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**DOC # 20240030107**

CCR Annexation Page 1 of 5  
Gary Christensen Washington County Recorder  
09/25/2024 12:16:42 PM Fee \$ 40.00  
By FISHER & HUNTER



After recording mail to:  
Fisher & Hunter, LLC  
444 East Tabernacle, Building B, Suite 201  
St. George, UT 84770

NOTE TO RECORDER:  
RECORD ONLY AGAINST THE PROPERTY  
DESCRIBED IN EXHIBIT "A"

**DECLARATION OF ANNEXATION OF SHOOTING STAR  
PHASE 5 SUBDIVISION**

This Declaration of Annexation ("Annexation") is made effective this 19<sup>th</sup> day of September, 2024 by Ivory Southern, LLC ("Declarant").

**RECITALS**

A. The Plat for Shooting Star Phase 1 Subdivision was recorded on December 19, 2018 as Doc. No. 20180050003 (the "Phase 1 Plat").

B. The Declaration of Covenants, Conditions, Restrictions, For Shooting Star Subdivision was recorded in the office of the County Recorder of Washington County, Utah on December 19, 2018 as Doc. No. 20180050004 (the "Declaration") by Western States Ventures, LLC, which was identified as the Declarant.

C. The Declaration of Annexation of Shooting Star Subdivision Phase 2 was recorded in the office of the County Recorder of Washington County, Utah on January 12, 2021, as Doc. No. 20210002424 (the "Phase 2 Annexation").

D. The Declaration of Annexation of Shooting Star Subdivision Phase 3 was recorded in the office of the County Recorder of Washington County, Utah on March 4, 2021, as Doc. No. 20210015337 (the "Phase 3 Annexation").

E. Pursuant to Article X, Western States Ventures, LLC executed an Assignment of Declarant's Rights assigning its Declarant rights to Ivory Southern, LLC which was recorded in the office of the County Recorder of Washington County, Utah on October 18, 2022, as Doc. No. 20220046941 (hereinafter "Assignment").

F. The Declaration of Annexation of Shooting Star Subdivision Phase 4 was recorded in the office of the County Recorder of Washington County, Utah contemporaneously with the recording of this Declaration of Annexation on September 25, 2024 as Doc. No. 20240030106 (the "Phase 4 Annexation").

G. Declarant desires and intends that Shooting Star Subdivision Phase 5 ("Shooting Star Phase 5"), which is more particularly described in Exhibit A attached hereto and incorporated herein (the "Shooting Star Phase 5 Property"), be subject to the Declaration and be part of the Property which shall be held, sold and conveyed subject to the provisions of the Declaration, which

are for the purpose of protecting the attractiveness and character of the Property and which shall run with the land including the Shooting Star Phase 5 Property. This Declaration shall be binding on all parties having any right, title or interest in the Shooting Star Phase 5 Property, or any part thereof, and shall inure to the benefit of the aforementioned parties and their successors and assigns. The Declaration shall run with the land set forth in Exhibit A.

NOW, THEREFORE, Declarant hereby declares, covenants and agrees as follows:

#### **ANNEXATION**

This is a Declaration of Annexation prepared pursuant to Article IX of the Declaration, and with the consent of the undersigned.

Shooting Star Subdivision Phase 5 consists of Lots 185-191, 205, and 306-314, SHOOTING STAR SUBDIVISION PHASE 5, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah (the "Shooting Star Phase 5 Lots").

Declarant intends and hereby subjects all of the property described in Exhibit A, including the Shooting Star Phase 5 Lots and the associated Common Area and Limited Common Area, if any, to the terms of the Declaration, as amended from time to time, and further declares that the Shooting Star Phase 5 Property shall be annexed to and become subject to the Declaration, which, upon recordation of this Declaration of Annexation, shall constitute and effectuate the expansion of Shooting Star Subdivision, making the real property described in Exhibit A subject to the Declaration and the functions, powers, rights, duties and jurisdiction of the Association. The Shooting Star Phase 5 Lots and the Common Area and Limited Common Area are located on the following described property in Washington County, State of Utah, including Lots, Common Area and Limited Common Area as set forth on the Plat filed for Shooting Star Phase 5:

