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02 OCT 30 AM 10:47



Melissa DeVaugh
REGISTER OF DEEDS
LAPEER COUNTY, MICHIGAN



Detroit Edison Underground Easement (Right of Way) No. 439657.

On October 3, 2002, for the consideration of system betterment, Grantor grants to Grantee a permanent underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area."

"Grantor" is:

Donna Berner, 217 Roosevelt Drive, Davison, MI 48423

"Grantee" is:

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

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

Parcel F-2

Part of the Southeast 1/4 of Section 36, T9N R9E. Being more particularly described as commencing at the East 1/4 corner of said Section 36; thence South 01°28'19" East 1307.88 feet along the East line of said Section 36 to a point; thence South 89°02'34" West 226.55 feet to the Point of Beginning; thence proceeding South 89°02'34" West 758.32 feet to a point; thence North 23°52'35" East 350.07 feet to a point; thence South 01°28'40" East 139.98 feet to a point; thence North 89°02'34" East 610.00 feet to a point; thence South 00°57'26" East 177.72 feet to the Point of Beginning. Containing 3.032 Acres (Gross Area)

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:

Donna Berner

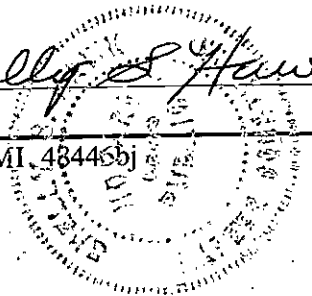
Donna Berner

Acknowledged before me in Lapeer County, Michigan, on October 3, 2002, by Donna Berner.

Notary's Stamp: SHELLY S. HAWK, Notary Public, Lapeer County, MI, My Commission Expires Oct. 23, 2005

Notary's Signature: Shelly S. Hawk

(Notary's name, county, and date commission expires)



Prepared by and Return to: Betty J. Dean, lapscc, 1100 Clark Road, Lapeer, MI 48445bj

RECORDED R/W FILE NO. 71809

REPORT OF PROPERTIES AND RIGHTS OF WAY DEPARTMENT R/W SECURED AS INDICATED ON THIS SKETCH

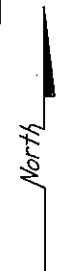
BY _____
 DATE 10-16-02
 DATE WANTED _____
 DISTRICT FIELDMAN [Signature]

PERMITS TO:

RECORD CENTER 2
 R/W FILES 2
 MBT _____
 ORIGINATOR 2
 TOTAL 2

CUSTOMER TO PROVIDE A 12' PATH FREE OF STUMPS, BRUSH, & ETC., AND BE WITHIN 4" OF FINISHED GRADE

EXHIBIT "A"

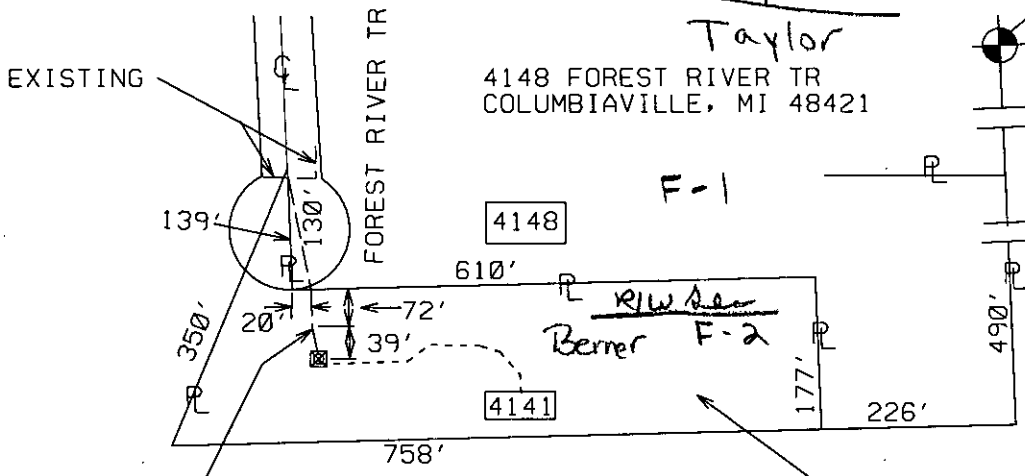


LEGEND

SET NEW POLE
 CABLE POLE
 POSITION OF SNEEP UP CABLE POLE
 BURIED PRIMARY CABLE (ALL VOLTAGES)
 BURIED SECONDARY CABLE
 SINGLE DUCT OCCUPIED
 DOUBLE DUCT 1 - OCCUPIED

SINGLE DUCT-TO BLIND END FOR FUTURE USE
 PAD-MOUNTED TRANSFORMER
 DIRECTION OF TRANSFORMER DOOR OPENING
 GUARD POST
 PRIMARY SWITCH CABINET
 SEPARABLE CONNECTION CABINET
 TEMPORARY CABLE MARKER
 PEDESTAL

P-S-C
 S-C-C



E 1/4 COR SEC 36

4148 FOREST RIVER TR
 COLUMBIAVILLE, MI 48421

R/W Bernier
 Taylor

CENTERLINE OF 12 FOOT WIDE EASEMENT
 NOTE: THE EASEMENT CENTERLINE MAY VARY IF FIELD CONSTRUCTION PROBLEMS ARISE. THEREFORE, FOR THE AS-INSTALLED EASEMENT CENTERLINE CALL 1-800-482-7171 (MISS DIG).

DONNA BERNER
 217 ROOSEVELT DR.
 DAVISON, MI 48423
 44-013-036-013-20

JPL

LEGEND

EXIST. D.E.CO. POLE
 PROPOSED POLE
 FOREIGN POLE
 EXIST. ANCHOR
 PROPOSED ANCHOR
 TREE

- - - - - 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. MARATHON TWP	COUNTY LAPEER	TWP SEC QTR 36 SE	DEPT. ORDER NO.
MAP SECT.	TOWN RANGE 9N 9E	JOINT R/W REQ'D	R/W NO. 439657/5
PROJECT NAME D. BERNER	TEL. ENGR. & DIST.		MBT MEMO#
TOWNSHIP MTN	SERVICE CENTER LPR	COMP. CODE UC	MAILING CITY COL
CIRCUIT DC 301 BRSLK 4.8 KV			CATV MEMO#
REASON SERVE 4141 FOREST RIVER TR			O.F.W.
PLANNER JM HEILIG			BUDGET ITEM NO.
	SCALE 1" = NONE'		DATE 9-30-02

2011

MISC D	9.00
ESMT	P0009
REMOVT	2.00