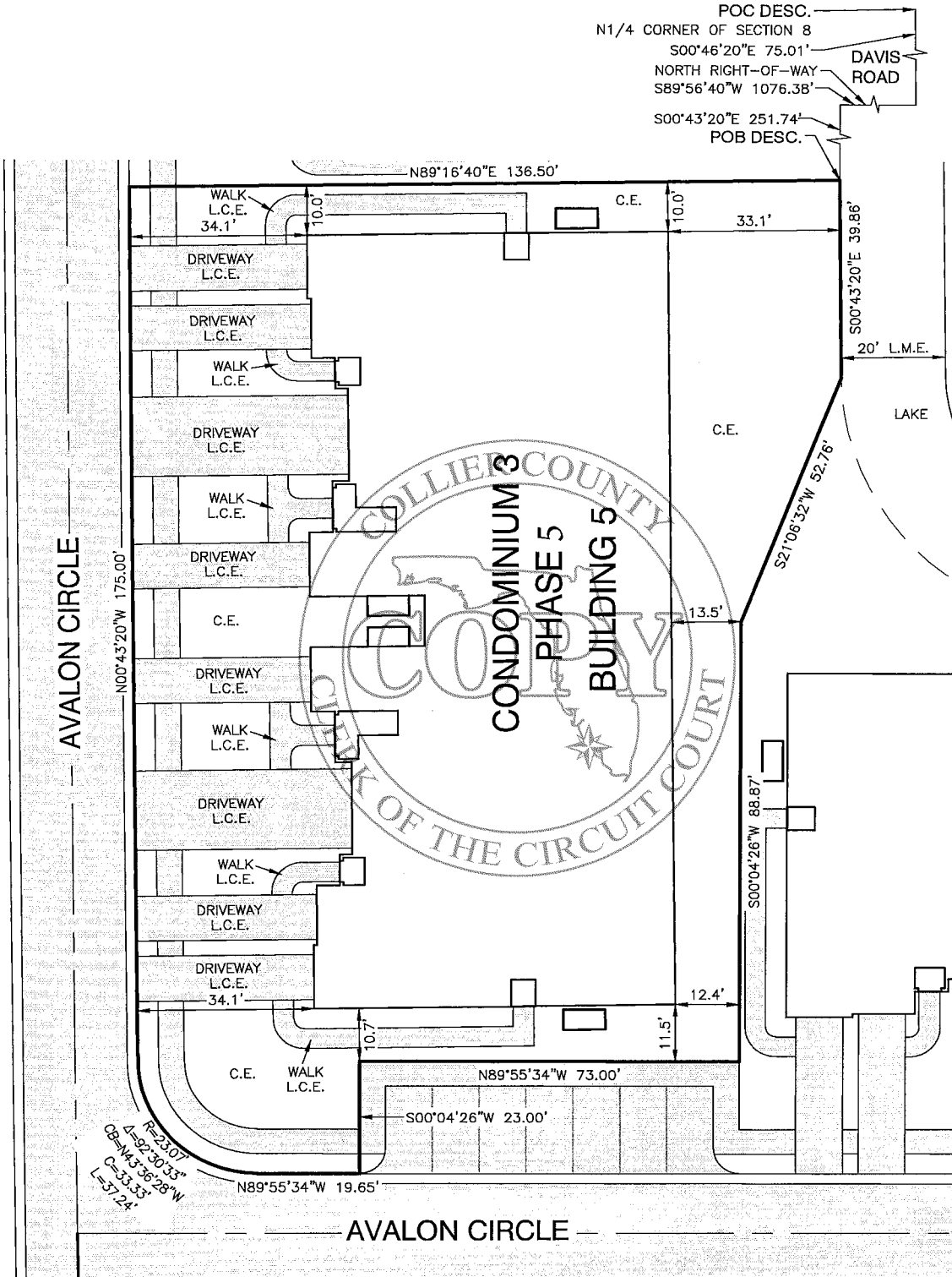


EXHIBIT "B-V"



DATE: 11/2/17
PROJECT NO.: 140013.01.04
FILE NAME.:001 CD3SP5
SHEET NUMBER:1 OF 9
DRAWN: TJD
CHECKED: MAW

SEC: 8 TWP: 50 RGE: 26 SCALE: 1" = 30'

PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
TITLE: PHASE 5 SITE PLAN — BUILDING 5
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

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EXHIBIT "B-V"

**PHASE 5 - BUILDING
5 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 1,076.38 FEET;

THENCE S.00°43'20"E., DEPARTING SAID SOUTH RIGHT-OF-WAY LINE FOR 251.74 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUE S.00°43'20"E., FOR 39.86 FEET;

THENCE S.21°06'32"W., FOR 52.76 FEET;

THENCE S.00°04'26"W., FOR 88.87 FEET;

THENCE N.89°55'34"W., FOR 73.00 FEET;

THENCE S.00°04'26"W., FOR 23.00 FEET;

THENCE N.89°55'34"W., FOR 19.65 FEET TO A POINT ON A CURVE;

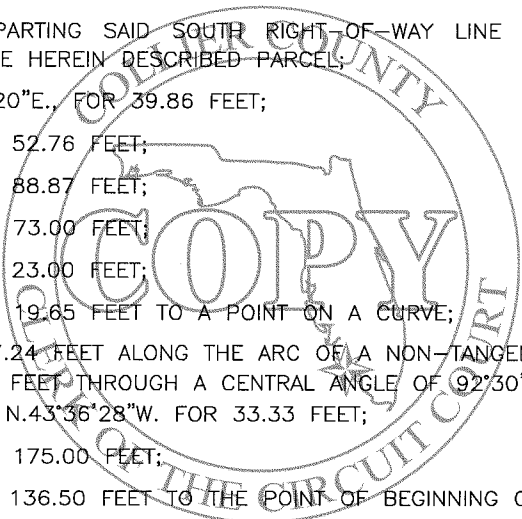
THENCE NORTHWESTERLY 37.24 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 23.07 FEET THROUGH A CENTRAL ANGLE OF 92°30'33" AND BEING SUBTENDED BY A CHORD WHICH BEARS N.43°36'28"W. FOR 33.33 FEET;

THENCE N.00°43'20"W., FOR 175.00 FEET;

THENCE N.89°16'40"E., FOR 136.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 22,754 SQUARE FEET OR 0.52 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.



