

UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9313827-01R

On Feb. 5, 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:

Frank Kulha of Family Four, a Michigan co-partnership, 6697 Dixie Highway, Clarkston, Michigan 48346

"Grantee" is:

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

"Grantor's Land" is in Independence Township, Oakland County, Michigan, described as:

Supervisor's Plat No. 9, part of Lot 32 beginning at Southwest lot corner; thence North 00°25'40" E 342.80 feet; thence along curve to right, radius 200 feet, chord bears North 71°41'20" E 5.82 feet, distance of 5.82 feet; thence along curve to left, radius 260 feet, chord bears North 61°26'32" E 99.45 feet, distance of 100.07 feet; thence South 39°35'00" E along Easterly lot line 507.54 feet to Southeast lot corner; thence South 89°51'50" W 418.83 feet to beginning, also Lot 33 excluding Northwesterly 60 feet, also part of Southwest 1/4 beginning at South 1/4 corner; thence South 89°54'00" W 130 feet; thence North 00°37'30" W 151.97 feet; thence along curve to right, radius 200 feet, chord bears North 35°05'12" E 233.49 feet, distance of 249.32 feet; thence South 00°25'40" W 342.80 feet to beginning. Part of the East 1/2 of the Southwest 1/4 of Section 29 and part of the West 1/2 of the Southeast 1/4 of Section 29, T4N, R9E as recorded in Liber 104, pages 10 & 11 of Plats, Oakland County Records. Sidwell No: 08-29-452-008

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

Shown on the attached D.E. Company Drawing No. R-9313827-01R dated January 7, 1994. The right of way is ten feet in width.

- 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.
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.

B#92 REG/DEEDS PAID 0001 APR 05 94 11:41 AM 2064 RMT FEE 2.00

B#92 REG/DEEDS PAID 0001 APR 05 94 11:47 AM 2064 MISC 9.00

RIGHT OF WAY NO. 45848

Witnesses:(type or print name below signature)

Shelley A. Poole
SHARON A. POOLE
Suzanne Patterson
SUZANNE PATTERSON

Grantor:(type or print name below signature)

Frank Kulha of Family Four
by: Beverlee J. Guntow
+ its: co-partner BEVERLEE J. GUNTOW

Acknowledged before me in Oakland County, Michigan, on Feb. 5, 1994

by BEVERLEE GUNTOW, the co-partner of Frank Kula of Family Four, a Michigan co-partnership, for the c-partnership.

Notary's Stamp Notary Public, Oakland County, MI Notary's Signature
(Michigan Commission Expires July 27, 1996)

Prepared by and Return to: Terry L. Benedict, 1970 Orchard Lake Road, Sylvan Lake, Michigan 48320/kjk.

OK - G.K.

