

Kittitas County Community Development Services

Darryl Piercy, Director

FINDINGS OF FACT B&T Short Plat (S.P. 05-35)

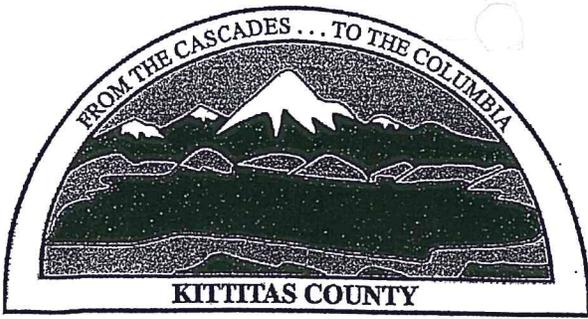
Pursuant to RCW 58.17.195, the Kittitas County Community Development Services Department formally establishes the following Findings of Fact:

1. The B&T Short Plat (SP 2005-35) has satisfied all current subdivision and zoning requirements. This short plat has been reviewed and approved in conformance with the Kittitas County Subdivision (Title 16) and Zoning (Title 17) Codes.
2. The applicant has demonstrated to the satisfaction of the County Environmental Health Director the availability of potable water supplies.
3. The applicant has demonstrated that preliminary inspection indicated soil conditions may allow use of septic tanks as a temporary means of sewage disposal for some, but not necessarily all building sites within this Short Plat.
4. The applicant has demonstrated to the County Public Works Department that the access provisions are in the interest of public safety and general welfare.
5. A statement indicating the County's intent to approve this short plat, together with a reduced photocopy depicting the lot configurations and proposed acreage was mailed to known adjacent property owners and parties of record on July 12, 2005.
6. The property is not located within an irrigation district.
7. Kittitas County Community Development Services Department completed a Critical Areas Review on June 24, 2005. The site does not contain any regulated critical areas as defined in KCC 17A.

Administratively approved short plats must be recorded with the County Auditor and shall not be deemed approved until officially filed.

Approved this
This 18th Day of November 2005


Darryl Piercy, CDS Director



PUBLIC HEALTH DEPARTMENT

www.co.kittitas.wa.us/health/

Administration
Community Health Services
Health Promotion
507 Nanum Street, RM 102
Ellensburg, WA 98926-2898
Tele: (509) 962-7515
Fax: (509) 962-7581

Environmental Health
411 N. Ruby Street, Suite 3
Ellensburg, WA 98926-2898
Tele: (509) 962-7698
Fax: (509) 962-7052

Plat Approval Form

To: Community Development Services – Planning Section

From: Environmental Health

Date: 10/28/05

Re: B+T Sharts

Plat

SEWAGE DISPOSAL

Connection to Public Utility
(Letter from entity attached)

Soil Log(s)

Evaluated on 09/10/05 PM

Existing Structures (if any)

Permitted and Inspected

Comments: _____

WATER AVAILABILITY

Connection to Public Utility
(Letter from entity attached)

Individual Well(s)

Hydrogeological Report

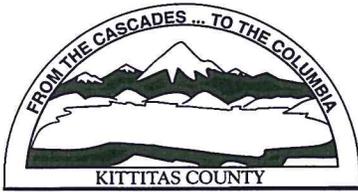
P.E. NWAS

Group B Public Water System

All Documentation reviewed/Approved

Concurrence DOH/well ID number issued

Comments: Electro seismic Survey



Kittitas County Community Development Services

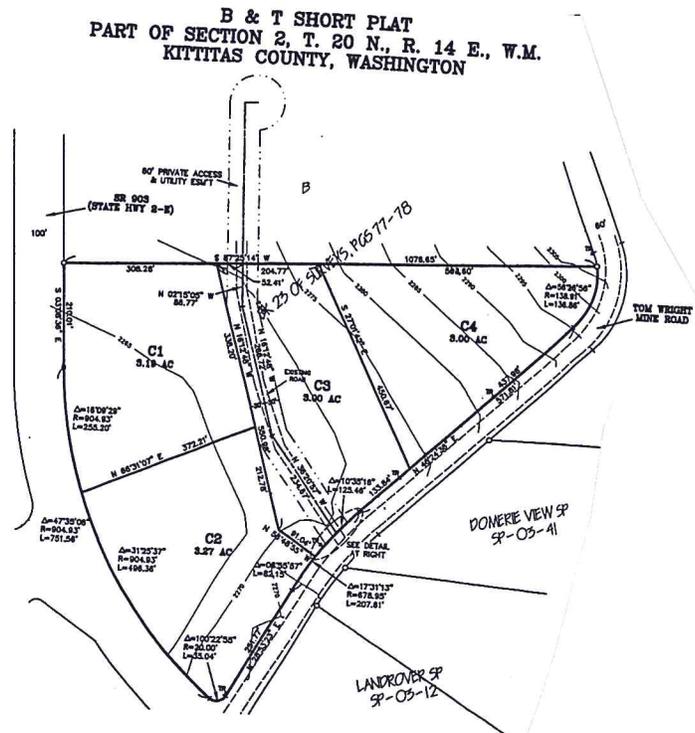
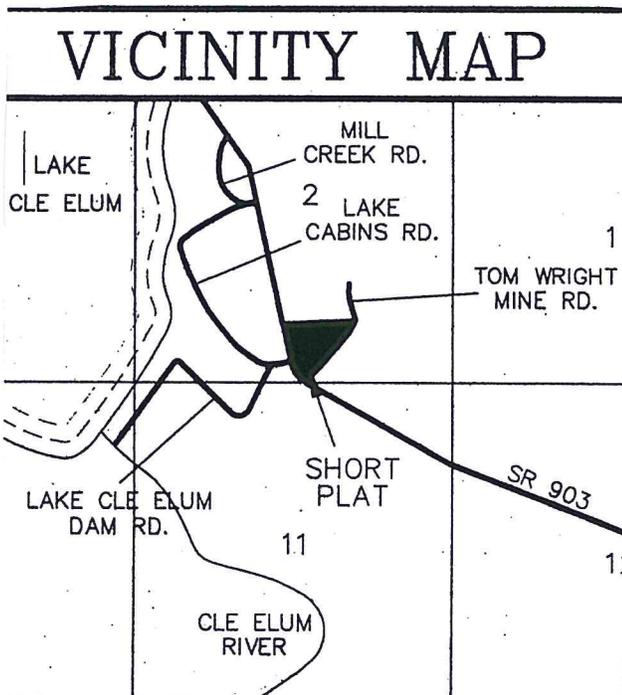
Darryl Piercy, Director

NOTICE

B & T Short Plat
(SP-05-35)

Notice is hereby given that on July 12, 2005 conditional preliminary approval has been given to B & T Family for short subdivision of 12.46 acres into 4 lots consisting of two at 3.27, 3.19, and two at 3.00, acres each. Location: Northeast of SR 903 and Northwest of Tom Wright Mine Rd, Ronald, Wa. 98922, a portion of the SE1/4 of Section 02, T20N., R14E., W.M., Tax parcel number 20-14-02043-0002.