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DATE: 11/2/17
PROJECT NO.: 140013.01.04
FILE NAME.: 001 CD3SP5
SHEET NUMBER: 2 OF 9
DRAWN: TJD
CHECKED: MAW

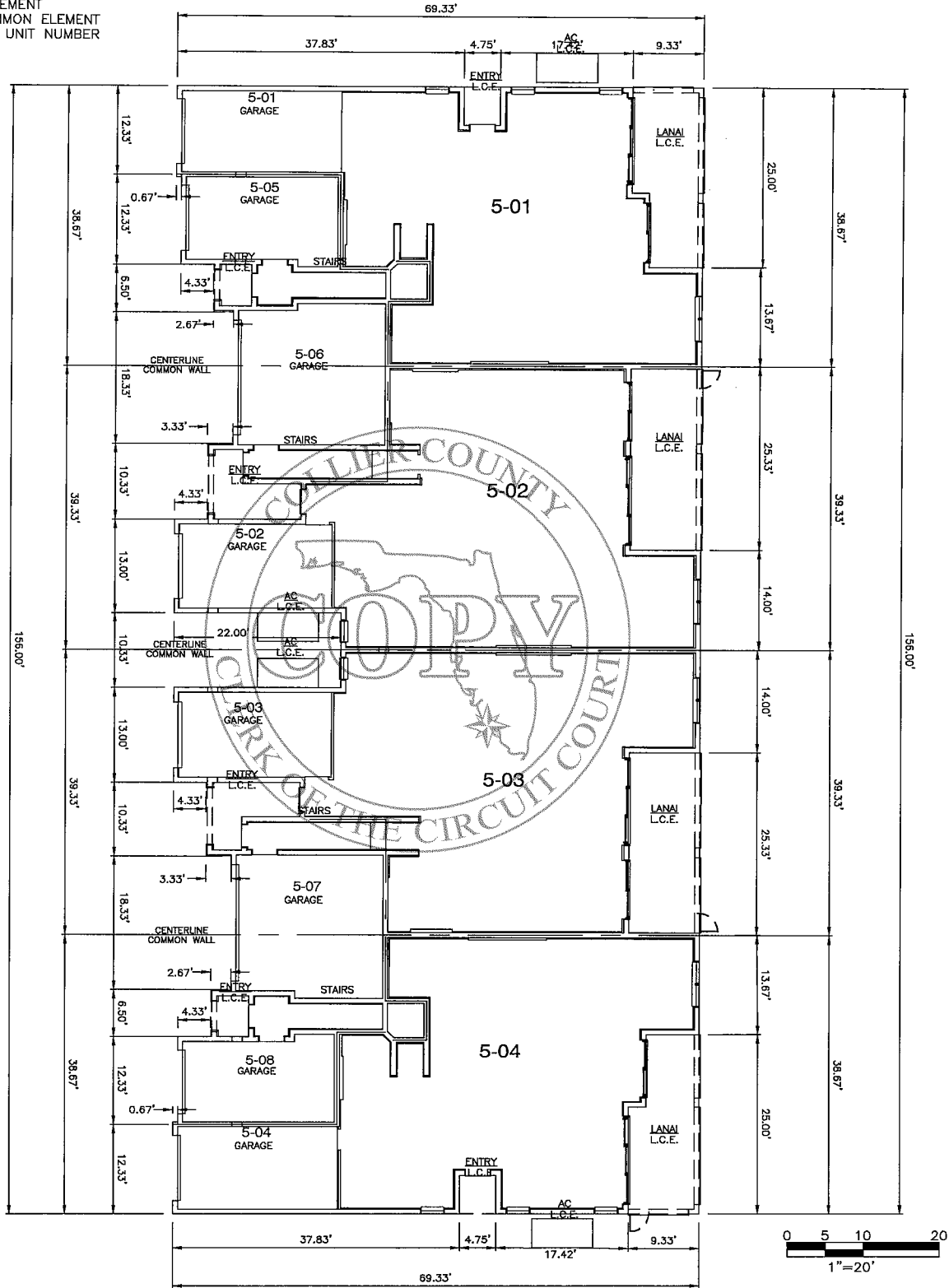
SEC: 8 TWP: 50 RGE: 26 SCALE: N/A
PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
TITLE: PHASE 5 DESCRIPTION - BUILDING 5
CLIENT: AVALON OF NAPLES, LLC

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

EXHIBIT "B-V"

LEGEND

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



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DATE: 11/2/17
 PROJECT NO.: 140013.01.04
 FILE NAME.:001 CD3SP5
 SHEET NUMBER: 3 OF 9
 DRAWN: JMP
 CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E

SCALE: 1" = 20'

PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
 TITLE: EXTERIOR DIMENSIONS - FIRST FLOOR
 CLIENT: AVALON OF NAPLES, LLC



