

2015 MAY 13 PM 3:50

Bernard J. Youngblood  
Wayne County Register of Deeds  
2015230815 L: 52238 P: 542  
05/13/2015 03:50 PM ORD Total Pages: 4



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

INTERNATIONAL TRANSMISSION  
COMPANY, d/b/a *ITCTransmission*, a  
Michigan corporation,

**SUBJECT TO DOCKET  
DIRECTIVE 2012-19**

Plaintiff,

Civil Action No. 14-012794-CC

vs.

Hon. Lita M. Popke

14-012794-CC

GREGORY A. MULLINAX; DEANNA M.  
MULLINAX; EVERHOME MORTGAGE  
COMPANY, F/K/A ALLIANCE  
MORTGAGE COMPANY; CITY OF  
TAYLOR; and LONNIE MULLINAX,

Parcel No.: BE-2079

FILED IN MY OFFICE  
WAYNE COUNTY CLERK  
5/11/2015 2:29:26 PM  
CATHY M. GARRETT

/s/ Korey Pearson

Defendants.

---

Mischa M. Boardman (P61783)  
Andrea M. Johnson (P67522)  
ZAUSMER, AUGUST & CALDWELL, P.C.  
Attorneys for International Transmission  
Company d/b/a *ITCTransmission*  
31700 Middlebelt Rd., Suite 150  
Farmington Hills, MI 48334  
(248) 851-4111

Avery K. Williams (P34731)  
Lisa M. Gardner (P54971)  
WILLIAMS ACOSTA PLLC  
Attorneys for International Transmission  
Company d/b/a *ITCTransmission*  
535 Griswold, Suite 1000  
Detroit, MI 48226  
(313) 963-3873

---

**AMENDED ORDER WAIVING NECESSITY, CONFIRMING TITLE,  
TRANSFERRING POSSESSION, AND FOR OTHER RELIEF**

At a session of the Court held in the County of Wayne,  
State of Michigan, on 5/11/2015

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PRESENT: HON. LITA M. POPKE

773114  
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FILE

This matter is before the Court pursuant to the filing of a Condemnation Complaint by Plaintiff International Transmission Company, d/b/a *ITCTransmission* (“*ITCTransmission*”) for the acquisition of certain permanent easement rights related to property located at 11140 Morley Avenue, Taylor, Wayne County, Michigan 48180 (the “Property”) and the Court being fully advised in the premises:

WHEREAS, on October 3, 2014, *ITCTransmission* filed a Complaint For Condemnation (“Complaint”) seeking a Vegetation Management Easement and First Amended Complaint For Condemnation on January 22, 2015 (“First Amended Complaint”);

WHEREAS, pursuant to MCL 213.55(5), *ITCTransmission* deposited certain funds in the amount of \$1,730.00 in escrow with eTitle Agency, Inc. (“Escrow Agent”), representing what *ITCTransmission* has alleged in the Complaint as the Estimated Just Compensation (“Escrow Funds” and/or “Estimated Just Compensation”) payable herein;

WHEREAS, none of the Defendants in this matter filed a motion challenging necessity as required by MCL 213.56(1) and therefore, pursuant to MCL 213.57(1) and applicable case law, the right for the Defendants in this action to file such a challenge was waived;

WHEREAS, Defendant Everhome Mortgage Company, f/k/a Alliance Mortgage Company has been voluntarily dismissed;

WHEREAS, a Stipulated Order of Dismissal has entered against Defendant City of Taylor, and the Order states that it is not entitled to any just compensation in this action;

WHEREAS, a Default Judgment has entered against Defendant Lonnie Mullinax and the Judgment states that he is not entitled to any just compensation in this action;

WHEREAS, Default Judgments have entered against Defendants Gregory A. Mullinax and Deanna M. Mullinax and those Judgments state that the Defendants have waived the right to challenge the amount of estimated just compensation;

IT IS ORDERED AND ADJUDGED:

1. Title to those rights in the real property described in the Vegetation Management Easement attached as Exhibit A, is hereby confirmed to have vested with *ITCTransmission* on October 3, 2014, the date the Complaint was filed.

2. Physical possession of the property rights as set forth in the Easement is surrendered to *ITCTransmission* as of the date of entry of this Order.

3. In accordance with MCL 213.58, the Escrow Agent shall pay the money deposited for Estimated Just Compensation as hereinafter determined, ordered, and apportioned by the Court. Before any payment is made by *ITCTransmission* to any person and/or entity, such person and/or entity shall provide *ITCTransmission* and the Escrow Agent a properly executed Form W-9.

