



Real Estate Department

Project No. AGL0132957
Work Order No. B0003220
Business Unit: METC

Date: April 19, 2013
To: Records Center
From: Barbara A. Mention *jam*
Real Estate
Subject: Easement-Section 14, Gladwin Township, Gladwin County,
Michigan. Parcel ID: 080-014-400-003-00

Attached are papers related to the acquisition of a Transmission Line Easement, dated March 1, 2013 to Michigan Electric Transmission Company (METC) from Steven and Mary Jo Risch, husband and wife, whose address is 7787 Hellems Road, Port Austin, Michigan 48467.

The easement was acquired for the purpose of eliminating language in the original easement acquired in 1974, which prohibits the use of steel poles.

The easement consideration was \$7,500.00.

The acquisition was negotiated by Paul Stempin, Stempin & Associates.

Please incorporate into the appropriate the METC Right of Way File data base and cross reference with Tract #797-D5-8.

Attachment (s)

CC: M. Ely
J. Kehoe
J. Robach
A. Sathe
J. Smith
S. Sczytko

FILE
20880

William T. Sheahan Title Company

An Insurance Agency

An Agency For First American Title Insurance Company

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

1. Effective Date **January 17, 2013 at 8:00 a.m.**

Case No. WS11871

2. Policy or policies to be issued:

(a)

- ALTA Owner's Policy
 MI Residential Title Insurance Policy

Proposed Insured:

Amount \$ Informational

(b) ALTA Loan Policy
Proposed Insured:

Amount \$ _____

(c)
Proposed Insured:

Amount \$ _____

3. Title to the **fee simple** estate or interest in the land described or referred to in this Commitment is at the effective date hereof vested in:

Steven Risch and MaryJo Risch, husband and wife

4. The land referred to in this Commitment is situated in the **Township of Gladwin, County of Gladwin, State of Michigan**, and described as follows:

The Southwest quarter of the Southeast quarter of Section 14, Town 19 North, Range 1 West, Township of Gladwin, Gladwin County, Michigan.

Sch. A - ALTA Commitment (MI)

William T. Sheahan Title Company
An Insurance Agency

32820 Woodward Ave., Suite 210 • Royal Oak, Michigan 48073 • Phone: (248) 549-9000 • Fax: (248) 549-9009

Paul D. Risch

SCHEDULE B – Section I

Requirements

The following are the requirements to be complied with:

- Item(a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
- Item(b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

This informative commitment is not an abstract or opinion of title, nor is it a commitment to insure title. This commitment is furnished for reference purposes only and may not be relied upon to establish the condition of title or ownership or encumbrances on the title when acquiring or conveying an interest in the land. It may not be relied upon as a commitment to insure title to the land identified herein. If title insurance coverage is desired, application should be made for a title insurance commitment in a specified amount, and identifying the proposed insured.

- I. Pay unpaid taxes and assessments unless shown as paid:
 - 2012 Winter taxes in the amount of \$417.87; DUE
 - 2012 Summer taxes in the amount of \$1,374.51; PAID
 - Tax Parcel Identification: 080-014-400-003-00

Commonly known as: **Vacant on Wagarville Road, Gladwin, MI**

SCHEDULE B – Section II

Exceptions

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, shortages in area, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements or claims of easements not shown by the public records and existing water, mineral, oil and exploration rights.
4. Any lien, or right to a lien, for services, labor, or materials imposed by law and not shown by the public records.
5. Restrictions upon the use of the premises not appearing in the chain of title.
6. The dower or homestead rights, if any, of the wife of any individual insured or of any individual shown herein to be party in interest.
7. Taxes and assessments which constitute a lien, but are not yet due and payable.
8. Taxes and assessments that become a lien against the property after date of closing. The Company assumes no liability for tax increases occasioned by retroactive revaluation, changes in the land usage or loss of any homestead exemption status for the insured premises.
9. Subject to an undivided one-half interest in all gas, oil, and minerals on said premises reserved by Stanley A. Resmer and Dorothy Resmer, husband and wife, as grantors, in a certain Warranty Deed as recorded in Liber 227, Page 181, Gladwin County Records.
10. Consumers Power Company easement created by instrument recorded in Liber 254, Page 765, Gladwin County Records.
11. Any charges, fees or assessments arising from municipal regulations or requirements, including but not limited to, water, sewer, septic systems, utilities and improvements and code enforcements.
12. Any rights, title, interest or claim thereof to that portion of the land taken, used or granted for streets, roads or highways.

