

UPON RECORDING RETURN TO:

Jennifer M. Lawton, Esq.
Broad and Cassel
7777 Glades Road, Suite 300
Boca Raton, FL 33434

ABOVE THIS LINE FOR RECORDER'S USE _____

**SUPPLEMENT AND THIRD AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF DEL TIERRA**

THIS SUPPLEMENT AND THIRD AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF DEL TIERRA (the "**Third Amendment**") is made this 28th day of January, 2016 by D.R. Horton, Inc., a Delaware corporation ("**Declarant**").

WITNESSETH

WHEREAS, Declarant executed that certain DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF DEL TIERRA, which was recorded in Official Records Book 2557, Page 5282 of the Public Records of Manatee County, Florida, as amended by that certain First Amendment to the Declaration of Covenants, Conditions, and Restrictions of Del Tierra, which was recorded April 24, 2015 in Official Records Book 2565, Page 7879 of the Public Records of Manatee County, Florida and Second Amendment to the Declaration of Covenants, Conditions, and Restrictions of Del Tierra, which was recorded September 23, 2015 in Official Records Book 2587, Page 7374 of the Public Records of Manatee County, Florida, as may be amended from time to time, (collectively, the "**Declaration**"); and

WHEREAS, pursuant to Article II, Section 3(a) of the Declaration, the Declarant may unilaterally annex in real property and subject it to the Declaration without the consent of the any other party by filing a Supplemental Declaration; and

WHEREAS, the Declarant, desires to add the real property described on Exhibit "A" attached hereto and made a part hereof ("**Del Tierra, Phase III**") to the terms and conditions of the Declaration in accordance therewith; and

WHEREAS, the Declarant is the fee simple owner of Del Tierra, Phase III property; and

WHEREAS, the Declarant further desires to amend the Declaration to provide for updates to the Declaration related to the annexation of Del Tierra, Phase III; and

WHEREAS, pursuant to Article XVI, Section 5, so long as there is a Class B Membership, Declarant reserves the right to amend this Declaration without the consent of the Lot Owners or the consent of the Institutional First Mortgage Lenders; and

WHEREAS, as of the date of this Amendment, the Declarant is the Class B Member; and

WHEREAS, Developer desires to amend the Declaration as more particularly set forth herein.

NOW, THEREFORE, Declarant declares that Del Tierra, Phase III is hereby made subject to the operation and effect of the Declaration, pursuant to Article II Section 3(a) thereof, and that the Del Tierra, Phase III property is and shall be held, transferred, sold, conveyed, leased, occupied and used subject to the covenants, restrictions, conditions, easements, obligations, charges and liens set forth in the Declaration, as heretofore, hereby and hereafter amended and, further, the Declaration is hereby amended as set forth below.

1. The recitals set forth above are true and correct and are incorporated herein by reference. Except as provided herein, capitalized terms shall have the meaning ascribed to them in the Declaration.
2. Article I, Section 17 is hereby amended as follows: "Plat" is the Plat of Del Tierra, Phase I recorded in Plat Book 57, Page 164 of the Public Records of Manatee County, Florida, as the same may be amended from time to time, the Plat of Del Tierra Phase II recorded in Plat Book 58, Page 129 of the Public Records of Manatee County, Florida, as the same is amended from time to time, and the Plat of Del Tierra, Phase ~~II~~ III to be recorded in the Public Records of Manatee County, Florida, as the same may be amended from time to time.
3. Exhibit "D", List of Holdings, is hereby supplemented to add the Tracts located on the Plat of Del Tierra, Phase III listed on Exhibit "B" attached hereto.
4. Exhibit "F", Fiscal Program is hereby amended to update the Fiscal Program to reflect the annexed Del Tierra, Phase III on Exhibit "C" attached hereto.
5. Exhibit "H", Notice to Buyer, is hereby amended to add the Tree Planting Schedule for the Del Tierra, Phase III attached hereto as Exhibit "D" and to add the following with respect to Del Tierra, Phase III:

Project site falls in flood Zones A and X per FIRM Panel 12081C0195E dated March 17, 2014. Until an approved LOMR is received by the Building Dept./Floodplain Section, any structure built on Lots 140, 142 – 149, 397 – 401, 433 – 435, 438 – 445, 509 and 510 per Plat Book 59 Page 151 of the Public Records of Manatee County may be considered to be in the 100-year floodplain, and will be required to meet all criteria as set forth in the LDC 718 Floodplain Management, the Manatee County Floodplain Ordinance 13-39, and the 44 CFR (Code of Federal Regulations) Section 60.3.

