

D. H. Reyecraft and Hazel P. Reyecraft, his wife
NAME OF GRANTOR
Warranty Deed 8/14/1961 | 1/17/1962 | 184 | 415 |
KIND OF INSTRUMENT DATE OF INST. DATE OF RECORD LIBER PAGE

TRACT 323-D114-11

ACCOUNT NO.

MAP 3-27

Big Rock - Emmet Trans.

WRM
WARRANTY DEED - SHORT FORM.

NO. 1

Parcel #42 1/2

2756



This Indenture

Made this 14th day of August in the year of our Lord one thousand nine hundred and sixty-one
BETWEEN D. H. Reyecraft, also known as D. Harbert Reyecraft and Hazel P. Reyecraft, his wife parties of the first part, and CONSUMERS POWER COMPANY, a corporation authorized to do business in Michigan, with its principal office therein at 212 West Michigan Avenue, Jackson, Michigan party of the second part,

Witnesseth, That the said parties of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, do by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors and assigns, FOREVER, all that certain piece or parcel of land situate and being in the Township of Bear Creek County of Emmet and State of Michigan, and described as follows, to-wit:

A parcel of land one hundred thirty-three (133) feet in width off the South side of the Southeast one-quarter (SE 1/4) of the Southwest fractional one-quarter (SW 1/4) of Section seven (7), Township thirty-four (34) North, Range five (5) West, more particularly described as follows: Beginning at the South one-quarter post of said section, running thence North one degree nine minutes thirty seconds East (N 1° 9' 30" E) along the North and South one-quarter line of said section one hundred thirty-three and three hundredths (133.03) feet, thence West parallel with the South line of said section one thousand three hundred five and sixty-six hundredths (1,305.66) feet to the West, North and South one-eighth line of said section thence South one degree nine minutes thirty seconds West (S 1° 9' 30" W) along said West, North and South one-eighth line one hundred thirty-three and three hundredths (133.03) feet to the South line of said section, thence East along the South line of said section one thousand three hundred five and sixty-six hundredths (1,305.66) feet to the place of beginning, subject to the right of way of U. S. Highway 131, formerly State Trunk Line Highway M-131, relocated, running in a Northerly and Southerly direction across said parcel of land.

Said parcel of land will be used in the first instance for electric transmission and communication lines, but may be put to such further uses as second party, its successors and assigns, shall at any time so desire. First parties, their heirs and assigns, may continue to use said land for general farming purposes so long as said use shall not be inconsistent with the use of said land by second party, its successors and assigns. The use of said land by first parties shall be at their sole risk and expense and shall continue only until such time as second party, its successors and assigns, shall desire to take exclusive possession.

SEE NOTE #5 FOR ROADWAY ESMT

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said party of the second part and to its successors and assigns, FOREVER. And the said D. H. Reyecraft and Hazel P. Reyecraft parties of the first part, for them selves, their heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party of the second part and its successors and assigns, that at the time of the ensembling and delivery of these presents they are well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever.

SEE NOTE #1 FOR RELEASE OF R/W FOR DRIVEWAY

SEE NOTE #2 FOR RELEASE OF R/W FOR HIGHWAY EASEMENT

SEE NOTE #3 FOR ESMT FOR WATER MAIN.

SEE NOTE #4 FOR DRIVEWAY ESMT.

MICHIGAN STATE
Emmet COUNTY
Bear Creek TOWNSHIP
34 N 5 W
SECTION 7
TOWN RANGE

3.68 Acres
PLAT OR AREA

DATE	JOURNAL ENTRY	ITEMS OF COST	AMOUNT	TRANSFERS	BALANCE
Dec 1962	581	Original Cost (LR 4, Exh 114a-1)	\$ 2,631.85		\$ 2,631.85
Dec 1969	551	Release of R/W - Note 1		\$ (50.00)	2,581.85

Recorded 1/7/79

A00000251322

MAPPED AND CHECKED

GENERAL ENGINEERING MAP REFERENCES

OTHER DATA AND NOTES

Line Map No. F16382D Sheet 3 of 3 Sheets
 Plan & Profile No. 16382 Sheet ? of 12 Sheets
 Survey Map No. SF-16382 Sheet 1 of - Sheets

NOTE #1

(By Sale No. 187.509-5); T69-206 Consumers Power Co granted a release of r/w for a driveway across the ld on the caption of this tract as follows:

1. Consumers Power Co
10/10/69 Release of R/W X-11
2. Hazel P. Reycraft Driveway

Forever, the esmt and r/w for the purposes of a 66-foot rd on, over, alg and across that certain piece or pcl of ld situate in the Twp of Bear Creek, Co of Emmet and State of Mich, known and desc as follows, to wit:

A pcl of ld 133 ft in width off the S side of the SE $\frac{1}{4}$ of the SW frac $\frac{1}{4}$ of Sec 7, T34N, R5W, more part desc as follows: Beg at the S $\frac{1}{4}$ post of sd sec; run th N 01° 09' 30" E alg the N and S $\frac{1}{4}$ ln of sd sec 133.03 ft; th W para with the S ln of sd sec 1,305.66 ft to the W, N and S 1/8 ln of sd sec; th S 01° 09' 30" W alg sd W, N and S 1/8 ln 133.03 ft to the S ln of sd sec; th E alg the S ln of sd sec, 1,305.66 ft to the place of beg, subj to the r/w of U. S. Hwy 131, formerly State Trunk Ln Hwy M-131 relocated; runn in a N'ly and S'ly direc across sd pcl of ld.

The ctr ln of sd 66-foot rd is desc as runn in a N'ly and S'ly direc para with and 200 ft W of the E ln of the above-desc pcl of ld.

This conveyance is made subj to the following express conditions, reservations and exceptions, to wit:

FOR FURTHER CONDITIONS SEE ORIGINAL IN FILE:

NOTE #2

(By Sale No. 189.549-9); T76-167 Consumers Power Co granted a release of r/w for highway purposes across the land on the caption of this tract as follows:

1. Consumers Power Co
9-14-76 Release of R/W X-11
2. State of Michigan Highway

Forever, the easement and r/w for highway purposes on, over alg and across that certain piece or pcl of land situate in the Twp of Bear Creek, Co of Emmet and State of Mich, known and desc as follows, to wit:

A triangular pcl of ld in that part of the S 133 ft of the SE $\frac{1}{4}$ of the SW frac $\frac{1}{4}$ of Sec 7, T34N, R5W, which lies E'ly of the center ln of Highway US-131 and which is desc as follows: To find the pob of sd triangular pcl of ld commence at the S $\frac{1}{4}$ corner of sd sec; run thence S 89° 30' 17" W alg the S ln of sd sec, 371.09 ft; thence N 00° 29' 43" W, 33 ft to a pt on the N r/w ln of Lears Road which sd pt is the pob of this desc; run th S 89° 30' 17" W, 60 ft to a pt on the E'ly r/w ln of sd Highway US-131; th N 09° 34' 28" E alg sd E'ly r/w ln of sd highway US-131, 20 ft; th S 71° 36' 33" E, 61.55 ft to the pob.

FOR FURTHER CONDITIONS SEE ORIGINAL IN FILE:

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

1. Abstract _____
2. Opinions of Title _____
3. Title Search YES
4. Mortgage Release _____

Cost 2250.00

ACCOUNT NO. _____

MAP _____

6-12
1-2

and that they will, and their heirs, executors, and administrators shall *Warrant and Defend* the same against all lawful claims whatsoever,

In Witness Whereof, The said parties of the first part have herunto set their hands and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

John C. Linck
John C. Linck
R. T. Conley
R. T. Conley

D. H. Reycraft (L.S.)
D. H. Reycraft
Hazel P. Reycraft (L.S.)
Hazel P. Reycraft
(L.S.)
(L.S.)

STATE OF MICHIGAN,)

COUNTY OF EMMET) ss.

On this 14th day of AUGUST in the year one thousand nine hundred and sixty-one before me, a Notary Public of Emmet County, Michigan, ~~acting in~~ acting in Emmet County, personally appeared D. H. Reycraft and Hazel P. Reycraft.

to me known to be the same person described in and who executed the within instrument, who severally acknowledged the same to be their free act and deed.

John C. Linck
JOHN C. LINCK
Notary Public, Emmet County, Michigan
My Commission Expires July 5, 1963
County, Michigan.
My commission expires _____ 19____

1. See Act No. 179, of the Public Acts of 1941, requiring the address of each of the Grantees in each Deed of Conveyance or Assignment of Real Estate, including the Street Number, where such Numbers are in common use, or, if not, the Post-office addresses shall be legibly printed, typewritten, or stamped in such instrument.
2. Where conveyance is made to Corporation or Partnership, the following may be inserted, "its successors", and draw a line through the word "heirs."
* PRINT, TYPEWRITE OR STAMP names of persons executing this instrument, also names of the Witnesses and Notary Public immediately underneath such signatures.

WARRANTY DEED
SHORT FORM

D. H. Reycraft and Hazel P. Reycraft

TO

Consumers Power Company

REGISTER'S OFFICE,) ss.

This instrument was presented and received for record this _____ day of _____ A. D. 19____ at _____ o'clock _____ M., and recorded in Liber _____ of Deeds, on page _____, as a proper certificate was furnished in compliance with Section 3531, Compiled laws of 1929, as amended by Act 261, P. A. of 1931.

