

RECEIVED
JUN 15 2007
Ruth Johnson Register of Deeds
Oakland County, MI

CHECKING COMPLETED
AT REGISTER OF DEEDS
JUN 15 2007
Ruth Johnson Register of Deeds
Oakland County, MI

137608
LIBER 39256 PAGE 607
\$61.00 MISC RECORDING
\$4.00 REINDEMENTATION
06/19/2007 08:00:45 A.M. RECEIPT# 63681
PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

TRANSMISSION LINE EASEMENT

On June 1, 2007, for the consideration of One Dollar (\$1.00), Grantor hereby grants to Grantee a permanent easement in, over, under, on and across a part of Grantor's Land called the "Easement Area".

Grantor is: Eton Street Real Estate, Inc., a Michigan corporation, Eton office Properties, LLC, a Michigan limited liability company, and Eton Street Lofts, LLC, a Michigan limited liability company 245 S. Eton Street, Birmingham, Michigan 48009.

Grantee is: International Transmission Company, a Michigan corporation, 39500 Orchard Hill Place Drive, Suite 200, Novi, Michigan 48375.

Grantor's Land as surveyed is described as: Part of Units 1, 3, 5 and 6 of Eton Condominium Properties, Oakland County Condominium Subdivision Plan No. 1883 as recorded in Liber 37854, Pages 533 and part of District Lofts, Oakland County Condominium Subdivision Plan No. 1884 as recorded in Liber 37854, Page 589, Oakland County Records. Except the South 25 feet taken for proposed Villa Street Right-of-Way and the South 25 feet of Unit 6 of said Eton Condominium properties.

The "Easement Area" is described as and shown on Exhibit "A": A part of the Northeast 1/4 and the Northwest 1/4 of Section 31, town 2 North, Range 11 East, City of Birmingham, Oakland County, Michigan, being part of Eton Condominium Properties, Oakland County Condominium Subdivision Plan No. 1883 as recorded in Liber 37854, Page 533 and District Lofts, Oakland County Condominium Subdivision Plan No. 1884 as recorded in Liber 37854, Page 589, Oakland County Records, being described as: commencing at the N. 1/4 corner of Section 31; thence N.88°16'37"W., 117.95 feet; thence S.34°11'27"E., 87.17 feet; thence N.29°04'00"E., 11.29 feet to the point of beginning; thence continuing N.29°04'00"E., 19.81 feet; thence S.88°16'37"E., 22.56 feet; thence S.33°36'11"E., 57.77 feet; thence N.56°34'45"E., 16.90 feet; thence S.33°43'31"E., 389.60 feet; thence S.33°11'31"E., 355.73 feet to the North Right-of-Way line of proposed Villa Street (1/2 width 25 feet); thence along said North Right-of-Way line N.88°00'50"W., 75.92 feet; thence N.33°02'04"W., 387.41 feet; thence N.32°34'50"W., 375.58 feet to the point of beginning.

FILE

Purpose:

The right to construct, reconstruct, operate, repair, maintain and remove overhead electric lines consisting of towers, H-frames, poles, wires, conduits, cables, and equipment. These facilities may include telecommunication medium for use of Grantee or Grantee assignees. No buildings or structures of any kind shall be placed in the easement without Grantee's prior written consent, except as identified on the attached Exhibit B and Exhibit C.

above legal falls within Eton Condo Properties 20-31-207-000ent OCCP# 1883

Access:

Grantee has the right of ingress and egress to the Easement Area across Grantor's Land.

**District Lofts 20-31-208-000ent OCCP# 1884*

ISP
R
ST

Restoration:

Grantee agrees to restore in a good and workmanlike manner, all property disturbed by its use of the easement, including but not limited to damage by Grantee's employees, contractors, vehicles or equipment while entering Grantor's Land for the purposes stated in this Transmission Line Easement. The

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repair and restoration of property shall be undertaken within a reasonable time from the date construction or maintenance activities are commenced.

Trees, Bushes, Branches, and Roots:

Grantee may trim or cut down any trees, bushes, branches or roots in the easement area that Grantee believes could interfere with the operation and maintenance of its facilities.

Indemnity:

a. Except in the case of Grantor's negligence, Grantee will indemnify Grantor, its officers, agents and employees for claims for bodily injury, property damage, and/or personal injury as defined in Grantor's commercial liability insurance policy, arising directly or indirectly out of the use of the easement.

b. Grantor will indemnify International Transmission Company, its officers, agents, and employees for any claims for direct, indirect, consequential, or liquidated damages sought by International Transmission Company customers, based upon energy supply agreements, which claims i) arise directly or indirectly out of the Grantor's use of the easement area, and ii) are due to momentary or sustained electrical interruptions or voltage fluctuations, including sag, arising out of Grantor's negligence; however this indemnification will not apply to any claims arising out of International Transmission Company's sole negligence, or any other person's negligence.

c. If any claim covered by Grantor's indemnity is brought against International Transmission Company, Grantor will defend the claim at its expense and pay any costs, charges, expenses, attorney fees or judgments that International Transmission Company incurs or is subject to in the claim.

d. The obligations to indemnify hereunder shall extend only to the negligent owner of the land at the time of the occurrence giving rise to a claim.

Successors and Assigns:

This Easement runs with the land and binds and benefits Grantor's and Grantee's successors and assigns.

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FILE
11/18/07

GRANTOR - Eton Street Real Estate, Inc.

By: [Signature]
Raymond J. Nicholson
Its: President

Acknowledged before me in Oakland County, Michigan, on June 1, 2007,
By Raymond J. Nicholson the President of Eton Street Real Estate, Inc.

Notary's Stamp:

DEBORAH J. JONES Notary Public, State of Michigan County of Genesee My Commission Expires Sep. 29, 2013 Acting in the County of <u>Oakland</u>
--

 Notary's Signature: [Signature]
Acting in the County of Oakland

GRANTOR - Eton office Properties, LLC.

By: [Signature]
Raymond J. Nicholson
Its: Manager

Acknowledged before me in Oakland County, Michigan, on June 1, 2007,
By Raymond J. Nicholson the Manager of Eton office Properties, LLC.

Notary's Stamp:

DEBORAH J. JONES Notary Public, State of Michigan County of Genesee My Commission Expires Sep. 29, 2013 Acting in the County of <u>Oakland</u>
--

 Notary's Signature: [Signature]
Acting in the County of Oakland

FILE

GRANTOR – Eton Street Lofts, LLC.

By Eton office Properties, LLC

Its: Member

By: _____

Raymond J. Nicholson

Its: Manager

Acknowledged before me in Oakland County, Michigan, on June 1, 2007,
by Raymond J. Nicholson the Manager of Eton office Properties, LLC the Member of Eton Street Lofts,
LLC.

Notary's
Stamp:
Acting in

DEBORAH J. JONES
Notary Public, State of Michigan
County of Genesee
My Commission Expires Sep. 29, 2013
Acting in the County of Oakland

Notary's
Signature: _____



Prepared by: Thomas Beagen, ITCTransmission, 39500 Orchard Hill Place, Suite 200, Novi, Michigan
48375
Return to: Elaine Clifford, ITCTransmission, 39500 Orchard Hill Place, Suite 200, Novi, Michigan
48375

FILE



Eton Office Properties, LLC, a limited liability company
 Eton Street Lofts, LLC, a limited liability company
 Eton Street Real Estate, Inc., a Michigan corporation
 245 S. Eton Street
 Birmingham, MI 48009

RE: Permit to encroach within a transmission line easement
ITC Project No.: NOA06695

In reply to your request, the International Transmission Company, a Michigan corporation, voluntarily grants you (including your affiliates which may have an ownership or usage right in the subject real estate) a permit to encroach on its easement for the purposes identified in paragraph 4. The terms of this permit are as follows:

1. **Personal permit:** This permit is personal to you, gives no rights to the public, and gives no rights adverse to International Transmission Company.
2. **Description of easement:** As described on attached Exhibit "A".
3. **Area of the easement you are permitted to encroach upon:** As shown on Nowak & Fraus, Exhibit B, dated 5/31/2007, Sheets 3-8, Job E103-01
4. **Purpose of encroachment:** To construct a parking structure, two one story garages, two trash compactors, dumpster accessories, light poles, other items that will not unreasonably interfere with the ITC facilities and a portion of a proposed residential loft condominium building on property adjacent to, and to maintain and use the new and existing structures including the Big Rock Restaurant, land as depicted on Exhibit's A & B.
5. **International Transmission Company Rights:** This permit is subject to International Transmission Company rights to construct, reconstruct, operate and maintain overhead and underground electric transmission, distribution and communication lines and associated structures and equipment ("International Transmission Company facilities") in the easement. Additionally, this permit is subject to the rights of all other public utilities.
6. **Sole Risk:** You must use the land at your sole risk. If your use of the land is impaired, International Transmission Company will not be liable you for any damage.
7. **Indemnity:**
 - a. You will indemnify International Transmission Company, its officers, agents and employees for claims for bodily injury, property damage, and/or personal injury, arising directly or indirectly out of the use of this permit by you (the person, company or organization, its contractors, lessees and licensees).
 - b. You will also indemnify International Transmission Company, its officers, agents, and employees for any claims for direct, indirect, consequential, or liquidated damages sought by International Transmission Company customers, based upon energy supply agreements, which claims i) arise directly or indirectly out of the use of this permit by you (the company, its contractors, lessees and licensees), and ii) are due to momentary or sustained electrical interruptions or voltage fluctuations, including sag, arising out of your negligence or your and International Transmission Company's joint negligence; however this indemnification will not apply to any claims arising out of International Transmission Company's sole negligence, or any other person's negligence.



c. If any claim covered by your indemnity is brought against International Transmission Company, you will defend the claim at your expense. You will also pay any costs, charges, expenses, attorney fees or judgments that International Transmission Company incurs or is subject to in the claim.

8. International Transmission Company Damages: You must pay International Transmission Company for all damages, losses or injuries to International Transmission Company's facilities caused by you, your agents, employees, or independent contractors while constructing your facility.

9. Clearances: You and your contractors must maintain a 20 foot clearance from International Transmission Company facilities.

10. Title: You warrant to International Transmission Company that you are the fee owner of the land associated with this permit as of the date of your acceptance of the permit.

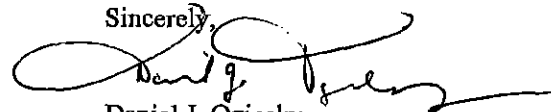
11. Termination: This permit will terminate if you violate this agreement, or if you violate any applicable laws and regulations, or if you abandon your use for more than 6 months.

12. Additional Terms:

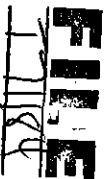
- a. All OSHA and National Electric Safety Code safety rules must be adhered to.
- b. Trash compactor/dumpster located adjacent to the one story garage is allowed as long as trash hauler lift goes no higher than 31 feet in extended or raised position.
- c. The maximum floor height for the parking structure located within the easement should not exceed 33 feet.
- d. The maximum height for the north stairwell tower of the parking structure shall not exceed 36.0 feet above grade.
- e. The maximum height for the south stairwell tower of the parking structure shall not exceed 41.0 feet above grade.
- f. The maximum height for the parking structure parapet wall shall not exceed 36.0 feet above grade.(first floor)
- g. Railing and light poles on top of the parking structure should not exceed 12.0 feet above the maximum parking structure floor height. Lighting must be grounded.
- h. The maximum height for the terrace of the loft structure shall not exceed 34.6 feet above grade (first floor elevation).
- i. The maximum height for the roof parapet and sunshade at Unit 19 shall not exceed 46.6 feet above grade (first floor elevation).
- j. The proposed one story garage or structure to be constructed described as Unit 6 should not exceed 11 feet in height.
- k. The trash compactor/dumpster located adjacent to Tower 4040 is acceptable per International Transmission Company safety requirements.

If you are willing to accept this permit on the above conditions, please sign and date below the word "Accepted" and return to Elaine Clifford, 39500 Orchard Hill Place, Suite 200, Novi, MI 48375, for signature by International Transmission Company. We will then return the completely signed original to you.

Sincerely,



Daniel J. Oginsky
Vice President-General Counsel



ACCEPTED

Eton Street Real Estate, Inc.

(_____)
By: Raymond J. Nicholson
Its: President

Eton Office Properties, LLC.

(_____)
By: Raymond J. Nicholson
Its: Manager

Eton Street Lofts, LLC.

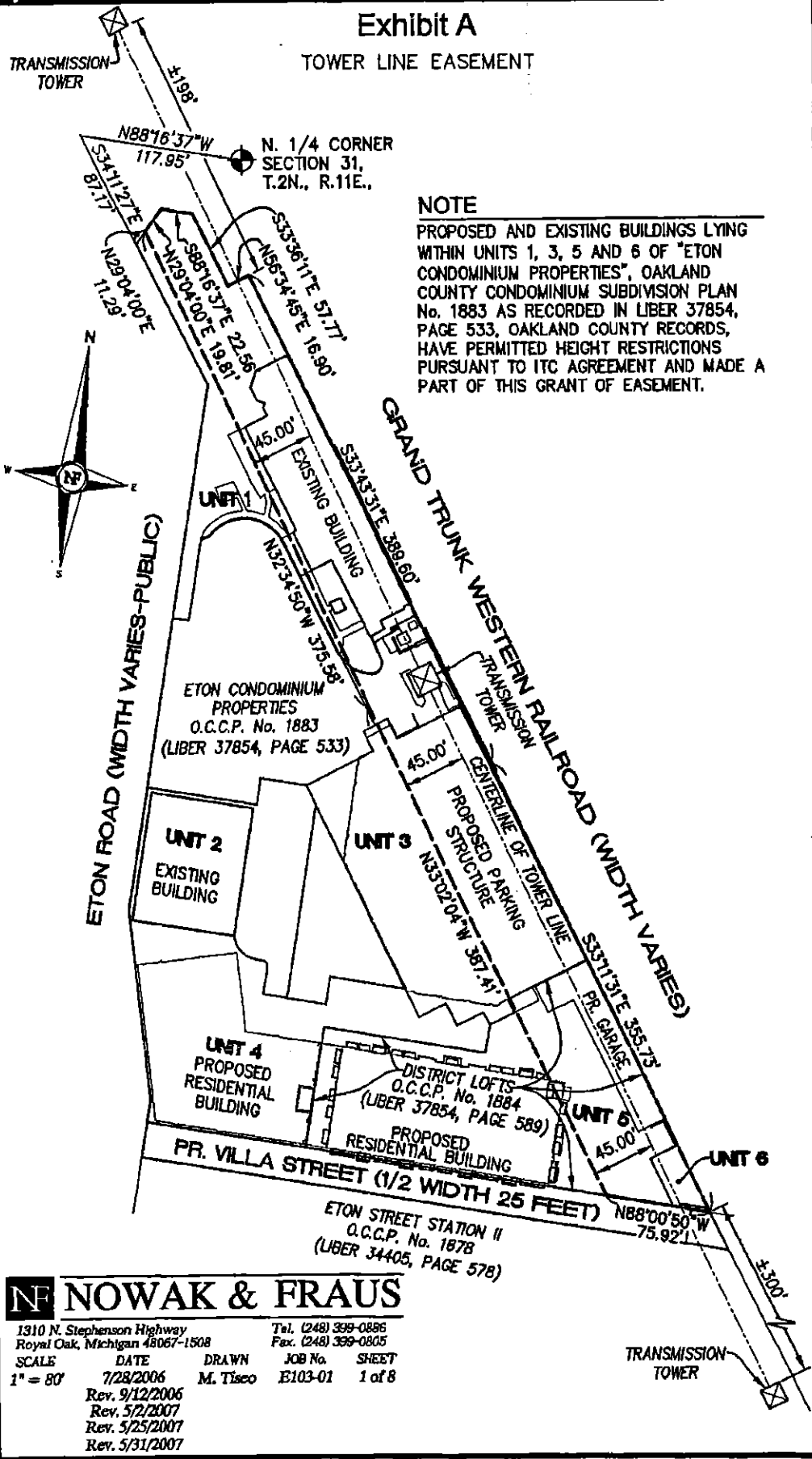
By: Eton Office Properties, LLC
Its: Member

(_____)
By: Raymond J. Nicholson
Its: Manager

FILE
7/11/07

Exhibit A

TOWER LINE EASEMENT



NF NOWAK & FRAUS

1310 N. Stephenson Highway
 Royal Oak, Michigan 48067-1508
 Tel. (248) 399-0886
 Fax. (248) 399-0805

SCALE 1" = 80'
 DATE 7/28/2006
 DRAWN M. Tisco
 JOB No. E103-01
 SHEET 1 of 8

Rev. 9/12/2006
 Rev. 5/2/2007
 Rev. 5/25/2007
 Rev. 5/31/2007

FILE

Exhibit A

TOWER LINE EASEMENT

BURDENED PROPERTY - LEGAL DESCRIPTION

PART OF UNITS 1, 3, 5 AND 6 OF ETON CONDOMINIUM PROPERTIES, OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN No. 1883 AS RECORDED IN LIBER 37854, PAGE 533 AND PART OF DISTRICT LOFTS, OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN No. 1884 AS RECORDED IN LIBER 37854, PAGE 589, OAKLAND COUNTY RECORDS. EXCEPT THE SOUTH 25 FEET TAKEN FOR PROPOSED VILLA STREET RIGHT-OF-WAY AND THE SOUTH 25 FEET OF UNIT 6 OF SAID ETON CONDOMINIUM PROPERTIES.

pl0 unit 1 # 20-31-207-001 Sidwell # 15
pl0 unit 3 # 20-31-207-003
pl0 unit 5 # 20-31-207-005
pl0 unit 6 # 20-31-207-006

EASEMENT DESCRIPTION

A PART OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF SECTION 31, TOWN 2 NORTH, RANGE 11 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING PART OF ETON CONDOMINIUM PROPERTIES, OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN No. 1883 AS RECORDED IN LIBER 37854, PAGE 533 AND DISTRICT LOFTS, OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN No. 1884 AS RECORDED IN LIBER 37854, PAGE 589, OAKLAND COUNTY RECORDS, BEING DESCRIBED AS: COMMENCING AT THE N. 1/4 CORNER OF SECTION 31; THENCE N.88°16'37"W., 117.95 FEET; THENCE S.34°11'27"E., 87.17 FEET; THENCE N.29°04'00"E., 11.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N.29°04'00"E., 19.81 FEET; THENCE S.88°16'37"E., 22.56 FEET; THENCE S.33°36'11"E., 57.77 FEET; THENCE N.56°34'45"E., 16.90 FEET; THENCE S.33°43'31"E., 389.60 FEET; THENCE S.33°11'31"E., 355.73 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PROPOSED VILLA STREET (1/2 WIDTH 25 FEET); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N.88°00'50"W., 75.92 FEET; THENCE N.33°02'04"W., 387.41 FEET; THENCE N.32°34'50"W., 375.58 FEET TO THE POINT OF BEGINNING.

