

# **First American Title Insurance Company**

MORTGAGE SOLUTIONS DIVISION  
920 5TH AVENUE, SUITE 1200, SEATTLE, WA 98101

**SEPTEMBER 23, 2019**

**LEVY VON BECK AND ASSOCIATES  
1200 5TH AVENUE, SUITE 1850  
SEATTLE, WA 98101  
ATTN: TED M. LEVY**

REFERENCE: **5866.0001WISCHMAN/WISCHMAN**  
OUR ORDER NUMBER: **8758732**

THE ITEMS ENCLOSED WERE PREPARED FOR THE SOLE USE OF THE HEREIN-NAMED TRUSTEE. THESE ITEMS SHOULD NOT BE RELIED UPON BY ANY THIRD PARTY AS A CONDITION OF TITLE.

**First American Title Insurance Company  
Mortgage Solutions Division**

MARIE CRUZ CHRIS RUIZ  
TITLE OFFICER(s)  
PH:  
FX:

ENCLOSURE

## LITIGATION GUARANTEE

SUBJECT TO THE LIMITATIONS CONTAINED HEREIN, THE EXCLUSIONS FROM COVERAGE, THE LIMITS OF LIABILITY AND OTHER PROVISIONS OF THE CONDITIONS AND STIPULATIONS HERETO ANNEXED AND MADE A PART OF THIS GUARANTEE.

### *First American Title Insurance Company* a California corporation, herein called the Company

#### GUARANTEES

the Assured named in Schedule A against loss not exceeding the liability amount stated in Schedule A which the Assured shall sustain by reason of any incorrectness in the assurance which the Company hereby gives that, according to the public records, as of Date of Guarantee shown in Schedule A:

1. The title to the herein described estate or interest is vested in the vestee named in Schedule A.
2. Except for the matters shown in Schedule B, there are no defects, liens, encumbrances or other matters affecting title to the estate or interest in the land shown in Schedule A, which matters are not necessarily shown in the order of their priority.
3.
  - a) The current interest holders claiming some right, title or interest by reason of the matters shown in Part II of Schedule B are as shown therein. The vestee named in Schedule A and parties claiming to have some right, title or interest by reason of the matters shown in Part II of Schedule B may be necessary parties defendant in an action, the nature of which is referred to in Schedule A.
  - b) The current interest holders claiming some right, title or interest by reason of the matters shown in Part I of Schedule B may also be necessary parties defendant in an action, the nature of which is referred to in Schedule A. However, no assurance is given hereby as to those current interest holders.
4. The return addresses for mailing after recording, if any, as shown on each and every document referred to in Part II of Schedule B by specific recording information, and as shown on the document(s) vesting title as shown in Schedule A are as shown in Schedule C.
5. Any failure by the foreclosing Trustee or Beneficiary to comply with the requirements of a County or City Ordinance, if any, as it pertains to the maintenance of the property described herein, prior to or during the foreclosure process.

THIS LITIGATION GUARANTEE IS FURNISHED SOLELY FOR THE PURPOSE OF FACILITATING THE FILING OF THE ACTION REFERRED TO IN SCHEDULE A. IT SHALL NOT BE USED OR RELIED UPON FOR ANY OTHER PURPOSE.

### *First American Title Insurance Company*

BY PARKER S. KENNEDY - PRESIDENT

BY MARIE CRUZ CHRIS RUIZ  
ASSISTANT SECRETARY  
TITLE OFFICER  
PH:  
FX:

ORDER NO: 8758732  
REFERENCE NO: 5866.0001WISCHMAN  
TITLE OFFICER: MARIE CRUZ CHRIS RUIZ  
PRODUCT TYPE: LITIGATION GUARANTEE

**SCHEDULE A**

LIABILITY: **\$400,000.00**

FEE: **\$1360.00**

1. NAME OF ASSURED:

**FRANK AND TERRI CLOSE**

2. DATE OF GUARANTEE:

**SEPTEMBER 11, 2019 AT 7:30 A.M.**

3. THIS LITIGATION GUARANTEE IS FURNISHED SOLELY FOR THE PURPOSE OF FACILITATING THE FILING OF AN ACTION TO:

**QUIET TITLE - TO OBTAIN PROMISED PROPERTY**

4. THE ESTATE OR INTEREST IN THE LAND WHICH IS COVERED BY THIS GUARANTEE IS:

**A FEE**

5. TITLE TO THE ESTATE OR INTEREST IN THE LAND IS VESTED IN:

**JAMES B. MACLEAN AND ANNE E. MACLEAN, HUSBAND AND WIFE AND JUDIE A. WISCHMAN, A SINGLE PERSON, AS TO AN UNDIVIDED 22% INTEREST AND JUDIE ANN WISCHMAN, TRUSTEE OF THE CHARLES L. WISCHMAN MARITAL TRUST EUW DATED JANUARY 28, 2005, AS TO AN UNDIVIDED 78% INTEREST**

