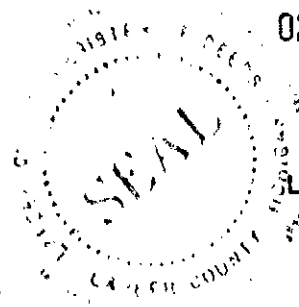
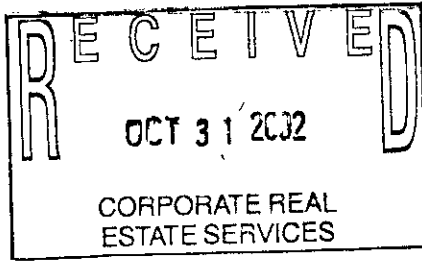


02 SEP 20 AM 9:30



Melissa DeVaugh
REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

RECORDED R/W FILE NO. 71474

Detroit Edison Overhead and Underground Easement (Right of Way) No. 435672

On AUGUST 30, 2002, 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:

Thomas Butterfield, Receiver for Clark T. Smoke, Robert L. Smoke and Mary Theewues, 407 Clay St., Lapeer, MI 48446

"Grantee" is:

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

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

See Attachment "A"

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 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 are allowed in the Right of Way Area without Grantee's prior written consent.
- 4. Excavation:** Under 1974 Public Act 53, you must call MISS DIG (1-800-482-7171) before excavating 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 can 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 will 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 will 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 and assigns.

Grantor: (Type or print name below signature)

Thomas Butterfield
Thomas Butterfield, Receiver for
Clark T. Smoke, Robert L. Smoke and
Mary Theewues

Acknowledged before me in LAPEER County, Michigan, on AUGUST 30, 2002, by Thomas Butterfield, Receiver for Clark T. Smoke, Robert L. Smoke and Mary Theewues.

Notary's Stamp: **BRUCE HUBER**
Notary Public, Lapeer County, MI
My Commission Expires Dec. 1, 2002
(Notary's name, county, and date commission expires)

Notary's Signature: Bruce Huber

Prepared by and Return to: Gary W. Kenney, LapSC, 1100 Clark Rd., Lapeer, MI 48446/mas

ATTACHMENT "A"

71474

RECORDED R/W FILE NO.

Parcel A: Part of the Southwest $\frac{1}{4}$ of Section 3, T8N-R11E, Arcadia Township, Lapeer County, Michigan, described as beginning at the Southwest corner of said Section 3, thence along the West section line, North $00^{\circ} 12' 25''$ West 556.95', thence North $89^{\circ} 14' 01''$ East 430.00', thence South $00^{\circ} 12' 25''$ East 556.95', thence along the South section line, South $89^{\circ} 14' 01''$ West 430.00' to the point of beginning.

Parcel D: Part of the Southwest $\frac{1}{4}$ of Section 3, T8N-R11E, Arcadia Township, Lapeer County, Michigan, described as beginning at a point on the West section line that is North $00^{\circ} 12' 25''$ West 556.95' from the Southwest corner of said Section 3, thence continuing along said West section line, North $00^{\circ} 12' 25''$ West 300.00', thence North $89^{\circ} 14' 01''$ East 1048.95', thence along the Westerly line of the former P.O. & N. Railroad, South $20^{\circ} 20' 14''$ East 318.38', thence South $89^{\circ} 14' 01''$ West 1158.52' to the point of beginning.

Parcel E: Part of the Southwest $\frac{1}{4}$ of Section 3, T8N-R11E, Arcadia Township, Lapeer County, Michigan, described as beginning at a point on the West section line that is North $00^{\circ} 12' 25''$ West 856.95' from the Southwest corner of said Section 3, thence continuing along said West section line, North $00^{\circ} 12' 25''$ West 300.00', thence North $89^{\circ} 14' 01''$ East 939.37', thence along the Westerly line of the former P.O. & N. Railroad, South $20^{\circ} 20' 14''$ East 318.38', thence South $89^{\circ} 14' 01''$ West 1048.95' to the point of beginning.

