

Prepared By and Return To
Edward Vogler II, Esquire
Vogler Ashton, PLLC
705 10th Avenue W., Unit 103
Palmetto, Florida 34221
(941) 304-3400

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

THIS FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF AVALON OF NAPLES III, A CONDOMINIUM (“Fourth Amendment”) is made as of the 14 day of October, 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”), as amended by the First Amendment to the Declaration of Condominium of Avalon of Naples III, a Condominium as recorded in Official Records Book 5595, Page 998, Second Amendment to Declaration of Condominium of Avalon of Naples III as recorded in Official Records Book 5642, Page 2825 of said records, Third Amendment to Declaration of Condominium of Avalon of Naples III as recorded in Official Records Book 5657, Page 667 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 Third Amendment.

c. The Certificate of Surveyor for Building 6 of Phase III is attached hereto and incorporated herein and confirms that Building 6 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 Third 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

Cheryl Picerno
Signature

Signature

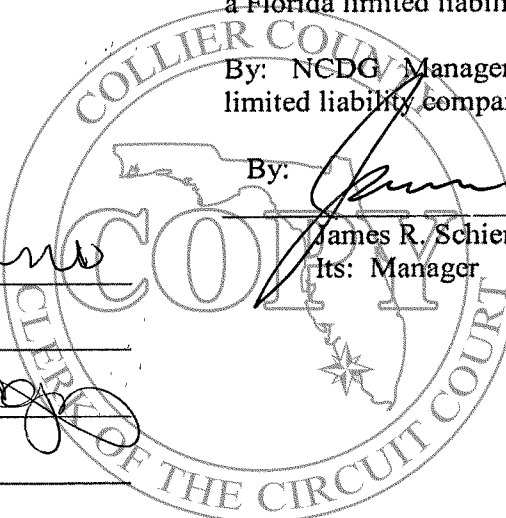
Print Name Cheryl Picerno

Michelle Nagy
Signature

Signature

Michelle Nagy

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 14 day of October, 2019.

Amy R. Mallon
Signature

NOTARY PUBLIC, State of Florida
Amy R. Mallon

My Commission Expires:

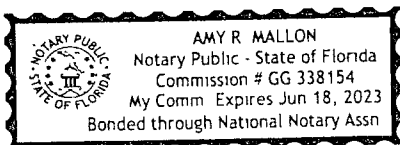
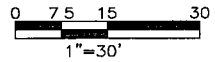


EXHIBIT B-III

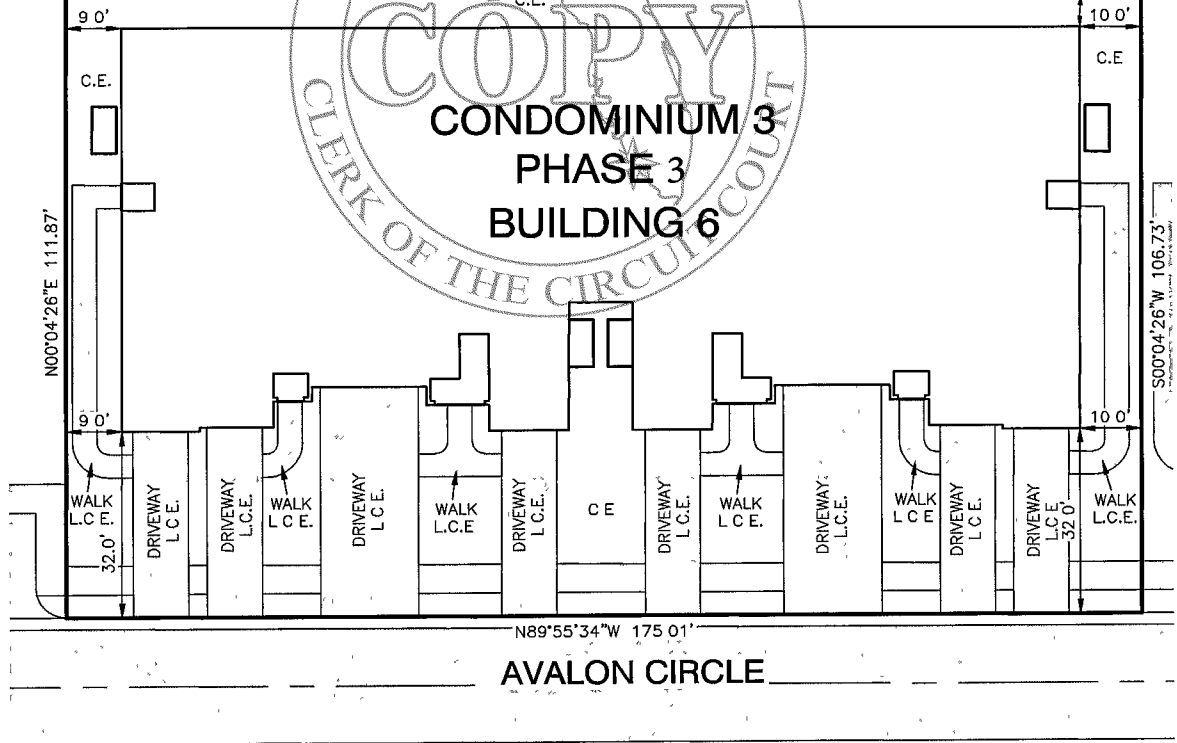
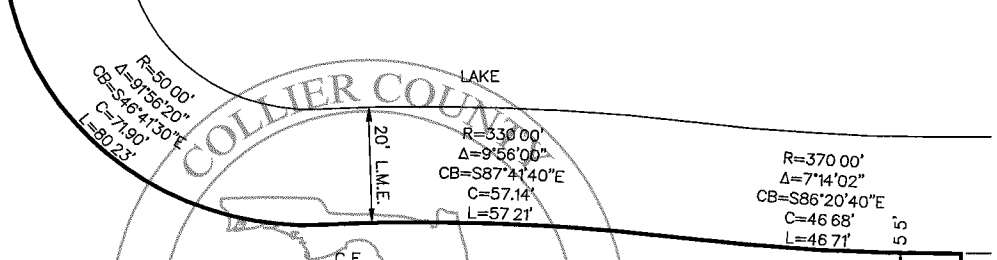
[Legal description, survey, plot plan, and graphic descriptions for Phase III]



EXHIBIT "B-III"



POC DESC.
 N1/4 CORNER OF SECTION 8
 S00°46'20"E 75.01'
 NORTH RIGHT-OF-WAY
 S89°56'40"W 1076.38'
 S00°43'20"E 291.61'
 POB DESC.



