# CHICAGO TITLE INSURANCE COMPANY <br> a corporation, herein called the Company, GUARANTEES 

Policy No. WA2011-46-0107973-2008.72030-76676714
CRUSE AND 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: 10/27/08 at 8:00a.m.


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.

WA2011
0107973
AmeriTitle
101 West 5th Avenue
Ellensburg, WA 98926


| Office File Number | $:$ | 0107973 |
| :--- | :--- | :--- |
| Guarantee Number | $:$ | WA2011-46-0107973-2008.72030-76676714 |
| Dated | $\vdots$ | October 27, 2008, at 8:00am |
| Liability Amount | $: \$ 1,000.00$ |  |
| Premium | $: \$ 20.00$ |  |
| Tax | $\$ \$ 16.00$ |  |
| Your Reference | $:$ D\&H RANCH |  |
| Name of Assured: | CRUSE AND 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:

Lots 13 and 14, HIGH VALLEY RANCHETTES, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 10 of Plats, page 86 through 92, records of said County.

Title to said real property is vested in:
D \& H RANCH, INC., A WASHINGTON CORPORATION

## (SCHEDULE B)

File No. 0107973
Guarantee Number: WA2011-46-0107973-2008.72030-76676714
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 2008, which become delinquent after October 31, 2008, if not paid:
2nd 1/2 owing (1st $1 / 2$ paid) (Full year) TaxParcel No Affects
$\$ \quad 31.31 \quad(\$ \quad 31.31)(\$ \quad 62.62)$ 18-17-36052-0013 (950710) Lot 13
$\$ \quad 40.34 \quad(\$ 40.34)(\$ \quad 80.68) \quad$ 18-17-36052-0014 (950711)

Note: Tax payments can be mailed to the following address:
Kittitas County Treasurer
205 West $5^{\text {th }}$ Avenue, Room 102
Ellensburg, WA 98926
Phone (509) 962-7535
5. 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 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.
6. Possibility of unpaid assessments levied by the Kittitas Reclamation District, notice of which is given by an amendatory contract recorded in Book 82 of Deeds, page 69, under Kittitas County Auditor's File No. 208267, no search having been made therefore.

To obtain assessment information, please contact the Kittitas Reclamation District: 509-925-6158.
7. Vestee deraigns title to said property through deeds from the State of Washington, dated October 25, 1909, recorded in Book 20 of Deeds, pages 223 and 225. Said deeds do not contain the reservation of minerals, etc., as provided in the Laws of the State of Washington, 1907 Session, Chapter 256, Section 3 (Rem. Rev. Statutes, Sec. 7873), but said deed being dated subsequent to June 12, 1907, the date said Act became effective, unless said deed was executed pursuant to a contract of sale dated prior to June 12, 1907, said lands are subject to the reservations provided for in said Act. Reservation by the State of Washington according to R.C.W. 79.01.224. (Affects Southeast Quarter of Section 36, Township 18 North, Range 17 East, W.M.)

Present ownership and other matters affecting said reservation not shown herein.

## (SCHEDULE B)

File No. 0107973
Guarantee Number: WA2011-46-0107973-2008.72030-76676714
8. Exceptions and Reservations as contained in Instrument

| From | $\vdots$ | State of Washington |
| :--- | :---: | :--- |
| Dated | $\vdots$ | October 22, 1915 |
| Recorded | $\vdots$ | November 15, 1915 |
| Auditor's File No. | $\vdots$ | 41737 |
| (Affects North | Half of | Section |
| 36, Township 18 North, Range 17 East, W.M.) |  |  |