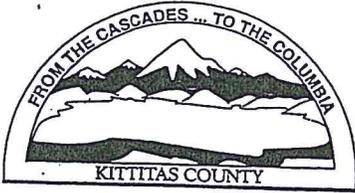
Said proposed division may be appealed to the Board of County Commissioners upon the request of any aggrieved party within 10 working days. The appeal deadline is July 26, 2005 at 5:00p.m. Comments must also be submitted by July 26, 2005 by 5:00 p.m.



Original short plats and related information may be examined during business hours at Kittitas County Community Development Services Department, 411 N. Ruby St., Suite 2, Ellensburg, WA. 98926.

You may appeal this determination pursuant to KCC 15A.07.010 by submitting specific factual objections and a fee of \$200.00 by Friday, July 26, 2005 to the:

Kittitas County Board of Commissioners
Kittitas County Courthouse
205 W. 5th, Rm. 108
Ellensburg, WA. 98926



Kittitas County Community Development Services

411 N. Ruby St., Suite 2, Ellensburg, WA 98926 Phone (509) 962-7506

NOTIFICATION CHECKLIST FOR PLANNING ISSUES (To be filled out and kept in the files at all times)

PROPOSAL NAME:

B & T SP-05-35

NOTIFICATION MAIL DATE:

7/12/2005

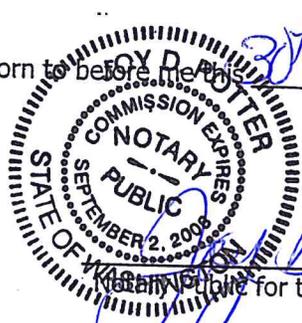
Mailer: In addition to attaching the items for mailing, please attach a copy of the names and addresses of all recipients.

State of Washington
Kittitas County

I certify that the acts of notification of SEPA and other actions described in this document have occurred.

Signature

Subscribed and sworn to before me this 20th day of Aug, 2005.



Roy D. Potter
Notary Public for the State of Washington residing in Ellensburg

My appointment expires 9/02, 2008.



**Washington State
Department of Transportation**
Douglas B. MacDonald
Secretary of Transportation

South Central Region
2809 Rudkin Road, Union Gap
P.O. Box 12560
Yakima, WA 98909-2560

509-577-1600
TTY: 1-800-833-6388
www.wsdot.wa.gov

July 7, 2005

Community Development Services
Kittitas County
411 N. Ruby, Suite 2
Ellensburg, Washington 98926-6300

Attention: Graham Simon, Planner II

Subject: B & T Short Plat (4 Lots); B & T Brunner Family
SR 903, MP 9.07 Right (Tom Write Road Intersection)

RECEIVED
JUL 12 2005
KITITAS COUNTY
CDS

We have reviewed the proposed plat. Although the plat is adjacent to State Highway 903, we did not receive notice of the short plat during the normal comment period. We have the following comments.

1. The plat property is adjacent to SR 903 and Tom Write Road. SR 903 is a Class 4 access managed highway in this location with a posted speed limit of 50 miles per hour. No direct access to SR 903 will be allowed. We require a restrictive note be placed on the plat indicating no direct access to SR 903 will be allowed for any lot.

SR 903 continues to experience increased development and will continue to into the future. Our records indicate that Tom Write Road is dedicated for public use but is privately-maintained and serves a number of properties along the north side of SR 903. Tom Write Road is a gravel road and located near a curve on SR 903. The intersection has substandard sight distance that was improved in 2004 by WSDOT, in response to the Landrover Short Plat (Al Monjazebe).

The intersection of Tom Write Road does not meet minimum standards for even a private road approach. As a condition of development approval, WSDOT requires that the proponent pave the gravel portion of Tom Write to, at a minimum, the edge of WSDOT right-of-way. The proponent is required to contact Mr. Rick Holmstrom to coordinate the paving improvement. Mr. Holmstrom can be reached at 509-577-1633.

2. Stormwater and surface runoff generated by this project must be retained and treated on site in accordance with regulating agencies' standards, and not be allowed to flow onto WSDOT rights-of-way.

Mr. Graham Simon, Kittitas Co. Community Development Services –B & T Short Plat
July 7, 2005
Page 2

3. SR 903 is an existing facility and the proponent will be expanding a more noise-sensitive land use. The proponent and future residents should be aware that they are proposing additional residential development in an area with existing traffic noise. They should also expect that traffic noise may continue to grow into the future, and, SR 903 may need to be expanded to accommodate future traffic growth. It is the developer's responsibility to dampen or deflect any traffic noise for this development.
4. Any proposed lighting should be directed down towards the site, and away from SR 903.
5. Mailboxes should be contained within the plat.

Thank you for the opportunity to review and comment on this proposal. If you have any questions concerning our comments, please contact me at (509) 577-1630.

