

**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

W 5-2-10-2101

**DECLARATION OF ANNEXATION  
FOR  
BRIO - PHASE 5B SUBDIVISION**

THIS DECLARATION OF ANNEXATION FOR BRIO - PHASE 5B 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 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 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 \_\_\_\_\_, 2018, but it shall not be effective until recorded in the office of the Washington County Recorder.

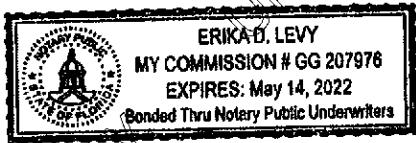
DECLARANT:

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: *Cory M Olson*  
Senior Officer Name: Cory M Olson  
Senior Officer Title: Executive Vice President

STATE OF Florida )  
COUNTY OF Miami Dade )

On the 9th day of January, 2018, personally appeared before me Cory M Olson, who being duly sworn, did say that: is the Executive 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.



*Erika D. Levy*  
Notary Public

**EXHIBIT A**

**To Declaration of Annexation**

**LEGAL DESCRIPTION OF THE ANNEXED PROPERTY**

BEGINNING AT A POINT S0°20'24"W, 1837.34 FEET ALONG THE SECTION LINE AND WEST, 218.61 FEET FROM THE EAST 1/4 CORNER OF SECTION 10, T42S, R15W, SLB&M, SAID POINT BEING ON THE BOUNDARY OF BRIO PHASE 1A SUBDIVISION, FILED AS DOCUMENT NO. 20150028402 IN THE OFFICE OF THE WASHINGTON COUNTY RECORDER, RUNNING THENCE S60°44'44"E, 325.81 FEET ALONG SAID BOUNDARY; THENCE S29°15'13"W, 328.71 FEET; THENCE S60°44'44"E, 296.63 FEET; THENCE S29°14'44"W, 165.00 FEET; THENCE N78°17'22"W, 49.14 FEET; THENCE S84°37'41"W, 39.58 FEET TO THE EAST LINE OF SAID SECTION 10; THENCE S0°20'24"W, 81.03 FEET ALONG THE SECTION LINE TO THE SOUTHEAST CORNER OF SECTION 10; THENCE N89°45'58"W, 613.61 FEET ALONG THE SOUTH LINE OF SECTION 10 TO A POINT ON THE BOUNDARY OF SAID BRIO PHASE 1A SUBDIVISION; THENCE ALONG SAID BOUNDARY THE FOLLOWING FOURTEEN (14) COURSES: NORTHEASTERLY 88.77 FEET ALONG THE ARC OF A 125.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 40°41'13", RADIUS POINT BEARS S87°07'19"E, TO THE POINT OF CURVE OF A 175.00 FOOT RADIUS REVERSE CURVE; THENCE NORTHEASTERLY 40.61 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°17'50" TO THE POINT OF CURVE OF A 15.00 FOOT RADIUS REVERSE CURVE; THENCE EASTERLY 15.70 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59°57'57"; THENCE N26°43'01"E, 27.93 FEET; THENCE S89°45'58"E, 98.06 FEET; THENCE N0°14'02"E, 109.30 FEET; THENCE N8°12'31"E, 69.92 FEET; THENCE N25°03'33"E, 67.47 FEET; THENCE N34°15'12"E, 264.59 FEET; THENCE N60°44'44"W, 76.87 FEET; THENCE N29°15'16"E, 50.00 FEET TO THE POINT OF CURVE OF AN 18.00 FOOT RADIUS CURVE TO THE RIGHT, RADIUS POINT BEARS N29°15'16"E; THENCE NORTHERLY 29.84 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 94°59'57"; THENCE N34°15'12"E, 115.44 FEET; THENCE N80°46'08"E, 13.55 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.371 ACRES.