

PREPARED BY AND RETURN TO:

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

**FIFTH AMENDMENT TO COMMUNITY DECLARATION
FOR
CRESSWIND LAKEWOOD RANCH**

THIS FIFTH AMENDMENT TO COMMUNITY DECLARATION FOR CRESSWIND LAKEWOOD RANCH (this "**Fifth Amendment**") is made by KH LAKEWOOD RANCH LLC, a Florida limited liability company (the "**Declarant**"), joined by CRESSWIND LAKEWOOD RANCH HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**").

RECITALS

A. The Community Declaration for Cresswind Lakewood Ranch was recorded in Official Records Book 2813, Page 6840 (the "**Original Declaration**"), as amended and supplemented by that certain First Amendment and First Supplemental Declaration to Community Declaration for Cresswind Lakewood Ranch recorded as Instrument Number 202141038924, and as amended by that certain Second Amendment to Community Declaration for Cresswind Lakewood Ranch recorded as Instrument Number 202141083246, and as further amended by that certain Third Amendment and Second Supplemental Declaration to Community Declaration for Cresswind Lakewood Ranch recorded as Instrument Number 202241032312, and as further amended and supplemented by that certain Fourth Amendment and Third Supplemental Declaration to Community Declaration for Cresswind Lakewood Ranch recorded as Instrument Number 202241151799, all in the Public Records of Manatee County, Florida (collectively, as amended and supplemented, the "**Declaration**").

B. Pursuant to Section 4.3 of the Declaration, the Declarant may amend the Declaration prior to the Turnover Date without the joinder or consent of any person or entity. The Turnover Date has not yet occurred.

C. The Declarant wishes, in accordance with Section 4.3 of the Declaration, to file of record this Fifth Amendment for the purpose of amending certain provisions of the Declaration.

NOW THEREFORE, the Declarant hereby amends 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 Fifth Amendment. 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 Fifth Amendment and the Declaration, this Fifth Amendment shall control. Whenever possible, this Fifth Amendment and the Declaration shall be construed as a single document. Except as modified hereby, the Declaration shall remain in full force and effect.

3. List of Holdings. The Declaration is hereby amended so that Exhibit 6 (List of Holdings) attached to the Declaration is hereby deleted in its entirety and replaced with Exhibit 6 attached hereto and incorporated herein.

4. Ratification. The Declaration, as amended, is hereby incorporated by reference as though fully set forth herein and, except as specially amended hereinabove, is hereby ratified and confirmed in its entirety.

5. Covenant. This Fifth Amendment shall be a covenant running with the land and shall be effective immediately upon its recording in Manatee County, Florida.

[Signatures on the Following Page]

IN WITNESS WHEREOF, the Declarant has caused this Fifth Amendment to be executed by its duly authorized representative and has affixed its company seal as of this 7th day of February, 2024.

WITNESSES:

Frank Provino
Print Name: FRANK PROVINO
Address: 3344 Howell Pl
SARASOTA FL 34232

Fred Pfister
Print Name: _____
Address: 2805 NW 14th PL
CAPE CORAL FL. 33993

"DECLARANT":

KH LAKEWOOD RANCH LLC, a Florida limited liability company

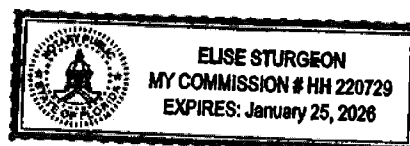
By: Fred Pfister
Name: Fred Pfister
Title: Authorized Signatory

[Company Seal]

STATE OF FLORIDA)
COUNTY OF Manatee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7th day of February, 2024, by Fred Pfister, as Authorized Signatory of KH LAKEWOOD RANCH LLC, a Florida limited liability company, on behalf of the company, ☒ who is personally known to me or ☐ who has produced _____ as identification.

