

LITIGATION/TRUSTEE'S SALE/CONTRACT FORFEITURE GUARANTEE

SCHEDULE A

Office File Number <b>CTL2380</b> Ref. No.:	Policy Number <b>2388-LG-CTL2380</b>	Date of Policy <b>June 08, 2016</b> at 8:00 AM	Amount of Insurance <b>\$40,000.00</b>	Premium <b>SEE INVOICE</b>
---	---	--	--	-------------------------------

1. Assured:

**COWLITZ COUNTY TREASURER**

2. The estate or interest in the land hereinafter described or referred to covered by this Guarantee is:

**Fee**

3. Title to the estate or interest in the land is vested in:

**WASHINGTON PRIME PROPERTIES, WASHINGTON LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 61% INTEREST AND JON S. MADIAN AND KAREN F. JOSTAD, HUSBAND AND WIFE, AS TO AN UNDIVIDED 8% INTEREST AND PATRICK L. MARSHALL AND BONNIE K. MARSHALL, TRUSTEES OF THE MARSHALL FAMILY TRUST DATED MARCH 10, 2004, AS TO AN UNDIVIDED 18% INTEREST AND MAKANANI INVESTMENTS LLC, A WASHINGTON LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 12% INTEREST, AND INVESTORS EQUITY LLC, AN OREGON LIMITED LIABILITY COMPANY, AS TO AN UNDIVIDED 1% INTEREST, ALL TENANTS IN COMMON**

4. The land referred to in this Guarantee is situated in the State of **WASHINGTON**, County of **Cowlitz**, and is described as follows:

**SEE ATTACHED EXHIBIT "A"**

**LITIGATION/TRUSTEE'S SALE/CONTRACT FORFEITURE GUARANTEE**

**INFORMATION FOR THE ASSURED**

1. THIS GUARANTEE IS RESTRICTED TO THE USE OF THE ASSURED SOLELY FOR THE PURPOSE OF PROVIDING INFORMATION TO FACILITATE THE COMMENCEMENT OF A SUIT AT LAW, THE FORFEITURE OF A REAL ESTATE CONTRACT PURSUANT TO RCW 61.30, OR FORECLOSURE PURSUANT TO RCW 61.24 OF A MORTGAGE DESCRIBED IN SCHEDULE B, AFFECTING THE LAND DESCRIBED IN SCHEDULE A. THE COMPANY SHALL HAVE NO LIABILITY FOR ANY RELIANCE HEREON EXCEPT FOR THE PURPOSE FOR WHICH THIS GUARANTEE IS ISSUED. THIS GUARANTEE IS NOT A COMMITMENT NOR AN OBLIGATION BY THE COMPANY TO ISSUE ANY POLICY OR POLICIES OF TITLE INSURANCE INSURING SAID LAND, AND IT IS NOT TO BE USED AS A BASIS FOR CLOSING ANY TRANSACTION AFFECTING TITLE TO SAID LAND.
2. UPON REQUEST WITHIN 60 DAYS FROM THE EFFECTIVE DATE OF THIS GUARANTEE, THE COMPANY WILL EXTEND THE EFFECTIVE DATE OF THIS GUARANTEE BY ENDORSEMENT TO INCLUDE THE FILING OF ANY COMPLAINT AND RECORDING OF NOTICE OF LIS PENDENS, RECORDING OF NOTICE OF INTENT TO FORFEIT REAL ESTATE CONTRACT, OR RECORDING OF NOTICE OF TRUSTEE'S SALE. SUCH AN ENDORSEMENT WILL SHOW AS ADDITIONAL EXCEPTIONS, AND THEREFORE EXCLUDE FROM COVERAGE, THOSE MATTERS ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE OF THE GUARANTEE BUT PRIOR TO THE ISSUANCE OF THE ENDORSEMENT.
3. UPON REQUEST ON THE 30TH DAY PRECEDING THE DATE SET FOR THE FORFEITURE OF REAL ESTATE CONTRACT, OR TRUSTEE'S SALE, THE COMPANY WILL ISSUE AN ENDORSEMENT IDENTIFYING FEDERAL TAX LIENS, IF ANY, AFFECTING THE LAND DESCRIBED IN SCHEDULE A. THE RESPONSIBILITY, HOWEVER, FOR DETERMINING THE 30TH DAY BEFORE THE SALE OR FORFEITURE, AND FOR MAKING THE REQUEST ON THAT SAME DAY, IS BORNE BY THE ASSURED.
4. THE COMPANY MAY, BUT IS NOT OBLIGATED TO, ISSUE ADDITIONAL ENDORSEMENTS EXTENDING THE EFFECTIVE DATE OF THE GUARANTEE AT THE REQUEST OF THE ASSURED. THE FEE FOR SUCH ENDORSEMENTS WILL BE CHARGED ACCORDING TO THE COMPANY'S FILED RATE SCHEDULE FOR SUCH ENDORSEMENTS. THE COMPANY WILL NOT, AND ACCEPTS NO OBLIGATION TO, ISSUE AN ENDORSEMENT EXTENDING THE EFFECTIVE DATE TO, OR BEYOND, THE DATE OF ANY SALE OF THE PREMISES, RECORDING OF A DECLARATION OF FORFEITURE OF A REAL ESTATE CONTRACT, TRUSTEE'S SALE OR DEED IN LIEU THEREOF.
5. ATTENTION IS CALLED TO SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940 AND AMENDMENTS THERETO WHICH CONTAIN LIMITATIONS AGAINST THE FORFEITURE OF LAND UNDER A REAL ESTATE CONTRACT OR THE SALE OF LAND UNDER A DEED OF TRUST IF THE OWNER IS ENTITLED TO THE BENEFITS OF SAID ACT.
6. ATTENTION IS CALLED TO THE FEDERAL TAX LIEN ACT OF 1966 AND AMENDMENTS THERETO WHICH, AMONG OTHER THINGS, PROVIDES FOR THE GIVING OF WRITTEN NOTICE OF SALE OR FORFEITURE IN A SPECIFIED MANNER TO THE SECRETARY OF THE TREASURY OR HIS DELEGATE AS A REQUIREMENT FOR THE DISCHARGE OR DIVESTMENT OF A FEDERAL TAX LIEN IN A NON-JUDICIAL SALE OR FORFEITURE, AND ESTABLISHES WITH RESPECT TO SUCH LIEN A RIGHT IN THE UNITED STATES TO REDEEM THE PROPERTY WITHIN A PERIOD OF 120 DAYS FROM THE DATE OF ANY SUCH SALE OR FORFEITURE.

