

AFTER RECORDING, PLEASE RETURN TO:

RREF II – JFH BRILLO, LLC
c/o Matthew J. Ence
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St. George, Utah 84770

DOC # 20170046576

CCR Annexation Page 1 of 4
Russell Shirts Washington County Recorder
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By SOUTHERN UTAH TITLE CO



**DECLARATION OF ANNEXATION
FOR
BRIO – PHASE 3B SUBDIVISION**

THIS DECLARATION OF ANNEXATION FOR BRIO – PHASE 3B 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)

EXHIBIT A
To Declaration of Annexation

LEGAL DESCRIPTION OF THE ANNEXED PROPERTY

BEGINNING AT A POINT S0°20'24"W, 602.60 FEET ALONG THE SECTION LINE AND EAST, 209.59 FEET FROM THE WEST 1/4 CORNER OF SECTION 11, T42S, R15W, SLB&M, SAID POINT BEING ON THE EAST BOUNDARY OF "BRIO - PHASE 3A" SUBDIVISION FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS DOCUMENT NO. 20170022916, RUNNING THENCE S77°47'05"E, 36.50 FEET; THENCE S74°22'15"E, 65.29 FEET; THENCE S72°39'12"E, 177.10 FEET; THENCE N17°20'48"E, 98.00 FEET; THENCE N72°39'12"W, 2.32 FEET; THENCE N17°20'48"E, 139.00 FEET; THENCE S72°39'12"E, 164.23 FEET; THENCE N73°40'35"E, 50.07 FEET; THENCE N76°34'07"E, 104.55 FEET; THENCE S19°12'12"E, 59.35 FEET; THENCE S9°51'38"E, 73.28 FEET; THENCE S3°23'47"W, 172.68 FEET; THENCE S16°39'12"W, 268.18 FEET; THENCE S14°22'11"W, 97.00 FEET TO THE POINT OF CURVATURE OF A 984.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS N14°22'11"E; THENCE NORTHEASTERLY 51.12 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°58'37"; THENCE N72°39'12"W, 538.17 FEET TO THE POINT OF CURVATURE OF A 536.00 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 77.70 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°18'22", SAID POINT BEING AT THE SOUTHEAST CORNER OF SAID "BRIO - PHASE 3A" SUBDIVISION; THENCE ALONG THE EASTERLY BOUNDARY OF SAID "BRIO - PHASE 3A" SUBDIVISION THE FOLLOWING (5) COURSES: N9°02'26"E, 196.00 FEET, THENCE N8°20'02"E, 32.50 FEET TO THE POINT OF CURVATURE OF A 764.50 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS S9°00'38"W; THENCE EASTERLY 4.37 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0°19'40" TO THE POINT OF REVERSE CURVATURE OF A 22.50 FOOT RADIUS CURVE; THENCE NORTHWESTERLY 34.21 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 87°07'23"; THENCE N12°12'55"E, 82.77 FEET TO THE POINT OF BEGINNING.

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