

Land Title Guarantee Company

Case **SR45420**
Policy **SV2142238**
Loan #

ENDORSEMENT 107.12-06
Change Date of Policy

The effective Date of Policy is hereby changed from
DECEMBER 27, 1994 AT 5:00 P.M.
to **FEBRUARY 19, 2019 AT 5:00 P.M.**

The Company hereby insures:

- (1) That, except as otherwise expressly provided herein, there are no liens, encumbrances or other matters shown by the Public Records, affecting said estate or interest, other than those shown in said policy, except:
SEE ENDORSEMENT 107.12 EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF

- (2) That, as shown by the Public Records, the Title to said estate or interest is vested in the vestees shown in Schedule A:
THE HERBERTSON FAMILY LIVING TRUST

This endorsement is issued as part of the Policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the Policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the Policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the Policy and of any prior endorsements.

Dated: **February 22, 2019**

Representing Old Republic National Title Insurance Company

ENDORSEMENT 107.12 EXHIBIT (ITEM 1)

GRANT OF RIGHT OF WAY RECORDED MARCH 17, 1995 IN BOOK 6618 AT PAGE 1093.

GRANT OF RIGHT OF WAY RECORDED APRIL 21, 1996 IN BOOK 6636 AT PAGE 889.

JUDGMENT AND DECREE BY DISTRICT COURT, WATER DIVISION 1 RECORDED MAY 6, 1996 IN BOOK 6879 AT PAGE 726.

RESOLUTION RECORDED MARCH 20, 2000 UNDER RECEPTION NO. 200028818.

ORDER AND DECREE REGARDING THE ORGANIZATION OF TRI-LAKES PARK AND RECREATION DISTRICT RECORDED MARCH 23, 2001 UNDER RECEPTION NO. 201034896.

AMENDED ORDER REGARDING DONALD WESCOTT FIRE PROTECTION DISTRICT RECORDED AUGUST 15, 2003 UNDER RECEPTION NO. 203188592. RESOLUTION REGARDING TRI-LAKES FIRE PROTECTION DISTRICT RECORDED MARCH 25, 2004 UNDER RECEPTION NO. 204047394.

RESOLUTION RECORDED DECEMBER 27, 2006 UNDER RECEPTION NO. 206186294.

WARRANTY DEED RECORDED JULY 28, 2014 UNDER RECEPTION NO. 214067157.

L A N D T I T L E G U A R A N T E E C O M P A N Y

THANK YOU FOR YOUR ORDER

August 06, 1998

Our Order No.: SR45420-8

OWNER:

ELMER J. HERBERTSON and ANNA F. HERBERTSON, as
Joint Tenants

ADDRESS:

| FOR ANY FOLLOW-UP PLEASE REFER
TO OUR ORDER NUMBER : SR45420-8

____ C. LEE GOODBAR, JR.
6 S. TEJON, #515
COLO SPGS, CO 80903
Attn:
719 634-4831

Copies: 2

____ Attn: KEVIN

Copies: 1

____ Attn: TERESA

Copies: 1

____ JAMES J. SHANKS
P.O. BOX 275
ALMA, CO 80420
Attn:

Copies: 1 via US Postal Service

____ ELMER & ANNA HERBERTSON
P.O. BOX 7202
COLO SPGS, CO 80933
Attn:

Copies: 1 via US Postal Service

===

SCHEDULE A

Address

1. Policy Date: December 27, 1994 at 5:00 P.M.

2. Name of Insured:

ELMER J. HERBERTSON and ANNA F. HERBERTSON, as Joint Tenants

3. The estate or interest in the land described in this Schedule and which is covered by this policy is:

A Fee Simple

4. Title to the estate or interest covered by this policy at the date hereof is vested in:

ELMER J. HERBERTSON and ANNA F. HERBERTSON, as Joint Tenants

5. The land referred to in this policy is situated in EL PASO County, Colorado, and is described as follows:

A TRACT OF LAND BEING PORTIONS OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15 AND THE EAST HALF OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., ALL LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 83, SITUATE IN EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 22; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF WALDEN III AS PLATTED AND RECORDED IN PLAT BOOK H-2 AT PAGE 19 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER; THENCE S 0 DEGREES 02 MINUTES 32 SECONDS W ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22 A DISTANCE OF 47.44 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 83; THE FOLLOWING FIFTEEN (15) COURSES ARE ON SAID EASTERLY RIGHT-OF-WAY LINE;

