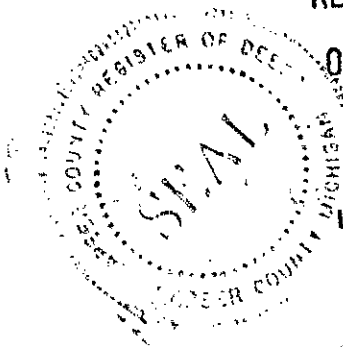
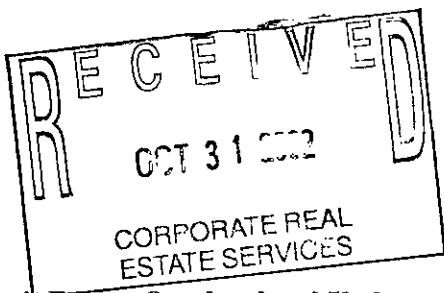


RECEIVED FOR RECORD

02 SEP 20 AM 9:31



Melissa DeVaugh
REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN

440134

Detroit Edison Overhead and Underground Easement (Right of Way) No. 440134

71481

RECORDED R/W FILE NO.

On 8-29-2002, 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:

N & R Construction Custom Homes, 200 Meadowview Dr., Attica, MI 48412

"Grantee" is:

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

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

Combined Parcel B and Release Parcel

Part of the Northwest 1/4 of Section 5, T7N-R11E, Attica Township, Lapeer County, Michigan, described as beginning at a point on the North line of Section 5, T7N-R11E, that is South 88 degrees 38 minutes 39 seconds East 955.83 feet from the Northwest Corner of said Section 5; thence extending along said North line, South 88 degrees 38 minutes 39 seconds East 250.00 feet; thence South 00 degrees 59 minutes 59 seconds West 411.00 feet thence South 88 degrees 38 minutes 39 seconds East 100.00 feet; thence South 00 degrees 59 minutes 59 seconds West 668.76 feet to a point on the centerline of Palmer Drain; thence along said centerline North 30 degrees 04 minutes 40 seconds West 391.79 feet and North 33 degrees 33 minutes 11 seconds West 121.33 feet and North 50 degrees 13 minutes 54 seconds West 101.25 feet; thence North 00 degrees 59 minutes 59 seconds East 581.50 feet to the point of beginning.

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: N + R Construction Custom Homes
Donald L. Redmond
DONALD L. REDMOND, V.P.

Acknowledged before me in Lapeer County, Michigan, on 8/29, 2002, by Donald L. Redmond, Vice President for N & R Construction Custom Homes.

Notary's Stamp: **Rena E. Bader**
Notary Public, Lapeer County, MI
My Commission Expires October 03, 2003
(Notary's name, county and date commission expires)

Notary's Signature: *Rena E. Bader*

Prepared by and Return to: Gary W. Kenney, Lap.SC, 1100 Clark Rd., Lapeer, MI 48446/gwk

Rena E. Bader
Notary Public, Lapeer County, MI
My Commission Expires
October 03, 2003

71481

RECORDED R/W FILE NO.