November 2, 2017 2:13 PM K:\2014\140013.01.04 Avalon Of Naples Condominium Documents\001 Condominium Exhibits\Condo 3\Rev 03\001 CD3SP3.dwg

<p>DATE: 11/2/17 PROJECT NO.: 140013.01.04 FILE NAME: 001 CD3SP3 SHEET NUMBER: 1 OF 9 DRAWN: TJD CHECKED: MAW</p>	<p>SEC: 8 TWP: 50 RGE: 26 SCALE: 1" = 30' PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM TITLE: PHASE 3 SITE PLAN - BUILDING 6 CLIENT: AVALON OF NAPLES, LLC</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>
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EXHIBIT "B-III"

**PHASE 3 - BUILDING 6
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 291.61 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE SOUTHEASTERLY 80.23 FEET ALONG THE ARC OF A TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET THROUGH A CENTRAL ANGLE OF 91°56'20" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.46°41'30"E. FOR 71.90 FEET TO A POINT OF REVERSE CURVATURE;

THENCE EASTERLY 57.21 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 330.00 FEET THROUGH A CENTRAL ANGLE OF 09°56'00" AND BEING SUBTENDED BY A CHORD WHICH BEARS S.87°41'40"E. FOR 57.14 FEET TO A POINT OF REVERSE CURVATURE,

THENCE EASTERLY 46.71 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 370.00 FEET THROUGH A CENTRAL ANGLE OF 07°14'02" AND BEING SUBTENDED BY A CHORD WHICH BEARS S 86°20'40"E. FOR 46.68 FEET;

THENCE S.00°04'26"W., FOR 106.73 FEET;

THENCE N.89°55'34"W , FOR 175.01 FEET,

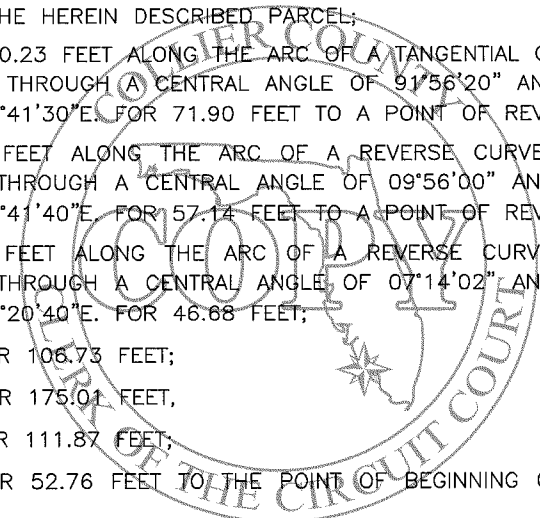
THENCE N.00°04'26"E , FOR 111.87 FEET;

THENCE N.21°06'32"E., FOR 52.76 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 20,368 SQUARE FEET OR 0.47 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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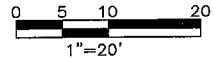
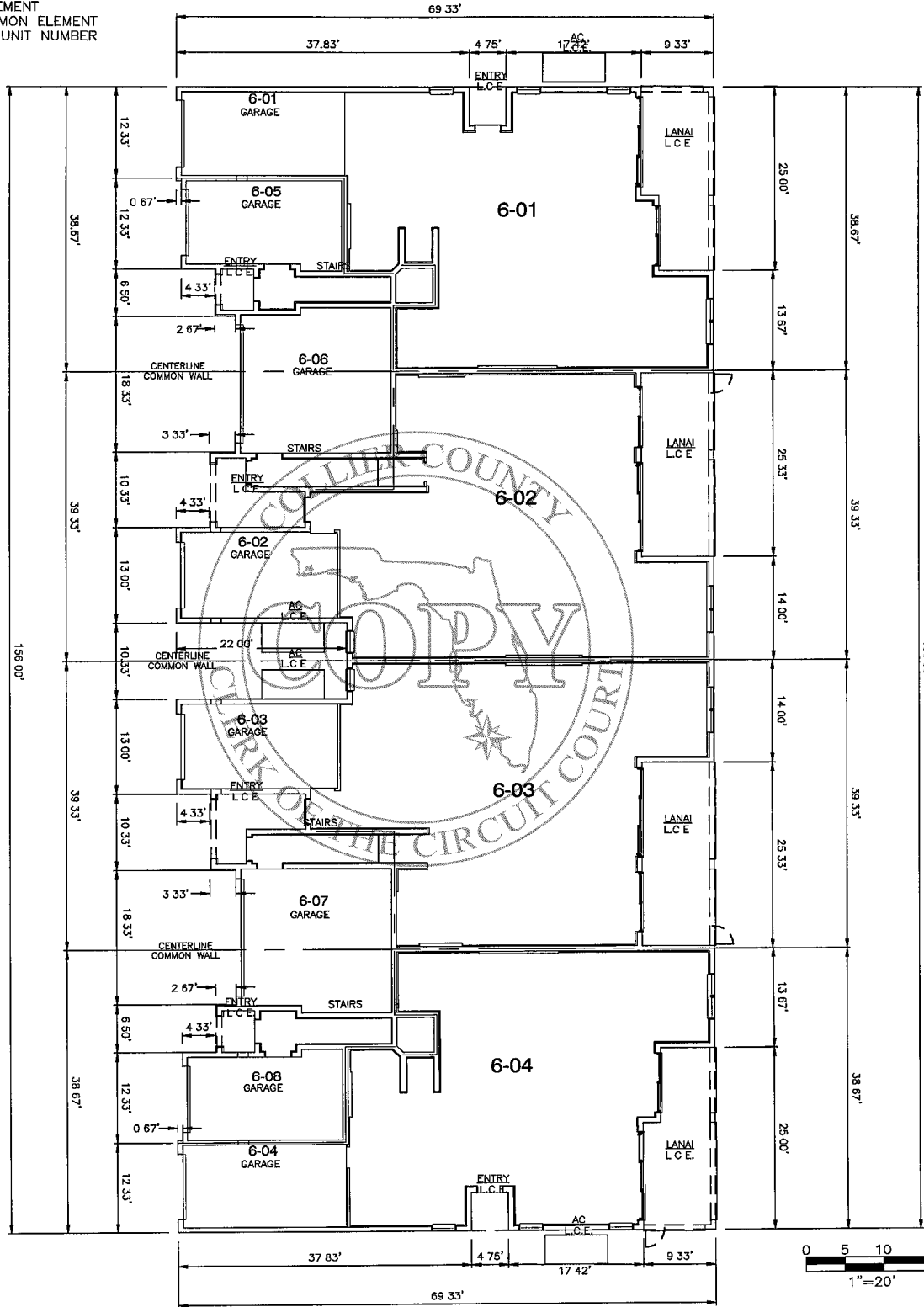
DATE: 11/2/17 PROJECT NO: 140013.01.04 FILE NAME: 001 CD3SP3 SHEET NUMBER 2 OF 9 DRAWN: TJD CHECKED: MAW	SEC: 8 TWP 50 RGE: 26 PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM TITLE: PHASE 3 DESCRIPTION - BUILDING 6 CLIENT: AVALON OF NAPLES, LLC	SCALE: N/A	 6610 Willow Park Drive, Suite 200 Naples, Florida 34109 Phone: (239) 597-0575 FAX: (239) 597-0578 LB No. 6952
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EXHIBIT "B-III"

