



Real Estate Department

Work Order No.: A0004389
Project Name: Bloomfield Wixom
Business Unit: ITCT

Date: December 15, 2017
To: Records Center
From: Connie Scott
Legal
Subject: Vegetation Management Easement
Tax ID: 17-34-202-020
Site ID: 1327

Attached are the documents related to the acquisition of a Vegetation Management Easement dated December 19, 2016 to International Transmission Company (ITC) from Vaughn V. Irish, a single man, whose address is 200 Wellsboro, Walled Lake, Michigan 48390.

The easement is located in Section 34, City of Walled Lake, Oakland County, MI.

The easement consideration was paid as follows:

- Vaughn V. Irish - \$14,262.31
- JPMorgan Chase Bank - \$9,398.69

The acquisition was negotiated by Zausmer, August & Caldwell, P.C.

Special Conditions:

- Tree Disposition Form

Please incorporate into Right of Way File No.: T73434 and cross reference with Right of Way File No.: R4803

Attachments

CC: J. Andree

M. Ely
R. Everett
A. Fagan
S. Gagnon
J. Gruca
C. Scott
A. Snow
N. Spencer
M. Yoders
Fixedassetsgroup@itctransco.com

Mark J. Zausmer
Gary K. August
Michael L. Caldwell
Heidi D. Hudson
Mischa M. Boardman¹
Nicole M. Wright
Matthew G. McNaughton
Cameron R. Getto
Cinnamon A. Rice
Amy S. Applin
Jason W. Baas
Andrea M. Johnson
James C. Wright²
Marc D. McDonald¹
Jeremy M. Mullett
April E. Moore
Bryan R. Padgett

FARMINGTON HILLS
32255 Northwestern Highway, Suite 225
Farmington Hills, MI 48334-1574
(248) 851-4111 phone
(248) 851-0100 fax

¹Also Admitted in IL
²Also Admitted in OH
³Also Admitted in TX
⁴Also Admitted in KY
⁵Also Admitted in FL
⁶Also Admitted in MA and District of Columbia
⁷Also Admitted in NY
⁸Also Admitted in CA
⁹Also Admitted in WI

Of Counsel: Emily K. Neuberger¹

Z A C
Zausmer, August & Caldwell, P.C.
FARMINGTON HILLS & LANSING

Adrian Acosta³
Joshua D. Apel
Nicholas J. Assenmacher
Scott M. Assenmacher
Mark M. Bassily
Thomas T. Bearse
Laura C. Belden
Theresa A. Bodwin
Christopher A. Chesney
Joshua T. Christopher¹
Ryan R. Clark
Kaitlyn A. Cramer
Randi M. Davis
Danielle R. DePriest
Cristy M. DeVos¹
Kaitlin C. Dodge
Melissa A. Durity
Jordan G. English
John S. Gilliam⁴
Paige E. Gross
Jonathan F. Gruner⁵
Nickolas M. Guttman
Steven J. Hurvitz⁶
Daniel I. Jedell⁷
Eula J. Johnson
Jessica G. Kingston
Logan R. Kovach
Janetta A. Ksar
Timothy M. Kubik
Frederick V. Livingston
Colin B. MacBeth
Kristina M. Macionski⁸
Daniel J. McCarthy
Katharine G. McCarthy
Brian R. Meyer
Shaun M.J. Neal
Elizabeth J. Ollgaard
Virginia G. Ong¹
A. Adam Post, II
Elizabetha Rumery¹
Carol Smith Sandy
Michael A. Schwartz
Daniel P. Steele, Jr.
Devin R. Sullivan¹
Alec M. Torigian
Nicholas A. Tselepis
John A. VanGemert
Laura A. Van Hyfte
Kyle A. Warwick
Lauren M. Wawrzyniak
Daniel P. Webber
Tali F. Wendrow
G. Davis White⁹
Kyle T. Zwiren

December 8, 2017

Via Hand-Delivery

Margaret Walker
ITC Holdings Corp
27175 Energy Way
Novi, MI 48377

RE: International Transmission Company, d/b/a ITC*Transmission*
vs. Vaughn V. Irish, LLC
Case No. 16-154780-CC
Our Reference No.: 1054-19 BW-1327

Dear Ms. Walker,

Please be advised this matter has been resolved. It is our understanding that the original Stipulated Order Waiving Necessity, Confirming Title, Transferring Possession, Ordering Payment of Just Compensation and for Other Relief Order was previously provided by Dykema for ITC's file. I have enclosed a copy of the Order along with a chart outlining the details of the settlement. In addition, please find enclosed a copy of the executed Direction Regarding Disposition of Vegetation Upon Initial Clearing for your file.

