

4

DOC # 20190000478

CCR Annexation Page 1 of 4
Russell Shirts Washington County Recorder
01/04/2019 03:30:41 PM Fee \$ 16.00
By SOUTHERN UTAH TITLE CO

AFTER RECORDING, PLEASE RETURN TO:

RREF II - JFH BRIL LO, 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 4B SUBDIVISION**

THIS DECLARATION OF ANNEXATION FOR BRIO - PHASE 4B 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 N.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 IO 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 I.I and Article IO 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 here by 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 here by 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 here by 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 13 day of August, 2018, 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, it's Managing Member
By: RJALTO 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: Kevin Borkenhagen
Senior Officer Title: Authorized Signatory

STATE OF Florida)
COUNTY OF Miami-Dade) ss.

On the 13 day of August, 2018, personally appeared before me Kevin Borkenhagen, who being duly sworn, did say that: 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.

[Signature]
Notary Public



EXHIBIT A
To Declaration of Annexation

LEGAL DESCRIPTION OF THE ANNEXED PROPERTY

BEGINNING AT A POINT S0°20'24"W, 119.68 FEET ALONG THE SECTION LINE AND EAST 174.84 FEET FROM THE WEST 1/4 CORNER OF SECTION 11, TOWNSHIP 42 SOUTH, RANGE 15 WEST, SEB&M; THENCE S75°53'09"E 62.73 FEET; THENCE S77°21'37"E 50.75 FEET; THENCE S78°40'31"E 50.77 FEET; THENCE S79°16'23"E 339.04 FEET; THENCE N7°36'27"E 23.82 FEET; THENCE S82°23'33"E 150.00 FEET; THENCE S7°36'27"W 51.00 FEET; THENCE S7°15'53"W 51.00 FEET; THENCE S6°36'02"E 44.35 FEET; THENCE S19°31'07"E 51.02 FEET; THENCE S20°06'58"E 59.33 FEET, SAID POINT BEING AT THE NORTHEAST CORNER OF "BRIO PHASE 3B" FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS ENTRY #20170046574; THENCE ALONG SAID NORTH BOUNDARY AND THE NORTH BOUNDARY OF "BRIO PHASE 3C" FILED IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER AS ENTRY #20180017002 THE FOLLOWING 9 COURSES, S76°34'07"W 104.55 FEET; THENCE S73°40'35"W 50.07 FEET; THENCE N72°39'12"W 317.23 FEET; THENCE N73°07'08"W 53.73 FEET; THENCE N75°35'11"W 55.77 FEET; THENCE N78°19'12"W 55.77 FEET; THENCE N81°03'13"W 55.77 FEET; THENCE N83°47'15"W 55.77 FEET; THENCE N86°31'16"W 4.77 FEET; THENCE LEAVING SAID BOUNDARIES AND RUNNING N12°25'12"E 106.24 FEET; THENCE N10°06'38"E 39.14 FEET; THENCE N14°42'14"E 93.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.935 ACRES.