

PREPARED BY AND RETURN TO:

Gary M. Kaleita, Esq.
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.
215 N. Eola Drive
Orlando, Florida 32801

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

**THIRD AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR MEZZANO**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MEZZANO (the "**Third Amendment**") is made as of the 2 day of October, 2024, by **PARK SQUARE ENTERPRISES, LLC**, a Delaware limited liability company, whose address is 5200 Vineland Road, Suite 200, Orlando, Florida 32811 ("**Declarant**"), joined by **MEZZANO HOMEOWNERS' ASSOCIATION, INC.**, a Florida not-for-profit corporation, whose address is c/o Access Management, 1170 Celebration Blvd, Suite 202, Celebration, FL 34747 ("**Association**").

WITNESSETH:

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions, Easements And Restrictions For Mezzano recorded in Document Number 20220062109 in the Public Records of Orange County, Florida; as amended by Supplemental Declaration and First Amendment to Declaration Of Covenants, Conditions, Easements And Restrictions For Mezzano recorded in Document Number 20220481553 in the Public Records of Orange County, Florida; as further amended by Second Amendment to Declaration Of Covenants, Conditions, Easements And Restrictions For Mezzano, recorded in Document Number 20220605996, in the Public Records of Orange County, Florida (collectively, the "**Declaration**");

WHEREAS, pursuant to Section 13.02 of the Declaration, prior to Turnover, the Declaration may be amended, modified or released, in whole or in part, by a written instrument executed by the Declarant, if Declarant determines such amendment is necessary; provided that such amendment does not prejudice or impair to any material extent the rights of any Member;

WHEREAS, Declarant desires to modify and amend the Declaration as set forth herein, and the Association joins to evidence its consent hereto; and

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant, joined by the Association, does hereby modify and amend the Declaration as hereinafter set forth:

1. **Recitals/Capitalized Terms.** The foregoing recitals are true and correct and are incorporated herein by this reference. Capitalized terms not expressly defined herein shall have the meanings ascribed to such terms in the Declaration.

2. **Amendment to Section 13.03.** Section 13.03 of the Declaration is hereby amended by adding the following paragraph at the end of the existing Section 13.03:

“To the maximum extent permitted by law, all rights and reservations of the Declarant, and all exceptions and exemptions in favor of the Declarant, that are set forth in the Declaration shall continue to be effective for so long as Declarant is the owner of any real property subject to the Declaration. Such rights, reservations, exceptions, and exemptions include, without limitation, those set forth in Section 2.03, Section 5.01, Section 5.02, Section 5.03, Section 5.19.C., Section 7.01, Section 8.01, Section 13.01, Section 13.02 and this Section 13.03. In addition, until Declarant has completed construction of the Cabana/Pool Amenity on Tract P-2 (as described on the Plat) and a certificate of occupancy has been issued therefor by the applicable governmental authority, all rights and reservations of the Declarant, and all exceptions and exemptions in favor of the Declarant, that are set forth in the Declaration shall continue to be effective, including, without limitation, those set forth in Section 2.03, Section 5.01, Section 5.02, Section 5.03, Section 5.19.C., Section 7.01, Section 8.01, Section 13.01, Section 13.02 and this Section 13.03.”

3. **Counterparts.** This Third Amendment may be executed in counterparts and shall constitute but one and the same instrument.

4. **No Further Amendment.** Except as specifically amended by this Third Amendment, the Declaration shall remain in full force and effect.

[Signatures on the Following Pages]

IN WITNESS WHEREOF, Declarant has executed this Third Amendment as of the date first above written.

"DECLARANT"

PARK SQUARE ENTERPRISES, LLC, a
Delaware limited liability company

By: _____

Name: SURESH GUPTA

Title: Manager

STATE OF FLORIDA)
COUNTY OF ORANGE)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 2nd day of October, 2024, by Suresh Gupta as Manager of **PARK SQUARE ENTERPRISES, LLC**, a Delaware limited liability company, on behalf of the company. He ☒ is personally known to me or ☐ has produced _____ as identification.

[NOTARY SEAL]

Carol Kay Cole
Notary Public Signature



JOINDER OF ASSOCIATION

The undersigned, **MEZZANO HOMEOWNERS' ASSOCIATION, INC.**, a Florida not-for profit corporation (the "Association") hereby joins in this THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR MEZZANO, to which this Joinder of Association is attached, and agrees and acknowledges that the terms and provisions thereof are and shall be binding upon the Association and its successors in title.