Sincerely,



Bill Preston, P.E.
Regional Planning Engineer

BP: rh/jjg

cc: File #6, SR 903
Terry Kukes, South Central Area 1 Maintenance Superintendent
Joy Potter, Kittitas County Public Works

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**Washington State
Department of Transportation**
Douglas B. MacDonald
Secretary of Transportation

South Central Region
2809 Rudkin Road, Union Gap
P.O. Box 12560
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July 7, 2005

Community Development Services
Kittitas County
411 N. Ruby, Suite 2
Ellensburg, Washington 98926-6300

| | | | | | |
|-------------------|--------------------|---------|--------------|------------|---|
| Post-It™ Fax Note | 7671 | Date | 7-8-05 | # of pages | 4 |
| To | Graham Simon | From | John Gruber | | |
| Co./Dept. | Community Dev. Sv. | Co. | WSDOT | | |
| Phone # | | Phone # | 509-577-1636 | | |
| Fax # | 509-962-7682 | Fax # | 509-577-1603 | | |

Attention: Graham Simon, Planner II

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8

Mr. Graham Simon, Kittitas Co. Community Development Services -B & T Short Plat
July 7, 2005
Page 2

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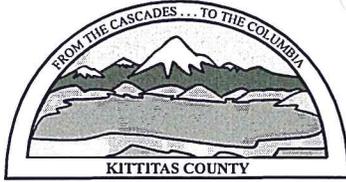


Bill Preston, P.E.
Regional Planning Engineer

BP: rh/jjg

cc: File #6, SR 903
Terry Kukcs, South Central Area 1 Maintenance Superintendent
Joy Potter, Kittitas County Public Works

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KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

Paul D. Bennett, P.E., Director

MEMORANDUM

TO: Graham Simon, Community Development Services Planner II

FROM: Joy Potter, Engineering Manager 

DATE: June 23, 2005

SUBJECT: B & T Short Plat

Our department has reviewed the Short Plat application and has the following comments:

- "Preliminary Approval" has been granted, based on the information provided.
- "Conditional Preliminary Approval"** has been granted, based on the information provided, see below for conditions of preliminary approval:
- "Additional Information Requested". Prior to continuing the approval process for the submitted development, additional information is requested for analysis.

Prior to Final Plat Approval:

1. Private Road Improvements – Tom Wright Mine Road: Access shall be constructed as a Low-Density Private Road. (See current Kittitas County Road Standards)
 - a. Access Easements shall be improved to a minimum of 60'. The roadway width shall be 20', with 1' shoulders = 22' total width.
 - b. All easements shall provide for AASHTO radius at the intersection with a County Road or State Highway.
 - c. Minimum centerline radius will be 60'.
 - d. Surface requirement 6" gravel surface.
 - e. Maximum Grade 8% flat, 12% rolling or mountainous.
 - f. Stopping Site Distance, reference AASHTO.
 - g. Entering Site Distance, reference AASHTO.
 - h. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - i. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.

Page 1 of 3

- j. All roads located within this development and/or provides access to this development shall be constructed to current county road standards. Any other maintenance agreements, forest service road easements or state easements may require higher road standards. The higher of the road standards shall apply.
 - k. Proposed Short Plat is proposed to access off SR 903. SR 903 is a State Route and does not fall under County jurisdiction. Applicant shall submit an approved access permit from the Washington State Department of Transportation prior to final approval. Applicant shall be aware that access or lot configuration may need to be altered to meet WSDOT conditions for access. Applicant shall also be aware that access may not be granted from WSDOT. The Department of Public Works will not sign final mylars and give final approval without WSDOT approval.
2. Private Road Improvements – Private Access unnamed existing road: Access shall be constructed as a High-Density Private Road and serve no more than 14 tax parcels. (See current Kittitas County Road Standards)
- a. Access Easements shall be improved to a minimum of 40'. The roadway width shall be 20', with 1' shoulders = 22' total width.
 - b. All easements shall provide for AASHTO radius at the intersection with a County Road.
 - c. Minimum centerline radius will be 60'.
 - d. Surface requirement 6" gravel surface.
 - e. Maximum Grade 8% flat, 12% rolling or mountainous.
 - f. Stopping Site Distance, reference AASHTO.
 - g. Entering Site Distance, reference AASHTO.
 - h. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain accesses.
 - i. Any further subdivision or lots to be served by proposed access may result in further access requirements. See Kittitas County Road Standards.
 - j. All roads located within this development and/or provides access to this development shall be constructed to current county road standards. Any other maintenance agreements, forest service road easements or state easements may require higher road standards. The higher of the road standards shall apply.
3. Cul-de-sac for High Density Private Road: Typically a cul-de-sac is required with easement shown providing adequate turn around for the parcels on the plat. B & T Short Plat does not reflect any cul-de-sac at the northern boundary line. A temporary or permanent easement shall be shown on the face of the plat to provide for the cul-de-sac.
- a. Cul-de-sac design, reference AASHTO.

Plat Notes

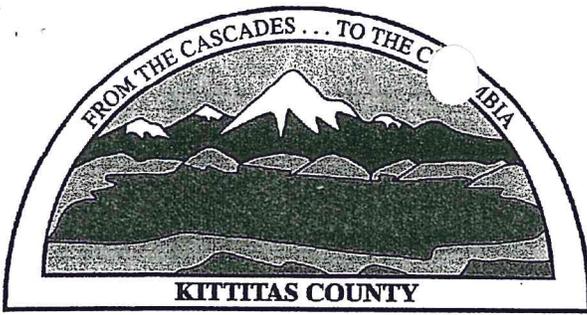
Lot C1 access is restricted to the private access easement. Access will not be approved off SR 903. **Plat Note**

Lot C2 access is restricted to the private access easement or Tom Write Mine Road. Access will not be approved off SR 903. **Plat Note**

The AFN Number for the 60' private access easement shall be shown on the face of the plat. **Update Plat**

In addition to the above-mentioned conditions, all applicable Kittitas County Road Standards apply to this proposal.

Please let me know if you have any questions or need further information. In addition, Public Works would request supplemental information regarding this matter as such information is relayed to the Planning Commission, Board of Adjustments or additionally involved entities.



PUBLIC HEALTH DEPARTMENT

www.co.kittitas.wa.us/health/

Administration
Community Health Services
Health Promotion Services
507 N. Nanum Street, Ste 102
Ellensburg, WA 98926
Phone: (509) 962-7515
Fax: (509) 962-7581

Environmental Health
411 North Ruby Street, Ste 3
Ellensburg, WA 98926
Phone (509) 962-7698
Fax (509) 962-7052

RECEIVED
JUN 3 2005
KITTTAS COUNTY
CDS

June 3, 2005

Cruse & Associates
P.O. Box 959
Ellensburg, WA 98926

Dear Mr. Cruse,

We have received the proposed B & T Short Plat, located in Section 2, Township 20N, Range 14E, east of SR 903.

We have also received the \$240.00 short plat submission fee (receipt #005297).

For plat approval both Sewage and Water Availability must be satisfactorily addressed.

For sewage disposal you have two options.