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



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DATE: 11/2/17
 PROJECT NO 140013.01.04
 FILE NAME 001 CD3SP3
 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

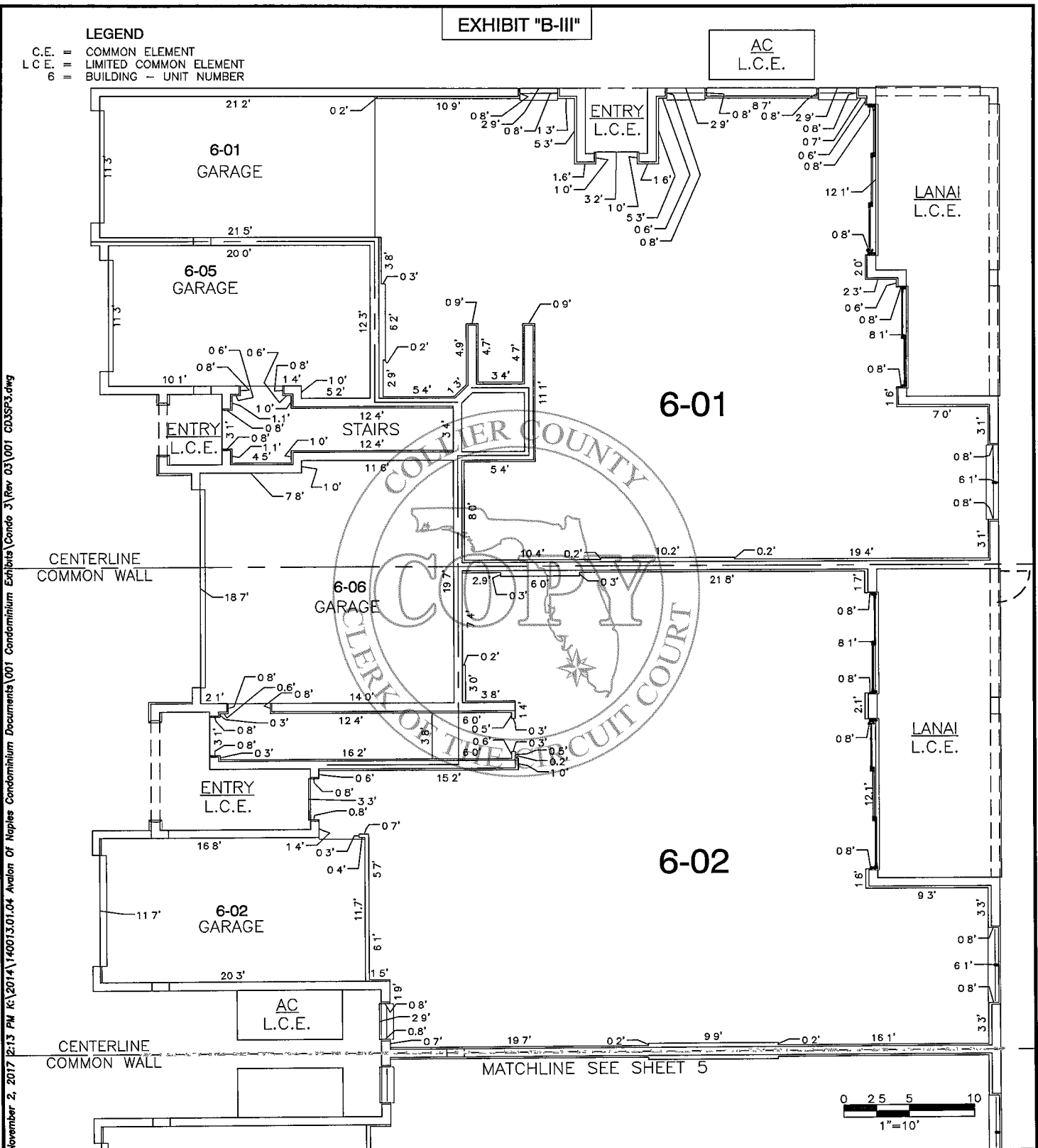
RWA
ENGINEERING
 6610 Willow Park Drive, Suite 200
 Naples, Florida 34109
 Phone (239) 597-0575
 FAX (239) 597-0578
 LB No 6952

EXHIBIT "B-III"

LEGEND

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

AC
L.C.E.

