

OVERHEAD EASEMENT (RIGHT OF WAY) NO. 21828/2

On Dec 20, 1995, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Brian S. Hoeldtke, a single man, and William T. Hoeldtke, a single man, 3234 Walton Rd., Vassar, MI 48768

Thomas M. Marx and Virginia K. Marx, husband and wife, 7381 Glen Eagle Dr., Bay City, MI 48706

"Grantee" is:

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

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

Section 33, T12N-R8E, The Northwest 1/4 of the Northwest 1/4 of Section 33, except land deeded to the State Highway Commission, as set forth in Liber 344 of Deeds, pages 475-476, described as all that part lying Northerly of line 75 feet Southerly, and parallel to the survey line of M-46.

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

A 12' wide easement as shown on Exhibit "A", which is attached hereto and made a part hereof.

1. **Purpose** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead utility line facilities consisting of poles, guys, anchors, wires, 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. **Trees, Bushes, Branches or Roots** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches or roots in the Right of Way Area (or that could grow into the Right of Way Area) that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities.
5. **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.
6. **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. 48127

2-Dean

2011 (10/1)

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

LC 7678 \$1005
Dood 7550 \$1171

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Carol Hoeldtke
Carol Hoeldtke

Brian S. Hoeldtke
Brian S. Hoeldtke, A single man
William Todd Hoeldtke
William Todd Hoeldtke, A single man
AKA William T. Hoeldtke

Susan Markusic
Susan Markusic

Thomas M. Marx
Thomas M. Marx
Virginia K. Marx
Virginia K. Marx, HIS WIFE

Acknowledged before me in Saginaw County, Michigan, on December 21, 1995
by Brian S. Hoeldtke, a single man, and William T. Hoeldtke, a single man.

Notary's Stamp March 24, 2000 Notary's Signature Christine K Davis
Christine K. DAVIS

Acknowledged before me in Saginaw County, Michigan, on December 21, 1995
by Thomas M. Marx and Virginia K. Marx, husband and wife.

CHRISTINE K. DAVIS
Notary Public, Saginaw County Michigan
My Commission Expires March 24, 2000
Notary's Stamp _____ Notary's Signature Christine K Davis
Christine K. DAVIS

Prepared by and Return to: Betty J. Dean, 1075 Suncrest Drive, Lapeer, MI 48446/jmm

RECORDED RIGHT OF WAY NO. 48/37

RECEIVED FOR RECORD
LIBER NO. 686 PAGE NO. 856
FILING NO. 858

1996
FEB 28
4:15 pm
GINNY McLAREN, REGISTER OF DEEDS
TUSCOLA COUNTY MICHIGAN

LIBER 686 PAGE 858

4837

R/W * 21828/2
DATED 11/21/95
BY: CONNIE FIBRANZ

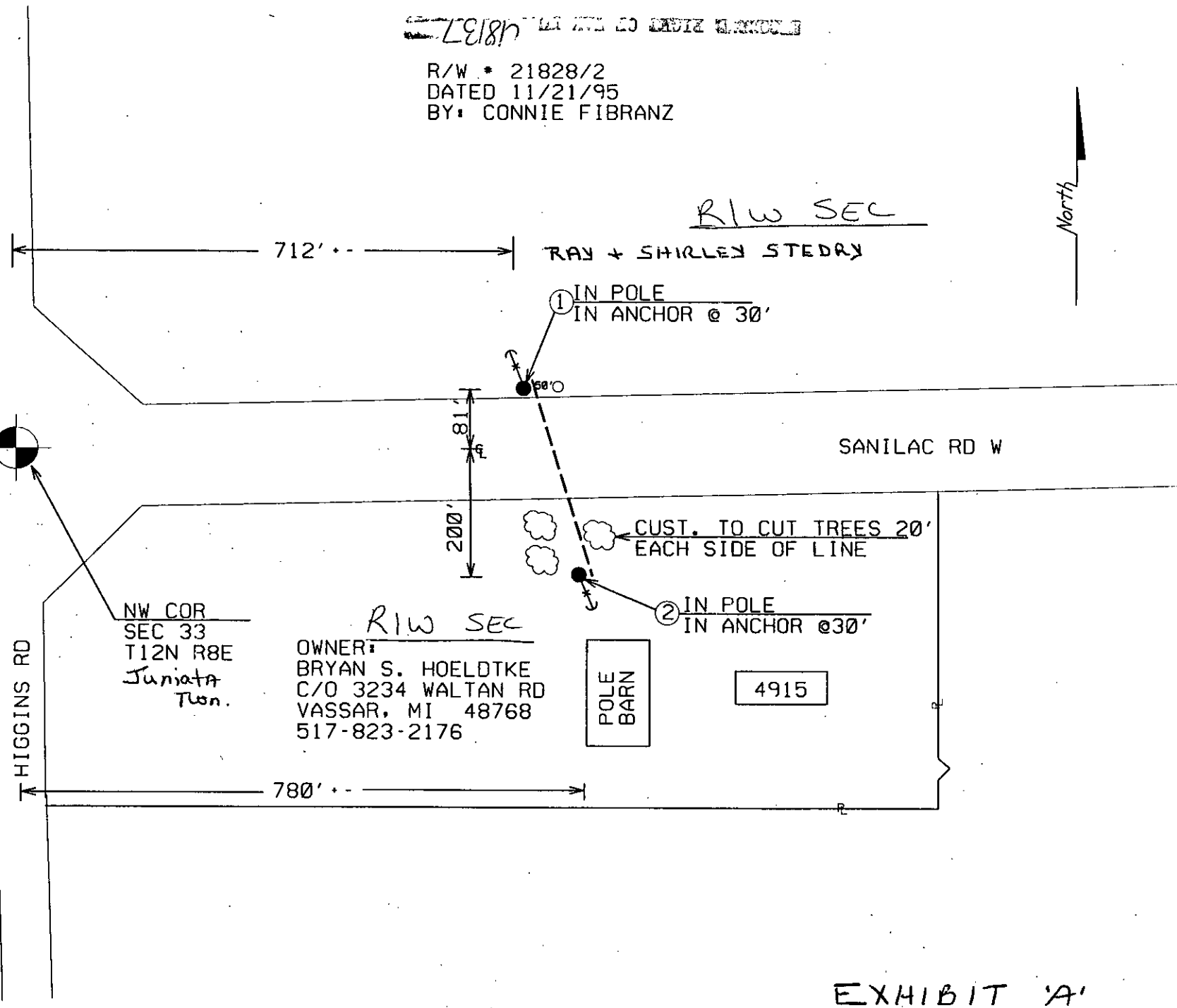


EXHIBIT 'A'