

# CHICAGO TITLE INSURANCE COMPANY

Policy No. 72156-46840392

2<sup>nd</sup> UPDATED  
GUARANTEE

RECEIVED  
MAR 03 2020

Kittitas Co. GDS

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: February 24, 2020

Issued by:

AmeriTitle, Inc.

101 W Fifth Ave.

Ellensburg, WA 98926

(509)925-1477

  
Authorized Signer

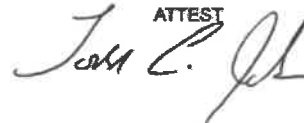
CHICAGO TITLE INSURANCE COMPANY

By:



President

ATTEST



Secretary



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

Subdivision Guarantee Policy Number: 72156-46840392

# SUBDIVISION GUARANTEE

Order No.: 307155AM  
Guarantee No.: 72156-46840392  
Dated: February 24, 2020

Liability: \$1,000.00  
Fee: \$500.00  
Tax: \$41.50

Your Reference:

Assured: Pat Deneen

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 1:

Government Lots 3 and 4 and the South Half of the Northwest Quarter of Section 3, Township 19 North, Range 17 East, W.M., in the County of Kittitas, State of Washington;

EXCEPT Right of Way for State Highway over and across said premises.

Parcel 2:

The South Half of the Southwest Quarter of Section 27, and  
The West Half of Section 34, EXCEPT

A) One acre for cemetery purposes in the Southwest Quarter of said Section 34 and right of way for road leading thereto across said premises, as reserved in deed to Albert Melvin Dunford, dated January 31, 1940, and recorded in Book 62 of Deeds, page 242

B) A 60 foot right of way heretofore decreed to the County of Kittitas, across said premises for a roadway;

C) Right of way for state highway over and across a portion of said premises

All in Township 20 North, Range 17 East, W.M., in the County of Kittitas, State of Washington.

Together with that portion thereof conveyed to Pat Burke and Mary Burke, his wife lying in the Northwest Quarter of said Section 34 and the Southwest Quarter of said Section 27, by instrument recorded April 26, 1976, under Auditor's File No. 404319; described as follows:

That portion of the Northwest Quarter of the Northwest Quarter of Section 34, Township 20 North, Range 17 East, W.M., described as follows:

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Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 725+00 on the center line survey of State Highway Route 97 (SR 131), North Summit to Jct SR 97 (now SR 970), and 75 feet Westerly therefrom, thence Northwesterly to a point opposite HES 726+50 on said center line Survey and 240 feet Westerly therefrom, thence Northeasterly to a point on the Westerly line of the former right of way of said Highway opposite HES 729+37 66 on said center line survey and 140 feet Westerly therefrom, thence Northerly, along said Westerly line, to a point opposite HES 730+35 95 on said center line Survey, thence Easterly to a point opposite HES 730+58 08 on said center line survey and 80 feet Westerly therefrom, thence Southerly to the point of beginning, TOGETHER WITH that portion of the former right of way of said Highway lying Northerly of the above described tract of land through the Northwest Quarter of the Northwest Quarter of said Section, through the Southwest Quarter of the Southwest Quarter of Section 27, said Township and Range, and in the Southeast Quarter of the Southeast Quarter of Section 28, said Township and Range.

Title to said real property is vested in:

The Ranch on Swauk Creek, LLC, a Washington limited liability company

**END OF SCHEDULE A**

**(SCHEDULE B)**

Order No: 307155AM  
Policy No: 72156-46840392

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
5. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
6. 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: 2020  
Tax Type: County  
Total Annual Tax: \$73.68  
Tax ID #: 507634  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$36.84  
First Installment Status: Due  
First Installment Due/Paid Date: April 30, 2020  
Second Installment: \$36.84  
Second Installment Status: Due  
Second Installment Due/Paid Date: October 31, 2020  
Affects: Parcel 1

