

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

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

**THIS FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF AVALON OF NAPLES III, A CONDOMINIUM** (“Fifth Amendment”) is made as of the 21 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; Fourth Amendment to Declaration of Condominium of Avalon of Naples III as recorded in Official Records Book 5685, Page 1694 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 Fifth 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 Fifth Amendment.

c. The Certificate of Surveyor for Building 18 of Phase IV is attached hereto and incorporated herein and confirms that Building 18 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 Fifth Amendment to be executed in its name as of the day and year first written above.

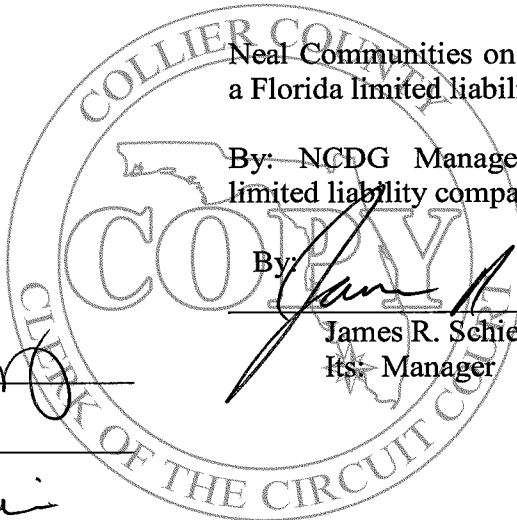
WITNESSES:

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

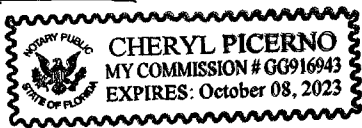


[Signature]  
Signature Michelle Nagy

[Signature]  
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 21 day of OCTOBER, 2019.



[Signature]  
NOTARY PUBLIC, State of Florida

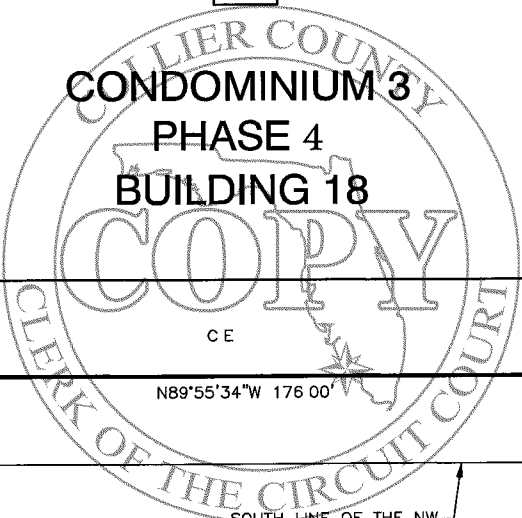
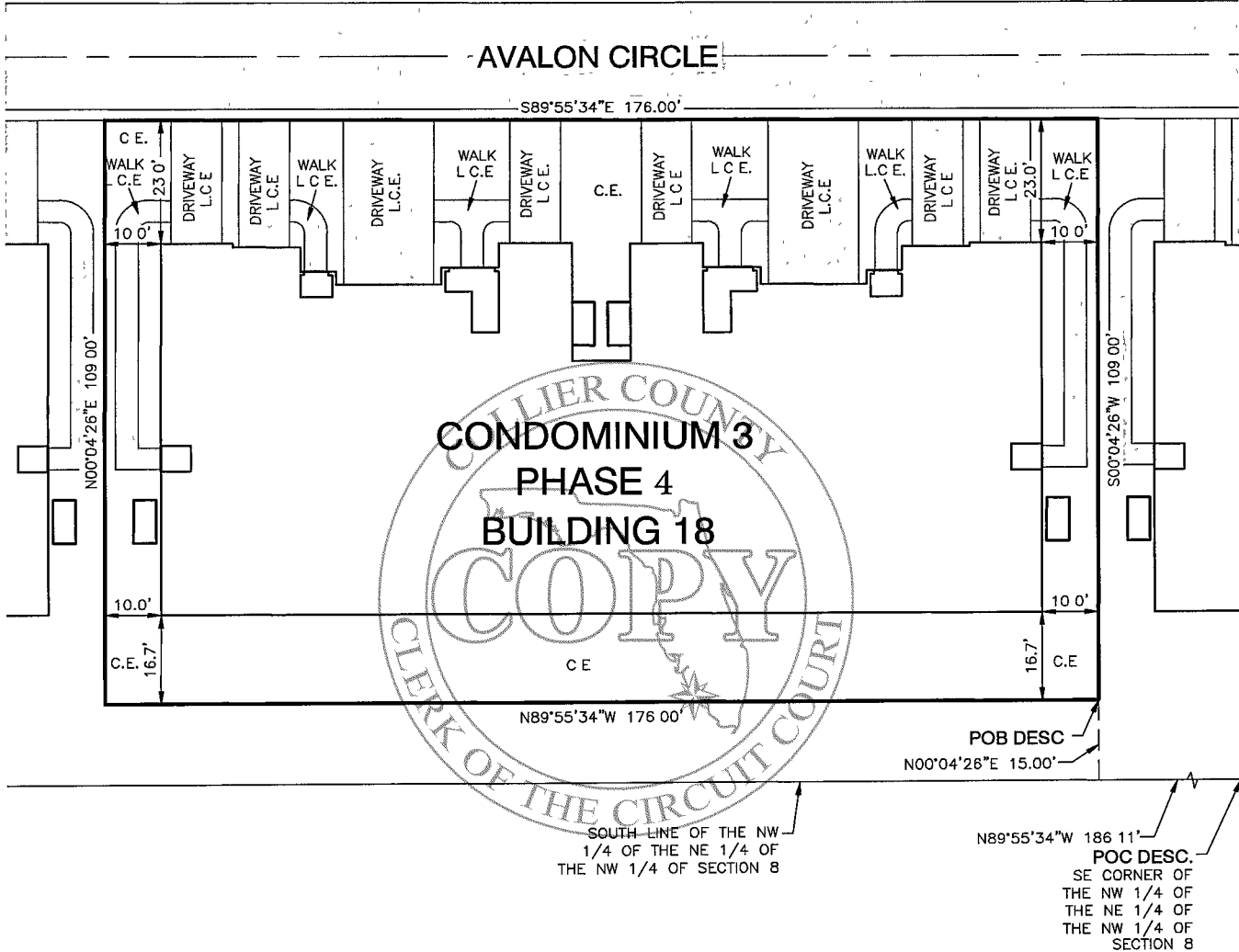
My Commission Expires:

EXHIBIT B-IV

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

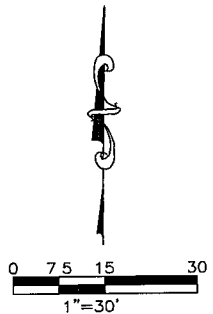


EXHIBIT "B-IV"



November 2, 2017 2:15 PM K:\2014\140013.01.04 Avalon of Naples Condominium Exhibits\001 Condominium Exhibits\Condo 3\Rev 03\001 CD3SP4.dwg

