

# CHICAGO TITLE INSURANCE COMPANY

**Policy No. 72156-47152009**

## GUARANTEE

CHICAGO TITLE INSURANCE COMPANY, a Florida corporation, herein called the Company, guarantees the Assured against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

PLEASE NOTE CAREFULLY THE LIABILITY EXCLUSIONS AND LIMITATIONS AND THE SPECIFIC ASSURANCES AFFORDED BY THIS GUARANTEE. IF YOU WISH ADDITIONAL LIABILITY, OR ASSURANCES OTHER THAN AS CONTAINED HEREIN, PLEASE CONTACT THE COMPANY FOR FURTHER INFORMATION AS TO THE AVAILABILITY AND COST.

Dated: July 14, 2020

Issued by:

AmeriTitle, Inc.

101 W Fifth Ave.

Ellensburg, WA 98926

(509)925-1477



Authorized Signer

CHICAGO TITLE INSURANCE COMPANY

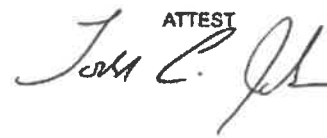


By:



President

ATTEST



Secretary

*Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.*

Subdivision Guarantee Policy Number: 72156-47152009

# SUBDIVISION GUARANTEE

Order No.: 386018AM  
Guarantee No.: 72156-47152009  
Dated: July 14, 2020

Liability: \$1,000.00  
Fee: \$350.00  
Tax: \$29.05

Your Reference: 7710 & 7712 W Taneum Rd, Thorp WA, 98946

Assured: Cruse & Associates

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

Government Lots 1 and 8, Section 1, Township 18 North, Range 16 East, W.M., in the County of Kittitas, State of Washington, EXCEPT the Easterly 640 feet of that portion of said Government Lots 1 and 8 lying between the Southerly boundary of Taneum Creek Road and the Northerly boundary of Grouse Point Road.

AND

Those portions of Government Lots 3 and 6, Section 1, Township 18 North, Range 16 East, W.M., in the County of Kittitas, State of Washington, described as follows:

1. A tract of land bounded by a line beginning at the Northwest corner of said Government Lot 3 and running thence East along the North boundary line of said Government Lot 3, 330 feet; thence South 2,395 feet, more or less, to the South boundary line of said Government Lot 6; thence West along said South boundary line of said Government Lot 6, 330 feet to the Southwest corner of said Government Lot 6 and thence North along the West boundary line of said Government Lots 6 and 3, to the point of beginning;
2. A tract of land bounded by a line beginning at a point 330 feet East of the Northwest corner of said Government Lot 3; running thence South 2,395 feet, more or less, to the South boundary line of said Government Lot 6; thence East 990 feet to the Southeast corner of said Government Lot 6; thence North 2,401 feet to the Northeast corner of said Government Lot 3; and thence West 990 feet to the point of beginning.

AND

Government Lots 2, 4, 5, 7, 9, 10 and 12, Section 1, Township 18 North, Range 16 East, W.M., in the County of Kittitas, State of Washington.

Title to said real property is vested in:

Taneum Creek Ranch Limited Partnership, a Washington limited partnership as to a portion of said premises and Eugene Brain as his separate estate, as to a portion of said premises

**END OF SCHEDULE A**

(SCHEDULE B)

Order No: 386018AM  
Policy No: 72156-47152009

Subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

**EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Unpatented mining claims; reservations or exceptions in the United States Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
3. Title to any property beyond the lines of the real property expressly described herein, or title to streets, roads, avenues, lanes, ways or waterways on which such real property abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
4. Any lien for service, installation, connection, maintenance, tap, capacity or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records
5. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
6. General Taxes and Assessments – total due may include fire patrol assessment, weed levy assessment and/or irrigation assessment, if any. Taxes noted below do not include any interest or penalties which may be due after delinquency.