6. Exhibit "E", Maintenance Program, to the Declaration recorded in Official Records Book 2557, Page 5282 of the Public Records Manatee County, Florida shall also apply to the annexed Del Tierra, Phase III.
7. Exhibit "G", Right of Entry, to the Declaration recorded in Official Records Book 2557, Page 5282 of the Public Records Manatee County, Florida shall also apply to the annexed Del Tierra, Phase III.
8. Except as specifically amended herein, the Declaration shall in all other respects remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Declarant hereby executes this Third Amendment by and through its representatives as of the date and year first above written.

Witnessed By:

[Signature]
Print Name: Anne Mize

[Signature]
Print Name: Rebecca Ewing

DECLARANT:

D.R. HORTON, INC., a Delaware corporation

By: [Signature]
Name: Darren Saltzberg
Title: Vice President

STATE OF FLORIDA)

COUNTY OF Hillsborough)^{SS}

The foregoing instrument was acknowledged before me this 15 day of March, 2016, by Darren Saltzberg, as Vice President of D.R. Horton, Inc., a Florida corporation on behalf of the company. He is personally known to me and did not take an oath.

By: [Signature]
Name: Rebecca Burkholder

[NOTARIAL SEAL]

Serial Number, if any: _____
My Commission Expires: _____



EXHIBIT "A"
LEGAL DESCRIPTION
DEL TIERRA, PHASE III PROPERTY

DEL TIERRA, PHASE III, A SUBDIVISION

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT "UP1" OF DEL TIERRA, PHASE I, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 57, PAGE 164 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY AND WESTERLY LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 2279, PAGE 7846 OF SAID PUBLIC RECORDS THE FOLLOWING EIGHT (8) COURSES: (1) N 89°08'46" W, A DISTANCE OF 497.70 FEET; (2) S 20°32'29" W, A DISTANCE OF 50.03 FEET; (3) S 65°56'05" W, A DISTANCE OF 50.27 FEET; (4) S 02°56'00" E, A DISTANCE OF 20.18 FEET (5) S 43°36'03" W, A DISTANCE OF 46.48 FEET; (6) S 18°50'14" W, A DISTANCE OF 50.02 FEET; (7) S 23°46'18" W, A DISTANCE OF 32.31 FEET; (8) S 01°07'36" W, A DISTANCE OF 39.11 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE S.E. 1/4 OF SAID SECTION 22; THENCE N 89°08'39" W, ALONG SAID SOUTH LINE, A DISTANCE OF 119.45 FEET; THENCE N 11°37'01" W, A DISTANCE OF 211.24 FEET; THENCE N 45°27'52" W, A DISTANCE OF 453.42 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 180.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 78°12'20", A DISTANCE OF 245.69 FEET TO THE POINT OF TANGENCY; THENCE N 32°44'28" E, A DISTANCE OF 84.94 FEET; THENCE N 58°28'49" E, A DISTANCE OF 80.15 FEET; THENCE N 27°19'22" E, A DISTANCE OF 48.98 FEET; THENCE N 40°22'20" E, A DISTANCE OF 53.07 FEET; THENCE N 13°15'53" E, A DISTANCE OF 64.22 FEET; THENCE N 00°00'01" W, A DISTANCE OF 87.52 FEET; THENCE N 21°10'29" W, A DISTANCE OF 45.58 FEET; THENCE N 06°06'46" W, A DISTANCE OF 40.89 FEET; THENCE N 57°19'33" W, A DISTANCE OF 63.36 FEET; THENCE S 84°23'31" W, A DISTANCE OF 29.54 FEET; THENCE N 39°36'41" W, A DISTANCE OF 20.91 FEET; THENCE N 62°48'05" W, A DISTANCE OF 55.06 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 60°36'43", A DISTANCE OF 31.74 FEET TO THE POINT OF TANGENCY; THENCE S 56°35'12" W, A DISTANCE OF 37.45 FEET; THENCE S 38°59'17" W, A DISTANCE OF 32.25 FEET; THENCE N 89°07'37" W, A DISTANCE OF 16.80 FEET; THENCE N 87°54'57" W, A DISTANCE OF 46.87 FEET; THENCE N 36°03'11" E, A DISTANCE OF 19.25 FEET; THENCE N 58°08'09" W, A DISTANCE OF 26.09 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 58°08'09" E, AT A DISTANCE OF 370.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°37'31", A DISTANCE OF 87.99 FEET TO THE POINT OF TANGENCY; THENCE N 45°29'22" E, A DISTANCE OF 167.24 FEET TO A POINT ON THE ARC OF A

CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 38°30'43" E, AT A DISTANCE OF 1175.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°06'45", A DISTANCE OF 125.35 FEET TO THE END OF SAID CURVE; THENCE N 44°09'23" W, A DISTANCE OF 50.00 FEET; THENCE N 45°29'22" E, A DISTANCE OF 300.15 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 47°36'09" E, A DISTANCE OF 875.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°14'27", A DISTANCE OF 125.85 FEET TO A POINT ON THE OUTSIDE BOUNDARY LINE OF DEL TIERRA, PHASE II, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 58, PAGE 129 OF SAID PUBLIC RECORDS THE FOLLOWING FORTY TWO (42) COURSES:

- (1) N 45°29'22" E, A DISTANCE OF 69.81 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 225.00 FEET;
- (2) NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 34°07'09", A DISTANCE OF 133.99 FEET TO THE POINT OF TANGENCY;
- (3) N 11°22'12" E, A DISTANCE OF 222.29 FEET;
- (4) S 78°37'48" E, A DISTANCE OF 175.00 FEET;
- (5) N 11°22'12" E, A DISTANCE OF 26.54 FEET;
- (6) S 78°37'48" E, A DISTANCE OF 120.00 FEET;
- (7) S 11°22'12" W, A DISTANCE OF 161.45 FEET;
- (8) S 73°25'12" E, A DISTANCE OF 300.46 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 570.00 FEET;
- (9) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 25°26'55", A DISTANCE OF 253.17 FEET TO THE END OF SAID CURVE;
- (10) N 42°01'43" E, A DISTANCE OF 34.07 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 64°31'54" E, AT A DISTANCE OF 395.00 FEET;
- (11) NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°36'19", A DISTANCE OF 231.68 FEET TO THE POINT OF TANGENCY;
- (12) N 08°08'13" E, A DISTANCE OF 259.08 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1645.00 FEET;
- (13) NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°57'47", A DISTANCE OF 171.20 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 14°39'12" W, AT A DISTANCE OF 710.00 FEET;
- (14) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°44'33", A DISTANCE OF 120.73 FEET;
- (15) S 69°50'09" E, A DISTANCE OF 50.33 FEET;
- (16) S 63°40'25" E, A DISTANCE OF 123.38 FEET;
- (17) S 09°26'31" W, A DISTANCE OF 156.09 FEET;
- (18) S 81°51'47" E, A DISTANCE OF 17.01 FEET;
- (19) S 49°02'53" E, A DISTANCE OF 30.11 FEET;
- (20) N 77°18'18" E, A DISTANCE OF 73.68 FEET;
- (21) S 74°43'52" E, A DISTANCE OF 47.73 FEET;
- (22) N 76°05'05" E, A DISTANCE OF 44.47 FEET;
- (23) S 81°18'44" E, A DISTANCE OF 57.54 FEET;
- (24) S 51°17'59" E, A DISTANCE OF 67.68 FEET;
- (25) S 23°19'21" E, A DISTANCE OF 73.56 FEET;
- (26) S 03°47'35" E, A DISTANCE OF 86.34 FEET;
- (27) S 14°10'55" W, A DISTANCE OF 82.81 FEET;
- (28) S 46°50'55" W, A DISTANCE OF 72.16 FEET;
- (29) S 57°30'39" W, A DISTANCE OF 89.71 FEET;
- (30) N 60°13'41" W, A DISTANCE OF 47.56 FEET;
- (31) S 13°23'16" W, A DISTANCE OF 29.18 FEET;
- (32) S 18°48'25" W, A DISTANCE OF 37.84 FEET;
- (33) S 37°24'09" E, A DISTANCE OF 63.31 FEET;
- (34) S

52°35'51" W, A DISTANCE OF 127.21 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 420.00 FEET; (35) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°32'35", A DISTANCE OF 33.30 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 43°10'21" E, AT A DISTANCE OF 500.00 FEET; (36) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°38'46", A DISTANCE OF 84.18 FEET TO THE POINT OF TANGENCY; (37) S 56°28'24" E, A DISTANCE OF 21.54 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET; (38) EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°55'44", A DISTANCE OF 30.95 FEET TO THE END OF SAID CURVE; (39) S 52°35'51" W, A DISTANCE OF 18.09 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET; (40) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°22'43", A DISTANCE OF 211.42 FEET TO THE POINT OF TANGENCY; (41) S 12°13'08" W, A DISTANCE OF 8.35 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET; (42) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 50°16'32", A DISTANCE OF 52.65 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF AFORESAID DEL TIERRA, PHASE I AND A POINT OF REVERSE CURVATURE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 73.00 FEET; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY LINE THE FOLLOWING SIX (6) COURSES: (1) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°55'12", A DISTANCE OF 29.20 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 47.00 FEET; (2) SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 27°50'29", A DISTANCE OF 22.84 FEET; (3) S 00°00'00" E, A DISTANCE OF 61.68 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS S 30°00'12" W, AT A DISTANCE OF 47.00 FEET; (4) WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°25'25", A DISTANCE OF 23.32 FEET TO THE POINT OF TANGENCY; (5) N 88°25'13" W, A DISTANCE OF 54.00 FEET; (6) S 01°34'47" W, A DISTANCE OF 1054.39 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

