

**PREPARED BY AND RETURN TO:**

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

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

THIS SIXTH SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOLTERRA RESORT (this “**Supplement**”) is made on this 3<sup>rd</sup> day of December, 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 (“**Fourth Supplement**”), and by that certain FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOLTERRA RESORT recorded in Official Records Book 10831, Page 2009 (“**Fifth Supplement**”), 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.

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 3rd day of December, 2019.

**WITNESSES:**

**"DECLARANT"**

AK OAKMONT LLC, a Florida limited liability company

Cardice Smith  
Print Name: Cardice Smith

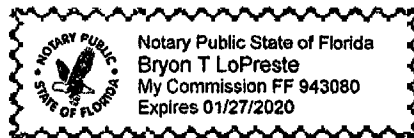
[Signature]  
Print Name: DALE LYBBERT

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 3rd day of December, 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 SIXTH 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 3rd day of December, 2019.

**WITNESSES:**

Candice Smith  
Print Name: Candice Smith  
Jared Lybbert  
Print Name: JARED LYBBERT

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

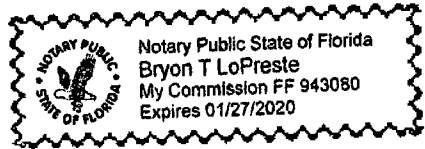
By: [Signature]  
Name: JAMES P. HARVEY  
Title: President

{CORPORATE SEAL}

STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH )

The foregoing instrument was acknowledged before me this 3rd day of December, 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:** Tract E, Lots 62 and 63, SOLTERRA PHASE 2C-1, as recorded in Plat Book 169, Page 30, of the Public Records of Polk County, Florida, Tract FPM Pond 10, SOLTERRA PHASE 2A-1, as recorded in Plat Book 158, Page 50, of the Public Records of Polk County, Florida, and a parcel of land lying in Sections 10 and 15, Township 26 South, Range 27 East, Polk County, Florida, and being more particularly described as follows:

BEGIN at the Southeast corner of said SOLTERRA PHASE 2C-1; thence along the East boundary of the Northeast 1/4 of said Section 15, S.00°50'41"W., a distance of 2217.54 feet to a point on the North Maintained Right of Way line of Bowen Road per Polk County Maintained Right of Way Map For Bowen Road; thence along said Maintained Right of Way line the following nineteen (19) courses: 1) S.89°04'14"W., a distance of 67.81 feet; 2) S.89°22'48"W., a distance of 217.79 feet; 3) N.88°18'41"W., a distance of 119.76 feet; 4) S.88°27'45"W., a distance of 168.39 feet; 5) N.88°26'29"W., a distance of 78.68 feet; 6) S.89°39'11"W., a distance of 200.17 feet; 7) S.87°21'06"W., a distance of 70.51 feet; 8) S.89°25'29"W., a distance of 63.63 feet; 9) N.89°38'38"W., a distance of 207.37 feet; 10) S.88°17'59"W., a distance of 138.72 feet; 11) S.89°59'04"W., a distance of 155.74 feet; 12) N.88°25'01"W., a distance of 72.75 feet; 13) S.89°17'39"W., a distance of 88.16 feet; 14) N.88°44'51"W., a distance of 181.04 feet; 15) S.75°58'37"W., a distance of 34.52 feet; 16) S.89°14'56"W., a distance of 166.61 feet; 17) N.89°40'32"W., a distance of 297.05 feet; 18) S.88°39'29"W., a distance of 207.41 feet; 19) N.88°05'52"W., a distance of 94.37 feet to a point on the West boundary of the Northeast 1/4 of the aforesaid Section 15; thence along said West boundary, N.00°22'40"E., a distance of 2631.92 feet to the Southwest corner of the Southeast 1/4 of the aforesaid Section 10 also being a point on the Southerly boundary of the aforesaid SOLTERRA PHASE 2A1; thence along said Southerly boundary the following four (4) courses: 1) N.89°22'19"E., a distance of 19.16 feet; 2) N.55°21'49"E., a distance of 49.97 feet; 3) N.90°00'00"E., a distance of 322.55 feet; 4) S.80°11'39"E., a distance of 68.64 feet to a point on the East Right of Way line of Oak Blossom Drive; thence along said Right of Way line the following nine (9) courses: 1) N.09°48'20"E., a distance of 279.55 feet; 2) Northerly, 181.65 feet along the arc of a tangent curve to the right having a radius of 554.37 feet and a central angle of 18°46'25" (chord bearing N.19°11'34"E., 180.84 feet); 3) Northeasterly, 80.02 feet along the arc of a compound curve to the right having a radius of 101.00 feet and a central angle of 45°23'37" (chord bearing N.51°16'35"E., 77.94 feet); 4) Northeasterly, 104.40 feet along the arc of a reverse curve to the left having a radius of 82.63 feet and a central angle of 72°23'24" (chord bearing N.37°46'41"E., 97.59 feet); 5) Northeasterly, 114.37 feet along the arc of a reverse curve to the right having a radius of 100.00 feet and a central angle of 65°31'50" (chord bearing N.34°20'54"E., 108.24 feet); 6) Easterly, 36.35 feet along the arc of a compound curve to the right having a radius of 380.00 feet and a central angle of 05°28'53" (chord bearing N.69°51'15"E., 36.34 feet); 7) N.72°35'41"E., a distance of 16.41 feet; 8) Easterly, 85.06 feet along the arc of a tangent curve to the right having a radius of 280.00 feet and a central angle of 17°24'19" (chord bearing N.81°17'51"E., 84.73 feet); 9) N.90°00'00"E., a distance of 12.18 feet to the Northeast corner of the aforesaid Lot 62; thence along the East boundary of said Lot 62, S.00°00'14"W., a distance of 120.00 feet to the Southeast corner of said Lot 62; thence along the South boundary of said Lot 62 and the aforesaid Lot 63 the following four (4) courses: 1) S.90°00'00"W., a

distance of 12.17 feet; 2) Westerly, 48.60 feet along the arc of a tangent curve to the left having a radius of 160.00 feet and a central angle of 17°24'19" (chord bearing S.81°17'51"W., 48.42 feet); 3) S.72°35'41"W., a distance of 16.40 feet; 4) Westerly, 24.56 feet along the arc of a tangent curve to the left having a radius of 260.00 feet and a central angle of 05°24'48" (chord bearing S.69°53'21"W., 24.56 feet) to a point on the East boundary of the aforesaid Tract E; thence along said East boundary, S.23°02'09"E., a distance of 25.76 feet to the Southeast corner of said Tract E; thence along the South boundary of said Tract E, S.76°15'07"W., a distance of 19.06 feet to a point on the boundary of the aforesaid SOLTERRA PHASE 2C-1; thence along said boundary the following two (2) courses: 1) S.33°23'01"E., a distance of 1101.49 feet; 2) S.89°09'19"E., a distance of 1260.63 feet to the POINT OF BEGINNING.

Containing 153.441 acres, more or less.

LESS AND EXCEPT: That portion dedicated to Polk County for additional right of way.