

# CHICAGO TITLE INSURANCE COMPANY

**Policy No. 72156-47739091**

## **3<sup>rd</sup> AMENDED GUARANTEE**

CHICAGO TITLE INSURANCE COMPANY, a Florida corporation, herein called the Company, guarantees the Assured against actual loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth in Schedule A.

PLEASE NOTE CAREFULLY THE LIABILITY EXCLUSIONS AND LIMITATIONS AND THE SPECIFIC ASSURANCES AFFORDED BY THIS GUARANTEE. IF YOU WISH ADDITIONAL LIABILITY, OR ASSURANCES OTHER THAN AS CONTAINED HEREIN, PLEASE CONTACT THE COMPANY FOR FURTHER INFORMATION AS TO THE AVAILABILITY AND COST.

Dated: December 29, 2022

Issued by:

AmeriTitle, LLC

101 W Fifth Ave.

Ellensburg, WA 98926

(509)925-1477

*Laura Woodiwiss*

Authorized Signer

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

Subdivision Guarantee Policy Number: 72156-47739091

CHICAGO TITLE INSURANCE COMPANY



By: *Agnes M. Pina L*

President

ATTEST  
*Tom C. [Signature]*  
Secretary

Received By: Encompass

**JAN - 6 2023**

Engineering and Surveying

16085

# 3<sup>rd</sup> AMENDED SUBDIVISION GUARANTEE

Order No.: 497794AM  
Guarantee No.: 72156-47739091  
Dated: December 29, 2022 at 7:30 A.M.

Liability: \$1,000.00  
Fee: \$350.00  
Tax: \$29.05

Your Reference: NKA & 400 Mountain Ridge Rd, Roslyn, WA 98941

Assured: Jeffrey J. Hensler, an unmarried man, and R & R Heights Land Co Inc., a Washington Corporation

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:

## TRACT A:

Parcel 1 of that certain Survey as recorded March 28, 2008, in Book 34 of Surveys, page 242, under Auditor's File No. [200803280062](#), records of Kittitas County, Washington; being a portion of the Northeast Quarter of Section 18, Township 20 North, Range 15 East, W.M., in the County of Kittitas, State of Washington.

## TRACT B:

Parcel 6 of that certain Survey as recorded April 30, 2008, in Book 35 of Surveys, pages 26 through 29, under Auditor's File No. [200804300032](#), records of Kittitas County, Washington; being a portion of Section 7, and a portion of Section 18, all in Township 20 North, Range 15 East, W.M., in the County of Kittitas, State of Washington.

Title to said real property is vested in:

Jeffrey J. Hensler, an unmarried man, as to Tract A, R & R Heights Land Company Inc., a Washington Corporation, as to Tract B

**END OF SCHEDULE A**

**(SCHEDULE B)**

Order No: 497794AM  
Policy No: 72156-47739091

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. Taxes, including any assessments collected therewith, for the year 2023 which are a lien not yet due and payable.

Note: Taxes, including any assessments collected therewith, for the year shown below are paid:  
Amount: \$6,542.55  
Year: 2022  
Parcel No.: 18418 (Affects: Tract A)

7. Taxes, including any assessments collected therewith, for the year 2023 which are a lien not yet due and payable.

Note: Taxes, including any assessments collected therewith, for the year shown below are paid:  
Amount: \$1,878.39  
Year: 2022  
Parcel No.: 146134 (Affects: Tract B, Portion of Parcel 6)

8. Taxes, including any assessments collected therewith, for the year 2023 which are a lien not yet due and payable.

Note: Taxes, including any assessments collected therewith, for the year shown below are paid:  
Amount: \$47.84  
Year: 2022  
Parcel No.: 20255 (Affects: Tract B, Portion of Parcel 6)

9. 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.

