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Alva R. Mallory et al 1

TRACT 490-D85-4

Easement NAME OF GRANTOR 19-19-73 13-8-74 250 943

ACCOUNT NO.

MAP 16

EMMETT TO RIGGSVILLE-McGULPIN

Form 314 7-70

LIBER 250 PAGE 943



Alva R. Mallory and Marie Mallory, his wife, and Oscar J. Overholt and Flossie P. Overholt, his wife, all of Star Route, Levering, Michigan

Grantor, in consideration of ... Dollars (\$ 1.00) to him paid by CONSUMERS POWER COMPANY, a Michigan corporation, 212 W. Michigan Avenue, Jackson, Michigan, Grantee, receipt of which is hereby acknowledged, Conveys and Warrants to Grantee, its successors and assigns, Forever, the easement and right to erect, lay and maintain lines consisting of towers, pole structures, poles, or any combination of same, wires, cables, conduits, crossarms and other fixtures and appurtenances for the purpose of transmitting and distributing electricity and electric control circuits and devices on, over, under and across the following described land, including all public highways upon or adjacent to said land, which land is situate in the Township of ... of ... County of ... and State of Michigan, to-wit:

The Southwest 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Southeast 1/4 of Section 31, Township 38 North, Range 4 West.

The center line of said line of towers, pole structures, poles, wires, cables and conduits, on, over, under and across said land being described as:

In an Easterly and Westerly direction along and not more than 10 feet North or more than 10 feet South of the East and West 1/2 line of section 31, Township 38 North, Range 4 West.

Also conveying the full right and authority to Grantee, its successors, licensees, lessees or assigns, and its and their agents and employees, to enter at all times upon said premises for the purpose of constructing, repairing, removing, replacing, patrolling, improving, enlarging and maintaining such towers, pole structures, poles and other supports or any combination of same, with all necessary crossarms, braces, guys, anchors, and transformers, and stringing thereon and supporting and suspending therefrom lines of wire, cables or other conductor for the transmission of electrical energy and electric control circuits and devices.

Also conveying the right to cut, trim, remove, destroy or otherwise control (1) all trees and brush on the land of the Grantor described in this easement within 40 feet on either side of the center line of the towers, pole structures, poles and wires comprising said electric line, and (2) all trees in excess of 20 feet in height on the land of the Grantor described in this easement within 40 feet on either side of the center line of the towers, pole structures or poles. It is expressly agreed that the complete exercise of the rights herein granted to cut, trim, remove, destroy or otherwise control trees and brush may be gradual and not fully completed for some time in the future. Grantee may enter upon said land, from time to time, to cut, trim, remove or otherwise control trees and brush as aforesaid.

It is expressly agreed that, for the protection of said electric line, no buildings or other structures will be placed within 35 feet on either side of the center line of the towers, pole structures, poles and wires comprising said electric line. Grantee shall pay for all damage to crops arising out of the construction, operation and maintenance of the electric line.

It is expressly understood that nonuse or a limited use of this easement by Grantee shall not prevent Grantee from later making use of the easement to the full extent herein conveyed.

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

IN WITNESS WHEREOF, Grantor has executed this instrument of ... this 19th day of Sept, 1974.

WITNESSES:

John Stacy, James F. Miller, Stewart Bennett, James F. Miller

Oscar J. Overholt, Flossie P. Overholt, Alva R. Mallory, Marie Mallory

Prepared by James F. Miller Consumers Power Company 212 W. Michigan Avenue Jackson, Michigan 49201

State of Michigan Recorded 8th Day of March A.D. 1974 At 1:50 P.M. Frank J. Behan REGISTER OF DEEDS

MICHIGAN STATE, Emmet COUNTY, Township 38 N, Range 4 W, Section 31

Table with columns: BALANCE, TRANSFERS, AMOUNT, ITEMS OF COST, JOURNAL ENTRY, DATE. The table is mostly empty.

GENERAL ENGINEERING MAP REFERENCES

Line Map No. F-17781 Sheet 4 of 6 Sheets
Plan & Profile No. _____ Sheet _____ of _____ Sheets
Survey Map No. _____ Sheet _____ of _____ Sheets

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

1. Abstract _____
2. Opinions of Title _____
3. Title Search YES _____
4. Mortgage Release _____
5. Tree Vouchers _____
6. Other Documents _____

NAME OF GRANTOR

ACCOUNT NO. _____

MAP _____

KIND OF INSTRUMENT DATE OF INST. DATE OF RECORD LIBER PAGE

17985

LIBER 250 PAGE 044

(INDIVIDUAL ACKNOWLEDGMENT)

STATE OF MICHIGAN)
) ss.
County of Emmet)

The foregoing instrument was acknowledged before me this 19th day of September, 1973,
by Oscar J. Overholt and Flossie P. Overholt

James F. Miller
James F. Miller
Notary Public, Jackson County, Michigan
My commission expires August 25, 1975

(INDIVIDUAL ACKNOWLEDGMENT)

STATE OF MICHIGAN)
) ss.
County of Emmet)

The foregoing instrument was acknowledged before me this 13th day of November, 1973,
by Alva R. Mallory and Marie Mallory

James F. Miller
James F. Miller
Notary Public, Jackson County, Michigan
My commission expires August 25, 1975

(CORPORATE ACKNOWLEDGMENT)

STATE OF MICHIGAN)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 19____,
by _____
President of _____
corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan
My commission expires _____

(att. D. E. Bliss)

RETURN TO LAND & ELECT. DIVISION
CONSUMERS POWER COMPANY
1945 W. PARKHALL ROAD
JACKSON, MICHIGAN 48201