

UPDATED
SUBDIVISION GUARANTEE

Office File Number : 0102367
Guarantee Number : 48 0035 72030 6275
Dated : September 8, 2006, at 8:00am
Liability Amount : \$ 1,000.00
Premium : \$ 200.00
Tax : \$ 15.40

SEP 19 2006

Your Reference : OTTO SIEBER

Name of Assured: ENCOMPASS ENGINEERING

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:

That portion of the Southwest Quarter of Section 15 and that portion of the Northeast Quarter of Section 21 and that portion of the Northwest Quarter of Section 22 all in Township 15 North, Range 19 East, W.M., Kittitas County, State of Washington, which is bounded by a line described as follows:

Commencing at the Southwest corner of said Section 15;
thence North 00°25'30" West, along the West boundary line of said Section 15, 800.00 feet to the true point of beginning of said line;
thence continuing North 00°25'30" West, along said West boundary line of said Section 15, 429.96 feet; thence North 89°34'30" East 659.58 feet; thence South 00°21'40" East 635.78 feet;
thence South 49°42'00" East 87.89 feet; thence South 16°50'00" East 45.00 feet;
thence South 53°06'00" West 70.00 feet; thence North 85°19'00" West 175 feet;
thence South 03°36'11" East 194.13 feet; thence South 57°12'23" West 199.83 feet;
thence North 08°39'06" West 154.39 feet; thence South 57°12'23" West 251.03 feet;
thence South 08°39'06" East 154.39 feet; thence South 34°27'03" East 334.42 feet;
thence North 50°57'14" East 255.71 feet; thence South 35°11'29" East 137.81 feet;
thence South 50°57'14" West 257.50 feet; thence South 34°27'03" East 48.42 feet;
thence South 57°12'23" West 513.11 feet, more or less, to the West boundary line of said Section 22;
thence North 00°03'00" West, along said West boundary line of said Section 22, 13.71 feet;
thence North 89°54'52" West 657.44 feet; thence North 00°00'55" West 329.91 feet;
thence North 89°24'56" East 591.92 feet; thence North 68°54'13" East 134.30 feet;
thence North 00°03'00" West 275.02 feet, more or less, to the South boundary line of said Section 15;
thence North 00°25'30" West 197.78 feet; thence North 57°12'23" East 363.61 feet;
thence North 00°34'54" West 407.90 feet; thence South 89°34'30" West 366.00 feet, more or less, to the true point of beginning and terminus of said line.

Title to said real property is vested in:

OTTO SIEBER, A MARRIED MAN AS HIS SEPARATE ESTATE, AS TO A PORTION OF SAID PREMISES, AND OTTO SIEBER, A MARRIED MAN PRESUMPTIVELY SUBJECT TO THE COMMUNITY INTEREST OF HIS SPOUSE RUIXUE SIEBER, AS TO A PORTION OF SAID PREMISES.

END OF SCHEDULE A

(SCHEDULE B)

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. General taxes and assessments for the year 2006 have been paid.
 Amount : \$232.62
 Tax Parcel No. : 15-19-15000-0007 (864133)
 Affects : A portion of said premises
- 5. General taxes and assessments for the year 2006 have been paid.
 Amount : \$56.35
 Tax Parcel No. : 15-19-21000-0024 (21940)
 Affects : A portion of said premises
- 6. Delinquent general taxes and assessments for the year 2006.
 Amount : \$46.51, plus interest and penalty
 Tax No. : 15-19-22000-0036 (17141)
 Affects : A portion of said premises
- 7. Reservations, affecting that part of the North Half of the Northeast Quarter of Section 21, Township 15 North, Range 19 East, W.M., East of the Yakima River, as contained in deed from the Northern Pacific Railway Company, recorded in Book 12 of Deeds, page 47, as follows:

"Reserving and excepting from said lands such as are now known or shall hereafter be ascertained, to contain minerals of any nature whatsoever, including coal and iron, and also the use of such surface ground as may be necessary for mining operations, and the right of access to such reserved and excepted lands, for the purpose of exploring, developing and working the same; the use of such surface ground and the right of access herein reserved to be for the use and benefit of said party of the first part, its successors and its assigns of the lands hereby excepted; the lands hereby granted being subject, however, to an easement in the public for any public road or roads, heretofore laid out or established and now existing over and across any part of said described land."

