

CHEBOYGAN #2

- QUITCLAIM DEED -

THIS INDENTURE, Made this 17th day of July, 1980, Between CONSUMERS POWER COMPANY, a Michigan corporation, 212 West Michigan Avenue, Jackson, Michigan 49201, (successor by merger to Consumers Power Company, a Maine corporation) first party, and

BLACK RIVER POWER COMPANY, INC., a Michigan corporation, 5020 Northwind Drive, Suite 202, East Lansing, Michigan 48823, second party,

WITNESSETH:

That first party, for and in consideration of the sum of Seventeen Thousand Five Hundred and No/100 Dollars (\$17,500.00) to it in hand paid by second party, the receipt whereof is hereby confessed and acknowledged, and the further consideration of the assumption by second party of the obligation to properly maintain the Alverno Dam and all other liabilities in connection therewith, the receipt and release thereof is hereby confessed and acknowledged by first party, first party does by these presents grant, bargain, sell, remise, release and forever QUITCLAIM unto second party and to its successors and assigns Forever, the following described land situate in the Townships of Benton, Aloha and Grant, County of Cheboygan and State of Michigan, known and described as follows:

Benton Township, T37N, R1W, Cheboygan County

Parcel 1

Commencing at Northeast corner of Government Lot 5, Section 35, T37N, R1W, thence S 02° 10' E and parallel to section line between Sections 35 and 36, 460.9 feet to stake in center of highway, thence S 81° 42' W, 845.2 feet to a certain point, which certain point is known as the place of beginning, this same line projected S 81° 42' W across the river shall be known as South line of property described in deed recorded in Liber 64 of Deeds on page 482 in Cheboygan County Register of Deeds office, thence from place of beginning N 31° 45' W, 180.85 feet to stake, thence N 44° 20' W, 252.5 feet to stake at waters edge on North bank of Black River, thence N 44° 20' W, 114.65 feet more or less to center of Black River, thence SE'ly and along center line of said river as it turns and bends in its course to point where said center line intersects said South line of property described in said deed recorded in Liber 64 of Deeds on page 482, thence N 81° 42' E along said South line 56 feet more or less to East bank of Black River, thence along same line 316.3 feet to place of beginning, being part of Government Lot 5, Section 35, T37N, R1W.

Parcel 2

Commencing at a cedar stake on the section line between Sections 35 and 36, T37N, R1W, and 901 feet South of the post set at the Northeast corner of Government Lot 5, Section 35, T37N, R1W, and running thence N 85° 45' W, 259.8 feet; thence N 62° 00' W, 134.7 feet; thence N 12° 30' W, 314 feet to cedar stake on brow of hill; thence S 81° 00' W, 728.5 feet to cedar stake at waters edge on North bank of Black River; thence S 81° 00' W, 45 feet, more or less, to the center of said river; thence SE'ly and along the center line of said river as it turns and bends to the point where said center line intersects the section line between Sections 35 and 36 aforesaid; thence N'ly and along said section line 40 feet, more or less to a cedar stake on the North bank of Black River; thence N'ly and along section line 177 feet to place of beginning, being a part of Government Lot 5, Section 35, T37N, R1W.

Parcel 3

Commencing at stake set where East and West subdivision line of SW 1/4 of Section 36, T37N, R1W, intersects E'ly margin of Black River, and running thence S 87° 15' E and along said subdivision line 110 feet to stake, thence N 15° 00' E, 98 feet, thence N 08° 15' E, 255 feet, thence N 13° 30' E, 136.4 feet, thence N 08° 30' W, 143.8 feet, thence N 32° 45' W, 143.3 feet, thence N 22° 00' W, 96.5 feet, thence N 48° 30' W, 156.4 feet, thence N 26° 45' W, 204.5 feet, thence N 42° 30' W, 164 feet, thence N 07° 30' W, 96 feet to stake in East and West 1/4 line of said Section 36, thence N 87° 30' W and along said 1/4 line 45 feet to E'ly margin of Black River, thence same course 40 feet more or less to center of river, thence along said center as it winds and turns to point where it intersects East and West subdivision line of said SW 1/4 of said Section 36, thence E'ly 30 feet more or less to point of beginning, being part of Government Lot 1, Section 36, T37N, R1W.