4. Upon entry of this Order, *ITCTransmission* may record this Order with the Wayne County Register of Deeds.

**THIS ORDER DOES NOT RESOLVE THE LAST PENDING CLAIM NOR CLOSE THE CASE.**

/s/ Lita M. Popke

\_\_\_\_\_  
Circuit Court Judge

No. A 81030

E-314 BK.

STATE OF MICHIGAN, } ss.  
County of Wayne

CERTIFIED COPY — "LAW" 14-02794-CC

I, CATHY M. GARRETT, Clerk of Wayne County, and Clerk of the Circuit Court for the County of Wayne, do hereby certify, that the above and the foregoing is a true and correct copy of

*Appended Order Writting Necessity Concerning  
Title Transferring Possession, and For  
Other Relief*

entered in the above entitled cause by said Court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court and County, at Detroit, this day of **MAY 13 2015** A.D. 20

CATHY M. GARRETT, Clerk

Fee, \$ *13* *Quinn Doester*, Deputy Clerk



2015 MAY 13 PM 3:50

Bernard J. Youngblood  
Wayne County Register of Deeds  
2015230816 L: 52238 P: 546  
05/13/2015 03:50 PM ORD Total Pages: 7

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

INTERNATIONAL TRANSMISSION  
COMPANY, d/b/a *ITCTransmission*, a  
Michigan corporation,

**SUBJECT TO DOCKET  
DIRECTIVE 2012-19**

Plaintiff,

Civil Action No. 14-012794-CC

vs.

Hon. Lita M. Popke

14-012794-CC

GREGORY A. MULLINAX; DEANNA M.  
MULLINAX; EVERHOME MORTGAGE  
COMPANY, F/K/A ALLIANCE  
MORTGAGE COMPANY; CITY OF  
TAYLOR; and LONNIE MULLINAX,

Parcel No.: BE-2079

FILED IN MY OFFICE  
WAYNE COUNTY CLERK  
5/11/2015 2:55:49 PM  
CATHY M. GARRETT

Defendants.

---

Mischa M. Boardman (P61783)  
Andrea M. Johnson (P67522)  
ZAUSMER, AUGUST & CALDWELL, P.C.  
Attorneys for International Transmission  
Company d/b/a *ITCTransmission*  
31700 Middlebelt Rd., Suite 150  
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Attorneys for International Transmission  
Company d/b/a *ITCTransmission*  
535 Griswold, Suite 1000  
Detroit, MI 48226  
(313) 963-3873

---

**EXHIBIT A**

**AMENDED ORDER WAIVING NECESSITY, CONFIRMING TITLE,  
TRANSFERRING POSSESSION, AND FOR OTHER RELIEF**

14-012794-CC

No. A 81031

E-314 BK.

**CERTIFIED COPY —“LAW”**

STATE OF MICHIGAN, }  
County of Wayne } 89.

I, CATHY M. GARRETT, Clerk of Wayne County, and Clerk of the Circuit Court for the County of Wayne, do hereby certify, that the above and the foregoing is a true and correct copy of

*Christy A. Amended Order Waring, Recently  
Consuming Title, Nonferring Possession, and for  
Other Relief*

entered in the above entitled cause by said Court, as appears of record in my office. That I have compared the same with the original, and it is a true transcript therefrom, and of the whole thereof

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court and County, at Detroit, this day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

**MAY 13 2015**

CATHY M. GARRETT, Clerk

Fee, \$ 16- *Dei Beester*, Deputy Clerk



## VEGETATION MANAGEMENT EASEMENT

On \_\_\_\_\_, 20\_\_\_\_, for good and valuable consideration, the receipt of which is hereby acknowledged, \_\_\_\_\_ ("Grantor") whose address is \_\_\_\_\_, conveys and warrants to International Transmission Company, a Michigan corporation, of 27175 Energy Way, Novi, Michigan 48377 ("Grantee"), its successors and assigns, a permanent easement ("Easement") over, under, across and through all that portion owned by Grantor of a strip of land referred to as the "Easement Area" and/or the "Easement Description," which is described on Exhibit "A" attached hereto.

