

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 3A SUBDIVISION**

THIS DECLARATION OF ANNEXATION FOR BRIO – PHASE 3A 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 H.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 ____ day of February, 2017, but this Declaration of Annexation 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: Manager

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: Anthony Seijas
Senior Officer: Vice President
Title: _____

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me, a Notary Public in and for the State of Florida on the 16 day of February, 2017, by Anthony Seijas, as VP of JF BRILLO DEL SOL DEVELOPMENT, LLC, a Utah limited liability company, the authorized agent of RREF II-JFH BRILLO, LLC, a Delaware limited liability company, who produced _____ as identification or is personally known to me, and who acknowledged to me that he/she executed the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL]



[Signature]
Notary Public

EXHIBIT A
To Declaration of Annexation

LEGAL DESCRIPTION OF THE ANNEXED BRIO PH. 3A PROPERTY

BEGINNING AT A POINT S0°20'24"W, 448.52 FEET ALONG THE SECTION LINE AND WEST, 166.32 FEET FROM THE EAST 1/4 CORNER OF SECTION 10, T42S, R15W, SLB&M, RUNNING THENCE S00°28'54"W 151.07 FEET; THENCE N82°13'20"E 103.89 FEET; THENCE EAST 51.01 FEET; THENCE S89°57'41"E 51.00 FEET; THENCE S87°52'34"E 53.00 FEET; THENCE S84°37'33"E 53.01 FEET; THENCE S81°22'10"E 63.87 FEET; THENCE S77°47'05"E 2.50 FEET; THENCE S12°12'55"W 82.77 FEET TO THE POINT OF CURVATURE OF A 22.50 FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHWESTERLY 34.21 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 87°07'23" TO THE POINT OF REVERSE CURVATURE OF A 764.50 FOOT RADIUS CURVE TO THE LEFT; THENCE WESTERLY 4.37 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°19'40"; THENCE S08°20'02"W 32.50 FEET; THENCE S09°02'26"W 196.00 FEET TO THE POINT OF CURVATURE OF A 536.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS S09°02'26"W; THENCE WESTERLY 364.21 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°55'54" TO A POINT OF COMPOUND CURVATURE WITH A RADIUS OF 336.00 FEET; THENCE SOUTHWESTERLY 50.05 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°32'06"; THENCE N38°25'35"W 31.00 FEET TO THE POINT OF CURVATURE OF A 367.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS S38°25'35"E; THENCE SOUTHWESTERLY 48.17 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°31'14" TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BRIO PARKWAY AS PLATTED WITH "BRIO - PHASE 1A" ON FILE IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS ENTRY #20150028402; THENCE ALONG THE BOUNDARY OF SAID BRIO - PHASE 1A AND ITS EXTENSION THE FOLLOWING TWO COURSES: N42°49'22"W 108.06 FEET TO THE POINT OF CURVATURE OF A 375.00 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY 383.37 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 43°47'46"; THENCE N00°28'24"E 181.85 FEET; THENCE N32°52'59"W 23.94 FEET; THENCE N00°56'47"E 40.00 FEET; THENCE N45°14'12"E 28.17 FEET; THENCE N00°28'24"E 5.72 FEET; THENCE S89°31'36"E 47.00 FEET; THENCE S44°45'48"E 28.40 FEET; THENCE EAST 96.00 FEET TO THE POINT OF CURVATURE OF A 20.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 31.23 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°28'20"; THENCE S89°31'36"E 39.00 FEET; THENCE S00°28'03"W 5.50 FEET; THENCE S38°40'08"E 25.61 FEET; THENCE EAST 81.86 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.466 ACRES.

Tax Serial No. W-5-2-10-210