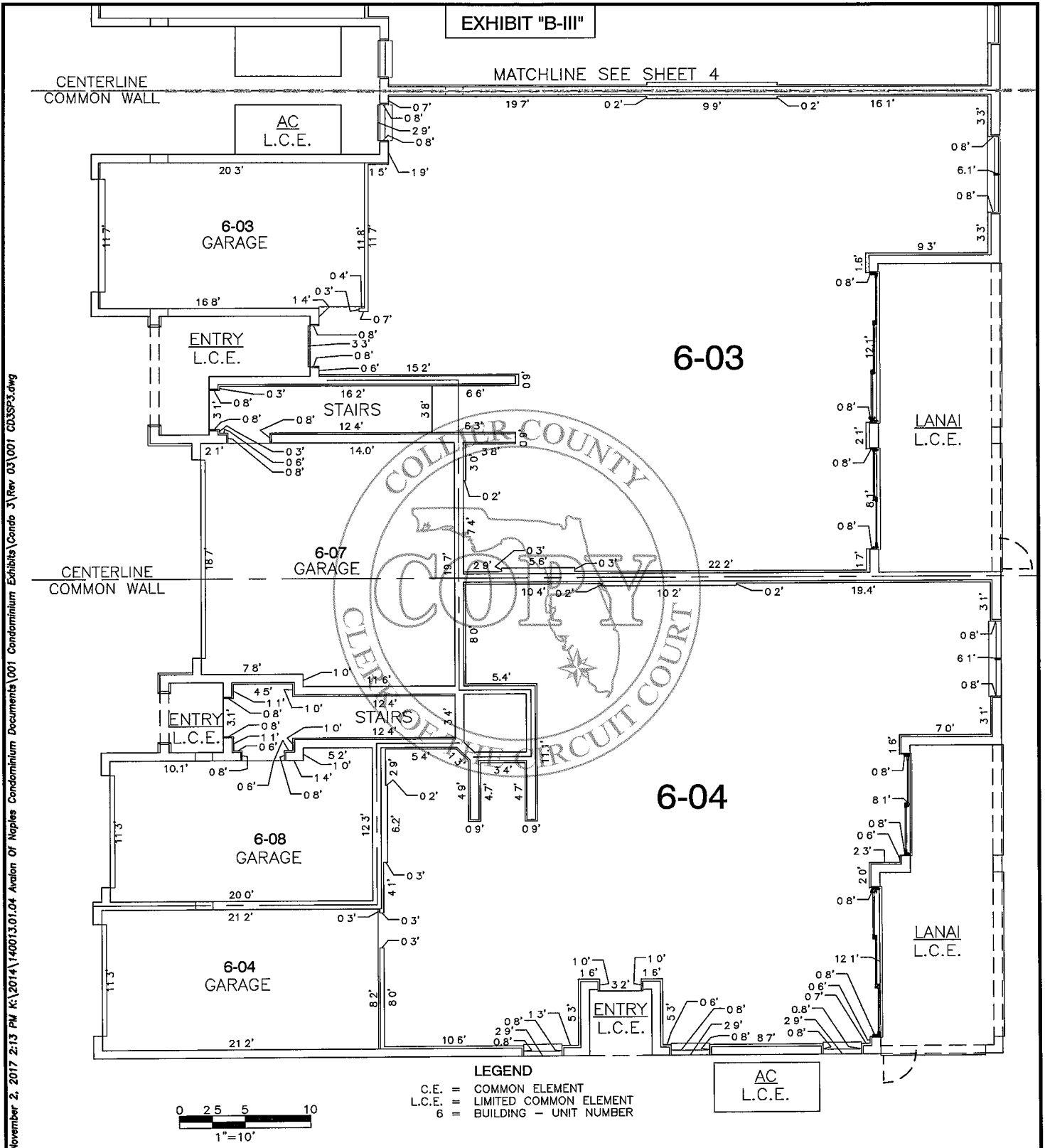


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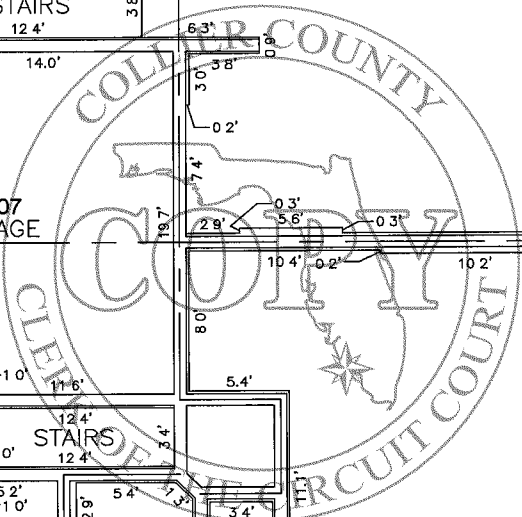
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 PROJECT NO 140013.01.04
 FILE NAME 001 CD3SP3
 SHEET NUMBER: 4 OF 9
 DRAWN. JMP
 CHECKED: TJD

SEC 8 TWP: 50S RGE: 26E
 SCALE: 1" = 10'
 PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
 TITLE: INTERIOR DIMENSIONS - FIRST FLOOR
 & 6-2
 CLIENT: AVALON OF NAPLES, LLC

RWA
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 6645 Willow Park Drive, Suite 200
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 LB No. 6952



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DATE: 11/2/17
 PROJECT NO. 140013.01.04
 FILE NAME 001 CD3SP3
 SHEET NUMBER: 5 OF 9
 DRAWN JMP
 CHECKED TJD

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

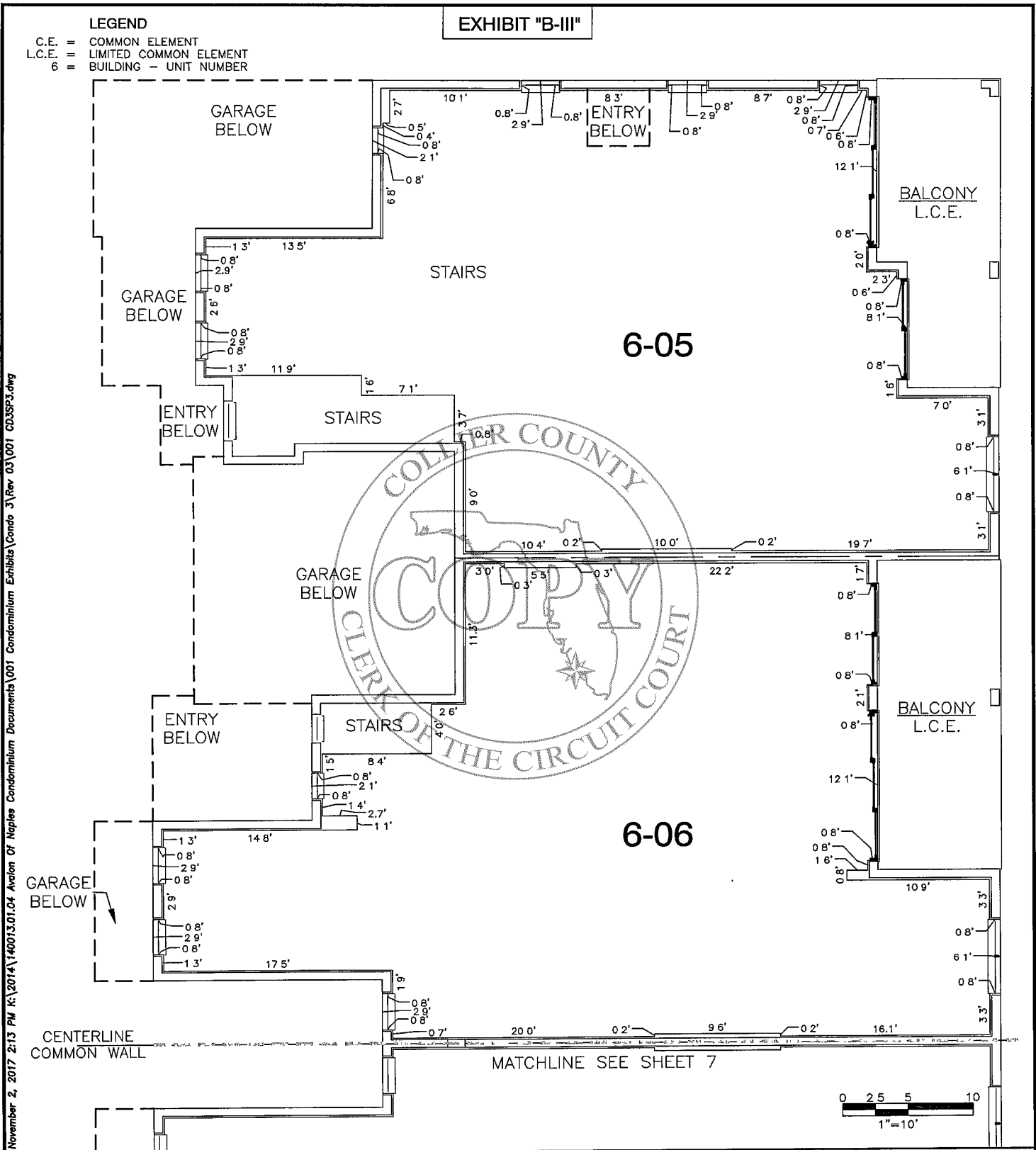
PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM
 TITLE: INTERIOR DIMENSIONS - FIRST FLOOR
 6-3 & 6-4
 CLIENT: AVALON OF NAPLES, LLC