9. Waiver of damages as contained in Deed to the Kittitas Reclamation District, dated May 2, 1929, and recorded in Book 47 of Deeds, page 398, as follows:
"Said grantor, for itself and for its successors and assigns, hereby acknowledge full satisfaction for all severance damages and claims thereto to all their lands adjacent to the lands herein conveyed by reason of or occasioned by the location, construction, maintenance and operation of an irrigation canal by grantee, its successors and assigns, over and across the premises herein conveyed. (Affects the Southwest Quarter and West Half of the Southeast Quarter of said Section 36)
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 September 21, 1948, under Kittitas County Auditor's File No. 203593.
In favor of : The Pacific Telephone and Telegraph Company
For : Ingress and egress for a right of way and easement to construct, operate, maintain, replace and remove such communication systems as said grantee may from time to time require. The right to clear and keep cleared all trees, roots, brush and other obstructions from the surface of said strip and to install gates in any fences crossing said strip.
Affects : The West Half of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 36, Township 18 North, Range 17 East, W.M.
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 November 26, 1948, under Kittitas County Auditor's File No. 204934.
In favor of : The Pacific Telephone and Telegraph Company
For : Ingress and egress for a right of way and easement to construct, operate, maintain, replace and remove such communication systems as said grantee may from time to time require. The right to clear and keep cleared all trees, roots, brush and other obstructions from the surface of said strip and to install gates in any fences crossing said strip
Affects : Northeast Quarter of the Southeast Quarter of Section 36, Township 18 North, Range 17 East, W.M. and other land
12. Amendatory Contract, governing reclamation and irrigation matters:

Parties
: The United States of America and the Kittitas Reclamation District
Dated : January 20, 1949
Recorded : May 25, 1949, in Volume 82 of Deeds, page 69
Auditor's File No. : 208267
Affects : Said premises and other lands within the said irrigation district. Said contract governs construction, charges, protection of water rights, irrigation rights, obligations, responsibilities and all related matters.

## (SCHEDULE B)

File No. 0107973
Guarantee Number: WA2011-46-0107973-2008.72030-76676714
13. 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)
14. 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 September 27, 1978, in Volume 105, Page 109, under Kittitas County Auditor's File No. 426619.
In favor of : Menashtash Water Ditch Association, a Washington corporation
For : A perpetual right of way, an easement fifty (50) feet wide measured from the center of the stream being fifteen (15) feet generally to the North and West and thirty-five (35) feet generally to the South and East of the "MENASHTASH DITCH" through its entire course, including the permanent right to construct, operate and maintain said canal, pipeline, banks and ditch-bank road, together with the right of ingress and egress thereto.
15. Easement reserved and granted on the face of that certain survey entitled "Boundary Line Adjustment for High Valley Land, Inc." as recorded February 12, 1997 in Book 22 of Surveys, Pages 162 through 169, under Auditor's File No. 199702120003 and of that certain Short Plat recorded February 12, 1997, in Book E of Short Plats, pages 134 through 141, under Kittitas County Auditor's File No. 199702120004, as follows:

An easement is hereby reserved for and granted to all utilities serving subject plat and their respective successors and assigns, under and upon the exterior ten feet parallel with and adjoining the street frontage of all lots in which to install, lay, construct, renew, operate and maintain underground conduits, cables, pipe, and wires with necessary facilities and other equipment for the purpose of serving the subdivision and other property with electric, telephone and utility service together with the right to enter upon the lots at all times for the purposes herein.
16. Dedication contained on the face of that certain survey entitled "Boundary Line Adjustment for High Valley Land, Inc." as recorded February 12, 1997 in Book 22 of Surveys, Pages 162 through 169, under Auditor's File No. 199702120003 and of that certain Short Plat recorded February 12, 1997, in Book E of Short Plats, pages 134 through 141, under Kittitas County Auditor's File No. 199702120004, wherein the owners dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the plat and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes.
Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, efc. shown on this plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also, the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. And also, do hereby waive all claims for damages whatsoever against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision so platted.

Also, the undersigned does hereby grant forever unto all lessees of lots in this plat and all future plats an undivided interest in all roads shown as private roads.

## (SCHEDULE B)

## (EXCEPTION NO. 16 CONTINUED)

The costs of construction, maintenance and snow removal of all roads, streets, and alleys within this plat and all access roads to this plat shall be the obligation of a nonprofit corporation composed of all the owners of the lots of the plat and of any additional plats that may be served by these roads, streets and alleys.

In the event that the owners of any of the lots of this plat or any additional plats shall petition the County Commissioners to include the roads in the County Road System, it is understood that the roads shall first be built up to the County Road standards in effect at the time of such petition by said nonprofit corporation.

Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way to hamper proper road drainage. The owner of any lot or lots, prior to making any alteration in the drainage system after the recording of the plat, must make application to and receive approval from the director of the Department of Public Works for said alteration. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot shall be done by and at the expense of such owner.
17. Notes 1 through 5 as set forth on that certain survey entitled "Boundary Line Adjustment for High Valley Land, Inc." as recorded February 12, 1997, in Book 22 of Surveys, Pages 162 through 169, under Auditor's File No. 199702120003 and of that certain Short Plat recorded February 12, 1997, in Book E of Short Plats, pages 134 through 141, under Kittitas County Auditor's File No. 199702120004, as follows:

1. The Washington State Department of Natural Resources owns the mineral rights to the North Half of Section 36.
2. The subject property is within or near land used for agriculture on which a variety of commercial activities may occur that are not compatible with residential development for periods of varying duration. (RCW 36.70A060(1)) Commercial Natural Resource activities performed in accordance with County, State and Federal laws are not subject to legal action as public nuisances.
3. By Kittitas County Ordinance, only sprinkler or drip irrigation is permitted on lots three acres or less in size. Lots One through Seventeen are not classified as irrigable by the Kittitas Reclamation District.
4. Per RCW 17.10.140 Landowners are responsible for the spread of noxious weeds. Accordingly, the Kittitas County Noxious Weed Board recommends immediate reseeding of areas disturbed by development to reseeding of areas disturbed by development to preclude the proliferation of noxious weeds.
5. This map does not purport to show all recorded or unrecorded easements.
6. Forty (40') foot utility and private road easements and emergency vehicle turnouts as disclosed and/or delineated on that certain survey entitled "Boundary Line Adjustment for High Valley Land, Inc." as recorded February 12, 1997 in Book 22 of Surveys, Pages 162 through 169, under Auditor's File No. 199702120003 and of that certain Short Plat recorded February 12, 1997, in Book E of Short Plats, pages 134 through 141, under Kittitas County Auditor's File No. 199702120004.
7. Any question arising as to the location of fences in relation to property boundaries as disclosed by the Survey recorded February 12, 1997 in Book 22 of Surveys, pages 162 through 169, under Kittitas County Auditor's File No. 199702120003 and of that certain Short Plat recorded February 12, 1997, in Book E of Short Plats, pages 134 through 141, under Kittitas County Auditor's File No. 199702120004.

## (SCHEDULE B)

File No. 0107973
Guarantee Number: WA2011-46-0107973-2008.72030-76676714
20. Declaration of Protective Covenants, Conditions and Restrictions of High Valley Lakes, recorded January 22, 1999, under Kittitas County Auditor's File No. 199901220042, 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.
21. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on March 1, 2000, under Kittitas County Auditor's File No. 200003010032.
In favor of : Level 3 Communications, LLC
For : Ingress and egress
Affects : Said premises and other land
Amendment to Easement, recorded on January 17, 2001, under Kittitas County Auditor's File No. 200101170008
22. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on March 1, 2000, under Kittitas County Auditor's File No. 200003010033.
In favor of : Level 3 Communications, LLC, its successors, assigns, lessees and agents
For $\quad:$ A right of way and easement to construct, operate, maintain, inspect, alter, replace and remove underground communications system. Consisting of underground cables, wires, conduits, manholes, splicing boxes, surface location markers and other facilities and equipment
Affects : Portion of said premises
23. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on January 23, 2003, under Kittitas County Auditor's File No. 200301230067.
In favor of : Puget Sound Energy, Inc. a Washington corporation
For : The right to construct, operate, maintain, repair, replace, improve, remove, enlarge, and use the Easement area for one or more utility systems for purposes of transmission
Affects : Said premises and other land
24. Matters disclosed on the HIGH VALLEY RANCHETTES Plat recorded June 7, 2006, Book 10 of Plats, Pages 86 through 92, under Auditor's File No. 200606070015, including but not limited to the following:
a) Location of fence lines in relation to property boundaries
b) Location of Manastash Ditch and other ditches
c) Note 2, which states: "A public utility easement 10 feet in width is reserved along all lot lines. The 10 foot easement shall abut the exterior plat boundary and shall be divided 5 feet on each side of interior lot lines. Said easement shall also be used for irrigation."
d) Notes contained thereon
25. Declaration of Easements, recorded June 7, 2006, under Kittitas County Auditor's File No. 200606070017, 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.
26. Mortgage, and the terms and conditions thereof

