

13

TITLE DATA

CONSUMERS POWER COMPANY

Herbert L. Wagner and wife, Anna

TRACT 282-D307-3

Warranty Deed 9/27/67 11/13/67 288 365

ACCOUNT NO.

MAP 7

BOARDMAN-LUDINGTON

RECORDED IN DEEDS

Recorded November 13, 1967 at 10:45 o'clock A.M. Lib. 288 of Deeds, Page 365 Gladys Helfrich Register of Deeds

WARRANTY DEED

This Indenture, made September 27, 1967 BETWEEN HERBERT L. WAGNER and ANNA WAGNER, his wife, of RFD, Buckley, Michigan, parties of the first part,

and CONSUMERS POWER COMPANY, a corporation duly authorized to do business in Michigan and having its principal office therein at 212 West Michigan Avenue, Jackson, Michigan 49201, party of the second part.

Witnesseth, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and Other Good and Valuable Consideration to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, its successors and assigns, Forever, all that certain piece or parcel of land situate and being in the Township of Blair, County of Grand Traverse and State of Michigan, and described as follows, to-wit:

A strip of land 330 feet in width across part of the S 1/2 of Section 31, T26N, R11W, described as follows: To find the place of beginning of this description commence at the Southwest corner of said section; run thence S 89° 15' 33" E along the South line of said section 1229.88 feet; thence N 34° 22' 03" E, 1981.46 feet to a point on the North line of land now or formerly owned by Earl Dinger and Theil Dinger, his wife, and which said point is also the place of beginning of this description; said point being 281.43 feet distant W'ly from the North and South 1/4 line of said section as measured parallel with the South line of said section; thence continuing N 34° 22' 03" E, 1085.2 feet; thence N 00° 04' 33" E, 97.85 feet to the East and West 1/4 line of said section; thence N 89° 14' 10" W along the East and West 1/4 line of said section 330.02 feet to the center of said section; thence S 34° 22' 03" W, 1202.86 feet to the North line of said land now or formerly owned by Earl Dinger and Theil Dinger, his wife; thence S 89° 15' 33" E along the North line of said land now or formerly owned by the said Dingers, 396.31 feet to the place of beginning.

Excepting and reserving to first parties, their heirs or assigns, the easement and right to cross said strip of land at such places and in such a manner as is mutually satisfactory to both parties so long as said crossing shall not interfere with the use of said land by second party, its successors or assigns.

SEE NOTE #1 FOR LICENSE FOR UNDERGROUND FIBER OPTIC CABLE

STATE OF MICHIGAN, County of Grand Traverse, ss. Traverse City, Michigan, 1967. I hereby certify, that there are no tax liens or titles held by the State or by individuals on the land herein described in the within instrument, and that all taxes due thereon have been paid for the five years preceding the date of said instrument as appears by the records in my office. This does not cover taxes in process of collection by Township, Cities or Villages. ... 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 party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the delivery of these presents he is well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever and that he will, and his heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever.

When applicable, pronouns and relative words shall be read as plural, feminine or neuter. In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, and Delivered in Presence of

Handwritten signatures of Karl Wagner, Anna Wagner, and C. H. Quivey.

STATE OF MICHIGAN,) County of Grand Traverse) ss. On September 27, 1967 before me, a Notary Public of Jackson County, Michigan, acting in Grand Traverse County, personally appeared Herbert L. Wagner and Anna Wagner,

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

My commission expires September 7, 1970 Charles H. Quivey Notary Public, Jackson County, Michigan.

Formerly 1852-D196-3

Table with columns: BALANCE, TRANSFERS, AMOUNT, ITEMS OF COST, JOURNAL ENTRY, DATE. Includes sub-headers for MICHIGAN STATE, Grand Traverse COUNTY, Blair TOWNSHIP, 31 SECTION, T 26 N TOWN, R 11 W RANGE, and 9.04A PLAT OR AREA.

18

MAPPED AND CHECKED

OTHER DATA AND NOTES

GENERAL ENGINEERING MAP REFERENCES
Line Map No. F-16874 Sheet 2 of 13 Sheets
Plan & Profile No. _____ Sheet _____ of _____ Sheets
Survey Map No. _____ Sheet _____ of _____ Sheets

NOTE #1: (By Sale No. Grand Traverse #31; 189.262-9) CPCo granted a License for Underground Fiber Optic Cable across the land on the caption of this trace as follows:

1. Consumers Power Company
3-2-92
2. Michigan Bell Telephone Co.

The License and Permit of use certain land situate in the Township of Blair, County of Grand Traverse and State of Michigan, known and described as follows, to wit:

A 10-foot wide strip of land running in a generally Northerly and Southerly direction across Sections 30 and 31 of Township 26 North, Range 11 West, as more fully shown and described on the drawings (two sheets) which are attached hereto and made a part hereof as Exhibit A;

for the purpose of constructing and maintaining one (1) underground fiber optic cable under and along said 10 foot wide strip of land, and for no other purposes. Said underground fiber optic cable shall be located and run on and along the centerline of said 10 foot wide strip of land, which centerline is located 50 feet West of and parallel to the center line of an existing Consumers Power Company electric transmission tower line as more fully described on the drawings attached hereto as Exhibit A. Said fiber optic cable shall be buried a minimum of three feet beneath the surface of the ground to the top of said fiber optic cable.