Parcel F: Part of the Southwest $\frac{1}{4}$ of Section 3, T8N-R11E, Arcadia Township, Lapeer County, Michigan, described as beginning at a point on the West section line that is North $00^{\circ} 12' 25''$ West 1156.95' from the Southwest corner of said Section 3, thence continuing along said West section line, North $00^{\circ} 12' 25''$ West 366.00', thence North $89^{\circ} 20' 47''$ East 183.00', thence South $00^{\circ} 12' 25''$ East 66.00', thence North $89^{\circ} 20' 47''$ East 527.37', thence along the Westerly line of the former P.O. & N. Railroad, South $20^{\circ} 20' 14''$ East 316.64', thence South $89^{\circ} 14' 01''$ West 939.37' to the point of beginning.

Parcel G: Part of the Southwest $\frac{1}{4}$ of Section 3, T8N-R11E, Arcadia Township, Lapeer County, Michigan, described as beginning at a point on the West section line that is North $00^{\circ} 12' 25''$ West 1854.95' and North $89^{\circ} 20' 47''$ East 183.00' from the Southwest corner of said Section 3, thence continuing North $89^{\circ} 20' 47''$ East 480.90', thence along the Westerly line of the former P.O. & N. Railroad, South $20^{\circ} 20' 14''$ East 422.69', thence South $89^{\circ} 20' 47''$ West 527.37', thence North $00^{\circ} 12' 25''$ West 398.00' to the point of beginning.

Parcel H: The entire block 3 and the South 72 feet of Pine Street lying North of same, Village of Arcadia (now known as Kingsmill), according to the plat thereof as recorded in Liber 1 of Plats, Page 21, Lapeer County Records more particularly described as part of the Southwest $\frac{1}{4}$ of Section 3, T8N-R11E, Arcadia Township, Lapeer County, Michigan described as beginning at a point on the West section line that is North $00^{\circ} 12' 25''$ West 1522.95' from the Southwest corner of said Section 3, thence continuing along said West section line, North $00^{\circ} 12' 25''$ West 332.00', thence North $89^{\circ} 20' 47''$ East 183.00', thence along the East line of said Block 3, South $00^{\circ} 12' 25''$ East 332.00', thence along the South line of said Block 3, South $89^{\circ} 20' 47''$ West 183.00' to the point of beginning.

Parcel 2: Part of the East $\frac{1}{2}$ Southeast $\frac{1}{4}$ of Section 4, T8N-R11E, Arcadia Township, Lapeer County, Michigan, described as beginning at a point that is North $00^{\circ} 12' 25''$ West 1352.00' along the East section line and North $89^{\circ} 41' 16''$ West 300.00' from the Southeast corner of said Section 4, thence North $89^{\circ} 41' 16''$ West 1026.07', thence North $00^{\circ} 13' 23''$ West 434.30', thence South $89^{\circ} 32' 35''$ East 1026.23', thence South $00^{\circ} 12' 25''$ East 431.71' to the point of beginning.

Parcel 3: Part of the East $\frac{1}{2}$ Southeast $\frac{1}{4}$ of Section 4, T8N-R11E, Arcadia Township, Lapeer County, Michigan, described as beginning at a point on the East section line that is North $00^{\circ} 12' 25''$ West 1352.00' from the Southeast corner of said Section 4, thence North $89^{\circ} 41' 16''$ West 300.00', thence North $00^{\circ} 12' 25''$ West 431.71', thence South $89^{\circ} 41' 16''$ East 137.00', thence South $00^{\circ} 12' 25''$ East 25.82', thence South $89^{\circ} 23' 35''$ East 163.00', thence along said East section line, South $00^{\circ} 12' 25''$ East 338.95' to the point of beginning.