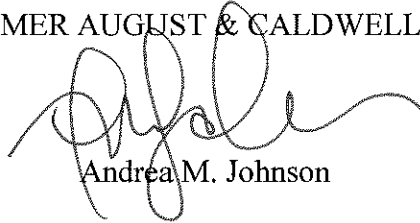
Z A C

Zausmer, August & Caldwell, P.C.
FARMINGTON HILLS & LANSING

Thank you for your attention in this regard.

Sincerely yours,

ZAUSMER AUGUST & CALDWELL, P.C.



Andrea M. Johnson

AMJ/htj
Enclosures

cc: Patricia Murphy (via E-Mail)
Connie Scott (via E-Mail)
Mark Yoders (via E-Mail)
Michael Schira (via E-Mail)
Alexia Moreland (via E-Mail)
Amanda Snow (via E-Mail)

**Bloomfield-Wixom
VEGETATION MANAGEMENT EASEMENT**

Parcel No.	Owners Name	Property Address	Tax Id	Liber/Page of Recorded Document	EJC	Additional Settlement Proceeds	Side Letter	Tree Form
BW-1327	Vaugh V. Irish	200 Wellsboro Walled Lake, MI	17-34-202-020	L50193 P627	\$14,911.00	\$11,000.00	No	Yes

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

INTERNATIONAL TRANSMISSION
COMPANY, d/b/a *ITCTransmission*, a
Michigan corporation,

Civil Action No. 16-154780-CC

Plaintiff,

Honorable Nanci J. Grant

vs.

BW-1327

VAUGHN V. IRISH; LEVEL 3
COMMUNICATIONS, LLC; MCI
COMMUNICATIONS SERVICES, INC.; DTE
ELECTRIC COMPANY; and JPMORGAN
CHASE BANK, N.A.,

STIPULATED ORDER WAIVING
NECESSITY, CONFIRMING TITLE,
TRANSFERRING POSSESSION,
ORDERING PAYMENT OF JUST
COMPENSATION, DISMISSING
DEFENDANT JPMORGAN CHASE
BANK, N.A. AND FOR OTHER RELIEF

Defendants.

kt-
Douglas J. Fryer (P51765)
Stephen R. Estey (P53262)
DYKEMA GOSSETT PLLC
Attorneys for International Transmission
Company, d/b/a *ITCTransmission*
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304
(248) 203-0700

Stephon B. Bagne (P54042)
CLARK HILL PLC
Attorneys for Vaughn V. Irish
500 Woodward Avenue, Suite 3500
Detroit, MI 48226
(313) 965-8300

Mischa M. Boardman (P61783)
Andrea M. Johnson (P67522)
ZAUSMER AUGUST & CALDWELL, P.C.
Attorneys for International Transmission
Company, d/b/a *ITCTransmission*
31700 Middlebelt Rd., Ste. 150
Farmington Hills, MI 48334
(248) 851-4111

(11p)

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OK - AB

**STIPULATED ORDER WAIVING NECESSITY, CONFIRMING TITLE,
TRANSFERRING POSSESSION, ORDERING PAYMENT OF JUST COMPENSATION,
DISMISSING DEFENDANT JPMORGAN CHASE BANK, N.A.
AND FOR OTHER RELIEF**

Pontiac
At a session of said Court held in the
City of ~~Detroit~~, County of Oakland,
State of Michigan, on NOV 15 2016.