Elise Sturgeon
Notary Public
Print Name: _____
My Commission Expires: _____

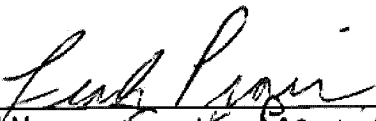


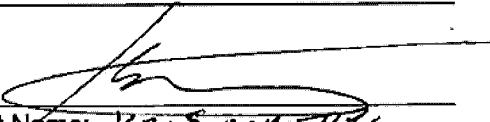
JOINDER

CRESSWIND LAKEWOOD RANCH HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**") does hereby join in the FIFTH AMENDMENT TO COMMUNITY DECLARATION FOR CRESSWIND LAKEWOOD RANCH (the "**Fifth Amendment**"), 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 Fifth Amendment and does not affect the validity of the Fifth Amendment as the Association has no right to approve the Fifth Amendment.

IN WITNESS WHEREOF, the undersigned has executed this Joinder on this 7th day of February, 2024.

WITNESSES:


Print Name: FRANK PROVINO
Address: 3344 HOWELL PL
SARASOTA FL 34232


Print Name: KRIS MARTINEZ
Address: 2804 NW 6TH PLACE
CAPRI CORAL, FL 33993

"ASSOCIATION":

CRESSWIND LAKEWOOD RANCH
HOMEOWNERS ASSOCIATION, INC., a
Florida not-for-profit corporation
By: 
Name: Fred Pfister
Title: President

[Corporate Seal]

STATE OF FLORIDA)
COUNTY OF Manatee)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7th day of February, 2024, by Fred Pfister, as President of CRESSWIND LAKEWOOD RANCH HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the company, ☐ who is personally known to me or ☐ who has produced _____ as identification.

My commission expires:


NOTARY PUBLIC, State of Florida at Large
Print Name: _____



EXHIBIT 6

LIST OF HOLDINGS

The following is a list of proposed holdings of CRESSWIND LAKEWOOD RANCH HOMEOWNERS ASSOCIATION, INC., a Florida not-for-profit corporation (the "**Association**"), consisting of lands within CRESSWIND LAKEWOOD RANCH, a subdivision and improvements thereon which are presently under construction and are to be completed by the developer, KH LAKEWOOD RANCH LLC, a Florida limited liability company:

CRESSWIND PHASE I, SUBPHASE A & B:

TRACTS A, F, G, H, J, K, and Z:

Tracts A, F, G, H, J, K, and Z of CRESSWIND PHASE I, SUBPHASE A & B, according to the map or plat thereof as recorded in Plat Book 66, Page 149 of the Public Records of Manatee County, Florida.

TRACTS B, C and D:

Tracts B, C and D of CRESSWIND PHASE I, SUBPHASE A & B, according to the map or plat thereof as recorded in Plat Book 66, Page 149 of the Public Records of Manatee County, Florida, **LESS AND EXCEPT THE FOLLOWING:**

LESS AND EXCEPT THE FOLLOWING FROM TRACT B: A portion of TRACT B (Drainage, Landscape, Irrigation, and Access Easement), CRESSWIND PHASE I, SUBPHASE A & B, according to the plat thereof, as recorded in Plat Book 66, Pages 149 through 165, inclusive, of the Public Records of Manatee County, Florida, lying in the Southwest 1/4 of Section 12, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Southwest 1/4 of Section 12, run thence along the West boundary thereof, N.00°20'40"W., a distance of 1837.60 feet; thence N.89°39'20"E., a distance of 1143.81 feet to the **POINT OF BEGINNING**, said point also being on the Northeasterly boundary of said of TRACT B (Drainage, Landscape, Irrigation, and Access Easement); thence along said Northeasterly boundary, N.78°11'24"E., a distance of 10.00 feet to a point on the Northerly boundary of TRACT A (Private Roadway) of said CRESSWIND PHASE I, SUBPHASE A & B; thence along said Northerly boundary, Southerly, 54.38 feet along the arc of a non-tangent curve to the left having a radius of 356.50 feet and a central angle of 08°44'21" (chord bearing S.16°10'46"E., 54.32 feet); thence S.69°27'03"W., a distance of 10.00 feet to a point on aforesaid Northeasterly boundary of TRACT B (Drainage, Landscape, Irrigation, and Access Easement); thence along said Northeasterly boundary, Northerly, 55.90 feet along the arc of a non-tangent curve to the right having a radius of 366.50 feet and a central angle of 08°44'21" (chord bearing N.16°10'46"W., 55.85 feet) to the **POINT OF BEGINNING**. Containing 0.013 acres, more or less.