- 1) **PUBLIC UTILITY SEWER**
Submit a signed letter of agreement between the responsible public utility official and the developer/owner or other documentation that provides proof of connection to public sewer.
- 2) **ON SITE SEWAGE**
Soil logs will need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in your plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and do not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.

Prior to receiving final approval for subdivisions (short and long plats) in Kittitas County, applicants shall be required to show the adequacy of potable water supplies Proof of potable water supply can be demonstrated four ways:

- 1) **Public Utility Water Supply Applicants** - shall submit a signed letter of agreement with the responsible public utility official and the developer/owner, granting delivery of potable water for the entire development.
- 2) **Group "A" Public Well** - If you have an existing well and a Department of Ecology issued "water right" for potable usage of the well, the Washington State Department of Health is the regulatory authority for approving Group A systems. Mr. Tom Justus is the Regional Engineer for Kittitas County. His office is located in Spokane, Washington.

To Protect and Promote the Health and the Environment of the People of Kittitas County

PUBLIC HEALTH

His contact number is (509) 456-2453. We will require written verification that DOH has approved the system prior to final plat approval.

If you have not secured a water right for potable use you must contact the Washington State Department of Ecology-Central Region Office- Yakima Washington, telephone number (509) 575-2800 to begin the process of obtaining a water right.

- 3) GROUP "B" PUBLIC WELL – The Kittitas County Environmental Health Department must first perform a source site inspection to approve the location of the proposed well or if the well exists to ensure that it meets the criteria for approval. The well must be drilled and/or located within the subdivision boundaries, all infrastructure completed and within the utility corridors, the workbook and all related documentation including testing and satisfactory results must be submitted, reviewed, and approved. Concurrence from the State Department of Health and issuance of a well ID number will complete the requirement.
- 4) INDIVIDUAL WELLS - The submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.

All applicants for subdivision (short and long plats) utilizing wells shall have a note placed on the face of the final mylars that states:

"Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land includes no guarantee or assurance that there is a legal right to withdraw groundwater within the land division."

Once we have received and reviewed complete information, we will notify Community Development Services through our EH Checklist that you have satisfactorily addressed health department requirements.

Sincerely,


John J. Wolpers, III REHS R.S.
Kittitas County Environmental Health Director

cc: Community Development Services
cc: B & T Brunner Family



file copy

Application # _____

KITTITAS COUNTY PRELIMINARY SITE ANALYSIS FORM BUILDING PERMITS

Owner/Applicant: ~~Brunner~~ SP B & T Street Plat

Address/Location: _____

Parcel #: 20-14-02043-0001 Lot Size: _____ Zone: _____

TO BE COMPLETED BY DEPARTMENT STAFF

Proposed Use: Shot plat Square Footage: _____ Use Allowed? Yes No _____

Does SEPA apply to the Proposed Use? Yes _____ No Required Setbacks: F 25' S 15' R 15'

Variance Required? Yes _____ No Conditional Use Permit Required? Yes _____ No

Within Shorelines? Yes _____ No Shorelines Environment: _____ SDP#: _____

IS THE PROPOSED USE WITHIN A CRITICAL AREA?

Frequently Flooded Area: Yes _____ No Panel #: 530095 0 _____ Zone: _____

Fill not to exceed 10 cubic Yards if checked. Zero Rise Required: Yes _____ No _____

Fish & Wildlife Habitat Conservation Area: Yes _____ No Quad Map _____

Type of Habitat: _____ Water Type#: _____ Buffer _____

Wetland: Yes _____ No Quad map: _____ Category (circle) I II III IV not delineated

Buffer Requirement: _____ Replacement Ratio: _____

Geologic Hazard Areas: Seismic: Yes _____ No Landslide Yes _____ No

Erosion: Yes _____ No Mine: Yes _____ No Steep Slope: Yes _____ No

Aquifer Recharge Area: Does this use involve Hazardous Materials? Yes _____ No (If no then project is exempt)

