

21183

CHICAGO TITLE INSURANCE COMPANY



Policy No. 72156-47739089

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: September 22, 2021


Issued by:
 AmeriTitle, LLC
 101 W Fifth Ave.
 Ellensburg, WA 98926
 (509)925-1477

CHICAGO TITLE INSURANCE COMPANY



By: 

 President

ATTEST


 Secretary

Hannah Hall
 Authorized Signer

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

Subdivision Guarantee Policy Number: 72156-47739089

SUBDIVISION GUARANTEE

Order No.: 497154AM
Guarantee No.: 72156-47739089
Dated: September 22, 2021

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

Your Reference: 435 Dakota Heights Dr, Cle Elum, WA 98922

Assured: Encompass Engineering & Surveying

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:

TRACT 1:

Tract 4-A of that certain Survey as recorded December 28, 2020, in Book 43 of Surveys, pages 106 and 107, under Auditor's File No. 202012280079, records of Kittitas County, Washington; being a portion of the East Half of Section 6, Township 19 North, Range 16 East, W.M., in the County of Kittitas, State of Washington.

TRACT 2:

Lot 1, DAKOTA HEIGHTS PERFORMANCE BASED CLUSTER PLAT, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 12 of Plats, pages 48 and 49, records of said County.

Title to said real property is vested in:

Vaquero Valley, LLC, a Washington Limited Liability Company as to Tract 1, Jason D. Harms, an unmarried person as to Tract 2

END OF SCHEDULE A

(SCHEDULE B)

Order No: 497154AM
Policy No: 72156-47739089

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: 2021
Tax Type: County
Total Annual Tax: \$3,855.36
Tax ID #: 957817
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,927.68
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$1,927.68
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021

Subdivision Guarantee Policy Number: 72156-47739089

7. Tax Year: 2021
Tax Type: County
Total Annual Tax: \$306.88
Tax ID #: 950356
Taxing Entity: Kittitas County Treasurer
First Installment: \$153.44
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2021
Second Installment: \$153.44
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2021
8. We note that the forthcoming transaction is a loan only. However, if in the course of the transaction, any type of conveyance documents and necessary (other than fulfillment documents of existing real estate contracts), please be aware of the following:

This property is currently classified under the Open Space Taxation Statute R.C.W. 84.34. Sale or transfer of this property without notice of compliance to the County Assessor will cause a supplemental assessment, interest, and penalty to be assessed against the seller/transferor.

Note: If it is the intent of the buyer/transferee in this transaction to request a continuance of this classification, please contact the Kittitas County Assessor's Office at (509) 962-7501 for their requirements.
9. Liens, levies and assessments of the Dakota Heights Homeowners Association.
10. Possibility of unpaid assessments levied by the Kittitas Reclamation District, notice of which is given by an amendatory contract recorded in Book 82 of Deeds, page 69, under Kittitas County Auditor's File No. 208267, no search having been made therefore.

To obtain assessment information, please contact the Kittitas Reclamation District: 509-925-6158.
11. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Purpose: Right of way
Recorded: January 3, 1911
Instrument No.: 21700
Affects: A portion of said premises
12. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in instrument from Mary H. (Page) Pease and P.L. Pease, her husband.
Recorded: March 29, 1920
Volume 36 of Deeds, page 219
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
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: The Pacific Telephone and Telegraph Company
Purpose: Communication systems
Recorded: May 18, 1948
Instrument No.: 201195
Affects: A portion of said premises

14. Relinquishment of all existing, future or potential easements for access, light, view and air, and all rights of ingress, egress to, from and between said premises and the highway or highways to be constructed, under terms of deed
To: The State of Washington
Recorded: April 6, 1964
Auditor's File No.: 311639
15. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument condemned in Kittitas County Superior Court Cause No. 16093
Granted To: State of Washington
Purpose: Access road
Affects: Portion of said premises
16. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in deed from Robert M. Boyle and Mary J. Boyle, husband and wife.
Recorded: May 7, 1984
Instrument No.: 479003
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
17. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,
Recorded: April 30, 2007
Book: 34 of Surveys, Page: 26
Instrument No.: 200704300085
Matters shown:
 - a) 60 foot ingress, egress and utility easement
 - b) Notes contained thereon
18. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Kevin Kelly, his successor's and or assigns
Purpose: A non-exclusive and permanent easement sixty feet (60') in width for ingress and egress, utilities, reconstruction, use and maintenance
Recorded: June 19, 2007
Instrument No.: 200706190071
Affects: Portion of said premises