POB DESC  
 N00°04'26"E 15.00'  
 SOUTH LINE OF THE NW  
 1/4 OF THE NE 1/4 OF  
 THE NW 1/4 OF SECTION 8  
 N89°55'34"W 186 11'  
 POC DESC.  
 SE CORNER OF  
 THE NW 1/4 OF  
 THE NE 1/4 OF  
 THE NW 1/4 OF  
 SECTION 8



DATE: 11/2/17  
 PROJECT NO. 140013.01.04  
 FILE NAME 001 CD3SP4  
 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 4 SITE PLAN - BUILDING 18  
 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"

**PHASE 4 - BUILDING 18  
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 SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 8 THENCE N.89°55'34"W., ON THE SOUTH LINE OF SAID FRACTION FOR 186.11 FEET;

THENCE S.00°04'26"W., DEPARTING SAID SOUTH LINE FOR 15.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE N.89°55'34"W., FOR 176.00 FEET;

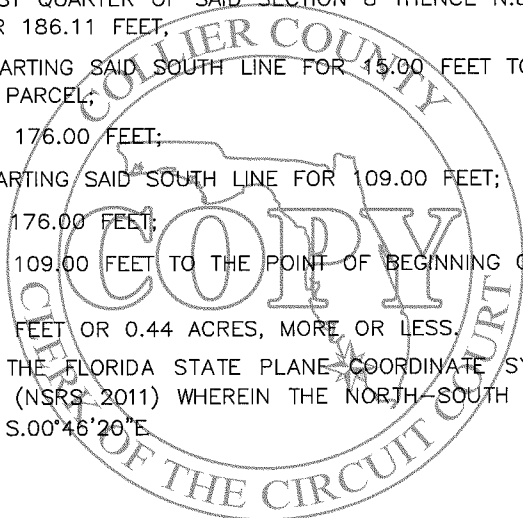
THENCE N.00°04'26"E., DEPARTING SAID SOUTH LINE FOR 109.00 FEET;

THENCE S 89°55'34"E., FOR 176.00 FEET;

THENCE S.00°04'26"W., FOR 109.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN;

CONTAINING 19,184 SQUARE FEET OR 0.44 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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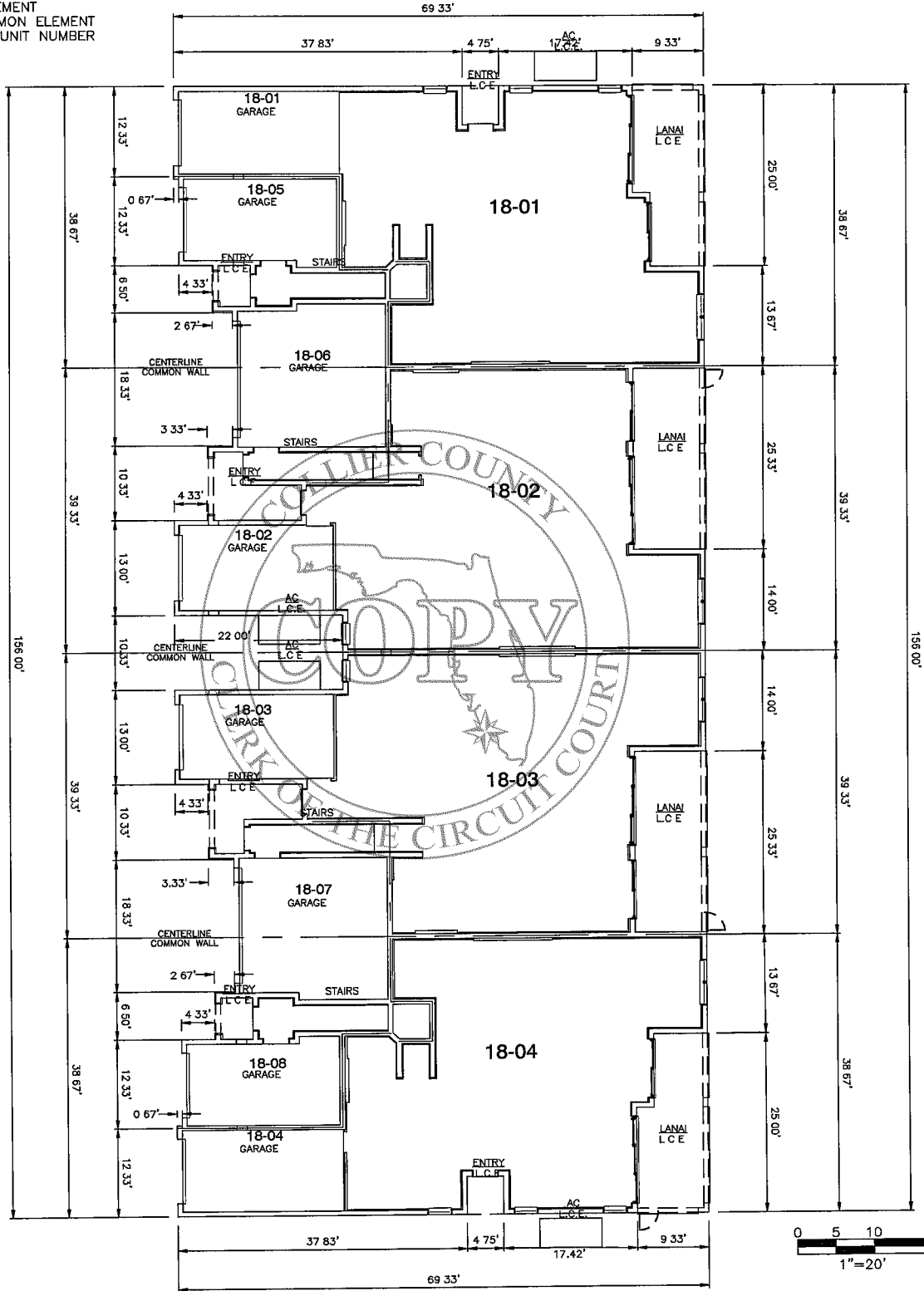
DATE: 11/2/17 PROJECT NO.: 140013.01.04 FILE NAME: 001 CD3SP4 SHEET NUMBER: 2 OF 9 DRAWN: TJD CHECKED: MAW	SEC. 8 TWP. 50 RGE 26 PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM TITLE: PHASE 4 DESCRIPTION - BUILDING 18 CLIENT: AVALON OF NAPLES, LLC	SCALE N/A	 6610 Willow Park Drive, Suite 200 Naples, Florida 34109 Phone (239) 597-0575 FAX (239) 597-0578 LB No. 6952
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EXHIBIT "B-IV"

LEGEND  
 CE = COMMON ELEMENT  
 LCE = LIMITED COMMON ELEMENT  
 18 = BUILDING - UNIT NUMBER



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DATE: 11/2/17  
 PROJECT NO. 140013.01.04  
 FILE NAME 001 CD3SP4  
 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