North

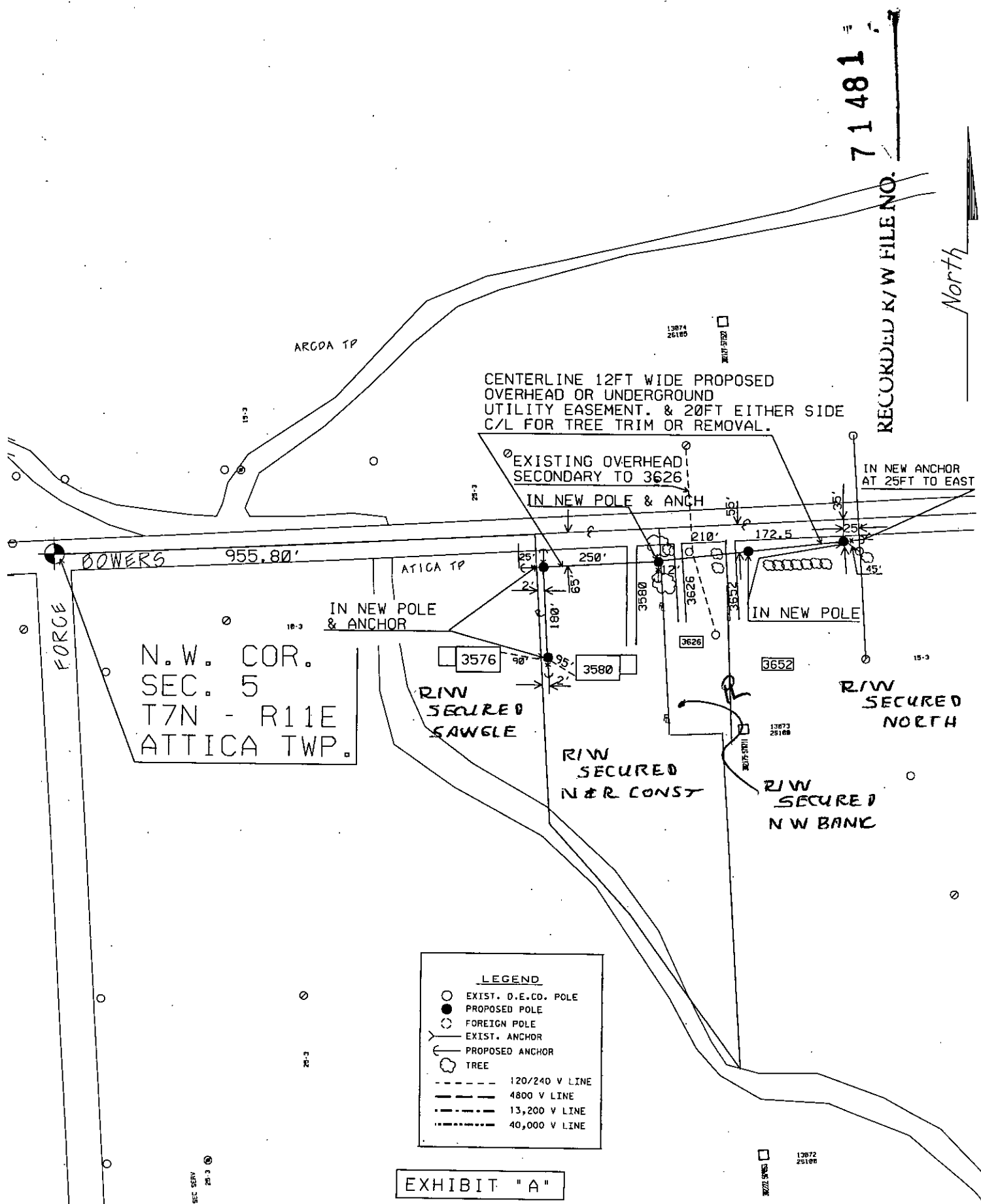


EXHIBIT "A"

REPORT OF R/W FACILITATOR. R/W SECURED AS INDICATED ON THIS SKETCH. BY _____ DATE <u>4-6-02</u> DATE WANTED _____ FACILITATOR <u>G. KENNEY</u>	PERMITS TO: RECORD CENTER <u>4</u> R/W FILES <u>4</u> TELEPHONE <u>0</u> ORIGINATOR <u>4</u> TOTAL <u>4</u>
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REVISED 9/3/02
 PER CUSTOMER
 AT 3652

R/W Description 3576 BOWERS RD. JOSEPH SAWGLE (R/WAY)				PD	SRW 5	PH	PLC	Conj. Group	R/W Number
Circuit #1	Circuit #2	Service Center #1	Service Center #2	COH	COS	CUG	CUL	CUT	CUS
Worksite City		Worksite Twp.		Worksite County					
Town	Range	Sect	Qtr	Planner Name	Commit Date	Scale	N/A	Plot Date	
7N	11E	5	NW COR.	LEO A. ABERLE 667-7849				8/30/02	

MISC D	9.00
ESMT	P0009
REMOVT	2.00