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7. Tax Year: 2020  
Tax Type: County  
Total Annual Tax: \$1,344.81  
Tax ID #: 015535  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$672.41  
First Installment Status: Due  
First Installment Due/Paid Date: April 30, 2020  
Second Installment: \$672.41  
Second Installment Status: Due  
Second Installment Due/Paid Date: October 31, 2020  
Affects: Portion of said premises lying within Section 27
8. Tax Year: 2020  
Tax Type: County  
Total Annual Tax: \$42.97  
Tax ID #: 255535  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$42.97  
First Installment Status: Due  
First Installment Due/Paid Date: April 30, 2020  
Second Installment: \$0.00  
Second Installment Status: Due  
Second Installment Due/Paid Date: October 31, 2020  
Affects: Portion of said premises lying within Section 27
9. Tax Year: 2020  
Tax Type: County  
Total Annual Tax: \$129.01  
Tax ID #: 515635  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$64.51  
First Installment Status: Due  
First Installment Due/Paid Date: April 30, 2020  
Second Installment: \$64.50  
Second Installment Status: Due  
Second Installment Due/Paid Date: October 31, 2020  
Affects: Portion of said premises lying within Section 34
10. Tax Year: 2020  
Tax Type: County  
Total Annual Tax: \$46.49  
Tax ID #: 555635  
Taxing Entity: Kittitas County Treasurer  
First Installment: \$46.49  
First Installment Status: Due  
First Installment Due/Paid Date: April 30, 2020  
Second Installment: \$0.00  
Second Installment Status: Due  
Second Installment Due/Paid Date: October 31, 2020  
Affects: Portion of said premises lying within Section 34
11. Liens, levies and assessments of the Ranch on Swauk Creek Owner's Association.

12. This property is currently classified under the Designated Forest Land Statute R.C.W. 84.33. Sale of this property without notice of compliance to the County Assessor will cause a supplemental assessment, interest, and penalty to be assessed.

Note: If it is the intent of the buyer/transferee in this transaction to request a continuance of this classification, please contact the the Kittitas County Assessor's Office at (509) 962-7501 for their requirements.

13. This property is currently classified under the Open Space Taxation Statute R.C.W. 84.34. Sale of this property without notice of compliance to the county Assessor will cause a supplemental assessment, interest, and penalty to be assessed against the seller/transferor.

Note: If it is the intent of the buyer/transferee in this transaction to request a continuance of this classification, please contact the Kittitas County Assessor's Office at (509) 962-7501 for their requirements.

14. A right of way with the right to erect and maintain poles, with necessary wires and fixtures thereon and to keep same free from foliage across the above described lands as located and staked, as conveyed to the Pacific Telephone and Telegraph Company by deed dated October 9, 1925, and recorded in Book 43 of Deeds, page 15.  
Affects: Parcel 2

Said easement has been assigned to the Ellensburg Telephone Company, by assignment recorded September 21, 1959, in Book 105 of Deeds, page 33.  
Affects: Parcel 1

15. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:

Granted To: Pacific Telephone and Telegraph Company

Purpose: A right of way with the right to erect and maintain poles, with the necessary wires and fixtures thereon and to keep same free from foliage across said land, and the right to place and maintain gates in fences at the point or points where the right of way intersects said fences, and the right of access to said right of way for the purpose of repairs, etc.

Dated: October 26, 1925  
Book 43 of Deeds, Page 97

Said easement contains the following provision:

"The grantor agrees not to grant any right or permit for the erection or maintenance of any electric power transmission line or lines upon or over said property, parallel with and within 50 feet of the lines placed by the Telephone Company or for the erection and maintenance of any such line or lines across the Telephone Company right of way at an angle of less than 35 degrees."

Said easement has been assigned to the Ellensburg Telephone Company, by assignment recorded September 21, 1959 in Book 105 of Deeds, page 33.  
Affects: Parcel 1

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: Pacific Telephone and Telegraph Company

Purpose: The right to erect and maintain poles, with the necessary wires and fixtures thereon and to keep same free from foliage across the above described lands

Dated: June 3, 1929  
Book 47 of Deeds, Page 453

Said easement has been assigned to the Ellensburg Telephone Company, by assignment recorded September 21, 1959, in Book 105 of Deeds, page 33.

17. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:

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Granted To: United States of America

Purpose: The erection, operation, maintenance and repair of one or more electric power transmission lines and appurtenant signal lines, poles, towers, wires, cables and appliances necessary in connection therewith, in, upon, over and under and across part of the Southwest Quarter of Section 34, together with the right to clear said parcel of land and keep clear of all brush, timber, structures and fire hazards, and also the present and future right to top, limb, fell and remove all growing or dead trees which could fall upon or against said transmission and signal line facilities

Dated: May 19, 1959

Book 104 of Deeds, Page 232

Said instrument also grants a permanent easement and right of way for the construction, operation and maintenance of a road approximately 14 feet in width, with such additional widths as are necessary to provide for cuts, fills and turn-outs, etc., in a portion of the Northwest Quarter of the Southwest Quarter of said Section.