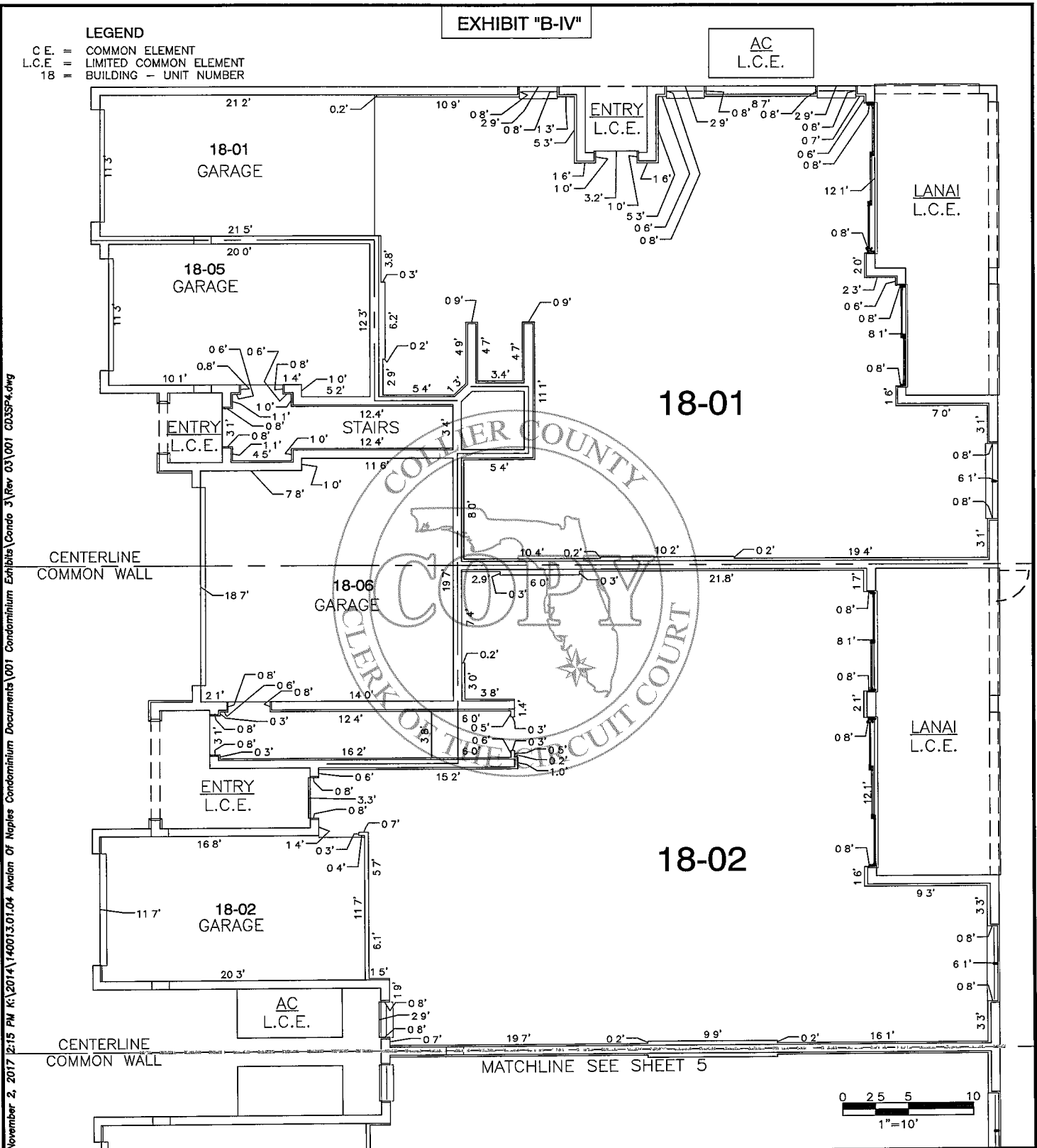
**RWA**  
 ENGINEERING  
 6610 Willow Park Drive, Suite 200  
 Naples, Florida 34109  
 Phone: (239) 597-0575  
 FAX: (239) 597-0578  
 LB No. 6952

EXHIBIT "B-IV"

LEGEND

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

AC  
L.C.E.