_____ Hazardous Materials Containment required if checked

Airport Overlay: Yes _____ No Zone: _____

Additional Approvals required? Yes _____ No Type: _____

Notes/Comments: _____

Reviewed By: GRAHAM SIMON Date: 6/24/05

10
10/1

PATRICK MCDONOUGH ETUX
P.O. BOX 1397
RONALD, WA 98940

CRUSE & ASSOCIATES
CHRIS CRUSE
PO BOX 959
ELLENSBURG, WA 98926

WASHINGTON STATE DOT
RICK HOLMSTROM
PO BOX 12560
YAKIMA, WA 98909

GEORGE GROSSMAN
2402 HANNAH
ELLENSBURG, WA 98926

SCOTT BENEDETTO ETUX
19802 30TH DR SE
BOTHELL, WA 98012-7260

JUNE ARGYLE
P.O. BOX 305
RONALD, WA 98940

GAROLD HILL
P.O. BOX 128
RONALD, WA 98940

BRUCE HANSEN ETUX
8203 WOODLAND AVE EAST
PUYALLUP, WA 98371

GORDON SCHOLL
9058 EDMONDS WAY APT 208
EDMONDS, WA 98020

SCOTT FERGUSON ETUX
P.O. BOX 1386
RONALD, WA 98940

MICHAEL SMITH ETUX
11315 NE 60TH ST
KIRKLAND, WA 98033

MICHAEL GOODEN
3123 FAIRVIEW AVE EAST
SEATTLE, WA 98102

MIKE BARKER ETUX
1416 S. 33RD AVE
YAKIMA, WA 98902

ALLEN BARTON
P.O. BOX 174
RONALD, WA 98940

DAVID ARMINTROUT ETUX
P.O. BOX 271
RONALD, WA 98940

KURT LAY ETUX
P.O. BOX 271
RONALD, WA 98940

AL MONJAZEB
19926 NE 129TH ST
WOODINVILLE, WA 98072

TERRY JACOBSEN ETUX
13106 63RD AVE SE
SNOHOMISH, WA 98296

MARK CUMMING ETUX
31216 9TH AVE NE
STANWOOD, WA 98292

CAROL HART
10329 206TH AVE NE
REDMOND, WA 98053

B & T BRUNNER
LIMITED PARTERSHIP
18819 SE 287TH ST
KENT, WA 98042

LESTER AVES
P.O. BOX 365
RONALD, WA 98940

DAVID DE ANGELO ETUX
7426 THIRD DR WEST
EVERETT, WA 98203

EARL SCHULT ETUX
P.O. BOX 64802
UNIVERSITY PLACE WA, 98466

DONALD MURPHY ETUX
1303 SKYLINE DR
ELLENSBURG, WA 98926

GERALD GEHRING ETUX
4648 MEMORY LN WEST
TACOMA, WA 98466

JACK SELFORS ETUX
EAST 19221 HWY 106
BELFAIR, WA 98528

SUSAN HAGY
1131 32ND AVE SOUTH
SEATTLE, WA 98144

VICTOR FAMILY LTD
P.O. BOX 6068
BELLEVUE, WA 98008

THOMAS JACOBS ETUX
C/O JACOBS & JACOBS
114 EAST MEEKER AVE
PUYALLUP, WA 98372

THOMAS JACOBS ETUX
11502 134TH AVE CT EAST
PUYALLUP, WA 98334

CHICAGO TITLE INSURANCE COMPANY

a corporation, herein called the Company,

GUARANTEES

Policy No. 72030- 4225

CRUSE & ASSOCIATES

herein called the Assured, against actual loss not exceeding the liability amount stated above which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

LIABILITY EXCLUSIONS AND LIMITATIONS

- 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 above.

Dated: APRIL 15, 2005 AT 8:00 A.M.

CHICAGO TITLE INSURANCE COMPANY

By Maureen Wyatt
Authorized Signature

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.

Issued by:
AMERITITLE
P.O. BOX 617
101 WEST 5TH AVENUE
ELLENSBURG, WA 98926
(509) 925-1477

RECEIVED
JUN -- 1 2005
KITITAS COUNTY
CDS

SUBDIVISION GUARANTEE

Office File Number : 0097506
Guarantee Number : 48 0035 72030 4225
Dated : April 15, 2005, at 8:00am
Liability Amount : \$ 1,000.00
Premium : \$ 200.00
Tax : \$ 15.40

Your Reference : B & T Brunner Family

Name of 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:

Parcel C of that certain Survey as recorded February 24, 1998, in Book 23 of Surveys, at pages 77 and 78, under Auditor's File No. 199802240011, records of Kittitas County, State of Washington; being a portion of the Southeast Quarter of Section 2, Township 20 North, Range 14 East, W.M., in the County of Kittitas, State of Washington.

Title to said real property is vested in:

B & T BRUNNER FAMILY LIMITED PARTNERSHIP

END OF SCHEDULE A

(SCHEDULE B)

File No. 0097506

Guarantee Number: 48 0035 72030 4225

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 2005, payable after February 15, 2005, which become delinquent after April 30, 2005, if first half not paid.

| | <u>Full year</u> | <u>First 1/2</u> | <u>Second 1/2</u> |
|-----------|---------------------------|------------------|-------------------|
| Amount : | \$ 1,103.61 | \$ 551.81 | \$ 551.80 |
| Tax No. : | 20.14.02043.0002 (R13141) | | |
5. Unrecorded easement in favor of the Northern Pacific Railway Company across the Southeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of said Section 2, as disclosed by Certificate of Withdrawal dated August 17, 1972, recorded August 17, 1972, under Kittitas County Auditor's File No. 377461.
6. 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)
7. Exceptions and Reservations as contained in Instrument

| | | |
|--------------------|---|---|
| From | : | Arastou Monjazebe, who acquired the property as his separate estate |
| Dated | : | October 6, 1999 |
| Recorded | : | January 11, 2000 |
| Auditor's File No. | : | 200001110015, as follows: |

"Mineral rights which are retained by seller, his heirs, successors and assigns.

END OF EXCEPTIONS

(SCHEDULE B)

File No. 0097506

Guarantee Number: 48 0035 72030 4225

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

MW/bj

2cc: Marsha
Cruse & Associates
P. O. Box 959
Ellensburg WA 98926

| FROM | | ANGLE | DIST | NORTH | EAST | TO |
|------------------|---------------|-----------------|------|---------------|---------------|------------------|
| ===== | | | | | | |
| ***** | PT/PT INVERSE | (C1) | | | | |
| ***** | START | | | 1003618.49002 | 995080.27350 | 636 |
| 636 | INV | N 87 25 14 | E | 308.28 | 1003632.36456 | 995388.24443 713 |
| | | | | | | Brunner Prop Cor |
| 713 | INV | S 16 12 48 | E | 338.20 | 1003307.61193 | 995482.67542 715 |
| | | | | | | Brunner Prop Cor |
| 715 | INV | S 66 31 07 | W | 372.21 | 1003159.30468 | 995141.29041 714 |
| | | | | | | Brunner Prop Cor |
| | RADIAL | S 70 41 56 | W | | | |
| | DELTA | 16 09 29 | RT | | | |
| | RADIUS | | | 904.93 | | |
| | TAN | | | 128.45 | | |
| | L-ARC | | | 255.20 | | |
| | RADIAL | S 86 51 24 | W | | | |
| | RP | | | 1003458.41524 | 995995.35708 | 109 |
| 714 | CHORD | N 11 13 20 | W | 254.35 | 1003408.79623 | 995091.78918 67 |
| | TAN@PT | N 3 08 36 | W | | | |
| 67 | INV | N 3 08 36 | W | 210.01 | 1003618.49002 | 995080.27350 636 |
| ===== | | | | | | |
| | | | | 1003618.49002 | 995080.27350 | 636 |
| NO CLOSURE ERROR | Area = | 138844.38 sq ft | | 3.18743 ac | | |
| FROM | ANGLE | | DIST | NORTH | EAST | TO |
| ===== | | | | | | |

