

This Instrument Prepared by and Return to:

Erik F. Whynot, Esq.
Garfinkel Whynot
300 North Maitland Avenue.
Maitland, Florida 32751
407-539-3900

**FIFTH AMENDMENT TO THE DECLARATION FOR
VENTURA AT TURTLE CREEK CONDOMINIUM ASSOCIATION, INC.**

This Fifth Amendment to the Declaration for Ventura at Turtle Creek Condominium Association ("Fifth Amendment) is made this 5th day of March, 2018 by Ventura at Turtle Creek Condominium Association, Inc. ("Association"), a Florida not for profit corporation.

WITNESSETH:

WHEREAS, on November 22, 2006, the original Declaration of Condominium for Ventura at Turtle Creek, a Condominium, was recorded, in Book 5722, Page 5966 (the "**Original Declaration**"), as amended by that certain First Amendment to the Declaration of Condominium for Ventura at Turtle Creek, a Condominium, recorded on January 29, 2007, in Official Records Book 5743, Page 8505 (the "**First Amendment**"), and the Second Amendment to the Declaration of Condominium for Ventura at Turtle Creek, a Condominium, recorded on September 11, 2007, in Official Records Book 5810, Page 8415 (the "**Second Amendment**"), and the Third Amendment to the Declaration of Condominium for Ventura at Turtle Creek, a Condominium, recorded on April 3, 2008, in Official Records Book 5855, Page 1304 (the "**Third Amendment**"), and the Fourth Amendment to the Declaration of Condominium for Ventura at Turtle Creek, a Condominium recorded April 25, 2012, in Official Records Book 6585, Page 2728 (the "**Fourth Amendment**"). All of the above referenced documents are recorded in the Public Records of Brevard County, Florida. The Original Declaration, First Amendment, Second Amendment, Third Amendment, and Fourth Amendment, are collectively referred to herein as the "Declaration";

WHEREAS, pursuant to Section 16.2(b)(1), of the Declaration, the Declaration may be amended by "not less than two-thirds (2/3) of all the members of the Board of Directors" where the amendment is needed to correct "errors in the legal description of the real property or in the surveys thereof";

WHEREAS, the legal description of the property previously identified as "Phase 4", and as part of and described within the Third Amendment, was not accurate and needs to be corrected to include certain areas, including certain garages, parking spaces, carports, and the mail kiosk, which all serve and are part of the Association's community and common area;

WHEREAS, a duly noticed Board meeting was held on March 5th, 2018, to consider and vote on this proposed Fifth Amendment and a quorum of the Board being present voted unanimously to approve of this Fifth Amendment and the revised legal description of Phase 4 attached hereto as Exhibit 1 and as displayed at Exhibit 2;

WHEREAS, the Association wishes to amend the Declaration to delete the prior recorded

legal description of Phase 4 found in the Third Amendment and correct said legal description and replace it with the legal description of Phase 4 attached hereto as Exhibit 1 as displayed at Exhibit 2, and;

NOW, THEREFORE, Association hereby amends the Declaration heretofore filed as follows:

1. The foregoing recitals are true and correct and are incorporated into and form a part of this Fifth Amendment to the Declaration.
2. In the event there is conflict between this Fifth Amendment and the Declaration, this Fifth Amendment shall control.
3. The Declaration and the Fifth Amendment shall be read as one document wherever possible.
4. The Phase 4 legal description and surveys attached hereto as Exhibit 1 and Exhibit 2 shall replace the previously recorded Phase 4 legal description and surveys that were recorded as part of the Third Amendment.
5. All provisions of the Declaration that are not specifically amended herein remain in full force and affect.
6. The Declaration is hereby amended as indicated on the attached **Exhibit 1** and as displayed on the attached **Exhibit 2**.

WITNESSES:

Racheal L. Meade, LCAM

Print Name

Racheal L. Meade, LCAM

Sign Name

Betty Jo Cornatzer

Print Name

Betty Jo Cornatzer

Sign Name

VIVIANA IDUATE

Print Name

Viviana Iduate

Sign Name

Print Name

Sign Name

Ventura at Turtle Creek Condominium Association, Inc., a Florida not for profit corporation:

By: Robert J. Bennett

Print Name

Robert J. Bennett

Sign Name

Its: **President**

By: Irina McLaughlin

Print Name

Irina McLaughlin

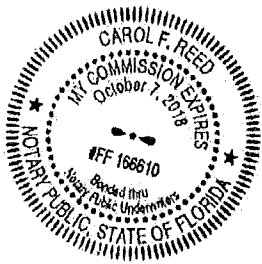
Sign Name

Its: **Secretary**

STATE OF FLORIDA)
COUNTY OF BREVARD)

(7th day of March)

The foregoing instrument was acknowledged before me on this 7th day of FEBRUARY 2018, by ROBERT BENNETT as the President and ISIDOR McLaughlin as the Secretary of Ventura at Turtle Creek Condominium Association, Inc. a Florida not for profit corporation, on behalf of the Association, who are ✓ personally known to me or have, ✓ produced as identification.