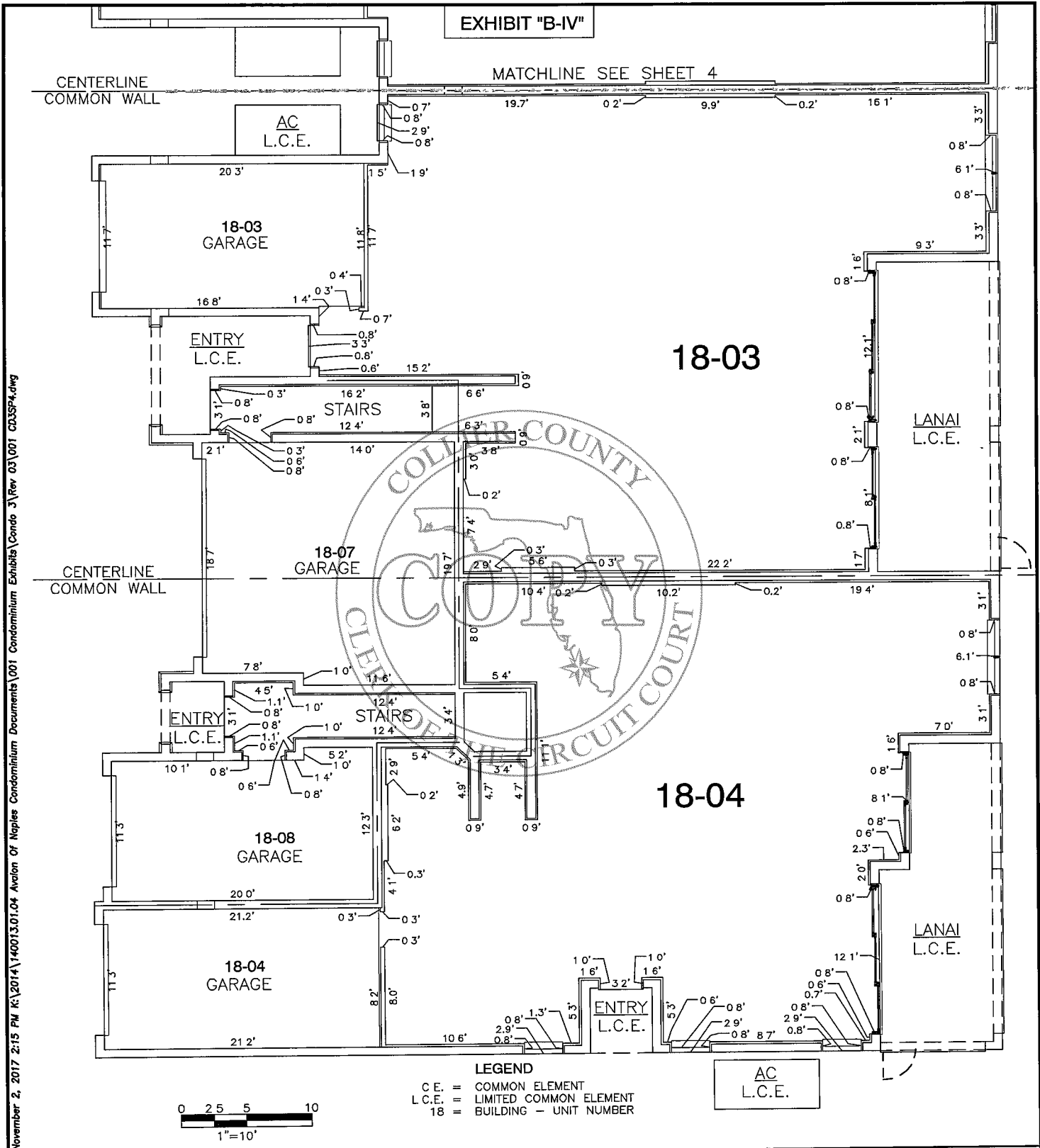


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DATE. 11/2/17  
 PROJECT NO. 140013.01.04  
 FILE NAME 001 CD3SP4  
 SHEET NUMBER 4 OF 9  
 DRAWN JMP  
 CHECKED: TJD

SEC. 8 TWP 50S RGE. 26E  
 SCALE 1" = 10'  
 PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM  
 TITLE: INTERIOR DIMENSIONS - FIRST FLOOR  
 18-1 & 18-2  
 CLIENT: AVALON OF NAPLES, LLC

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**ENGINEERING**  
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DATE: 11/2/17  
 PROJECT NO. 140013.01.04  
 FILE NAME. 001 CD3SP4  
 SHEET NUMBER. 5 OF 9  
 DRAWN JMP  
 CHECKED TJD

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

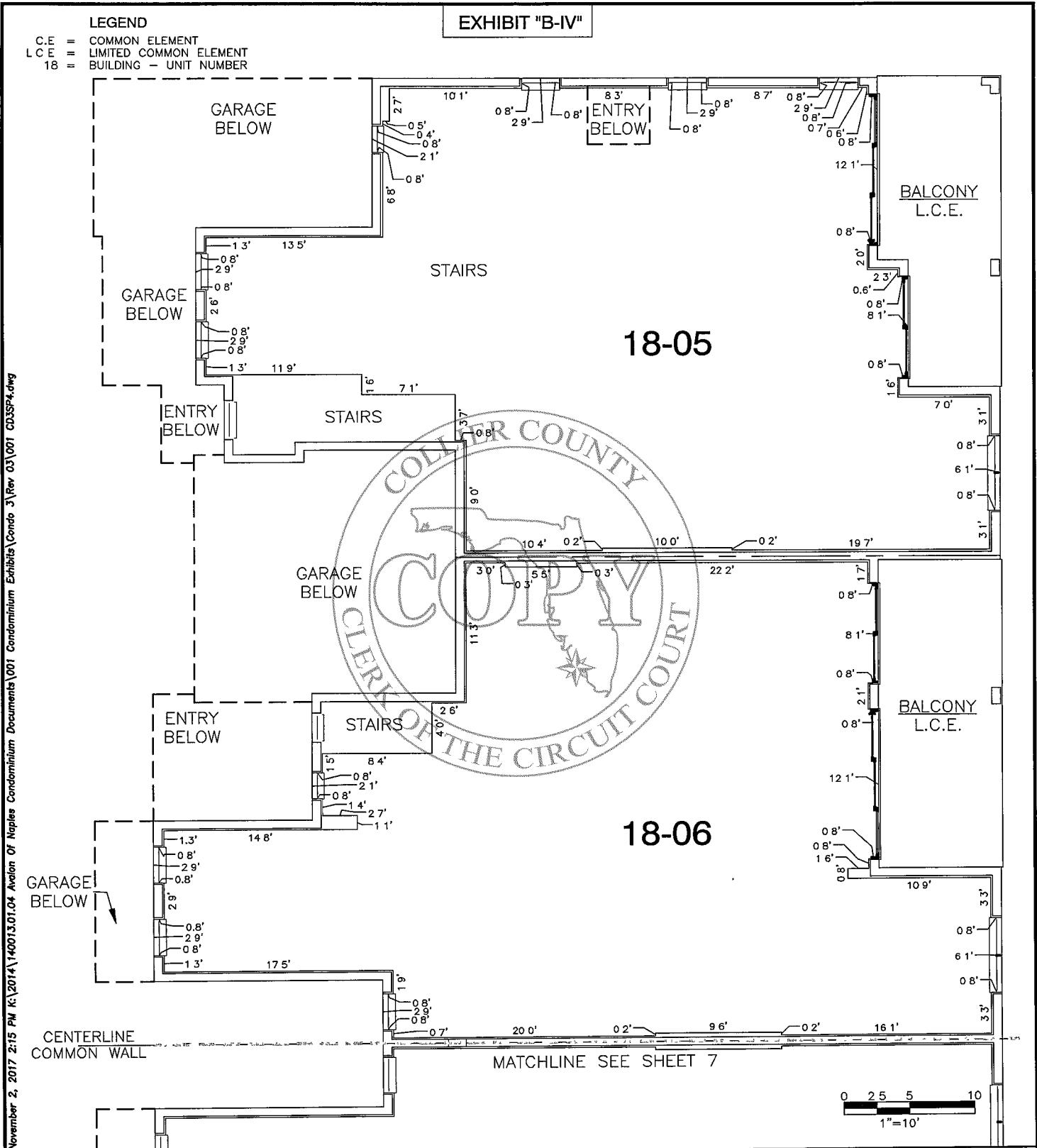
PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM  
 TITLE: 18-3 & 18-4  
 CLIENT: AVALON OF NAPLES, LLC

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



EXHIBIT "B-IV"