6. THE LAND REFERRED TO IN THIS GUARANTEE IS DESCRIBED AS FOLLOWS:

**(SEE ATTACHED EXHIBIT "A")**

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**EXHIBIT A**

THE LAND REFERRED TO IN THIS GUARANTEE IS SITUATED IN THE **STATE OF WASHINGTON, COUNTY OF KING, CITY OF MERCER ISLAND**, AND IS DESCRIBED AS FOLLOWS:

LOTS 1 AND 2, BLOCK "C", REPLAT OF ISLAND PARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 13 OF PLATS, PAGE 58, IN KING COUNTY, WASHINGTON;

TOGETHER WITH SECOND CLASS SHORELANDS ADJOINING THERETO AND ABUTTING THEREON;

EXCEPT THE NORTHEASTERLY 296.50 FEET OF SAID LOT 1, AND EXCEPT THE NORTHEASTERLY 300 FEET OF SAID LOT 2.

(ALSO KNOWN AS PARCEL C OF CITY OF MERCER ISLAND SHORT PLAT NO. MI-77-8-033, KING COUNTY RECORDING NO. 7709280725)

**ABBREVIATED LEGAL DESCRIPTION:**

PTN OF LOTS 1 & 2, BLK C, REPLAT OF ISLAND PART, VOL 13, PG 58 AKA PARCEL C OF CITY OF MERCER SP NO. MI-77-8-033, REC. 7709280725

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## WARNING

"THE MAP ATTACHED HERETO MAY OR MAY NOT BE A SURVEY OF THE LAND DEPICTED THEREON. YOU SHOULD NOT RELY UPON IT FOR ANY PURPOSE OTHER THAN ORIENTATION TO THE GENERAL LOCATION OF THE PARCEL OR PARCELS DEPICTED. FIRST AMERICAN EXPRESSLY DISCLAIMS ANY LIABILITY FOR ALLEGED LOSS OR DAMAGE WHICH MAY RESULT FROM RELIANCE UPON THIS MAP."

\* \* \* \* \*

**SCHEDULE B**

DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING TITLE:

**PART I:**

1. LIABILITY FOR ASSESSMENT(S) AND/OR PERSONAL PROPERTY TAXES, IF ANY.
2. GENERAL AND SPECIAL TAXES FOR THE CALENDAR YEAR **2020**, A LIEN NOT YET DUE OR PAYABLE.
3. GENERAL TAXES. THE FIRST HALF BECOMES DELINQUENT AFTER APRIL 30TH. THE SECOND HALF BECOMES DELINQUENT AFTER OCTOBER 31ST.  
YEAR: **2019**  
AMOUNT BILLED: **\$23,542.16**  
AMOUNT PAID: **\$11,771.08**  
AMOUNT DUE: **\$11,771.08**  
TAX ACCOUNT NO.: **362350-0367-07**  
LAND: **\$2,943,000.00**  
IMPROVEMENTS: **\$190,000.00**
4. ANY AND ALL OFFERS OF DEDICATION, CONDITIONS, RESTRICTIONS, EASEMENTS, FENCELINE/BOUNDARY DISCREPANCIES, NOTES AND/OR PROVISIONS SHOWN OR DISCLOSED BY THE FILED OR RECORDED MAP REFERRED TO IN THE LEGAL DESCRIPTION.
5. ANY QUESTION AS TO THE TRUE LOCATION OF THE LATERAL BOUNDARIES OF THE **LAKE WASHINGTON**.
6. ANY QUESTION THAT MAY ARISE DUE TO THE SHIFTING AND/OR CHANGING IN THE COURSE OF **LAKE WASHINGTON**.
7. RIGHT OF THE STATE OF WASHINGTON IN AND TO THAT PORTION, IF ANY, OF THE PROPERTY HEREIN DESCRIBED WHICH LIES BELOW THE LINE OF ORDINARY HIGH WATER OF THE **LAKE WASHINGTON**.
8. RIGHTS OF THE GENERAL PUBLIC TO THE UNRESTRICTED USE OF ALL THE WATERS OF A NAVIGABLE BODY OF WATER NOT ONLY FOR THE PRIMARY PURPOSE OF NAVIGATION, BUT ALSO FOR COROLLARY PURPOSES; INCLUDING (BUT NOT LIMITED TO) FISHING, BOATING, BATHING, SWIMMING, WATER SKIING AND OTHER RELATED RECREATIONAL PURPOSES, AS THOSE WATERS MAY AFFECT THE TIDELANDS, SHORELANDS OR ADJOINING UPLANDS AND WHETHER THE LEVEL OF THE WATER HAS BEEN RAISED NATURALLY OR ARTIFICIALLY TO A MAINTAINED OR FLUCTUATING LEVEL, ALL AS FURTHER DEFINED BY THE DECISIONAL LAW OF THIS STATE. (AFFECTS ALL OF THE PREMISES SUBJECT TO SUCH SUBMERGENCE)
9. MATTERS RELATING TO WATER AND WATER RIGHTS.
10. EASEMENT RESULTING FROM KING COUNTY SUPERIOR COURT CONDEMNATION, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN:  
CAUSE NO.: 544852  
IN FAVOR OF: KING COUNTY  
FOR: SEWER LINE
11. AN EASEMENT, INCLUDING TERMS AND CONDITIONS CONTAINED THEREIN, RECORDED **MAY 31, 1972** AS **INSTRUMENT NO. 7205310117** OF OFFICIAL RECORDS.  
FOR: **ACCESS TO LAKE WASHINGTON**  
AFFECTS: **AS DESCRIBED THEREIN**
12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "**AGREEMENT, DEED AND EASEMENT**", RECORDED **JANUARY 19, 1976**, AS **INSTRUMENT NO. 7601190383** OF OFFICIAL RECORDS.