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

EXHIBIT "B-III"

LEGEND

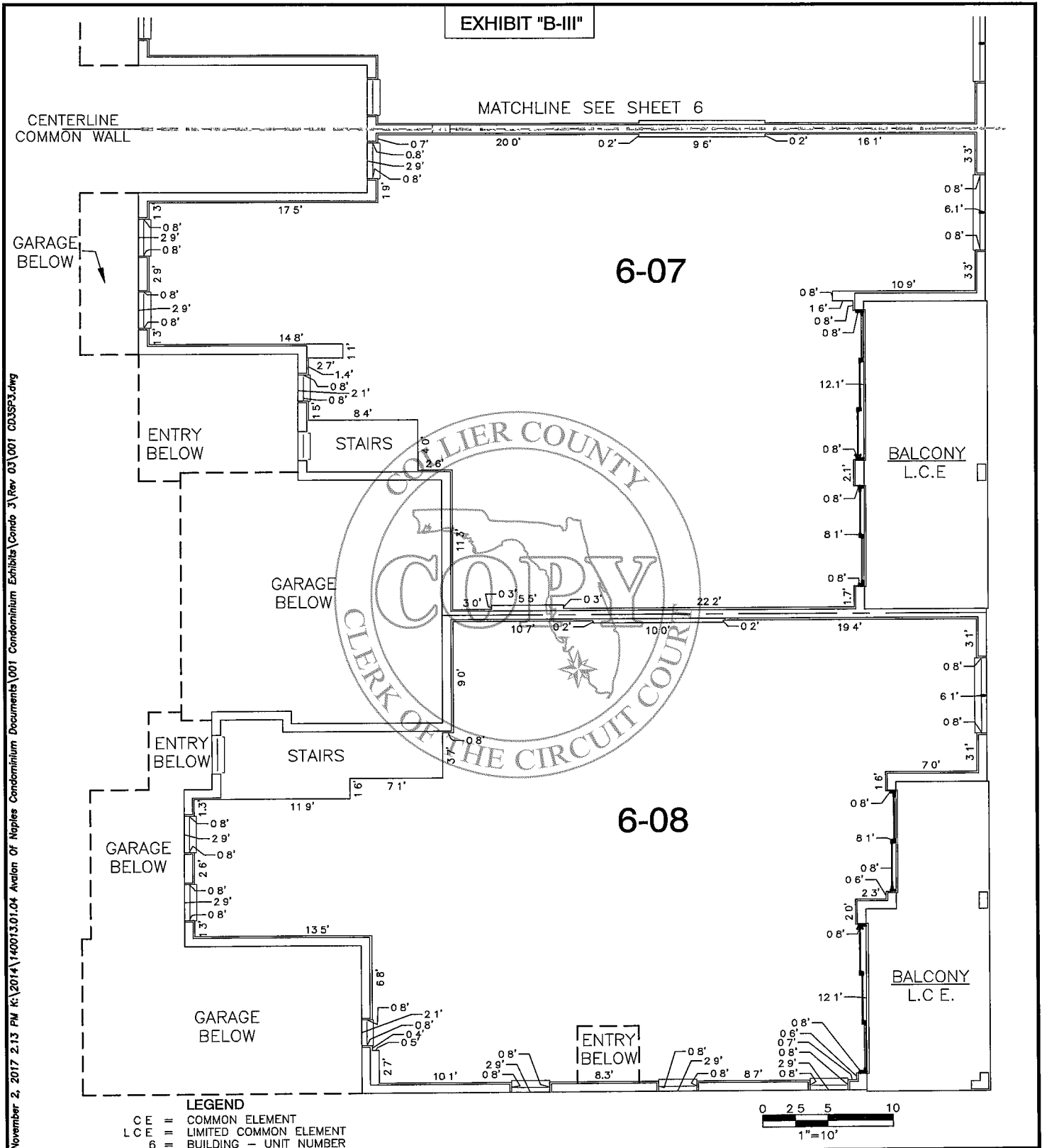
- C.E. = COMMON ELEMENT
- L.C.E. = LIMITED COMMON ELEMENT
- 6 = BUILDING - UNIT NUMBER



DATE: 11/2/17
 PROJECT NO 140013.01.04
 FILE NAME 001 CD3SP3
 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
 6-5 & 6-6
 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