Parcel 4

Beginning at stake at high water mark where the E'ly shore of Black River intersects East and West subdivision line of SW 1/4 of Section 36, T37N, R1W, and running thence N 87° 15' W and along said subdivision line 40 feet more or less to center of Black River, thence along said center as it winds and turns to point where said center intersects section line on South side of said Section 36, thence S 87° 30' E and along said section line 40 feet more or less to E'ly margin of Black River, thence S 87° 30' E and along section line 112.8 feet to stake, thence N 29° 15' W, 132.7 feet, thence N 14° 45' E, 205.5 feet, thence N 45° 00' E, 126 feet, thence N 09° 00' E, 142.4 feet, thence N 16° 45' W, 142 feet, thence N 03° 30' E, 167.4 feet, thence N 22° 00' W, 164.2 feet, thence N 01° 30' E, 285.4 feet to a stake in North line of Government Lot 2, thence N 87° 15' W along said North line of Government Lot 2, 110 feet to point of beginning, being a portion of Government Lot 2, Section 36, T37N, R1W.

Parcel 5

Commencing at the Northwest corner of Government Lot 4, Section 35, T37N, R1W, and running thence N 00° 55' W along North and South subdivision line produced 625-1/2 feet to a stake on edge of high bank; thence S 83° 10' E, 63.7 feet to a stake on S'ly bank of Black River; thence S 83° 10' E, 40 feet to the center of Black River; thence SE'ly and along center of said Black River to the point where the center line of said river intersects the East and West 1/4 line of said Section 35; thence N 88° 30' W, and along said 1/4 line to place of beginning, being part of Government Lot 3, Section 35, T37N, R1W.

Parcel 6

A parcel of land 2 rods in width from off the South side of Government Lot 3, Section 35, T37N, R1W, from Northwest corner of Government Lot 4, of said town and range, W'ly to Black River Road, and being 544 feet along S'ly line of said Government Lot 3.

Parcel 7

Commencing at a stake in East and West 1/4 line of Section 35, T37N, R1W, 374.4 feet E'ly from Northwest corner of Government Lot 4 in said Section 35; and running thence S 88° 35' E along said 1/4 line 915.9 feet to a stake in S'ly margin of Black River; thence same course 40 feet more or less to center of river, thence SE'ly along center line of river to a point where said center line intersects the section line on East side of said Section 35; thence S 00° 30' E and along said section line 35 feet more or less to the S'ly margin of Black River; thence S 00° 30' E, 186.5 feet to stake in section line 621 feet from Southeast

| TITLE DATA | | | | MICHIGAN | Cheboygan | Benton | CONSUMERS POWER C | |
|-------------------------|-----------------|----------------|-------|--------------|--------------|----------|--------------------------|-----|
| Reservation from a Sale | | | | STATE | COUNTY | TOWNSHIP | TRACT 350.1-DX103-11 (cc | |
| Quitclaim Deed | NAME OF GRANTOR | | | MUNICIPALITY | SECTION | TOWN | RANGE | MAP |
| | 7-17-80 | | | | 35 | 37N | 1W | |
| KIND OF INSTRUMENT | DATE OF INST. | DATE OF RECORD | LIBER | PAGE | PLAT OR AREA | | | |

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corner of Government Lot 4 in said Section 35; thence N 83° 00' W, 128 feet; thence N 52° 50' W, 98.5 feet; thence N 56° 30' W, 105.2 feet; thence N 38° 30' W, 170.6 feet; thence N 76° 00' W, 130.9 feet; thence N 58° 30' W, 251.4 feet; thence N 43° 15' W, 170.2 feet; thence N 29° 20' W, 198.5 feet to place of beginning, being part of Government Lot 4, Section 35, T37N, R1W.

Parcel 8

Beginning at a stake in section line between Sections 35 and 36, T37N, R1W, and 621 feet North from Southeast corner of Government Lot 4, Section 35 aforesaid, and running thence N 00° 30' W and along said section line 186.5 feet to stake in S'ly margin of Black River, thence same course 40 feet more or less to center of said river, thence along said center line as it winds and turns to point where said center line is intersected by South line of Section 36, thence W'ly and along said section line 30 feet more or less to W'ly margin of said river, thence S 87° 00' W, 29.8 feet to stake, thence N 17° 30' W, 186.1 feet, thence N 09° 15' W, 137.9 feet, thence N 17° 30' W, 150.7 feet, thence N 06° 15' W, 203 feet, thence N 40° 30' W, 164.1 feet, thence N 09° 10' W, 83.2 feet, thence N 23° 30' E, 211 feet, thence N 01° 15' E, 116.6 feet, thence N 09° 15' W, 82 feet, thence N 15° 00' W, 97.6 feet, thence N 04° 00' E, 108 feet, thence N 08° 15' W, 405 feet, thence N 47° 30' W, 133 feet to place of beginning, being part of Government Lot 3, Section 36, T37N, R1W.