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

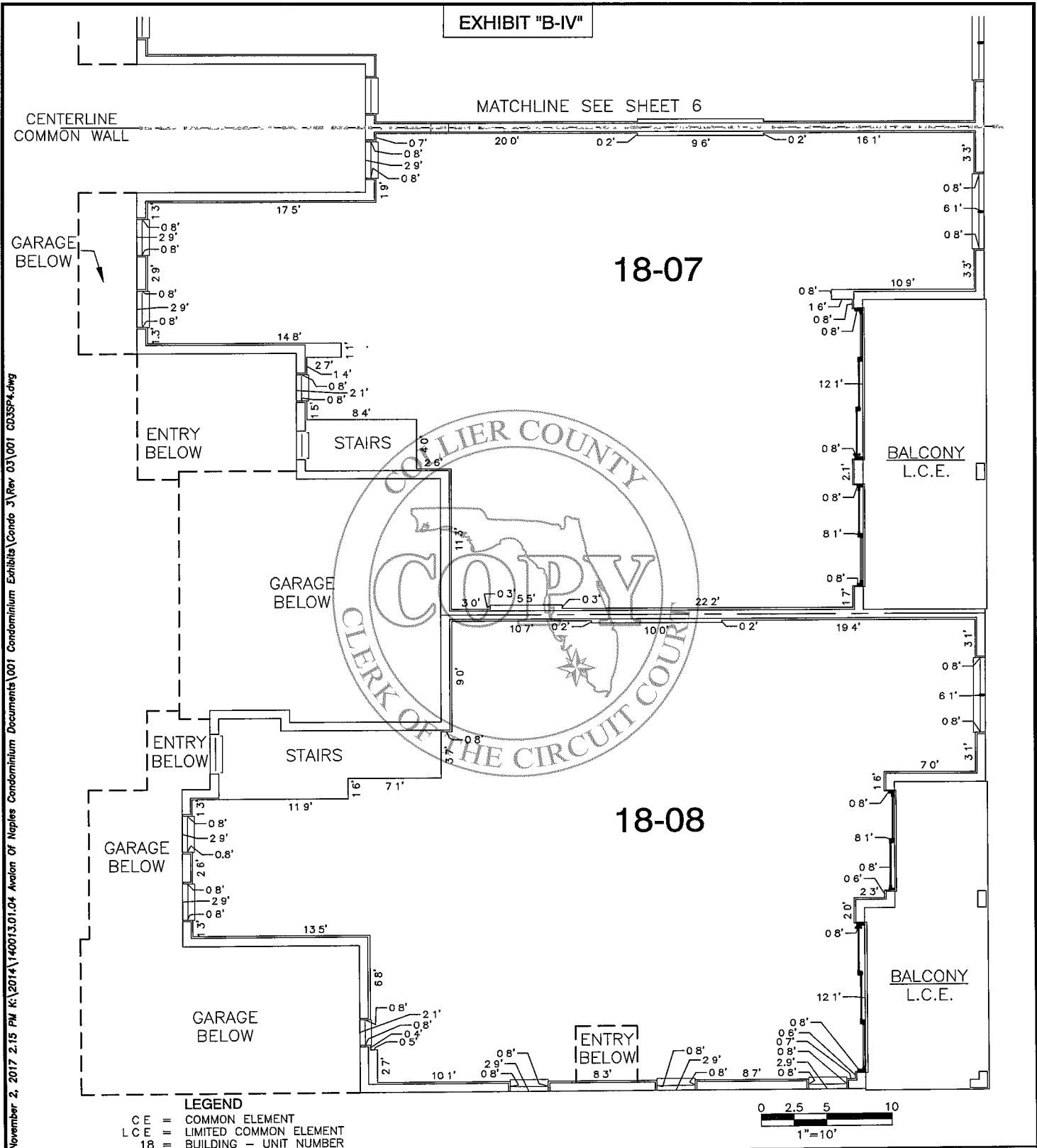


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DATE: 11/2/17  
 PROJECT NO 140013.01.04  
 FILE NAME 001 CD3SP4  
 SHEET NUMBER. 6 OF 9  
 DRAWN JMP  
 CHECKED. TJD

SEC: 8 TWP: 50S RGE: 26E  
 SCALE: 1" = 10'  
 PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM  
 TITLE: INTERIOR DIMENSIONS - SECOND FLOOR  
 18-5 & 18-6  
 CLIENT: AVALON OF NAPLES, LLC

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



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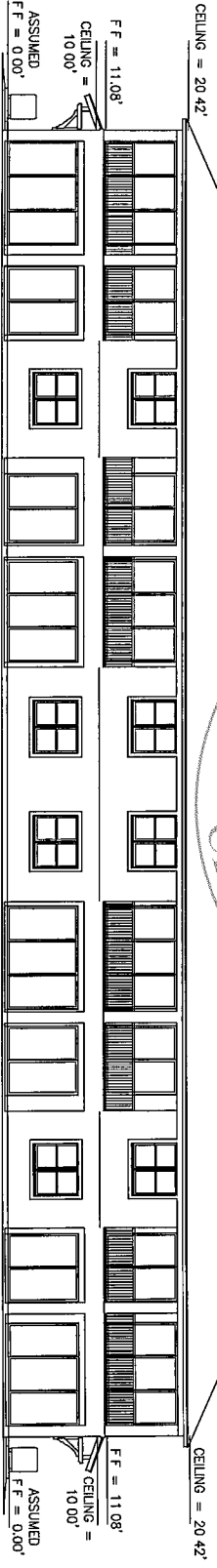
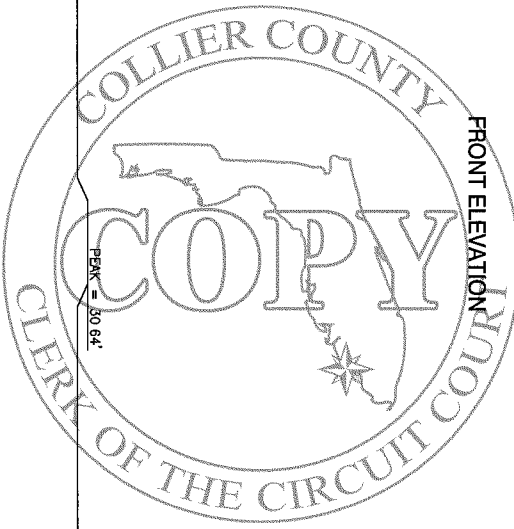
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 FILE NAME 001 CD3SP4  
 SHEET NUMBER 7 OF 9  
 DRAWN JMP  
 CHECKED TJD

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

PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM  
 TITLE: INTERIOR DIMENSIONS - SECOND FLOOR  
 18-7 & 18-8  
 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-IV"



REAR ELEVATION

LEGEND  
F.F. = FINISHED FLOOR

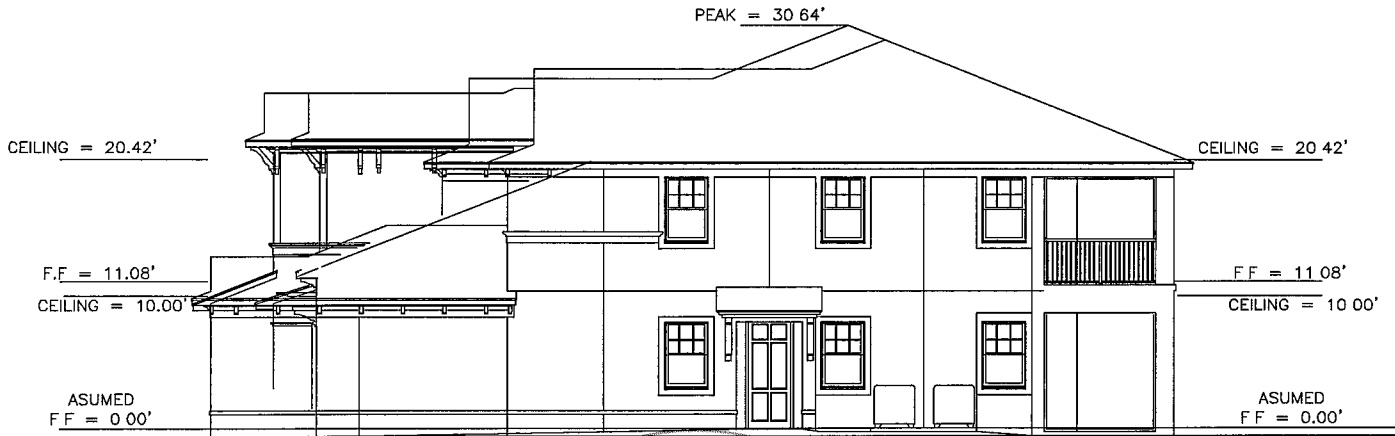
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PROJECT NO.: 140013.01.04  
FILE NAME 001 CD3SP4  
SHEET NUMBER 8 OF 9  
DRAWN: JMP  
CHECKED: TJD