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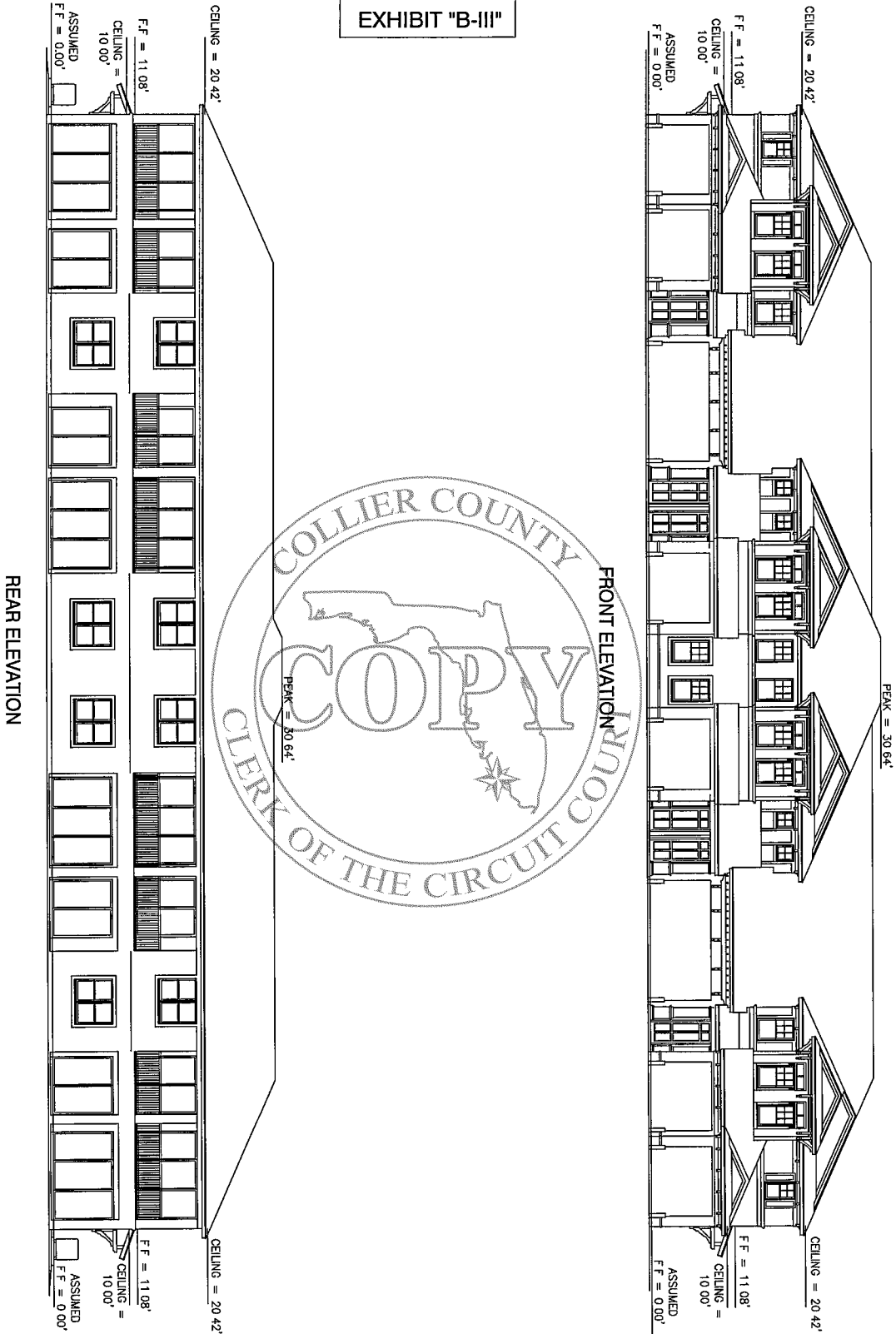
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 PROJECT NO 140016.01.04
 FILE NAME 001 CD3SP3
 SHEET NUMBER 7 OF 9
 DRAWN JMP
 CHECKED TJD

SEC: 8 TWP: 50s RGE: 26e SCALE: 1" = 10'

PROJECT AVALON OF NAPLES 3, A CONDOMINIUM
 TITLE: INTERIOR DIMENSIONS - SECOND FLOOR
 6-7 & 6-8
 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-III"



LEGEND
F.F. = FINISHED FLOOR

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DATE: 11/2/17
PROJECT NO. 140013.01.04
FILE NAME 001 CD3SP3
SHEET NUMBER: 8 OF 9
DRAWN. JMP
CHECKED. TJD

SEC. 8 TWP. 50S RGE. 26E

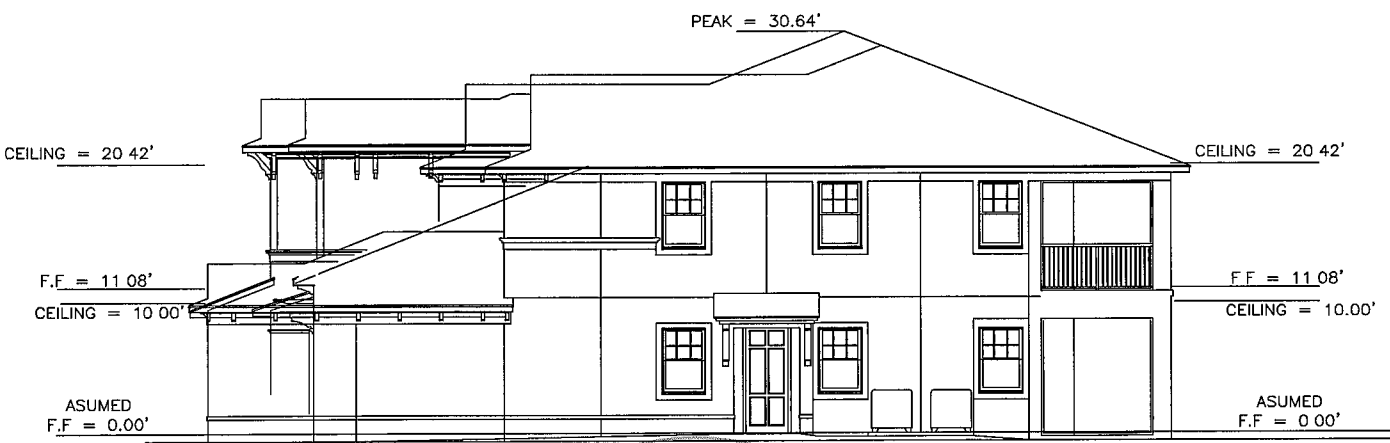
SCALE N.T.S.