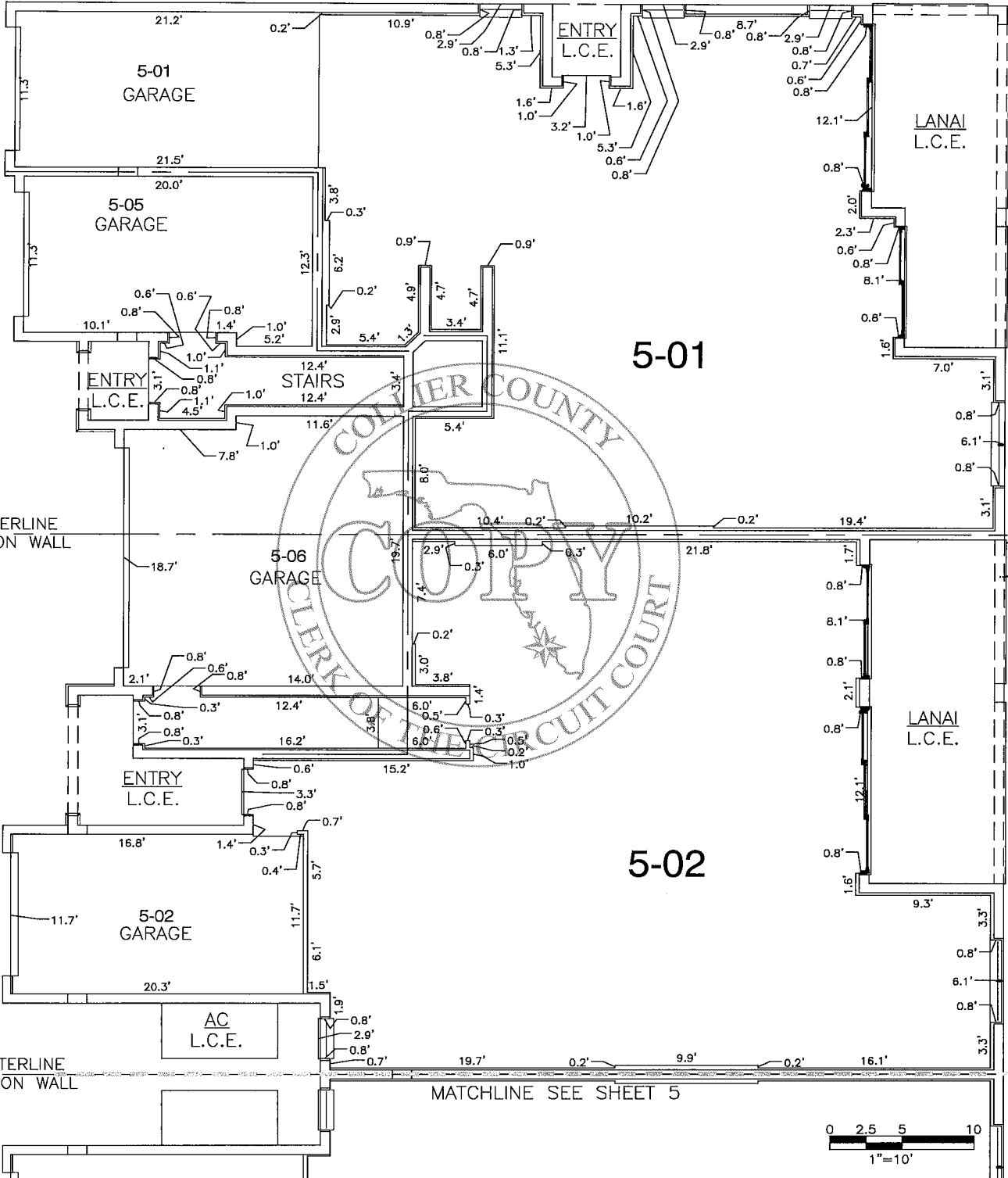
6610 Willow Park Drive, Suite 200
 Naples, Florida 34109
 Phone: (239) 597-0575
 FAX: (239) 597-0578
 LB No.: 6952

EXHIBIT "B-V"

LEGEND

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

AC
L.C.E.