RECEIVED

JUN -- 1 2005

**KITTITAS COUNTY
CDS**

| | | | | | | |
|-------|---------------|------------|----|---------------|---------------|------------------|
| ===== | | | | | | |
| ***** | PT/PT INVERSE | (CZ) | | | | |
| ***** | START | | | 1003159.30468 | 995141.29041 | 714 |
| | | | | | | Brunner Prop Cor |
| 714 | INV | N 66 31 07 | E | 372.21 | 1003307.61193 | 995482.67542 715 |
| | | | | | | Brunner Prop Cor |
| 715 | INV | S 16 12 48 | E | 212.78 | 1003103.29878 | 995542.08523 712 |
| | | | | | | Brunner Prop Cor |
| 712 | INV | S 56 48 55 | E | 91.04 | 1003053.46749 | 995618.27957 711 |
| | | | | | | Brunner Prop Cor |
| | RADIAL | N 54 10 40 | W | | | |
| | DELTA | 6 55 57 | LT | | | |
| | RADIUS | | | 678.95 | | |
| | TAN | | | 41.12 | | |
| | L-ARC | | | 82.15 | | |
| | RADIAL | N 61 06 37 | W | | | |
| | RP | | | 1002656.09966 | 996168.79510 | 132 |
| 711 | CHORD | S 32 21 21 | W | 82.10 | 1002984.11586 | 995574.34249 157 |
| | TAN@PT | S 28 53 23 | W | | | |
| 157 | INV | S 28 53 23 | W | 251.77 | 1002763.68234 | 995452.70829 142 |
| | RADIAL | S 61 06 37 | E | | | |
| | DELTA | 100 22 55 | RT | | | |
| | RADIUS | | | 20.00 | | |
| | TAN | | | 24.00 | | |
| | L-ARC | | | 35.04 | | |
| | RADIAL | S 39 16 18 | W | | | |
| | RP | | | 1002773.34484 | 995435.19726 | 141 |
| 142 | CHORD | S 79 04 51 | W | 30.73 | 1002757.86180 | 995422.53727 140 |
| | TAN@PT | N 50 43 42 | W | | | |
| | RADIAL | S 39 16 18 | W | | | |
| | DELTA | 31 25 37 | RT | | | |
| | RADIUS | | | 904.93 | | |
| | TAN | | | 254.59 | | |
| ===== | | | | | | |

2

=====
 NO CLOSURE ERROR Area = 138844.38 sq ft 1003618.49002 995080.27350 636
 FROM ANGLE DIST NORTH EAST TO
 =====

| | | PT/PT INVERSE | | | | | | | | |
|------------------|--------|---------------|-----|------|----|----|--------|---------------|--------------|-----|
| ***** | | START | | (C2) | | | | | | |
| 714 | INV | N | 66 | 31 | 07 | E | 372.21 | 1003307.61193 | 995482.67542 | 715 |
| Brunner Prop Cor | | | | | | | | | | |
| 715 | INV | S | 16 | 12 | 48 | E | 212.78 | 1003103.29878 | 995542.08523 | 712 |
| Brunner Prop Cor | | | | | | | | | | |
| 712 | INV | S | 56 | 48 | 55 | E | 91.04 | 1003053.46749 | 995618.27957 | 711 |
| Brunner Prop Cor | | | | | | | | | | |
| | RADIAL | N | 54 | 10 | 40 | W | | | | |
| | DELTA | | 6 | 55 | 57 | LT | | | | |
| | RADIUS | | | | | | 678.95 | | | |
| | TAN | | | | | | 41.12 | | | |
| | L-ARC | | | | | | 82.15 | | | |
| | RADIAL | N | 61 | 06 | 37 | W | | | | |
| | RP | | | | | | | 1002656.09966 | 996168.79510 | 132 |
| 711 | CHORD | S | 32 | 21 | 21 | W | 82.10 | 1002984.11586 | 995574.34249 | 157 |
| | TAN@PT | S | 28 | 53 | 23 | W | | | | |
| 157 | INV | S | 28 | 53 | 23 | W | 251.77 | 1002763.68234 | 995452.70829 | 142 |
| | RADIAL | S | 61 | 06 | 37 | E | | | | |
| | DELTA | | 100 | 22 | 55 | RT | | | | |
| | RADIUS | | | | | | 20.00 | | | |
| | TAN | | | | | | 24.00 | | | |
| | L-ARC | | | | | | 35.04 | | | |
| | RADIAL | S | 39 | 16 | 18 | W | | | | |
| | RP | | | | | | | 1002773.34484 | 995435.19726 | 141 |
| 142 | CHORD | S | 79 | 04 | 51 | W | 30.73 | 1002757.86180 | 995422.53727 | 140 |
| | TAN@PT | N | 50 | 43 | 42 | W | | | | |
| | RADIAL | S | 39 | 16 | 18 | W | | | | |
| | DELTA | | 31 | 25 | 37 | RT | | | | |
| | RADIUS | | | | | | 904.93 | | | |
| | TAN | | | | | | 254.59 | | | |
| | L-ARC | | | | | | 496.36 | | | |
| | RADIAL | S | 70 | 41 | 54 | W | | | | |
| | RP | | | | | | | 1003458.41524 | 995995.35708 | 109 |
| 140 | CHORD | N | 35 | 00 | 53 | W | 490.16 | 1003159.30468 | 995141.29041 | 714 |
| Brunner Prop Cor | | | | | | | | | | |
| | TAN@PT | N | 19 | 18 | 04 | W | | | | |

=====
 NO CLOSURE ERROR Area = 142435.02 sq ft 1003159.30468 995141.29041 714
 FROM ANGLE DIST NORTH EAST TO
 =====

| | | PT/PT INVERSE | | | | | | | | |
|------------------|--------|---------------|----|------|----|----|--------|---------------|--------------|-----|
| ***** | | START | | (C3) | | | | | | |
| 713 | INV | N | 87 | 25 | 14 | E | 204.77 | 1003641.58037 | 995592.80606 | 709 |
| Brunner Prop Cor | | | | | | | | | | |
| 709 | INV | S | 27 | 01 | 42 | E | 450.67 | 1003240.13545 | 995797.60350 | 710 |
| Brunner Prop Cor | | | | | | | | | | |
| 710 | INV | S | 46 | 24 | 36 | W | 133.84 | 1003147.85533 | 995700.66595 | 155 |
| | RADIAL | N | 43 | 35 | 24 | W | | | | |
| | DELTA | | 10 | 35 | 16 | LT | | | | |
| | RADIUS | | | | | | 678.95 | | | |
| | TAN | | | | | | 62.91 | | | |
| | L-ARC | | | | | | 125.46 | | | |
| | RADIAL | N | 54 | 10 | 40 | W | | | | |

