

PREPARED BY AND RETURN TO:

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-----SPACE ABOVE THIS LINE RESERVED FOR RECORDING DATA-----

**FIFTH SUPPLEMENTAL DECLARATION
TO AMENDED AND RESTATED DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS FOR
SOLTERRA RESORT**

THIS FIFTH SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOLTERRA RESORT (this “**Supplement**”) is made on this 30 day of April, 2019, by AK OAKMONT LLC, a Florida limited liability company (the “**Declarant**”), joined by SOLTERRA RESORT HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the “**Association**”).

RECITALS

A. AK Oakmont LLC is the “Declarant” pursuant to that certain AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOLTERRA RESORT recorded in Official Records Book 8825, Page 1490, as amended by the JOINDER AND CONSENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOLTERRA RESORT recorded in Official Records Book 8891, Page 321, and as amended by that certain FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOLTERRA RESORT recorded in Official Records Book 9074, Page 1245, and by that certain SUPPLEMENT TO DECLARATION FOR SOLTERRA RESORT recorded in Official Records Book 9397, Page 924, and by that certain SUPPLEMENT TO DECLARATION FOR SOLTERRA RESORT recorded in Official Records Book 9414, Page 1820, and by that certain SUPPLEMENT TO DECLARATION FOR SOLTERRA RESORT recorded in Official Records Book 9704, Page 231, and by that certain FOURTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOLTERRA RESORT recorded in Official Records Book 10557, Page 988, all of the Public Records of Polk County, Florida (collectively, the “**Declaration**”).

B. The Declaration provides in Section 2.02 that the Declarant may, in its sole, absolute and unfettered discretion, subject additional land to the Declaration by recording a Supplemental Declaration.

C. Declarant wishes, in accordance with Section 2.02 of the Declaration, to file of record this Supplement for the purpose of annexing additional land to Solterra Resort as set forth herein.

NOW THEREFORE, the Declarant hereby amends and supplements the Declaration as set forth herein.

1. Recitals and Defined Terms. The foregoing recitals are true and correct and are incorporated into and form a part of this Supplement. All initially capitalized terms not defined herein shall have the meanings set forth in the Declaration.

2. Conflicts. In the event there is a conflict between this Supplement and the Declaration, this Supplement shall control. Whenever possible, this Supplement and the Declaration shall be construed as a single document. Except as modified hereby, the Declaration shall remain in full force and effect.

3. Annexation. The Declaration is hereby amended by the addition of the real property legally described in **Schedule 1** attached hereto and incorporated herein by this reference (collectively, the "**Additional Property**"). The Additional Property shall be subject to each and every term, condition, covenant, easement and restriction of the Declaration as it exists and as it may be amended from time to time.

4. Service Area Designation. The Additional Property legally described in **Schedule 1** attached hereto and incorporated herein by this reference is hereby designated as included within the Short Term Rental Service Area. Further, all Townhome Lots within the Additional Property shall belong to both the Short Term Rental Service Area and the Townhome Service Area.

5. Ratification. The Declaration, as amended, is hereby incorporated by reference as though fully set forth herein and, except as specially supplemented hereinabove, is hereby ratified and confirmed in its entirety.

6. Covenant. This Supplement shall be a covenant running with the land and shall be effective immediately upon its recording in Polk County, Florida.

[Signatures on the Following Page]

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed by its duly authorized representative and has affixed its company seal as of this 30 day of April, 2019.

WITNESSES:

“DECLARANT”

AK OAKMONT LLC, a Florida limited liability company

[Signature]
Print Name: JARED LYBBERT

[Signature]
Print Name: BRYON T. LOPRESTE

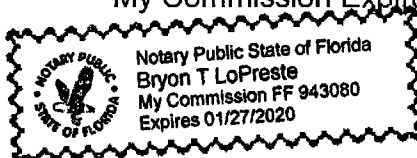
By: [Signature]
Name: James P. Harvey
Title: Vice President

[Company Seal]

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 25th day of April, 2019, by James P. Harvey, as Vice President of AK OAKMONT LLC, a Florida limited liability company. He [is personally known to me] [has produced _____ as identification].

[Signature]
Notary Public
Print Name: BRYON T. LOPRESTE
My Commission Expires: 01.27.20



JOINDER

SOLTERRA RESORT HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**") does hereby join in the FIFTH SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOLTERRA RESORT (the "**Supplement**"), to which this Joinder is attached, and the terms thereof are and shall be binding upon the undersigned and its successors in title. The Association agrees this joinder is for the purpose of evidencing the Association's acceptance of the rights and obligations provided in the Amendment and does not affect the validity of the Amendment as the Association has no right to approve the Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 25th day of APRIL, 2019.

