

*Arcadia Twp
Sec. 1*

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9401061-01R

On April 16, 1994, 1994, 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:

Donald Schmidt and Marlene Schmidt, husband and wife, 3646 Slattery Rd., Attica, Michigan 48412

"Grantee" is:

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

"Grantor's Land" is in Arcadia Township, Lapeer County, described as:

The South 1/4 of the North 1/2 of the Southwest 1/4.

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

Shown on Exhibit "A" which is attached to and made a part hereof.

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.

RECORDED RIGHT OF WAY NO. 45781

Witnesses: (type or print name below signature)

Grantor: (type or print name below signature)

RECEIVED FOR RECORD

Denise J. Doherty
Denise J. Doherty

94 JUN -2 PM 1:11
LIBER NO. 860 PAGE NO. 388

Donald R. Schmidt
Donald R. Schmidt

James P. Doherty
James P. Doherty

REGISTERED CLERK
LAPEER COUNTY MICHIGAN

Marlene Schmidt, HIS WIFE
Marlene Schmidt, HIS WIFE

Acknowledged before me in Lapeer County, Michigan, on April 20, 1994 by Donald Schmidt and Marlene Schmidt, husband and wife.

CATHERINE LESTAGE

Notary's Stamp Notary Public, Lapeer County, Michigan
My Commission Expires May 10, 1994

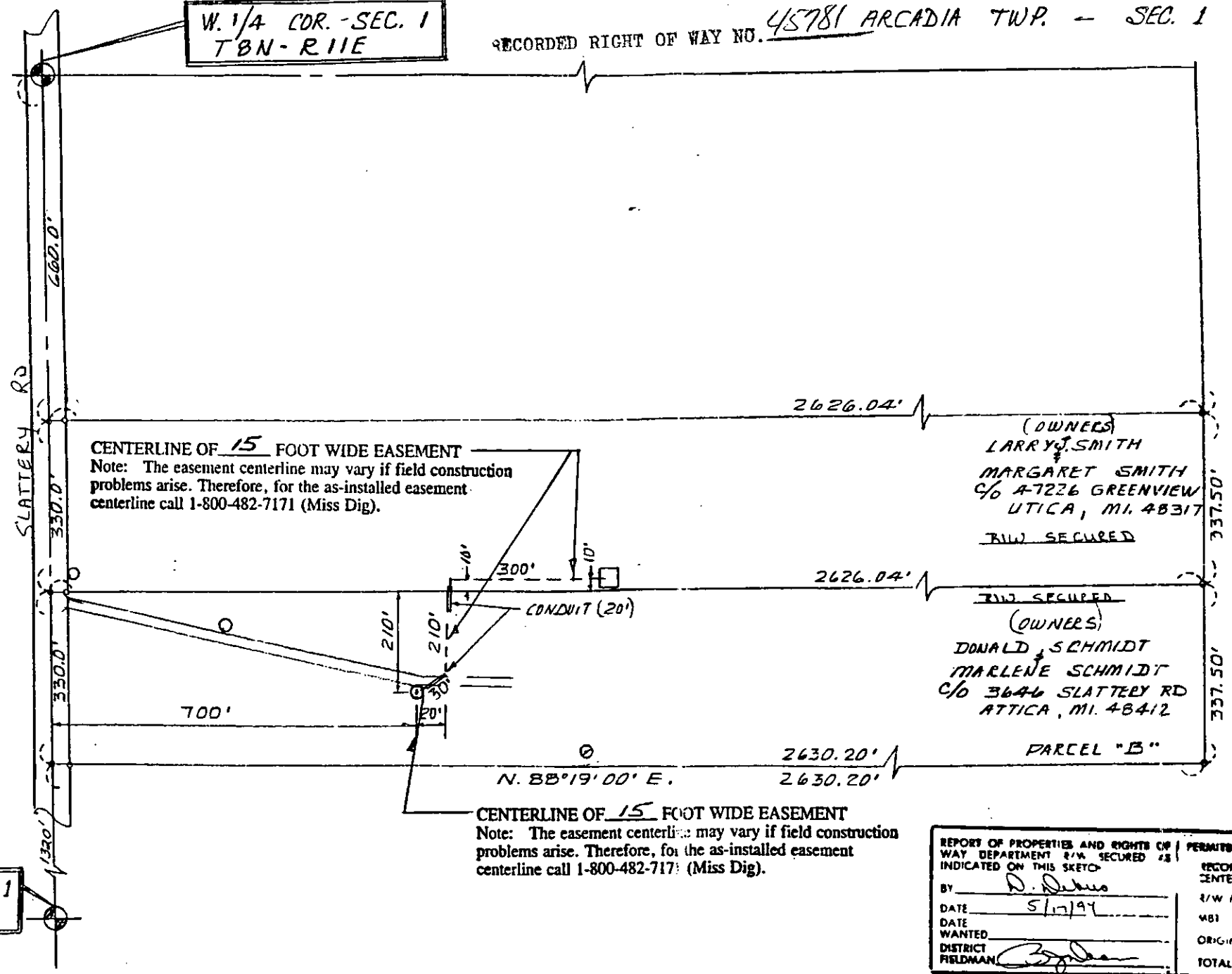
Notary's Signature Catherine Lestage

Prepared by and Return to: Betty J. Dean, 1075 Suncrest Dr., Lapeer, Michigan 48446/SEB

RECORDED RIGHT OF WAY NO. 45781 ARCADIA TWP. - SEC. 1 EXHIBIT "B"

W. 1/4 CDR. - SEC. 1
T8N-R11E

LIBER 0860 PAGE 0389



CENTERLINE OF 15 FOOT WIDE EASEMENT
Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).