Above legal falls within
Eton Condominium Properties Decp # 1883
entire # 20-31-207-000 recorded in
- and - L. 37854 Pg 533 dec.
District Lofts Condominium Decp # 1884
entire # 20-31-208-000
recorded in Liber 37854 Pg 589 dec.

N:\CONDO-FILES\E103-01\condo\Easements\Tower Line Easement\E103-01 EASE TOWER.dwg, 5/31/2007 5:50:04 PM, Kip-cad.pc3

FILE

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

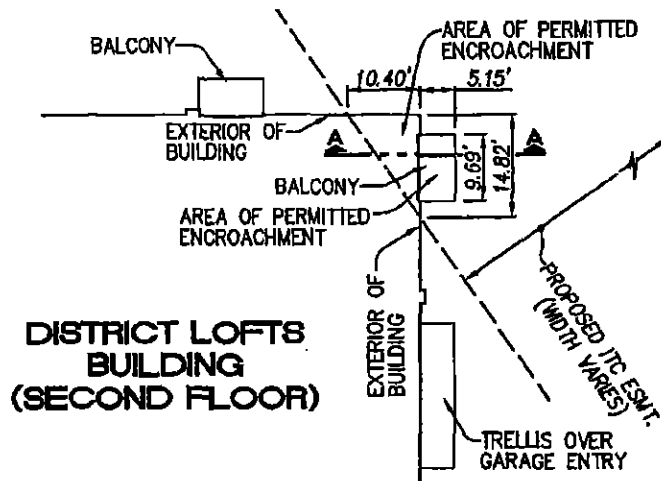
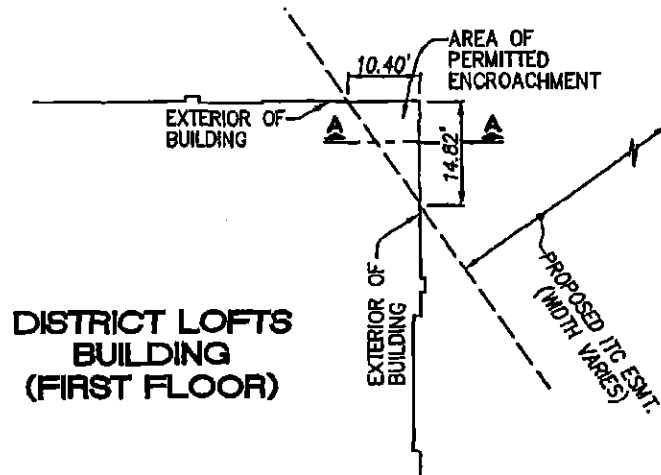
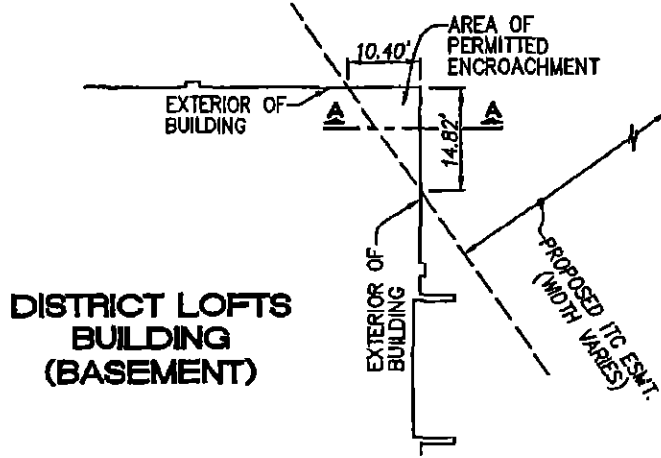
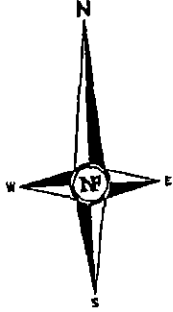
1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
NONE	7/28/2006	M. Tisco	E103-01	2 of 8
	Rev. 9/12/2006			
	Rev. 5/2/2007			
	Rev. 5/25/2007			
	Rev. 5/31/2007			

Exhibit B

TOWER LINE EASEMENT AREAS OF PERMITTED ENCROACHMENT



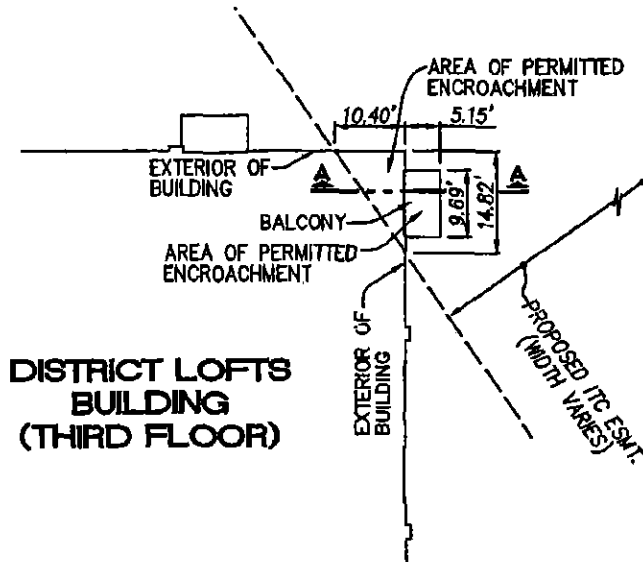
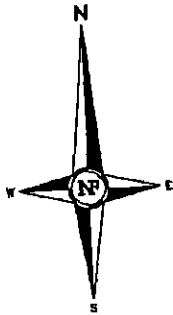
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NF NOWAK & FRAUS

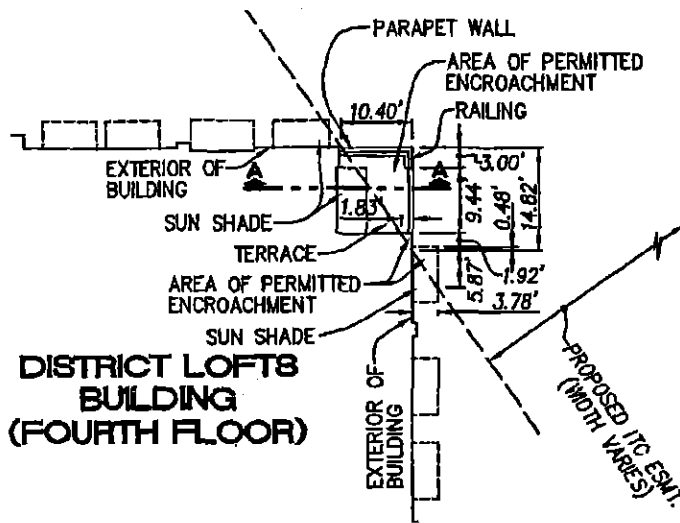
1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508
SCALE 1" = 20'
DATE 5/2/2007
Rev. 5/25/2007
Rev. 5/31/2007

Tel (248) 399-0886
Fax (248) 399-0805
DRAWN J. Pioch
JOB No. E103-01
SHEET 3 of 8

Exhibit B
TOWER LINE EASEMENT
AREAS OF PERMITTED ENCROACHMENT



DISTRICT LOFTS BUILDING (THIRD FLOOR)



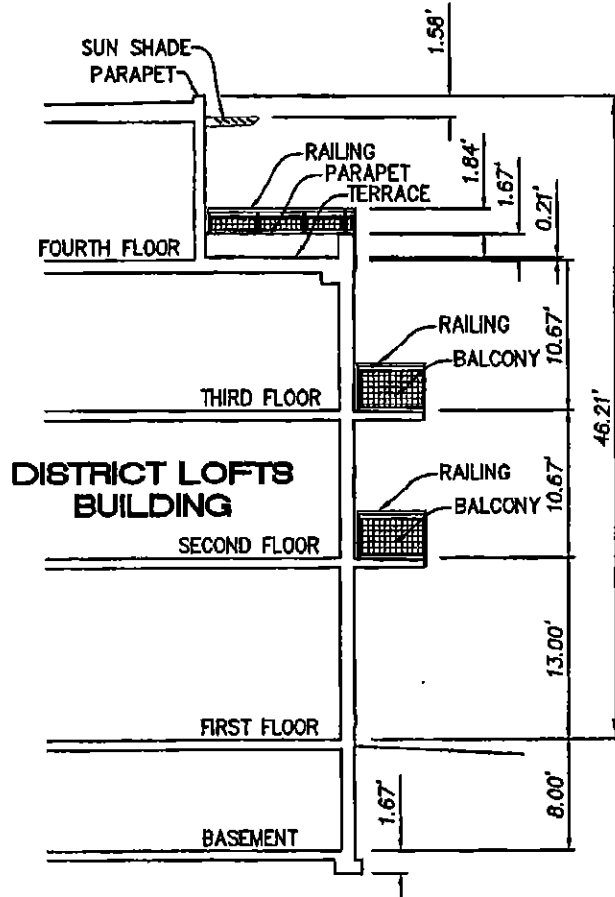
DISTRICT LOFTS BUILDING (FOURTH FLOOR)

FILE

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners
 1310 N. Stephenson Highway Tel. (248) 399-0886
 Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805
 SCALE DATE DRAWN JOB No. SHEET
 1" = 20' 5/2/2007 J. Pioch E103-01 4 of 8
 Rev. 5/25/2007
 Rev. 5/31/2007

Exhibit B
TOWER LINE EASEMENT
AREAS OF PERMITTED ENCROACHMENT



SECTION A-A

FILE

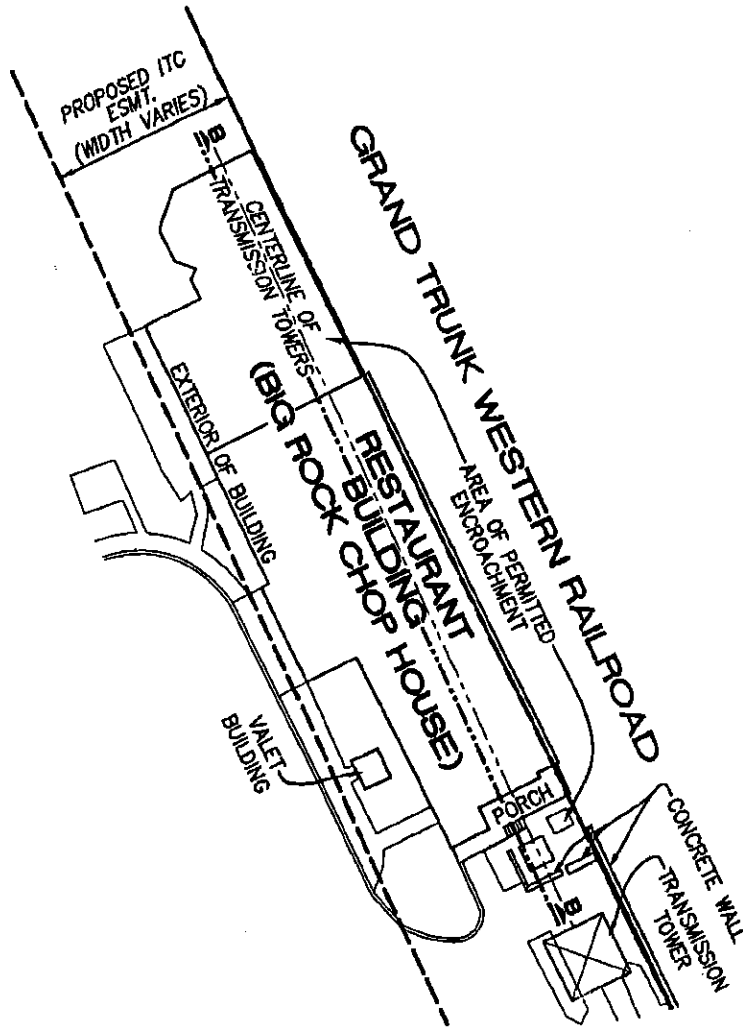
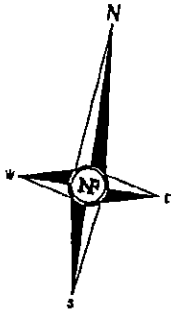
NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners
 1310 N. Stephenson Highway Tel. (248) 399-0886
 Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 10'	5/2/2007	J. Ploch	E103-01	5 of 8

Rev. 5/25/2007
 Rev. 5/31/2007

Exhibit B
TOWER LINE EASEMENT
AREAS OF PERMITTED ENCROACHMENT



FILE

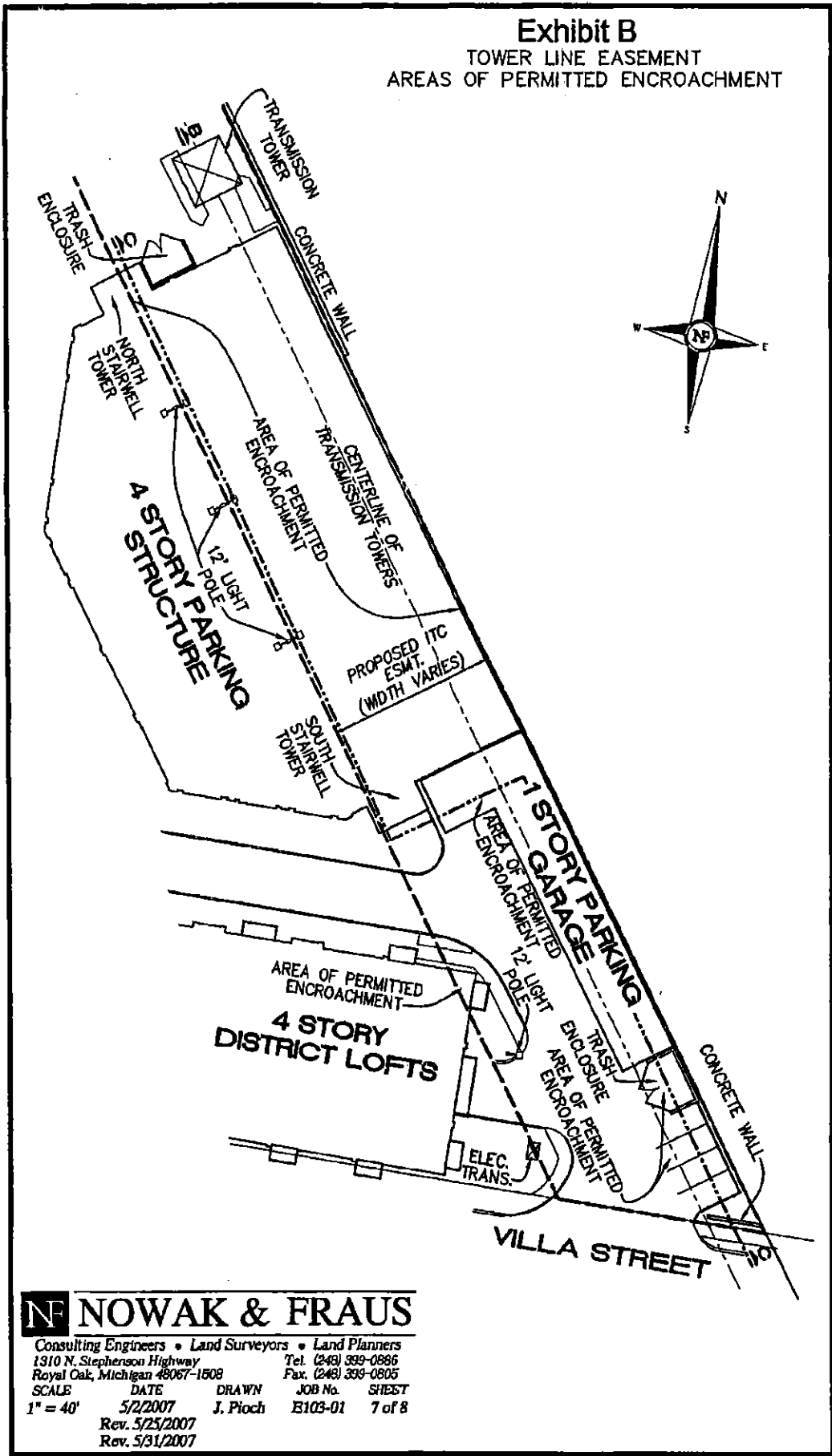
NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners
 1310 N. Stephenson Highway Tel. (248) 399-0896
 Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 40'	5/2/2007	J. Ploch	E103-01	6 of 8

