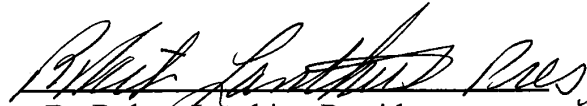


DECLARATION OF ANNEXATION

THE UNDERSIGNED, Excel Land Development, Inc., a California Corporation, does hereby annex the property shown on the attached Exhibit A - Legal Description, to the Covenants, Conditions & Restrictions Recorded November 3, 2004 as Entry #909229 in Book 1684, at Pages 2214-2221, Official Washington County Records.

Said metes and bounds description comprises "The Heights At Washington Bench Phase 2."

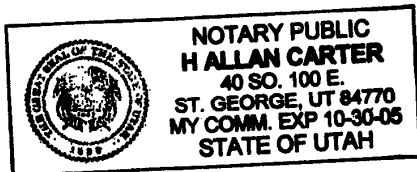
Signed: EXCEL LAND DEVELOPMENT, INC.
A California Corporation



By Robert Lanthier, President

State of Utah)
 : ss.
County of Washington)

On this 23rd day of August, 2005, personally appeared before me, Robert Lanthier, who duly subscribed to me, acknowledged that he is President of Excel Land Development, Inc., a California Corporation, and that said Corporation executed the above and foregoing Declaration of Annexation for the purposes therein shown by authority of a Resolution of its Board of Directors, and that said Corporation executed the same.

Residing: St. George, UT 84790




H. Allan Carter, Notary Public

File No. 124580

EXHIBIT "A" - LEGAL DESCRIPTION

PROOFREAD

Commencing at the West Quarter Corner of Section 25, Township 42 South, Range 15 West, Salt Lake Base and Meridian and running thence South $89^{\circ}35'25''$ East 646.53 feet along the East-West Quarter line of said Section 25 to the Northeast corner of the Record Plat, "THE HEIGHTS @ WASHINGTON BENCH, PHASE 1" and also the point of beginning; thence continuing South $89^{\circ}35'25''$ East 1211.00 feet along said Quarter line; thence South $00^{\circ}24'35''$ West 119.14 feet; thence South $67^{\circ}54'45''$ West 53.55 feet; thence South $42^{\circ}59'37''$ West 68.96 feet to a point on a 50.00 foot radius non-tangent curve to the left, the radius point bears North $76^{\circ}31'37''$ East; thence Southeasterly 11.57 feet along said curve through a central angle of $13^{\circ}15'38''$ to the point of tangency with a 125.00 foot radius compound curve to the left; thence Southeasterly 4.54 feet along said curve through a central angle of $02^{\circ}04'59''$ to the point of tangency with a 175.00 foot radius reverse curve to the right; thence Southeasterly 63.33 feet along said curve through a central angle of $20^{\circ}44'00''$ to the point of tangency with a 20.00 foot radius reverse curve to the left; thence Southeasterly 31.22 feet along said curve, through a central angle of $89^{\circ}27'03''$ to a non-tangent point whose radius point bears North $07^{\circ}32'03''$ West; thence South $04^{\circ}13'52''$ West 50.76 feet to a point on a 20.00 foot radius curve to the left, whose radius point bears South $04^{\circ}08'37''$ East; thence Southwesterly 29.43 feet along said curve through a central angle of $84^{\circ}19'27''$ to the point of tangency; thence South $01^{\circ}31'56''$ West 13.12 feet to the point of a 125.00 foot radius curve to the left; thence Southeasterly 61.68 feet along said curve through a central angle of $28^{\circ}16'18''$ to the point of tangency with a 175.00 foot radius reverse curve to the Right; thence Southeasterly 81.35 feet along said curve through a central angle of $26^{\circ}38'03''$ to the point of tangency; thence South $00^{\circ}06'19''$ East 133.75 feet; thence South $89^{\circ}53'41''$ West 276.62 feet; thence North $72^{\circ}02'56''$ West 101.10 feet; thence North $67^{\circ}27'14''$ West 110.79 feet to a point on a 225.00 foot radius curve to the Right whose radius point bears North $67^{\circ}27'14''$ West; thence Southwesterly 4.44 feet along said curve through a central angle of $01^{\circ}07'47''$; thence North $66^{\circ}19'27''$ West 50.00 feet; thence North $63^{\circ}36'28''$ West 128.92 feet; thence North $01^{\circ}52'43''$ East 21.56 feet; thence North $86^{\circ}53'43''$ West 273.97 feet; thence South $05^{\circ}47'39''$ West 20.41 feet to the Northeast Corner of the Record Lot 23, "THE HEIGHTS @ WASHINGTON BENCH, PHASE 1"; thence North $84^{\circ}12'21''$ West 170.00 feet along the North line of said Record "THE HEIGHTS @ WASHINGTON BENCH, PHASE 1"; thence South $05^{\circ}47'39''$ West 11.32 feet to the Northeast Corner of the Record Lot 22, "THE HEIGHTS @ WASHINGTON BENCH, PHASE 1"; thence North $89^{\circ}52'38''$ West 122.41 feet along the North line of said Lot 22, "THE HEIGHTS @ WASHINGTON BENCH, PHASE 1" to the Northwest Corner of said Lot 22; thence North $03^{\circ}46'12''$ East 306.99 feet along the East line of the Record "THE HEIGHTS @ WASHINGTON BENCH, PHASE 1" to the Northeast corner of Lot 18 and the South right of way of "Stable Way"; thence South $89^{\circ}35'25''$ East 12.77 feet along said South Right of Way; thence North $00^{\circ}24'35''$ East 170.00 feet along the East line of the Record, "THE HEIGHTS @ WASHINGTON BENCH, PHASE 1" to the point of beginning.