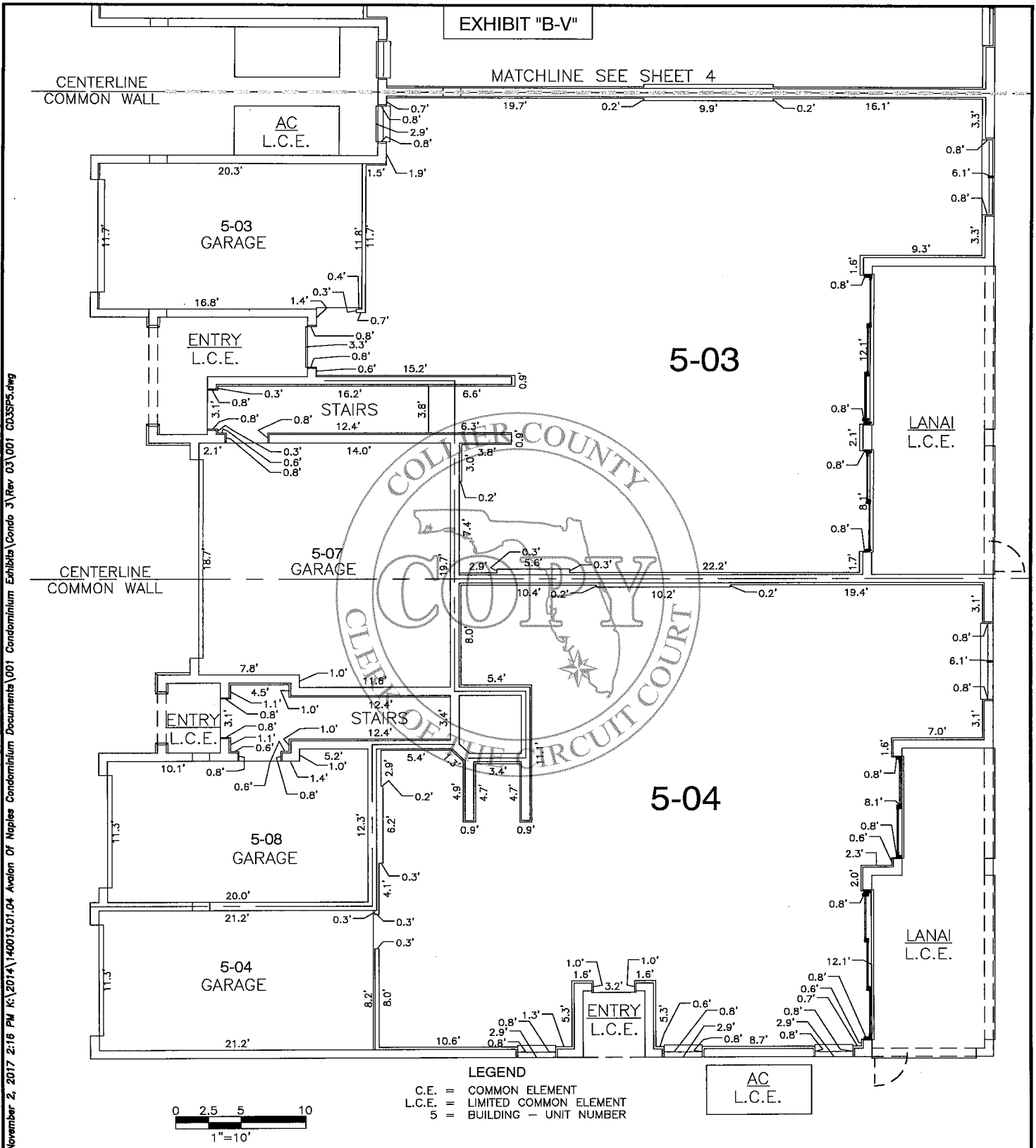


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DATE: 11/2/17
 PROJECT NO.: 140013.01.04
 FILE NAME.: 001 CD3SP5
 SHEET NUMBER: 4 OF 9
 DRAWN: JMP
 CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E SCALE: 1" = 10'
 PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
 TITLE: INTERIOR DIMENSIONS - FIRST FLOOR
 & 5-2
 CLIENT: AVALON OF NAPLES, LLC

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



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DATE: 11/2/17
 PROJECT NO.: 140013.01.04
 FILE NAME.: 001 CD3SP5
 SHEET NUMBER: 5 OF 9
 DRAWN: JMP
 CHECKED: TJD

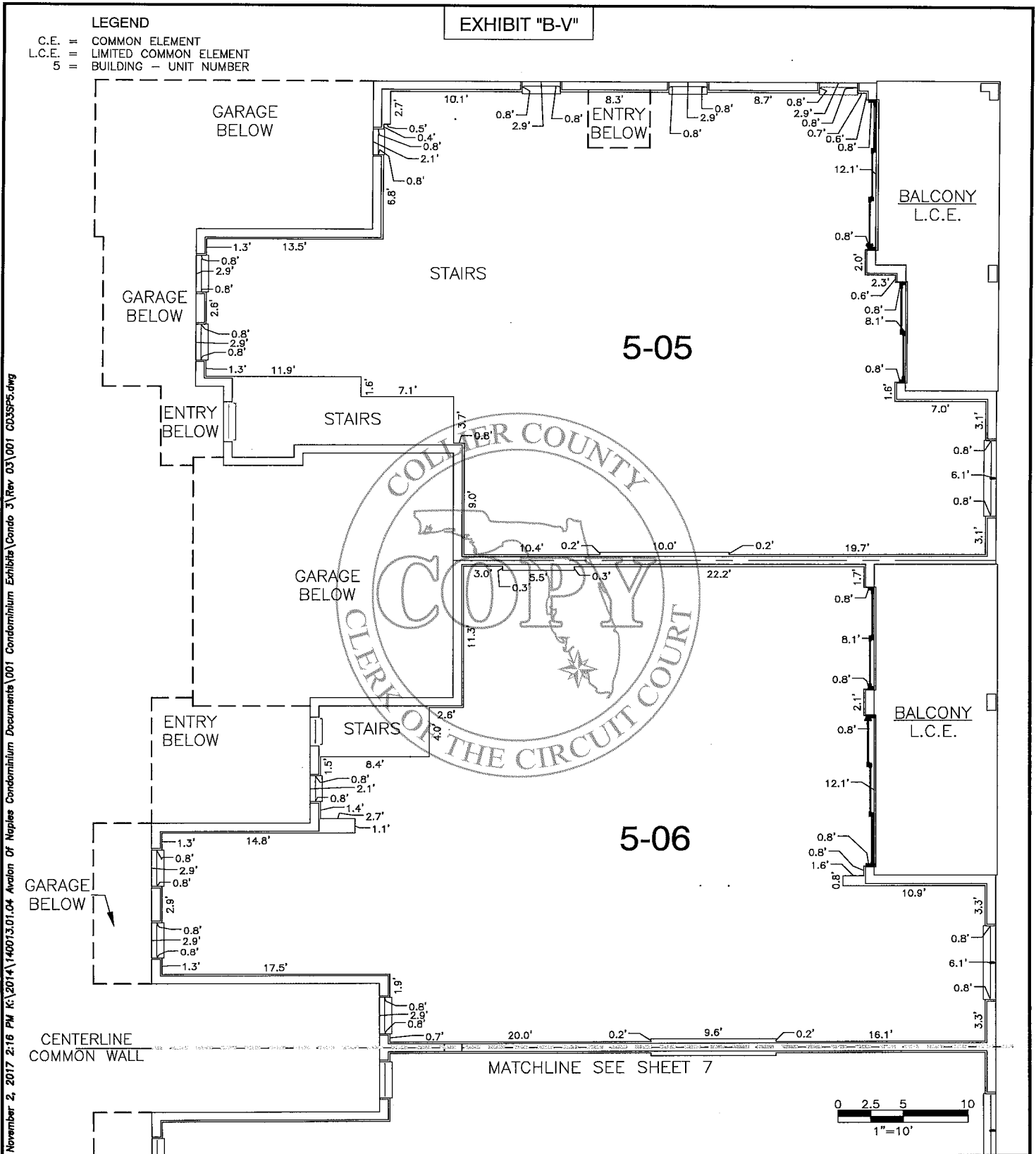
SEC: 8 TWP: 50S RGE: 26E SCALE: 1" = 10'

PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
 TITLE: INTERIOR DIMENSIONS - FIRST FLOOR
 5-3 & 5-4
 CLIENT: AVALON OF NAPLES, LLC

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 LB No.: 6952

EXHIBIT "B-V"

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



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DATE: 11/2/17
 PROJECT NO.: 140013.01.04
 FILE NAME.: 001 CD3SP5
 SHEET NUMBER: 6 OF 9
 DRAWN: JMP
 CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E SCALE: 1" = 10'
 PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
 TITLE: INTERIOR DIMENSIONS - SECOND FLOOR
 5-5 & 5-6
 CLIENT: AVALON OF NAPLES, LLC

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

EXHIBIT "B-V"

MATCHLINE SEE SHEET 6

CENTERLINE
COMMON WALL

GARAGE
BELOW

5-07

ENTRY
BELOW

STAIRS

BALCONY
L.C.E.