TAN@PT N 19 18 0 W

| NO CLOSURE ERROR FROM | | Area = 142435.02 sq ft | | 3.26986 ac | | 1003159.30468 | | 995141.29041 | | 714 | |
|-----------------------|--------|------------------------|----------|------------|--------|---------------|--------------|---------------|------------------|------------------|--|
| | | ANGLE | | DIST | | NORTH | | EAST | | TO | |
| ***** | | PT/PT INVERSE | | C3 | | START | | 1003632.36456 | | 995388.24443 713 | |
| 713 | INV | N | 87 25 14 | E | 204.77 | 1003641.58037 | 995592.80606 | 709 | Brunner Prop Cor | | |
| 709 | INV | S | 27 01 42 | E | 450.67 | 1003240.13545 | 995797.60350 | 710 | Brunner Prop Cor | | |
| 710 | INV | S | 46 24 36 | W | 133.84 | 1003147.85533 | 995700.66595 | 155 | Brunner Prop Cor | | |
| | RADIAL | N | 43 35 24 | W | | | | | | | |
| | DELTA | | 10 35 16 | LT | | | | | | | |
| | RADIUS | | | | 678.95 | | | | | | |
| | TAN | | | | 62.91 | | | | | | |
| | L-ARC | | | | 125.46 | | | | | | |
| | RADIAL | N | 54 10 40 | W | | | | | | | |
| | RP | | | | | 1002656.09966 | 996168.79510 | 132 | | | |
| 155 | CHORD | S | 41 06 58 | W | 125.29 | 1003053.46749 | 995618.27957 | 711 | Brunner Prop Cor | | |
| | TAN@PT | S | 35 49 20 | W | | | | | | | |
| 711 | INV | N | 56 48 55 | W | 91.04 | 1003103.29878 | 995542.08523 | 712 | Brunner Prop Cor | | |
| 712 | INV | N | 16 12 48 | W | 550.98 | 1003632.36456 | 995388.24443 | 713 | Brunner Prop Cor | | |

| NO CLOSURE ERROR FROM | | Area = 130686.26 sq ft | | 3.00014 ac | | 1003632.36456 | | 995388.24443 | | 713 | |
|-----------------------|--------|------------------------|----------|------------|--------|---------------|--------------|---------------|------------------|------------------|--|
| | | ANGLE | | DIST | | NORTH | | EAST | | TO | |
| ***** | | PT/PT INVERSE | | C4 | | START | | 1003641.58037 | | 995592.80606 709 | |
| 709 | INV | N | 87 25 14 | E | 563.60 | 1003666.94555 | 996155.83294 | 635 | Brunner Prop Cor | | |
| | RADIAL | N | 79 57 40 | E | | | | | | | |
| | DELTA | | 56 26 56 | RT | | | | | | | |
| | RADIUS | | | | 138.91 | | | | | | |
| | TAN | | | | 74.56 | | | | | | |
| | L-ARC | | | | 136.86 | | | | | | |
| | RADIAL | S | 43 35 24 | E | | | | | | | |
| | RP | | | | | 1003642.73079 | 996019.04640 | 135 | | | |
| 635 | CHORD | S | 18 11 08 | W | 131.39 | 1003542.11695 | 996114.82618 | 152 | | | |
| | TAN@PT | S | 46 24 36 | W | | | | | | | |
| 152 | INV | S | 46 24 36 | W | 437.98 | 1003240.13545 | 995797.60350 | 710 | Brunner Prop Cor | | |
| 710 | INV | N | 27 01 42 | W | 450.67 | 1003641.58037 | 995592.80606 | 709 | Brunner Prop Cor | | |

| NO CLOSURE ERROR FROM | | Area = 130681.97 sq ft | | 3.00005 ac | | 1003641.58037 | | 995592.80606 | | 709 | |
|-----------------------|--------|------------------------|----------|------------|---------|---------------|--------------|---------------|--|------------------|--|
| | | ANGLE | | DIST | | NORTH | | EAST | | TO | |
| ***** | | PT/PT INVERSE | | Total | | START | | 1003618.49002 | | 995080.27350 636 | |
| 636 | INV | N | 87 25 14 | E | 1076.65 | 1003666.94555 | 996155.83294 | 635 | | | |
| | RADIAL | N | 79 57 40 | E | | | | | | | |
| | DELTA | | 56 26 56 | RT | | | | | | | |

2

| FROM | | ANGLE | | DIST | NORTH | EAST | TO |
|-------|---------------|------------|----|--------|---------------|--------------|-----|
| ***** | PT/PT INVERSE | | | | | | |
| ***** | START | | | | 1003618.49002 | 995080.27350 | 636 |
| 636 | INV | N 87 25 14 | E | 308.28 | 1003632.36456 | 995388.24443 | 713 |
| 713 | INV | S 16 12 48 | E | 338.20 | 1003307.61193 | 995482.67542 | 715 |
| 715 | INV | S 66 31 07 | W | 372.21 | 1003159.30468 | 995141.29041 | 714 |
| | RADIAL | S 70 41 56 | W | | | | |
| | DELTA | 16 09 29 | RT | | | | |
| | RADIUS | | | 904.93 | | | |
| | TAN | | | 128.45 | | | |
| | L-ARC | | | 255.20 | | | |
| | RADIAL | S 86 51 24 | W | | | | |
| | RP | | | | 1003458.41524 | 995995.35708 | 109 |
| 714 | CHORD | N 11 13 20 | W | 254.35 | 1003408.79623 | 995091.78918 | 67 |
| | TAN@PT | N 3 08 36 | W | | | | |
| 67 | INV | N 3 08 36 | W | 210.01 | 1003618.49002 | 995080.27350 | 636 |