Rev. 5/25/2007
 Rev. 5/31/2007

Exhibit B
TOWER LINE EASEMENT
AREAS OF PERMITTED ENCROACHMENT



NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners
 1310 N. Stephenson Highway Tel. (248) 399-0886
 Royal Oak, Michigan 48067-1508 Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 40'	5/2/2007	J. Ploch	B103-01	7 of 8

Rev. 5/25/2007
 Rev. 5/31/2007

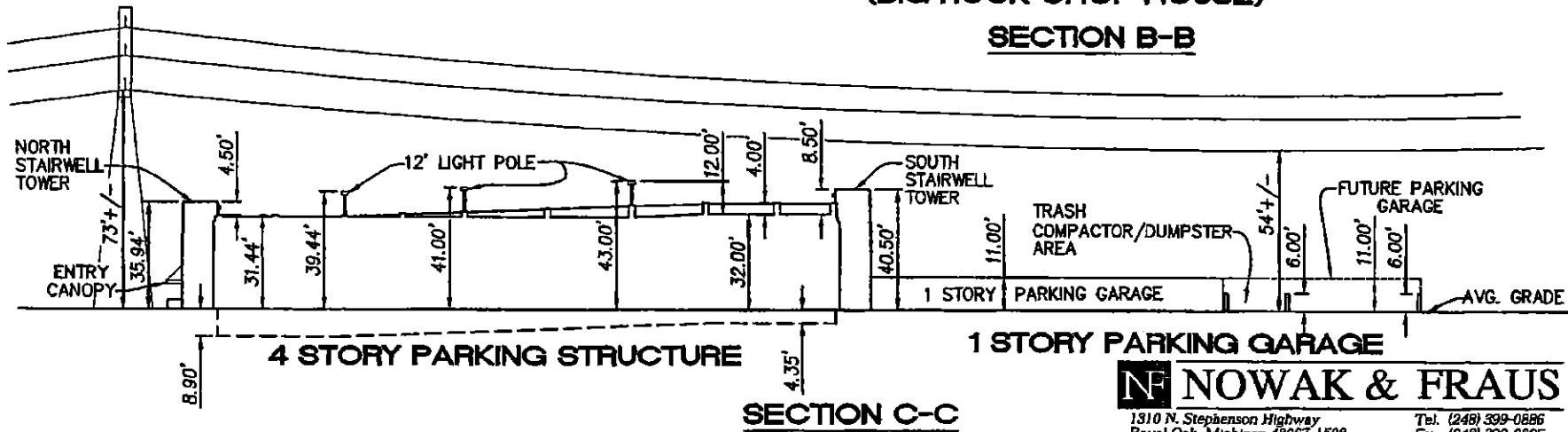
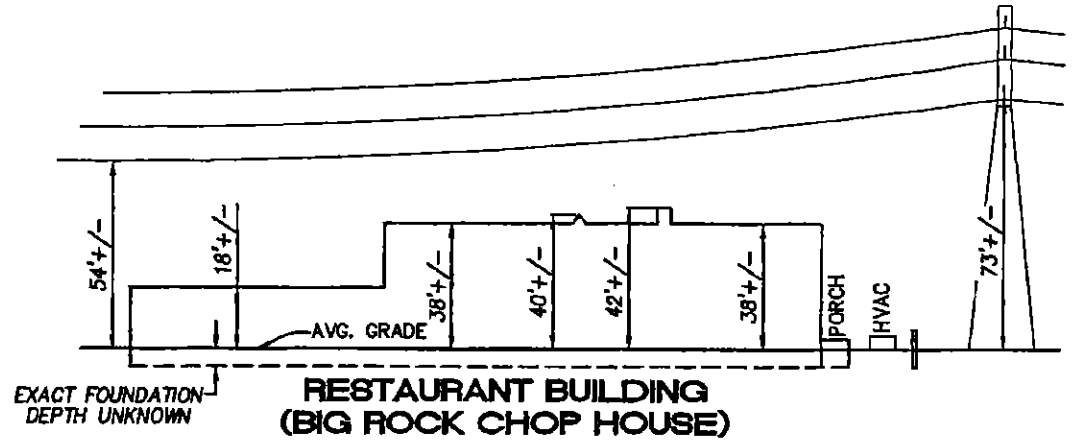
FILE
1180

LIBER 39256 00621

FILE
T71184

Exhibit B
TOWER LINE EASEMENT
AREAS OF PERMITTED ENCROACHMENT

NOTE:
THE VERTICAL DIMENSIONS TO THE OVERHEAD TOWER WIRES SHOWN HERE ARE APPROXIMATIONS. NOWAK & FRAUS P.L.L.C. MAKES NO GUARANTEE AS TO THE ACCURACY OF THE DIMENSIONS.



NF NOWAK & FRAUS

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508
Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE 1" = 40'
DATE 5/2/2007
DRAWN J. Ploch
JOB No. E103-01
SHEET 8 of 8

Rev. 5/7/2007
Rev. 5/25/2007 Rev. 5/31/2007

LIBER 39256 PG 622
ITC

From: "Jeff Pioch" <jpioch@nowakfraus.com>
To: "Michael Salt" <MSalt@victorsaroki.com>, <dpierce@dflaw.com>, <CAHajek@FCNLaw.com>
Date: 5/9/2007 3:31:56 PM
Subject: 05-08-2007 ITC Easement - Revisions REPLY (3)

Michael;

Thanks for your mark-up. With regards to your comment of the old parking garage shown on my exhibit sheet 1 of 8, the underlying Eton Condominium Properties Unit 3 was drawn to the old parking structure (I think that's the darker line you're referring to). The condominium was recorded this way. If you look closely you'll see the latest parking structure with angled walls within Unit 3, except for the south stair tower which falls on Unit 5. I presume we'll amend the condominium at a later date to reflect the overlap.

Jeffrey D. Pioch

Condominium/Subdivision Platting Manager

jpioch@nowakfraus.com <mailto:jpioch@nowakfraus.com>

Nowak & Fraus Engineers

1310 N. Stephenson Highway

Royal Oak, MI 48067

248.399.0886 Voice

248.399.0805 Fax

www.nowakfraus.com

From: Michael Salt [mailto:MSalt@victorsaroki.com]
Sent: Wednesday, May 09, 2007 2:37 PM
To: dpierce@dflaw.com; CAHajek@FCNLaw.com; Jeff Pioch
Cc: jccataldo@mdcandk.com; Al Bayer; Patrick Williams; Johannes Potgieter; Victor Saroki; nrlepage@yahoo.com
Subject: 05-08-2007 ITC Easement - Revisions REPLY (2)

Jeff,

Here are the replies to your questions.

FILE
12/18/07

LIBER 39256 26623

ITC

From: "Johannes Potgieter" <JPotgieter@victorsaroki.com>
To: <dpierce@dflaw.com>, <CAHajek@FCNLaw.com>, <jccataldo@mdcandk.com>, <abayer@nowakfraus.com>, <jpioch@nowakfraus.com>, <pwilliams@nowakfraus.com>, "Michael Salt" <MSalt@victorsaroki.com>, "Victor Saroki" <VSaroki@victorsaroki.com>, <nrlepage@yahoo.com>
Date: Thu, May 3, 2007 9:52 AM
Subject: Re: 05-02-2007 ITC Esmt Exhibits - preliminary

Good morning Jeff,

We reviewed the dimensions on the exhibits that you prepared and they correlate with our construction drawings.

In terms of detail have you considered including a graphic of the transmission towers and lines on Sheet 8? We recall that your office measured the heights of the lines along the length of the property last year. Or maybe a smaller scale drawing could be included on a new sheet to show the height relationship of the Proposed Parking Structure, Big Rock Chophouse and the ITC transmission towers and lines?

Thank you,

Johannes Potgieter
jpotgieter@victorsaroki.com

2007 Firm of The Year, AIA Michigan

Victor Saroki & Associates Architects PC
430 North Old Woodward Avenue / 3rd Floor
Birmingham, Michigan 48009

248-258-5707 ext. 21
248-258-5515

www.victorsaroki.com

>>> "Jeff Pioch" <jpioch@nowakfraus.com> 05/02/07 11:50 AM >>>

Attention all: Attached please find a draft of the exhibits showing the proposed permitted encroachments into the Proposed ITC Easement which is to be 45' either side of the existing center of the ITC Towers. Because of the laborious task of getting ITC's consent for this easement, it is very important that these exhibits reflect all the areas of concern so we will not have to go back to ITC in the future. Please carefully review the exhibits and confirm if they are correct as to detail and dimension. Thank you, Jeffrey D. Pioch Condominium/Subdivision Platting Manager jpioch@nowakfraus.com Nowak & Fraus Engineers 1310 N. Stephenson Highway Royal Oak, MI 48067 248.399.0886 Voice 248.399.0805 Fax www.nowakfraus.com

FILE
7/18/07

EXHIBIT "A"

9001884

Land in the City of Birmingham, County of Oakland, State of Michigan, to wit:

Units 1-24, District Lofts Condominium, according to the Master Deed recorded in Liber 37854, Pages 589 through 672, inclusive, Oakland County Records, as amended, and designated as Oakland County Condominium Subdivision Plan No. 1884, together with rights in common elements and limited common elements, as set forth in the above Master Deed (and amendments thereto) and as described in Act 59 of the Public Acts of 1978, as amended.

Together with the benefit afforded by Foundation Easement dated June 4, 2007 granted to Eton Street Lofts, LLC, a Michigan limited liability company, by Eton Office Properties, L.L.C., a Michigan limited liability company, recorded 10/15/2007 in Liber 39248, Page 315, Oakland County Records.

More commonly known as: 375 S. Eton, Units 1-24, Birmingham, MI

(Tax Item No. 20-31-208-000 (Entire) and 20-31-208-001 through 20-31-208-024)

20-31-208-000ent

Tax item #'s

UNIT	BLDG	SIDWELL NO	FROM	UNIT	BLDG	SIDWELL NO	FROM
1		20-31-208-001	207.005				
2		002					
3		003					
4		004					
5		005					
6		006					
7		007					
8		008					
9		009					
10		010					
11		011					
12		012					
13		013					
14		014					
15		015					
16		016					
17		017					
18		018					
19		019					
20		020					
21		021					
22		022					
23		023					
24		024					

FILE
17182



July 13, 2005

RECEIVED

JUL 18 2005*

Jonathan Disbrow, representing Eton Office Properties, LLC
Victor Saroki and Associates Architects
430 N. Old Woodward
Birmingham, Michigan 48009

Re: Tower 4040 Relocation for Parking Garage part of Eton Street Lofts Project
Contribution in Aid of Construction Costs
Birmingham, Michigan

Jonathan Disbrow, of Victor Saroki and Associates Architects, has requested that International Transmission Company (ITC) provide a cost estimate to relocate tower #4040 to allow for construction parking garage as part of the proposed Eton Street Lofts Project. The shutdown of any transmission line or equipment can only be accomplished from the end of September and the beginning of May. Required transmission shutdowns during this part of the year will provide reliable service to the customers of Southeast Michigan.

In order to meet your schedule we have prepared a rough Contribution in Aid of Construction cost estimate for the relocation of tower 4040 and the necessary sectionalizing work at Troy substation at allow shutdown of transmission lines. That estimate is \$155,077.

The requestors of this estimate will have to pay ITC the actual costs of the tower relocation, which shall include all applicable overheads incurred by ITC. Upon completion of the project, the payees will be notified of any difference between the actual costs incurred and the cost estimate. Within 60 days, ITC will return any overpayment above actual cost to the payees and the payees shall pay the full amount of any shortage between payments made and the actual costs incurred for the relocation project to ITC.

481111
JUL 18 2005



Please return a signed copy of this agreement and the payment of \$155,077 to International Transmission Company by August 15, 2005 to provide Engineering time to design and procure material for a completion date of February 31, 2006. Send the check to the following:

c/o International Transmission Company
Ms. Elaine Clifford
39500 Orchard Hill Place, Suite 205
Novi, Michigan 48375

Accepted Accepted for Eton Office

A handwritten signature in black ink, appearing to be "J. Jipping", is written over a horizontal line. The signature is stylized and cursive.

Sincerely,

A handwritten signature in black ink, appearing to be "Jon Jipping", is written above the typed name.

Jon Jipping
Vice President of Engineering
International Transmission Company

Cc: Mr. Tom Beagan, ITC Real Estate
Ms. Donna Zalewski, ITC Community Relations
Jeff Kehoe, ITC Finance
Pat Wenzel, ITC Finance

A handwritten number "11184" is written vertically in black ink on the right side of the page.

Check#: 1463

Date: 07/08/2005

Amount: 155,077.00

Vendor: 1191 International Transmission Company

070704

421 Eton - Tower 4040 Relocation

155,077.00

155,077.00

71184

Victor Saroki & Associates Architects, PC 06-99
430 N. Old Woodward
Birmingham, MI 48009
(248) 258-5707

FIDELITY BANK
BIRMINGHAM, MI 48009-6423
74-1265/724

09932

11/15/2004

PAY TO THE ORDER OF International Transmission Co.

\$ **500.00

Five Hundred and 00/100*****

DOLLARS

International Transmission Co.
39500 Orchard Hill Place
#205
Novi, MI 48375

MEMO

MOA 04434

⑈009932⑈ ⑆072412655⑆ 00⑈149⑈296⑈

© 2005 INTUIT INC. # 179 1-800-433-6810

ACORD CERTIFICATE OF LIABILITY INSURANCE Page 1 of 2

DATE
08/01/2005

PRODUCER 877-945-7378 Willis North America, Inc. - Regional Cert Center 26 Century Blvd. P. O. Box 305191 Nashville, TN 372305191	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.												
INSURED International Transmission Company 39500 Orchard Hill Place Suite 200 Novi, MI 48375	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURERS AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC#</th> </tr> <tr> <td>INSURER A: American Home Assurance Company</td> <td>19380-004</td> </tr> <tr> <td>INSURER B: Commerce and Industry Insurance Co.</td> <td>19410-001</td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>	INSURERS AFFORDING COVERAGE	NAIC#	INSURER A: American Home Assurance Company	19380-004	INSURER B: Commerce and Industry Insurance Co.	19410-001	INSURER C:		INSURER D:		INSURER E:	
INSURERS AFFORDING COVERAGE	NAIC#												
INSURER A: American Home Assurance Company	19380-004												
INSURER B: Commerce and Industry Insurance Co.	19410-001												
INSURER C:													
INSURER D:													
INSURER E:													

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	X	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	GL711195	2/28/2005	2/28/2006	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	CA7204978	2/28/2005	2/28/2006	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
		EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below	WC7208588	2/28/2005	2/28/2006	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
		OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
THIS VOIDS AND REPLACES PREVIOUSLY ISSUED CERTIFICATE DATED: 7/13/2005 WITH ID: 6003691

Mosher, Dolan, Cataldo & Kelly Commercial, LLC is an Additional Insured to (A) General Liability above as respects the work being done by ITC in accordance with the attached Additional Insured Endorsement. Above GL policy includes completed operations coverage as evidenced above for aggregate limit of \$2,000,000

CERTIFICATE HOLDER Mosher, Dolan, Cataldo & Kelly Commercial, LLC 700 Forest Avenue Birmingham, MI 48009	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>30</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE <i>Danna J. Turley</i>
--	--

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

12/18/11

KEITH M. ARETHA
 RICHARD A. BARR
 JOHN W. BRYANT
 GEORGE W. BURNARD
 W. JERRY BYRD
 A. READ CONE III
 WILLIAM G. COON
 JAMES P. DEAN
 JAMES B. DWORMAN
 PAUL R. GILLERAN
 M. MICHAEL HAMBURG
 C. L. HUDSON
 JEFFREY L. HUDSON
 R. IAN HUNTER
 ROBERT M. KALEC
 JANET E. LANYON
 LEON R. LEVINE
 MICHAEL B. LEWIS
 THOMAS P. MARTIN

DEAN & FULKERSON
 ATTORNEYS AND COUNSELORS
 PROFESSIONAL CORPORATION
 FIFTH FLOOR
 801 WEST BIG BEAVER ROAD
 TROY, MICHIGAN 48064-4767

WEB SITE WWW.DFLAW.COM

TELEPHONE (248) 362-1300
 FACSIMILE (248) 362-1358

PAUL J. MASTRANGEL
 JAMES K. O'BRIEN
 DONALD A. PIERCE, JR.
 NEILL T. RIDDELL
 STEPHEN R. SERRAINO
 PETER P. SUDNICK
 JERRY R. SWIFT
 LEONARD A. WILCOX, JR.
 KENNETH W. ZATKOFF

RETIRED
 CHARLES A. DEAN
 GEORGE J. FULKERSON

ALSO ADMITTED IN
 ILLINOIS AND THE
 DISTRICT OF COLUMBIA
 MASSACHUSETTS
 MISSOURI, NEW YORK
 AND OHIO

October 31, 2005

As attorneys for Eton Office Properties, LLC and Eton Street Real Estate, Inc., we are familiar with the ownership of the two companies. The ownership interests are identical and Norman R. LePage is a principal in both. Eton Street Real Estate, Inc. owns the Big Rock Restaurant parcel and Eton Office Properties owns the adjacent land on which The Reserve and office building are located.