1) THENCE ON A CURVE TO THE RIGHT, NON-TANGENT TO THE PREVIOUS COURSE, HAVING A RADIUS OF 2232.00 FEET THROUGH A CENTRAL ANGLE OF 9 DEGREES 15 MINUTES 44 SECONDS AN ARC DISTANCE OF 360.81 FEET, THE LONG CHORD OF WHICH BEARS N 23 DEGREES 25 MINUTES 04 SECONDS W 360.42 FEET;

2) THENCE N 10 DEGREES 02 MINUTES 21 SECONDS W A DISTANCE OF LAND TITLE GUARANTEE COMPANY

SCHEDULE A

781.50 FEET;
 3) THENCE N 02 DEGREES 59 MINUTES 51 SECONDS W A DISTANCE OF 348.75 FEET;
 4) THENCE N 04 DEGREES 01 MINUTES 09 SECONDS E A DISTANCE OF 212.83 FEET;
 5) THENCE N 02 DEGREES 25 MINUTES 51 SECONDS W A DISTANCE OF 263.03 FEET;
 6) THENCE N 25 DEGREES 01 MINUTES 51 SECONDS W A DISTANCE OF 200.33 FEET;
 7) THENCE ON A CURVE TO THE LEFT, NON-TANGENT TO THE PREVIOUS COURSE, HAVING A RADIUS OF 1970.26 FEET THROUGH A CENTRAL ANGLE OF 11 DEGREES 23 MINUTES 37 SECONDS AN ARC DISTANCE OF 391.80 FEET, THE LONG CHORD OF WHICH BEARS N 22 DEGREES 20 MINUTES 51 SECONDS W 391.15 FEET;
 8) THENCE N 32 DEGREES 51 MINUTES 51 SECONDS W A DISTANCE OF 203.23 FEET;
 9) THENCE N 31 DEGREES 02 MINUTES 51 SECONDS W A DISTANCE OF 57.21 FEET;
 10) THENCE N 30 DEGREES 08 MINUTES 21 SECONDS W A DISTANCE OF 364.83 FEET;
 11) THENCE N 34 DEGREES 47 MINUTES 08 SECONDS W A DISTANCE OF 219.16 FEET;
 12) THENCE N 24 DEGREES 50 MINUTES 08 SECONDS W A DISTANCE OF 71.96 FEET;
 13) THENCE N 16 DEGREES 59 MINUTES 08 SECONDS W A DISTANCE OF 91.92 FEET;
 14) THENCE N 11 DEGREES 14 MINUTES 08 SECONDS W A DISTANCE OF 691.72 FEET;
 15) THENCE N 04 DEGREES 07 MINUTES 38 SECONDS W A DISTANCE OF 29.29 FEET TO THE SOUTHWEST CORNER OF LOT 18 OF SAID WALDEN III SUBDIVISION; THENCE S 88 DEGREES 47 MINUTES 14 SECONDS E ON THE SOUTH LINE OF LOTS 18, 19 AND 20 OF SAID SUBDIVISION A DISTANCE OF 1163.66 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15 AS ESTABLISHED BY SAID SUBDIVISION PLAT; THENCE S 0 DEGREES 16 MINUTES 42 SECONDS E ON THE WESTERLY LINE OF LOTS 21, 22, 23 AND 24 OF SAID SUBDIVISION A DISTANCE OF 1321.21 FEET TO THE NORTHEAST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 15 AS ESTABLISHED BY SAID SUBDIVISION; THENCE S 0 DEGREES 02 MINUTES 01 SECONDS W ON THE WESTERLY LINE OF LOTS 24 AND 25 A DISTANCE OF 664.98 FEET TO A FOUND 1/2" REBAR; THENCE S 0 DEGREES 01 MINUTES 38 SECONDS W ON THE WESTERLY LINE OF LOT 26 OF SAID SUBDIVISION A DISTANCE OF 559.86 FEET TO A FOUND 1/2" REBAR; THENCE S 0 DEGREES 12 MINUTES 31 SECONDS E ON THE WESTERLY LINE OF LOT 27 OF SAID SUBDIVISION A DISTANCE OF 390.18 FEET TO A FOUND 1/2 " REBAR; THENCE S 0 DEGREES 06 MINUTES 42 SECONDS W ON THE WESTERLY LINE OF LOT 37 AND THE RIGHT-OF-WAY OF NEEDLES DRIVE OF SAID SUBDIVISION A DISTANCE OF 906.31 TO A FOUND 1/2" REBAR; THENCE S 0 DEGREES 16 MINUTES 16 SECONDS E ON THE WESTERLY LINE OF LOT 38 OF SAID SUBDIVISION A DISTANCE OF

