

# CHICAGO TITLE INSURANCE COMPANY

**Policy No.** 7386-12-0120241-2014.72156-91273539

## GUARANTEE

CHICAGO TITLE INSURANCE COMPANY, a Nebraska 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:** 05/22/2014

7386WA 0120241  
AmeriTitle  
503 North Pearl St  
Ellensburg, WA 98926  
Tel: (509) 925-1477  
Fax: (509) 962-8325

**CHICAGO TITLE INSURANCE COMPANY**

By:



*[Signature]*  
ATTEST President

*[Signature]*  
Secretary

*[Signature: Sidney E. Marten]*  
Authorized Signatory

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

SUBDIVISION GUARANTEE

Office File Number : 0120241  
Guarantee Number : WA2011-46-0120241-2014.72156-91273539  
Dated : May 22, 2014, at 8:00 am  
Liability Amount : \$ 1,000.00  
Premium : \$ 250.00  
Tax : \$ 20.00

Your Reference : SCHMAUS

Name of Assured: ENCOMPASS ENGINEERING & 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:

**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;**

Title to said real property is vested in:

**ROBIN SCHMAUS AS HIS SEPARATE ESTATE AND HEIRS AND DEVISEES OF JAYNE SCHMAUS, DECEASED**

END OF SCHEDULE A

(SCHEDULE B)

File No. 0120241

Guarantee Number: WA2011-46-0120241-2014.72156-91273539

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 second half of the year 2014, which become delinquent after October 31, 2014, if not paid.  
Amount : \$1,555.67  
Tax No. : 20-14-21033-0003 (820434)

NOTE: First half 2014 taxes and assessments have been paid in the amount of \$1,555.68.  
General taxes and assessments for the full year: \$3,111.35.

Note: Tax payments can be mailed to the following address:  
Kittitas County Treasurer  
205 West 5<sup>th</sup> Avenue, Room 102  
Ellensburg, WA 98926  
Phone (509) 962-7535

5. 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 Kittitas 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.
6. 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.

(SCHEDULE B CONTINUED)

File No. 0120241

Guarantee Number: WA2011-46-0120241-2014.72156-91273539

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 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.
8. 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.
9. 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)
10. 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
11. 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
12. 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."

(SCHEDULE B CONTINUED)

File No. 0120241

Guarantee Number: WA2011-46-0120241-2014.72156-91273539

13. 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
14. Questions relating to heirship, creditor's claims and succession tax liability arising upon the death of the named individual. We find no probate of the estate of said individual in Kittitas County. Any request that this Company insure title without requiring complete probate proceedings must come from the attorney for the surviving spouse /domestic partner or heirs;  
Deceased : Jayne Schmaus
15. 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.
16. 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.
17. 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

(SCHEDULE B CONTINUED)

File No. 0120241

Guarantee Number: WA2011-46-0120241-2014.72156-91273539

**Notes:**

1. Suggested abbreviated legal (for use when a standardized cover sheet is required for recording):  
Ptn SW Quarter Section 21, Township 20N, Range 14E, W.M.
2. 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**

SM/hh

1 cc: AmeriTitle: Maire Twomey

1 cc: emmett@emclaulin.com

1 cc: mkirkpatrick@encompasses.net

# 1001 BIG CREEK RD, CLE ELUM



Date: 5/28/2014

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

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



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