LESS & EXCEPT THE FOLLOWING FROM TRACT C: A portion of TRACT C (Drainage, Landscape, Irrigation, and Access Easement),

CRESSWIND PHASE I, SUBPHASE A & B, according to the plat thereof, as recorded in Plat Book 66, Pages 149 through 165, inclusive, of the Public Records of Manatee County, Florida, lying in the Southwest 1/4 of Section 12, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Southwest 1/4 of Section 12, run thence along the West boundary thereof, N.00°20'40"W., a distance of 1851.72 feet; thence N.89°39'20"E., a distance of 1213.39 feet to the **POINT OF BEGINNING**, said point also being on the Northerly boundary of said TRACT C (Drainage, Landscape, Irrigation, and Access Easement); thence along said Northerly boundary the following two (2) courses: 1) N.78°11'24"E., a distance of 10.00 feet; 2) Southerly, 24.37 feet along the arc of a non-tangent curve to the left having a radius of 285.50 feet and a central angle of 04°53'25" (chord bearing S.14°15'18"E., 24.36 feet); thence S.73°17'59"W., a distance of 10.00 feet to a point on the Northerly boundary of TRACT A (Private Roadway) of said CRESSWIND PHASE I, SUBPHASE A & B; thence along said Northerly boundary, Northerly, 25.22 feet along the arc of a non-tangent curve to the right having a radius of 295.50 feet and a central angle of 04°53'25" (chord bearing N.14°15'18"W., 25.21 feet) to the **POINT OF BEGINNING**. Containing 0.006 acres, more or less.

LESS & EXCEPT THE FOLLOWING FROM TRACT C: A portion of TRACT C (Drainage, Landscape, Irrigation, and Access Easement), CRESSWIND PHASE I, SUBPHASE A & B, according to the plat thereof, as recorded in Plat Book 66, Pages 149 through 165, inclusive, of the Public Records of Manatee County, Florida, lying in the Southwest 1/4 of Section 12, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Southwest 1/4 of Section 12, run thence along the West boundary thereof, N.00°20'40"W., a distance of 2035.88 feet; thence N.89°39'20"E., a distance of 2053.20 feet to the **POINT OF BEGINNING**, said point also being on the Northerly boundary of said TRACT C (Drainage, Landscape, Irrigation, and Access Easement); thence along said Northerly boundary, S.86°05'06"E., a distance of 10.00 feet to a point on the Northerly boundary of TRACT A (Private Roadway) of said CRESSWIND PHASE I, SUBPHASE A & B; thence along said Northerly boundary the following two (2) courses: 1) Southerly, 15.93 feet along the arc of a non-tangent curve to the right having a radius of 1628.50 feet and a central angle of 00°33'38" (chord bearing S.04°11'43"W., 15.93 feet); 2) Southerly, 128.80 feet along the arc of a compound curve to the right having a radius of 769.50 feet and a central angle of 09°35'24" (chord bearing S.09°16'14"W., 128.65 feet); thence N.75°56'04"W., a distance of 10.00 feet to a point on aforesaid Northerly boundary of TRACT C (Drainage, Landscape, Irrigation, and Access Easement); thence along said Northerly boundary the following two (2) courses: 1) Northerly, 127.12 feet along the arc of a non-tangent curve to the left having a radius of 759.50 feet and a central angle of 09°35'24" (chord bearing N.09°16'14"E., 126.97 feet); 2) Northerly, 15.84 feet along the arc of a compound curve to the left having a radius of 1618.50 feet and a central

angle of 00°33'38" (chord bearing N.04°11'43"E., 15.84 feet) to the **POINT OF BEGINNING**. Containing 0.033 acres, more or less.