Affects: Parcel 2

18. Terms and conditions of stipulated Judgment and Decree of Appropriation recorded June 3, 1971, in Kittitas County Superior Court Cause No. 17232, entitled the State of Washington, Petitioner, vs. Janes T. Burke, Et us, et al. The installation of a type 2 (4 strands barb wire with steel posts, 4-1/2 feet in height) fence which must be constructed by the respondent, his heirs, successors or assigns when construction of SR 131 on said premises is completed. This is a covenant that runs with the land, respondent, his heirs, successors or assigns will be responsible for maintenance of the fence after construction.

Affects: Parcel 2 and other land.

19. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:

Granted To: Ellensburg Telephone Co.

Purpose: Lines of telephone and telegraph, or other signal or communication circuits, consisting of such underground conduits, cables etc., and appurtenances thereto, as the grantee may from time to time require

Recorded: July 6, 1972

Instrument No.: 376439

Affects: Portion of the Northwest Quarter of said Section 34

Said easement contains the following

D) Covenant against digging near cable which would in any manner disturb solidity or unearth any portion thereof

E) Covenant that no structure will be erected will be erected or permitted within 15 feet of said lines

F) Right of free ingress to and egress from said property for purposes of constructing, reconstructing, operating, inspecting, maintaining or removing said lines, cables and appurtenances

20. At the request of the insured, we have agreed to eliminate any reference in the policy to issue as to the pendency of Yakima County Superior Court Cause No. 77-2-01484-5 on the agreed-upon understanding that there are no provisions in said policy which afford, or are intended to afford, insurance that there is a present or continuing right to use surface waters of the Yakima River Drainage Basin. The sole purpose of said paragraph appearing in our Guarantee was to advise the insured that such an action is pending of record and that judgment adjudicating such surface waters are being sought in accordance with the statutes of the State.

21. Terms and conditions of the Stipulated Judgment and Decree of Appropriation as to Item No. 2 and Amended Stipulated Judgment and Decree of Appropriation as to Item No. 2, entered July 7, 1970, and February 22, 1974, respectively, in Kittitas County Superior Court, Cause Number 17205.
22. Release of Damages, including the terms and provisions thereof, recorded April 2, 1979, under Auditor's File No. 431211, between Robert Patrick Burke and Mary Burke, husband and wife, their heirs, assigns, or other successors in interest and the State of Washington.  
Affects: Parcels 1 and 2
23. Effect, if any, of an Agreement,  
Between: Trendwest Resorts, Inc., and Pat and Mary Burke  
Recorded: March 26, 2002  
Instrument No.: 200203260019
24. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted By: The Ranch on Swauk Creek LLC, a Washington limited liability company and Evergreen Valley LLC, a Washington limited liability company  
Purpose: The location, construction and use of a private road for ingress and egress, together with, but not limited to, the right to reconstruct, replace, repair, maintain, and use said road; and the location, construction and use of underground utilities, including, but not limited to, power, telephone, cable and natural gas, together with, but not limited to, the right to install, replace, repair, maintain and use said utilities; and the location, construction and use of underground irrigation pipeline(s), together with, but not limited to, the right to install, replace, repair, maintain and use said pipeline(s).  
Recorded: January 30, 2008  
Instrument No.: 200801300046  
Affects: The Southwest Quarter of said Section 27 and other land
25. Primary Declaration of Covenants, Conditions and Restrictions for the Ranch on Swauk Creek, 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: March 12, 2008  
Instrument No.: 200803120033  
  
Modification(s) of said covenants, conditions and restrictions  
Recorded: March 7, 2019  
Instrument No: 201903070001
26. Any claims arising as to the location of the 1 acre parcel and road as set forth in the legal description for Parcel 2, Exception #1.
27. Rights of the State of Washington in and to that portion of said premises, if any, lying in the bed or former bed of the Swauk Creek, if it is navigable.
28. Any question of location, boundary or area related to the Swauk Creek, including, but not limited to, any past or future changes in it.
29. Any question of location, boundary or area related to the Dry Creek, including, but not limited to, any past or future changes in it.
30. Any question of location, boundary or area related to the Dry Creek, including, but not limited to, any past or future changes in it.



31. Any prohibition or limitation on the use, occupancy, or improvements of the Land resulting from the rights of the public, appropriators, or riparian owners to use any waters, which may now cover the Land or to use any portion of the Land which is now or may formerly have been covered by water.