RECEIVED
JUN - 1 2005
KITITAS COUNTY
CDS

NO CLOSURE ERROR FROM Area = 138844.38 sq ft 3.18743 ac

| FROM | | ANGLE | | DIST | NORTH | EAST | TO |
|-------|---------------|------------|----|--------|---------------|--------------|-----|
| ***** | PT/PT INVERSE | | | | | | |
| ***** | START | | | | 1003159.30468 | 995141.29041 | 714 |
| 714 | INV | N 66 31 07 | E | 372.21 | 1003307.61193 | 995482.67542 | 715 |
| 715 | INV | S 16 12 48 | E | 212.78 | 1003103.29878 | 995542.08523 | 712 |
| 712 | INV | S 56 48 55 | E | 91.04 | 1003053.46749 | 995618.27957 | 711 |
| | RADIAL | N 54 10 40 | W | | | | |
| | DELTA | 6 55 57 | LT | | | | |
| | RADIUS | | | 678.95 | | | |
| | TAN | | | 41.12 | | | |
| | L-ARC | | | 82.15 | | | |
| | RADIAL | N 61 06 37 | W | | | | |
| | RP | | | | 1002656.09966 | 996168.79510 | 132 |
| 711 | CHORD | S 32 21 21 | W | 82.10 | 1002984.11586 | 995574.34249 | 157 |
| | TAN@PT | S 28 53 23 | W | | | | |
| 157 | INV | S 28 53 23 | W | 251.77 | 1002763.68234 | 995452.70829 | 142 |
| | RADIAL | S 61 06 37 | E | | | | |
| | DELTA | 100 22 55 | RT | | | | |
| | RADIUS | | | 20.00 | | | |
| | TAN | | | 24.00 | | | |
| | L-ARC | | | 35.04 | | | |
| | RADIAL | S 39 16 18 | W | | | | |
| | RP | | | | 1002773.34484 | 995435.19726 | 141 |
| 142 | CHORD | S 79 04 51 | W | 30.73 | 1002757.86180 | 995422.53727 | 140 |
| | TAN@PT | N 50 43 42 | W | | | | |
| | RADIAL | S 39 16 18 | W | | | | |
| | DELTA | 31 25 37 | RT | | | | |
| | RADIUS | | | 904.93 | | | |
| | TAN | | | 254.59 | | | |
| | L-ARC | | | 496.36 | | | |

2

RP 1003458.1524 995995.35708 109

140 CHORD N 35 00 53 W 490.16 1003159.30468 995141.29041 714

TAN@PT N 19 18 04 W Brunner Prop Cor

NO CLOSURE ERROR Area = 142435.02 sq ft 1003159.30468 995141.29041 714
FROM ANGLE DIST NORTH EAST TO

PT/PT INVERSE (C3)
***** START 1003632.36456 995388.24443 713

713 INV N 87 25 14 E 204.77 1003641.58037 995592.80606 709
Brunner Prop Cor

709 INV S 27 01 42 E 450.67 1003240.13545 995797.60350 710
Brunner Prop Cor

710 INV S 46 24 36 W 133.84 1003147.85533 995700.66595 155

RADIAL N 43 35 24 W

DELTA 10 35 16 LT

RADIUS 678.95

TAN 62.91

L-ARC 125.46

RADIAL N 54 10 40 W

RP

155 CHORD S 41 06 58 W 125.29 1003053.46749 995618.27957 711
Brunner Prop Cor

TAN@PT S 35 49 20 W

711 INV N 56 48 55 W 91.04 1003103.29878 995542.08523 712
Brunner Prop Cor

712 INV N 16 12 48 W 550.98 1003632.36456 995388.24443 713
Brunner Prop Cor

NO CLOSURE ERROR Area = 130686.26 sq ft 1003632.36456 995388.24443 713
FROM ANGLE DIST NORTH EAST TO

PT/PT INVERSE (C4)
***** START 1003641.58037 995592.80606 709

709 INV N 87 25 14 E 563.60 1003666.94555 996155.83294 635
Brunner Prop Cor

RADIAL N 79 57 40 E

DELTA 56 26 56 RT

RADIUS 138.91

TAN 74.56

L-ARC 136.86

RADIAL S 43 35 24 E

RP

635 CHORD S 18 11 08 W 131.39 1003542.11695 996114.82618 152

TAN@PT S 46 24 36 W

152 INV S 46 24 36 W 437.98 1003240.13545 995797.60350 710
Brunner Prop Cor

710 INV N 27 01 42 W 450.67 1003641.58037 995592.80606 709
Brunner Prop Cor

NO CLOSURE ERROR Area = 130681.97 sq ft 1003641.58037 995592.80606 709
FROM ANGLE DIST NORTH EAST TO

PT/PT INVERSE
***** START Total 1003618.49002 995080.27350 636

636 INV N 87 25 14 E 1076.65 1003666.94555 996155.83294 635

DELTA 56 26 56 RT
 RADIUS 3.91
 TAN 74.56
 L-ARC 136.86

RADIAL S 43 35 24 E
 RP

635 CHORD S 18 11 08 W 131.39 1003642.73079 996019.04640 135
 TAN@PT S 46 24 36 W 1003542.11695 996114.82618 152

152 INV S 46 24 36 W 571.81 1003147.85533 995700.66595 155
 RADIAL N 43 35 24 W

DELTA 17 31 13 LT
 RADIUS 678.95
 TAN 104.62
 L-ARC 207.61

RADIAL N 61 06 37 W
 RP 1002656.09966 996168.79510 132
 155 CHORD S 37 38 59 W 206.80 1002984.11586 995574.34249 157

TAN@PT S 28 53 23 W
 157 INV S 28 53 23 W 251.77 1002763.68234 995452.70829 142
 RADIAL S 61 06 37 E

DELTA 100 22 55 RT
 RADIUS 20.00
 TAN 24.00
 L-ARC 35.04

RADIAL S 39 16 18 W
 RP 1002773.34484 995435.19726 141
 142 CHORD S 79 04 51 W 30.73 1002757.86180 995422.53727 140

TAN@PT N 50 43 42 W
 RADIAL S 39 16 18 W
 DELTA 47 35 06 RT

RADIUS 904.93
 TAN 398.98
 L-ARC 751.56

RADIAL S 86 51 24 W
 RP 1003458.41524 995995.35708 109

140 CHORD N 26 56 09 W 730.14 1003408.79623 995091.78918 67
 TAN@PT N 3 08 36 W

67 INV N 3 08 36 W 210.01 1003618.49002 995080.27350 636

=====
 1003618.49002 995080.27350 636

NO CLOSURE ERROR Area = 542647.69 sq ft 12.45748 ac

2

KITTAS COUNTY CBS
411 N. Rudy Suite #2
ELLENSBURG, WA 98926

CRB 111-3

CASH RECEIPT

043302

Date 6/1/05

Received From

Crucel Assoc.

Address

Dollars \$ 1750

For

BXT SP

ACCOUNT

HOW PAID

| AMT. OF ACCOUNT | AMT. PAID | BALANCE DUE |
|-----------------|--------------|-------------|
| | <u>17500</u> | |

| CASH | CHECK | MONEY ORDER | CREDIT CARD |
|------|--------------|-------------|-------------|
| | <u>17500</u> | | |

BY

[Signature]

