

# CHICAGO TITLE INSURANCE COMPANY

Policy No. 72156-46305939

2<sup>nd</sup> AMENDED GUARANTEE

**RECEIVED**  
AUG 01 2019

Kittitas Co. CDS

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: January 19, 2018


Issued by:

AmeriTitle, Inc.

101 W Fifth Ave.

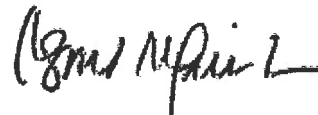
Ellensburg, WA 98926

(509)925-1477

  
Authorized Signer

CHICAGO TITLE INSURANCE COMPANY

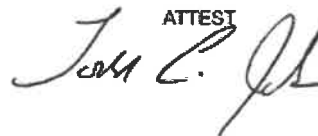
By:



President



ATTEST



Secretary

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

Received By: Encompass

MAY 21 2019

Engineering and Surveying

17195

Subdivision Guarantee Policy Number: 72156-46305939

## 2<sup>nd</sup> Amended SUBDIVISION GUARANTEE

Order No.: 216890AM  
Guarantee No.: 72156-46305939  
Dated: May 20, 2019

Liability: \$1,000.00  
Fee: \$350.00  
Tax: \$28.70

Your Reference:

Assured: Encompass Engineering & Surveying and Terrance E Jerke and Patricia A Miller-Jerke, co-trustees of the Terry and Patricia Jerke Family Trust

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:

The East 519 feet of the Southeast Quarter of Section 5, Township 19 North, Range 16 East, W.M., in the County of Kittitas, State of Washington, lying Southerly of the Southerly boundary line of Lower Peoh Point Road and Northerly of the Northerly boundary line of Interstate Highway No. 90;

EXCEPT:

1. The Southerly 20 feet, thereof;
2. That portion of the Southeast Quarter of Section 5, Township 19 North, Range 16 East, W.M., Kittitas County, State of Washington, which is bounded by a line described as follows:

Commencing from the Southeast corner of said Southeast Quarter; thence North 02°35'19" East, along the East boundary line of said Southeast Quarter, 604.60 feet, more or less, to the Northerly right-of-way boundary line of Interstate Highway 90 and the true point of beginning of said line; thence South 82°33'45" West, along said Northerly right-of-way boundary line, 10.59 feet; thence North 01°21'10" East 1021.53 feet, more or less, to the Southerly right-of-way boundary line of Lower Peoh Point Road; thence South 88°46'20" East, along said Southerly right-of-way boundary line, 32.47 feet, more or less, to said East boundary line of said Southeast Quarter; thence South 02°35'19" West, along said East boundary line of said Southeast Quarter, 1020.22 feet, more or less, to the true point of beginning and terminus of said line.

Title to said real property is vested in:

Terrance E Jerke and Patricia A Miller-Jerke, as Co-Trustees of The Terry and Patricia Jerke Family Trust, of unknown date

**END OF SCHEDULE A**

Subdivision Guarantee Policy Number: 72156-46305939

**(SCHEDULE B)**

Order No: 216890AM  
Policy No: 72156-46305939

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: 2019  
Tax Type: County  
Total Annual Tax: \$5,095.08  
Tax ID #: 816534  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$2,547.54  
First Installment Status: Paid  
First Installment Due/Paid Date: April 30, 2019  
Second Installment: \$2,547.54  
Second Installment Status: Due  
Second Installment Due/Paid Date: October 31, 2019

7. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in deed from The Northern Pacific Railway Company, a corporation.  
Recorded: September 30, 1905  
Instrument No.: 13907  
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.
8. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in deed from The Northwestern Improvement Company, a corporation.  
Recorded: July 7, 1942  
Instrument No.: 168938  
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.
9. The provisions contained in Instrument,  
From: Richard Owens and Frances Owens, husband and wife  
Recorded: September 2, 1948, Book 80 of Deeds Page 13
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: The Pacific Telephone and Telegraph Company  
Purpose: To construct, operate, maintain, replace and remove such communication systems as said grantee may from time to time require  
Dated: April 6, 1948  
Instrument No.: 202142  
Affects: A thirty foot wide strip of land
11. Terms and conditions of Decree entered in Superior Court of Kittitas County, in Civil Cause No. 16065, in favor of State of Washington and against Richard Owens, Sr., et al, granting plaintiff right of way for Primary State Highway No. 3 (Interstate Highway No. 90), "together with all rights of ingress and egress, if any, (Including all existing, future or potential easements of access, light, view and air) to, from and between said Primary State Highway No. 3 and the remainder of said land."
12. Terms and conditions of unrecorded Well Agreement, between Irvin Woodell and Patricia Woodell, husband and wife and the State of Washington, and dated June 5, 1964 as disclosed by instruments recorded January 2, 1964 under Auditor's File No.'s 316614 and 316615.  
The interest of said Irvin Woodell and Patricia Woodell, husband and wife, assigned to William E. Sander and Marie T. Sander, husband and wife, by assignment recorded January 2, 1964 under Auditor's File No. 316614.  
The interest of William E. Sander and Marie T. Sander, husband and wife, assigned to R. Bruce McDonald and Doris D. McDonald, husband and wife and David J. Tate and Jacquelyn L. Tate, husband and wife, by instrument recorded January 2, 1964 under Auditor's File No. 316615.
13. Relinquishment of right of access to State Highway and of light, view and air, under terms of Deed to the State of Washington.  
Recorded : October 2, 1964  
Auditor's File No.: 315938
14. At the request of the insured, we have agreed to eliminate any reference in the policy to issue as to the pendency of Yakima County Superior Court Cause No. 77-2-01484-5 on the agreed-upon understanding that there are no provisions in said policy which afford, or are intended to afford, insurance that there is a present or continuing right to use surface waters of the Yakima River Drainage Basin. The sole purpose of said paragraph appearing in our Guarantee was to advise the insured that such an action is pending of record and that judgment adjudicating such surface waters are being sought in accordance with the statutes of the State.

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: Puget Sound Power & Light Company, a Washington corporation  
Purpose: Underground electric system  
Recorded: December 16, 1982  
Instrument No.: 466424  
Affects: A strip of land ten feet in width.
16. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Purpose: Irrigation ditch and/or pipe purposes only, over or underground and including the right to install, construct, maintain, repair and use the irrigation ditch or pipe on a gravity flow basis.  
Recorded: October 17, 1984  
Instrument No.: 483030  
Affects: A twenty foot wide strip of land, the center of which is described as follows:  
"From an existing diversion point located approximately fifty feet West of the Southeast corner of said premises on the South boundary thereof, thence diagonally in a Northeasterly direction along an existing irrigation ditch to a line ten feet West of and parallel to the East boundary of said property; thence North along said line to the North boundary of said property."
17. Easement Agreement, including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Level 3 Communications, LLC, its successors, assigns, lessees and agents  
Purpose: A right of way and easement to construct, operate, maintain, inspect, alter, replace and remove such underground communications system as the Grantee may, from time to time require, consisting of underground cables, wires, conduits, manholes, drains, spicing boxes, surface location markers and other facilities and equipment for similar uses, upon, over, through, under and along a parcel of land ten feet in width. Together with: a)The right of ingress and egress over and across the Easement and any adjacent real property owned or controlled by Grantor for the purpose of exercising the rights granted herein, provided that such ingress and egress does not interfere with Grantor's improvements or uses; b)The right to clear and keep cleared all trees, roots, brush and other obstructions from the surface and sub-surface of the Easement, and during construction or maintenance periods, to use additional areas adjacent to the Easement for ingress and egress.  
Recorded: March 1, 2000  
Instrument No.: 200003010021  
Affects: Portion of said premises
18. Declaration of Restrictive Covenant for Water Conservation, 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: December 23, 2011  
Instrument No.: 201112230006

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: \$334,000.00  
Trustor/Grantor: Terrance Jerke and Patricia Miller-Jerke, husband and wife  
Trustee: AmeriTitle  
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for Umpqua Bank  
Dated: January 23, 2017  
Recorded: January 30, 2017  
Instrument No.: 201701300017
20. Declaration of Restrictive Covenant Septic Drainfield 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: March 26, 2019  
Instrument No.: 201903260002
21. Any invalidity or defect in the title of the vestees in the event that the trust referred to in the vesting portion of Schedule A is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

#### **END OF EXCEPTIONS**

#### **Notes:**

Note No. 1: 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.

Note No. 2: Your order for title work calls for a search of property that is identified only by a street address or tax identification number. Based on our records, we believe that the description in this commitment describes the land you have requested we insure, however, we can give no assurance of this.

To prevent errors and to be certain that the proper parcel of land will appear on the documents and on the policy of title insurance, we require verification of the legal description used for this commitment.