Affects: That portion of said premises in Section 21

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

- 8. Reservations affecting Section 15, Township 15 North, Range 19 East, W.M., and other land, as contained in deed from the Northern Pacific Railway Company to George Jackson, dated June 4, 1915, and recorded in Book 32 of Deeds, page 401, as follows:

"Excepting and reserving unto the grantor, its successors and assigns, forever, all minerals of any nature whatsoever, including coal, iron, natural gas and oil, upon or in said land, together with the use of such of the surface as may be necessary for exploring for and mining or otherwise extracting and carrying away the same, but the grantor, its successors and assigns, shall pay to the grantee, or to his heirs or assigns, the market value at the time mining operations are commenced of such portion of the surface as may be used for such operations or injured thereby, subject, however, to an easement in the public for any public roads heretofore laid out or established and now existing over and across any part of the premises."

Affects: That portion of said premises in Section 15

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

- 9. Mineral Right and Royalty Transfer dated February 1, 1952, recorded February 4, 1952, under Auditor's File No. 228046, from Yakima Sheep Company, an Oregon corporation, to Arthur R. Bohoskey, Donald A. Bohoskey, and Woodward Bohoskey.

Said document provided in part as follows:

"To have and to hold the said interest in all of the said oil, gas and other minerals in, on and under said land, together with all and singular the rights and appurtenances thereto in any wise belonging with the right of ingress and egress, and possession at all times for the purpose of mining, drilling and operating for said minerals and the maintenance of facilities and means necessary or convenient for producing, treating and transporting such minerals and for housing and boarding employees, unto said grantee, his heirs, successors and assigns, forever; and granted herein for himself and his heirs, executors and administrators hereby agrees to warrant and forever defend all and singular the said interest in said minerals, unto the said grantee, his heirs, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof."

Affects: That portion of said premises in Section 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

- 10. Agreement, and the terms and conditions thereof, covering the above described property and other land.

First Party	:	Yakima Mineral Lease Company
Second Party	:	Yakima Sheep Company
Purpose	:	Established rights as to existing structures and payment if the surface is used in the exercise of the mineral rights.
Dated	:	May 20, 1958
Recorded	:	May 21, 1958 in Volume 102 of Deeds, page 298
Auditor's File No.	:	270246
Affects	:	Said premises and other land

- 11. Terms and conditions contained in instruments wherein all minerals of any kind were conveyed by deeds recorded in Books 88 and 92 of Deeds, pages 462 and 278, respectively.
- 12. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as disclosed by instrument recorded on May 14, 1976, under Kittitas County Auditor's File No. 404704.
 In favor of : Emile L. Robert, Jr., individually and as Executor of the Estate of Anna Mae Robert, and Victor E. Robert and Martha H. Robert, husband and wife
 For : Easement for roads over the same existing roadway which passes through the Southerly portion of the above described property
 Affects : That portion of said premises in Section 21

- 13. Pendency of Yakima County Superior Court Cause No. 77-2-01484-5, State of Washington, Department of Ecology, Plaintiff, vs. James J. Acquavella, et al, Defendants; notice of which is given by Lis Pendens recorded on October 14, 1977, in Volume 90, page 589, under Kittitas County recording number 417302, and supplemental notice of Lis Pendens recorded June 4, 1980, in Volume 131, page 63, under Auditor's File No. 442263; being an action for the determination of the rights to divert, withdraw, or otherwise make use of the surface waters of the Yakima River Drainage Basin, in accordance with the provisions of Chapters 90.03 and 90.44 Revised Code of Washington. (Attorney for Plaintiff: Charles B. Roe, Jr., Senior Assistant Attorney General)

- 14. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as reserved by instrument recorded on January 8, 1979, under Kittitas County Auditor's File No. 429180.
 In favor of : Emile L. Robert, Jr., as his separate estate, and Victor B. Robert and Martha H. Robert, husband and wife
 For : Access to land in Section 15
 Affects : Northwest Quarter of the Northwest Quarter of said Section 22.