Mortgagor : D\&H Ranch, Inc., a Washington corporation
Mortgagee : Larry O. Hillis and Veralene Hillis, husband and wife
Amount : $\$ 1,899,181.32$, plus interest
Dated : April 1, 2005
Recorded : May 8,2007
Auditor's File No. : 200705080003
Affects : Said premises and other land
27. Declaration of Protective Covenants, Conditions, Restrictions and Easements of D \& H Ranch Short Plat, and the terms and conditions thereof, executed by and between the parties herein named:
Between : D \& H Ranch, Inc., a Washington corporation
Dated : August 6, 2008
Recorded : August 11, 2008
Auditor's File No. : 200808110072
28. Declaration of Protective Covenants, Conditions, Restrictions and Easements of Robinson Canyon Short Plat, and the terms and conditions thereof, executed by and between the parties herein named:
Between : D\&H Ranch, Inc., a Washington corporation
Dated : August 6, 2008
Recorded : August 11, 2008
Auditor's File No. : 200808110073
29. Rights of the State of Washington in and to that portion of said premises, if any, lying in the bed of Manastash Ditch (Creek), if navigable.
30. Any question that may arise due to shifting or change in the course of the ditch (creek) herein named, or due to said ditch (creek) having changed its course. Regarding: Manastash Ditch (Creek).
31. 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.
32. A portion of the access to said premises is over Kittitas Reclamation District Lateral and therefore, access to said premises is subject to the terms, conditions, regulations and restrictions of the Kittitas Reclamation District.

## 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.

## (SCHEDULE B)

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

## AW/lam

1 cc: Cruse \& Associates: Marsha


 PT/PT INVERSE $/ 3 \mathrm{~B}$
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| 499 | INV | $N$ | 28 | 09 | 37 | W | 65.05 | 4101.4940 | 4339.1916 | 498 |
| 498 | INV | N | 49 | 00 | 43 |  | 24.12 | 4117.3 | 4357.3965 | 497 |
| 497 | INV | N | 2 | 31 | 25 | E | 97.65 | 4214.8653 | 4361.6961 | 496 |
| 496 | INV | 5 | 87 | 42 | 35 | $E$ | 54.82 | 4212.6746 | 4416.4695 | 495 |
| 495 | INV | N | 16 | 27 | 26 | W | 31.54 | 4242.9188 | 4407.5352 | 493 |
| 493 | INV | N | 78 | 42 | 53 | W | 35.02 | 4249.7728 | 4373.1882 | 492 |
| 492 | INV | N | 21 | 03 | 04 | W | 19.79 | 4268,2387 | 4366.0809 | 491 |
| 491 | INV | N | 86 | 10 | 07 | E | 122.82 | 4276.4457 | 4488.6274 | 502 |
| 502 | INV | N | 17 | 14 | 27 | $E$ | 51.85 | 4325.9680 | 4503.9958 | 503 |
| 503 | INV | N | 49 | 05 | 26 | E | 153.69 | 4426.6115 | 4620.1432 | 504 |
| 504 | TNV | N | 24 | 0.4 | 18 | $E$ | 49.71 | 4471.9948 | 4640.4172 | 505 |
| 505 | INV | N | 45 | 48 | 27 | $E$ | 42.16 | 4501.3813 | 4670.6440 | 134 |

NO CLOSURE ERROR FROM

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| ***** | START |  |  |  |  |  |  | 4498.9819 | 5136.2227 | 1041 |
| 1041 | INV | 5 | 89 | 42 | 17 | $E$ | 688.01 | 4495.4362 | 5824.2251 | 133 |
| 133 | TNV | 5 | 0 | 17 | 43 | W | 557.18 | 3938.2614 | 5821.3536 | 97 |
| 97 | INV | 5 | 2 | 24 | 47 | W | 0.36 | 3937.9015 | 5821.3384 | 98 |
| 98 | TNV | N | 89 | 20 | 01 | W | 15.19 | 3938.0782 | 5806.1497 | 243 |
| 243 | INV | 5 | 2 | 33 | 16 | W | 81.83 | 3856.3253 | 5802.5026 | 136 |
| 136 | INV | N | 88 | 59 | 09 | W | 669.64 | 3868.1767 | 5132.9718 | 1042 |
| 1042 | INV | $N$ | 0 | 17 | 43 | E | 630.81 | 4498.9819 | 5136.2227 | 1041 |



NO CLOSURE ERROR AYea $=435600.00 \mathrm{sqtt} 10.00000 \mathrm{ac}$