This letter is being written for assurance that power lines can be relocated between two adjacent parcels owned by clients of this office. There are different entity names, but the ownership, management, and control are essentially the same.

Very truly yours,

DEAN & FULKERSON, P.C.

Donald A. Pierce, Jr.

11/18/05

LIBER 20524 558

333888

LIBER 20524 PAGE 558
\$13.00 DEED - COMBINED
\$2.00 REMUNERATION
09/10/1999 11:02:23 A.M. RECEIPT# 76298
PAID RECORDED - OAKLAND COUNTY
G. WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

OAKLAND COUNTY TREASURERS CERTIFICATE
I HEREBY CERTIFY that there are no TAX LIENS or TITLES held by the state or any individual against the within description and all TAXES on same are paid for five years previous to the date of this instrument, as appears by the records in the office except as stated

C. HUGH DOHANY

033838

1.00
8/5/99 sur
C. HUGH DOHANY, County Treasurer
Sec. 135, Act 208, 1899 as amended

WARRANTY DEED

The Grantor, EDGEMERE ENTERPRISES, INC., a Michigan corporation,

whose address is, 44 East Long Lake Road, Bloomfield Hills, Michigan 48304,

Convey and Warranty to ETON OFFICE PROPERTIES, L.L.C., a Michigan limited liability company,

whose address is 245 S. Eton Street, Birmingham, Michigan 48009,

The premises situated in the City of Birmingham, County of Oakland, and State of Michigan, described in Exhibit A attached hereto and incorporated herein by reference, together with all and singular tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto, for the full consideration provided in the Real Estate Transfer Tax Valuation Affidavit, attached hereto, subject to the Permitted Exceptions described in Exhibit B attached hereto and incorporated herein by reference.

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.

Consideration \$1.00 and other valuable consideration

Dated as of July 29, 1999

Witnesses:

GRANTOR:

EDGEMERE ENTERPRISES, INC., a Michigan corporation

By: Carl Craft
Carl Craft

Its: President

Mark A. Piers
Mark A. Piers

Donald A. Pierce, Jr
DONALD A. PIERCE, JR
DONALD A. PIERCE, JR

O.K. - ML

FILE

SEP 1 1999

REVENUE TO BE AFFIXED AFTER RECORDING

- 15

AUG 20 1999

21563/ST


4P
R
ST

1100 20524 559

STATE OF MICHIGAN
COUNTY OF OAKLAND

) 2nd Pg - Edgemere Enterprises, Inc., a Michigan
) SS. Corporation to Eton Office Properties, LLC a
) Michigan Limited Liability Company.
dated July 29, 1999

The foregoing instrument was acknowledged before me this 29th day of July, 1999, by Carl Craft, the President of Edgemere Enterprises, Inc., a Michigan corporation, on behalf of such corporation.


Juliet DiSessa, Notary Public
Oakland County, State of Michigan
My commission expires: 11/16/2000

Drafted by:	Send subsequent tax bills to:	When recorded return to:
Ian M. Burnstein, Esq. Jaffe, Raitt, Heuer & Weiss One Woodward Avenue Suite 2400 Detroit, MI 48226	Eton Office Properties 805 Oakwood Rochester, MI 48307 Attn.: Mark Papak	Donald A. Pierce, Jr., Esq. Dean & Fulkerson, P.C. 801 W. Big Beaver Rd., 5 th Fl. Troy, MI 48084

11/16/99

1980 20524 560

LEGAL DESCRIPTION CONTINUATION

City of Birmingham

Parcel 1:

A Part of the Northeast 1/4 of Section 31, Town 2 North, Range 11 East, City of Birmingham, Oakland County, Michigan, Being a part of Lot 1 of Assessor's Plat No. 28 as recorded in Liber 43, Page 50 of Plats, Oakland County Records and Lots 112 through 118, inclusive, part of Lots 88 through 96, inclusive, 109 through 111, inclusive 119 and part of vacated Frairia Avenue of Birmingham Gardens as recorded in Liber 31, Page 38, of Plats, Oakland County Records, more particularly described as: commencing at the North 1/4 corner of said Section 31; thence South 01 degrees 59 minutes 10 seconds West 701.82 feet along the North-South 1/4 line of said Section 31; thence South 88 degrees 11 minutes 20 seconds East 36.00 feet to the point of beginning at the Northwest corner of Lot 1 of said Assessor's Plat No. 28; thence the following three (3) Courses along the Easterly line of Eton Road (Width Varies): (1) North 01 degrees 59 minutes 10 seconds East 30.00 feet, and (2) North 13 degrees 14 minutes 00 seconds West 137.11 feet, and (3) North 01 degrees 59 minutes 10 seconds East 140.91 feet; thence South 88 degrees 26 minutes 57 seconds East 245.03 feet to a point on the Westerly line of the Grand Trunk Western Railroad; thence along said Railroad line South 33 degrees 11 minutes 31 seconds East 386.32 feet; thence North 88 degrees 00 minutes 50 seconds West 431.60 to a point on the East line of said Eton Road; thence North 01 degrees 59 minutes 10 seconds East 10.69 feet along said road line to the point of beginning.

Re: 325 South Eton

Part of Tax Item Nos. 20-31-203-002, 20-31-203-021, 20-31-203-022 and 20-31-203-028.

20-31-203-002 PT LOT 1 ASSESSOR'S PLAT # 28 43/50 43050
 20-31-203-021 ALL OR PART OF LOTS 88-91 + LOTS 112 TO 119 + VACATED
PRAIRIE AVE BIRMINGHAM GARDENS 31/38 31038
 20-31-203-022 ALL OR PART OF LOTS 89-93, 112-116, 153-158, 166-172,
219-226 + VACATED PRAIRIE + VACATED HAZEL AVENUES,
BIRMINGHAM GARDENS 31/38, ALSO PT NE 1/4 OF SECTION 31 TROY
 20-31-203-028 ALL OR PART OF LOTS 88-96, 109-114, 156-159, 160-162, 164-168
222, 223, ALSO PT VACATED PRAIRIE + HAZEL AVENUES, BIRMINGHAM
GARDENS SUB 31/38, ALSO PT NE 1/4 SECTION 31

71184

Clifford, Elaine K.

From: Michael Dwyer [mdwyer@mninc.com]
Sent: Monday, April 03, 2006 1:23 PM
To: Clifford, Elaine K.
Subject: RE: Revised Easement - MOA 04434 - Eton Street

Good Afternoon Elaine,

I review the revised easement exhibits and legals you forwarded this morning. The comments from our review letter of March 30, 2006 have been addressed and the easement is approved. FYI - they removed the language prohibiting buildings, etc. within the easement (not sure if they discussed that with you).

Regards,
Michael R. Dwyer, P.S.

McNEELY & LINCOLN ASSOCIATES, INC.
37741 Pembroke
Livonia, MI 48152
(734) 432-9777 phone
(734) 432-9786 fax

-----Original Message-----

From: Clifford, Elaine K. [mailto:eclifford@Itctransco.com]
Sent: Monday, April 03, 2006 12:22 PM
To: Michael Dwyer
Subject: FW: revised easement

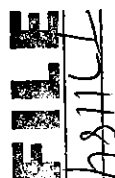
From: Carrie Walter [mailto:cwalter@mdcandk.com]
Sent: Monday, April 03, 2006 10:42 AM
To: Clifford, Elaine K.
Subject: FW: revised easement

Elaine,
Will you please forward these documents to the appropriate parties?

Please let me know if there is anything else that is needed.

Thank you,

Carrie Walter
Mosher, Dolan, Cataldo & Kelly
700 Forest
Birmingham, MI 48009



4/3/2006

248-258-9453
248-258-6514 (fax)
cwalter@mdcandk.com

From: Patrick Williams [<mailto:pwilliams@nowakfraus.com>]

Sent: Monday, April 03, 2006 10:31 AM

To: Carrie Walter

Subject: revised easement

Here are the revised easements. Let me know if you want me to send these anywhere else.

Pat

Patrick J. Williams, P.E.
Associate
Nowak & Fraus, PLLC
46777 Woodward
Pontiac, MI 48342
Phone: (248) 332-7931
Fax: (248) 332-8257
pwilliams@nowakfraus.com

FILE
4/3/06

Clifford, Elaine K.

From: Michael Dwyer [mdwyer@mninc.com]
Sent: Wednesday, September 13, 2006 6:44 PM
To: Clifford, Elaine K.
Cc: JPotgieter@victorsaroki.com; jpioch@nowakfraus.com
Subject: ITC Project No.NOA06695 Review No. 5 MOA06695
Importance: High
Attachments: E103-01 EASE TOWER 9-12-2006.PDF

Elaine - attached please find a revised copy of the proposed tower line easement over the Eton Street property in Birmingham (NOA06695/MOA06695). The comments from our previous review of September 7, 2006 have been addressed. After reviewing the condominium documents which were supplied by Nowak & Fraus, another concern arose. Part of the southern portion of the proposed easement falls in Villa Street. In one of the condominium documents, it appears as though the petitioner's title extends to the center of the road. In the other, the units end at the north right of way. If the road has been dedicated in fee, that portion of the proposed easement that falls within the right of way should be removed. Aside from the road issue, the attached easement and exhibit drawings are approved. Please call if you have any questions.

Regards,
Michael R. Dwyer, P.S.

McNEELY & LINCOLN ASSOCIATES, INC.
37741 Pembroke
Livonia, MI 48152
(734) 432-9777 phone
(734) 432-9786 fax

-----Original Message-----

From: Jeff Pioch [mailto:jpioch@nowakfraus.com]
Sent: Tuesday, September 12, 2006 3:26 PM
To: Michael Dwyer
Cc: eclifford@Itctransco.com; Johannes Potgieter; mbarnwell@mninc.com
Subject: RE: 9-7-2006 RE: FW: ITC Project No.NOA06695: Final Review / MOA06695 (2)
Importance: High

Mike your comments are correct. I have attached the revised easement for your review as well as the Exhibit B to the Master Deeds.

Jeff Pioch
Condominium/Subdivision Platting Manager
Nowak & Fraus PLLC
1310 N. Stephenson Hwy.
Royal Oak, MI 48067
Ph. (248) 399-0886
Fax (248) 399-0805

From: Michael Dwyer [mailto:mdwyer@mninc.com]
Sent: Thursday, September 07, 2006 1:32 PM
To: Jeff Pioch

5/10/2007

Cc: eclifford@Itctransco.com; 'Johannes Potgieter'; mbarnwell@mninc.com

Subject: 9-7-2006 RE: FW: ITC Project No.NOA06695: Final Review / MOA06695 (2)

Jeff,

We are reviewing a proposed ITC Tower Line easement which your firm prepared in connection with the Eton Condominium Properties and the District Loft Condominium. We are in need of the Exhibit Drawings for the 2 condominiums to complete our review. If you are able to send PDF files that would expedite the process. We completed what we could of the review without the Exhibit Drawings and have the following comments:

1. Sheet 1 of 2 - the note in the upper right-hand corner is missing the page number in the recording information for the Eton Condominium Properties (Page 533 is stated in the written description).
2. Sheet 2 of 2 - Easement Description - bearing in 8th line from the bottom - drawing reads "S. 33° 36' **11**" E., 57.77 feet" the legal description reads "S. 33° 36' **22**" E., 57.77 feet." The bearing on the drawing closes better than the one in the legal.

Regards,
Michael R. Dwyer, P.S.

McNEELY & LINCOLN ASSOCIATES, INC.
37741 Pembroke
Livonia, MI 48152
(734) 432-9777 phone
(734) 432-9786 fax

-----Original Message-----

From: Johannes Potgieter [mailto:JPotgieter@victorsaroki.com]
Sent: Thursday, September 07, 2006 9:33 AM
To: mdwyer@mninc.com
Cc: eclifford@Itctransco.com; jpioch@nowakfraus.com
Subject: Fwd: FW: ITC Project No.NOA06695: Final Review / MOA06695

Good morning Mike,

Could you please contact Jeff Pioch of Nowak & Fraus for the information you're seeking. They're the surveyors for District Lofts. Thank you - Johannes

Jeff Pioch
Condominium/Subdivision Platting Manager
Nowak & Fraus PLLC
1310 N. Stephenson Hwy.
Royal Oak, MI 48067
Ph. (248) 399-0886
Fax (248) 399-0805

>>> "Clifford, Elaine K." <eclifford@Itctransco.com> 09/07/06 7:51 AM >>>
Hi Johannes,

Please forward the following stated below to Mike Dwyer.

Elaine

5/10/2007

From: Michael Dwyer [mailto:mdwyer@mninc.com]
Sent: Wednesday, September 06, 2006 5:27 PM
To: Clifford, Elaine K.
Subject: FW: ITC Project No.NOA06695: Final Review / MOA06695

Elaine - I just noticed that they actually made 2 condominiums out of the property - "Eton Condominium Properties Condominium" and "District Lofts Condominium." I will need copies of both exhibit drawings.

Thanks

-----Original Message-----

From: Michael Dwyer [mailto:mdwyer@mninc.com]
Sent: Wednesday, September 06, 2006 5:21 PM
To: 'Clifford, Elaine K.'
Subject: RE: ITC Project No.NOA06695: Final Review / MOA06695

Elaine - I took a brief look at the revised documents. I assume that I do not need to address the encroachment permit since there is no legal description to review. Also they have apparently converted this property to a condominium which has already been recorded. Can you request the client to email me a copy of the condominium exhibit drawings please? I should be able to finish tomorrow if I get the documents (otherwise I have to order from the county).

Thanks - Mike

-----Original Message-----

From: Clifford, Elaine K. [mailto:eclifford@Itctransco.com]
Sent: Wednesday, September 06, 2006 4:08 PM
To: mdwyer@mninc.com
Subject: FW: ITC Project No.NOA06695: Final Review / MOA06695

Mike, please review item one asap.

Thanks

From: Johannes Potgieter [mailto:JPotgieter@victorsaroki.com]
Sent: Monday, August 14, 2006 1:35 PM
To: Doubley, David G.; Clifford, Elaine K.
Subject: ITC Project No.NOA06695: Final Review

Dear Dave and Elaine,

I have received feedback from our client. We thank you for your time. Could you please address the following:

1. Update the legal description attached to the Permit.

Your document (Eaton-Desc(2).doc) which Elaine sent us on July 6 indicate two parcels each with their own Tower Easement. Since the parcels have been combined we now have one parcel and one Tower Easement. Please see the attached PDF documents for reference:

E103-01 Tower line easement-Tower Esmt. 1 of 2.PDF
E103-01 Tower line easement-Tower Esmt. 2 of 2.PDF

These documents were also emailed to you on 08/03/2006.

2. Include an Additional Term in the Permit

The Term should recognize the 1'-4" encroachment of the building as shown in the attached PDF:

E103-SKETCH OF ENCROACHMENT INTO TOWER ESMT.PDF

Dave has approved the encroachment on 08/03/2006. This document was also emailed to you on 08/03/2006.

Thank you for your patience. We appreciate your help.

Johannes Potgieter
Victor Saroki & Associates Architects PC
430 North Old Woodward Avenue / 3rd Floor
Birmingham, Michigan 48009

248-258-5707 ext. 21
248-258-5515

www.victorsaroki.com

>>> "Doubley, David G." <ddoubley@Itctransco.com> 08/03/06 9:32 PM >>>
Mr. Potgieter,

I have looked at the 1'-4" of encroachment at this location in the span between the towers and determined that there **will not** be a horizontal clearance violation for the extreme wind condition for a 6 lb/ft pressure at 60 deg sag as mandated in the NESC. The vertical clearance will be satisfactory as well. Please coordinate the completion of the paper work through Elaine Clifford.

*** PROPRIETARY, CONFIDENTIAL OR PRIVILEGED COMMUNICATION ***

This communication may contain proprietary, privileged or confidential information protected by law. It is solely for the use of the intended recipient named above. Any review, dissemination, distribution, forwarding, or copying of this communication by someone other than the intended recipient, or the employee responsible for delivering this communication to the intended recipient, is prohibited. If you have received this communication in error, please immediately notify the sender via email, then destroy the original message.

The information in this message may contain details concerning future transmission expansion projects that can have a material effect on energy market activity. Therefore, only those individuals who work in the distribution or in non-energy market related businesses should receive this information. In addition, anyone who shares this information with any energy market related employees may be found in violation of FERC's Standards of Conduct Regulations.

From: Johannes Potgieter [mailto:JPotgieter@victorsaroki.com]
Sent: Monday, July 31, 2006 2:52 PM
To: Doubley, David G.; Clifford, Elaine K.
Subject: ITC Project No.NOA06695: ITC Easement Exhibits andEncroachment Sketch

Dear Dave & Elaine,

Please find attached the revised Tower Line Easement drawings as provided to us by Nowak & Fraus. Nowak & Fraus verified the exact locations of your Transmission Towers last week. The easement limits are 45' from the centerline of the towers as located by their office. We ask that you replace the existing drawings attached to the permit with the updated drawings in this email.

Please review the attached drawings and let us know if they satisfy the requirements of your permit. Please note that the 4th Floor Encroachment Sketch shows there to be a 1'-4" encroachment into the easement above the permitted 34'-4" height.

