

CHICAGO TITLE INSURANCE COMPANY

RECEIVED
OCT 24 2024

Policy No. 72156-48474164

Kittitas County CDS

UPDATED 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 17, 2024

Issued by:

AmeriTitle, LLC
503 N Pearl St., Ste 101
Ellensburg, WA 98926
(509) 925-1477

CHICAGO TITLE INSURANCE COMPANY



By:

[Signature of President]

President

ATTEST

[Signature of Secretary]

Secretary

Laura Woodiwiss

Authorized Signer

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

Subdivision Guarantee Policy Number: 72156-48474164

SUBDIVISION GUARANTEE

Order No.: 634446AM
Guarantee No.: 72156-48474164
Dated: September 17, 2024

Liability: \$1,000.00
Fee: \$350.00
Tax: \$29.40

Your Reference: Suncadia Resort LLC

Assured: ESM Consulting Engineers, LLC

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:

See attached Exhibit 'A'

Title to said real property is vested in:

Suncadia Resort LLC, a Delaware limited liability company

END OF SCHEDULE A

(SCHEDULE B)

Order No: 634446AM
Policy No: 72156-48474164

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
Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
5. 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: 2024
Tax Type: County
Total Annual Tax: \$2,215.07
Tax ID #: 963337
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,107.54
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,107.53
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,126.65
Tax ID #: 963338
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,063.33
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,063.32
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,136.48
Tax ID #: 963339
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,068.24
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,068.24
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,146.30
Tax ID #: 963340
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,073.15
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,073.15
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,156.13
Tax ID #: 963341
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,078.07
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,078.06
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,146.30
Tax ID #: 963342
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,073.15
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,073.15
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,264.20
Tax ID #: 963343
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,132.10
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,132.10
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,342.79
Tax ID #: 963344
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,171.40
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,171.39
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,205.25
Tax ID #: 963345
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,102.63
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,102.62
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,215.07
Tax ID #: 963346
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,107.54
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,107.53
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,224.90
Tax ID #: 963347
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,112.45
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,112.45
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,234.72
Tax ID #: 963348
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,117.36
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,117.36
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,234.72
Tax ID #: 963349
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,117.36
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,117.36
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

Tax Year: 2024
Tax Type: County
Total Annual Tax: \$2,244.55
Tax ID #: 963350
Taxing Entity: Kittitas County Treasurer
First Installment: \$1,122.28
First Installment Status: Paid
First Installment Due/Paid Date: April 30, 2024
Second Installment: \$1,122.27
Second Installment Status: Due
Second Installment Due/Paid Date: October 31, 2024

6. Liens, levies and assessments of the Suncadia Residential Owner's Association.
7. Liens, levies and assessments of the Suncadia Community Council.
8. Liens, levies and assessments of the Community Enhancement as set forth in Second Amended and Restated Covenant recorded July 20, 2004, under Auditor's File No. [200407200039](#), in the amount of 0.5% of the gross purchase price payable upon any transfer of ownership, unless the transfer is exempt as provided in said covenant.

Said instrument provides for the lien of a fee which is due upon transfer of the Land. The transfer-conveyance fee is required to be paid upon any sale, exchange, assignment, option, assignment of lease, transfer, or conveyance of said Land.

9. The provisions contained in Instrument from Plum Creek Timber Company, L.P., a Delaware Limited Partnership,
Recorded: October 11, 1996,
Instrument No.: [199610110015](#).
As follows: "Excepting therefrom all oil, gas and other hydrocarbons, together with the rights of ingress and egress as reserved in that certain Deed to Plum Creek Timber Company, L.P., from PCTC, Inc. executed on June 21, 1989 and recorded June 30, 1989 in the records of Kittitas County, Washington under Auditor's File No. [521473](#), as such reservation was modified by the certain Partial Waiver of Surface Use Rights dated February 13, 1996 and recorded April 8, 1996, in the records of Kittitas County, Washington, under Auditor's File No. [199604080028](#)."
10. Agreement and the terms and conditions contained therein
Between: Mountainstar Resort Development, LLC
And: Puget Sound Energy, Inc.
Purpose: Agreement and Covenant for Collection and Payment of Combine Qualification Payment for Extension of Natural Gas Service
Recorded: April 16, 2004
Instrument No.: [200404160016](#)

