

**OVERHEAD AND UNDERGROUND EASEMENT (RIGHT OF WAY) NO. 31812/2**

On 2/2, 1996, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead and underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

**"Grantor" is:**

N & H Investment Limited, a Michigan corporation, 2900 West Maple Rd., Suite 321, Troy, MI 48084

**"Grantee" is:**

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

**"Grantor's Land" is in City of Lapeer, Lapeer County, Michigan**

**described as:**

Part of the Southeast 1/4 of Section 6, T7N-R10E, Beginning at a point on the East and West 1/4 line of said Section 6, which is North 89°05'00" West 762.33 feet from the East 1/4 corner of said Section 6; thence South 01°40'00" West 230.0 feet; thence South 31°40'00" West 40.0 feet; thence South 01°40'00" West 368.62 feet; thence North 89°05'00" West 177.47 feet; thence South 01°40'00" West 5.01 feet; thence North 89°05'00" West 499.79 feet; thence North 01°35'00" East 440.82 feet; thence South 88°49'00" East 60.0 feet; thence North 01°35'00" East 197.48 feet to the East and West 1/4 line of said Section; thence South 89°05'00" East along said 1/4 line 638.19 feet to the place of beginning.

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

**A 10' 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 and 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.

4837

**Witnesses:** (type or print name below signature)

**Grantor:** (type or print name below signature)

*Jill Fairland*  
Jill Fairland

RECEIVED FOR RECORD  
96 FEB 12 PM 1:29

LIBER NO. 936 PAGE NO. 390-6 *George M. Nyman, General Partner*

*Janice M. Kueger*  
Janice M. Kueger

REGISTER OF DEEDS  
LAPEER COUNTY, MICHIGAN

Acknowledged before me in OAKLAND County, Michigan, on FEBRUARY 6, 1996 by George Nyman, General Partner, N & H Investment Company, a Michigan corporation.

**DOROTHY L. ANDERSON**

Notary's Stamp Notary Public, Oakland County, MI Notary's Signature *[Signature]*

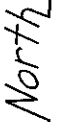
Expires APR 21, 1997

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

Deal L 775 p 672

E. 1/4 COR. - SEC. 6  
T 7N - R 10E

GENESEE



638.19'

762.33'

197.48'

60.0'

440.82'

SUZANNE

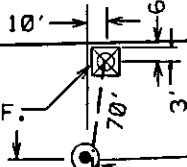
230.0'

40.0'

368.62'

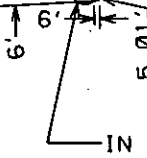
N+H Investment  
R/W SEC

IN 150KVA PADMOUNT TRSF.



499.79'

177.47'



IN 45' POLE

48338

RECORDED RIGHT OF WAY NO.

OVERHEAD & UNDERGROUND R/W DRAWING 31812/2  
DAN DEBUS 1-29-96 EXHIBIT "A"  
CITY OF LAPEER

MISC D	9.00
ESMT	P0009
REMONT	2.00