"ASSOCIATION"

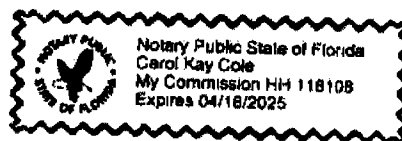
MEZZANO HOMEOWNERS'
ASSOCIATION, INC., a Florida not-for-profit
corporation

By: HPB
Print Name: MARIA E. PEREZ
Title: VP

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of October, 2024, by MARIA PEREZ, as President of MEZZANO HOMEOWNERS' ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of the corporation. He/She ☒ is personally known to me or ☐ has produced _____ as identification.

Carol Kay Cole
Print Name Carol Kay Cole
Title: Notary Public
Serial Number, if any: _____
My Commission Expires: 04/18/2025
(NOTARY SEAL)

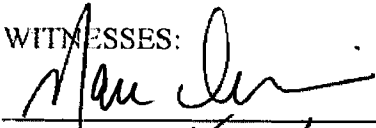


JOINDER OF MORTGAGEE

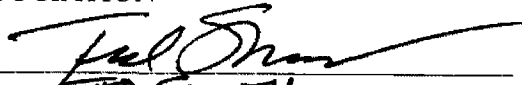
The undersigned, **FIFTH THIRD BANK, NATIONAL ASSOCIATION**, as lender, hereby consents to and subordinates to the foregoing Third Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for Mezzano and all of its covenants, conditions, easements, restrictions, terms and provisions, the lien created by that certain Restated Mortgage and Security Agreement (Including Assignment of Leases and Rents and Fixture Filing) executed by Park Square Enterprises, LLC, a Delaware limited liability company, Mortgagor, in favor of Fifth Third Bank, an Ohio banking corporation, Mortgagee, dated December 30, 2014, in the original principal amount of \$40,000,000.00, recorded December 31, 2014 in Official Records Book 10855, Page 320, together with Mortgage Modification Agreement and Receipt of Future Advance recorded September 29, 2016 in Official Records Instrument No. 20160512177, Spreader and Modification Agreement recorded June 28, 2018 in Official Records Instrument No. 20180386064, 2018 Mortgage Modification Agreement and Notice of Future Advance recorded September 7, 2018 in Official Records Instrument No. 20180532729, Assignment of Notes and Mortgage, Mortgage Spreader and Modification and Partial Release Agreement recorded February 27, 2020 in Official Records Instrument No. 20200128126, 2020 Mortgage Consolidation and Modification Agreement recorded February 27, 2020 in Official Records Instrument No. 20200128127, Spreader and Modification Agreement recorded June 17, 2021 in Official Records Instrument No. 20210362278, and 2024 Mortgage Modification and Extension Agreement, Notice of Future Advance recorded August 30, 2024 in Official Records Instrument No. 20240507285, all of the Public Records of Orange County, Florida.

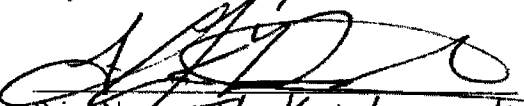
Signed, sealed and delivered
in the presence of:

WITNESSES:


Print Name: Nan Lavin
Address: 3344 Peachtree Rd Ste 1000
Atlanta, Ga 30326

FIFTH THIRD BANK, NATIONAL ASSOCIATION

By: 
Name: TED SMITH
Title: SENIOR VICE PRESIDENT


Print Name: Tiki K. Warmouth
Address: 3344 Peachtree Rd NE Ste 1000
Atlanta GA 30326

NOTARY ACKNOWLEDGEMENT FOLLOWS ON NEXT PAGE.

STATE OF Georgia
COUNTY OF DeKalb

The foregoing instrument was acknowledged before me by means of ☒ physical presence
or ☐ online notarization, this 30th day of September, 2024, by
Ted Smith, as Senior Vice President of FIFTH THIRD BANK,
NATIONAL ASSOCIATION, on behalf thereof. He/She ☒ is personally known to me or ☐
has produced _____ as identification.

(NOTARY SEAL)



S. McCorvey
NOTARY SIGNATURE
S. McCorvey
PRINTED NOTARY NAME