Inst. Number: 201741032299 Book: 2668 Page: 3385 Page 1 of 7 Date: 4/7/2017 Time: 3:01 PM

Angelina "Angel" Colonneso Clerk of Courts, Manatee County, Florida

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

THIS SUPPLEMENT AND FOURTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF DEL TIERRA (the "Fourth Amendment") is made this 22<sup>nd</sup> day of 7ebruay, 2017 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, 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, as amended by that certain 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, and as further amended by that certain Third Amendment to the Declaration of Covenants, Conditions, and Restrictions of Del Tierra, which was recorded May 2, 2016 in Official Records Book 2618, Page 1185, all of the Public Records of Manatee County, Florida, and as it 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 IV-A") to the terms and conditions of the Declaration in accordance therewith; and

WHEREAS, the Declarant is the fee simple owner of Del Tierra, Phase IV-A; 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 IV-A; 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.

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NOW, THEREFORE, Declarant declares that Del Tierra, Phase IV-A 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 IV-A 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 to add the underlined text thereto 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, the Plat of Del Tierra, Phase III recorded in Plat Book 59, Page 151 of the Public Records of Manatee County, Florida, as the same may be amended from time to time, and the Plat of Del Tierra, Phase IV-A 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 IV-A 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 IV-A 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 IV-A attached hereto as Exhibit "D" and to add the following with respect to Del Tierra, Phase IV-A:
- 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 IV-A.
- 7. Exhibit "G", Right of Entry, to the Declaration recorded in Official Records Book 2557, Page 5282 of the Public Records of Manatee County, Florida shall also apply to the annexed Del Tierra, Phase IV-A.
- 8. Except as specifically amended herein, the Declaration shall in all other respects remain in full force and effect.

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

Witnessed By:	DECLARANT:
luz	D.R. HORTON, INC., a Delaware corporation
RALLIT	By:Name:_Darren Saltzberg
	Title: Vice President
STATE OF FLORIDA ) ss	
COUNTY OF HILLSBOROUGH )	
The foregoing instrument was acknow by Darren Saltzberg, as Vice President of D.R the company. He is personally known to me a	ledged before me this <u>11<sup>nd</sup></u> day of <del>January</del> 2017. R. Horton, Inc., a Delaware corporation on behalf of and did not take an oath.
ANGELA M. MATHEWS Commission # FF 113399 Expires June 12, 2018 Conded Thru Troy Fain Insurance 500-365-7	By: M WW Name:
(	Serial Number, if any: My Commission Expires:

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# Exhibit "A"

DEL TIERRA, PHASE IVA, 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 "A4" OF DEL TIERRA, PHASE II, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 58, PAGE 129 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY LINE OF SAID DEL TIERRA, PHASE II AND THE WESTERLY LINE OF DEL TIERRA, PHASE III, A SUBDIVISION AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK 59, PAGE 151 OF SAID PUBLIC RECORDS THE FOLLOWING ELEVEN (11) COURSES: (1) S 72°49'59" E, A DISTANCE OF 70.33 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS S 72°49'59" E, AT A DISTANCE OF 625.00 FEET; (2) NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 33°26'09", A DISTANCE OF 364.73 FEET TO THE POINT OF TANGENCY; (3) N 50°36'09" E, A DISTANCE OF 196.21 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 375.00 FEET; (4) NORTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 28°30'37", A DISTANCE OF 186.60 FEET; (5) N 00°00'02" E, A DISTANCE OF 94.48 FEET; (6) S 89°59'58" E, A DISTANCE OF 175.00 FEET; (7) N 00°00'02" E, A DISTANCE OF 19.93 FEET; (8) S 89°59'58" E, A DISTANCE OF 125.00 FEET: (9) S 00°00'02" W, A DISTANCE OF 191.18 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 875.00 FEET; (10) SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 42°23'53", A DISTANCE OF 647.49 FEET: (11) S 45°29'22" W, A DISTANCE OF 300.15 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 47°03'46" E, AT A DISTANCE OF 1175.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°02'59", A DISTANCE OF 124.07 FEET; THENCE S 46°01'26" W, A DISTANCE OF 162.52 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 670.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 12°52'45", A DISTANCE OF 150.61 FEET; THENCE N 70°53'37" W, A DISTANCE OF 53.97 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 325.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 39°41'48", A DISTANCE OF 225.17 FEET; THENCE S 58°48'11" W, A DISTANCE OF 175.00 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT WHOSE RADIUS POINT BEARS N 58°48'11" E, AT A DISTANCE OF 500.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 06°46'37", A DISTANCE OF 59.14 FEET; THENCE S 65°34'48" W, A DISTANCE OF 235.68 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST 1/2 OF SAID SECTION 22 AND EAST LINE OF COUNTRY MEADOWS, PHASE I, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 46, PAGE 73 OF SAID PUBLIC RECORDS; THENCE N 00°37'11" E, ALONG SAID EAST LINE AND SAID WEST LINE, A DISTANCE OF 509.41 FEET TO THE POINT OF BEGINNING.

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#### 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 IV-A and consist 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 A: Consisting of open-space to be maintained by the Association for the benefit of the Community.

Tracts DE1: 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.