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13. ANY AND ALL OFFERS OF DEDICATION, CONDITIONS, RESTRICTIONS, EASEMENTS, BOUNDARY DISCREPANCIES OR ENCROACHMENTS, NOTES AND/OR PROVISIONS SHOWN OR DISCLOSED BY SHORT PLAT NO. MI 77-8- 033 RECORDED UNDER RECORDING NUMBER 7709280725.

14. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "**CITY OF MERCER ISLAND ORDINANCE NO. 17-16**", RECORDED **AUGUST 16, 2017**, AS **INSTRUMENT NO. 20170816000571** OF OFFICIAL RECORDS.

15. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**", EXECUTED BY AND BETWEEN **CITY OF MERCER ISLAND, A WASHINGTON MUNICIPAL CORPORATION** AND **JUDIE WISCHMAN** RECORDED **OCTOBER 03, 2017**, AS **INSTRUMENT NO. 20171003001444** OF OFFICIAL RECORDS.

16. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**", EXECUTED BY AND BETWEEN **CITY OF MERCER ISLAND, A WASHINGTON MUNICIPAL CORPORATION** AND **JUDIE A. WISCHMAN, A SINGLE PERSON, AS TO AN UNDIVIDED 22% INTEREST; AND JUDIE A. WISCHMAN, TRUSTEE OF THE CHARLES L. WISCHMAN MARITAL TRUST EUW DATED JANUARY 28, 2005, AS TO AN UNDIVIDED 78% INTEREST** RECORDED **MARCH 25, 2019**, AS **INSTRUMENT NO. 20190325000049** OF OFFICIAL RECORDS.

17. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**", EXECUTED BY AND BETWEEN **CITY OF MERCER ISLAND, A WASHINGTON MUNICIPAL CORPORATION** AND **JUDIE A. WISCHMAN, A SINGLE PERSON, AS TO AN UNDIVIDED 22% INTEREST; AND JUDIE A. WISCHMAN, TRUSTEE OF THE CHARLES L. WISCHMAN MARITAL TRUST EUW DATED JANUARY 28, 2005, AS TO AN UNDIVIDED 78% INTEREST** RECORDED **MARCH 25, 2019**, AS **INSTRUMENT NO. 20190325000100** OF OFFICIAL RECORDS.

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**PART II:**

**NONE**



ORDER NO: 8758732  
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**SCHEDULE C**  
**ADDRESSES**

JAMES B. MACLEAN  
4003 W MERCER WAY  
MERCER ISLAND WA 98040-3319  
(SCHEDULE A, VESTEE)

ANNE E. MACLEAN  
4003 W MERCER WAY  
MERCER ISLAND WA 98040-3319  
(SCHEDULE A, VESTEE)

JUDIE A. WISCHMAN  
4003 W MERCER WAY  
MERCER ISLAND WA 98040-3319  
(SCHEDULE A, VESTEE)

JUDIE ANN WISCHMAN, TRUSTEE  
4003 W MERCER WAY  
MERCER ISLAND WA 98040-3319  
(SCHEDULE A, VESTEE)

JUDIE A. WISCHMAN  
4007 WEST MERCER WAY  
MERCER ISLAND WA 98040  
(SCHEDULE A, VESTEE)

JUDIE A. WISCHMAN  
C/O JANET GRAY JEPPESEN GRAY SAKAI P.S.  
10655 NE 4TH STREET, SUITE 801  
BELLEVUE WA 98004  
(SCHEDULE A, VESTEE)

JUDIE ANN WISCHMAN, TRUSTEE  
C/O JANET GRAY JEPPESEN GRAY SAKAI P.S.  
10655 NE 4TH STREET, SUITE 801  
BELLEVUE WA 98004  
(SCHEDULE A, VESTEE)

CURRENT OCCUPANT  
4003 W MERCER WAY  
MERCER ISLAND WA 98040-3319  
(CURRENT OCCUPANT)