

SECOND UPDATE
SUBDIVISION GUARANTEE

Office File Number : 0103939
Guarantee Number : 48 0035 72030 6668
Dated : January 20, 2009, at 8:00 am
Liability Amount : \$ 1,000.00
Premium : \$ 200.00
Tax : \$ 15.40

Your Reference : SCHMAUS

Name of Assured: ENCOMPASS ENGINEERING AND SURVEYING

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

PARCEL A:

All that portion of the following described tract lying South of the Plat of Big Creek, and East of the thread of Big Creek;
Beginning at the Southwest corner of Section 21, Township 20 North, Range 14 East, W.M, Kittitas County, State of Washington;
Thence Easterly 1,477 feet to a point on the South boundary line of said Section; Thence North 18' East, to the South boundary line of the Chicago, Milwaukee, St. Paul and Pacific Railway Company's right of way;
Thence Westerly along said line to the intersection of said railway right of way with the Easterly boundary line right of way of county road;
Thence Southeasterly along said East boundary line to the West boundary line of said Section 21;
Thence South along said West boundary line to the point of beginning;
EXCEPT the South 141 feet, as measured along the East line, thereof; and
EXCEPT Parcel 1 of that certain survey as recorded November 13, 1990 in Book 17 of Surveys, Page 16, under Auditor's File No. 534986, Records of Kittitas County, State of Washington;
being a portion of the Southwest Quarter of Section 21, Township 20 North, Range 14 East, W.M., Kittitas County, State of Washington;

PARCEL B:

An easement for ingress and egress across a portion of the Northwest Quarter of Section 28, Township 20 North, Range 14 East, W.M., in the County of Kittitas, State of Washington, 60.00 feet in width (perpendicular measure), lying westerly of, adjacent to and abutting the following described line:

Beginning at the Southwest corner of Lot 1 of the Gentry Short Plat (Kittitas County Short Plat No. SP-91-06), as per short plat thereof recorded December 16, 1991 in Book D of Short Plats at pages 18 and 19, under Auditor's File No. 545364, records of Kittitas County, State of Washington, which is the true point of beginning of said described line; thence North 00°23'33" East along the West line of said Lot 1, 629.96 feet, more or less, to the Northwest corner of said Lot 1; thence continuing North 00°23'33" East along the West line and West line projected of Parcels 1, 2 and 3 of that certain survey as recorded August 13, 2002, in Book 27 of Surveys at pages 248 and 249, under Auditor's File No. 200208130003, records of said County, 1324.90 feet, more or less, to the North line of the Northwest Quarter of Section 28, Township 20 North, Range 14 East, W.M., and the terminus of said described line.

(SCHEDULE B continued)

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The sidelines of said easement to be lengthened or shortened to intersect the north right of way boundary of Nelson Siding (County) Road along the south and the north line of the Northwest Quarter of Section 28, Township 20 North, Range 14 East, W.M., on the North.

PARCEL C:

An easement for ingress and egress described as follows:

Beginning at the North terminus of Big Creek Road as described at paragraph 2 of instrument recorded under Kittitas County Auditor's File No. 200302210046; thence Westerly along the North line of Section 28, Township 20 North, Range 14 East, W.M., Kittitas County, Washington to the Southerly terminus of point L9 as set forth in survey recorded under Kittitas County Auditor's File No. 200208130003; thence continuing along said North line Westerly Sixty (60') feet; thence Easterly along said Section line to the Southerly terminus of point L9; thence Northerly along said line L9 to the Northerly terminus of said line L9 and the terminus of said easement.

Title to said real property is vested in:

ROBIN SCHMAUS AND JAYNE SCHMAUS, HUSBAND AND WIFE

END OF SCHEDULE A

(SCHEDULE B)

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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 2009, not payable until February 15, 2009, in an amount not yet available from the Treasurer's Office.
Tax No. : 20-14-21033-0003 (820434)
5. Delinquent general taxes and assessments for the year 2008.
Amount : \$2,768.22, plus interest and penalty
Tax No. : 20-14-21033-0003 (820434)

Note: Tax payments can be mailed to the following address:
Kititias County Treasurer
205 West 5th Avenue, Room 102
Ellensburg, WA 98926
Phone (509) 962-7535
6. Any unpaid assessments or charges, and liability to further assessments or charges, for which a lien may have arisen (or may arise); as imposed by Big Creek Road Committee.
7. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as conveyed by instrument recorded on April 27, 1911, under Kititias County Auditor's File No. 29533.
In favor of : Postal Telegraph Cable Company
For : Right to construct and maintain lines of telegraph, necessary poles and fixtures together with the rights of ingress and egress
Affects : Said premises and other lands.
8. Exceptions and Reservations as contained in Instrument
From : James Adams and D.R. Mckay and M.P. Mckay, his wife
Recorded : November 6, 1911 and January 25, 1912
Auditor's File No. : 30867 and 31476
As Follows : Reserving a right of way 30 feet in width, across the South 30 feet of Section 21.