SUPPLEMENT TO EXHIBIT "D", LIST OF HOLDINGS

Below is a list of additional proposed holdings of the Del Tierra Homeowners' Association, Inc., a Florida corporation not-for-profit (the "Association"). The tracts described are as designated on the Plat of Del Tierra, Phase III and consists of lands owned or to be owned by the Association and improvements thereon which are presently under construction and are to be completed by the developer, D.R. Horton, Inc.:

Tract ROW: Consisting of a private access and right of way to be maintained by the Association in accordance with the Declaration of Covenants, Conditions and Restrictions for the benefit of the Community.

Tract OS1: Consisting of open space to be maintained by the Association for the benefit of the Community.

Tracts DE1, DE2, DE3, and DE4: Consisting of stormwater management, drainage easement and open space to be maintained by the Association in accordance with the Declaration of Covenants, Conditions and Restrictions for the benefit of the Community.

Tract CE1, CE2, UP1, and UP3: Consisting of upland and wetland conservation easements to be maintained by the Association in accordance with the Declaration of Covenants, Conditions and Restrictions, the Manatee County Land Development Code and the Southwest Florida Water Management District regulations for the benefit of the Community:

It is contemplated that Del Tierra Homeowners Association, Inc. will take title to the above Tracts and the improvements thereon for the use and maintenance of the same pursuant to restrictions applicable to Del Tierra, a subdivision, the Land Development Code of Manatee County, Florida, and the Declaration of Covenants, Conditions and Restrictions.

EXHIBIT "D"
 SUPPLEMENT TO TREE PLANTING SCHEDULE
 IN EXHIBIT "H" NOTICE TO BUYER

TABLE I		TABLE II		TABLE III		TABLE IV		TABLE V	
LOT #	TREES	LOT #	TREES	LOT #	TREES	LOT #	TREES	LOT #	TREES
114	2	144	1	393	1	450	1	480	1
115	1	145	1	394	1	451	1	481	1
116	1	146	1	395	1	452	1	482	1
117	1	147	2	396	1	453	1	483	1
118	1	148	1	397	1	454	1	484	1
119	1	149	1	398	1	455	1	485	1
120	1	150	1	399	1	456	1	486	1
121	1	151	1	400	1	457	1	487	1
122	1	152	2	401	1	458	1	488	1
123	1	372	1	402	1	459	1	489	1
124	1	373	1	403	1	460	1	490	2
125	1	374	1	404	1	461	1	491	1
126	1	375	1	405	1	462	1	492	1
127	1	376	1	433	1	463	1	493	1
128	1	377	1	434	1	464	2	494	1
129	1	378	1	435	1	465	1	495	2
130	1	379	1	436	1	466	1	496	1
131	1	380	1	437	2	467	1	497	1
132	1	381	1	438	1	468	2	498	1
133	1	382	1	439	1	469	1	499	1
134	1	383	1	440	1	470	1	500	1
135	1	384	1	441	1	471	1	501	1
136	1	385	1	442	1	472	1	502	1
137	1	386	2	443	1	473	1	503	2
138	1	387	1	444	1	474	1	504	1
139	1	388	1	445	1	475	1	505	1
140	1	389	1	446	1	476	1	506	1
141	2	390	1	447	1	477	1	507	1
142	1	391	1	448	1	478	1	508	1
143	1	392	1	449	1	479	1	509	1
TOTAL	32	TOTAL	33	TOTAL	31	TOTAL	32	TOTAL	34

All Single Family residential Lot Street Trees are Replacement Trees and shall meet FL #1 Quality Standards
 Trees shall be a minimum of 3" caliper, 12' Ht. x 4' Spr.

Tree species may be selected from the approved list below:

- Acer rubrum / Red Maple
- Ilex attenuata 'Eagleston' / Eagleston Holly
- Juniperus solidicola / Southern Red Cedar
- Magnolia grandiflora 'Little Gem' / Little Gem Magnolia
- Quercus virginiana / Southern Live Oak

	TREES
TABLE I TOTAL	32
TABLE II TOTAL	33
TABLE III TOTAL	31
TABLE IV TOTAL	32
TABLE V TOTAL	34
TOTAL	162