GARAGE
BELOW

ENTRY
BELOW

STAIRS

5-08

GARAGE
BELOW

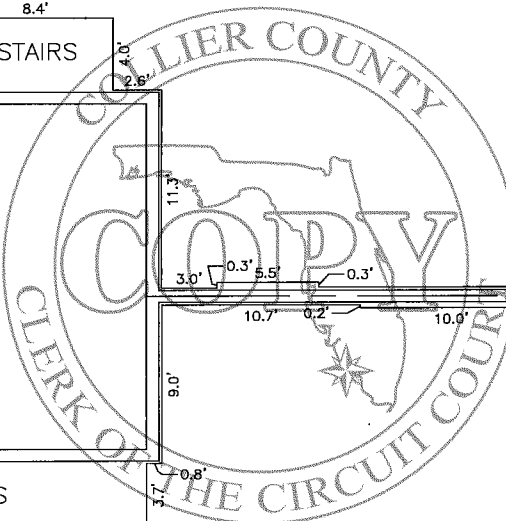
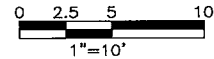
BALCONY
L.C.E.

GARAGE
BELOW

ENTRY
BELOW

LEGEND

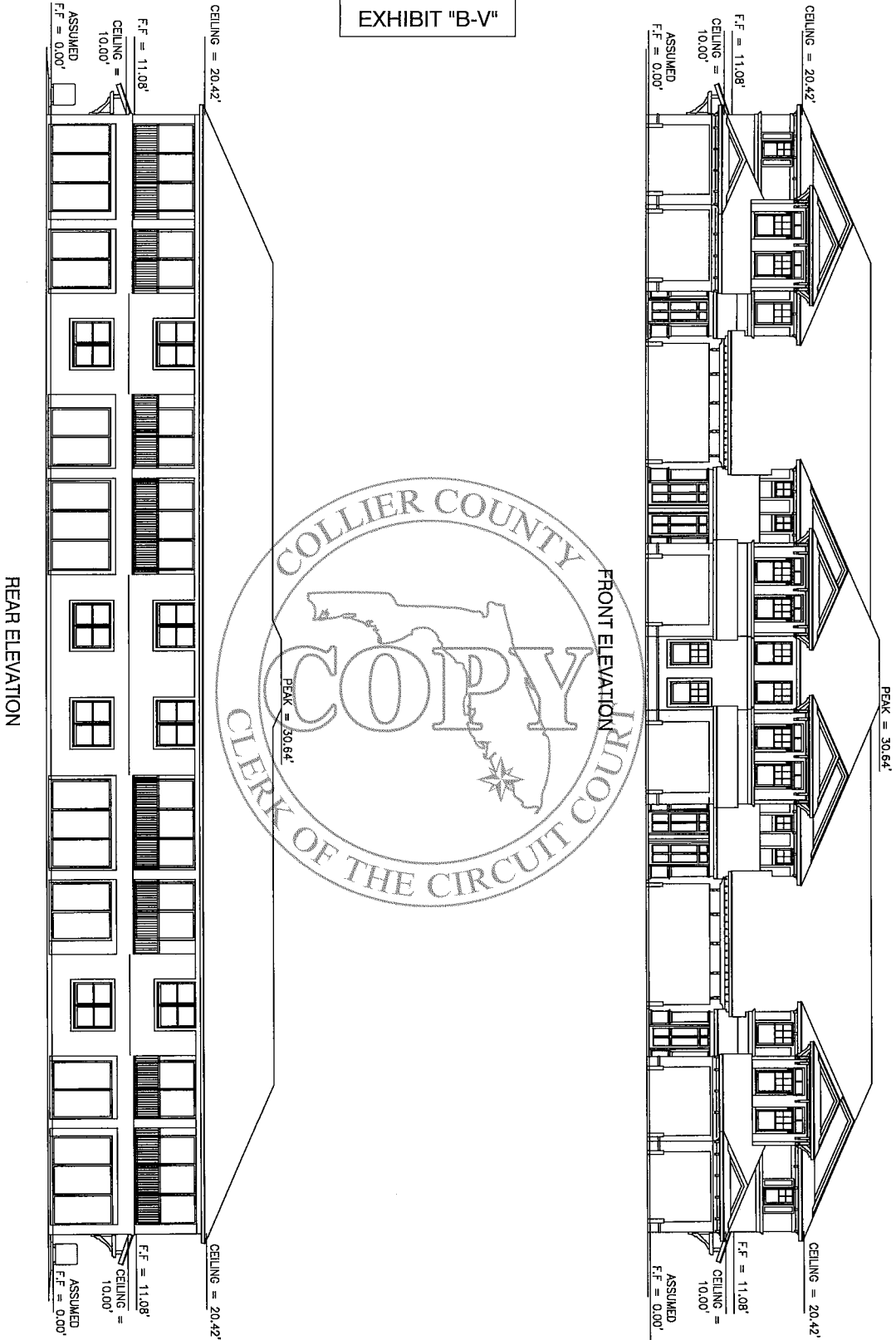
- C.E. = COMMON ELEMENT
- L.C.E. = LIMITED COMMON ELEMENT
- 5 = BUILDING - UNIT NUMBER



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<p>DATE: 11/2/17 PROJECT NO.: 140016.01.04 FILE NAME.: 001 CD3SP5 SHEET NUMBER: 7 OF 9 DRAWN: JMP CHECKED: TJD</p>	<p>SEC: 8 TWP: 50s RGE: 26e</p>	<p>SCALE: 1" = 10'</p>	<p>RWA ENGINEERING 6610 Willow Park Drive, Suite 200 Naples, Florida 34109 Phone: (239) 597-0575 FAX: (239) 597-0578 LB No.: 6952</p>
<p>PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM TITLE: INTERIOR DIMENSIONS - SECOND FLOOR 5-7 & 5-8 CLIENT: AVALON OF NAPLES, LLC</p>			

EXHIBIT "B-V"