Register of Deeds.

NOTE #3: (By Sale No. Emmet Co. #4; 189.439-3) CPCo granted a water main esmt across the ld on the caption of this tract as follows:

1. Consumers Power Company
1-16-86
2. Linda S. Beier

Esmt-Water Main

The esmt and right to construct and maintain a 4 inch water main in, on, under, over, through and across that certain piece or pcl of ld situate in the Twp of Bear Lake, Co of Emmet and State of Michigan, known & desc as follows. to wit:

The W 10 ft of that part of the S 133 ft of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec 7, T34N, R5W, lying E'ly of and adj to the E'ly ln of Hwy US-131.

The cen ln of the route to be taken by sd water main in, on, under, over, through and across sd ld being more specifically desc as follows: In a N'ly & S'ly direction in, on, under, over, through and across sd ld.

It is understood that sd water main will be buried not less than 2 $\frac{1}{2}$ ft below the existing surface of sd ld, sd distance being measured from the surface of sd ld to the top of sd water main.

Together with additional space 10 ft in width lying contiguous to and E'ly of the E'ly ln of sd above-desc ld to be used during construction of sd water main in, on, under, over, through and across sd above-desc ld.

FOR FURTHER CONDITIONS, SEE ORIGINAL IN FILE.

NOTE #4: (By Sale No. Emmet Co #18) CECO granted an esmt for driveway and underground public utility purposes across the land on the caption of this tract, as follows:

1. Consumers Energy Company
7-19-96
2. Bear Creek Associates, LLC

Esmt

Forever, the esmt and r/w for driveway and underground public utility purposes on, under and across certain pcis of ld situate in the Twp of Bear Creek, Co of Emmet and State of Mich, and more particularly desc as follows:

A strip of ld 66 ft in width across the S 133 ft of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec 7, T34N, R5W, being 33 ft each side of the following desc centerline: Comm at the S $\frac{1}{4}$ cor of Sec 7; th S 89° 04 ' 25" W 843.82 ft alg the S ln of Sec 7 to the POB of sd centerline and th N 20° 21 ' 09" W 141.03 ft to the POE of sd centerline.

Also conveying the right to temporarily enter and grade up to 42 ft on each side of the above-desc permanent 66 foot wide esmt strip. Sd temporary rights shall expire upon the completion of the driveway. All grading shall take place in accordance with the conditions listed below.

The esmt hereby conveyed is for the sole and only purpose of locating, constructing and maintaining over and across the above-desc ld 1 driveway and underground public utilities, all to run in a N'ly & S'ly direction on, under and across the above desc premises. Sd driveway shall be paved with asphalt and approx 30 ft in width. Furthermore, all underground utilities shall be buried at a minimum of 3 ft beneath the surface of the ld, as measured from the surface of the ld to the top of the underground utility. Subj to the paragraph below, Grantee may, at its option, install curbs at the driveway perimeters.

This grant is made upon the express condition that all of Grantor's structures shall be accessible for maintenance or emergency repair at all times. Furthermore, Grantor shall have access to sd driveway at all times, and sd driveway shall not impede Grantor's access to any part of the above desc or adj property.

Grantee shall have the right to assign the esmt rights hereby conveyed to a public authority if the underground public utilities are dedicated to such public authority.

FOR OTHER CONDITIONS, SEE ORIGINAL IN FILE.

NOTE #5: (By Sale No. Emmet Co #18.2) CECO granted an esmt for roadway purposes across the land on the caption of this tract. as follows:

1. Consumers Energy Company
4-14-97 Esmt - Roadway
2. Board of Co Road Commissioners - Emmet County

Forever, the esmt and right for existing roadway purposes on, over, under, alg and across that certain piece or pcl of ld situate in the Twp of Bear Creek, Co of Emmet and State of Mich., known & desc as follows:

Part of the SW 1/4 of Sec 7, T34N, R5W desc as: Comm at the SW cor of sd Sec 7; th alg the S ln of sd sec N 89° 04' 25" E 1197.58 ft to the W 1/16 cor of sd sec; th cont alg sd S ln N 89° 04' 25" E, 33 ft; th N 00° 06' 59" E 33 ft to a pt marking the E'ly r/w of Anderson Road and the N'ly r/w of Lears Rd and the POB; th alg sd E'ly r/w of Anderson Road, N 00° 06' 59" E 33.51 ft; th S 40° 44' 10" E 39.55 ft; th N 89° 55' 24" E 210.82 ft to the N'ly r/w of Lears Road; th alg sd N'ly r/w of Lears Road, S 89° 04' 25" W 236.72 ft to the POB.