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

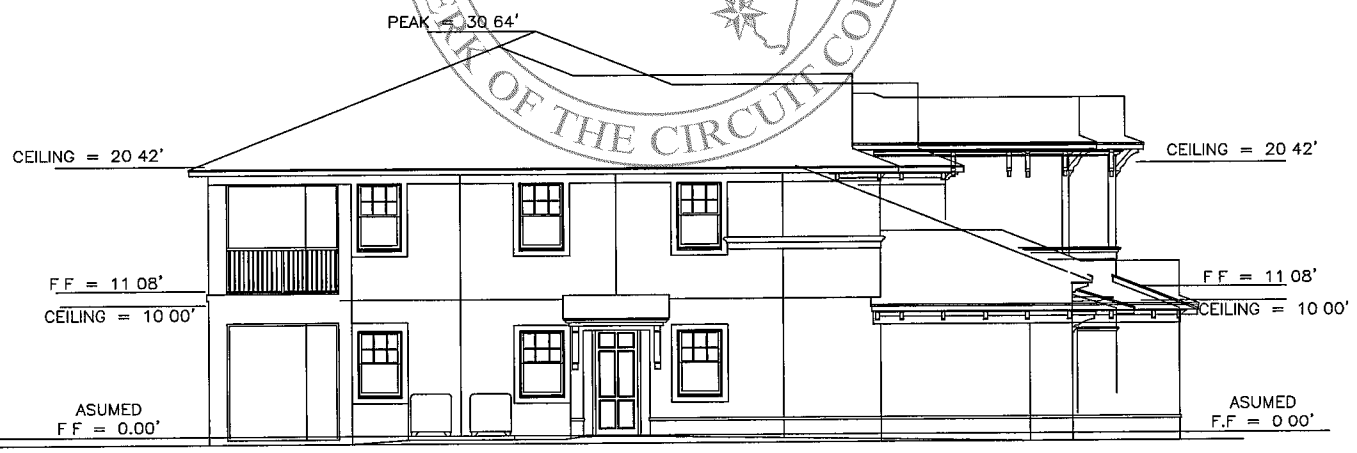
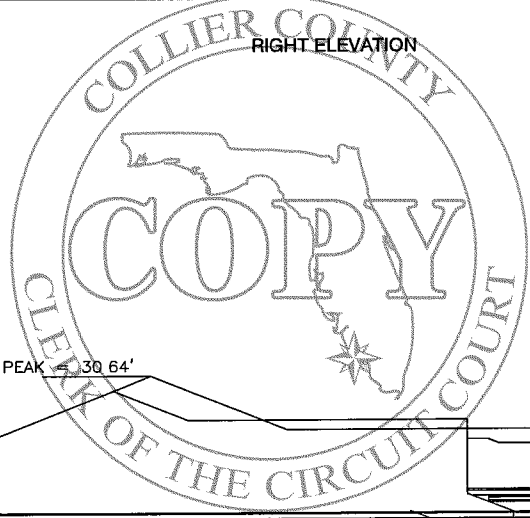


6610 Willow Park Drive, Suite 200
Naples, Florida 34109
Phone (239) 597-0575
FAX (239) 597-0578
LB No. 6952

EXHIBIT "B-III"



RIGHT ELEVATION



LEFT ELEVATION

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LEGEND
FF = FINISHED FLOOR

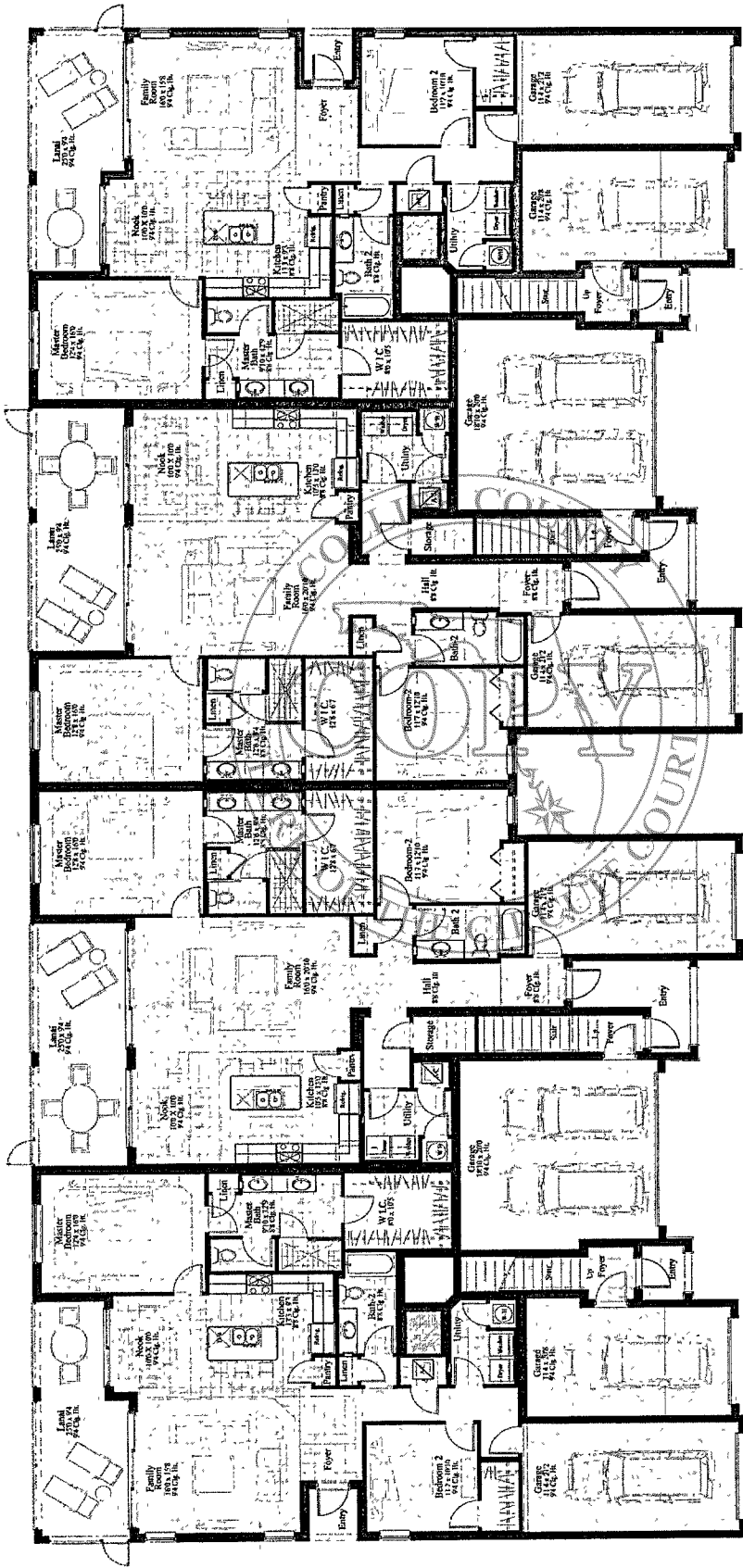
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1.00	Living Area	1339 S.F.
1.01	Laundry	207 S.F.
1.02	Garage	240 S.F.
1.03	Covered Entry	26 S.F.
1.04	Total Area	1812 S.F.

8-Unit Carriage Homes
 Miller Trust, Richmond Park
 Clark County Parks

WILLIAMSON-HINKLE ARCHITECTS, LLC
 Building Home, Life
 NEALCOMMUNITIES

A-1



Keewick

Living Area	1339 S.F.
Laundry	207 S.F.
Garage	240 S.F.
Covered Entry	26 S.F.
Total Area	1812 S.F.

Kendal

Living Area	1467 S.F.
Laundry	232 S.F.
Garage	236 S.F.
Covered Entry	58 S.F.
Total Area	1993 S.F.