Thank you.

Johannes Potgieter
Victor Saroki & Associates Architects PC
430 North Old Woodward Avenue / 3rd Floor
Birmingham, Michigan 48009

248-258-5707 ext. 21
248-258-5515

www.victorsaroki.com

OAKLAND COUNTY CONDOMINIUM SUBDIVISION
PLAN NUMBER
EXHIBIT B TO THE MASTER DEED OF

Eton Condominium Properties

CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

LEGAL DESCRIPTION

A PART OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF SECTION 31, TOWN 2 NORTH, RANGE 11 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING PART OF LOTS 11 THROUGH 15, 55 THROUGH 57, 94-96, 109-111, 119, ALL INCLUSIVE, ALL OF LOTS 58, 59, 88-93, 112-118, PART OF VACATED PRAIRIE AVENUE (59 1/2 FEET WIDE), PART OF VACATED ALLEY (16 FEET WIDE), PART OF VACATED ETON ROAD (50 FEET WIDE) AND PART OF VACATED YOSEMITE BOULEVARD (80 FEET WIDE) OF BIRMINGHAM GARDENS AS RECORDED IN LIBER 31, PAGE 38 OF PLATS, OAKLAND COUNTY RECORDS, ALSO PART OF LOT 1 OF ASSESSOR'S PLAT NO. 28 AS RECORDED IN LIBER 43, PAGE 50 OF PLATS, OAKLAND COUNTY RECORDS, ALSO BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE N.88°16'37"W., 117.95 FEET; THENCE S.34°11'27"E., 87.17 FEET TO THE POINT OF BEGINNING; THENCE N.29°04'00"E., 31.10 FEET; THENCE S.88°16'37"E., 22.56 FEET; THENCE S.33°36'11"E., 57.77 FEET; THENCE N.56°34'45"E., 16.90 FEET TO A POINT ON THE WESTERLY LINE OF GRAND TRUNK WESTERN RAILROAD (WIDTH VARIES); THENCE ALONG SAID RAILROAD LINE THE FOLLOWING TWO (2) COURSES: 1) S.33°43'31"E., 389.60 FEET AND 2) S.33°11'31"E., 386.32 FEET; THENCE N.88°00'50"W., 431.60 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF ETON ROAD (WIDTH VARIES); THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID ETON ROAD THE FOLLOWING TWO (2) COURSES: 1) N.01°59'10"E., 40.69 FEET, 2) N.13°14'00"W., 137.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF ETON ROAD (50 FEET WIDE-AS PLATTED) SAID POINT BEING N.01°59'10"E., 0.15 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 88; THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID ETON ROAD (AS PLATTED) N.01°59'10"E., 377.55 FEET; THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF ETON ROAD (WIDTH VARIES) N.34°11'27"W., 112.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 154,164 SQ. FT. OR 3.53 ACRES.

TITLE SHEET

PROPOSED 6/28/2006

ATTENTION: COUNTY REGISTER OF DEEDS

THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED IN CONSECUTIVE SEQUENCE. WHEN A NUMBER HAS BEEN ASSIGNED TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE, SHEET 1 AND THE SURVEYOR'S CERTIFICATE, SHEET 2.

DEVELOPER

ETON STREET REAL ESTATE, INC.
AND
ETON OFFICE PROPERTIES, LLC
245 S. ETON STREET
BIRMINGHAM, MICHIGAN 48009

SURVEYOR

NOWAK AND FRAUS, P.L.L.C.
1310 N. STEPHENSON HWY.
ROYAL OAK, MICHIGAN 48067
PHONE: (248) 399-0886
FAX: (248) 399-0805

INDEX

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- 2 SURVEY PLAN
- 3 SITE PLAN
- 4 UTILITY PLAN

ISSUED 6/28/2006

JOB No. E103-01

SHEET No. 1

OAKLAND COUNTY CONDOMINIUM SUBDIVISION
PLAN NUMBER
EXHIBIT B TO THE MASTER DEED OF

Eton Condominium Properties

CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

LEGAL DESCRIPTION

A PART OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF SECTION 31, TOWN 2 NORTH, RANGE 11 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING PART OF LOTS 11 THROUGH 15, 55 THROUGH 57, 94-96, 109-111, 119, ALL INCLUSIVE, ALL OF LOTS 58, 59, 88-93, 112-118, PART OF VACATED PRAIRIE AVENUE (59 1/2 FEET WIDE), PART OF VACATED ALLEY (16 FEET WIDE), PART OF VACATED ETON ROAD (50 FEET WIDE) AND PART OF VACATED YOSEMITE BOULEVARD (80 FEET WIDE) OF BIRMINGHAM GARDENS AS RECORDED IN LIBER 31, PAGE 38 OF PLATS, OAKLAND COUNTY RECORDS, ALSO PART OF LOT 1 OF ASSESSOR'S PLAT NO. 28 AS RECORDED IN LIBER 43, PAGE 50 OF PLATS, OAKLAND COUNTY RECORDS, ALSO BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE N.88°16'37"W., 117.95 FEET; THENCE S.34°11'27"E., 87.17 FEET TO THE POINT OF BEGINNING; THENCE N.29°04'00"E., 31.10 FEET; THENCE S.88°16'37"E., 22.56 FEET; THENCE S.33°36'11"E., 57.77 FEET; THENCE N.56°34'45"E., 16.90 FEET TO A POINT ON THE WESTERLY LINE OF GRAND TRUNK WESTERN RAILROAD (WIDTH VARIES); THENCE ALONG SAID RAILROAD LINE THE FOLLOWING TWO (2) COURSES: 1) S.33°43'31"E., 389.60 FEET AND 2) S.33°11'31"E., 386.32 FEET; THENCE N.88°00'50"W., 431.60 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF ETON ROAD (WIDTH VARIES); THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID ETON ROAD THE FOLLOWING TWO (2) COURSES: 1) N.01°59'10"E., 40.69 FEET, 2) N.13°14'00"W., 137.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF ETON ROAD (50 FEET WIDE-AS PLATTED) SAID POINT BEING N.01°59'10"E., 0.15 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 88; THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID ETON ROAD (AS PLATTED) N.01°59'10"E., 377.55 FEET; THENCE ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF ETON ROAD (WIDTH VARIES) N.34°11'27"W., 112.65 FEET TO THE POINT OF BEGINNING.

CONTAINING 154,164 SQ. FT. OR 3.53 ACRES.

TITLE SHEET
PROPOSED 6/28/2006

ATTENTION: COUNTY REGISTER OF DEEDS

THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED IN CONSECUTIVE SEQUENCE. WHEN A NUMBER HAS BEEN ASSIGNED TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE, SHEET 1 AND THE SURVEYOR'S CERTIFICATE, SHEET 2.

DEVELOPER

ETON STREET REAL ESTATE, INC.
AND
ETON OFFICE PROPERTIES, LLC
245 S. ETON STREET
BIRMINGHAM, MICHIGAN 48009

SURVEYOR

NOWAK AND FRAUS, P.L.L.C.
1310 N. STEPHENSON HWY.
ROYAL OAK, MICHIGAN 48067
PHONE: (248) 399-0886
FAX: (248) 399-0805

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ISSUED 6/28/2006

JOB No. E103-01

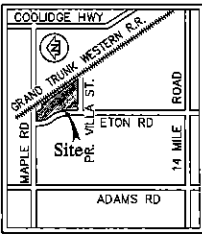
SHEET No. 1



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Stephenson Highway
Royal Oak, MI 48067-1508
Tel: (248) 559-0886
Fax: (248) 559-0805



LOCATION MAP
NOT TO SCALE

Eton Condominium Properties

LEGEND

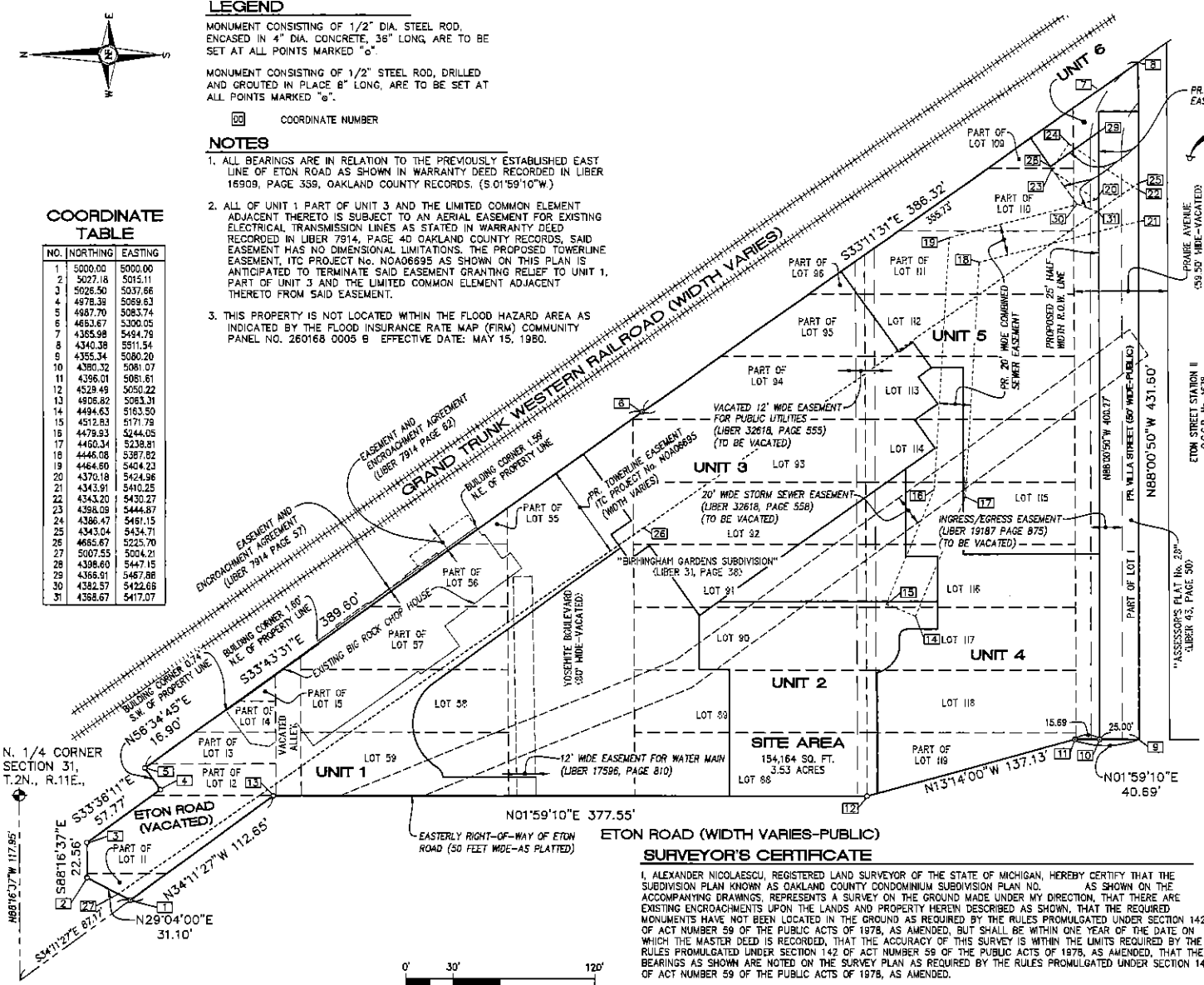
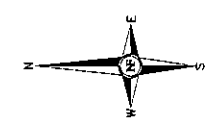
- MONUMENT CONSISTING OF 1/2" DIA. STEEL ROD, ENCASED IN 4" DIA. CONCRETE, 36" LONG, ARE TO BE SET AT ALL POINTS MARKED "o".
- MONUMENT CONSISTING OF 1/2" STEEL ROD, DRILLED AND GROUTED IN PLACE 6" LONG, ARE TO BE SET AT ALL POINTS MARKED "o".
- ☐ COORDINATE NUMBER

NOTES

- ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED EAST LINE OF ETON ROAD AS SHOWN IN WARRANTY DEED RECORDED IN LIBER 16909, PAGE 359, OAKLAND COUNTY RECORDS. (S.01°59'10"W)
- ALL OF UNIT 1 PART OF UNIT 3 AND THE LIMITED COMMON ELEMENT ADJACENT THERETO IS SUBJECT TO AN AERIAL EASEMENT FOR EXISTING ELECTRICAL TRANSMISSION LINES AS STATED IN WARRANTY DEED RECORDED IN LIBER 7914, PAGE 40 OAKLAND COUNTY RECORDS, SAID EASEMENT HAS NO DIMENSIONAL LIMITATIONS. THE PROPOSED TOWERLINE EASEMENT, ITC PROJECT No. NOA06695 AS SHOWN ON THIS PLAN IS ANTICIPATED TO TERMINATE SAID EASEMENT GRANTING RELIEF TO UNIT 1, PART OF UNIT 3 AND THE LIMITED COMMON ELEMENT ADJACENT THERETO FROM SAID EASEMENT.
- THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREA AS INDICATED BY THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PLAN No. 260168 0005 B EFFECTIVE DATE: MAY 15, 1980.

COORDINATE TABLE

NO.	NORTHING	EASTING
1	5000.00	5000.00
2	5027.16	5015.11
3	5026.50	5037.66
4	4978.38	5069.63
5	4987.70	5083.74
6	4953.67	5300.05
7	4355.98	5454.79
8	4340.38	5511.54
9	4355.34	5080.20
10	4390.32	5081.07
11	4395.01	5081.61
12	4529.49	5050.22
13	4906.82	5083.31
14	4494.63	5163.50
15	4512.83	5171.79
16	4479.93	5244.05
17	4450.34	5238.81
18	4446.08	5387.82
19	4464.80	5404.23
20	4370.18	5424.96
21	4343.91	5410.25
22	4343.20	5430.27
23	4398.08	5444.87
24	4386.47	5461.15
25	4343.04	5434.71
26	4655.67	5225.70
27	5007.55	5004.21
28	4398.60	5447.15
29	4366.91	5467.88
30	4382.57	5422.66
31	4388.67	5417.07



SURVEYOR'S CERTIFICATE

I, ALEXANDER NICOLAESCU, REGISTERED LAND SURVEYOR OF THE STATE OF MICHIGAN, HEREBY CERTIFY THAT THE SUBDIVISION PLAN KNOWN AS OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 142 AS SHOWN ON THE ACCOMPANYING DRAWINGS REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT THERE ARE EXISTING ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED AS SHOWN, THAT THE REQUIRED MONUMENTS HAVE NOT BEEN LOCATED IN THE GROUND AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED, BUT SHALL BE WITHIN ONE YEAR OF THE DATE ON WHICH THE MASTER DEED IS RECORDED, THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED, THAT THE BEARINGS AS SHOWN ARE NOTED ON THE SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

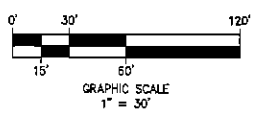
DATE: 6/28/2006

ALEXANDER NICOLAESCU P.S. No.22705

NOWAK & FRAUS, P.L.L.C.
1310 N. STEPHENSON HWY.
ROYAL OAK, MI. 48067

SURVEY PLAN

PROPOSED 6/28/2006



REAL

DRAWN BY:
M. Tiseo

DESIGNED BY:
J. Ploch

DATE:
6/28/2006

SCALE:
1" = 30'

WF JOB NO. SHEET NO.
E103-01 2



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

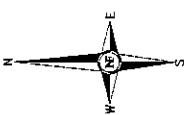
1510 N. Stephenson Highway
Royal Oak, MI 48067-1508
Tel. 248.399-0888
Fax. 248.399-0805