Aloha Township, T36N, R1W, Cheboygan County

Parcel 9

Commencing at a point on S'ly margin of Black River at its intersection with South line of Section 1, T36N, R1W, thence W'ly and along said section line 23 feet, thence N 50° 45' W, 10.5 feet; thence N 46° 30' W, 254.6 feet, thence N 41° 30' W, 268.7 feet, thence N 28° 00' W, 271.7 feet, thence N 36° 45' W, 308.9 feet, thence N 43° 00' W, 239.7 feet, thence N 01° 40' W, 156.1 feet, thence N 30° 10' W, 219.4 feet, thence N 01° 30' E and along North and South 1/4 line of said section 84.8 feet to S'ly margin of Black River, thence same course 40 feet, more or less to center of said river, thence SE'ly along center line of said river as it winds and turns to the intersection of said center line with the South line of said Section 1, thence W'ly along said section line 40 feet, more or less, to the place of beginning, being part of Government Lot 5, Section 1, T36N, R1W.

Parcel 10

Beginning at a stake in section line on North side of Section 1, T36N, R1W, and 300 feet E'ly from Northwest corner of said Section 1, and running thence S 22° 45' E, 388.8 feet to stake in line between Bonscore and Wylie, thence N 62° 30' E, 98 feet to S'ly margin of Black River, thence 30 feet, more or less, to center of said river, thence NW'ly along center line of river to a point where it intersects section line on North side of said Section 1, thence W'ly and along section line 30 feet, more or less, to S'ly margin of river, thence W'ly and along section line 29.8 feet to the place of beginning, being a part of Government Lot 10, Section 1, T36N, R1W.

Parcel 11

Commencing at a point on W'ly margin of Black River at its intersection with South line of Government Lot 8 in Section 1, T36N, R1W, thence W'ly along said line 60 feet, thence N 32° 15' W, 219 feet, thence N 19° 30' W, 87.8 feet, thence N 38° 00' W, 99.8 feet, thence N 54° 00' E, 23.5 feet to W'ly margin of Black River, thence same course

30 feet, more or less, to center of river, thence SE'ly along center line of river as it winds and turns to intersection of South line of said Government Lot 8, thence W'ly along said line 30 feet, more or less, to the place of beginning, being part of Government Lot 8, Section 1, T36N, R1W.

Parcel 12

Commencing at a point on S'ly margin of Black River at its intersection with North and South 1/4 line of Section 1, T36N, R1W, thence S'ly along said 1/4 line 84.8 feet, thence N 32° 30' W, 160 feet to North line of Government Lot 6 in said Section 1, thence E'ly along said North line 60 feet to S'ly margin of Black River, thence same course 40 feet, more or less, to center of said river, thence SE'ly along center line of river as it winds and turns to a point where it intersects North and South 1/4 line of said Section 1, thence S'ly along 1/4 line 40 feet, more or less, to the place of beginning, being part of Government Lot 6, Section 1, T36N, R1W.

Parcel 13

Commencing at a point on S'ly margin of Black River where it intersects East line of Section 12, T36N, R1W, thence South and along said section line 6.3 feet, thence N 45° 58' W, 137.7 feet, thence N 32° 00' W, 302.2 feet, thence N 35° 00' W, 181.5 feet, thence N 48° 30' W, 185.2 feet, thence N 55° 30' W, 205.7 feet, thence S 84° 40' W, 115.5 feet, thence N 53° 15' W, 311.8 feet, thence N 37° 40' W, 159 feet, thence N 65° 15' W, 209.1 feet, thence N 53° 40' W, 182.1 feet, thence N 48° 40' W, 164.1 feet to North line of said Section 12, thence S 80° 00' E and along section line 23 feet to S'ly margin of Black River, thence same course 30 feet, more or less, to center line of said river, thence SE'ly along center line as it winds and turns to the point where said center line intersects East boundary line of said Section 12, thence South and along section line 30 feet, more or less, to the place of beginning, being part of Government Lots 2 and 3, Section 12, T36N, R1W.

Grant Township, T36N, R1E, Cheboygan County

Parcel 14

Commencing on S'ly margin of Black River at the point where it intersects North and South 1/4 line of Section 7, T36N, R1E, thence South and along said 1/4 line 72 feet, thence S 60° 30' E, 102.3 feet, thence S 38° 15' E, 445 feet, thence S 45° 30' E, 161 feet, thence S 47° 30' E, 225.2 feet, thence S 53° 45' E, 218.3 feet, thence N 36° 00' E, 67.1 feet to S'ly margin of Black River, thence same course 40 feet, more or less, to center of river, thence NW'ly along center line of river as it winds and turns to the point where it intersects North and South 1/4 line of said Section 7, thence South along 1/4 line 40 feet, more or less, to the place of beginning, being part of Government Lot 7, Section 7, T36N, R1E.