Present: Honorable Nanci J. Grant
Circuit Court Judge

This matter is before the Court pursuant to the filing of a Complaint for Condemnation by Plaintiff International Transmission Company, d/b/a *ITCTransmission* (“ITC”), for the acquisition of certain permanent easement rights related to property identified as Tax Parcel No. 17-34-202-020 located in the County of Oakland, Michigan (the “Property”); and the Court being fully advised in the premises:

WHEREAS, on December 3, 2003, American Midwest Financial Services recorded, or caused to be recorded, a mortgage (“Mortgage”) that was secured by the Property. The Mortgage was recorded with the Oakland County Register of Deeds at Liber 31586, page 684 and subsequently assigned to JPMorgan Chase Bank, N.A. f/k/a Chase Manhattan Mortgage Corporation (“Defendant Chase” or “Mortgagee”), as evidenced by the Assignment of Mortgage recorded at Liber 32704, page 877. The Mortgage was modified by a Loan Modification Agreement recorded on July 30, 2013 at Liber 46130, page 365.

WHEREAS, on August 29, 2016, ITC filed a Complaint For Condemnation (“Complaint”) seeking a Vegetation Management Easement over the Property;

WHEREAS, pursuant to MCL 213.55(5), ITC deposited certain funds in the amount of \$14,911 in escrow with eTitle Agency, Inc. (“Escrow Agent”), representing what ITC has

alleged in the Complaint as the Estimated Just Compensation (“Escrow Funds” and/or “Estimated Just Compensation” or “EJC”) payable herein;

WHEREAS, none of the Defendants in this matter filed a motion challenging necessity as required by MCL 213.56(1) and therefore, pursuant to MCL 213.57(1) and applicable case law, the right for the Defendants in this action to file such a challenge was waived;

WHEREAS, Defendant Chase and the Property Owner stipulate to joint disbursement of the EJC. Chase will receive disbursement pursuant to the following formula: $(\$91,396.26 / \$145,000) \times \$14,911 = \$9,398.69$ (“Mortgagee Payment”). The Mortgagee Payment shall be applied to the principle of the Mortgage. Property Owner will receive the remainder of the EJC funds.

IT IS ORDERED AND ADJUDGED:

1. Title to those rights in the real property described in the Vegetation Management Easement attached as Exhibit 1 (“Easement”), is hereby confirmed to have vested with ITC on August 29, 2016, the date the Complaint was filed.

2. Physical possession of the property rights as set forth in the Easement is surrendered to ITC as of the date of entry of this Order.

3. Within 14 days from the date of entry of this Order, and upon the receipt by ITC and the Escrow Agent of a properly executed Form W-9s by each Defendant claiming compensation, the Escrow Agent shall release the Escrow Funds and issue a check in the amount of \$9,398.69 made payable to “JPMORGAN CHASE BANK, N.A.”, representing the portion of the Estimated Just Compensation which will be allocated to the principal balance of the Mortgage and a check made payable to “VAUGHIN V. IRISH” in the amount of \$5,512.31, representing the remainder of the EJC funds.

4. The terms of this Order do not waive or limit the rights of the Property Owner to seek additional just compensation as provided in the Uniform Condemnation Procedures Act, MCL 213.51 *et seq.* (“UCPA”).

5. Any rights and interests in the Property held by Defendant Chase are hereby preserved and are not changed, altered or diminished by ITC’s acquisition of the Easement. Provided, however, that notwithstanding anything to the contrary, the Mortgage and all rights thereunder, shall be and shall at all times remain subject and subordinate to the Easement and, in the event of a foreclosure of the Mortgage, Chase acknowledges and agrees that the Easement shall not be extinguished.

6. Defendant JPMorgan Chase waives, releases, and relinquishes its rights to claim and/or receive any additional just compensation in this action that it may have been entitled to claim and/or receive under the UCPA or otherwise at law or equity, and accordingly, is dismissed from this action, with prejudice and without costs.

7. Upon entry of this Order, ITC may record this Order with the Oakland County Register of Deeds.

THIS ORDER DOES NOT RESOLVE THE LAST PENDING CLAIM NOR CLOSE THE CASE.