Eton Condominium Properties

DATE

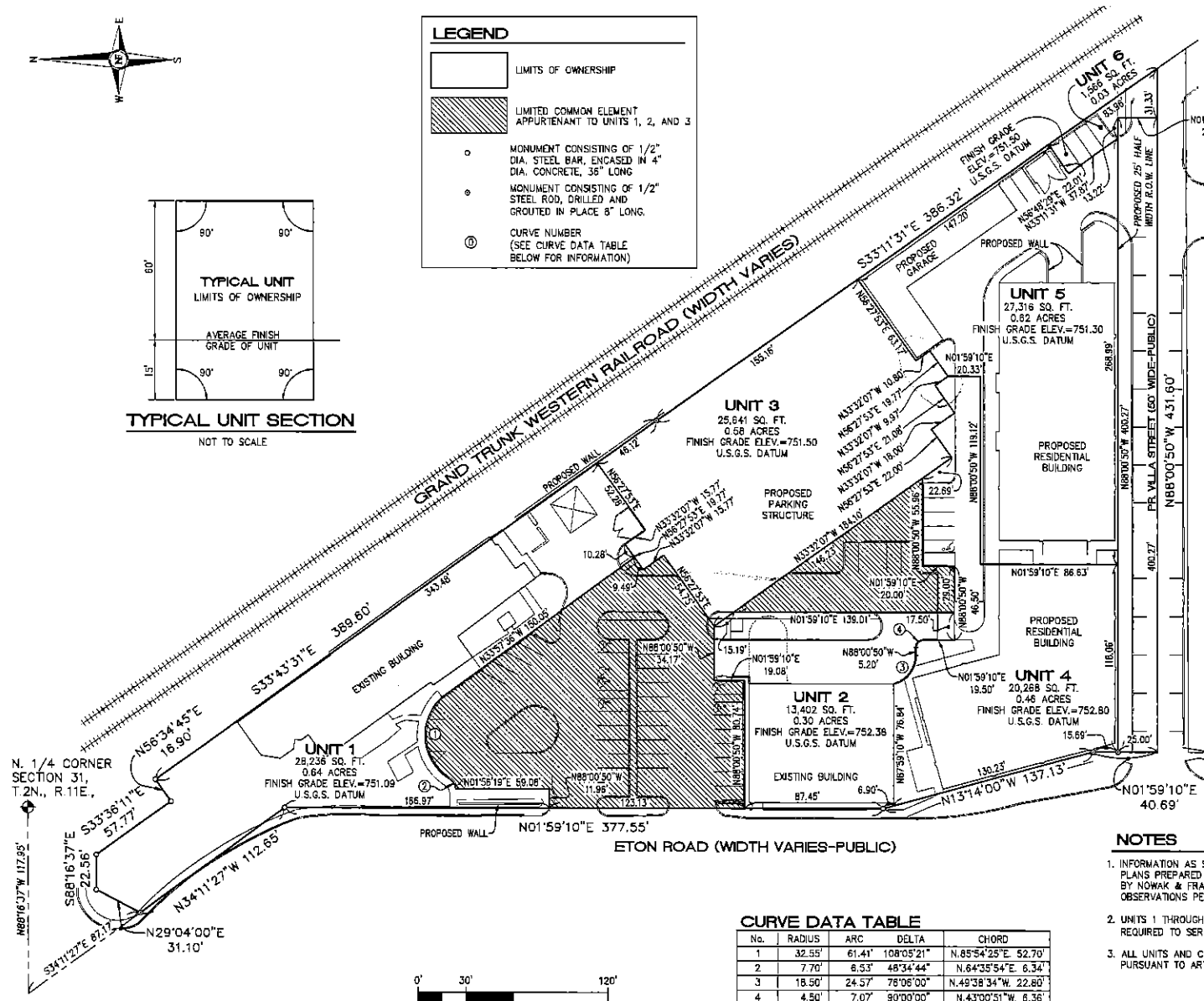
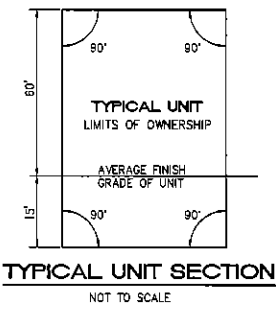
DRAWN BY:
M. Tisco
DESIGNED BY:
APPROVED BY:
J. Ploch
DATE:
6/28/2006
SCALE:
1" = 30'

NIP JOB NO.: SHEET NO.:
E103-01 3



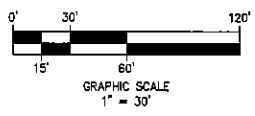
LEGEND

- LIMITS OF OWNERSHIP
- LIMITED COMMON ELEMENT APPURTENANT TO UNITS 1, 2, AND 3
- MONUMENT CONSISTING OF 1/2" DIA. STEEL BAR, ENCASED IN 4" DIA. CONCRETE, 36" LONG
- MONUMENT CONSISTING OF 1/2" STEEL ROD, DRILLED AND GROUTED IN PLACE 8" LONG.
- CURVE NUMBER (SEE CURVE DATA TABLE BELOW FOR INFORMATION)



CURVE DATA TABLE

No.	RADIUS	ARC	DELTA	CHORD
1	32.55'	61.41'	108°05'21"	N.85°54'25"E 52.70'
2	7.70'	6.53'	48°34'44"	N.64°35'54"E 6.34'
3	18.50'	24.57'	78°06'00"	N.49°38'34"W 22.80'
4	4.50'	7.07'	90°00'00"	N.43°00'51"W 6.36'



NOTES

1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 18, 2006, ALONG WITH FIELD OBSERVATIONS PERFORMED BY NOWAK & FRAUS P.L.L.C.
2. UNITS 1 THROUGH 6, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS "MUST BE BUILT".
3. ALL UNITS AND COMMON ELEMENTS ARE CONVERTIBLE AREAS PURSUANT TO ARTICLE VII OF THE MASTER DEED.

SITE PLAN

PROPOSED 6/28/2006



LEGEND

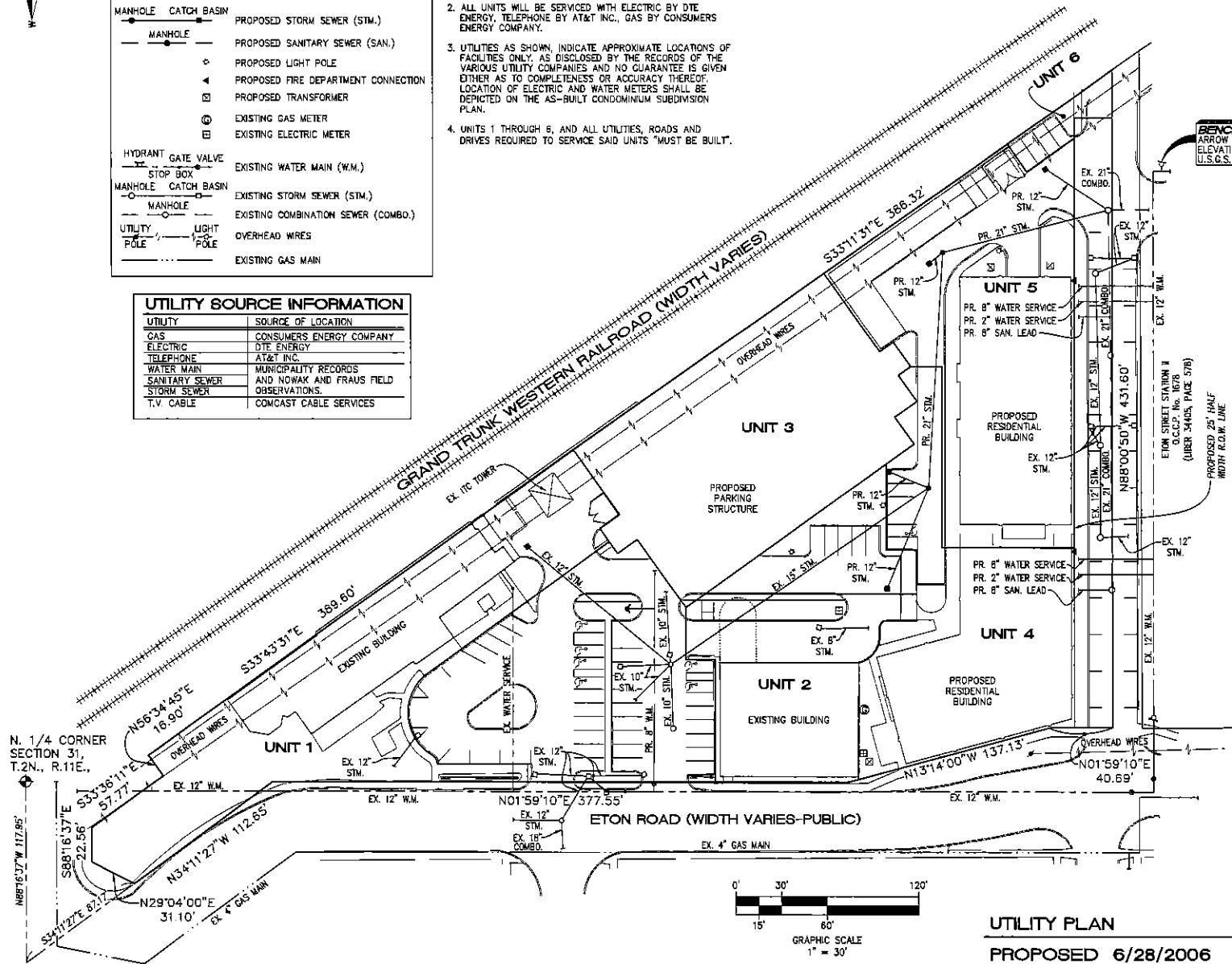
	HYDRANT GATE VALVE STOP BOX	PROPOSED WATER MAIN (W.M.)
	MANHOLE CATCH BASIN	PROPOSED STORM SEWER (STM.)
	MANHOLE	PROPOSED SANITARY SEWER (SAN.)
		PROPOSED LIGHT POLE
		PROPOSED FIRE DEPARTMENT CONNECTION
		PROPOSED TRANSFORMER
		EXISTING GAS METER
		EXISTING ELECTRIC METER
	HYDRANT GATE VALVE STOP BOX	EXISTING WATER MAIN (W.M.)
	MANHOLE CATCH BASIN	EXISTING STORM SEWER (STM.)
	MANHOLE	EXISTING COMBINATION SEWER (COMBO.)
	UTILITY POLE	OVERHEAD WIRES
	UTILITY POLE	EXISTING GAS MAIN

UTILITY SOURCE INFORMATION

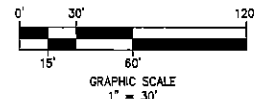
UTILITY	SOURCE OF LOCATION
GAS	CONSUMERS ENERGY COMPANY
ELECTRIC	DTE ENERGY
TELEPHONE	AT&T INC.
WATER MAIN	MUNICIPALITY RECORDS
SANITARY SEWER	AND NOWAK AND FRAUS FIELD OBSERVATIONS
STORM SEWER	
T.V. CABLE	COMCAST CABLE SERVICES

NOTES

1. ALL UNITS TO BE SERVICED WITH SANITARY SEWER AND WATER MAIN INFORMATION AS SHOWN, OBTAINED FROM PLANS PREPARED BY NOWAK AND FRAUS P.L.L.C.
2. ALL UNITS WILL BE SERVICED WITH ELECTRIC BY DTE ENERGY, TELEPHONE BY AT&T INC., GAS BY CONSUMERS ENERGY COMPANY.
3. UTILITIES AS SHOWN, INDICATE APPROXIMATE LOCATIONS OF FACILITIES ONLY, AS DISCLOSED BY THE RECORDS OF THE VARIOUS UTILITY COMPANIES AND NO GUARANTEE IS GIVEN EITHER AS TO COMPLETENESS OR ACCURACY THEREOF. LOCATION OF ELECTRIC AND WATER METERS SHALL BE DEPICTED ON THE AS-BUILT CONDOMINIUM SUBDIVISION PLAN.
4. UNITS 1 THROUGH 6, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS "MUST BE BUILT".

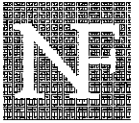


BENCHMARK
ARROW ON HYDRANT
ELEVATION 753.88
U.S.G.S. DATUM



UTILITY PLAN

PROPOSED 6/28/2006



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Stephenson Highway
Royal Oak, MI 48067-1508
Tel. (248) 339-0886
Fax. (248) 339-0805

Eton Condominium Properties

DESIGNED BY
M. Thoen
DRAWN BY
J. Fleck
DATE
6/28/2006
SCALE
1" = 30'

NO. 103-01 SHEET NO. 4

OAKLAND COUNTY CONDOMINIUM SUBDIVISION
PLAN NUMBER
EXHIBIT B TO THE MASTER DEED OF



CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN

LEGAL DESCRIPTION (CURRENT DEVELOPMENT AREA)

PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 2 NORTH, RANGE 11 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING ALL OF UNIT 5 OF ETON CONDOMINIUM PROPERTIES, OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN No. _____ RECORDED IN LIBER _____ PAGE _____ OAKLAND COUNTY RECORDS, ALSO BEING DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE S.01°59'10"W., 687.39 FEET; THENCE S.88°00'50"E., 154.06 FEET TO THE POINT OF BEGINNING; THENCE N.01°59'10"E., 86.63 FEET; THENCE S.88°00'50"E., 119.12 FEET; THENCE N.01°59'10"E., 20.33 FEET; THENCE N.56°27'53"E., 19.77 FEET; THENCE N.33°32'07"W., 10.80 FEET; THENCE N.56°27'53"E., 63.17 FEET TO A POINT ON THE WESTERLY LINE OF GRAND TRUNK WESTERN RAILROAD; THENCE ALONG SAID WESTERLY LINE S.33°11'31"E., 147.20 FEET; THENCE S.56°48'29"W., 22.01 FEET; THENCE S.33°11'31"E., 37.87 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF VILLA STREET (PROPOSED PUBLIC-50 FEET WIDE); THENCE ALONG SAID NORTH RIGHT-OF-WAY N.88°00'50"W., 268.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,316 SQUARE FEET OR 0.62 ACRES.

LEGAL DESCRIPTION (PROPOSED FUTURE DEVELOPMENT)

PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 2 NORTH, RANGE 11 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING ALL OF UNIT 4 OF ETON CONDOMINIUM PROPERTIES, OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN No. _____ RECORDED IN LIBER _____ PAGE _____ OAKLAND COUNTY RECORDS, ALSO BEING DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE S.01°59'10"W., 687.39 FEET; THENCE S.88°00'50"E., 36.00 FEET TO THE POINT OF BEGINNING ALSO BEING ON THE EASTERLY RIGHT-OF-WAY OF ETON STREET (WIDTH VARIES); THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF SAID ETON STREET THE FOLLOWING TWO (2) COURSES: 1) N.01°59'10"E., 15.69 FEET AND 2) N.13°14'00"W., 130.23 FEET; THENCE S.87°59'10"E., 76.84 FEET; THENCE 24.57 FEET ALONG THE ARC OF A CURVE TO THE LEFT RADIUS=18.50 FEET; DELTA=76°06'00", CHORD=S.49°38'34"E., 22.80 FEET; THENCE S.88°00'50"E., 5.20 FEET; THENCE 7.07 FEET ALONG THE ARC OF A CURVE TO THE RIGHT RADIUS=4.50 FEET, DELTA=90°00'00", CHORD=S.43°00'51"E., 6.36 FEET; THENCE S.01°59'10"W., 19.50 FEET; THENCE S.88°00'50"E., 46.50 FEET; THENCE N.01°59'10"E., 20.00 FEET; THENCE S.88°00'50"E., 55.96 FEET; THENCE S.33°32'07"E., 22.69 FEET; THENCE N.56°27'53"E., 22.00 FEET; THENCE S.33°32'07"E., 18.00 FEET; THENCE N.56°27'53"E., 21.08 FEET; THENCE S.33°32'07"E., 9.97 FEET; THENCE S.01°59'10"W., 20.33 FEET; THENCE N.88°00'50"W., 119.12 FEET; THENCE S.01°59'10"W., 86.63 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF VILLA STREET (PROPOSED PUBLIC-50 FEET WIDE); THENCE ALONG SAID NORTH RIGHT-OF-WAY N.88°00'50"W., 118.06 FEET TO THE POINT OF BEGINNING.

ALSO:

PART OF THE NORTHEAST 1/4 OF SECTION 31, TOWN 2 NORTH, RANGE 11 EAST, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, BEING ALL OF UNIT 6 OF SAID ETON CONDOMINIUM PROPERTIES, ALSO BEING DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 31; THENCE S.01°59'10"W., 687.39 FEET; THENCE S.88°00'50"E., 423.05 FEET TO THE POINT OF BEGINNING; THENCE N.33°11'31"W., 37.87 FEET; THENCE N.56°48'29"E., 22.01 FEET TO A POINT ON THE WESTERLY LINE OF GRAND TRUNK WESTERN RAILROAD; THENCE ALONG SAID WESTERLY LINE S.33°11'31"E., 83.96 FEET; THENCE N.88°00'50"W., 31.33 FEET; THENCE N.01°59'10"E., 25.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF VILLA STREET (PROPOSED PUBLIC-50 FEET WIDE); THENCE ALONG SAID NORTH RIGHT-OF-WAY N.88°00'50"W., 13.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 21,834 SQUARE FEET OR 0.50 ACRES.

ATTENTION: COUNTY REGISTER OF DEEDS

THE CONDOMINIUM SUBDIVISION PLAN NUMBER MUST BE ASSIGNED IN CONSECUTIVE SEQUENCE. WHEN A NUMBER HAS BEEN ASSIGNED TO THIS PROJECT, IT MUST BE PROPERLY SHOWN IN THE TITLE, SHEET 1 AND THE SURVEYOR'S CERTIFICATE, SHEET 2.

DEVELOPER

ETON STREET LOFTS, LLC
A MICHIGAN LIMITED LIABILITY COMPANY
700 FOREST STREET
BIRMINGHAM, MICHIGAN 48009

SURVEYOR

NOWAK AND FRAUS, P.L.L.C.
1310 N. STEPHENSON HWY.
ROYAL OAK, MICHIGAN 48067
PHONE: (248) 399-0886
FAX: (248) 399-0805

INDEX

- 1 TITLE SHEET
- 2 SURVEY PLAN
- 3 SITE PLAN
- 4 UTILITY PLAN
- 5 BASEMENT PLAN
- 6 FIRST FLOOR PLAN
- 7 SECOND FLOOR PLAN
- 8 THIRD FLOOR PLAN
- 9 FOURTH FLOOR PLAN
- 10 ROOF PLAN
- 11 CROSS SECTIONS A-A AND B-B
- 12 CROSS SECTION C-C
- 13 GARAGE PLAN AND CROSS SECTION D-D



ISSUED 6/28/2006

TITLE SHEET
PROPOSED 6/28/2006

JOB No. E103
SHEET No. 1

N. 1/4 CORNER
SECTION 31
T.2N., R.11E.



NOTE

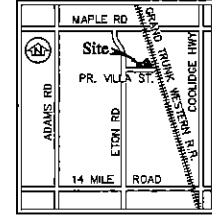
ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED EAST LINE OF ETON ROAD AS SHOWN IN WARRANTY DEED RECORDED IN LIBER 16908, PAGE 359, OAKLAND COUNTY RECORDS. (S.01°58'10"W.)

