

DOC # 20170012674

CCR Annexation Page 1 of 4  
Russell Shirts Washington County Recorder  
03/28/2017 01:45:19 PM Fee \$ 16.00  
By SOUTHERN UTAH TITLE CO



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 1C SUBDIVISION**

THIS DECLARATION OF ANNEXATION FOR BRIO - PHASE 1C 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 hereby 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 hereby 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 hereby 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 5<sup>th</sup> day of August, 2016, 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: Anthony Seijas  
Senior Officer Title: Vice President

STATE OF Florida  
COUNTY OF Miami-Dade, ss.

On the 5<sup>th</sup> day of August, 2016, personally appeared before me Anthony Seijas, who being duly sworn, did say that he is the Vice President 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**

LEGAL DESCRIPTION OF THE ANNEXED PROPERTY

BEGINNING AT A POINT S0°20'26"W, 645.04 FEET ALONG THE SECTION LINE AND WEST 1202.84 FEET FROM THE EAST 1/4 CORNER OF SECTION 10, T42S, R15W, SLB&M, SAID POINT BEING ON THE WESTERLY BOUNDARY OF VIA DEL SOL, A 50 FOOT PUBLIC ROADWAY AND BEING A POINT ON THE WESTERLY BOUNDARY OF THE PROPOSED "BRIO - PHASE 1B" SUBDIVISION, RUNNING THENCE ALONG SAID PROPOSED SUBDIVISION WESTERLY BOUNDARY THE FOLLOWING TWELVE (12) COURSES: SOUTHEASTERLY 153.60 FEET ALONG THE ARC OF A 1025.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS S89°31'36"E, THROUGH A CENTRAL ANGLE OF 8°35'09" TO THE POINT OF CURVE OF A 375.00 FOOT RADIUS REVERSE CURVE; THENCE SOUTHWESTERLY 141.05 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°33'03" TO THE POINT OF CURVE OF A 1025.00 FOOT RADIUS REVERSE CURVE; THENCE SOUTHWESTERLY 61.88 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°27'32" TO POINT OF CURVE OF A 15.00 FOOT RADIUS REVERSE CURVE; THENCE SOUTHWESTERLY 21.07 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 80°29'38"; THENCE S0°28'24"W, 25.00 FEET; THENCE N89°31'36"W, 10.23 FEET; THENCE S0°28'24"W, 25.00 FEET TO THE POINT OF CURVE OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS S0°28'24"W; THENCE SOUTHEASTERLY 24.89 FEET ALONG THE ARC OF 95°03'42" TO THE POINT OF CURVE OF A 1025.00 FOOT RADIUS REVERSE CURVE; THENCE SOUTHWESTERLY 90.55 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°03'42"; THENCE S0°28'24"W, 431.01 FEET TO THE POINT OF CURVE OF A 125.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 129.42 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59°19'22"; THENCE S30°12'15"E, 170.00 FEET; THENCE S72°42'14"W, 131.80 FEET TO A POINT ON THE 1/16TH LINE; THENCE N0°28'24"E, 1248.05 FEET ALONG THE 1/16TH LINE; THENCE S89°31'36"E, 120.00 FEET TO THE POINT OF BEGINNING.

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