11. 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: July 20, 2004
Instrument No.: [200407200037](#)

Assignment and Assumption of said covenants, conditions and restrictions
Recorded: August 4, 2021
Instrument No: [202108040069](#)

Further modifications of said covenants, conditions and restrictions
Recorded: February 27, 2024
Instrument No.: [202402270039](#)
12. 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: July 20, 2004
Instrument No.: [200407200038](#)

Assignment and Assumption of said covenants, conditions and restrictions
Recorded: August 4, 2021
Instrument No: [202108040069](#)

Further modifications of said covenants, conditions and restrictions
Recorded: February 27, 2024
Instrument No.: [202402270040](#)
13. 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: July 20, 2004
Instrument No.: [200407200039](#)

Assignment and Assumption of said covenants, conditions and restrictions
Recorded: August 4, 2021
Instrument No: [202108040069](#)

Further modifications of said covenants, conditions and restrictions
Recorded: February 27, 2024
Instrument No.: [202402270044](#)
14. An easement (Swiftwater Drive) including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Recorded: September 28, 2006
Instrument No.: [200609280021](#)

15. Agreement and the terms and conditions contained therein
Between: Kittitas County, a Washington municipal corporation
And: Suncadia LLC, a Delaware Limited Liability Company
Purpose: Amended and Restated Development Agreement
Recorded: April 16, 2009
Instrument No.: [200904160090](#)
- Resolution No. 2009-78 adopting the Seventh Amendment to Development Agreement, and the terms and conditions thereof, recorded June 12, 2009, under Auditor's File No. [200906120039](#).
- Assignment of Reserved Rights recorded June 21, 2022 under Auditor's File No. [202206210030](#) to Suncadia Resort LLC, a Delaware Limited Liability Company.
16. 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.
Purpose: Purposes of transmission, distribution and sale of electricity
Recorded: January 27, 2010
Instrument No.: [201001270024](#)
17. A Deed of Trust, Security Agreement, Assignment of Rents and Leases and Fixture Filing, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:
Amount: \$43,000,000.00
Dated: August 3, 2021
Trustor/Grantor: Suncadia Resort LLC, a Delaware Limited Liability Company; New Suncadia Hospitality, LLC, a Delaware Limited Liability Company; and Lodge at Suncadia LLC, a Washington Limited Liability Company
Trustee: AmeriTitle, LLC, a Delaware limited liability company
Beneficiary: CIBC Bank USA, an Illinois State Chartered Bank
Recorded: August 4, 2021
Instrument No.: [202108040070](#)
Affects: This and other property
18. Assignment of Rents, including the terms and provisions thereof,
Grantor: Suncadia Resort LLC, a Delaware limited liability company; New Suncadia Hospitality, LLC, a Delaware limited liability company; and Lodge at Suncadia LLC, a Washington limited liability company
Lender: CIBC Bank USA, an Illinois state chartered bank
Recorded: August 4, 2021
Instrument No.: [202108040071](#)
Affects: This and other property
19. A Financing Statement filed in the Office of the County Recorder showing:
Debtor: Suncadia Resort LLC, a Delaware Limited Liability Company
Secured Party: CIBC Bank USA, an Illinois State Chartered Bank
Recorded: August 4, 2021
Instrument No.: [202108040073](#)
Affects: This and other property

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: Puget Sound Energy, Inc.
Purpose: Utilities
Recorded: July 3, 2023
Instrument No.: [202307030007](#)
Affects: Portion of said premises and other land
21. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by [Plat of Suncadia Phase 2, Division 7 Block 2](#),
Recorded: July 5, 2023
Book: 14 of Plats, Pages: 62 through 71
Instrument No.: 202307050008
Matters shown:
a) Notes contained thereon;
b) Easements shown thereon;
c) Dedication contained thereon.

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.

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: Lot 89-102, SUNCADIA - PHASE 2 DIVISION 7 BLOCK 2, Book 14 of Plats, pgs 62 through 71, records of Kittitas County, Washington.

Any map or sketch enclosed as an attachment herewith is furnished for informational 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

EXHIBIT 'A'

File No. 634446AM

Lots 89 through 102, inclusive, [SUNCADIA - PHASE 2 DIVISION 7 BLOCK 2](#), in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 14 of Plats, pages 62 through 71, records of Kittitas County, Washington.