Affects: A portion of Tract B

10. Liens, levies and assessments of the Mountain Ridge Community Owners' Association.
11. Liens, levies and assessments of the Mountain Ridge Water System.
12. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in deed from Joseph H. Dixon.  
Recorded: December 24, 1886  
[Book: C, Page 122](#)  
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
13. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in Instrument from Ehner E Prowell (an unmarried man).  
Recorded: December 24, 1886  
[Book: D of Deeds, Page 168](#)  
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
14. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in deed from Joseph Dixon.  
Recorded: April 20, 1887  
[Book: D, Page 299](#)  
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
15. Reservation of Oil, gas, minerals, or other hydrocarbons, including the terms and provisions contained therein, in deed from PCTC, Inc., a Delaware Corporation (formerly known as Plum Creek Timber Company, Inc., and BN Timberlands, Inc.).  
Recorded: June 30, 1989  
Instrument No.: [521473](#)  
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
16. Agreement and the terms and conditions contained therein  
Between: PCTC, INC., A Delaware corporation (formerly known as Plum Creek Timber Company, INC., AND BN Timberlands, INC.) as grantors, Plum Creek Timber Company, L.P., as grantee, Meridian Minerals Company, a Montana Corporation, as reserved mineral owner and Meridian Oil, Inc., a Delaware Corporation, as reserved oil and gas owner.  
Recorded: May 31, 1991  
Instrument No.: [539737](#)
17. Partial Waiver of surface use rights.  
Recorded: April 8, 1996  
Auditor's File No.: [199604080028](#)  
Executed by: Meridian oil Inc.
18. Road Maintenance Agreement, including the terms and provisions thereof,  
Recorded: June 21, 2001  
Instrument No.: [200106210052](#) and [200106210053](#)

19. Partial Assignment of Easement and Assumption Agreement, and the terms and conditions thereof, executed by and between the parties herein named;  
Between: Plum Creek Timberlands, L.P. and Cle Elum Sapphire Skies, L.L.C., a Washington limited liability company  
Dated: August 13, 2001  
Recorded: August 17, 2001  
Auditor's File No.: [200108170038](#)

Said assignment assigns an easement previously reserved in document recorded December 27, 2000 under [200012270003](#).

20. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,  
Recorded: April 1, 2003 and April 20, 2004  
Book: 28 of Surveys Pages: 211 and 212 and Book: 30 of Surveys Pages: 35 and 36  
Instrument No.: [200304010032](#) and [200404200022](#)  
Matters shown:  
a) 55' radius easement
21. Any question arising as to the location of the depicted easement as disclosed by survey recorded December 11, 2003, in Book 29 of Surveys, page 176, under Kittitas County Auditor's File No. [200312110022](#).
22. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,  
Recorded: September 16, 2004  
Book: 30 of Surveys Page: 140  
Instrument No.: [200409160035](#)  
Matters shown:  
a) Note regarding Easement "Q" to be established by separate recording  
b) 55' radius cul de sac Easement "Q"
23. Primary Declaration of Covenants, Conditions and Restrictions for R&R Heights, 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: October 20, 2004  
Instrument No.: [200410200033](#)

Modification(s) of said covenants, conditions and restrictions  
Recorded: March 8, 2012  
Instrument No: [201203080018](#)

Modification(s) of said covenants, conditions and restrictions  
Recorded: February 21, 2017  
Instrument No: [201702210059](#)

Modification(s) of said covenants, conditions and restrictions  
Recorded: June 22, 2021  
Instrument No: [202106220067](#)

24. Secondary Declaration of Covenants, Conditions and Restrictions for R&R Heights, 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: October 20, 2004  
Instrument No.: [200410200034](#)
- Modification(s) of said covenants, conditions and restrictions  
Recorded: March 8, 2012  
Instrument No: [201203080019](#)
- Modification(s) of said covenants, conditions and restrictions  
Recorded: February 21, 2017  
Instrument No: [201702210060](#)
- Modification(s) of said covenants, conditions and restrictions  
Recorded: June 22, 2021  
Instrument No: [202106220068](#)
25. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.  
Recorded: January 10, 2006  
Instrument No.: [200601100052](#)
26. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Between: R&R Heights Land Company, Inc. and Cooper Pass, LLC  
Purpose: Notice of relocation of easement  
Recorded: April 26, 2006  
Instrument No.: [200604260027](#)
- Said easement was amended by document recorded September 30, 2011 under Auditor's File No. [201109300039](#)
27. Easement Maintenance Agreement, including the terms and provisions thereof,  
Recorded: April 26, 2006  
Instrument No.: [200604260028](#)
28. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,  
Recorded: March 28, 2008  
Book: 34 of Surveys Page: 242  
Instrument No.: [200803280062](#)  
Matters shown:  
a) Existing 60' Easement "Q"  
b) Notes contained thereon
29. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,  
Recorded: April 30, 2008  
Book: 35 Page: 26 through 29  
Instrument No.: [200804300032](#)  
Matters shown:  
a) Notes contained thereon

30. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document  
Purpose: Declaration of sewer line and community drainfield easement  
Recorded: March 7, 2012  
Instrument No.: [201203070016](#)
31. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document  
Purpose: Declaration of covenants for the Mountain Ridge water system  
Recorded: January 23, 2013  
Instrument No.: [201301230004](#)
- Modification(s) of said covenants, conditions and restrictions  
Recorded: June 22, 2021  
Instrument No.: [202106220069](#)
32. Mutual Acknowledgment of Relocation of Easement, including the terms and provisions thereof,  
Recorded: January 17, 2014  
Instrument No.: [201401170020](#)  
Between: Plum Creek Timberlands, L.P., a Delaware limited partnership  
And: R & R Heights Land Company, Inc., a Washington Corporation
33. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: R & R Heights Land Company, a Washington Corporation  
Purpose: 20 foot water and utility line easement  
Recorded: January 25, 2018  
Instrument No.: [201801250011](#)  
Affects: A portion of said premises
- Amendment of Water Line and Utility Easement recorded July 14, 2021, under Auditor's File No. [202107140044](#).
34. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$387,200.00  
Trustor/Grantor: Jeffrey J. Hensler, as his separate estate  
Trustee: WFG National Title Insurance Company  
Beneficiary: Mortgage Electronic Registration Systems, Inc. (MERS), solely as nominee for Loandepot.com, LLC  
Dated: October 17, 2019  
Recorded: October 24, 2019  
Instrument No.: [201910240047](#)  
Affects: Tract A
- Re-recorded: February 24, 2020  
Instrument No.: [202002240028](#)
35. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:  
Granted To: Puget Sound Energy, Inc., a Washington Corporation  
Purpose: Utility systems  
Recorded: November 19, 2019  
Instrument No.: [201911190011](#)  
Affects: Said premises and other land

36. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:  
Amount: \$356,800.00  
Trustor/Grantor: Jeffrey J. Hensler, as his separate estate  
Trustee: Kittitas Title and Escrow, LLC  
Beneficiary: Liberty Bay Bank  
Dated: December 18, 2019  
Recorded: December 30, 2019  
Instrument No.: [201912300060](#)  
Affects: Tract A

This Deed of Trust secures an equity line of credit and/or revolving loan. The Company requires satisfactory written statement from the existing lender confirming; (a) the payoff amount, (b) that the line of credit has been closed, and no further draws/advances will be permitted and/or the right to future advances has been terminated, and (c) agreeing to deliver a full satisfaction/release upon payment of the outstanding balance, (d) satisfactory documentation from the borrower to close the account.

37. Any rights, interests, or claims which may exist or arise by reason of the following matters(s) disclosed by survey,  
Recorded: June 1, 2022  
Book: 44 of Surveys Page: 205  
Instrument No.: [202206010042](#)  
Matters shown:  
a) 60' Easement shown thereon