LAND TITLE GUARANTEE COMPANY

Form AO 4/95

Policy No. SV2142238

Order No. SR45420

Amount \$217,003.50

SCHEDULE A

128.44 FEET TO THE POINT OF BEGINNING; (THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS THE SOUTH LINE OF WALDEN III (S 88 DEGREES 48 MINUTES 11 SECONDS E) AS SHOWN ON THE RECORDED PLAT THEREOF; PLAT BOOK H-2, PAGE 19.)

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LAND TITLE GUARANTEE COMPANY

SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
5. TAXES FOR THE YEAR 1994, NOT YET DUE OR PAYABLE.
6. RIGHT OF WAY AND EASEMENT GRANTED TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY TO CONSTRUCT, OPERATE, MAINTAIN, REPLACE AND REMOVE SUCH COMMUNICATION SYSTEMS AS THE GRANTEEES MAY FROM TIME TO TIME REQUIRE, AND ANY APPURTENANCES THERETO, AS CONTAINED IN INSTRUMENT RECORDED JULY 30, 1964 IN BOOK 2026 AT PAGE 640.
7. EASEMENT FOR DRAINAGE PURPOSES GRANTED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO BY INSTRUMENT RECORDED SEPTEMBER 21, 1964 IN BOOK 2035 AT PAGE 528.
8. IMPLIED UTILITY EASEMENT OVER THE NORTHERLY PROPERTY LINE AS SHOWN ON LAND SURVEY PLAT BY LEIGH WHITEHEAD & ASSOCIATES, INC., JOB NUMBER 94043-02.
9. NOTICE OF INCLUSION OF SUBJECT PROPERTY INTO THE DOUGLAS COUNTY SOIL CONSERVATION DISTRICT RECORDED NOVEMBER 25, 1971 IN BOOK 2719 AT PAGE 740.
10. DEED OF TRUST DATED December 22, 1994, FROM ELMER J. HERBERTSON and ANNA F. HERBERTSON, as Joint Tenants TO THE PUBLIC TRUSTEE OF EL PASO COUNTY FOR THE USE OF JAMES J. SHANKS TO SECURE THE SUM OF \$151,902.45 RECORDED December 27, 1994, IN BOOK 6582 AT PAGE 708.

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L A N D T I T L E G U A R A N T E E C O M P A N Y

ELMER J. HERBERTSON and ANNA F. HERBERTSON, as Joint Tenants
P.O. BOX 7202
COLORADO SPRINGS, COLORADO 80935

Dear Customer:

Land Title Guarantee Company is pleased to provide you with your Title Insurance Policy. This valuable document insures good and marketable title to your property. Please review the policy in its entirety. We at Land Title Guarantee Company believe in providing you, our customer, with a quality product which will serve your needs.

In the event you do find any discrepancy, or if you have any questions or comments regarding your final policy, please contact the following department and we will gladly handle any request you may have as efficiently and quickly as possible.

TITLE DEPARTMENT
TELEPHONE # (719) 634-4821
FAX # (719) 634-3190
PLEASE REFER TO ORDER NO. SR45420

Should you decide to sell the property described in Schedule A, or if you are required to furnish a new title commitment for mortgage purposes, you may be entitled to a credit toward future title insurance expenses. Land Title Guarantee Company will retain a copy of the enclosed title policy, and in the event you do need future services, we will be in a position to again serve you promptly and efficiently.

Thank you very much for giving Land Title Guarantee Company the opportunity to serve you.

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LAND TITLE GUARANTEE COMPANY

L A N D T I T L E G U A R A N T E E C O M P A N Y

JAMES J. SHANKS
5 FLANNIGAN CIRCLE
ALMA, CO 80420

RE: LENDERS TITLE POLICY ENCLOSED
YOUR LOAN NO. n/a
OWNER'S NAME: ELMER J. HERBERTSON and ANNA F. HERBERTSON, as
Joint Tenants
PROPERTY ADDRESS:

Land Title Guarantee Company is pleased to provide you with
the loan policy relative to the above mentioned property.