1. **Purpose:** The purpose of this Easement is to provide Grantee with the perpetual right to enter at all times upon all that portion of the strip of land that is owned by Grantor to cut, trim, remove, destroy or otherwise control any or all trees, bushes or brush now or hereafter standing or growing within the Easement Area.
2. **Restoration:** Within a reasonable time after performing any work pursuant to this Easement, Grantee shall clean up the Easement Area in accordance with best management practices for utility rights of way.
3. **Limited Use; Nonuse:** Nonuse or limited use of the rights herein granted shall not prevent later use to the full extent herein conveyed.
4. **Existing Rights:** Nothing contained in this Easement shall be construed as releasing or impairing any rights or privileges which may have been granted to, acquired by, or which already exist in favor of, Grantee or The Detroit Edison Company relative to the Easement Area or the Grantor's Land as described on the attached Exhibit "A".
5. **Damage Repair:** Grantee shall pay for any actual damage to Grantor's Land or Grantor's personal property resulting from Grantee's exercise of any of Grantee's rights under this Easement. Notwithstanding the foregoing, at no time shall Grantee be responsible for any damage to the extent that such damage results in whole, or in part, from Grantor's negligence. The term actual damage as used in this section is not intended to, nor does it, include damage to vegetation within the Easement Area as contemplated in paragraph 1.
6. **Successors:** This Easement runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

This Easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

*(Grantor's signature and acknowledgement appear on the following page.)*

GRANTOR

\_\_\_\_\_  
\_\_\_\_\_

Acknowledged before me in \_\_\_\_\_ County, Michigan, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
\_\_\_\_\_, County, Michigan  
Acting in \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_

Drafted by:  
Patricia Murphy (P61872)  
ITC Holdings Corp.  
27175 Energy Way  
Novi, MI 48377

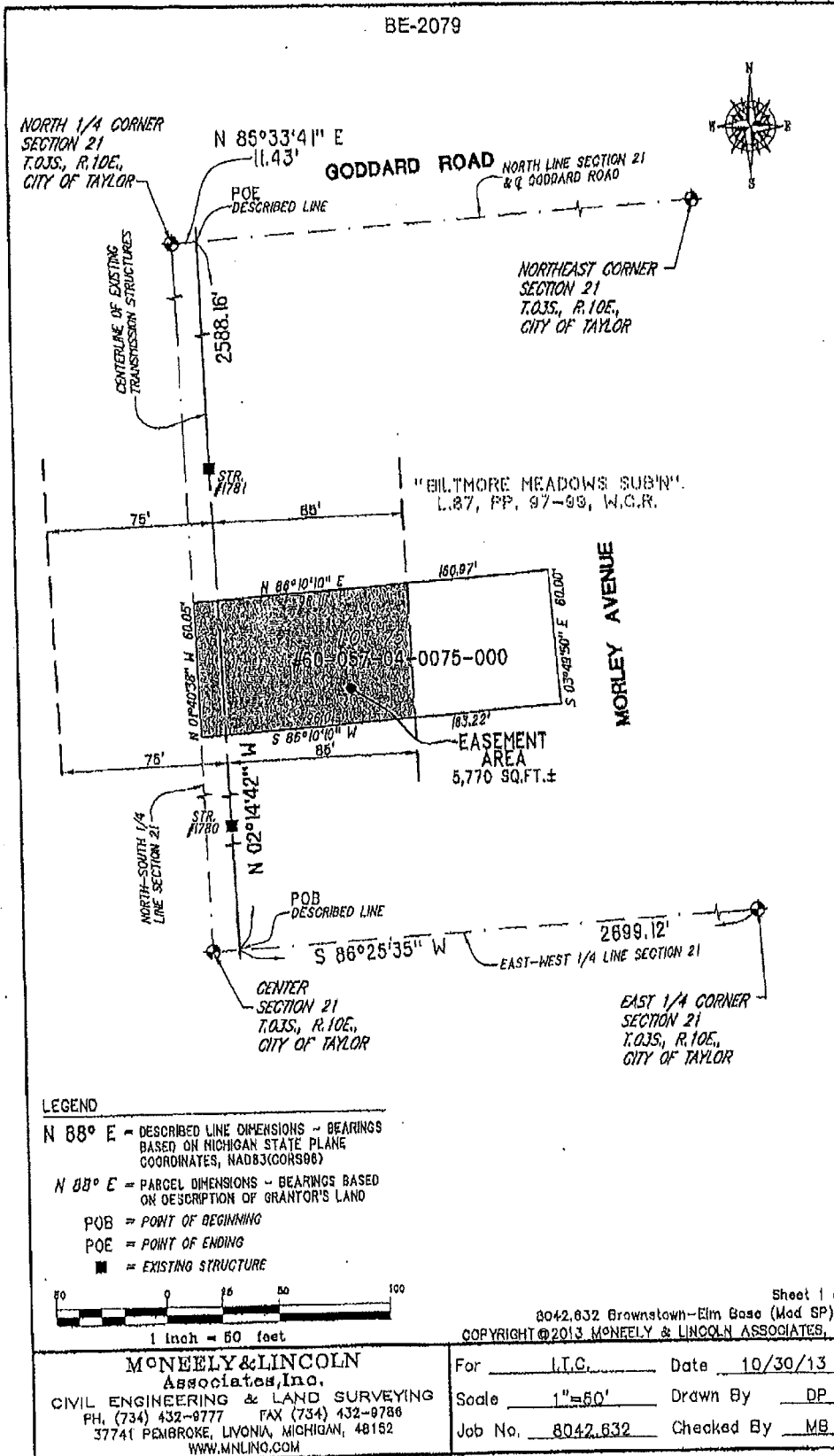
When recorded return to:  
NSI Consulting & Development  
24079 Research Drive  
Farmington Hills, MI 48335