LESS & EXCEPT THE FOLLOWING FROM TRACT D: A portion of TRACT D (Drainage, Landscape, Irrigation, and Access Easement), CRESSWIND PHASE I, SUBPHASE A & B, according to the plat thereof, as recorded in Plat Book 66, Pages 149 through 165, inclusive, of the Public Records of Manatee County, Florida, lying in the Southwest 1/4 of Section 12, Township 35 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCE at the Southwest corner of said Southwest 1/4 of Section 12, run thence along the West boundary thereof, N.00°20'40"W., a distance of 2030.60 feet; thence N.89°39'20"E., a distance of 2124.01 feet to the **POINT OF BEGINNING**, said point also being the Northwest corner of said TRACT D (Drainage, Landscape, Irrigation, and Access Easement); thence along the Northerly of said TRACT D (Drainage, Landscape, Irrigation, and Access Easement), S.86°05'06"E., a distance of 10.00 feet to the Northeast corner thereof; thence along the Easterly boundary of said TRACT D (Drainage, Landscape, Irrigation, and Access Easement) the following two (2) courses: 1) Southerly, 16.63 feet along the arc of a non-tangent curve to the right having a radius of 1699.50 feet and a central angle of 00°33'38" (chord bearing S.04°11'43"W., 16.63 feet); 2) Southerly, 117.16 feet along the arc of a compound curve to the right having a radius of 840.50 feet and a central angle of 07°59'13" (chord bearing S.08°28'09"W., 117.07 feet); thence N.77°32'15"W., a distance of 10.00 feet to a point on the Westerly boundary of said TRACT D (Drainage, Landscape, Irrigation, and Access Easement); thence along said Westerly boundary the following two (2) courses: 1) Northerly, 115.77 feet along the arc of a non-tangent curve to the left having a radius of 830.50 feet and a central angle of 07°59'13" (chord bearing N.08°28'09"E., 115.67 feet); 2) Northerly, 16.53 feet along the arc of a compound curve to the left having a radius of 1689.50 feet and a central angle of 00°33'38" (chord bearing N.04°11'43"E., 16.53 feet) to the **POINT OF BEGINNING**. Containing 0.031 acres, more or less.

TRACT A:	PRIVATE ROADWAY AND DRAINAGE EASEMENT, PUBLIC UTILITY EASEMENT
TRACT B:	WETLAND AND WETLAND BUFFER AREA/DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT C:	DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT D:	DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT F:	DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT G:	DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT H:	DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT J:	DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT K:	OPEN SPACE
TRACT Z:	LIFT STATION AND MANATEE COUNTY LIFT STATION EASEMENT

CRESSWIND PHASE II, SUBPHASES A, B & C:

Tracts A-1, A-2, A-3, D-1, D-2, D-3, D-4, D-5, and F-5 of CRESSWIND PHASE II, SUBPHASES A, B & C, according to the map or plat thereof recorded in Plat Book 70, Page 127 of the Public Records of Manatee County, Florida.

TRACT A-1: PRIVATE ROADWAY AND DRAINAGE EASEMENT, PUBLIC UTILITY EASEMENT
TRACT A-2: PRIVATE ROADWAY AND DRAINAGE EASEMENT, PUBLIC UTILITY EASEMENT
TRACT A-3: PRIVATE ROADWAY AND DRAINAGE EASEMENT, PUBLIC UTILITY EASEMENT
TRACT D-1: DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT D-2: DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT D-3: DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT D-4: DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT D-5: DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT F-5 FUTURE DEVELOPMENT / OPEN SPACE

CRESSWIND PHASE III SUBPHASES IIIA & IIIB:

Tracts A-4, A-5, A-6, D-6, D-7, K-1, K-2, K-3 and W of CRESSWIND PHASE III SUBPHASES IIIA & IIIB, according to the map or plat thereof recorded in Plat Book 73, Page 32 in the Public Records of Manatee County, Florida.

TRACT A-4: PRIVATE ROADWAY AND DRAINAGE EASEMENT, PUBLIC UTILITY EASEMENT
TRACT A-5: PRIVATE ROADWAY AND DRAINAGE EASEMENT, PUBLIC UTILITY EASEMENT
TRACT A-6: PRIVATE ROADWAY AND DRAINAGE EASEMENT, PUBLIC UTILITY EASEMENT
TRACT D-6: DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT (PUBLIC FLOWAGE EASEMENT)
TRACT D-7: DRAINAGE, LANDSCAPE, IRRIGATION, AND ACCESS EASEMENT
TRACT K-1: OPEN SPACE
TRACT K-2: OPEN SPACE
TRACT K-3: OPEN SPACE
TRACT W: WETLAND AND WETLAND BUFFER AREA

[CONTINUES ON FOLLOWING PAGE]