LEGEND
F.F. = FINISHED FLOOR

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DATE: 11/2/17
PROJECT NO.: 140013.01.04
FILE NAME.: 001 CD3SP5
SHEET NUMBER: 8 OF 9
DRAWN: JMP
CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E

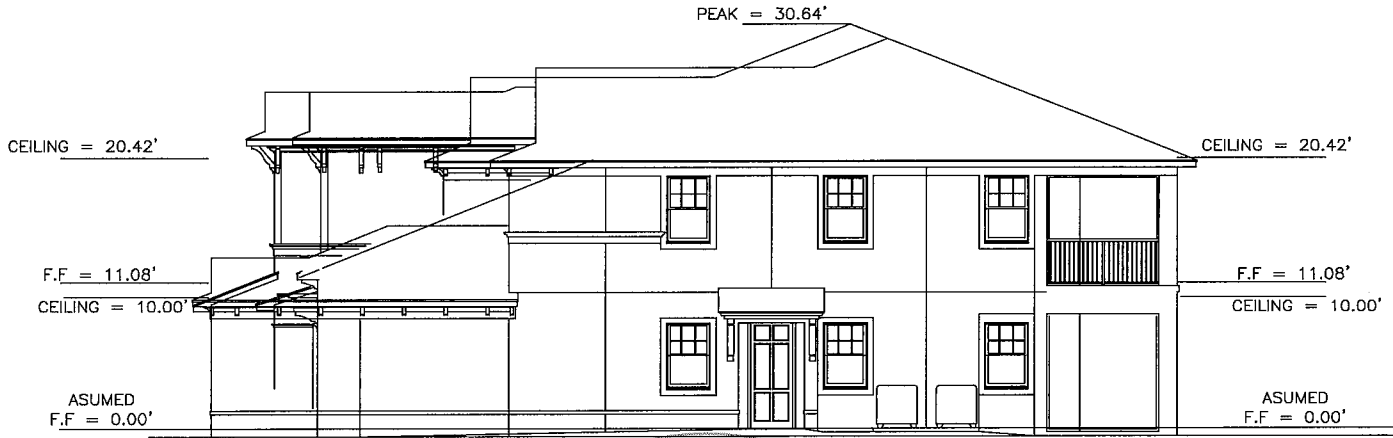
SCALE: N.T.S.

PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
TITLE: ELEVATIONS FRONT AND REAR
CLIENT: AVALON OF NAPLES, LLC

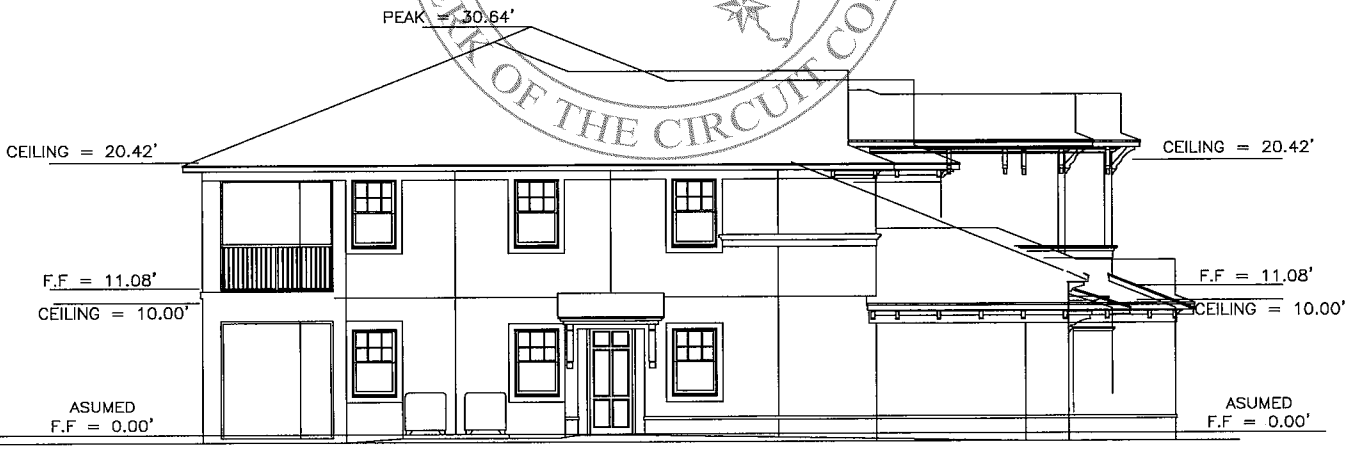
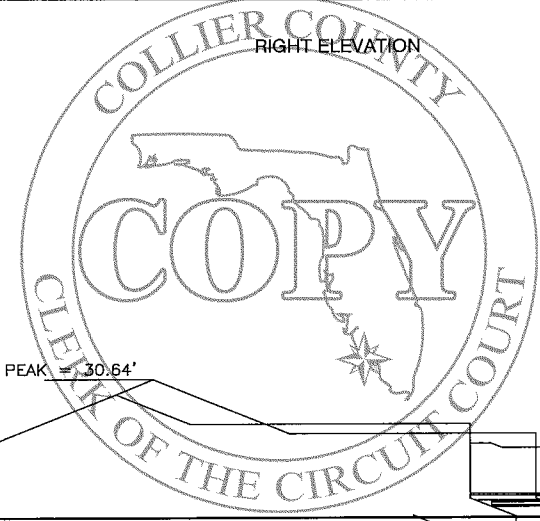


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LB No.: 6952

EXHIBIT "B-V"