**END OF EXCEPTIONS**

**Notes:**

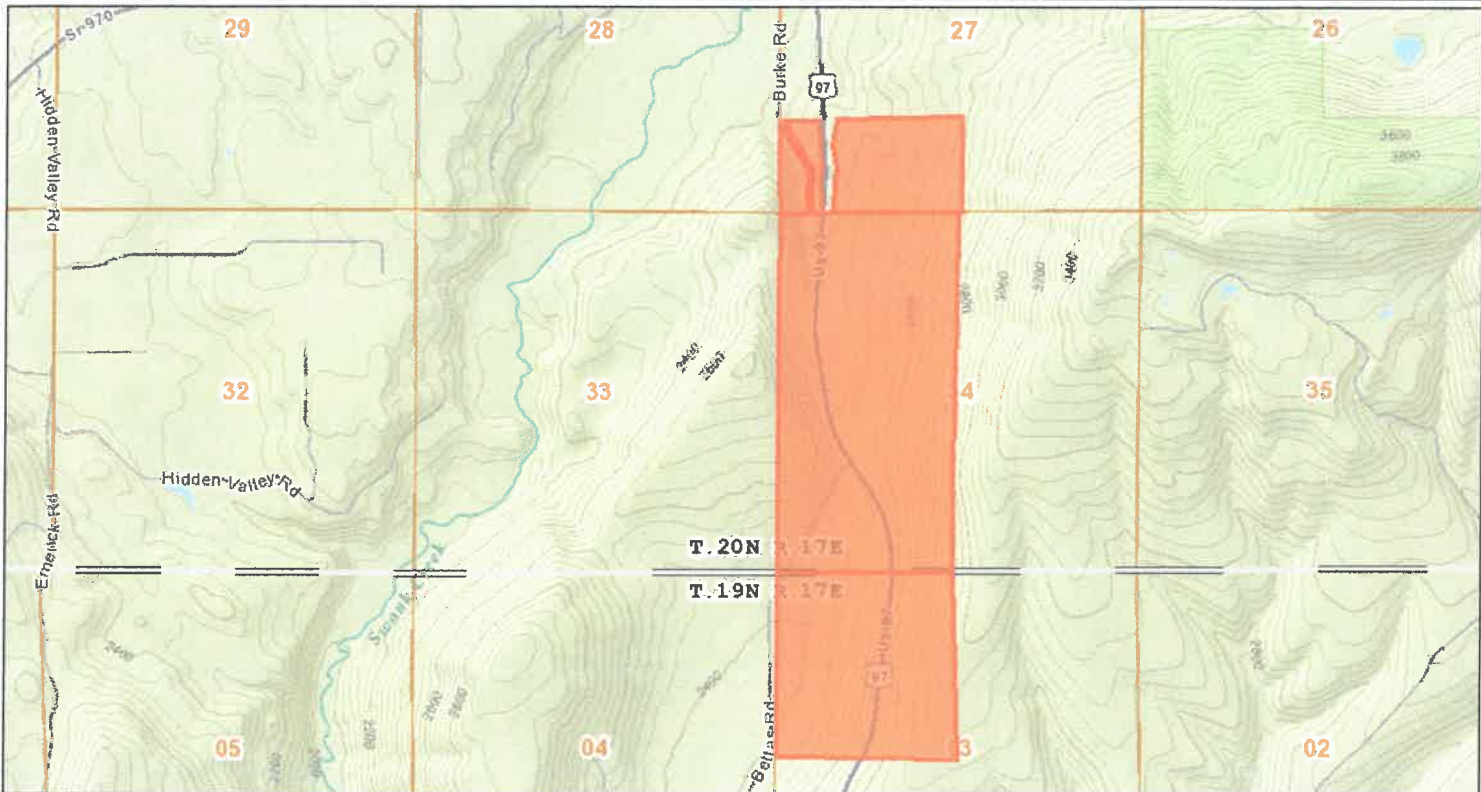
Note No. 1: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance 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: Government Lots 3 and 4 and S Half of the NW Quarter of Section 3, Township 19N, Range 17E, W.M. and ptn S Half of the SW Quarter of Section 27, and ptn W Half of Section 34, Township 20N, Range 17E, W.M.

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**

# NKA Hwy 97



Date: 7/2/2019

1 inch = 3,009 feet  
Relative Scale 1:36,112

**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.