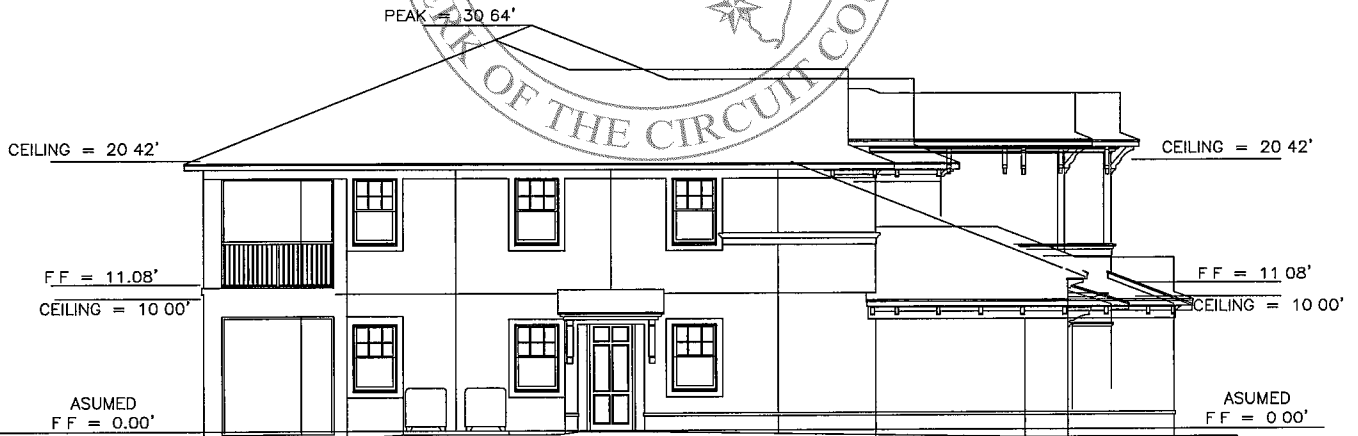
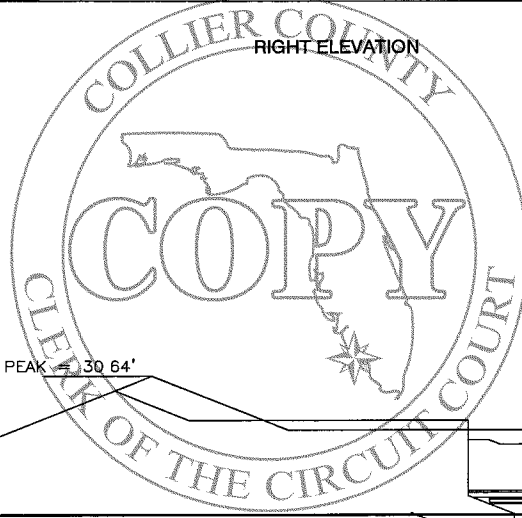
SEC: 8 TWP: 50S RGE: 26E SCALE: N.T.S.  
PROJECT: AVALON OF NAPLES 3, A CONDOMINIUM  
TITLE: ELEVATIONS FRONT AND REAR  
CLIENT: AVALON OF NAPLES, LLC

**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



LEFT ELEVATION

LEGEND  
FF = FINISHED FLOOR

<p>DATE: 11/2/17 PROJECT NO. 140013.01.04 FILE NAME 001 CD3SP4 SHEET NUMBER. 9 OF 9 DRAWN: JMP CHECKED: TJD</p>	<p>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</p>	<p><b>RWA</b> 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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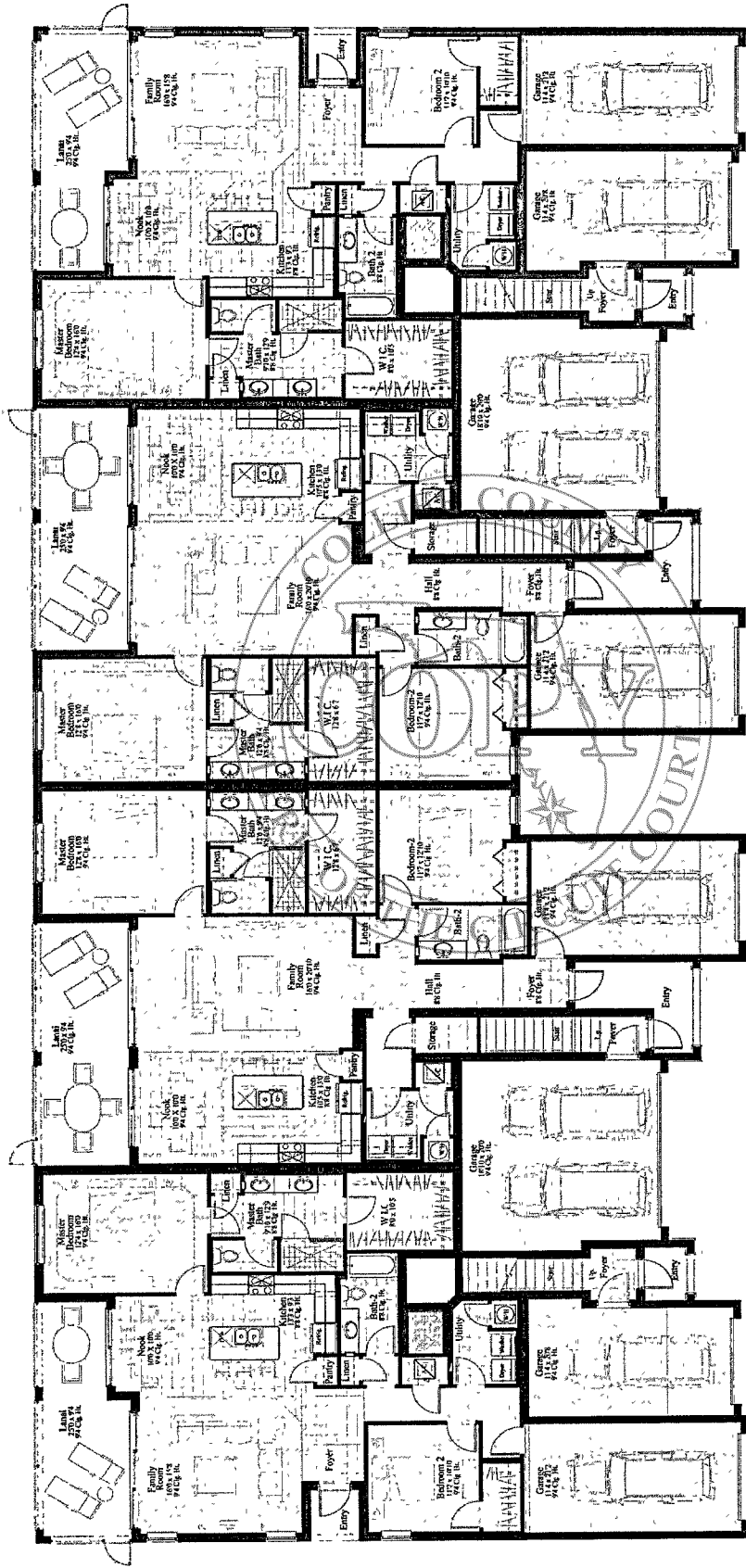
A-1