The effect, if any, of an Easement Extinguishment Agreement recorded June 29, 2010, under Auditor's File No. 201006290032.
19. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,
Recorded: June 9, 2010
Book: 37 of Surveys Page: 27
Instrument No.: 201006090020
Matters shown:
 - a) Easement "Q"
20. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Dakota Heights LLC, a Washington State limited liability company
Purpose: A non-exclusive easement for access road purposes
Recorded: June 29, 2010
Instrument No.: 201006290029
Affects: A portion of said premises

21. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Dakota Heights LLC, a Washington State limited liability company
Recorded: June 29, 2010
Instrument No.: 201006290030

Said easement is to replace Easement Agreement recorded under Auditor's File No. 200706190071 for which an Easement Extinguishment Agreement was recorded under Auditor's File No. 201006290032.
22. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Puget Sound Energy, Inc., a Washington Corporation
Purpose: Utility systems for purposes of transmission, distribution and sale of electricity
Recorded: June 29, 2010
Instrument No.: 201006290031
Affects: A portion of said premises

Said Easement was rerecorded July 16, 2010, under Kittitas County Auditor's File No. 201007160001.
23. Unrecorded easement for existing buried irrigation line as disclosed by information provided to this Company.
24. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:
Granted To: Puget Sound Energy, Inc., a Washington Corporation
Purpose: To construct, operate, maintain, repair, replace, improve remove and enlarge one or more utility systems for purposes of transmission, distribution and sale of gas and electricity
Recorded: July 26, 2010
Instrument No.: 201007260034
Affects: A portion of said premises
25. Declaration of Covenant - Well Water System User Maintenance Agreement - Easement Declaration, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: September 7, 2010
Instrument No.: 201009070047
26. Declaration of Covenant (Onsite Septic System), but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: May 24, 2011
Instrument No.: 201105240025
27. Declaration of Covenant (Onsite Septic System), but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: June 15, 2011
Instrument No.: 201106150007

28. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: April 18, 2012
Instrument No.: 201204180008
29. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by Dakota Heights Performance Based Cluster Plat,
Recorded: August 13, 2012
Book: 12 of Plats Page: 48 and 49
Instrument No.: 201208130056
Matters shown:
a) Location of underground water line
b) Location of pump house affecting Lots 6 and 7
c) Location of fencelines in relation to property boundaries
d) 100' radius well protection easement affecting Open Space Tract
e) Location of irrigation water line
f) Notes contained thereon
g) Dedication contained thereon
30. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: May 19, 2015
Instrument No.: 201505190030

First Amendment to Declaration of Covenants, Conditions and Restrictions for Dakota Heights Homeowners Association
Recorded: April 4, 2019
Instrument No: 201904040024

31. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$432,000.00
Trustor/Grantor: Jason D. Harms, an unmarried person
Trustee: AmeriTitle
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for Caliber Home Loans, Inc.
Dated: April 17, 2020
Recorded: April 23, 2020
Instrument No.: 202004230005
32. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,
Recorded: December 28, 2020
Book: 43 of Surveys Page: 106 and 107
Instrument No.: 202012280079
Matters shown:
a) Fencelines in relation to boundaries
b) Location of a well
c) Easements thereon
d) Notes thereon
33. 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 unnamed creek, if it is navigable.
34. Any question of location, boundary or area related to the unnamed creek, including, but not limited to, any past or future changes in it.

Subdivision Guarantee Policy Number: 72156-47739089

35. 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: Tract 4-A, Book 43 of Surveys, pages 106 and 107, ptn of the E Half of Section 6, Township 19 N, Range 16 E, W.M., and Lot 1, DAKOTA HEIGHTS PERFORMANCE BASED CLUSTER PLAT, Book 12 of Plats, pgs 48 and 49

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