Please review the policy in its entirety. We at Land Title
Guarantee Company believe in providing you, our customer, with
a quality product which will serve your needs.

In the event you do find any discrepancy, or if you have any
questions or comments regarding your final policy, please
contact the following department and we will gladly handle any
request you may have as efficiently and quickly as possible.

TITLE DEPARTMENT
TELEPHONE # (719) 634-4821
FAX# (719) 634-3190
PLEASE REFER TO ORDER NO. SR45420

Thank you very much for giving Land Title Guarantee Company
the opportunity to serve you.

LAND TITLE GUARANTEE COMPANY

THANK YOU FOR YOUR ORDER

August 06, 1998

Our Order No.: SR45420-8

OWNER:

ELMER J. HERBERTSON and ANNA F. HERBERTSON, as
Joint Tenants

ADDRESS:

| FOR ANY FOLLOW-UP PLEASE REFER
TO OUR ORDER NUMBER : SR45420-8

____ C. LEE GOODBAR, JR.
6 S. TEJON, #515
COLO SPGS, CO 80903
Attn:
719 634-4831

Copies: 2

____ Attn: KEVIN

Copies: 1

____ Attn: TERESA

Copies: 1

===

____ JAMES J. SHANKS
P.O. BOX 275
ALMA, CO 80420
Attn:

Copies: 1 via US Postal Service

____ ELMER & ANNA HERBERTSON
P.O. BOX 7202
COLO SPGS, CO 80933
Attn:

Copies: 1 via US Postal Service

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SCHEDULE A

Address

1. Policy Date: December 27, 1994 at 5:00 P.M.

2. Name of Insured:

JAMES J. SHANKS

3. The estate or interest in the land described in this Schedule and which is encumbered by the insured mortgage is:

A Fee Simple

4. The estate or interest referred to herein is at Date of Policy vested in:

ELMER J. HERBERTSON and ANNA F. HERBERTSON, as Joint Tenants

5. The mortgage, herein referred to as the insured mortgage, and the assignments thereof, if any, are described as follows:

DEED OF TRUST DATED December 22, 1994, FROM ELMER J. HERBERTSON and ANNA F. HERBERTSON, as Joint Tenants TO THE PUBLIC TRUSTEE OF EL PASO COUNTY FOR THE USE OF JAMES J. SHANKS TO SECURE THE SUM OF \$151,902.45 RECORDED December 27, 1994, IN BOOK 6582 AT PAGE 708.

6. The land referred to in this policy is situated in EL PASO County, Colorado, and is described as follows:

A TRACT OF LAND BEING PORTIONS OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15 AND THE EAST HALF OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6TH P.M., ALL LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 83, SITUATE IN EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 22; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF WALDEN III AS PLATTED AND RECORDED IN PLAT BOOK H-2 AT PAGE 19 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER; THENCE S 0 DEGREES 02 MINUTES 32 SECONDS W ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22 A DISTANCE OF 47.44 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 83; THE FOLLOWING FIFTEEN (15) COURSES ARE ON SAID EASTERLY RIGHT-OF-WAY LINE;

1) THENCE ON A CURVE TO THE RIGHT, NON-TANGENT TO THE PREVIOUS COURSE, LAND TITLE GUARANTEE COMPANY

SCHEDULE A

HAVING A RADIUS OF 2232.00 FEET THROUGH A CENTRAL ANGLE OF 9 DEGREES 15 MINUTES 44 SECONDS AN ARC DISTANCE OF 360.81 FEET, THE LONG CHORD OF WHICH BEARS N 23 DEGREES 25 MINUTES 04 SECONDS W 360.42 FEET;

- 2) THENCE N 10 DEGREES 02 MINUTES 21 SECONDS W A DISTANCE OF 781.50 FEET;
- 3) THENCE N 02 DEGREES 59 MINUTES 51 SECONDS W A DISTANCE OF 348.75 FEET;
- 4) THENCE N 04 DEGREES 01 MINUTES 09 SECONDS E A DISTANCE OF 212.83 FEET;
- 5) THENCE N 02 DEGREES 25 MINUTES 51 SECONDS W A DISTANCE OF 263.03 FEET;
- 6) THENCE N 25 DEGREES 01 MINUTES 51 SECONDS W A DISTANCE OF 200.33 FEET;
- 7) THENCE ON A CURVE TO THE LEFT, NON-TANGENT TO THE PREVIOUS COURSE,