No representation is made as to the current ownership of said interest.

- 15. Agreement executed by and between the parties herein named upon the conditions therein provided.
 Between : Public Utility District No. 1 of Kittitas County and Burbank Creek, Limited
 Dated : December 14, 1978
 Recorded : January 25, 1979
 Auditor's File No.: 429579, 429580, 429581, 429582, 429583, and 429584
 Providing : Purchase of power
 Affects : That portion of said premises in Sections 21 and 22

- 16. Easement for Road "I" as delineated on that certain Survey recorded August 28, 1980, in Book 7 of Surveys, Page 61, under Auditor's File No. 444803.

- 17. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on March 6, 1981, in under Kittitas County Auditor's File No. 450140.
 In favor of : Emile L. Robert, Jr. and Victor E. Robert, Burbank Creek Limited Partnership, and those parties who have purchased tracts within the Burbank Creek Project or Over and through which the existing roadways pass
 For : Access and utilities
 Affects : That portion of said premises in Sections 15 and 22

(EXCEPTION NO. 17 CONTINUED)

And as amended by Amendment to Access and Utilities Easements-Burbank Creek Project dated December 31, 1982, recorded January 25, 1983 under Kittitas County Auditor's File No. 467244.

- 18. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on March 6, 1981, in under Kittitas County Auditor's File No. 450142.

In favor of : Pacific Northwest Bell Telephone Company, a Washington corporation
 For : Underground communication lines with wires, cables, fixtures and appurtenances attached thereto, together with right of ingress and egress
 Affects : That portion of said premises in Section 22

- 19. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on September 10, 1981, under Kittitas County Auditor's File No. 455423.

In favor of : Pacific Northwest Bell Telephone Company
 For : A perpetual easement with the right, privilege and authority to place, construct, maintain, inspect, reconstruct, repair, replace, remove and keep obstacles including trees and shrubbery clear from Grantee's facilities consisting of communication and power lines and other appurtenances and also a right of way therefore to construct, install, and maintain communication and associated facilities over, across, upon and under said premises
 Affects : That portion of said premises in Section 21

- 20. Sixty-foot access Utility Easement (existing road), as delineated on survey recorded September 21, 1987, in volume 15 of Surveys, page 96, under Auditor's File No. 507855.

Affects: That portion of said premises in Section 15

- 21. Agreement for Purchase of Power, and the terms and conditions thereof, by and between Public Utility District No. 1, and of Kimberly Beeson:

Dated : October 5, 1995
 Recorded : December 29, 1995, Volume 372, page 1307
 Auditor's File No. : 588145
 Affects : That portion of said premises in Section 22

- 22. Oil and Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated April 30, 2002, recorded August 13, 2002, under Kittitas County Auditor's File No. 200208130021.

Term : Five years
 Lessor : Bernice Bohoskey
 Lessee : Piney Creek Land and Royalty Company
 Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

- 23. Matters disclosed on that certain Survey recorded December 12, 2002, Book 28 of Surveys, Page 125, under Auditor's File No. 200212120036, that certain Survey recorded October 28, 2002, Book 28 of Surveys, Page 56, under Auditor's File No. 200210280079, and that certain Survey recorded October 4, 2002, Book 28 of Surveys, Page 34, under Auditor's File No. 200210040043, including but not limited to the following:
 - a) 60-foot access and utility easement

- 24. Mineral Deed, and the terms and conditions thereof, executed by and between the parties herein named:
 - Between : Michael J. Bohoskey, Grantor, and Bohoskey L.L.C., Grantee
 - Dated : May 5, 2003
 - Recorded : May 13, 2003
 - Auditor's File No. : 200305130001
 - Affects : That portion of said premises in Section 22

- 25. Oil and Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated July 1, 2002, recorded August 5, 2003, under Kittitas County Auditor's File No. 200308050038.
 - Term : Five years
 - Lessor : Sam F. Henderson
 - Lessee : Petrocasa Energy Inc.
 - Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

- 26. Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated July 1, 2002, recorded October 20, 2003, under Kittitas County Auditor's File No. 200310200105.
 - Term : Five years
 - Lessor : Robert A. Gentry
 - Lessee : Petrocasa Energy Inc.
 - Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

- 27. Declaration of Protective Covenants, Conditions, and Restrictions for "Take Five", recorded October 26, 2004, under Kittitas County Auditor's File No. 200410260050, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, 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.