See Exhibit A attached hereto and incorporated herein for legal description

The Declarant hereby consents to the annexation of the Shooting Star Phase 5 Property into Shooting Star Subdivision and further declares that the Shooting Star Phase 5 Property shall hereafter be held, sold, conveyed, encumbered, leased, used, occupied and improved as part of the property subject to the Declaration, as amended, and all protective covenants, conditions, restrictions and equitable servitudes set forth in the Declaration, as amended from time to time, the terms of which are deemed incorporated herein by this reference, and to the jurisdiction of the Association and entitled to all rights and privileges afforded therein. The covenants, conditions and restrictions of the Declaration are intended to, and shall in all cases run with the, title of the land described in Exhibit A, and be binding upon the successors, assigns, heirs, lien holders, and any other person holding any interest in the Shooting Star Phase 5 Property, and shall inure to the benefit of all other lots that are subject to the Declaration, as amended from time to time. The covenants, conditions and restrictions of the Declaration, as amended, shall be binding upon the homeowners association and the Declarant as well as their successors in interest, and may be enforced by them or by an owner of a Lot to the extent provided in the Declaration.

The Declaration is amended to annex the Shooting Star Phase 5 Property.

The Shooting Star Phase 5 Property described on Exhibit A, which is attached hereto and incorporated herein, is hereby submitted to the Declaration, as amended, and shall be subject to the covenants, conditions and restrictions of the Declaration, as amended.

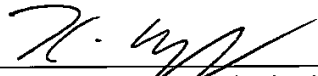
Except as amended by the foregoing provision, all other terms, covenants, conditions and restrictions set forth in the Declaration, and any amendments thereto, shall remain in full force and effect. The real property subject to this Declaration of Annexation is set forth on Exhibit A, attached hereto.

**THIS SPACE INTENTIONALLY LEFT BLANK  
SIGNATURES BEGIN ON NEXT PAGE**

Declarant has caused this Declaration of Annexation to be duly executed on the date set forth on page one of this Declaration.


**DECLARANT:**

IVORY SOUTHERN, LLC

By:   
Kevin Anglesey, Authorized Representative

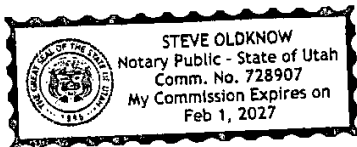
STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

The foregoing instrument was acknowledged before me this 19 day of September, 2024 by Kevin Anglesey as Authorized Representative of Ivory Southern, LLC, a Utah limited liability company, and said Jair Almaraz duly acknowledged to me that said Ivory Southern, LLC executed the same.



**NOTARY PUBLIC**

My Commission Expires: FEB 01, 2027



**EXHIBIT "A"****Legal Description of "SHOOTING STAR PHASE 5"  
(Shooting Star Subdivision Phase 5)**

Beginning at the Southwest Corner of Lot 305, Shooting Star Phase 4 Subdivision, on file and recorded in the Office of the Washington County Recorder, State of Utah, as Document No. 20230031319, said point lies North 00°13'00" East along the section line 245.34 feet and due East 2012.75 feet, from the West Quarter Corner of Section 25, Township 42 South, Range 15 West, Salt Lake Base and Meridian, and running thence along the south boundary line of said Shooting Star Phase 4 Subdivision the following three (3) courses: 1) South 89°46'11" East 126.31 feet, 2) North 65°31'40" East 55.04 feet, and 3) South 89°46'11" East 778.76 feet; thence South 00°13'49" West 150.00 feet; thence North 89°46'11" West 0.68 feet; thence South 00°13'49" West 100.00 feet; thence North 89°46'11" West 105.41 feet; thence South 00°13'49" West 8.54 feet; thence North 89°39'31" West 178.60 feet; thence South 00°13'49" West 26.64 feet to a point on the north boundary line of Heights At Washington Bench Phase 4 Subdivision, on file and recorded in the Office of the Washington County Recorder, State of Utah, as Document No. 20220026180; thence North 89°35'25" West along said line 670.77 feet; thence North 00°18'51" East 259.73 feet to the point of beginning.

Containing 259,414 square feet or 5.96 acres.

W-5-2-25-130

Also Known as:

Lots 185-191, 205, and 306-314, SHOOTING STAR SUBDIVISION PHASE 5, according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

Tax Serial Number: W-SHOT-5-185-191, 205, and 306-314