EXHIBIT "A"

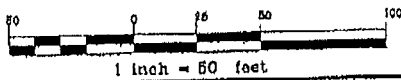
DESCRIPTION OF "GRANTOR'S LAND,"  
"EASEMENT AREA" AND "EASEMENT DESCRIPTION"

BE-2079



LEGEND

- N 88° E = DESCRIBED LINE DIMENSIONS - BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATES, NAD83(CORS06)
- N 88° E = PARCEL DIMENSIONS - BEARINGS BASED ON DESCRIPTION OF GRANTOR'S LAND
- POB = POINT OF BEGINNING
- POE = POINT OF ENDING
- = EXISTING STRUCTURE



Sheet 1 of 2  
 8042.632 Brownstown-Elm Base (Mod SP).dwg  
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**MCNEELY & LINCOLN**  
 Associates, Inc.  
 CIVIL ENGINEERING & LAND SURVEYING  
 PH. (734) 432-8777 FAX (734) 432-8786  
 37741 PEMBROKE, LYONIA, MICHIGAN, 48152  
 WWW.MNLINO.COM

For I.T.C. Date 10/30/13  
 Scale 1"=60' Drawn By DP  
 Job No. 8042.632 Checked By MB

BE-2079

**GRANTOR'S LAND**

Land in the City of Taylor, County of Wayne, State of Michigan, being more particularly described as:

Lot 75, Billmore Meadows Subdivision, as recorded in Liber 87, Pages 97, 98, and 99 of Plats, Wayne County Records.

(per Old Republic National Title Insurance Company, Commitment Number: 1107288-443, Commitment Date: July 22, 2013 at 08:00 AM)

Commonly known as: 11140 Morley  
Tax Parcel ID: 60-067-04-0075-000

**EASEMENT DESCRIPTION**

All that part of the above described Grantor's Land which lies Easterly of a line seventy-five (75.00) feet Westerly of and parallel with the following described line, and which lies Westerly of a line eighty-five (85.00) feet Easterly of and parallel with the following described line:

Commencing at the East 1/4 corner of Section 21, Town 3 South, Range 10 East, City of Taylor, Wayne County, Michigan;  
thence South 86 degrees 25 minutes 35 seconds West, along the East-West 1/4 line of Section 21, 2599.12 feet to the Point of Beginning of said line;  
thence North 02 degrees 14 minutes 42 seconds West 2588.16 feet to the Point of Ending of said line, said point lying distant North 85 degrees 33 minutes 41 seconds East, along the North line of Section 21 and the centerline of Goddard Road, 11.43 feet from the North 1/4 corner of Section 21.  
The side lines of said easement shall be extended or shortened to meet at angle points, and to terminate at the boundaries of the above described Grantor's land.

Sheet 2 of 2  
8042.632 Brownstown--Elm Base (Mod SP).dwg  
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PH. (734) 432-8777 FAX (734) 432-8788  
37741 PEMBROKE, LIVONIA, MICHIGAN, 48162  
WWW.MNLINC.COM

For   I.T.C.   Date   10/30/13    
Scale   N/A   Drawn By   DP    
Job No.   8042.632   Checked By   MB

Brownstown Elm  
 Recorded Amended Order Waiving Necessity, Confirming Title, Transferring Possession and for Other Relief

Parcel No.	Owners Name	Property Address	Tax Id	Liber/Page	EJC
BE-2079	Gregory A. Mullinax	11140 Morley Taylor, MI	60-057-04-0075-000	L-52076 P-1	\$1,730.00