RIGHT ELEVATION



LEFT ELEVATION

LEGEND

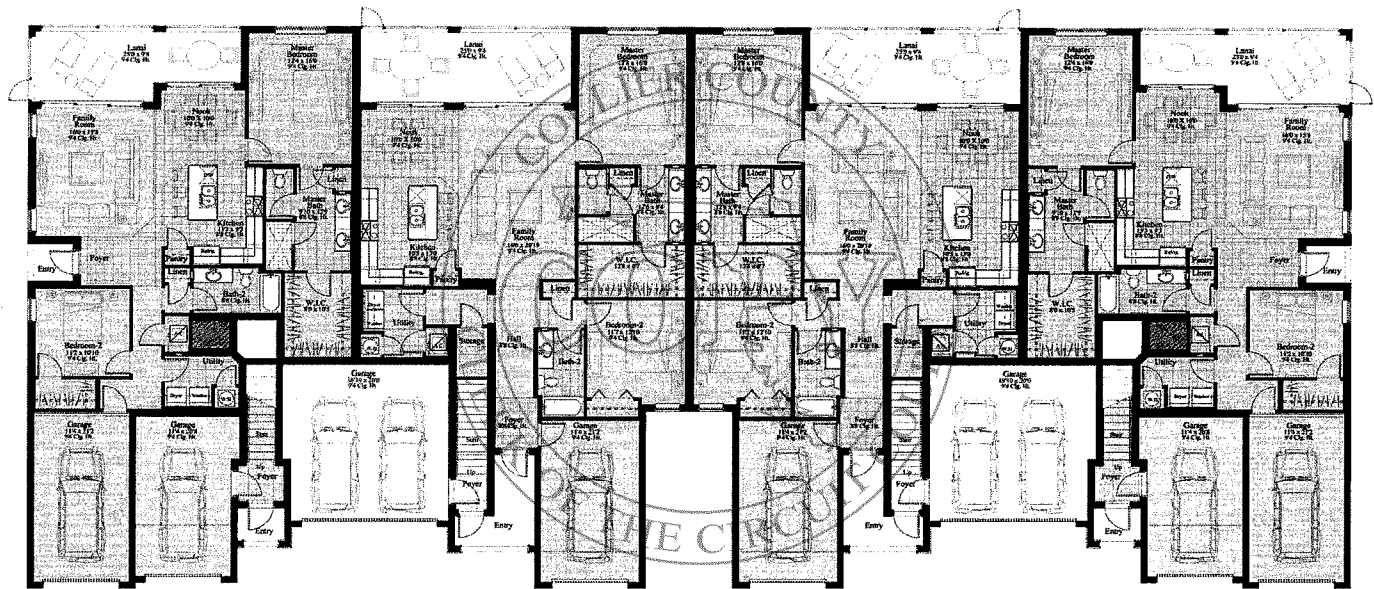
F.F. = FINISHED FLOOR

DATE: 11/2/17
 PROJECT NO.: 140013.01.04
 FILE NAME.: 001 CD3SP5
 SHEET NUMBER: 9 OF 9
 DRAWN: JMP
 CHECKED: TJD

SEC: 8 TWP: 50S RGE: 26E SCALE: N.T.S.
 PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
 TITLE: ELEVATIONS RIGHT AND LEFT
 CLIENT: AVALON OF NAPLES, LLC

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Kezwick

Living Area	1339 S.F.
Land	207 S.F.
Garage	240 S.F.
Covered Entry	36 S.F.
Total Area	1812 S.F.

Kendal

Living Area	1467 S.F.
Land	232 S.F.
Garage	226 S.F.
Covered Entry	55 S.F.
Total Area	1980 S.F.

Kendal

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Land	232 S.F.
Garage	226 S.F.
Covered Entry	55 S.F.
Total Area	1980 S.F.

Kezwick

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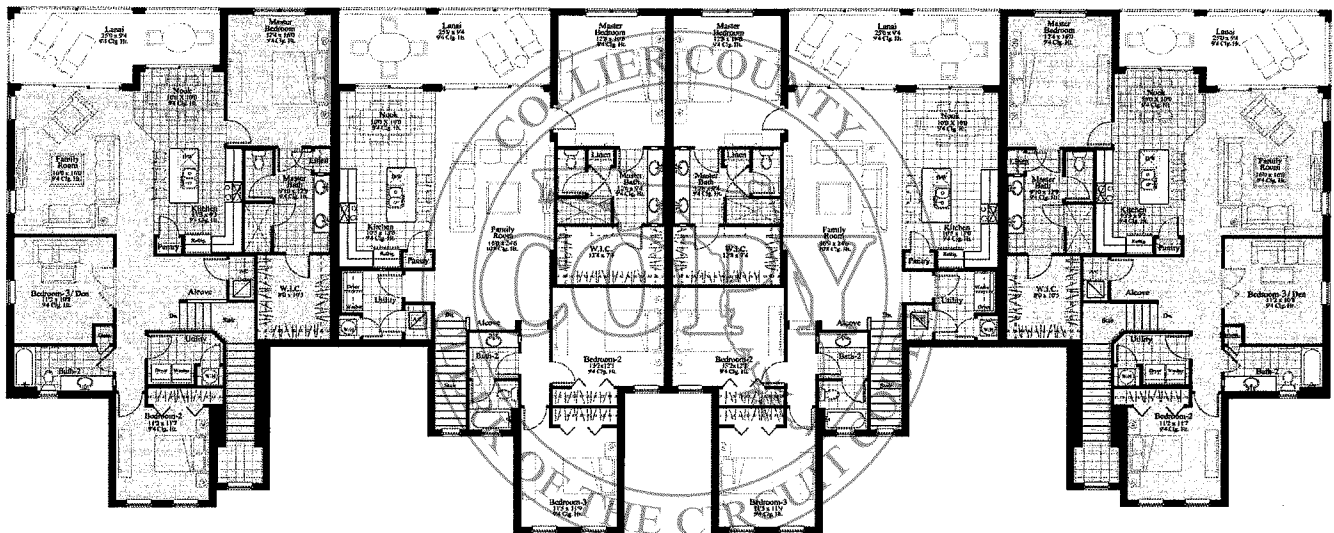
First Floor Overall

Project Name	8-Unit Carriage Homes
Location	10000 NE 10th Ave, Portland, OR 97220
Client	Neal Communities
Architect	Williamson-Hinkle Architects LLC
Scale	1/8" = 1'-0"
Date	10/15/2014
Sheet	A-1

8-Unit Carriage Homes
 10000 NE 10th Ave
 Portland, OR 97220

WILLIAMSON-HINKLE ARCHITECTS LLC
 1000 NE Oregon Street, Suite 100
 Portland, OR 97232
 Phone: 503.255.1100
 Fax: 503.255.1101
 www.williamson-hinkle.com

A-1



Windemere	
Living Area	1400 S.F.
Land	207 S.F.
Garage	231 S.F.
Covered Entry	36 S.F.
Total Area	2124 S.F.

