

CFN 20230114452
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Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 1662 - 1665; (4pgs)

This instrument prepared by
and when recorded return to:

Daniel M. Mackler, Esq.
Gunster, Yoakley & Stewart, P.A.
777 South Flagler Drive
Suite 500 East
West Palm Beach, Florida 33401

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**FIFTH AMENDMENT AND SUPPLEMENTAL DECLARATION
TO MASTER DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR AVENIR**

THIS FIFTH AMENDMENT AND SUPPLEMENTAL DECLARATION TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR AVENIR ("Fifth Amendment") is made and executed this 3rd day of April, 2023 by AVENIR DEVELOPMENT, LLC, a Florida limited liability company (the "Declarant").

RECITALS:

A. Declarant recorded that certain Master Declaration of Covenants, Conditions and Restrictions for Avenir on May 14, 2018 in Official Records Book 29849, Page 1173, as modified by that certain Partial Release of Master Declaration of Covenants, Conditions and Restrictions for Avenir recorded on September 14, 2018 in Official Records Book 30121, Page 1982, and as amended by First Amendment to Master Declaration of Covenants, Conditions and Restrictions for Avenir recorded on September 26, 2018 in Official Records Book 30146, Page 475, Second Amendment to Master Declaration of Covenants, Conditions and Restrictions for Avenir recorded October 5, 2018 in Official Records Book 30168, Page 1968, Third Amendment to Master Declaration of Covenants, Conditions and Restrictions for Avenir recorded November 4, 2021 in Official Records Book 33026, Page 779, and Fourth Amendment to Master Declaration of Covenants, Conditions and Restrictions for Avenir recorded December 9, 2022 in Official Records Book 34007, Page 763, all of the Public Records of Palm Beach County, Florida (collectively, the "Declaration").

B. Pursuant to Section 18.1 of the Declaration, during the Class "B" Control Period (as defined in the Declaration) Declarant has the right to unilaterally amend the Declaration, and the Class "B" Control Period has not yet expired.

C. Declarant wishes to amend the Declaration to add the property described in Exhibit "A" attached hereto and made a part hereof (the "Additional Property") and to subject the Additional Property to all terms and provisions of the Declaration.

ACTIVE:16783775.1

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant does hereby amend the Declaration as follows:

1. **Recitals; Definitions.** The above recitals are true and correct and are incorporated herein by this reference. Unless otherwise defined, capitalized terms used above or herein shall have the meanings ascribed to them in the Declaration.
2. **Additional Property.** Declarant hereby subjects the Additional Property to all covenants, conditions, and restrictions contained in the Declaration, which shall hereafter constitute a covenant running with the land constituting the Additional Property. From and after the date of the recording of this Amendment, Avenir shall include both (i) the real property described in Exhibit "A" to the Declaration and all Amendments thereto, and (ii) the Additional Property.
3. **Ratification; Effective Date.** Except as modified or amended by this Fifth Amendment, the terms and provisions of the Declaration are hereby ratified and confirmed.

[SIGNATURE PAGES FOLLOW]

[Signature Page to Fifth Amendment to Master Declaration]

IN WITNESS WHEREOF, the undersigned has caused this Fifth Amendment to be executed on the day and year first above written.

WITNESSES:

AVENIR DEVELOPMENT, LLC, a Florida
limited liability company

Print
Name:

Michael Ray
Michael Ray

By:

Name: Manuel M. Mato
Title: President

Print
Name:

Clara Diaz
Clara Diaz

STATE OF FLORIDA)

) ss.

COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 27 day of March, 2023, by Manuel M. Mato, President of AVENIR DEVELOPMENT, LLC, a Florida limited liability company, on behalf of the company, who:

☒ is personally known to me or

☐ has produced _____ as identification.

Notary Public – State of Florida

Notary Seal:

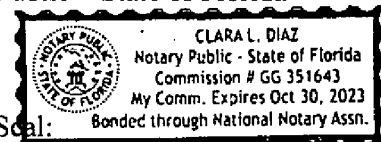


EXHIBIT "A"

Legal Description

Lots 1 through 144, inclusive, of the Plat of Avenir – POD 20, according to the plat thereof, as recorded in Plat Book 135, Page 113, of the Public Records of Palm Beach County, Florida.

Tracts R, Park-1, Park-2, and Tracts O-1 through O-21, inclusive of Avenir - POD 20, according to the Plat thereof as recorded in Plat Book 135, Page 113, of the Public Records of Palm Beach County, Florida.

NOT CERTIFIED COPY