Note: Tax year runs January through December with the first half becoming delinquent May 1st and second half delinquent November 1st if not paid. For most current tax information or tax printouts visit: <http://taxsifter.co.kittitas.wa.us> or call their office at (509) 962-7535.

Tax Year: 2020  
Tax Type: County  
Total Annual Tax: \$2,972.72  
Tax ID #: 336333  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$1,486.36  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2020  
Second Installment: \$1,486.36  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2020

Subdivision Guarantee Policy Number: 72156-47152009

7. Tax Year: 2020  
Tax Type: County  
Total Annual Tax: \$2,423.94  
Tax ID #: 956644  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$1,211.97  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2020  
Second Installment: \$1,211.97  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2020
8. Tax Year: 2020  
Tax Type: County  
Total Annual Tax: \$668.16  
Tax ID #: 346333  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$334.08  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2020  
Second Installment: \$334.08  
Second Installment Status: Paid  
Second Installment Due/Paid Date: October 31, 2020
9. Right-of-way for ditch of the Taneum Ditch Company as appropriated by W.D. Bruton and the Taneum Ditch Company by Notice of Water Right filed June 29, 1908 and recorded in Book 2 of Water Rights, page 392.
10. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Cascade Lumber Company, a Washington corporation  
Purpose: A right-of-way  
Recorded: March 24, 1927  
Instrument No.: 85330  
Book 45 of Deeds, Page 232  
Affects: Portion of said premises
11. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: The United States of America  
Purpose: An easement and right-of-way for the maintenance, and full, free and quiet use and enjoyment by the United States of America for any and all purposes by them desired or deemed necessary or beneficial for or in connection with the control, administration or use of the National Forests or the resources thereof, and so far as may be with that enjoyment compatible, by general public as a public highway  
Recorded: June 7, 1935  
Instrument No.: 121509  
Book 55, Page 550  
Affects: A strip of land 66 feet in width over Governments Lots 3, 4, 5, 6 and 12 in said Section 1 traversing the following general course and direction to wit:  
  
Beginning at a point six chains East of Section corner common to Sections 35 and 36, Township 19 North, Range 16 East, W.M.; thence in a Southeasterly direction for a distance of approximately fourteen chains

12. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: West Fork Timber Company, a Washington corporation  
Purpose: The right to use the roads crossing said premises, traveling to and from the range land of the Grantor to Taneum Creek  
Recorded: May 7, 1953  
Instrument No.: 237342  
Book 91, Page 529  
Affects: Government Lots 1, 8, 9 and 10 in said Section
13. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Northern Pacific Railway Company, a corporation of the State of Wisconsin, its successors and assigns  
Purpose: A perpetual easement for a road  
Recorded: February 4, 1966  
Instrument No.: 327463  
Book 121, Page 371  
Affects: Taneum Road No. 1902 beginning at its junction with the Taneum County Road No. 151 in Government Lot 3 of said Section 1 and other land
14. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: The United States of America, and its assigns  
Purpose: An exclusive easement for a road to be located, constructed, reconstructed, improved, used, operated, patrolled and maintained  
Recorded: November 14, 1973  
Instrument No.: 386211  
Book 44, Page 575  
Affects: A strip of land variable feet in width known as the Taneum Road, Project Number 1902 traversing Government Lots 3 and 4 in said Section 1
15. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Burlington Northern Inc., a corporation of the State of Delaware, its successors and assigns  
Purpose: A perpetual easement for a road  
Recorded: March 29, 1977  
Instrument No.: 411956  
Book 81, Page 613  
Affects: That certain assignable easement located in Government Lots 3 and 4, Section 1, Township 18 North, Range 16 East, W.M., as acquired by instrument recorded Volume 44, Page 575, under Auditor's File No. 386211
16. Right-of-way for Taneum Creek Road and Grouse Point Road in an undetermined width and location as disclosed by survey recorded November 14, 1977 in Book 4 of Surveys, Page 40, under Kittitas County Auditor's File No. 418049.
17. Right-of-way for Taneum Road along the North boundary of Government Lots 1, 2, 3 and 4 in an undetermined width and location.
18. Effect, if any, of a Survey,  
Recorded: December 15, 2010  
Book: 37 of Surveys, Page: 84  
Instrument No.: 201012150072

19. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$938,250.00  
Trustor/Grantor: Eugene Brain, an unmarried man, as his separate estate  
Trustee: The senior official with responsibility for single family mortgage insurance programs in the department of Housing and Urban Development field office with jurisdiction over the property described below, or a designee of that official  
Beneficiary: The Secretary of Housing and Urban Development  
Dated: March 3, 2011  
Recorded: March 8, 2011  
Instrument No.: 201103080005  
Affects: Portion of said premises

Subordination Agreement referencing: Instrument No.: 201103080006 and 201209280038  
And: Instrument No.: 201807130058  
Recorded: December 28, 2018  
Instrument No: 201812280027

20. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$938,250.00  
Trustor/Grantor: Eugene Brain, an unmarried man, as his separate estate  
Trustee: ReconTrust Company  
Beneficiary: Bank of America, N.A., a National Banking Association  
Dated: March 3, 2011  
Recorded: March 8, 2011  
Instrument No.: 201103080006  
Affects: Portion of said premises

The beneficial interest under said Deed of Trust was assigned of record to Champion Mortgage Company by assignment,  
Recorded: September 28, 2012  
Instrument No.: 201209280038

The beneficial interest under said Deed of Trust was assigned of record to Bank of America, N.A. by assignment,  
Recorded: July 13, 2018  
Instrument No.: 201807130058

Subordination Agreement referencing: Instrument No.: 201103080006 and 201209280038  
And: Instrument No.: 201807130058  
Recorded: December 28, 2018  
Instrument No: 201812280027

21. Effect, if any, of a Quit Claim Deed,  
From: Taneum Creek Ranch Limited Partnership  
To: Eugene Brain  
Recorded: January 25, 2011  
Instrument No.: 201101250022
22. Effect, if any, of a Quit Claim Deed,  
From: Warren E. Brain, General Partner of Taneum Creek Ranch Limited Partnership  
To: Warren E. Brain, an individual as his separate estate  
Recorded: June 13, 2019  
Instrument No.: 201906130031
23. Memorandum of Timber and License and Sale Agreement, including the terms and provisions thereof,

Recorded: May 21, 2018  
Instrument No.: 201805210012

24. A Financing Statement filed in the Office of the County Recorder showing:  
Debtor: Taneum Creek Limited Partnership  
Recorded: May 21, 2018  
Instrument No.: 201805210013
25. Rights of the State of Washington in and to that portion of said premises, if any, lying in the bed or former bed of the Taneum Creek, if it is navigable.
26. Any question of location, boundary or area related to the Taneum Creek, including, but not limited to, any past or future changes in it.
27. Any prohibition or limitation on the use, occupancy, or improvements of the Land resulting from the rights of the public, appropriators, or riparian owners to use any waters, which may now cover the Land or to use any portion of the Land which is now or may formerly have been covered by water.

#### **END OF EXCEPTIONS**

**Notes:**

- a. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.
- b. All documents recorded in Washington State must include an abbreviated legal description and tax parcel number on the first page of the document. The abbreviated description for this property is: Govt Lots 2, 4, 5, 7, 9, 10 and 12 and ptn Govt Lots 1, 3, 6 and 8, Section 1, Township 18N, Range 16E, W.M

NOTE: In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any such matters to join in on the platting and dedication provisions of the said plat (short plat) to guarantee the insurability of any lots or parcels created thereon. We are unwilling to assume the risk involved created by the possibility that any matters dedicated to the public, or the plat (short plat) in its entirety, could be rendered void by a foreclosure action of any such underlying matter if said beneficial party has not joined in on the plat (short plat).

#### **END OF GUARANTEE**