

**DOC # 20160042532**

CCR Annexation Page 1 of 4  
Russell Shirts Washington County Recorder  
11/08/2016 02:56:09 PM Fee \$ 16.00  
By SOUTHERN UTAH TITLE CO



**RECORDED AT THE REQUEST OF:**

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

**DECLARATION OF ANNEXATION  
FOR  
BRIO – PHASE 1B**

THIS DECLARATION OF ANNEXATION FOR BRIO - PHASE 1B (hereinafter “Declaration of Annexation”) is made by RREF II – JFH BRILLO, LLC, a Delaware limited liability company, hereinafter referred to as “Declarant.”

**PREAMBLE**

A. The 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 Annexable Area as defined in Section 1.1 of 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 (hereinafter referred to as “Declaration”).

C. By annexation into Brio, the Annexed Property shall also be made subject to the Declaration by virtue of Sections 1.1 and 10.1 of the Declaration.

D. Declarant is the “Declarant” as defined in Section 2.16 of the Declaration. Pursuant to Sections 1.1 and 10.1 of the Declaration, Declarant now desires to add and include the above-described Annexed Property to hereafter become part of the “Community” as defined in Section 2.12 of the Declaration, and thereafter subject to the terms and provisions of the Declaration as set forth in Section 1.2 of the Declaration.

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

1. The undersigned Declarant with the execution of this Declaration of Annexation hereby consents to the annexation.

2. That the Declarant hereby declares the Annexed Property is added to and made a part of the properties subject to the Declaration. The Annexed Property is and shall be held, conveyed,

hypothesized, 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.

3. 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 within the Community, as the dominant tenements.

4. 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.

5. This Declaration of Annexation is recorded pursuant to Sections 1.1 and 10.1 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.

6. 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.

*(remainder of page intentionally left blank (signature page to follow))*

Declarant has executed this Declaration of Annexation on this 22 day of June, 2016, 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 liability partnership  
Its: Sole Member

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

By: \_\_\_\_\_  
Senior Officer: Adam Singer  
Title: Vice President

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 22 day of June 2016, by Adam Singer, 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 PROPERTY**  
**BRIO PHASE 1 B SUBDIVISION**

BEGINNING AT A POINT S0°28'24"W, 791.15 FEET ALONG THE SECTION LINE AND WEST 480.14 FEET FROM THE EAST 1/4 CORNER OF SECTION 10, T42S, R15W, SLB&M, SAID POINT BEING THE NORTHEASTERLY CORNER OF LOT 42 OF "BRIO PHASE 1A" SUBDIVISION AS FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS DOCUMENT #20150028402, RUNNING THENCE N89°31'36"W 154.32 FEET ALONG THE NORTH LINE OF SAID LOT 42 AND ITS EXTENSION; THENCE ALONG THE NORTHERLY AND WESTERLY BOUNDARY OF SAID "BRIO PHASE 1A" SUBDIVISION THE FOLLOWING SIXTEEN (16) COURSES: N0°28'24"E 17.79 FEET; THENCE N89°31'36"W 25.00 FEET TO THE POINT OF CURVATURE OF A 15.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS N89°31'36"W; THENCE NORTHWESTERLY 23.56 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE N89°31'36"W 365.75 FEET; THENCE S0°28'24"W 91.00 FEET; THENCE S3°39'17"W 79.02 FEET; THENCE S12°15'36"W 80.44 FEET; THENCE S9°38'31"W 75.54 FEET; THENCE S2°36'15"W 103.78 FEET; THENCE S2°16'19"W 39.08 FEET; THENCE S0°28'24"W 340.65 FEET TO THE POINT OF CURVATURE OF A 700.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS N6°47'49"E; THENCE EASTERLY 31.53 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°34'50"; THENCE S0°28'24"W 131.49 FEET; THENCE N89°31'36"W 30.00 FEET; THENCE S0°28'24"W 49.14 FEET; THENCE S48°03'46"W 163.74 FEET; THENCE LEAVING SAID "BRIO PHASE 1A" SUBDIVISION BOUNDARY AND RUNNING N30°12'15"W 170.00 FEET TO THE POINT OF CURVATURE OF A 125.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS N30°12'15"W; THENCE NORTHEASTERLY 129.42 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59°19'22"; THENCE N0°28'24"E 431.01 FEET TO THE POINT OF CURVATURE OF A 1025.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS S89°31'36"E; THENCE NORTHERLY 90.55 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°03'42" TO THE POINT OF REVERSE CURVATURE OF A 15.00 FOOT RADIUS CURVE; THENCE NORTHWESTERLY 24.89 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 95°03'42"; THENCE N0°28'24"E 25.00 FEET; THENCE S89°31'36"E 10.23 FEET; THENCE N0°28'24"E 25.00 FEET TO THE POINT OF CURVATURE OF A 15.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS N0°28'24"E; THENCE EASTERLY 21.07 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 80°29'38" TO THE POINT OF REVERSE CURVATURE OF A 1025.00 FOOT RADIUS CURVE; THENCE NORTHEASTERLY 61.88 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°27'32" TO THE POINT OF REVERSE CURVATURE OF A 375.00 FOOT RADIUS CURVE; THENCE NORTHERLY 141.05 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°33'03" TO THE POINT OF REVERSE CURVATURE OF A 1025.00 FOOT RADIUS CURVE; THENCE NORTHERLY 153.60 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 8°35'09"; THENCE N0°28'24"E 52.65 FEET; THENCE S89°31'36"E 709.00 FEET; THENCE S0°28'24"W 91.23 FEET TO THE POINT OF CURVATURE OF A 375.00 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS S89°31'36"E; THENCE SOUTHERLY 102.86 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°42'57" TO THE POINT OF BEGINNING. CONTAINS 6.494 ACRES.