WITNESSES:

[Signature]
Print Name: JARED LYBBERGT
[Signature]
Print Name: BRYON T. LOPRESTE

SOLTERRA RESORT HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation

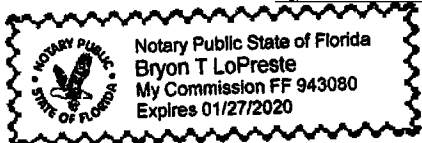
By: [Signature]
Name: JAMES P. HARVEY
Title: President
[Signature]
{CORPORATE SEAL}

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

The foregoing instrument was acknowledged before me this 25th day of APRIL, 2019, by JAMES P. HARVEY, as President of SOLTERRA RESORT HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me or who has produced _____ as identification.

My commission expires: 01-27-20

[Signature]
NOTARY PUBLIC, State of Florida at Large
Print Name: BRYON T. LOPRESTE



Schedule 1

DESCRIPTION: A portion of Tract P6000, OAKMONT PHASE 1, according to the plat thereof as recorded in Plat Book 148, Page 16 of the Public Records of Polk County, Florida and a parcel of land lying in Section 10, Township 26 South, Range 27, Polk County, Florida, and being more particularly described as follows:

BEGIN at the Southwest corner of Lot 175 of the aforesaid OAKMONT PHASE 1; thence run along the boundary of said OAKMONT PHASE 1 and the Easterly extension thereof, N.90°00'00"E., a distance of 445.64 feet; thence S.58°55'32"E., a distance of 1306.27 feet to a point on the aforesaid boundary of OAKMONT PHASE 1; thence along said boundary the following five (5) courses: 1) N.35°25'49"E., a distance of 154.62 feet; 2) N.41°38'47"E., a distance of 49.81 feet; 3) N.50°26'32"E., a distance of 20.70 feet; 4) N.55°44'27"E., a distance of 21.82 feet; 5) N.43°31'56"E., a distance of 131.02 feet; thence N.76°43'35"E., a distance of 186.01 feet; thence N.52°02'42"E., a distance of 253.66 feet; thence Southeasterly, 301.66 feet along the arc of a non-tangent curve to the left having a radius of 402.00 feet and a central angle of 42°59'43" (chord bearing S.22°24'45"E., 294.64 feet); thence S.30°57'25"W., a distance of 777.02 feet; thence Westerly, 168.83 feet along the arc of a tangent curve to the right having a radius of 108.00 feet and a central angle of 89°33'54" (chord bearing S.75°44'22"W., 152.15 feet); thence S.30°31'19"W., a distance of 122.00 feet; thence S.24°43'01"W., a distance of 40.18 feet; thence S.29°39'35"W., a distance of 136.57 feet to a point on the North Right of Way line of Solterra Boulevard per SOLTERRA PHASE 2A1, according to the plat thereof as recorded in Plat Book 158, Page 50 of the Public Records of Polk County, Florida; thence along said North Right of Way line the following twelve (12) courses: 1) N.50°01'36"W., a distance of 250.09 feet; 2) Northerly, 38.25 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 87°39'51" (chord bearing N.06°11'41"W., 34.63 feet); 3) N.52°21'46"W., a distance of 40.00 feet; 4) Westerly, 38.25 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet and a central angle of 87°39'58" (chord bearing S.81°28'13"W., 34.63 feet); 5) Northwesterly, 79.71 feet along the arc of a reverse curve to the left having a radius of 1080.00 feet and a central angle of 04°13'44" (chord bearing N.56°48'40"W., 79.70 feet); 6) N.58°55'32"W., a distance of 929.88 feet; 7) Northerly, 39.27 feet along the arc of a tangent curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.13°55'32"W., 35.36 feet); 8) N.58°55'32"W., a distance of 40.00 feet; 9) Westerly, 39.27 feet along the arc of a non-tangent curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.76°04'28"W., 35.36 feet); 10) N.58°55'32"W., a distance of 263.77 feet; 11) Northwesterly, 390.81 feet along the arc of a tangent curve to the right having a radius of 380.00 feet and a central angle of 58°55'32" (chord bearing N.29°27'46"W., 373.81 feet); 12) N.00°00'00"W., a distance of 182.28 feet to the POINT OF BEGINNING.

Containing 32.879 acres, more or less.