FLOOD HAZARD NOTE

THIS PROPERTY IS NOT LOCATED WITHIN THE FLOOD HAZARD AREA AS INDICATED BY THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 24016B 0005 B EFFECTIVE DATE: MAY 15, 1980.

LEGEND

- MONUMENT CONSISTING OF 1/2" DIA. STEEL BAR, ENCASED IN 4" DIA. CONCRETE, 36" LONG
- MONUMENT CONSISTING OF 1/2" STEEL ROD, DRILLED AND GROUTED IN PLACE 8" LONG.
- COORDINATE NUMBER



LOCATION MAP
NOT TO SCALE



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1910 N. Stephenson Highway
Royal Oak, MI 48067-1526
Tel. (248) 339-0200
Fax. (248) 339-0205

THE DISTRICT LOFTS

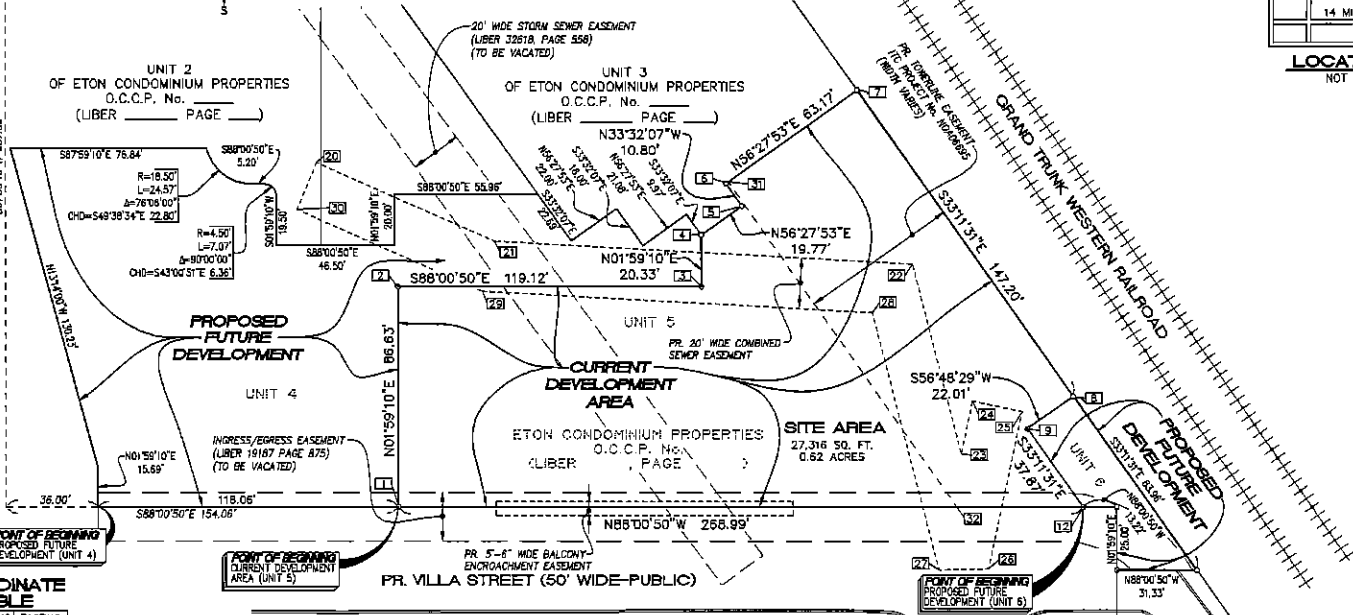
ETON ROAD (50' WIDE-PUBLIC)
S07°55'10"W 680.39'

UNIT 2
OF ETON CONDOMINIUM PROPERTIES
O.C.C.P. No. _____
(LIBER _____ PAGE _____)

UNIT 3
OF ETON CONDOMINIUM PROPERTIES
O.C.C.P. No. _____
(LIBER _____ PAGE _____)

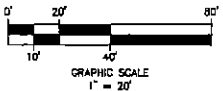
UNIT 5
OF ETON CONDOMINIUM PROPERTIES
O.C.C.P. No. _____
(LIBER _____ PAGE _____)

ETON CONDOMINIUM PROPERTIES
O.C.C.P. No. _____
(LIBER _____ PAGE _____)



COORDINATE TABLE

NO.	NORTHING	EASTING
1	4378.23	5180.05
2	4482.81	5202.06
3	4458.69	5321.12
4	4479.90	5321.82
5	4488.92	5338.30
6	4488.93	5332.33
7	4433.83	5384.99
8	4410.84	5485.87
9	4398.50	5447.15
10	4368.91	5497.89
11	4377.70	5214.25
12	4450.33	5216.72
13	4444.88	5378.83
14	4372.05	5377.11
15	4488.16	5334.19
16	4531.02	5384.40
17	4443.02	5441.87
18	4512.84	5171.79
19	4479.42	5240.51
20	4464.98	5404.53
21	4395.64	5420.89
22	4410.23	5425.98
23	4405.35	5445.17
24	4341.61	5429.71
25	4343.81	5410.25
26	4444.08	5387.82
27	4459.83	5235.07
28	4484.83	5183.50
29	4489.57	5333.11
30	4368.63	5418.13



ETON STREET STATION II
O.C.C.P. No. 1678
(LIBER 34405, PAGE 578)

SURVEYOR'S CERTIFICATE

I, ALEXANDER NICOLAESCU, REGISTERED LAND SURVEYOR OF THE STATE OF MICHIGAN, HEREBY CERTIFY THAT THE SUBDIVISION PLAN KNOWN AS OAKLAND COUNTY CONDOMINIUM SUBDIVISION PLAN NO. _____ AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT THERE ARE NO EXISTING ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED, THAT THE REQUIRED MONUMENTS HAVE NOT BEEN LOCATED IN THE GROUND AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 99 OF THE PUBLIC ACTS OF 1978, AS AMENDED, BUT SHALL BE WITHIN ONE YEAR OF THE DATE ON WHICH THE MASTER DEED IS RECORDED, THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 99 OF THE PUBLIC ACTS OF 1978, AS AMENDED, THAT THE BEARINGS AS SHOWN ARE NOTED ON THE SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT NUMBER 99 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

DATE: 6/28/2006

ALEXANDER NICOLAESCU P.S. No. 22705

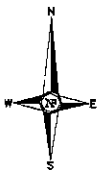
NOWAK & FRAUS, P.L.L.C.
1310 N. STEPHENSON HWY.
ROYAL OAK, MI 48067

SURVEY PLAN
PROPOSED 6/28/2006



CREATED BY
M. Czajka
CHECKED BY
J. Finch
DATE
6/28/2006
SCALE
1" = 20'

BY: J. Finch
E103
2









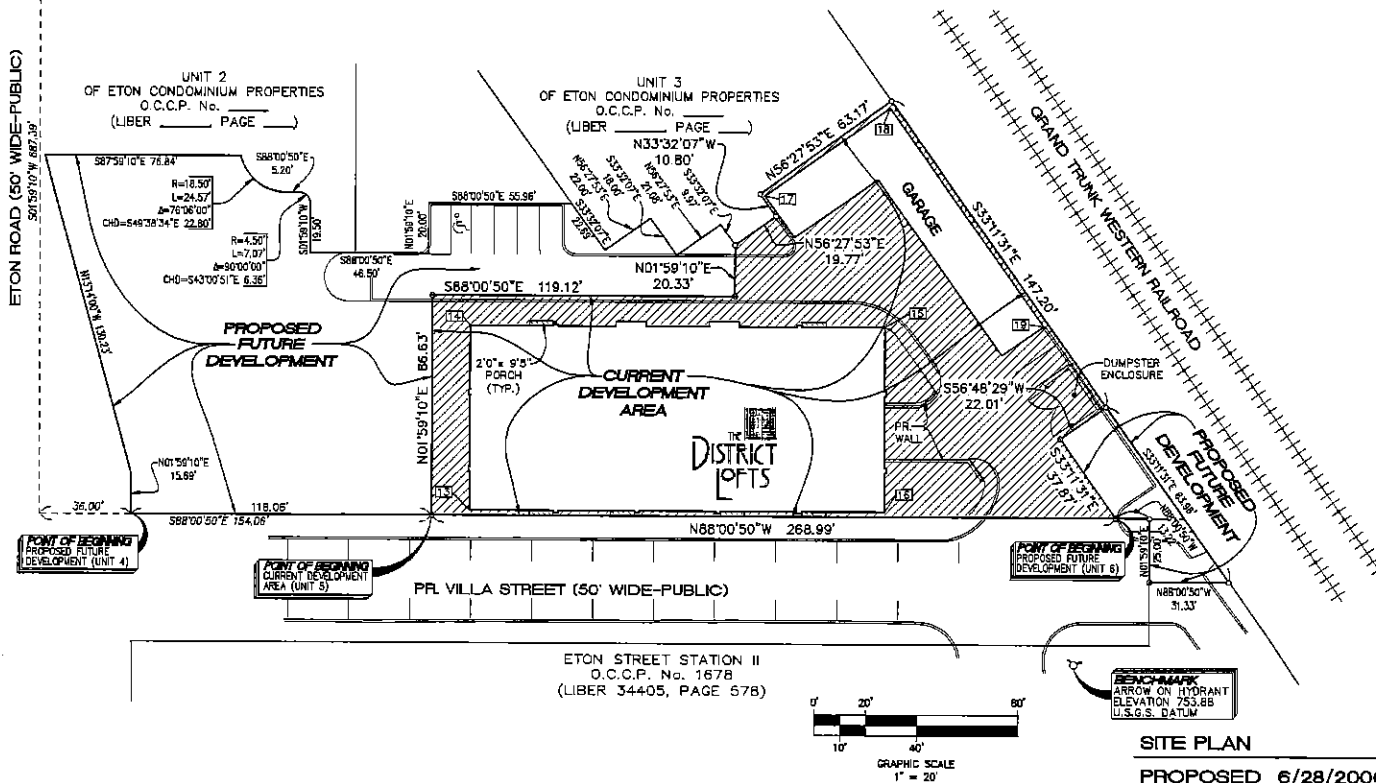
N 1/4 CORNER
SECTION 31
7.2N., R.11E.

NOTES

1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 18, 2006.
2. UNITS 1 THROUGH 24, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS "MUST BE BUILT".
3. ALL UNITS AND COMMON ELEMENTS ARE CONVERTIBLE AREAS PURSUANT TO ARTICLE VIII OF THE MASTER DEED.

LEGEND

-  LIMITS OF BUILDING
-  GENERAL COMMON ELEMENT
-  LIMITED COMMON ELEMENT
-  MONUMENT CONSISTING OF 1/2" DIA. STEEL BAR, ENCASED IN 4" DIA. CONCRETE, 36" LONG
-  MONUMENT CONSISTING OF 1/2" STEEL ROD, DRILLED AND GROUTED IN PLACE 8" LONG
-  COORDINATE NUMBER (SEE SHEET 2 FOR INFORMATION)



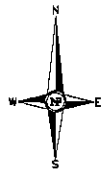
SITE PLAN
PROPOSED 6/28/2006

NF
NOWAK & FRAUS
Consulting Engineers
Land Surveyors
Land Planners
1310 N. Stephenson Highway
Royal Oak, MI 48067-1599
Tel: (248) 359-0255
Fax: (248) 359-0255

THE
DISTRICT LOFTS



DESIGN BY:
M. Cernaghi
PREPARED BY:
APPROVED BY:
J. Nowak
DATE:
6/28/2006
SCALE:
1" = 20'
TOP JOB NO.: **E103** DRAWING NO.: **3**

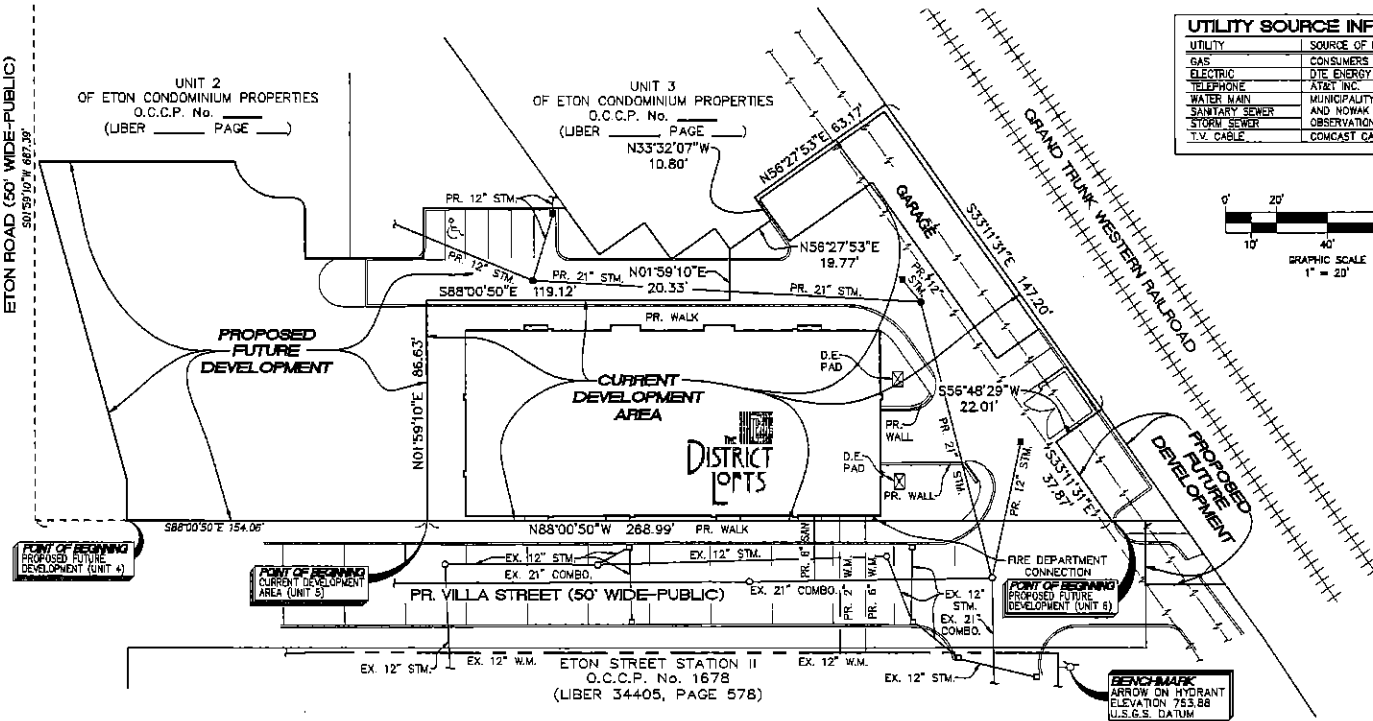


N. 1/4 CORNER
SECTION 31
T.2N., R.11E.

ETON ROAD (50' WIDE-PUBLIC)

UNIT 2
OF ETON CONDOMINIUM PROPERTIES
O.C.C.P. No. _____
(LIBER _____ PAGE _____)

UNIT 3
OF ETON CONDOMINIUM PROPERTIES
O.C.C.P. No. _____
(LIBER _____ PAGE _____)
N53°32'07"W
10.80'



NOTES

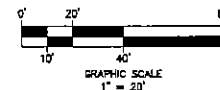
1. ALL UNITS TO BE SERVICED WITH SANITARY SEWER AND WATER MAIN INFORMATION AS SHOWN, OBTAINED FROM PLANS PREPARED BY NOWAK AND FRAUS P.L.L.C.
2. ALL UNITS WILL BE SERVICED WITH ELECTRIC BY DTE ENERGY, TELEPHONE BY AT&T INC., GAS BY CONSUMERS ENERGY COMPANY.
3. UTILITIES AS SHOWN, INDICATE APPROXIMATE LOCATIONS OF FACILITIES ONLY, AS DISCLOSED BY THE RECORDS OF THE VARIOUS UTILITY COMPANIES AND NO GUARANTEE IS GIVEN EITHER AS TO COMPLETENESS OR ACCURACY THEREOF.
4. UNITS 1 THROUGH 24, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS *MUST BE BUILT*.

