

5/4/2021 3:05 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2672411


This instrument was prepared by and after recording return to:
Steven M. Falk, Esq.
Falk Law Firm, P.A.
7400 Tamiami Trail North, Suite 103
Naples, Florida 34108
(239) 596-8400


AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR ISLANDWALK AT THE WEST VILLAGES

THIS AMENDMENT is executed by DIVOSTA HOMES, L.P., a Delaware limited partnership authorized to do business in the State of Florida ("Declarant"). On January 26, 2006, Declarant recorded a Declaration of Covenants, Conditions and Restrictions for IslandWalk at the West Villages as Instrument #2006016370 of the Public Records of Sarasota County, Florida (the "Declaration"). Declarant reserved the right to amend the Declaration in Article XIII, Section 8 thereof.

NOW THEREFORE, Declarant hereby amends the Declaration as set forth in Exhibit "A" attached hereto.

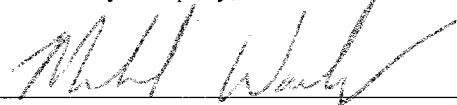
In the presence of:


Print Name: STEVE PLAFIE


Print Name: Daniel B. Delong

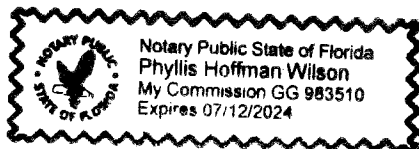
DIVOSTA HOMES, L.P., a Delaware limited partnership

By: DiVosta Homes Holdings, LLC, a Delaware limited liability company, its General Partner

By: 
Michael Woolery
Its: Vice President-Land Acquisition
Southwest Florida Division

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this 3RD day of May, 2021, by (physical presence or () online notarization, by Michael Woolery, as Vice President-Land Acquisition, Southwest Florida Division of DiVosta Homes Holdings, LLC, General Partner of DiVosta Homes, L.P., on behalf of said limited liability company and limited partnership. He is personally known to me.



(SEAL)

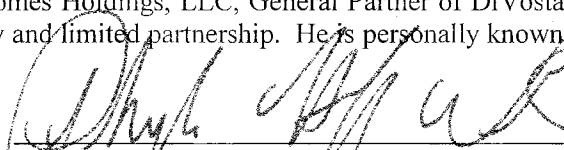

Notary Public
Print Name: Phyllis Hoffman Wilson
My Commission Expires: 7/12/2024

EXHIBIT "A"

Additional language indicated by underlining.

Deleted language indicated by ~~hyphens~~.

Article I, Sections 28 and 30 of the Declaration are amended as follows:

Section 28. "NEIGHBORHOOD" shall mean and refer to each separately developed residential area, which is denominated by Declarant as a Neighborhood, and which is comprised of one (1) or more housing types subject to this Declaration, in which owners may have common interests other than those common to all ~~Association~~ Members, such as a common theme, entry feature, development name, and common areas or facilities which are not available for use by all ~~Association~~ Members. For example, and by way of illustration and not limitation, an attached home residential area, a zero-lot-line single family home residential area, and a single family home residential area may constitute separate Neighborhoods ~~or may be combined to form a single Neighborhood.~~ In addition, each property developed as a Neighborhood may be subject to division into more than one (1) Neighborhood upon development. Neighborhoods may be combined or divided as provided in this Declaration. The Declarant has designated six (6) Neighborhoods in IslandWalk at the West Villages, each consisting of a separate housing type, as follows: "Capri/Villas", "Quads", "Garden Series", "Oakmont/Classic Series", "Carlyle/Estate Series" and "Townhomes." Owners in the Neighborhoods pay different Assessment amounts based upon the size of Lots and maintenance/services provided by the Association.

Section 30. "NEIGHBORHOOD COMMITTEE" ~~shall mean the entity created for the benefit of Persons owning Homes located within a Neighborhood.~~ Notwithstanding anything to the contrary in the IslandWalk at the West Villages Documents, there shall not be any Neighborhood Committees.

Article V, Sections 2 and 3 of the Declaration are amended as follows:

Section 2. FUNCTION OF NEIGHBORHOODS.

A. Every Home shall be located within a Neighborhood. The Homes within a particular Neighborhood may be subject to additional covenants. ~~Any Neighborhood may elect a Neighborhood Committee to represent the interests of the Owners of Homes within such Neighborhood.~~

B. ~~The Association Neighborhood Committee,~~ upon the affirmative vote, written consent, or a combination thereof, of ~~a the~~ majority of Owners within ~~a the~~ Neighborhood, may ~~request that the Association, by approval of the Board,~~ provide a higher level of service or special services for the benefit of Homes in such Neighborhood, the cost of which shall be assessed against the benefited Homes as a Neighborhood Assessment.

C. ~~Each Supplemental Declaration filed to subject additional portions of the Total Lands to this Declaration, may assign the property described therein to a specific Neighborhood by name, which Neighborhood may be then existing or newly created. Declarant may unilaterally amend this Declaration or any Supplemental Declaration to redesignate Neighborhood boundaries; provided, two or more Neighborhoods shall not be combined without the consent of Owners of a majority of the Homes in the affected Neighborhoods.~~

~~D. The Owner(s) of a majority of the total number of homes within any Neighborhood may at any time petition Declarant under this Declaration, and the Board of Directors to divide the property comprising the Neighborhood into two or more Neighborhoods. Such petition shall be in writing and shall include a survey of the entire parcel which indicates the boundaries of the proposed Neighborhood(s) or otherwise identifies the Homes to be included within the proposed Neighborhood(s). All applications and copies of any approvals or denials shall be filed with the books and records of the Association and shall be maintained as long as this Declaration is in effect.~~

Section 3. MEMBERSHIP AND VOTING RIGHTS. Membership in the Association and the Neighborhoods shall be established and terminated as set forth in the Articles. Each Member shall be entitled to the benefit of, and be subject to, the provisions of the IslandWalk at the West Villages Documents. The voting rights of the Members shall be as set forth in the Articles. Notwithstanding anything to the contrary in the IslandWalk at the West Villages Documents: Members shall have the right to vote directly with respect to all Association matters for which a vote of the Members is required or the Board permits; no Neighborhood shall have a "Voting Member"; and a certificate designating a "Voting Owner" shall not be required. If a Home is owned by more than one natural person, any one of those persons may vote on behalf of such Home, but if the multiple Owners do not agree among themselves as to how their one vote shall be cast, no vote shall be counted for any purpose. If a Home is owned by a corporation, partnership, limited liability company, trust or other entity, the vote of that Home may be cast by any employee, officer, director, partner, manager, managing member or trustee.