Grant Township, T36N, R1W, Cheboygan County

Parcel 15

A parcel of land commencing at a stake in the North line of Section 1, T36N, R1W, and running thence N 87° 30' W and along section line 112.8 feet to the E'ly margin of Black River, thence same course 30 feet, more or less, to the center line of said river, thence along said center as it winds and turns to the point where East and West subdivision line of SE 1/4 of said Section 1 intersects said center

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line, thence S 78° 40' E and along said subdivision line 30 feet, more or less, to E'ly margin of said river, thence same course 128 feet to stake in S'ly line of Government Lot 3 of said Section 1, thence N 09° 15' W, 292.5 feet, N 02° 00' E, 259.3 feet, N 20° 30' W, 120 feet, N 01° 00' E, 135.7 feet, N 23° 15' W, 188 feet, N 04° 30' W, 117.5 feet, N 53° 30' W, 124.2 feet, N 34° 00' W, 123 feet, N 22° 45' W, 129.1 feet, N 16° 00' W, 69.3 feet, N 61° 00' W, 75.6 feet, N 15° 15' W, 114.5 feet, N 31° 00' W, 36 feet, N 24° 30' W, 118.6 feet, N 73° 45' W, 43.4 feet, N 56° 00' W, 67.5 feet, N 67° 00' W, 168 feet, S 64° 30' W, 96 feet, N 36° 00' W, 290.8 feet, N 67° 00' W, 109.8 feet, N 34° 30' W, 449.6 feet, N 35° 30' W, 398 feet, N 32° 15' W, 423.5 feet, N 34° 30' W, 300.6 feet, N 34° 10' W, 391.5 feet to the place of beginning, being part of Government Lots 1 and 2 and 3, Section 1, T36N, R1W.

Parcel 16

Commencing at a stake in North line 128 feet East of East bank of Black River, Government Lot 4, Section 1, T36N, R1W, thence S 22° 10' E, 368.5 feet, thence S 39° 50' E, 262.5 feet, thence S 42° 40' E, 424.5 feet, thence S 75° 15' E, 223.7 feet, thence S 29° 45' E, 98 feet, thence S 47° 20' E, 180.2 feet, thence S 44° 30' E, 144.2 feet, thence S 32° 30' E, 214.4 feet, thence S 23° 00' E, 146.2 feet, thence S 81° 10' W, 49 feet to the South line of said Section 1, thence N 79° 40' W and along said section line 252 feet to E'ly margin of Black River, thence same course 30 feet, more or less, to the center line of said river, thence NW'ly along said center line as it winds and turns to a point where East and West subdivision line of SE 1/4 of said Section 1 intersects said center line, thence S 78° 40' E along said subdivision line 30 feet, more or less, to E'ly margin of said river, thence same course 128 feet to the place of beginning, being part of Government Lot 4, Section 1, T36N, R1W.

Also conveying hereby all right, title and interest in and to the dam known as the Alverno Dam, across the Black River, the dam permit, flumes, spillways, marine railway over said dam, all water power rights used or usable in connection with said dam, and all other structures, works and improvements located on the above-described lands or appertaining thereto, now owned by Consumers Power Company or in its possession, excepting therefrom the easement and right for an existing electric transmission line as hereinafter described. Also all right, title and interest in and to any and all flowage rights appertaining to said Alverno Dam across the Black River, owned, used or enjoyed by said Consumers Power Company, whether said right, title, interest, use or enjoyment devolved upon said Consumers Power Company by grant, reservation, prescription, adverse possession or otherwise, or to any of said rights which may have been obtained by any of the predecessors in occupation of or title to said land.

Excepting and reserving to first party, its successors and assigns FOREVER, the easement and right to maintain existing lines consisting of poles, wires, cables, conduits and other fixtures and appurtenances for the purpose of transmitting and distributing electricity and/or conducting a communication business on, over, under and across that portion of the premises herein conveyed which is located within Government Lot 5, Section 35, T37N, R1W, Benton Township, Cheboygan County, Michigan, including all public highways upon or adjacent to said premises.