(OWNERS)
LARRY & MARGARET SMITH
C/O 47226 GREENVIEW
UTICA, MI. 48317
R/W SECURED

(OWNERS)
DONALD & MARLENE SCHMIDT
C/O 3646 SLATTERY RD
ATTICA, MI. 48412
R/W SECURED

PARCEL "B"

CENTERLINE OF 15 FOOT WIDE EASEMENT
Note: The easement centerline may vary if field construction problems arise. Therefore, for the as-installed easement centerline call 1-800-482-7171 (Miss Dig).

S.W. CDR. - SEC. 1
T8N-R11E

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH	PERMITS TO:
BY <u>D. Debus</u>	RECORD CENTER <u>2</u>
DATE <u>5/17/94</u>	R/W FILES <u>2</u>
DATE WANTED	MSI <u>0</u>
DISTRICT FIELDMAN <u>[Signature]</u>	ORIGINATOR <u>2</u>
	TOTAL <u>2</u>

REKONT 40.20
REKONT 2.00

MISC D 9.00
ESMT P0009
REKONT 0.20



532 736
PHILIP R. SEAVER TITLE COMPANY, Inc.

WARRANTY DEED—Statutory Form
 C.L. 1948, 565.151 M.S.A. 26.571

2700 N. Woodward, Bloomfield Hills, Michigan 48013 / (313) 647-2171 — (313) 338-7135
 32290 Five Mile Road / Livonia, Michigan 48151 / (313) 425-9700
 223 W. Grand River / Howell, Michigan 48843 / (517) 546-8324

KNOW ALL MEN BY THESE PRESENTS: That Ray W. Gauss and Eunice F. Gauss, his wife
 whose address is 1974 Klingingsmith, Bloomfield Hills, MI 48013

Convey(s) and Warrant(s) to Donald R. Schmidt and Marlene Schmidt, his wife
 whose address is 1375 Edmuntton, Grosse Pointe Woods, Michigan 48236

the following described premises situated in the Township of Arcadia
 County of Lapeer and State of Michigan, to-wit:

A parcel of land being the South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Sect. 1, Town 8 North, Range 11 East, Arcadia Township, Lapeer County, Michigan, and being more particularly described as follows: Commencing at a point on the West line of said Sect. 1, it being 1320.00 ft. North $01^{\circ} 13'$ West from the Southwest corner of said Sect. 1; thence extending North $01^{\circ} 13'$ West 330.00 ft. along said West line; thence North $88^{\circ} 09' 11''$ East 2626.04 ft. to the N. and S. $\frac{1}{4}$ line of said Sect. 1; thence S. $01^{\circ} 56' E.$ 337.50 ft. along said North and South $\frac{1}{4}$ line; thence, South $88^{\circ} 19' 00''$ West 2630.20 ft. to the point of beginning, containing 20.14 acres of land. Reserving easements of record, and subject to such part thereof taken, used or deeded for street, road, or highway purposes, and subject to rights of others in that part of subject property lying beneath the waters of Clear Lake.

for the full consideration of Thirty-five thousand and no/100 - - - - - (\$35,000.00) - R.A.
 subject to except such lawful claims as may have accrued on said property subsequent to October 19, 1973 by or through the acts or negligence of any party or parties other than the first parties, that being the date the grantees took possession of the premises pursuant to a Land Contract for which this Deed is given

Dated this 8th day of June 19 83

Witnesses:

Signed and Sealed:

Linda S. Smallwood (L.S.)
James K. Mora (L.S.)
Ray W. Gauss (L.S.)
Eunice F. Gauss, his wife (L.S.)

RECEIVED FOR RECORD
 1983 JUN 29 PM 2:17

STATE OF MICHIGAN
 COUNTY OF Oakland
 SHIRLEY H. MOORE
 REGISTER OF DEEDS
 Lapeer County, Michigan (L.S.)

The foregoing instrument was acknowledged before me this 8th day of June 19 83
 by Ray W. Gauss and Eunice F. Gauss, his wife

My commission expires 10/4/83

James K. Mora
 Notary Public Oakland County, Michigan

Instrument Drafted by Wallace D. McLay
 Business Address 2167 Orchard Lake Rd., Pontiac, MI 48053

County Treasurer's Certificate
 Office of The Treasurer of Lapeer County, Michigan
June 28 19 83
 I hereby certify that there are no tax liens or titles held by the State or any individual against the within description and all taxes on same are paid for two years previous to the date of this instrument, as appears by the records in my office.
David G. Fair
 Recording Fee 3.00
 County Treasurer.

City Treasurer's Certificate
 STATE OF MICHIGAN
 City of Pontiac
 When recorded return to Grantee

State Transfer Tax 3.00

Send subsequent tax bills to _____

Tax Parcel # _____

RECORDED RIGHT OF WAY NO. 459781