It is contemplated that Del Tierra Homeowners' Association, Inc. will take title to the above Tracts and the improvements thereon (with the exception of the lift station improvements) 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.

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Monthly per Unit

\$60.03

\$720.35

\$756.36

\$794.18

5833,89

\$875.59

\$919.37

3965.33

\$1,013.00

\$1,004.28

#### EXHIBIT "C"

# UPDATED FISCAL PROGRAM INCLUDING DEL TIERRA, PHASE IV-A

#### DEL TIERRA 10 YEAR BUDGET Annual Fee 572,996,30 \$17,729,47 \$8,864,73 \$5,909,82 \$91,60 \$6,648,55 2026 \$70,035 61 \$18,615.94 \$0,307 07 \$6,205.31 \$96.18 \$6,000 08 FISCAL 2017 \$49,400.00 \$12,000.00 2018 \$31.8700X \$12,600.0X 2020 \$37,180 N \$13,901 S \$00,510.76 \$16,883.21 \$8,442.60 \$5,628.40 2021 \$60,046.01 \$14,586.08 2023 \$66,200.72 \$16,081.15 Per Lot \$63,048.31 \$15,315.38 \$7,657.60 \$5,105.13 \$70.13 \$5,743.27 \$13,230.0 557 IR \$35,000.0 \$46,903.35 \$46,903.35 \$51,710.94 \$51,710.94 \$6,945.7 \$2,315.2 \$13,891.5 17,057 09 12,552 50 515,315 38 50.8 \$6,000.00 \$19.57 \$12,000.00 Grounds Maintenance Replacement & Mulch Mac Maintenance Imigation Maintenance Park Maintenance \$245-X \$17-70 \$12 \$21-30 \$57 \$173,643,75 \$26,625,38 \$2,315,23 \$15,640 (3 \$191,442.23 \$29,354.48 \$2,352.56 \$201,014.35 \$30,822.20 \$2,680.1° \$17,421.2° \$4,690.3 \$16,349.1° \$20,101.4 \$14,741.0° \$3,350.2° \$2,000.0 \$2,100 00 \$13,650 00 \$3,102 6 \$2,552 56 \$16,501 66 \$4,466 06 \$15,570 64 \$10,144 22 \$14,010 16 \$3,190 76 \$2,552 56 \$14,332.50 \$3.858.7 \$15,801,58 \$4,051.0 \$14,123.0 \$14,123.0 \$17,364.3 \$12,733.8 \$2,894.0 \$2,315.2 \$3,500.00 \$12,200.00 \$15,000.00 \$30 (x) \$24 50 \$18 03 \$4 10 \$3 25 \$12,810.00 \$15,750.00 \$13,450.50 \$2,431.0 \$2,814.2 \$1,407.1 \$1,000.0 \$1.157 \$1,276 C \$1,340 \$1,340.10 \$2,010.14 \$3,350.24 \$8,040.57 \$2,680.19 \$268.02 \$3,350.24 \$1,551.33 \$2,326.90 \$3,878.32 \$0,377.07 \$3,102.00 \$310.27 \$1,878.32 \$2,756.25 \$6,615.00 \$2,205.00 \$220.50 \$2,756.25 \$1,730.40 \$2,804.00 \$6,045.75 \$2,315.25 \$231.53 \$2,804.00 \$3,038,77 \$7,293,04 \$2,431,01 \$243,10 \$3,038,77 \$2,500.0 \$2,625.0 Security System \$6,000.00 \$2,000.00 \$200.00 \$2,500.00 \$6,300.00 \$2,100.00 \$3,190.70 \$3.517.75 \$3,693.64 \$2,701.13 53,126 86 \$3,283,23 \$3,619.77 \$3,545 RI \$17,729.47 \$6,353,00 nts &Walk (15 year Lafe) \$2,530.00 \$2,917.22 \$14,586.08 \$3,216.23 \$3.723.10 Sidewalk & Roads (20 Year Life) Chibbiosse & Spa (15 Year Life) Parks & Fountains (7 Year Life) \$16,081.1: \$5,762.4 \$2,778.3 \$3,216.23 TOTAL EXPENSES \$564,813.43 \$588,854.11 \$649,211.65 \$681,672.23

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### EXHIBIT "D"

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

TABLE I	
LOT#	TREES
211	1
212	1
213	1
214	1
215	1
216	1
217	1
218	1
219	1
220	1
221	1
222	1
223	1
224	1
225	1
226	1
227	_ 2
228	1
229	1
TOTAL	20

TAE	BLE II
LOT#	TREES
525	1
526	1
527	1
528	1
529	1
530	1
531	1
532	1
533	1
534	1
535	1
536	1
537	2
538	2
539	1
540	1
541	1
542	1
543	1
544	1
545	1
546	. 1
547	1
548	2
549	1
550	1
TOTAL	29

TABLE II		
LOT#	TREES	
551	1	
552	1	
553	1	
554	1	
555	1	
556	1	
557	1	
558	1	
559	1	
TOTAL	9	

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 solicicola / Southern Red Cedar Magnolia grandiflora 'Little Gem' / Little Gem Magnolia Quercus virginiana / Southern Live Oak

	TREES
TABLE ITOTAL	20
TABLE IITOTAL	29
TABLE IIITOTAL	9
TOTAL	58