It is understood that the license herein granted for use of the above described premises is non-exclusive. Without limiting the foregoing, Licensor expressly retains the right to the use and possession of the premises for its purposes, including, without limitation, electric and gas transmission and distribution lines and all appurtenances used or usable in connection therewith, and the right to enter upon said premises at all times for the purpose of constructing and maintaining roadways for the purpose of carrying on such construction, maintenance, operations and patrols.

This license is executed by Licensor and accepted by Licensee subject to the following terms and conditions:

FOR FURTHER CONDITIONS SEE ORIGINAL IN FILE.

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

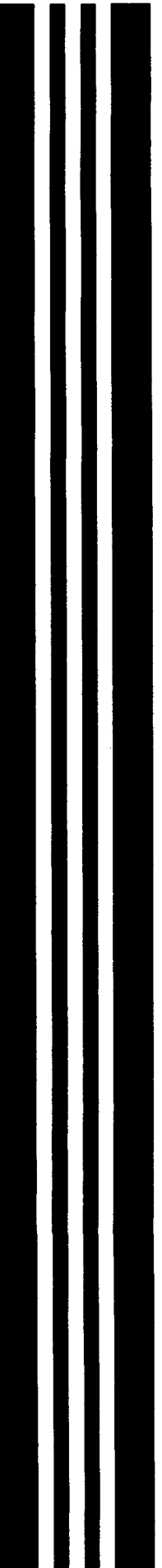
1. Abstract _____
2. Opinions of Title _____
3. Title Search _____
4. Mortgage Release _____

PRIMARY INDEX FORM

Page 1 of 1

1 Tract ID 282.1-D307-2

2	Tract #	<u>282.1</u>			
3	Plant Key	<u>D</u>			
4	Line Number	<u>307</u>			
<hr/>					
Instrument #	5	<u>2</u>	5A		5B
Plat	6		6A		6B
County	7	<u>GRAND TRAVERSE</u>	7A		7B
Town / Range	8	<u>T26N/R11W</u>	8A		8B
Section	9	<u>31</u>	9A		9B
Township	10	<u>BLAIR</u>	10A		10B
Village	11		11A		11B
City	12		12A		12B
Grantor	13	<input checked="" type="checkbox"/> (If checked - identified on document)	13A	<input type="checkbox"/> (If checked - identified on document)	13B <input type="checkbox"/> (If checked - identified on document)
Liber / Page or Document / Series	14	<u>L 288 / P 495</u>	14A		14B
Date of Instrument (Mo. / Day / Year)	15	<u>08/03/1967</u>	15A		15B
<hr/>					
16	Grantee	<input checked="" type="checkbox"/> Consumers Power Company	17	Type of Document	<input checked="" type="checkbox"/> Fee
		<input type="checkbox"/> Consumers Energy			<input type="checkbox"/> Easement
		<input type="checkbox"/> (Other - Identified On Document)	18	Legal Description	<input checked="" type="checkbox"/> (If checked, description is identified on document.)



OTHER DATA AND NOTES

GENERAL ENGINEERING MAP REFERENCES		REFERENCES	
Line Map No. <u>F-16874</u>	Sheet <u>2</u>	of <u>13</u>	Sheets
Plan & Profile No. _____	Sheet _____	of _____	Sheets
Survey Map No. _____	Sheet _____	of _____	Sheets

NOTE #1: (By Sale No. Grand Traverse #31; 189.262-9) CPCo granted a License for Underground Fiber Optic Cable across the land on the caption of this tract as follows:

1. Consumers Power Company
3-2-92
2. Michigan Bell Telephone Co.

The License and Permit to use certain land situate in the Township of Blair, County of Grand Travers and State of Michigan, known and described as follows, to wit:

A 10-foot wide strip of land running in a generally Northerly and Southerly direction across Sections 30 and 31 of Township 26 North, Range 11 West, as more fully shown and described on the drawings (two sheets) which are attached hereto and made a part hereof as Exhibit A;

for the purpose of constructing and maintaining one (1) underground fiber optic cable under and along said 10 foot wide strip of land, and for no other purposes. Said underground fiber optic cable shall be located and run on and along the centerline of said 10 foot wide strip of land, which centerline is located 50 feet West of and parallel to the center line of an existing Consumers Power Company electric transmission tower line as more fully described on the drawings attached hereto as Exhibit A. Said fiber optic cable shall be buried a minimum of three feet beneath the surface of the ground to the top of said fiber optic cable.

It is understood that the license herein granted for use of the above described premises is non-exclusive. Without limiting the foregoing, Licensor expressly retains the right to the use and possession of the premises for its purposes, including, without limitation, electric and gas transmission and distribution lines and all appurtenances used or usable in connection therewith, and the right to enter upon said premises at all times for the purpose of constructing and maintaining roadways for the purpose of carrying on such construction, maintenance, operations and patrols.

This license is executed by Licensor and accepted by Licensee subject to the following terms and conditions:

FOR FURTHER CONDITIONS SEE ORIGINAL IN FILE.

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

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