**SCHEDULE B**

File Number: **CTL2380**

Policy Number: **2388-LG-CTL2380**

**GENERAL EXCEPTIONS FROM COVERAGE**

- A. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY THE PUBLIC RECORDS
- B. ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES AND OTHER MATTERS WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE PREMISES.
- C. EASEMENTS OR CLAIMS OF EASEMENTS NOT SHOWN BY THE PUBLIC RECORDS.
- D. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- E. LIENS UNDER THE WORKMEN'S COMPENSATION ACT NOT SHOWN BY THE PUBLIC RECORDS.
- F. ANY SERVICE, INSTALLATION, CONNECTION, MAINTENANCE, OR CONSTRUCTION CHARGES FOR SEWER, WATER, ELECTRICITY OR GARBAGE REMOVAL.
- G. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER.
- H. INDIAN TRIBAL CODES OR REGULATIONS, INDIAN TREATY OR ABORIGINAL RIGHTS, INCLUDING, BUT NOT LIMITED TO, EASEMENTS OR EQUITABLE SERVITUDES.
- I. GENERAL TAXES, SPECIAL ASSESSMENTS AND SPECIAL LEVIES.

**SPECIAL EXCEPTIONS FROM COVERAGE**

- 1. **GENERAL TAXES AND ASSESSMENTS, IF ANY, NOT INCLUDING INTEREST AND PENALTY AFTER DELINQUENCY:**

<b>YEAR</b>	<b>AMOUNT</b>	<b>PAID</b>	<b>OWING</b>
2016	\$4,179.16	\$0.00	\$4,179.16
2015	\$4,250.86	\$0.00	\$4,250.86
2014	\$4,256.56	\$0.00	\$4,256.56
2013	\$5,767.78	\$0.00	\$5,767.78

**TAX PARCEL NO.: 21142      ACCT. NO.: R035400      TAX CODE: 800**

**FIRST HALF OF GENERAL TAXES BECOME DELINQUENT ON MAY 1. SECOND HALF OF GENERAL TAXES BECOME DELINQUENT ON NOVEMBER 1.**