WILLIAMSON-HINKLE architects LLC

MEALCOMMUNITIES Building Home, Life

8-Unit Carriage Homes  
 Richmond Park  
 Modern Charm, Refined Taste  
 Calico Campy Finish

NO. OF UNITS	8
NO. OF STORIES	1
NO. OF GARAGES	8
NO. OF GARAGE SPACES	8
NO. OF GARAGE CARS	8
NO. OF GARAGE TRUCKS	8
NO. OF GARAGE BUSES	8
NO. OF GARAGE MOTORCYCLES	8
NO. OF GARAGE BIKES	8
NO. OF GARAGE BOATS	8
NO. OF GARAGE TRAILERS	8
NO. OF GARAGE RVS	8
NO. OF GARAGE SUVs	8
NO. OF GARAGE VANS	8
NO. OF GARAGE PICKUPS	8
NO. OF GARAGE CARS (TOTAL)	8
NO. OF GARAGE TRUCKS (TOTAL)	8
NO. OF GARAGE BUSES (TOTAL)	8
NO. OF GARAGE MOTORCYCLES (TOTAL)	8
NO. OF GARAGE BIKES (TOTAL)	8
NO. OF GARAGE BOATS (TOTAL)	8
NO. OF GARAGE TRAILERS (TOTAL)	8
NO. OF GARAGE RVS (TOTAL)	8
NO. OF GARAGE SUVs (TOTAL)	8
NO. OF GARAGE VANS (TOTAL)	8
NO. OF GARAGE PICKUPS (TOTAL)	8



**Keywick**

Living Area	1339 S.F.
Land	200 S.F.
Garage	240 S.F.
Covered Entry	26 S.F.
<b>Total Area</b>	<b>1813 S.F.</b>

**Kendal**

Living Area	1467 S.F.
Land	232 S.F.
Garage	238 S.F.
Covered Entry	58 S.F.
<b>Total Area</b>	<b>1995 S.F.</b>

**Kendal**

Living Area	1467 S.F.
Land	232 S.F.
Garage	236 S.F.
Covered Entry	58 S.F.
<b>Total Area</b>	<b>1993 S.F.</b>

**Keywick**

Living Area	1338 S.F.
Land	200 S.F.
Garage	240 S.F.
Covered Entry	26 S.F.
<b>Total Area</b>	<b>1812 S.F.</b>

*First Floor Overall*

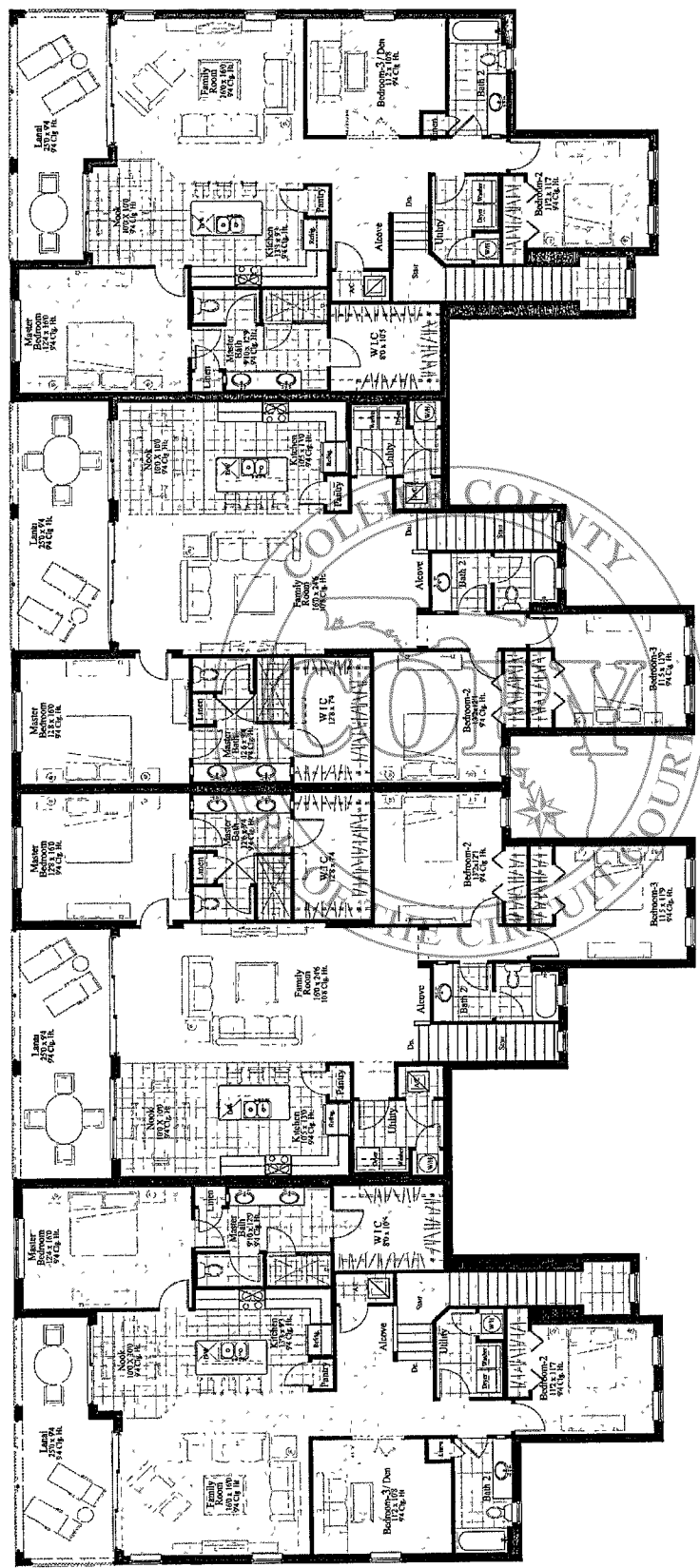
Room	Area (S.F.)	Notes
Living	1660	
Laun.	207	
Garage	231	
Covered Entry	26	
<b>Total Area</b>	<b>2124</b>	