**END OF EXCEPTIONS**



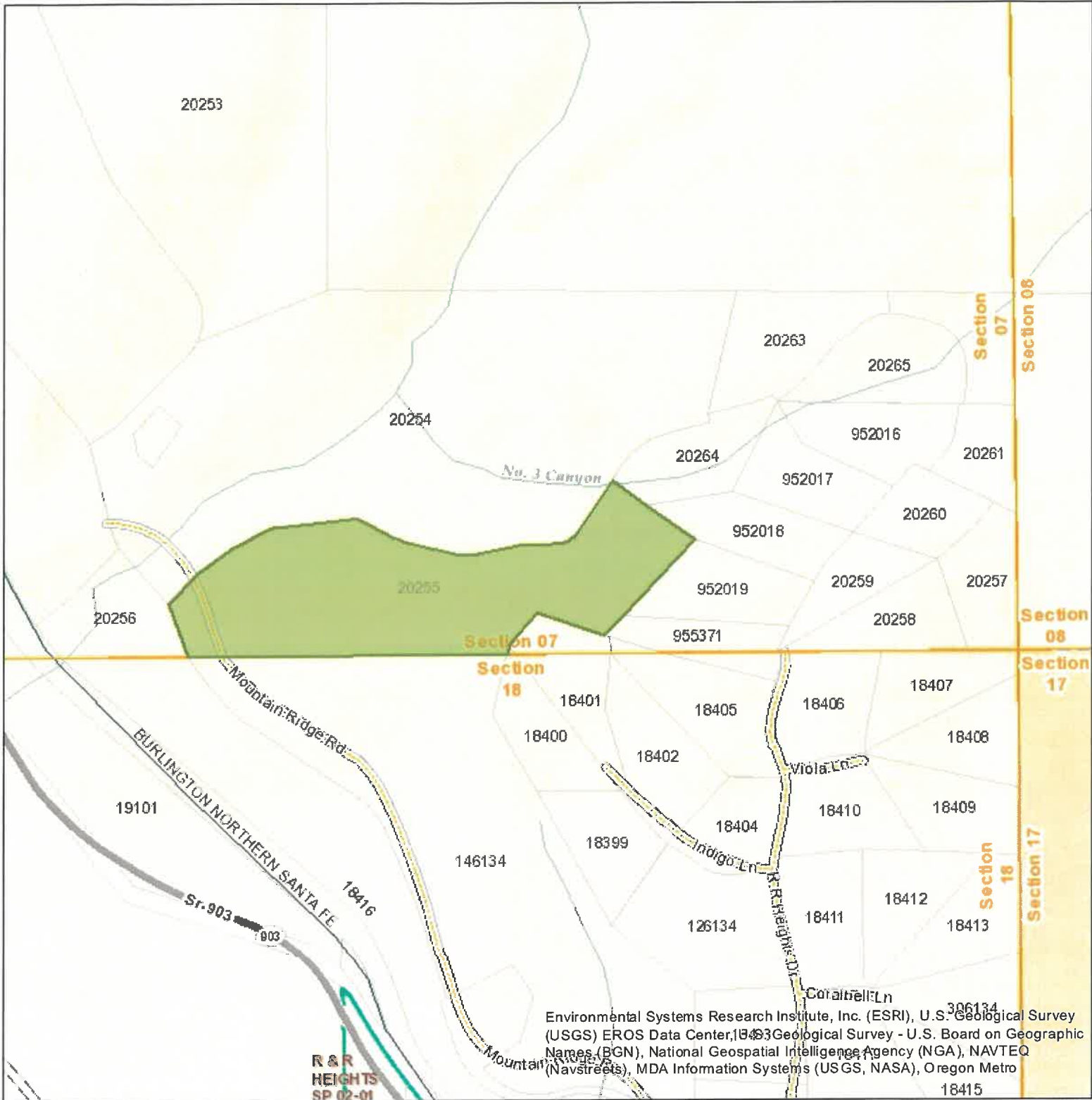
**Notes:**

- a. 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.
- b. 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: Parcel 1, Book 34 of Surveys, page 242, and Parcel 6, Book 35 of Surveys, pgs 26-29, ptn of Section 7, and ptns of Section 18, all in Township 20 N, Range 15 E, 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**

# Parcel 20255



Environmental Systems Research Institute, Inc. (ESRI), U.S. Geological Survey (USGS) EROS Data Center, U.S. Geological Survey - U.S. Board on Geographic Names (BGN), National Geospatial Intelligence Agency (NGA), NAVTEQ (Navstreets), MDA Information Systems (USGS, NASA), Oregon Metro