Kendal

Living Area	1467 S.F.
Laundry	232 S.F.
Garage	236 S.F.
Covered Entry	58 S.F.
Total Area	1993 S.F.

Keewick

Living Area	1339 S.F.
Laundry	207 S.F.
Garage	240 S.F.
Covered Entry	26 S.F.
Total Area	1812 S.F.

First Floor Overall

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 / 32</u>	3.1250%
6954 Avalon Circle, Naples, FL 34112, #702	<u>1 / 32</u>	3.1250%
6954 Avalon Circle, Naples, FL 34112, #703	<u>1 / 32</u>	3.1250%
6954 Avalon Circle, Naples, FL 34112, #704	<u>1 / 32</u>	3.1250%
6954 Avalon Circle, Naples, FL 34112, #705	<u>1 / 32</u>	3.1250%
6954 Avalon Circle, Naples, FL 34112, #706	<u>1 / 32</u>	3.1250%
6954 Avalon Circle, Naples, FL 34112, #707	<u>1 / 32</u>	3.1250%
6954 Avalon Circle, Naples, FL 34112, #708	<u>1 / 32</u>	3.1250%

2. Phase V (Building 5)

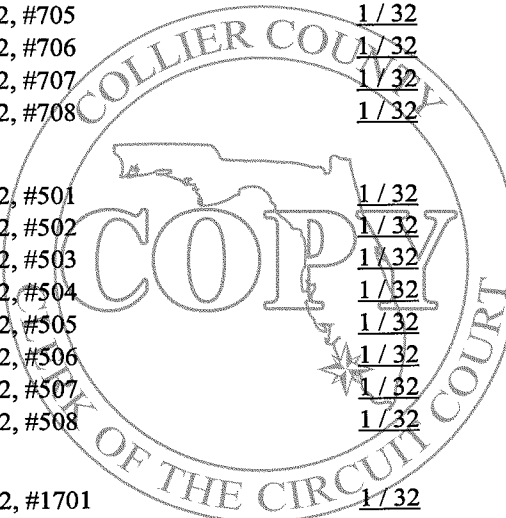
6940 Avalon Circle, Naples, FL 34112, #501	<u>1 / 32</u>	3.1250%
6940 Avalon Circle, Naples, FL 34112, #502	<u>1 / 32</u>	3.1250%
6940 Avalon Circle, Naples, FL 34112, #503	<u>1 / 32</u>	3.1250%
6940 Avalon Circle, Naples, FL 34112, #504	<u>1 / 32</u>	3.1250%
6940 Avalon Circle, Naples, FL 34112, #505	<u>1 / 32</u>	3.1250%
6940 Avalon Circle, Naples, FL 34112, #506	<u>1 / 32</u>	3.1250%
6940 Avalon Circle, Naples, FL 34112, #507	<u>1 / 32</u>	3.1250%
6940 Avalon Circle, Naples, FL 34112, #508	<u>1 / 32</u>	3.1250%

3. Phase II (Building 17)

6959 Avalon Circle, Naples, FL 34112, #1701	<u>1 / 32</u>	3.1250%
6959 Avalon Circle, Naples, FL 34112, #1702	<u>1 / 32</u>	3.1250%
6959 Avalon Circle, Naples, FL 34112, #1703	<u>1 / 32</u>	3.1250%
6959 Avalon Circle, Naples, FL 34112, #1704	<u>1 / 32</u>	3.1250%
6959 Avalon Circle, Naples, FL 34112, #1705	<u>1 / 32</u>	3.1250%
6959 Avalon Circle, Naples, FL 34112, #1706	<u>1 / 32</u>	3.1250%
6959 Avalon Circle, Naples, FL 34112, #1707	<u>1 / 32</u>	3.1250%
6959 Avalon Circle, Naples, FL 34112, #1708	<u>1 / 32</u>	3.1250%

4. Phase III (Building 6)

6948 Avalon Circle, Naples, FL 34112, #601	<u>1 / 32</u>	3.1250%
6948 Avalon Circle, Naples, FL 34112, #602	<u>1 / 32</u>	3.1250%
6948 Avalon Circle, Naples, FL 34112, #603	<u>1 / 32</u>	3.1250%
6948 Avalon Circle, Naples, FL 34112, #604	<u>1 / 32</u>	3.1250%
6948 Avalon Circle, Naples, FL 34112, #605	<u>1 / 32</u>	3.1250%
6948 Avalon Circle, Naples, FL 34112, #606	<u>1 / 32</u>	3.1250%
6948 Avalon Circle, Naples, FL 34112, #607	<u>1 / 32</u>	3.1250%
6948 Avalon Circle, Naples, FL 34112, #608	<u>1 / 32</u>	3.1250%



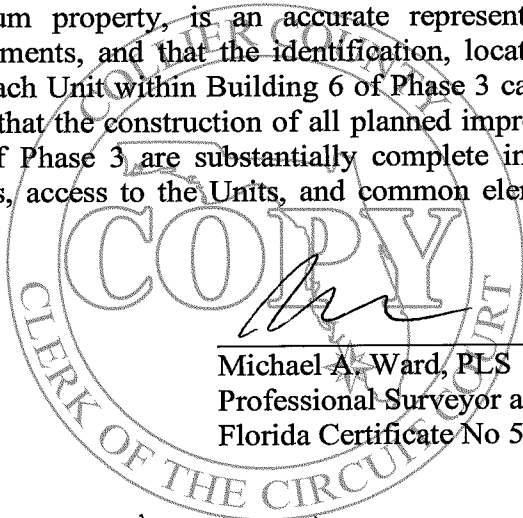
CERTIFICATE OF SURVEYOR

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:

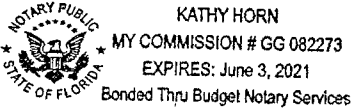
1. That Affiant is a registered Surveyor and Mapper holding Florida Certificate No. 5301, and is the surveyor who surveyed the property known and identified as "AVALON OF NAPLES III", a condominium, as per Declaration of Condominium recorded in Official Record Book 5594, Page 1162, of the Public Records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

2. The construction of the improvements, with respect to all Units within Building 6 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 6 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 6 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 6 of Phase 3.



[Signature] 10/11/19
Michael A. Ward, PLS
Professional Surveyor and Mapper
Florida Certificate No 5301

Signed and sworn to before me this 11th day of October, 2019, by Michael A. Ward who is personally known to me or has produced as identification.



[Signature]

Notary Public, State of Florida
[Signature]

Printed Name of Notary Public
My Commission Expires: 6-3-21

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
705 10th Avenue W., Unit 103
Palmetto, FL 34221