



**AFTER RECORDING, PLEASE RETURN TO:**

RREF II - JFH BRILLO, LLC  
c/o Matthew J. Ence  
SNOW JENSEN & REECE, P.C.  
912 West 1600 South, Suite B-200  
St. George, Utah 84770

**DECLARATION OF ANNEXATION  
FOR  
BRIO - PHASE 5D SUBDIVISION**

**THIS DECLARATION OF ANNEXATION FOR BRIO - PHASE 5D SUBDIVISION (hereinafter "Declaration of Annexation") is made by RREF II - JFH BRILLO, LLC, a Delaware limited liability company, hereinafter referred to as "Declarant."**

**PREAMBLE**

A. Declarant is the owner and developer of certain real property located in the city of Washington, Washington County, State of Utah, which is particularly described as follows:

*See legal description attached Exhibit "A" and incorporated herein by this reference.*

(hereinafter the "Annexed Property").

B. The Annexed Property is part of the real property described in Exhibit "B" to that Declaration of Covenants, Conditions, and Restrictions for Brio, recorded August 12, 2015, as Doc. No. 20150028404, in the Official Records of the Washington County Recorder's Office, as amended or supplemented (hereinafter referred to as "Declaration").

C. By annexation into the Community known as BRIO, the Annexed Property is made subject to the Declaration by virtue of Sections 1.1 and 11.1 of the Declaration.

D. Declarant is the "Declarant" as defined in Section 2.16 of the Declaration.

E. Pursuant to Section 1.1 and Article 10 of the Declaration, Declarant now desires to add and include the above- described Annexed Property to hereafter become part of the Community known as BRIO as described in Section 2.12 of the Declaration, and thereafter subject to the terms and provisions of the Declaration as provided in Section 1.1 and Article 10 of the Declaration.

THEREFORE, Declarant hereby declares, and submits the Annexed Property to such Declaration, and imposes thereon the provisions of the Declaration, as follows:

1. The undersigned Declarant here by declares the foregoing recitals to be true and accurate, and incorporate the same herein with this reference.

2. Declarant with the execution of this Declaration of Annexation here by consents to the annexation of the Annexed Property into the Community known as BRIO.

3. Declarant hereby declares the Annexed Property is added to and made a part of the Community subject to the Declaration. The Annexed Property is and shall be held, conveyed, hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part, subject to this Declaration of Annexation and the Declaration.

4. The covenants, conditions and restrictions of this Declaration of Annexation and the Declaration are here by imposed as equitable servitudes upon each lot within the Annexed Property, as a servient tenement, for the benefit of each and every other lot or property within BRIO, as the dominant tenements.

5. The covenants, conditions and restrictions of this Declaration of Annexation shall run with and shall inure to the benefit of and shall be binding upon all of the Annexed Property and shall be binding upon and inure to the benefit of all parties having, or hereafter acquiring, any right, title or interest in all or any portion of the Annexed Property.

6. This Declaration of Annexation is recorded pursuant to Section 1.1 and Article 10 of the Declaration, and each of the provisions hereof shall be deemed a part of the Declaration, and they may be enforced as therein provided for the enforcement of any other provisions thereof.

7. The rights and obligations of all Owners of lots in the Annexed Property shall be the same as the rights and obligations of the Owners of lots currently affected by the Declaration, except as may be modified herein.

*(remainder of page intentionally left blank; signatures and acknowledgments to follow)*

Declarant has executed this Declaration of Annexation on this 9<sup>th</sup> day of NOVEMBER, 2021, but it shall not be effective until recorded in the office of the Washington County Recorder.

DECLARANT:

RREF II-JFH BRILLO, LLC,

A Delaware Limited Liability Company

By: RREF-II-JFH BRILLO MEMBER, LLC, a Delaware limited liability company, its Managing Member

By: RIALTO REAL ESTATE FUND II, LP, a Delaware Limited partnership, its Sole Member

By: RIALTO PARTNERS GP II, LLC, a Delaware limited liability company, its General Partner

By:   
Senior Officer Name: Tony Del Grippo  
Senior Officer Title: Managing Member

STATE OF Colorado )

ss.

COUNTY OF Jefferson )

On the 9 day of November, 2021, Tony Del Grippo personally appeared before me, who being duly sworn, did say that is the Managing Member of RREF II -JFH BRILLO, LLC, and the foregoing instrument was signed on behalf of said company by authority of its governing documents, and for the uses and purposes set forth herein above.



  
Notary Public

**EXHIBIT A**  
**To Declaration of Annexation**

BEGINNING AT A POINT N0°46'17"E, 263.87 FEET ALONG THE SECTION LINE AND WEST, 153.14 FEET FROM THE EAST 1/4 CORNER OF SECTION 10, T42S, R15W, SLB&M (N0°46'17"E, 204.02 FEET FROM A RING & LID MONUMENT ON THE SECTION LINE AT THE CENTER OF CAMINO OSO), SAID POINT BEING ON THE BOUNDARY OF BRIO PHASE 4D SUBDIVISION, RUNNING THENCE N28°06'44"E, 256.93 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF WASHINGTON PARKWAY, A 110.00 FOOT WIDE PUBLIC ROADWAY, AS SHOWN ON THE "ROADWAY DEDICATION PLAT OF WASHINGTON PARKWAY & MAIN STREET" FILED AS DOCUMENT #20180022079 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, SAID POINT BEING ON AN 1805.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, RADIUS POINT BEARS N26°01'25"E; THENCE SOUTHEASTERLY 559.66 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°45'55"; THENCE S8°15'33"W, 145.28 FEET TO THE POINT OF CURVE OF A 1950.50 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS N8°15'33"E; THENCE SOUTHEASTERLY 14.63 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0°25'47"; THENCE S7°49'45"W, 111.50 FEET TO THE POINT OF CURVE OF A 2062.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, RADIUS POINT BEARS N7°49'45"E; THENCE NORTHWESTERLY 664.11 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°27'12" TO THE POINT OF BEGINNING.

CONTAINING 3.600 ACRES.

Exhibit 'A' to Declaration of Annexation  
BRIO - PHASE 5D