HAVING A RADIUS OF 1970.26 FEET THROUGH A CENTRAL ANGLE OF 11 DEGREES 23 MINUTES 37 SECONDS AN ARC DISTANCE OF 391.80 FEET, THE LONG CHORD OF WHICH BEARS N 22 DEGREES 20 MINUTES 51 SECONDS W 391.15 FEET;

- 8) THENCE N 32 DEGREES 51 MINUTES 51 SECONDS W A DISTANCE OF 203.23 FEET;
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LAND TITLE GUARANTEE COMPANY

Order No. SR45420

SCHEDULE B-I

This policy does not insure against loss or damage by reason of the following:

1. Rights or claims of parties in possession not shown by the public records.
2. Easements, or claims of easements, not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
5. TAXES FOR THE YEAR 1994, NOT YET DUE OR PAYABLE.
6. RIGHT OF WAY AND EASEMENT GRANTED TO AMERICAN TELEPHONE AND TELEGRAPH COMPANY TO CONSTRUCT, OPERATE, MAINTAIN, REPLACE AND REMOVE SUCH COMMUNICATION SYSTEMS AS THE GRANTEEES MAY FROM TIME TO TIME REQUIRE, AND ANY APPURTENANCES THERETO, AS CONTAINED IN INSTRUMENT RECORDED JULY 30, 1964 IN BOOK 2026 AT PAGE 640.
7. EASEMENT FOR DRAINAGE PURPOSES GRANTED TO THE DEPARTMENT OF HIGHWAYS, STATE OF COLORADO BY INSTRUMENT RECORDED SEPTEMBER 21, 1964 IN BOOK 2035 AT PAGE 528.
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9. NOTICE OF INCLUSION OF SUBJECT PROPERTY INTO THE DOUGLAS COUNTY SOIL CONSERVATION DISTRICT RECORDED NOVEMBER 25, 1971 IN BOOK 2719 AT PAGE 740.

SCHEDULE B-II

In addition to the matters set forth in Part I of this Schedule, the title to the estate or interest in the land described or referred to in Schedule A is subject to the following matters, if any be shown, but the Company insures that the lien or charge of the insured mortgage upon said estate or interest is prior to such matters.

NONE

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LAND TITLE GUARANTEE COMPANY

L A N D T I T L E G U A R A N T E E C O M P A N Y

ELMER J. HERBERTSON and ANNA F. HERBERTSON, as Joint Tenants
P.O. BOX 7202
COLORADO SPRINGS, COLORADO 80935

Dear Customer:

Land Title Guarantee Company is pleased to provide you with your Title Insurance Policy. This valuable document insures good and marketable title to your property. Please review the policy in its entirety. We at Land Title Guarantee Company believe in providing you, our customer, with a quality product which will serve your needs.

In the event you do find any discrepancy, or if you have any questions or comments regarding your final policy, please contact the following department and we will gladly handle any request you may have as efficiently and quickly as possible.

TITLE DEPARTMENT
TELEPHONE # (719) 634-4821
FAX # (719) 634-3190
PLEASE REFER TO ORDER NO. SR45420

Should you decide to sell the property described in Schedule A, or if you are required to furnish a new title commitment for mortgage purposes, you may be entitled to a credit toward future title insurance expenses. Land Title Guarantee Company will retain a copy of the enclosed title policy, and in the event you do need future services, we will be in a position to again serve you promptly and efficiently.

Thank you very much for giving Land Title Guarantee Company the opportunity to serve you.

===

LAND TITLE GUARANTEE COMPANY

L A N D T I T L E G U A R A N T E E C O M P A N Y

JAMES J. SHANKS
5 FLANNIGAN CIRCLE
ALMA, CO 80420

RE: LENDERS TITLE POLICY ENCLOSED
YOUR LOAN NO. n/a
OWNER'S NAME: ELMER J. HERBERTSON and ANNA F. HERBERTSON, as
Joint Tenants
PROPERTY ADDRESS:

Land Title Guarantee Company is pleased to provide you with
the loan policy relative to the above mentioned property.

Please review the policy in its entirety. We at Land Title
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PLEASE REFER TO ORDER NO. SR45420

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