FOR OTHER CONDITIONS, SEE ORIGINAL IN FILE.

323-D 114-11 to WX-11

RM# 07-142



OFFICIAL SEAL
Michele E. Stine

Emmet Register of Deeds
07/27/2007 03:17P

L-1093 P-824

A00000251322

STATE OF
MICHIGAN



REAL ESTATE
TRANSFER TAX

Emmet
07/27/2007
43088

\$434.50 -C
\$2962.50 -S
#22093

EMMET #26

QUITCLAIM DEED

RECEIVED
2007 JUL 27 11:49

CONSUMERS ENERGY COMPANY (formerly known as Consumers Power Company), a Michigan corporation, whose address is One Energy Plaza, Jackson, Michigan 49201, Grantor,

for the sum of three hundred ninety five thousand dollars (\$395,000.00), receipt of which Grantor hereby acknowledges, QUITCLAIMS to

The Little Traverse Bay Bands of Odawa Indians, a federally recognized indian tribe, whose address is 7500 Odawa Circle, Harbor Springs, Michigan 49740, Grantee,

the following described land in the Township of Bear Creek, County of Emmet, State of Michigan:

Part of the Southeast 1/4 of the Southwest 1/4 of Section 7, T34N, R5W, described as: Beginning at the South 1/4 corner of said section; thence N 01°09'30" E 133.03 feet along the North and South 1/4 line of said section; thence West 1305.66 feet, parallel with the South line of said section, to the Westerly North and South 1/8 line of said section; thence S 01°09'30" W 133.03 feet along said 1/8 line to the South line of said section; thence East along the South line of said section 1305.66 feet to the place of beginning.

I.

Excepting and reserving to Grantor, its successors and assigns, forever, the easement and right to enter at all times upon the land herein conveyed and to: (a) construct, operate, maintain, repair, inspect, improve, change, enlarge, remove and replace one or more electric lines, each consisting of towers and/or pole structures and/or poles, with wires, cables, conduits, transformers and other fixtures and appurtenances, for the purpose of transmitting and distributing electricity and/or conducting a communication business on, over, under and across the land herein conveyed, including all public highways upon or adjacent to said land; and (b) cut, trim, remove, destroy or otherwise control any or all trees and brush which may now or at any time hereafter be located on any part of the herein conveyed land.

DX

Grantee covenants and agrees, as a covenant that will run with the land, that no buildings or other structures will at any time be placed and no trees will be planted on any part of the herein conveyed land.

It is further understood that nonuse or limited use by Grantor, its successors or assigns, of the foregoing easement and rights shall not prevent Grantor, its successors or assigns, from later making use of said easement and rights to the full extent herein reserved.

434.50
2962.50
3397.00

II.

Also excepting and reserving to Grantor, its successors and assigns, forever, (a) all right, title and interest in and to all coal, oil, gas and other minerals (but not including sand, clay or gravel) on, in or under the land herein

WX
A-251322

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07/27/2007 03:17P
Page: 1 of 2
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Emmet County, Michigan

conveyed, and (b) the exclusive right to store, re-store and protect oil, gas and other minerals in the subsurface strata underlying the land herein conveyed. Grantor, its successors and assigns, and its and their lessees and licensees, shall have the right, at any time, to use all usual, necessary or convenient means for (i) exploring for, mining and removing said coal, oil, gas and other minerals, and (ii) storing, re-storing and protecting oil, gas and other minerals in such subsurface strata and taking and retaking same from storage; but without entering upon the surface of the land herein conveyed.

Grantor grants to Grantee the right to make ZERO (0) divisions under section 108 of the land division act, Act No. 288 of the Public Acts of 1967.

Notice pursuant to MCL 560.109(4): This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

Dated this 23 day of July, 2007.

CONSUMERS ENERGY COMPANY

By *John M Butler* ^{6/29/07} ^{KSM}
John M Butler
Its Sr Vice President, Human Resources & Administrative Services

APPROVED AS TO FORM
KCS

Acknowledged before me in Jackson County, Michigan, on July 23, 2007, by John M Butler, Sr Vice President, Human Resources & Administrative Services of CONSUMERS ENERGY COMPANY, a Michigan corporation, for the corporation.

Loretta L Lester
Loretta L Lester
Notary Public, Jackson County, Michigan
Acting in Jackson County
My Commission Expires July 30, 2013

Prepared by Kimberly L. Savage
Consumers Energy Company
One Energy Plaza
Jackson, Michigan 49201

Return to: Loretta L Lester, EP7-469
Consumers Energy Co
One Energy Plaza
Jackson, MI 49201



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07/27/2007 03:17P
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