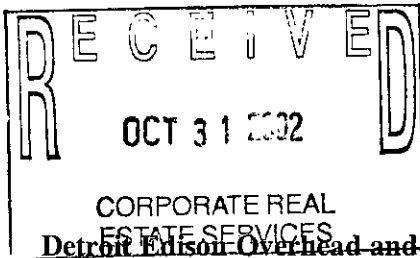


RECEIVED FOR RECORD

02 APR 29 AM 9:01

Melissa DeBough  
REGISTER OF DEEDS  
LAPEER COUNTY, MICHIGAN



~~Detroit Edison Overhead and Underground Easement (Right of Way) No. 402289~~

On 4-23- 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:

Robert E. Sutton and Sally J. Sutton, husband and wife, 2930 Five Lakes Rd., Metamora, MI 48455

"Grantee" is:

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

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

Part of the Southeast ¼ of Section 36, T7N-R10E, Lapeer Township, Lapeer County, Michigan, described as beginning at a point on the East section line that is North 02° 39' 56" West 1355.24' from the Southeast corner of said Section 36, thence South 87° 41' 40" West 1080.63', thence North 07° 27' 26" West 866.81', thence South 87° 12' 50" East 417.52', thence South 05° 28' 34" East 350.37', thence North 88° 05' 45" East 720.27', thence along said East section line, South 02° 39' 56" East 471.38' to the point of beginning. The above described parcel contains 15.44 acres, including that part used as Five Lakes Road, so-called. Being subject to restrictions, easements and/or right of ways of record.

Legal Description of Remainder: Section 36, T7N-R10E, Southeast ¼, except the East 203.00' of North 125.00' of South 643.00', also except beginning at a point on the East section line that is North 02° 39' 56" West 1355.24' from Southeast corner Section 36, thence South 87° 41' 40" West 1080.63', thence North 07° 27' 26" West 866.81', thence South 87° 12' 50" East 417.52', thence South 05° 28' 34" East 350.37', thence North 88° 05' 45" East 720.27', thence along said East section line, South 02° 39' 57" East 471.38' to the point of beginning. 144 acres more or less.

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.

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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.

(2) Witnesses: (Type or print name below signature)

X Helen Lynn Oberhausen

X [Signature]

Grantor: (Type or print name below signature)

[Signature]  
Robert E. Sutton

[Signature]  
Sally J. Sutton

71621  
RECORDED K/W FILE NO.

Acknowledged before me in Lapeer County, Michigan, on 4-23, 2002, by Robert E. Sutton and Sally J. Sutton, husband and wife.

Notary's Stamp Helen Lynn Oberhausen  
8.26.03 Lapeer County  
(Notary's name, county, and date commission expires)

Notary's Signature Helen Lynn Oberhausen

Prepared by and Return to: Betty J. Dean, LapSC, 1100 Clark Rd., Lapeer, MI 48446/mas

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH		PERMITS TO:	
BY	DATE	DESIGN	R/W FILES
DATE WANTED	DISTRICT FIELDMAN	MBT	ORIGINATOR
		TOTAL	