Affects: That portion of said premises in Sections 15 and 22

28. Declaration of Water Users' Agreement for "Take Five", and the terms and conditions thereof, executed by and between the parties herein named:
 Between : Otto Sieber, a married man as his separate estate, and Lot Owners as defined therein
 Dated : October 26, 2004
 Recorded : October 26, 2004
 Auditor's File No. : 200410260051
 Affects : That portion of said premises in Sections 15 and 22

29. Declaration of Non-Exclusive Easement and Road Maintenance Agreement for "Take Five", and the terms and conditions thereof, executed by and between the parties herein named:
 Between : Otto Sieber, a married man as his separate estate, and Lot Owners as defined therein
 Dated : October 26, 2004
 Recorded : October 26, 2004
 Auditor's File No. : 200410260052
 Affects : That portion of said premises in Sections 15 and 22

30. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated September 26, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280012.
 Term : Ten Years
 Lessor : Katherine Barr
 Lessee : Piney Creek Land & Royalty Company
 Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

31. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated August 28, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280013.
 Term : Ten Years
 Lessor : Bernice Bohoskey
 Lessee : Piney Creek Land & Royalty Company
 Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

32. Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated September 16, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280014.
 Term : Ten Years
 Lessor : Constance Koch
 Lessee : Piney Creek Land & Royalty Company
 Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

33. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated September 16, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280015.
- Term : Ten Years
Lessor : Charles W. Bohoskey
Lessee : Piney Creek Land & Royalty Company
Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

34. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated August 20, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280016.
- Term : Ten Years
Lessor : Bohoskey LLC
Lessee : Piney Creek Land & Royalty Company
Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

35. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated August 30, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280017.
- Term : Ten Years
Lessor : Constance Luciano
Lessee : Piney Creek Land & Royalty Company
Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

36. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated August 20, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280018.
- Term : Ten Years
Lessor : Arthur Schade
Lessee : Piney Creek Land & Royalty Company
Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

37. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated September 3, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280019.
- Term : Ten Years
Lessor : Gratia Ruth Brown
Lessee : Piney Creek Land & Royalty Company
Affects : That portion of said premises in Sections 21 and 22

(EXCEPTION NO. 37 CONTINUED)

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

38. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated September 3, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280020.

Term : Ten Years
Lessor : Susan April Stovall
Lessee : Piney Creek Land & Royalty Company
Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

39. Ratification and Amendment of Oil And Gas Lease, affecting the premises hereinafter stated, for the term and upon the terms, covenants and conditions therein provided, dated September 3, 2003, recorded February 28, 2005, under Kittitas County Auditor's File No. 200502280021.

Term : Ten Years
Lessor : Stephanie Jo Ann Lindahl
Lessee : Piney Creek Land & Royalty Company
Affects : That portion of said premises in Sections 21 and 22

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

40. Matters disclosed on the Sieber Cluster Plat recorded September 29, 2003 in Book 9 of Plats, Pages 3 and 4, under Auditor's File No. 200309290112, including but not limited to the following:

- a) 60-foot access and utility easement
- b) 55-foot radius access and utility easement

Affects: That portion of said premises in Sections 15 and 22

41. Matters disclosed on the Survey recorded November 10, 2005 in Book 32 of Surveys, Pages 2 and 3, under Auditor's File No. 200511100051, including but not limited to the following:

- a) 60-foot access and utility runway easement—affects that portion of said premises in Sections 21 and 22
- b) 30-foot access and utility easements "K and "L"—affects that portion of said premises in Section 15
- c) 60-foot access and utility easement—affects that portion of said premises in Sections 15 and 22
- d) Easement and radial easement—affects that portion of said premises in Section 22
- e) 15-foot utility easement—affects that portion of said premises in Section 15
- f) Access and utility easement "K" affecting that portion of said premises in Section 15

END OF EXCEPTIONS

Notes:

- 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: 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

AW/rcc