Carol F. Reed
NOTARY PUBLIC - STATE OF FLORIDA
Carol F. Reed
Print Name of Notary

My Commission Expires: 10/7/18
Serial/Commission No.: 166610

EXHIBIT 1**LEGAL DESCRIPTION** (Ventura At Turtle Creek Condominium Property)

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BREVARD, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

(PHASE

4)

A PARCEL OF LAND LYING IN THE SOUTH HALF OF SECTION 21, TOWNSHIP 25 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 21 AND RUN S01°03'19"E, ALONG THE WEST LINE OF THE SOUTHWEST 1/4, A DISTANCE OF 63.42 FEET, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF BARNES BOULEVARD (A 100 FOOT RIGHT OF WAY); THENCE S89°52'10"E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 2092.67 FEET TO THE NORTHWEST CORNER OF PHASE 3, AS DESCRIBED IN OFFICIAL RECORDS BOOK 6024, PAGE 458, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°09'03"E, ALONG THE WEST LINE OF SAID PHASE 3, A DISTANCE OF 373.43 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE N89°50'51"E, ALONG THE SOUTH LINE OF SAID PHASE 3 AND ITS EASTERLY EXTENSION, A DISTANCE OF 269.76 FEET TO A POINT ON THE SOUTHERLY LINE OF PHASE 2, AS DESCRIBED IN OFFICIAL RECORDS BOOK 6024, PAGE 458, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S00°09'09"E, ALONG SOUTHERLY LINE OF SAID PHASE 2, A DISTANCE OF 17.49 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG THE SOUTHERLY LINE OF SAID PHASE 2, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 173.88 FEET, A CENTRAL ANGLE OF 29°36'05", A CHORD LENGTH OF 88.81 FEET AND A CHORD BEARING OF S15°10'14"E), A DISTANCE OF 89.81 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE NORTHEAST; THENCE N60°03'16"E, ALONG SAID NON-TANGENT LINE AND CONTINUING ALONG THE SOUTHERLY LINE OF SAID PHASE 2, A DISTANCE OF 32.00 FEET; THENCE N89°58'09"E CONTINUING ALONG THE SOUTHERLY LINE OF SAID PHASE 2, A DISTANCE OF 91.60 FEET; THENCE S27°04'33"W, DEPARTING THE SOUTHERLY LINE OF SAID PHASE 2, A DISTANCE OF 33.36 FEET; THENCE S63°24'27"E, A DISTANCE OF 17.12 FEET; THENCE S26°26'48"W, A DISTANCE OF 22.76 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 10.00 FEET, A CENTRAL ANGLE OF 30°21'58", A CHORD LENGTH OF 5.24 FEET, AND A CHORD BEARING OF S41°37'45"W), A DISTANCE OF 5.30 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHWEST; THENCE S17°01'37"W, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 21.67 FEET; THENCE N72°58'23"W, A DISTANCE OF 15.74 FEET; THENCE S39°33'28"W, A DISTANCE OF 11.45 FEET; THENCE S25°34'24"W, A DISTANCE OF 8.77 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE WEST AND HAVING A RADIUS OF 99.85 FEET, A CENTRAL ANGLE OF 07°32'01", A CHORD LENGTH OF 13.12 FEET, AND A CHORD BEARING OF S02°56'16"E), A DISTANCE OF 13.13 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE EAST; S85°55'38"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 108.18 FEET; THENCE S04°25'49"W, A DISTANCE OF 60.36 FEET; THENCE N85°48'51"W, A DISTANCE OF 108.94 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 229.16 FEET, A CENTRAL ANGLE OF 01°39'13", A CHORD LENGTH OF 6.61 FEET, AND A CHORD BEARING OF S07°53'40"W), A DISTANCE OF 6.61 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 289.08 FEET, A CENTRAL ANGLE OF 18°24'28", A CHORD LENGTH OF 92.47 FEET, AND A CHORD BEARING OF N68°51'06"W), A DISTANCE OF 92.87 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHWEST; THENCE S55°13'06"W, ALONG SAID

NON-TANGENT LINE, A DISTANCE OF 48.40 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE EAST AND HAVING A RADIUS OF 3.38 FEET, A CENTRAL ANGLE OF 54°27'26", A CHORD LENGTH OF 3.09 FEET, AND A CHORD BEARING OF S20°35'44"W), A DISTANCE OF 3.21 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE TO THE SOUTHEAST; THENCE S31°42'25"E, ALONG SAID NON-TANGENT LINE, A DISTANCE OF 30.30 FEET; THENCE S57°35'40"W, A DISTANCE OF 201.36 FEET TO A NON-TANGENT INTERSECTION WITH A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, (SAID CURVE BEING CURVED CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 46°42'37", A CHORD LENGTH OF 198.21 FEET AND A CHORD BEARING OF N23°30'22"W), A DISTANCE OF 203.81 FEET TO THE END OF SAID CURVE; THENCE N00°09'03"W, A DISTANCE OF 209.62 FEET TO THE POINT OF BEGINNING. CONTAINING 2.60 ACRES MORE OR LESS.

TOGETHER WITH THE NON-EXCLUSIVE EASEMENTS CREATED BY EASEMENT AGREEMENT GRANTED TO MASHER TURTLE, LLC, A FLORIDA LIMITED LIABILITY COMPANY BY VENTURA AT TURTLE CREEK CONDOMINIUM ASSOCIATION, INC., DATED DECEMBER 17, 2008 AND RECORDED DECEMBER 22, 2008 IN OFFICIAL RECORDS BOOK 5903, PAGE 9128, AS RE-RECORDED IN OFFICIAL RECORDS BOOK 5920, PAGE 178, AND COST SHARING AND EASEMENT AGREEMENT DATED APRIL 23, 2012, AS AMENDED, ATTACHED AS EXHIBIT "B" TO THE FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF VENTURA AT TURTLE CREEK RECORDED APRIL 25, 2012 IN OFFICIAL RECORDS BOOK 6585, PAGE 2728, AS BOTH MAY BE AMENDED, SUPPLEMENTED OR REPLACED BY THE AMENDED AND RESTATED COST SHARING AND EASEMENT AGREEMENT DATED JANUARY 30, 2018 AND RECORDED ON JANUARY 31, 2018 AT BOOK 8081, PAGE 1556, IN THE OFFICIAL RECORDS OF BREVARD COUNTY, FLORIDA.