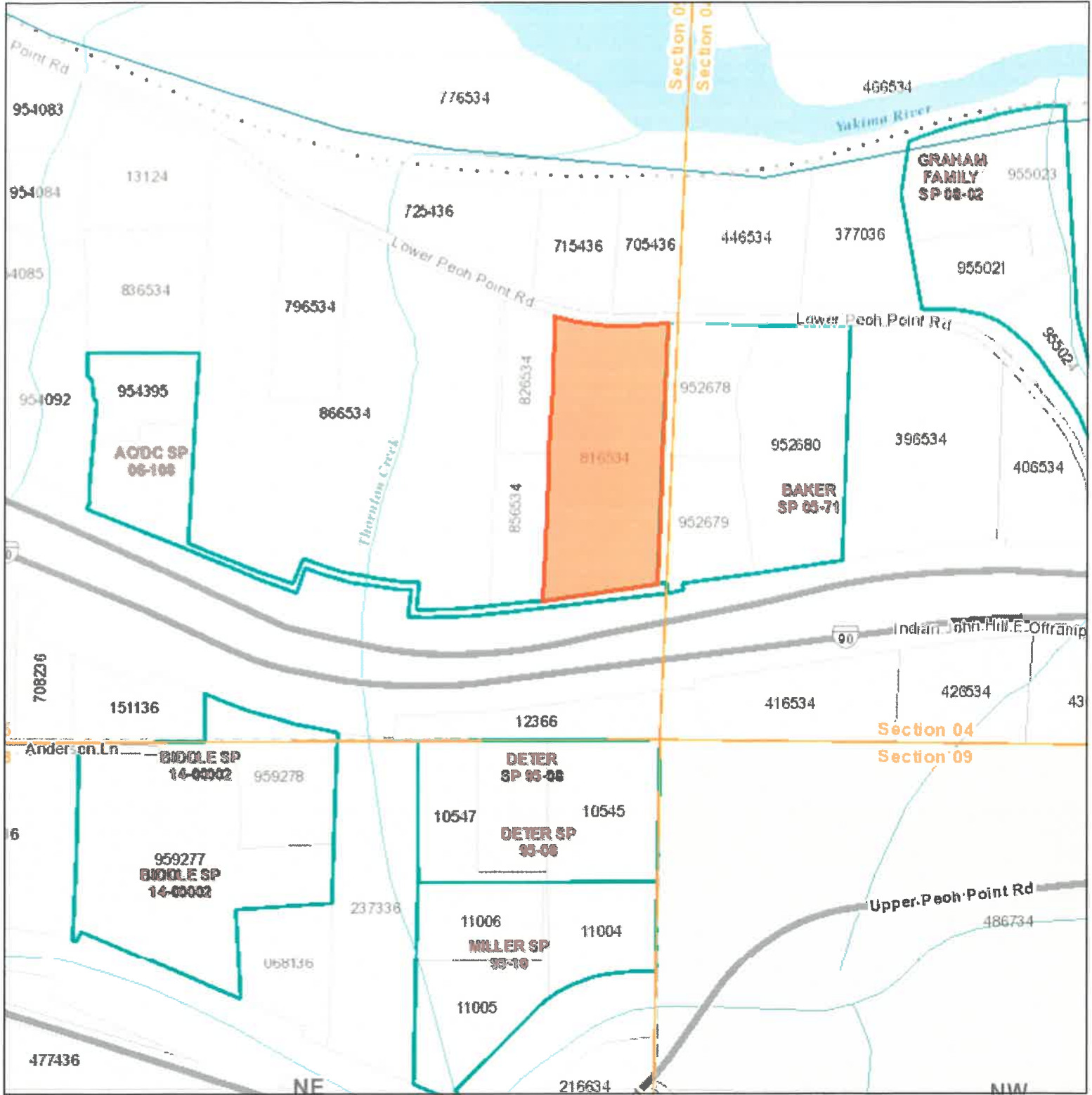
Note No. 3: All documents recorded in Washington State must include an abbreviated legal description and tax parcel number on the first page of the document. The abbreviated description for this property is: Ptn SE Quarter of Section 5, Township 19N, Range 16E, W.M.

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**

Subdivision Guarantee Policy Number: 72156-46305939

# 7432 Lower Peoh Pt Rd Cle Elum



Date: 1/26/2018

1 inch = 752 feet  
Relative Scale 1:9,028

**Disclaimer:**  
Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any use, misuse or representations by others regarding this information or its derivatives.