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9. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as conveyed by instrument recorded on June 30, 1948, under Kittitas County Auditor's File No. 202133.
In favor of : The Pacific Telephone and Telegraph Company
For : A right of way and easement to construct, operate, maintain, replace and remove such communication systems as said grantee may require upon, over, and under a strip of land 30 feet wide, together with the right to place a repeater housing building adjacent to and outside said 30 foot strip, together with the right of ingress and egress over and across said lands
Affects : Said premises and other lands.
10. Exceptions and Reservations as contained in Instrument
From : International Builders, Inc., a Washington Corporation
Recorded : June 27, 1973
Auditor's File No. : 383266
As Follows : This conveyance reserves to the lot owners on each side of Big Creek and abutting on Big Creek the use of the community tract denoted A on Big Creek Plat in Kittitas County and also the right to use the Sunshine Way, which is or will be dedicated, as a means of ingress and egress to and from the properties lying in that portion of the South Half of Section 21, Township 20 North, Range 14 East, W.M., Records of Kittitas County, State of Washington, designated as Big Creek Addition.
11. 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)
12. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as conveyed by instrument recorded on November 27, 1990, under Kittitas County Auditor's File No. 535241.
For : Ingress, egress and utilities
Affects : East 30 feet
13. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as conveyed by instrument recorded on March 17, 1992, under Kittitas County Auditor's File No. 547356.
In favor of : Puget Sound Power and Light Company, a Washington Corporation
For : Underground electric system
Affects : A strip of land ten feet in width, as constructed
14. Declaration of Road Use and Maintenance Agreement, recorded February 21, 2003, under Kittitas County Auditor's File No. 200302210046, 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.

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15. Terms and Conditions of granted non-exclusive rights to use and 60' access easement as recorded July 27, 2007, under Kittitas County Auditor's File No. 200707270065, which provides in part as follows:

"Said easement shall be subject to the covenants and restrictions found at paragraph 3 of Declaration recorded under Kittitas County Auditor's File No. 200302210046."

16. DEED OF TRUST, and the terms and conditions thereof:

Grantor : Robin A. Schmaus and Jayne Schmaus, husband and wife
Trustee : Landsafe Title of Washington
Beneficiary : Mortgage Electronic Registration Systems, Inc. ("MERS"), (solely as nominee for Lender, as hereinafter defined, and Lender's successors and assigns). Lender: Countrywide Home Loans, Inc., dba America's Wholesale Lender
Amount : \$483,000.00, plus interest
Dated : August 10, 2007
Recorded : October 11, 2007
Auditor's File No. : 200710110054

Appointment of Successor Trustee:

Successor Trustee : RecontrustCompany
Recorded : September 29, 2008
Auditor's File No. : 200809290062

17. Judgment filed in Superior Court of Kittitas County, Washington:

Judgment Debtor : Olympic Credit Service, Inc., a Washington corporation
Judgment Creditor : Jayne Schmaus and John Doe Schmaus, wife and husband
In the amount of : \$421.08, together with any interest, costs and/or attorney fees
Dated : September 26, 2008
Entered : November 18, 2008
Judgment No. : 08-9-00816-7
Cause No. : 08-2-00773-4

18. Rights of the State of Washington in and to that portion of said premises, if any, lying in the bed of Big Creek, if navigable.

19. Any question that may arise due to shifting or change in the course of the creek herein named, or due to said creek having changed its course.
Regarding: Big Creek.

20. Any prohibition or limitation on the use, occupancy, or improvements of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water, and the right of use, control, or regulation by the United States of America in exercise of power over navigation.

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.

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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

CDF/kdb/AW/CDF/lam

1 cc: Encompass: Dustin Pierce
dpierce@encompasses.net