**8-Unit Carriage Homes**  
 Midwood Park  
 19400 NE 19th St  
 Bellevue, WA 98007

**WILLAMSON-HINKLE NEALCOMMUNITIES**  
 Building Home Life

**A-2**

COMPILED BY WILLAMSON-HINKLE NEALCOMMUNITIES



**Windermere**

Living Area	1660 S.F.
Laun.	207 S.F.
Garage	231 S.F.
Covered Entry	26 S.F.
<b>Total Area</b>	<b>2124 S.F.</b>

**Whichaven**

Living Area	1725 S.F.
Laun.	232 S.F.
Garage	372 S.F.
Covered Entry	58 S.F.
<b>Total Area</b>	<b>2387 S.F.</b>

**Whichaven**

Living Area	1725 S.F.
Laun.	232 S.F.
Garage	372 S.F.
Covered Entry	58 S.F.
<b>Total Area</b>	<b>2387 S.F.</b>

**Windermere**

Living Area	1660 S.F.
Laun.	207 S.F.
Garage	231 S.F.
Covered Entry	26 S.F.
<b>Total Area</b>	<b>2124 S.F.</b>

*Second 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 / 40</u>	2.5000%
6954 Avalon Circle, Naples, FL 34112, #702	<u>1 / 40</u>	2.5000%
6954 Avalon Circle, Naples, FL 34112, #703	<u>1 / 40</u>	2.5000%
6954 Avalon Circle, Naples, FL 34112, #704	<u>1 / 40</u>	2.5000%
6954 Avalon Circle, Naples, FL 34112, #705	<u>1 / 40</u>	2.5000%
6954 Avalon Circle, Naples, FL 34112, #706	<u>1 / 40</u>	2.5000%
6954 Avalon Circle, Naples, FL 34112, #707	<u>1 / 40</u>	2.5000%
6954 Avalon Circle, Naples, FL 34112, #708	<u>1 / 40</u>	2.5000%

**2. Phase V (Building 5)**

6940 Avalon Circle, Naples, FL 34112, #501	<u>1 / 40</u>	2.5000%
6940 Avalon Circle, Naples, FL 34112, #502	<u>1 / 40</u>	2.5000%
6940 Avalon Circle, Naples, FL 34112, #503	<u>1 / 40</u>	2.5000%
6940 Avalon Circle, Naples, FL 34112, #504	<u>1 / 40</u>	2.5000%
6940 Avalon Circle, Naples, FL 34112, #505	<u>1 / 40</u>	2.5000%
6940 Avalon Circle, Naples, FL 34112, #506	<u>1 / 40</u>	2.5000%
6940 Avalon Circle, Naples, FL 34112, #507	<u>1 / 40</u>	2.5000%
6940 Avalon Circle, Naples, FL 34112, #508	<u>1 / 40</u>	2.5000%

**3. Phase II (Building 17)**

6959 Avalon Circle, Naples, FL 34112, #1701	<u>1 / 40</u>	2.5000%
6959 Avalon Circle, Naples, FL 34112, #1702	<u>1 / 40</u>	2.5000%
6959 Avalon Circle, Naples, FL 34112, #1703	<u>1 / 40</u>	2.5000%
6959 Avalon Circle, Naples, FL 34112, #1704	<u>1 / 40</u>	2.5000%
6959 Avalon Circle, Naples, FL 34112, #1705	<u>1 / 40</u>	2.5000%
6959 Avalon Circle, Naples, FL 34112, #1706	<u>1 / 40</u>	2.5000%
6959 Avalon Circle, Naples, FL 34112, #1707	<u>1 / 40</u>	2.5000%
6959 Avalon Circle, Naples, FL 34112, #1708	<u>1 / 40</u>	2.5000%

**4. Phase III (Building 6)**

6948 Avalon Circle, Naples, FL 34112, #601	<u>1 / 40</u>	2.5000%
6948 Avalon Circle, Naples, FL 34112, #602	<u>1 / 40</u>	2.5000%
6948 Avalon Circle, Naples, FL 34112, #603	<u>1 / 40</u>	2.5000%
6948 Avalon Circle, Naples, FL 34112, #604	<u>1 / 40</u>	2.5000%
6948 Avalon Circle, Naples, FL 34112, #605	<u>1 / 40</u>	2.5000%
6948 Avalon Circle, Naples, FL 34112, #606	<u>1 / 40</u>	2.5000%
6948 Avalon Circle, Naples, FL 34112, #607	<u>1 / 40</u>	2.5000%
6948 Avalon Circle, Naples, FL 34112, #608	<u>1 / 40</u>	2.5000%

**5. Phase IV (Building 18)**

6953 Avalon Circle, Naples, FL 34112, #1801	<u>1 / 40</u>	2.5000%
6953 Avalon Circle, Naples, FL 34112, #1802	<u>1 / 40</u>	2.5000%
6953 Avalon Circle, Naples, FL 34112, #1803	<u>1 / 40</u>	2.5000%
6953 Avalon Circle, Naples, FL 34112, #1804	<u>1 / 40</u>	2.5000%
6953 Avalon Circle, Naples, FL 34112, #1805	<u>1 / 40</u>	2.5000%
6953 Avalon Circle, Naples, FL 34112, #1806	<u>1 / 40</u>	2.5000%
6953 Avalon Circle, Naples, FL 34112, #1807	<u>1 / 40</u>	2.5000%
6953 Avalon Circle, Naples, FL 34112, #1808	<u>1 / 40</u>	2.5000%

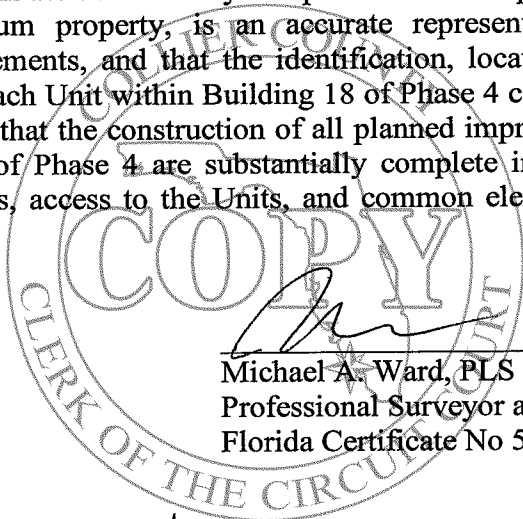
CERTIFICATE OF SURVEYOR

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:

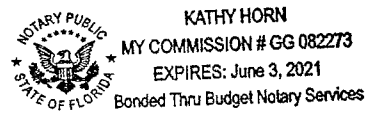
1. That Affiant is a registered Surveyor and Mapper holding Florida Certificate No. 5301, and is the surveyor who surveyed the property known and identified as "AVALON OF NAPLES III", a condominium, as per Declaration of Condominium recorded in Official Record Book 5594, Page 1162, of the Public Records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

2. The construction of the improvements, with respect to all Units within Building 18 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 18 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 18 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 18 of Phase 4.



Signature of Michael A. Ward dated 10/23/19
Michael A. Ward, PLS
Professional Surveyor and Mapper
Florida Certificate No 5301

Signed and sworn to before me this 23rd day of October, 2019, by Michael A. Ward who X is personally known to me or has produced as identification.



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