4-23-02

*[Signature]*

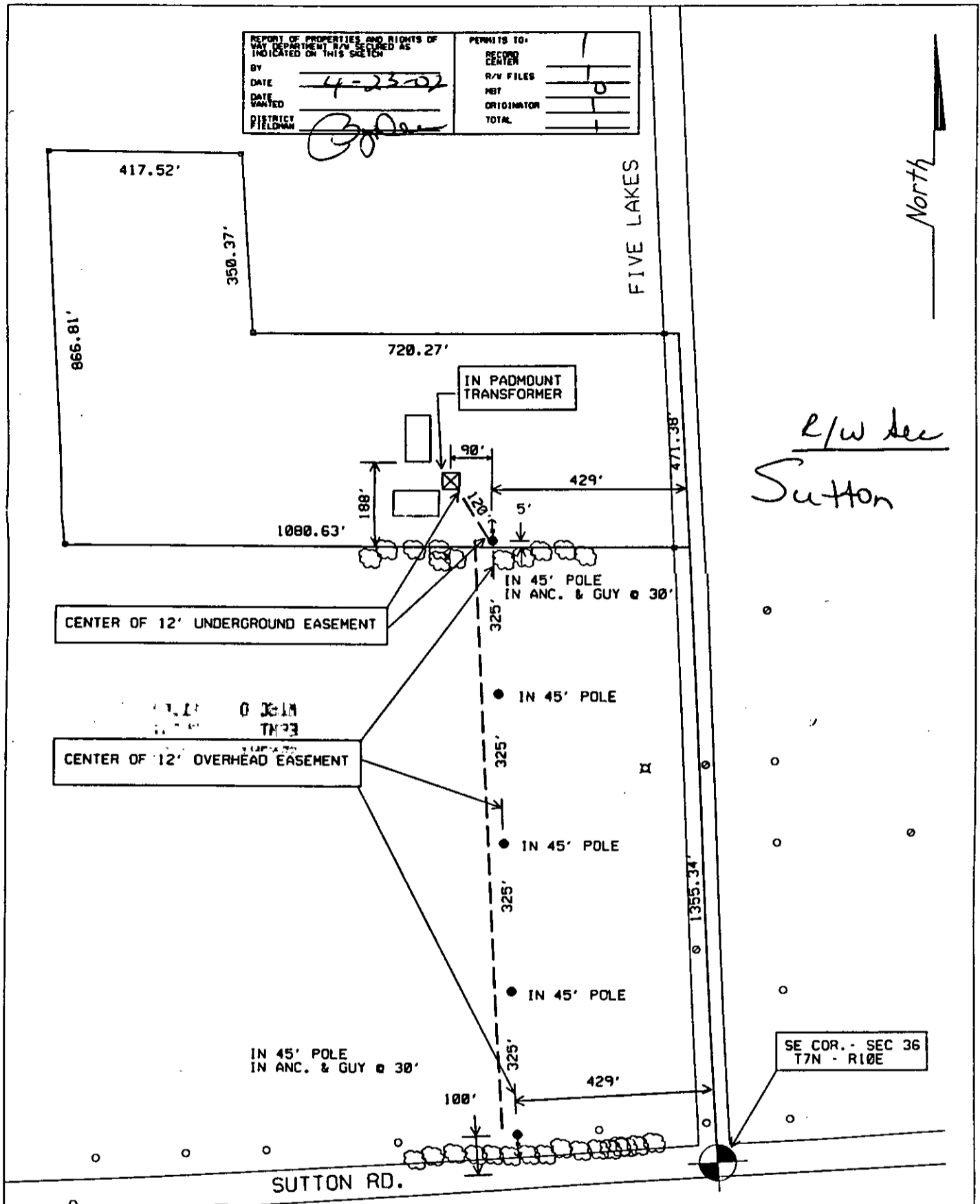


EXHIBIT "A"

<b>LEGEND</b> ○ EXIST. D.E.CO. POLE ● PROPOSED POLE ⊕ FOREIGN POLE ⊙ EXIST. ANCHOR ⊕ PROPOSED ANCHOR ⊕ IREL --- 120/240 V LINE - - - 4800 V LINE - · - · 13,200 V LINE · · · · 40,000 V LINE	THE DETROIT EDISON COMPANY-SERVICE PLANNING DEPARTMENT				
	CITY OR TWP. LAPEER	COUNTY LAPEER	TWP SEC QTR 36 SE	DEPT. ORDER NO.	
	MAP SECT.	TOWNSHIP 7N	RANGE 10E	JOINT R/W REQ'D	R/W NO. 402289/ 4
	PROJECT NAME	TEL. ENGR. & DIST.			MBT DESIGNS
	TOWNSHIP LAPEER	SERVICE CENTER	COMP. CODE	MATCHING CITY	CRIV. BRANCH
	CIRCUIT	REASON LAND SPLIT - ROBERT & SALLY SUTTON			BUDGET ITEM NO.
PLANNER DAN DEBUS	SCALE 1" = 200'			DATE 4-16-2002	

RECORDED R/W FILE NO. 71621

MISC D	11.00
ESMT	P0009
REMONT	2.00