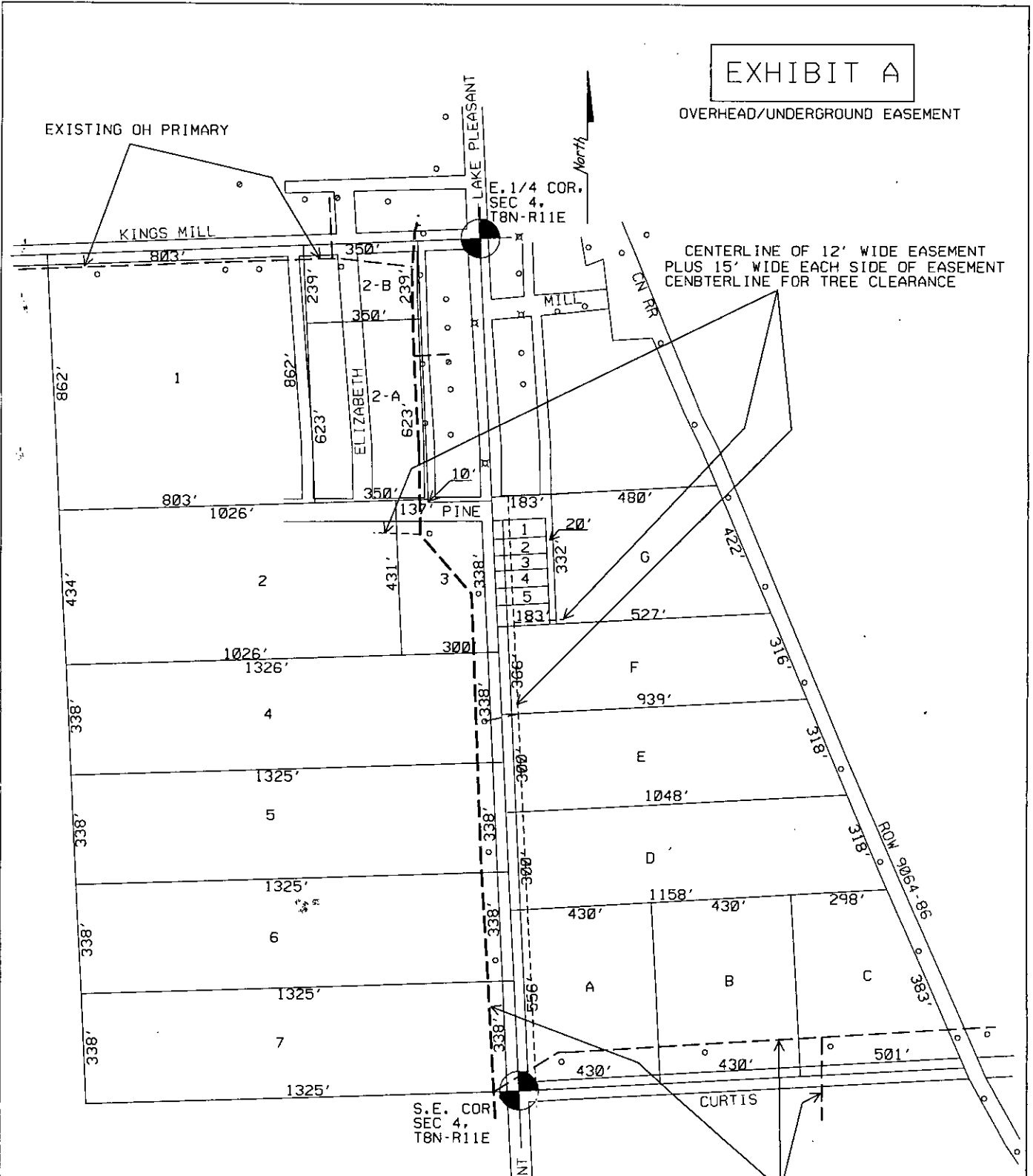


EXHIBIT A

OVERHEAD/UNDERGROUND EASEMENT

CENTERLINE OF 12' WIDE EASEMENT PLUS 15' WIDE EACH SIDE OF EASEMENT CENTERLINE FOR TREE CLEARANCE

RECORDED R/W FILE NO. 71474

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH		PERMITS TO:	
BY	ROGER KNIGHT	RECORD CENTER	1
DATE	9-5-02	R/W FILES	1
DATE WANTED		MBT	0
DISTRICT FIELDMAN	G. KENNEY	ORIGINATOR	1
		TOTAL	1

RIW SECURED BUTTERFIELD

REVISED SKETCH
08-27-02

JPL 435672

THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT			
CITY OR TWP.	ARCADIA	COUNTY	LAPEER
TWP SEC.	4	QTR	SE
MAP SECT.	8N	RANGE	11E
PROJECT NAME	BUTTERFIELD		
TOWNSHIP	SERVICE CENTER	COMP. CODE	MAILING CITY
	LAP		
CIRCUIT			
REASON	LAND SPLIT		
PLANNER	R. KNIGHT		
SCALE	1" = 400'		
DEPT. ORDER NO.			
R/W NO.			
MBT MEMO#			
CATV MEMO#			
O.F.W.			
BUDGET ITEM NO.			
DATE	08-27-02		

MISC D	11.00
ESMT	P0009
REMONT	2.00