NOTE: If policy is to be issued in support of a mortgage loan, attention is directed to the fact that the Company can assume no liability under its policy, the closing instructions, or Insured Closing Service for compliance with the requirements of any consumer credit protection or truth in lending law in connection with said mortgage loan.

Commitment No. WS11871
Schedule B – Section 2 – Page 1

Commitment – Schedule B Sec. 2

William T. Sheahan Title Company
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CONTACT REPORT

PROJECT: GALLAGHER-BARD RD.
STRUCTURE #927

AGENT: Paul S. Stempin

FEE OWNER

CONTRACT BUYER

NAME: RICHARD AND NANETTE RISCH

NAME: _____

ADDRESS: 2345 N. HENDERSON RD.
DAVISON, MI 48423

ADDRESS: _____

PHONE: 810-653-1474

PHONE: _____

STEVEN RISCH - 989-274-5506 (PORT AUSTIN) SRISCH@THUMBTOOL.COM
(DOG - "TED")

1-11-13

Paul Stempin met with Richard and Nanette Risch at their home in Davison. This issue involved their vacant property in Gladwin Township, Gladwin County. A wooden pole was replaced with a steel pole. ^{in August, 2013} The Easement, signed by the Risch's and other members of their family in 1974, specified poles to be single wood poles.

The Risch's said ITC/METC violated the easement by installing a STEEL pole. They claim that "No Hunting or Trespassing" signs were never put up, as specified in the easement.

The Risch's said they would sign a new easement for ^(2 poles) \$5,000 per pole, or \$10,000 for each 40 acre parcel. (There are 2 - 40-acre parcels - one owned by Richard and Nanette, and one owned by Steven ^{NEPHEW} and Mary Jo Risch (989-274-5506)).

1-25-13

PSS phoned Richard Risch and suggested that a fair price for easement on each 40 parcel would be \$4,000-5,000 ea. based on the current SEV of \$50,000 (Market Value: \$100,000). He felt that he and his nephew would split the difference and agree to \$7,500 for each 40 acre piece.

TITLE (currently): WEST 40 AC. → RICHARD, NANETTE, STEVEN, MARY RISCH
EAST 40 AC. → STEVEN, MARY RISCH

DATE	RESULTS OF CALL
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1-28-13

PSS contacted Richard Risch by phone. He was told that METC agreed to pay \$7,500 for each 40-acre parcel easement. It was agreed that the form of Easement and W-9 would be e-mailed to him and his nephew.

1-28-13 → FORM OF EASEMENT and W-9 faxed to Richard Risch.

1-29-13 → Received Richard's W-9 and sent papers to Steven Roddy; e-mail.

1-30-13 → Received Steven's W-9 by fax. Sent both to Barbara Menton.

2-1-13 → Richard phoned and requested checks of \$7,500 each.

2-4-13 → PSS sent an e-mail to Richard and Steven instructing them to each send an e-mail requesting two equal checks of \$7,500 for both easements.

2-4-13 → Received e-mail from Steven authorizing payment to Richard & wife

2-5-13 → Received e-mail from Richard authorizing payment to Richard & wife

2-19-13

PSS emailed the Easements and Affidavit to Richard Risch and Steven Risch for their review.

2-21-13

Richard ^{STEVEN} Risch contacted Paul Stempin requesting a letter assuring them that any trees cut in the future will be limbed and left in log lengths for them. After consulting with B. Menton, Steven was advised that every effort will be made to honor his request, but not in writing. Steven acknowledged this.

2-28-13

All parties met in Malaya City and executed the Easements and Affidavit. Paul Stempin gave them their checks for compensation.