/s/ Judge Nanci J. Grant
Circuit Court Judge AF

STIPULATED TO AS TO FORM AND SUBSTANCE:

/s/ Stephon B. Bagne (with consent)
Stephon B. Bagne (P54042)
Attorney for Defendant Vaughn V. Irish

/s/ Steven A. Jacobs (with consent)
Steven A. Jacobs (P68749)
Attorney for Defendant JPMorgan Chase Bank, N.A.

/s/ Douglas J. Fryer
Douglas J. Fryer (P51765)
Stephen R. Estey (P53262)
Attorneys for International Transmission
Company, d/b/a ITCTransmission

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EXHIBIT 1 TO STIPULATED ORDER STIPULATED ORDER CONFIRMING TITLE,
TRANSFERRING POSSESSION, DISMISSING DEFENDANT JPMORGAN CHASE
BANK, N.A. AND CONFIRMING PAYMENT OF ESTIMATED JUST
COMPENSATION AND FOR OTHER RELIEF

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RECEIVED
OAKLAND COUNTY
REGISTER OF DEEDS
2016 DEC 14 PM 12:52

VEGETATION MANAGEMENT EASEMENT

On _____, 20____, for good and valuable consideration, the receipt of which is hereby acknowledged, _____ ("Grantor") whose address is _____, conveys and warrants to International Transmission Company, a Michigan corporation, of 27175 Energy Way, Novi, Michigan 48377 ("Grantee"), its successors and assigns, a permanent easement ("Easement") over, under, across and through a part of "Grantor's Land" referred to as the "Easement Area" and/or the "Easement Description," all of which are described on Exhibit "A" attached hereto.

- 1. Purpose:** The purpose of this Easement is to provide Grantee with the perpetual right to enter at all times upon Grantor's Land to cut, trim, remove, destroy or otherwise control any or all trees, bushes or brush now or hereafter standing or growing within the Easement Area.
- 2. Restoration:** Within a reasonable time after performing any work pursuant to this Easement, Grantee shall clean up the Easement Area in accordance with best management practices for utility rights of way.
- 3. Limited Use; Nonuse:** Nonuse or limited use of the rights herein granted shall not prevent later use to the full extent herein conveyed.
- 4. Existing Rights:** Nothing contained in this Easement shall be construed as releasing or impairing any rights or privileges which may have been granted to, acquired by, or which already exist in favor of, Grantee or The Detroit Edison Company relative to the Easement Area or the Grantor's Land as described on the attached Exhibit "A."
- 5. Damage Repair:** Grantee shall pay for any actual damage to Grantor's Land or Grantor's personal property resulting from Grantee's exercise of any of Grantee's rights under this Easement. Notwithstanding the foregoing, at no time shall Grantee be responsible for any damage to the extent that such damage results in whole, or in part, from Grantor's negligence. The term actual damage as used in this section is not intended to, nor does it, include damage to vegetation within the Easement Area as contemplated in paragraph J.
- 6. Successors:** This Easement runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

This Easement is exempt from real estate transfer tax pursuant to MCLA 207.505(f) and from State real estate transfer tax pursuant to the provisions of MCLA 207.526(f).

(Grantor's signature and acknowledgement appear on the following page.)

GRANTOR

Acknowledged before me in _____ County, Michigan, on this ____ day of _____, 20__, by _____.

_____, Notary Public
_____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires _____

Drafted by:
Patricia Murphy (P61872)
ITC Holdings Corp.
27175 Energy Way
Novi, MI 48377

When recorded return to:
NSI Consulting & Development
24079 Research Drive
Farmington Hills, MI 48335

EXHIBIT "A"

DESCRIPTION OF "GRANTOR'S LAND,"
"EASEMENT AREA" AND "EASEMENT DESCRIPTION"



GRANTOR'S LAND

Situated in the City of Walled Lake, County of Oakland, State of Michigan, as follows:

Lot 50, O'Flaherty's Lake View Subdivision No. 1, as recorded in Liber 43 of Plots, Page 35, Oakland County Records.