The route taken by said existing lines of poles, wires, cables and conduits on, over, under and across said land being more specifically described as follows:

On, over, under and across that portion of the premises herein conveyed which is located within Government Lot 5, Section 35, T37N, R1W, along or adjoining as near as practicable a line, which

said line is described as beginning at a point not more than 800 feet nor less than 500 feet East of the West line of Section 26, T37N, R1W, at a point not more than 500 feet nor less than 300 feet North of the South line of said section, running thence SE'ly to a point not more than 1800 feet nor less than 1200 feet West of the North and South 1/4 line of Section 36 of said Township, at a point not more than 300 feet South of the East and West 1/4 line of said Section 36.

With full right and authority to first party, its successors, licensees, lessees or assigns and its and their agents and employees to enter at all times upon said land for the purpose of patrolling, repairing, removing, replacing, improving, enlarging and maintaining such wires, cables, conduits and poles and other supports with all necessary braces, guys, anchors, manholes and transformers and stringing thereon and supporting and suspending therefrom lines of wires, cables or other conductors for the transmission of electrical energy and/or communication and to trim, remove, destroy or otherwise control any tress and brush which may, in the opinion of first party, interfere or threaten to interfere with or be hazardous to the operation and maintenance of said lines. It is understood that no buildings or other structures will be placed under or over such facilities or within such proximity thereto as to interfere with or threaten to interfere with the operation or maintenance of said facilities. It is further understood that nonuse or a limited use of this easement by first party shall not prevent first party from later making use of the easement to the full extent herein reserved.

Also Saving, excepting and reserving to first party, its successors and assigns, Forever, all nonmetallic minerals, coal, oil and gas (but not including sand, clay or gravel) lying and being on, within, or under the land herein conveyed, with full and free liberty and power to first party and to its successors and assigns, lessees, agents and workmen, and all other persons by its or their authority or permission, whether already given or hereafter to be given at any time, and from time to time, to enter upon said land and take all usual, necessary or convenient means for exploring, mining, working, piping, getting, laying up, storing, dressing, making merchantable, and taking away the said coal, oil and gas and other nonmetallic minerals and for storing, re-storing and protecting oil, gas and nonmetallic minerals in the subsurface strata underlying said land and taking and retaking the same, together with the right to lay pipelines on, over, under or across said premises from the wells, mines, or shafts sunk upon the same for the purpose of removing the oil, gas or other nonmetallic minerals from the premises or storing, re-storing and protecting oil, gas or other nonmetallic minerals in the subsurface strata underlying said land and retaking the same; also, saving and reserving unto first party, the right of ingress and egress over and across the above-mentioned land, together with the right to sink shafts or drill for oil, gas or other nonmetallic minerals at any place upon said property at any time hereafter.

Second party by the acceptance of this deed accepts and assumes all of the duties, obligations and conditions arising out of the ownership of the lands, dam, dam permit, flowage rights and water power rights appurtenant to said lands and dam, whether such duties, obligations and conditions are express or implied or created by common law, statutes or other governmental regulations including, but not by way of limitation, the obligation to operate and maintain a marine railway over said dam and to comply with the order of the Circuit Court for the County of Cheboygan, Case No. 163, dated August 28, 1964, concerning judgment for setting the level of Black Lake.

DX

RESERVATION FROM SALE OF LAND FOR ELEC TRANS LINE

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, TO HAVE AND TO HOLD the said premises unto second party and to its successors and assigns to the sole and only proper use, benefit and behoof of second party, its successors and assigns, Forever.

Where applicable, pronouns and relative words used herein shall be read as plural, feminine or neuter.

IN WITNESS WHEREOF, first party has caused this instrument to be executed in its corporate name and by its duly authorized officer as of the day and year first above written.

WITNESSES:
Carol J. Kielar
 Carol J. Kielar
Diane M. Tyrrell
 Diane M. Tyrrell

APPROVED AS TO FORM
DRK
 CONSUMERS POWER COMPANY CONSUMERS POWER COMPANY
 LEGAL DEPARTMENT
 By G. I. Heins
 G. I. Heins
 Vice President

STATE OF MICHIGAN }
 County of Jackson } ss.

The foregoing instrument was acknowledged before me this 17th day of July, 19 80, by G. I. Heins, Vice President of Consumers Power Company, a Michigan corporation, on behalf of the corporation.

Robert J. Cook
 Robert J. Cook
 Notary Public, Jackson County, Michigan
 My Commission expires September 30, 1980

PREPARED BY DAVID R. ROOD
 CONSUMERS POWER COMPANY
 212 WEST MICHIGAN AVENUE
 JACKSON, MICHIGAN