File Number: CTL2380

Policy Number: 2388-LG-CTL2380

2. **DEED OF TRUST AND THE TERMS AND CONDITIONS THEREOF:**  
GRANTOR: KEITH NAKAYAMA, A MARRIED MAN AS HIS SEPARATE ESTATE,  
AS TO AN UNDIVIDED 61% TENANT IN COMMON INTEREST  
TRUSTEE: CASCADE TITLE COMPANY  
BENEFICIARY: COOK FERRY ENTERPRISES LLC, A WASHINGTON LIMITED  
LIABILITY COMPANY  
AMOUNT: \$195,000.00  
DATED: July 28, 2004  
RECORDED: July 30, 2004  
AUDITOR'S FILE NO.: 3231640
3. **ASSIGNMENT OF SAID DEED OF TRUST: FOR COLLATERAL PURPOSES ONLY**  
ASSIGNEE: ERNEST F. BUEHLER AND VIOLET BUEHLER, TRUSTEES OF THE  
ERNEST F. BUEHLER AND VIOLET BUEHLER FAMILY TRUST  
DATED: July 29, 2004  
RECORDED: July 30, 2004  
AUDITOR'S FILE NO: 3231641
4. **COMMERCIAL PROPERTY: ANY SECURITY INTEREST IN ANY GOODS WHICH ARE OR MAY  
BECOME FIXTURES LOCATED ON SAID PREMISES CREATED OR EXISTING UNDER THE  
PROVISIONS OF UNIFORM COMMERCIAL CODE R.C.W. 62-A.**
5. **UNRECORDED LEASEHOLDS, IF ANY; RIGHT OF VENDORS AND HOLDERS OF SECURITY  
INTERESTS ON PERSONAL PROPERTY INSTALLED UPON SAID PROPERTY; AND RIGHTS OF  
TENANTS TO REMOVE TRADE FIXTURES AT THE EXPIRATION OF THE TERM.**
6. **DEDICATIONS, RESTRICTIVE COVENANTS, EASEMENTS, BUILDING SET BACK LINES, SLOPE  
RIGHTS AND RESERVATIONS AS DISCLOSED BY THE PLAT OF COMMERCIAL ADDITION TO  
KELSO.**
7. **EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**  
GRANTEE: SPRINT COMMUNICATIONS COMPANY L.P., AND LEVEL 3  
COMMUNICATIONS, LLC  
PURPOSE: A PERMANENT TELECOMMUNICATIONS EASEMENT  
DATED: JUNE 14, 2013  
RECORDED: OCTOBER 24, 2013  
AUDITOR'S NO.: 3491199  
AREA AFFECTED: SAID PROPERTY
8. **ANY DEFECT IN OR INVALIDITY TO THE TITLE TO SAID LAND OR CLAIM OF ANY DEFECT OR  
INVALIDITY OF SAID TITLE ARISING OUT OF OR OCCASIONED BY A VIOLATION OF OR THE  
APPLICATION OF THE BANKRUPTCY CODE, OR ANY FRAUDULENT CONVEYANCES LAW OR  
INSOLVENCY LAW.**

End of Schedule B Exceptions.

NOTES:

File Number: **CTL2380**

Policy Number: **2388-LG-CTL2380**

At the request of the assured the following information is provided:

a. THE ADDRESS OF THE SUBJECT PROPERTY IS:

409 S. PACIFIC AVENUE  
KELSO, WA 98626

b. THE FOLLOWING ABBREVIATED LEGAL DESCRIPTION IS PROVIDED AS A COURTESY TO ENABLE THE DOCUMENT PREPARER TO CONFORM WITH THE REQUIREMENTS OF RCW 65.04.045, PERTAINING TO STANDARDIZATION OF RECORDED DOCUMENTS.

ABBREVIATED LEGAL DESCRIPTION: COMMERCIAL TO KELSO BLK C LOT 5,6



---

Authorized Signatory

**CASCADE TITLE COMPANY OF COWLITZ COUNTY, INC.**

**Privacy Policy Notice**

**PURPOSE OF THIS NOTICE**

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of **CASCADE TITLE COMPANY OF COWLITZ COUNTY, INC.**

We may collect nonpublic personal information about you from the following sources:

Information we receive from you such as on applications or other forms.

Information about your transactions we secure from our files, or from [our affiliates or] others.

Information we receive from a consumer reporting agency.

Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates as permitted by law.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**PARCEL NO.-21142  
ACCT. NO.-R035400**

File No.: CTL2380

**EXHIBIT "A"**

**LOTS 5 AND 6, BLOCK C, COMMERCIAL ADDITION TO KELSO, AS RECORDED IN VOLUME 3 OF  
PLATS, PAGE 51, RECORDS OF SAID COUNTY.**

**SITUATE IN COWLITZ COUNTY, STATE OF WASHINGTON**