Whitehaven	
Living Area	1725 S.F.
Land	232 S.F.
Garage	172 S.F.
Covered Entry	58 S.F.
Total Area	2387 S.F.

Whitehaven	
Living Area	1735 S.F.
Land	232 S.F.
Garage	172 S.F.
Covered Entry	58 S.F.
Total Area	2387 S.F.

Windemere	
Living Area	1460 S.F.
Land	207 S.F.
Garage	231 S.F.
Covered Entry	36 S.F.
Total Area	2124 S.F.

Second Floor Overall

Project Name	8-Unit Carriage Homes
Client	Collier County, Florida
Architect	Williamson-Hinkle Neal Communities
Scale	1/8" = 1'-0"
Date	10/15/10
Sheet	A-2

8-Unit Carriage Homes
Collier County, Florida

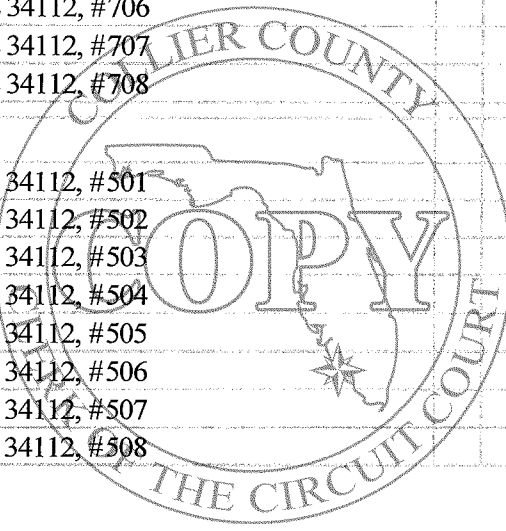
WILLIAMSON-HINKLE NEAL COMMUNITIES
Architects, Inc., LLC
10000 W. US Highway 90, Suite 100, Fort Myers, FL 33907
Phone: 813-938-1111
Fax: 813-938-1112
www.williamson-hinkle.com

A-2

EXHIBIT C

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

1. Phase I (Building 7)		
6954 Avalon Circle, Naples, FL 34112, #701	<u>1 / 16</u>	6.2500%
6954 Avalon Circle, Naples, FL 34112, #702	<u>1 / 16</u>	6.2500%
6954 Avalon Circle, Naples, FL 34112, #703	<u>1 / 16</u>	6.2500%
6954 Avalon Circle, Naples, FL 34112, #704	<u>1 / 16</u>	6.2500%
6954 Avalon Circle, Naples, FL 34112, #705	<u>1 / 16</u>	6.2500%
6954 Avalon Circle, Naples, FL 34112, #706	<u>1 / 16</u>	6.2500%
6954 Avalon Circle, Naples, FL 34112, #707	<u>1 / 16</u>	6.2500%
6954 Avalon Circle, Naples, FL 34112, #708	<u>1 / 16</u>	6.2500%
2. Phase V (Building 5)		
6940 Avalon Circle, Naples, FL 34112, #501	<u>1 / 16</u>	6.2500%
6940 Avalon Circle, Naples, FL 34112, #502	<u>1 / 16</u>	6.2500%
6940 Avalon Circle, Naples, FL 34112, #503	<u>1 / 16</u>	6.2500%
6940 Avalon Circle, Naples, FL 34112, #504	<u>1 / 16</u>	6.2500%
6940 Avalon Circle, Naples, FL 34112, #505	<u>1 / 16</u>	6.2500%
6940 Avalon Circle, Naples, FL 34112, #506	<u>1 / 16</u>	6.2500%
6940 Avalon Circle, Naples, FL 34112, #507	<u>1 / 16</u>	6.2500%
6940 Avalon Circle, Naples, FL 34112, #508	<u>1 / 16</u>	6.2500%



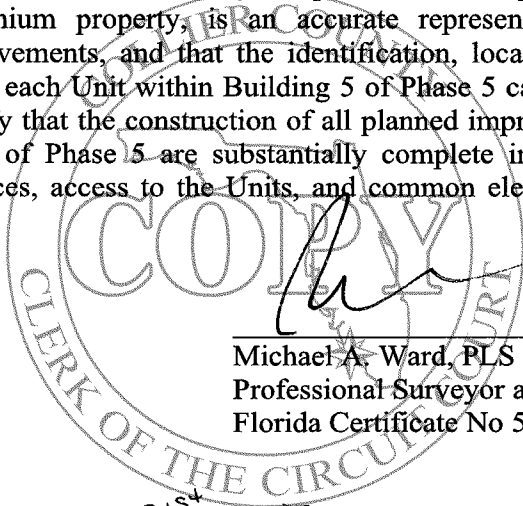
CERTIFICATE OF SURVEYOR

STATE OF FLORIDA)
) SS
COUNTY OF COLLIER)

Before me, the undersigned authority, personally appeared Michael A. Ward, who after being duly sworn, deposes and says:

1. That Affiant is a registered Surveyor and Mapper holding Florida Certificate No. 5301, and is the surveyor who surveyed the property known and identified as "AVALON OF NAPLES III", a condominium, as per Declaration of Condominium recorded in Official Record Book 5594, Page 1162, of the Public Records of Collier County, Florida (the "Condominium").

2. The construction of the improvements, with respect to all Units within Building 5 of Phase 5 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 5 of Phase 5 can be determined from those materials. I further certify that the construction of all planned improvements with respect to all Units within Building 5 of Phase 5 are substantially complete including, but not limited to landscaping, utility services, access to the Units, and common elements facilities serving said Building 5 of Phase 5.



[Signature]

Michael A. Ward, PLS
Professional Surveyor and Mapper
Florida Certificate No 5301

1/31/19

Signed and sworn to before me this 31st day of January 2019, by Michael A. Ward who _____ is personally known to me or _____ has produced _____ as identification.



[Signature]

Notary Public, State of Florida
Kathy Horn

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