

4  
DOC # 20170046365

CCR Annexation Page 1 of 4  
Russell Shirts Washington County Recorder  
11/16/2017 10:52:14 AM 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 2A SUBDIVISION**

---

THIS DECLARATION OF ANNEXATION FOR BRIO – PHASE 2A 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 1.1 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 8<sup>th</sup> day of August, 2017, 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 8 day of August, 2017, 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°20'24"W 442.52 FEET ALONG THE SECTION LINE AND WEST 402.84 FEET FROM THE EAST 1/4 CORNER OF SECTION 10, T42S, R15W, SLB&M, SAID POINT BEING ON THE BOUNDARY OF BRIO PHASE 3A AS FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS ENTRY #20170022916, RUNNING THENCE ALONG SAID BOUNDARY THE FOLLOWING 8 COURSES: N90°00'00"W 16.34 FEET; THENCE N44°45'48"W 28.40 FEET; THENCE N89°31'36"W 47.00 FEET; THENCE S0°28'24"W 5.72 FEET; THENCE S45°14'12"W 28.17 FEET; THENCE S0°56'47"W 40.01 FEET; THENCE S32°52'59"E 23.94 FEET; THENCE S0°28'24"W 90.62 FEET TO THE NORTHEAST CORNER OF BRIO PHASE 1B FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS ENTRY #20160042531; THENCE ALONG SAID BOUNDARY THE FOLLOWING 2 COURSES: N89°31'36"W 709.00 FEET; THENCE S0°28'24"W 32.65 FEET TO A CORNER ON THE BOUNDARY OF BRIO PHASE 1C FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS ENTRY #20170012672; THENCE N89°31'36"W 234.52 FEET ALONG THE NORTH BOUNDARY OF BRIO PHASE 1C AND AN EXTENSION THEREOF; THENCE N20°52'29"E 199.78 FEET; THENCE N0°42'38"E 195.24 FEET; THENCE N9°50'32"E 49.39 FEET; THENCE N28°33'45"W 71.81 FEET; THENCE N4°50'32"W 171.90 FEET; THENCE S89°08'42"E 86.77 FEET; THENCE N0°41'12"E 100.68 FEET; THENCE S79°24'35"E 177.50 FEET; THENCE S72°47'25"E 50.00 FEET; THENCE S17°12'35"W 14.18 FEET; THENCE S74°25'05"E 120.92 FEET; THENCE S19°17'13"W 57.02 FEET; THENCE S73°16'40"E 118.27 FEET; THENCE S74°03'46"E 50.00 FEET TO THE POINT OF CURVATURE OF A 977.87 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS S74°03'46"E; THENCE SOUTHWESTERLY 22.78 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°20'04"; THENCE S75°43'33"E 104.76 FEET; THENCE S10°58'20"W 33.98 FEET; THENCE S78°29'00"E 109.07 FEET TO THE POINT OF CURVATURE OF A 663.62 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS S80°18'06"E; THENCE NORTHEASTERLY 20.86 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°48'04"; THENCE S78°30'02"E 50.00 FEET; THENCE S83°56'19"E 122.71 FEET; THENCE S74°29'54"E 90.50 FEET TO THE POINT OF CURVATURE OF A 542.50 FOOT RADIUS CURVE TO THE LEFT, RADIUS POINT BEARS S74°29'54"E; THENCE SOUTHEASTERLY 142.29 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°01'42"; THENCE S0°28'24"W 97.83 FEET TO THE POINT OF BEGINNING.

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