

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. C-1232-R1

On AUGUST 23, 1991, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Gerald D. Schoenow and Pennie D. Schoenow, his wife, 4041 Hart Road, Frankenmuth, Michigan 48734 and Arnold Rupprecht and Donna Rupprecht, his wife

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in Township of Tuscola, Tuscola County, Michigan described as:

See Reverse Side - Appendix "A"

The "Right of Way Area" is a part of Grantor's Land described as:

The Southerly 12 feet of the Northerly 59 feet of the above described land.

1. **Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
2. **Access:** Grantee has the right of access to and from the Right of Way Area.
3. **Buildings or other Permanent Structures:** No buildings or other permanent structures shall be placed in the Right of Way Area without Grantee's prior written consent.
4. **Excavation:** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
5. **Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots in the Right of Way Area (or that could grow into the Right of Way Area) and remove structures and fences in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities. No trees, plant life, structures and fences shall be planted, grown or installed within 8 feet of the front door and within 2 feet of the other sides of transformers and switching cabinet enclosures. Grantee shall not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
6. **Restoration:** If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
7. **Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

Witnesses:

Tony Adeini
Tony Adeini

Keith Landskroener
Keith Landskroener

Grantor:

Gerald D. Schoenow
Gerald D. Schoenow

Pennie D. Schoenow
Pennie D. Schoenow, his wife

~~Arnold Rupprecht~~

~~Donna Rupprecht, his wife~~

RECORDED AS TO FORM 10/3/91 DATE
 DEPT. 9/27/91

RECORDED AS TO FORM NO. 42203

2
9 Grantor

RECEIVED FOR RECORD
LIBER NO 617 PAGE NO 842
FILING FE 843
1991 OCT 14 3PM 2:06
VIRGINIA M. MOLAREN
TUSCOLA COUNTY
REGISTER OF DEEDS

Appendix "A"

Parcel A - A parcel of land in the West 1/2 of the Northeast 1/4 of Section 5, T11N-R7E; Commencing at a point on the North line of said section, 1,746.68 feet, South 89°14'33" West, from the Northeast corner of said Section 5; thence South 00°42'21" East, parallel with and 440.66 feet, measured at right angles, West of the East line of the West 1/2 of the Northeast 1/4 of said section, 207.10 feet; thence South 89°14'33" West, parallel with and 207.10 feet, measured at right angles, South of said North line, 210.34 feet; thence North 00°42'21" West, parallel with and 651.00 feet, measured at right angles, West of said East line, 207.10 feet to the North line of said Section 5; thence North 89°14'33" East, on said North line, 210.34 feet to the point of beginning.

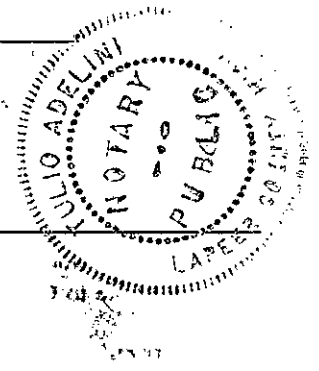
Acknowledged before me in Tuscola County, Michigan, on August 23, 19 91

by Gerald D. Schoenow and Pennie D. Schoenow, his wife

TULIO ADELINI
Notary Public, Lapeer County, MI
My Commission Expires Feb. 6, 1994

Notary's Stamp

Tulio Adelini
Notary's Signature
Tulio Adelini



~~Acknowledged before me in Tuscola County, Michigan, on _____, 19 _____~~

~~by Arnold Rupprecht and Donna Rupprecht, his wife~~

~~Notary's Stamp~~

~~Notary's Signature~~

Prepared by and Return to:
Tony Adelini, R/W Representative, 1075 Suncrest, Lapeer, MI 48446 (313)667-1648