17-34-201-020

EASEMENT DESCRIPTION:

All that part of the above described Grantor's Parcel which lies within Eighty-Five (85) feet South of and Seventy-Five (75) feet North of the following described line:

Commencing at the North 1/4 corner of Section 34, Town 2 North, Range 8 East, City of Walled Lake, Oakland County, Michigan; thence 502°41'24"E 1025.28 feet along the North-South 1/4 line of said Section 34 to the POINT OF BEGINNING of said line; thence N75°12'45"E 201.31 feet; thence N75°11'14"E 858.28 feet; thence N77°00'13"E 659.38 feet to the POINT OF ENDING of said line.

A-17-34-201-020

LEGEND	
NOO"W	DESCRIBED LINE DIMENSIONS
NOO'W	PARCEL DIMENSIONS
P.O.B.	POINT OF BEGINNING
P.O.E.	POINT OF ENDING
	RAILROAD

NOTES:
1. BEARING BASIS: GRID NORTH, MICHIGAN STATE PLANE, NAD 83

PROJECT: WIXOM - BLOOMFIELD TRANSMISSION LINE		CLIENT: ITC HOLDINGS CORP.	
	 METRO CONSULTING ASSOCIATES	JOB: 1037-11-5482	
		DWC: 1327 17-34-202-020	
SCALE: 1" = 50'		ISSUE DATE: 3-19-12	
		REV.: 5-24-12	
45345 FIVE MILE ROAD BELLEVILLE, MICHIGAN 48111		REV.: 2-4-16	
PHONE: 734.483.1427 FAX: 734.483.3431		DRAWN BY: NPA	
www.metroca.net		CHECK BY: MT	
		SHEET: 1 OF 1	

STATE OF MICHIGAN 195.
COUNTY OF OAKLAND

I, LISA BROWN, County Clerk for the County of
Oakland, Clerk of the Circuit Court thereof, this same
being a Court of Record and having a Seal, hereby
certify that the attached is a true copy.

I, SA BROWN, Clerk of the Court, do hereby certify that the attached is a true copy.
NOV 28 2016

LISA BROWN, Clerk / Register of Deeds
Deputy Clerk

**DIRECTION REGARDING DISPOSITION OF VEGETATION
UPON INITIAL CLEARING**

Vaughn V. Irish ("Owner") is the owner of the property located at 200 Wellsboro, Walled Lake, MI 48390 Tax ID No. 17-34-202-020 (the "Property");

INTERNATIONAL TRANSMISSION COMPANY, a Michigan corporation, with an address of 27175 Energy Way, Novi, Michigan 48377, and its successors and assigns ("ITC") has an easement on the Property;

ITC or its agents have the right at any time to cut, trim, remove, destroy or otherwise control any or all trees, bushes or brush in accordance with the terms of the Easement; and

To the extent ITC cuts, trims, removes or destroys trees, bushes or brush ("Vegetation") in accordance with the terms of the Easement, Owner has requested that all such Vegetation be handled by ITC in the following manner:

_____ Stack all Vegetation (greater than 6 inches d.b.h.) off the Easement Area and leave on Property as noted below.

_____ Chip Vegetation (under 6 inches d.b.h.) and broadcast on Easement Area.

 ✓ Remove all Vegetation from the Property except small debris, as such small debris is defined in ITC's sole discretion.

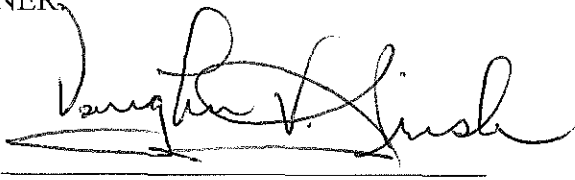
_____ Other: _____

Nothing in this document shall be deemed to modify, alter or amend the easement in any way. This document shall not be assigned by Owner, shall not be recorded, and does not run with the land. As is consistent with standard utility practice, it is understood that ITC does not grind or remove stumps. I understand that trees that are removed will be cut as close to the ground as possible given the surrounding terrain, fences, rocks, etc. The cambial layer of stumps shall be treated with an herbicide to limit sprouting. Further, I acknowledge that ITC or its agents may need to make ingress/egress onto my property with vehicles and/or equipment necessary to effectuate the option that I have chosen above.

Signature on the following page:

Signed this 28th day of JULY, 2017.

OWNER:

By: 

Name: Vaughn V. Irish