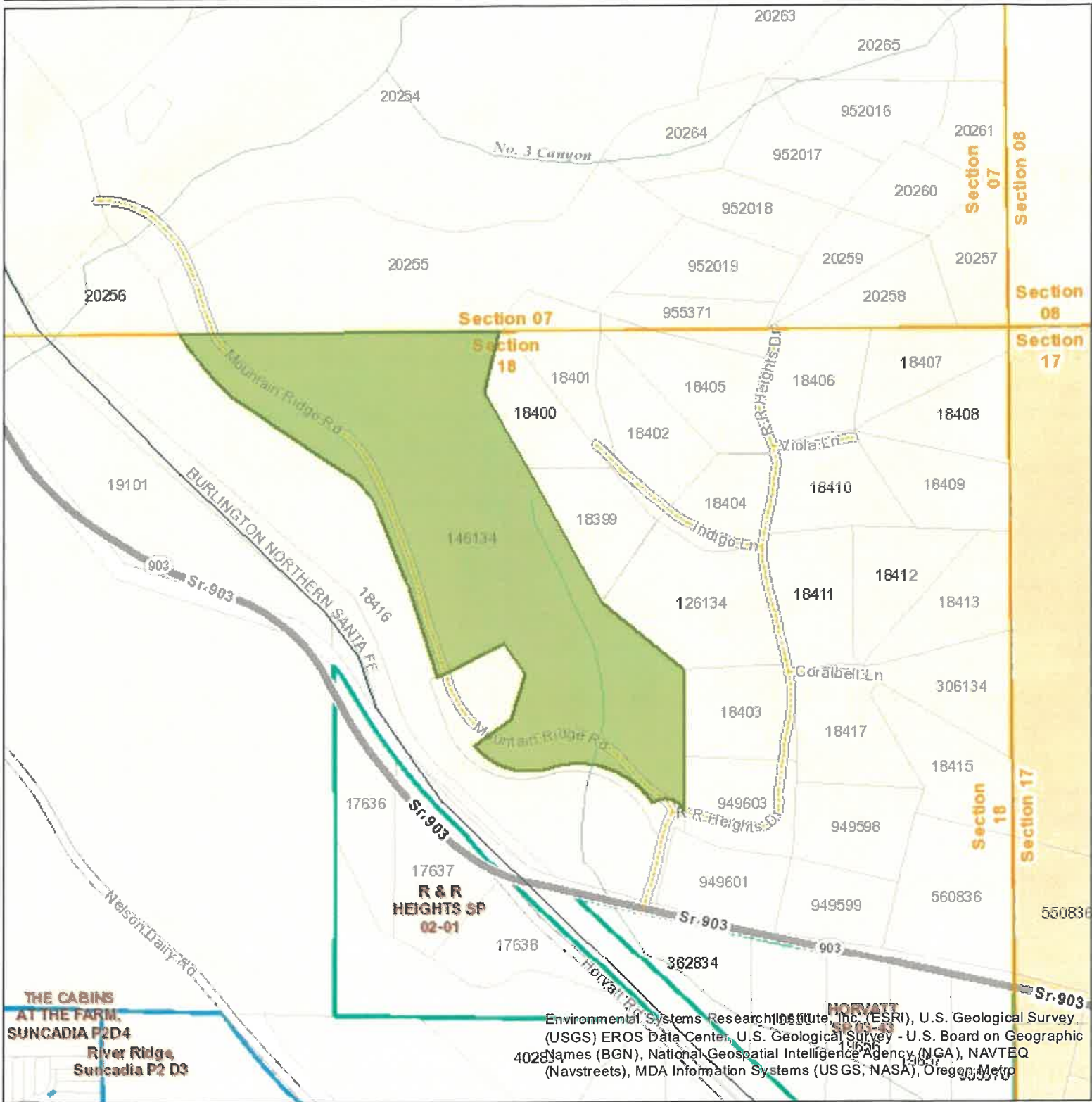
Date: 9/28/2021

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

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# Parcel 146134



Date: 9/28/2021

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

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# Parcel 18418



Date: 9/28/2021

1 inch = 188 feet  
Relative Scale 1:2,257

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