LEGEND

HYDRANT	GATE VALVE	PROPOSED WATER MAIN (W.M.)
STOP BOX	C/O	PROPOSED STORM SEWER (STM.)
CLEAN OUT	MANHOLE	PROPOSED STORM SEWER (STM.)
MANHOLE	CATCH BASIN	PROPOSED SANITARY SEWER (SAN.)
MANHOLE	CLEAN OUT	PROPOSED COMBINED SEWER (COMBO.)
MANHOLE	MANHOLE	EXISTING WATER MAIN (W.M.)
HYDRANT	GATE VALVE	EXISTING STORM SEWER (STM.)
STOP BOX	C/O	EXISTING SANITARY SEWER (SAN.)
MANHOLE	CATCH BASIN	EXISTING COMBINED SEWER (COMBO.)
MANHOLE	MANHOLE	EXISTING WATER MAIN (W.M.)
MANHOLE	MANHOLE	EXISTING SANITARY SEWER (SAN.)
MANHOLE	MANHOLE	EXISTING COMBINED SEWER (COMBO.)
UTILITY POLE	LIGHT POLE	OVERHEAD WIRES

UTILITY SOURCE INFORMATION

UTILITY	SOURCE OF LOCATION
GAS	CONSUMERS ENERGY COMPANY
ELECTRIC	DTE ENERGY
TELEPHONE	AT&T INC.
WATER MAIN	MUNICIPALITY RECORDS
SANITARY SEWER	AND NOWAK AND FRAUS FIELD OBSERVATIONS
STORM SEWER	OBSERVATIONS
T.V. CABLE	COMCAST CABLE SERVICES



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Sibley Highway
Royal Oak, MI 48067-1508
Tel: (248) 339-0886
Fax: (248) 339-0885



DRAWN BY:
M. Casperlight
DESIGNED BY:
J. Ploch
DATE:
6/28/2006
SCALE:
1" = 20'

UTILITY PLAN

PROPOSED 6/28/2006

NOT FOR BLDG. PERMIT REC.
E103 4

NOTES

1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES DATED MAY 5, 2006 AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 16, 2006.
2. UNITS 1 THROUGH 24, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS "MUST BE BUILT".
3. ALL UNITS AND COMMON ELEMENTS ARE CONVERTIBLE AREAS PURSUANT TO ARTICLE VII OF THE MASTER DEED.
4. ALL TERRACES, PATIOS, BALCONIES AND PARKING SPACES ARE DESIGNATED AS LIMITED COMMON ELEMENTS APPURTENANT TO THE UNIT WHICH THEY SERVE.
5. BUILDING STRUCTURAL ELEMENTS, MECHANICAL CHASES, AND AIR SHAFTS CONTAINED WITHIN THE UNITS ARE DESIGNATED AS GENERAL COMMON ELEMENTS. THEIR SIZE AND LOCATION MAY VARY FROM UNIT TO UNIT.
6. TYPICAL UNIT DIMENSIONS AS SHOWN ON PLANS MAY VARY SLIGHTLY DUE TO CONSTRUCTION DEVIATIONS.
7. UTILITIES SERVICING INDIVIDUAL UNITS MAY PASS THROUGH ADJACENT UNIT. AN ACCESS EASEMENT TO SAID UTILITIES FOR MAINTENANCE, REPAIR OR REPLACEMENT IS HEREBY GRANTED.
8. FLOOR TO CEILING DIMENSIONS ARE TYPICAL FOR ALL UNITS LOCATED ON THEIR DESIGNATED FLOOR, UNLESS OTHERWISE NOTED.

LEGEND

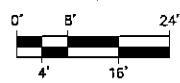
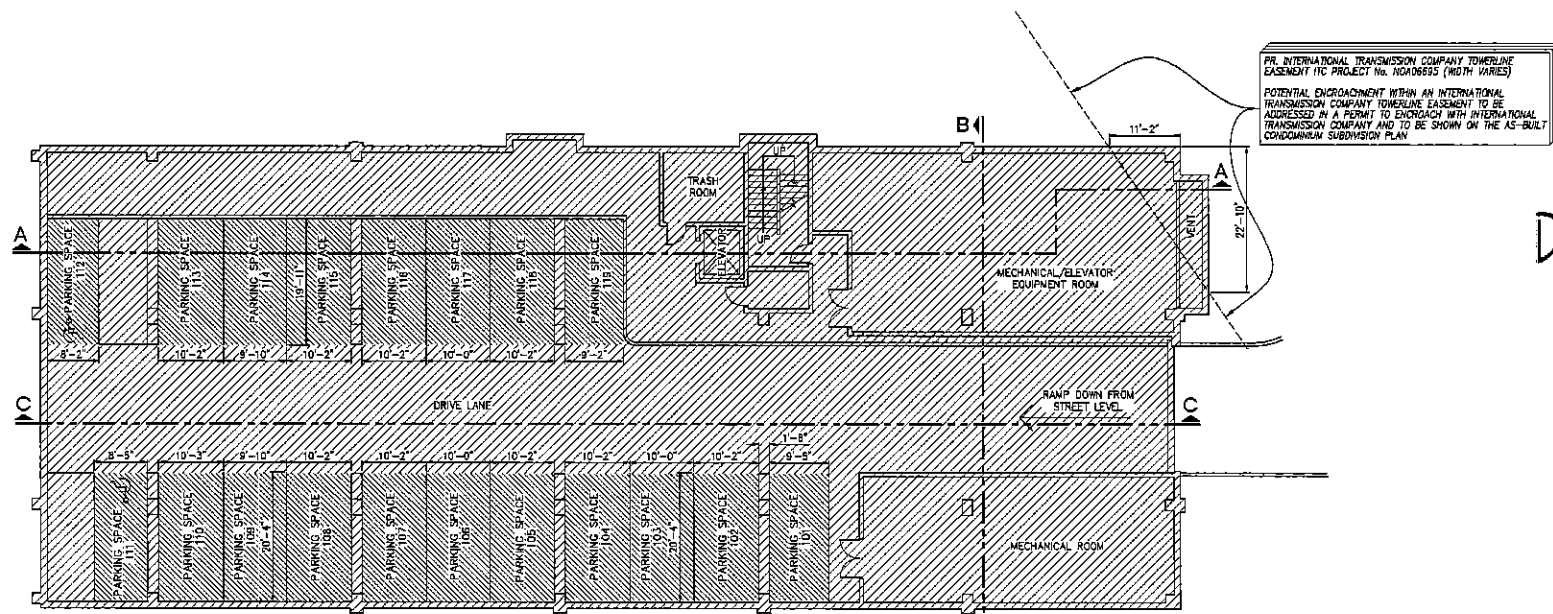
- [White Box] LIMITS OF OWNERSHIP
- [Diagonal Hatching] GENERAL COMMON ELEMENT
- [Cross-hatching] LIMITED COMMON ELEMENT



NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1810 N. Stephenson Highway
Royal Oak, MI 48067-1005
Tel. (248) 389-0200
Fax. (248) 389-0205



GRAPHIC SCALE
1/8" = 1'-0"

BASEMENT PLAN
PROPOSED 6/28/2006

THE DISTRICT LOFTS



DESIGNED BY
M. Czerny

APPROVED BY
J. Ploch

DATE
6/28/2006

SCALE
1/8" = 1'-0"

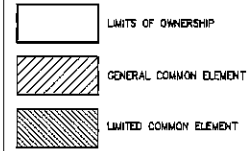
PROJECT NO.
E103

REVISION
5

NOTES

1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES DATED MAY 5, 2006 AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 18, 2006.
2. UNITS 1 THROUGH 24, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS "MUST BE BUILT".
3. ALL UNITS AND COMMON ELEMENTS ARE CONVERTIBLE AREAS PURSUANT TO ARTICLE VII OF THE MASTER DEED.
4. ALL TERRACES, PATIOS, BALCONIES AND PARKING SPACES ARE DESIGNATED AS LIMITED COMMON ELEMENTS APPURTENANT TO THE UNIT WHICH THEY SERVE.
5. BUILDING STRUCTURAL ELEMENTS, MECHANICAL CHASES, AND AIR SHAFTS CONTAINED WITHIN THE UNITS ARE DESIGNATED AS GENERAL COMMON ELEMENTS. THEIR SIZE AND LOCATION MAY VARY FROM UNIT TO UNIT.
6. TYPICAL UNIT DIMENSIONS AS SHOWN ON PLANS MAY VARY SLIGHTLY DUE TO CONSTRUCTION DEVIATIONS.
7. UTILITIES SERVING INDIVIDUAL UNITS MAY PASS THROUGH ADJACENT UNIT. AN ACCESS EASEMENT TO SAID UTILITIES FOR MAINTENANCE, REPAIR OR REPLACEMENT IS HEREBY GRANTED.
8. FLOOR TO CEILING DIMENSIONS ARE TYPICAL FOR ALL UNITS LOCATED ON THEIR DESIGNATED FLOOR, UNLESS OTHERWISE NOTED.

LEGEND

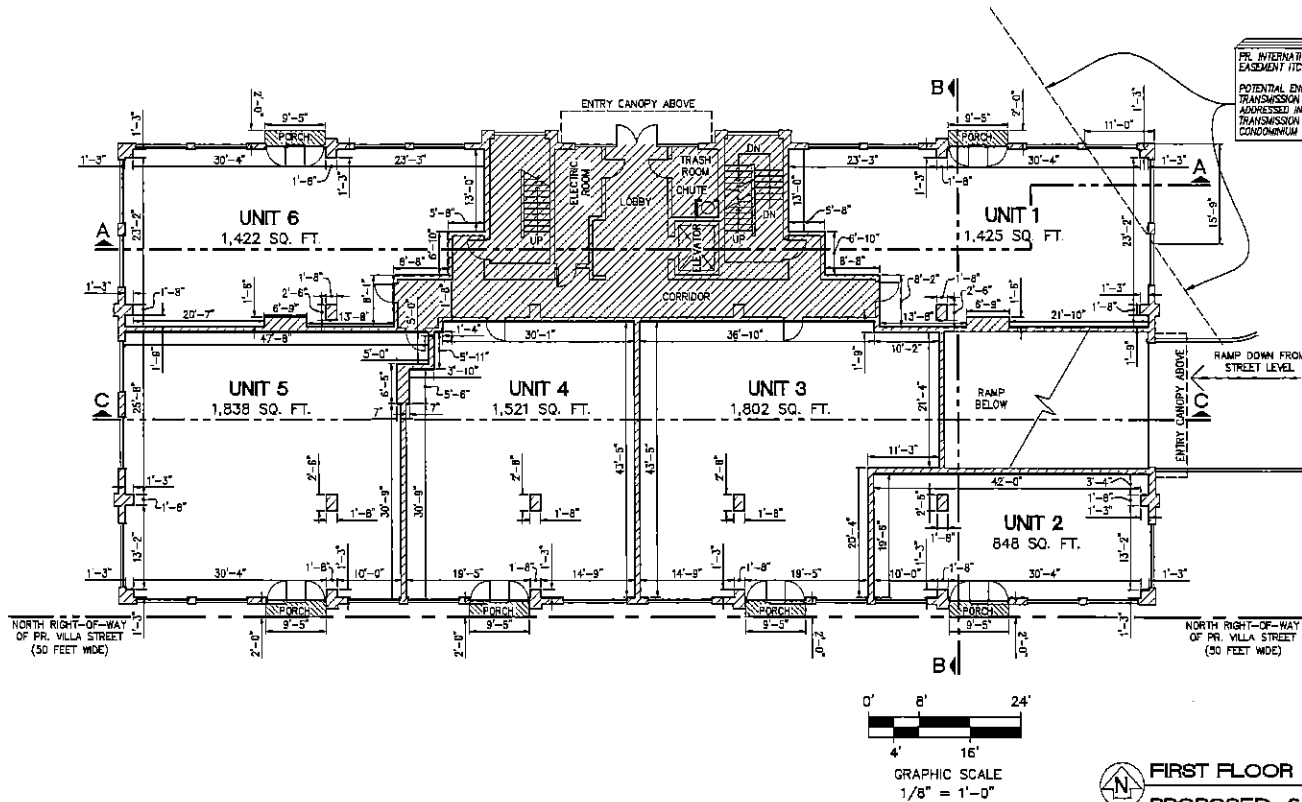


NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1810 N. Stephenson Highway
Royal Oak, MI 48067-1528
TEL: (248) 333-0255
FAX: (248) 333-0253

PR INTERNATIONAL TRANSMISSION COMPANY TOWERLINE EASEMENT (TC PROJECT No. N040855 (WIDTH VARIES))
POTENTIAL ENCROACHMENT WITHIN AN INTERNATIONAL TRANSMISSION COMPANY TOWERLINE EASEMENT TO BE ADDRESSED IN A PERMIT TO ENCROACH WITH INTERNATIONAL TRANSMISSION COMPANY AND TO BE SHOWN ON THE AS-BUILT CONDOMINIUM SUBDIVISION PLAN



THE
DISTRICT LOFTS






DRAWN BY: _____
M.E. Carraghiel
CHECKED BY: _____
APPROVED BY: _____
J. V. Scott
DATE: 6/28/2006
SCALE: 1/8" = 1'-0"

FIRST FLOOR PLAN
PROPOSED 6/28/2006

NOTES

1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES DATED MAY 5, 2006 AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 18, 2006.
2. UNITS 1 THROUGH 24, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS "MUST BE BUILT".
3. ALL UNITS AND COMMON ELEMENTS ARE CONVERTIBLE AREAS PURSUANT TO ARTICLE VII OF THE MASTER DEED.
4. ALL TERRACES, PATIOS, BALCONIES AND PARKING SPACES ARE DESIGNATED AS LIMITED COMMON ELEMENTS APPURTENANT TO THE UNIT WHICH THEY SERVE.
5. BUILDING STRUCTURAL ELEMENTS, MECHANICAL CHASES, AND AIR SHAFTS CONTAINED WITHIN THE UNITS ARE DESIGNATED AS GENERAL COMMON ELEMENTS. THEIR SIZE AND LOCATION MAY VARY FROM UNIT TO UNIT.
6. TYPICAL UNIT DIMENSIONS AS SHOWN ON PLANS MAY VARY SLIGHTLY DUE TO CONSTRUCTION DEVIATIONS.
7. UTILITIES SERVICING INDIVIDUAL UNITS MAY PASS THROUGH ADJACENT UNIT. AN ACCESS EASEMENT TO SAID UTILITIES FOR MAINTENANCE, REPAIR OR REPLACEMENT IS HEREBY GRANTED.
8. FLOOR TO CEILING DIMENSIONS ARE TYPICAL FOR ALL UNITS LOCATED ON THEIR DESIGNATED FLOOR, UNLESS OTHERWISE NOTED.

LEGEND

-  LIMITS OF OWNERSHIP
-  GENERAL COMMON ELEMENT
-  LIMITED COMMON ELEMENT

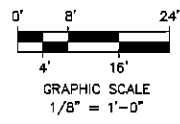
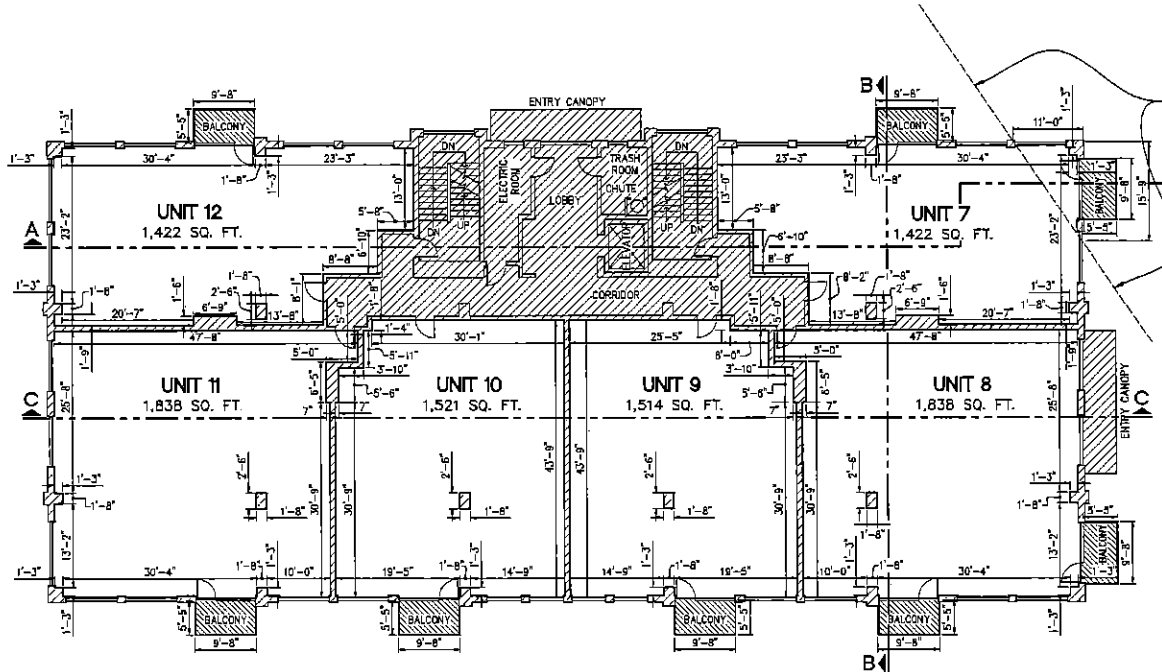


NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Stephenson Highway
Royal Oak, MI 48067-1308
Tel: (248) 339-0556
Fax: (248) 339-0805

PR. INTERNATIONAL TRANSMISSION COMPANY TOWERLINE EASEMENT ITC PROJECT No. HOA06895 (WIDTH VARIES)
POTENTIAL ENCROACHMENT WITHIN AN INTERNATIONAL TRANSMISSION COMPANY TOWERLINE EASEMENT TO BE ADDRESSED IN A PERMIT TO ENCROACH WITH INTERNATIONAL TRANSMISSION COMPANY AND TO BE SHOWN ON THE AS-BUILT CONDOMINIUM SUBDIVISION PLAN



SECOND FLOOR PLAN
PROPOSED 6/28/2006

The DISTRICT LOFTS



DRAWN BY: M. Casagrande
CHECKED BY: J. Ploch
DATE: 6/28/2006
SCALE: 1/8" = 1'-0"

REVISION NO. E103
SHEET NO. 7

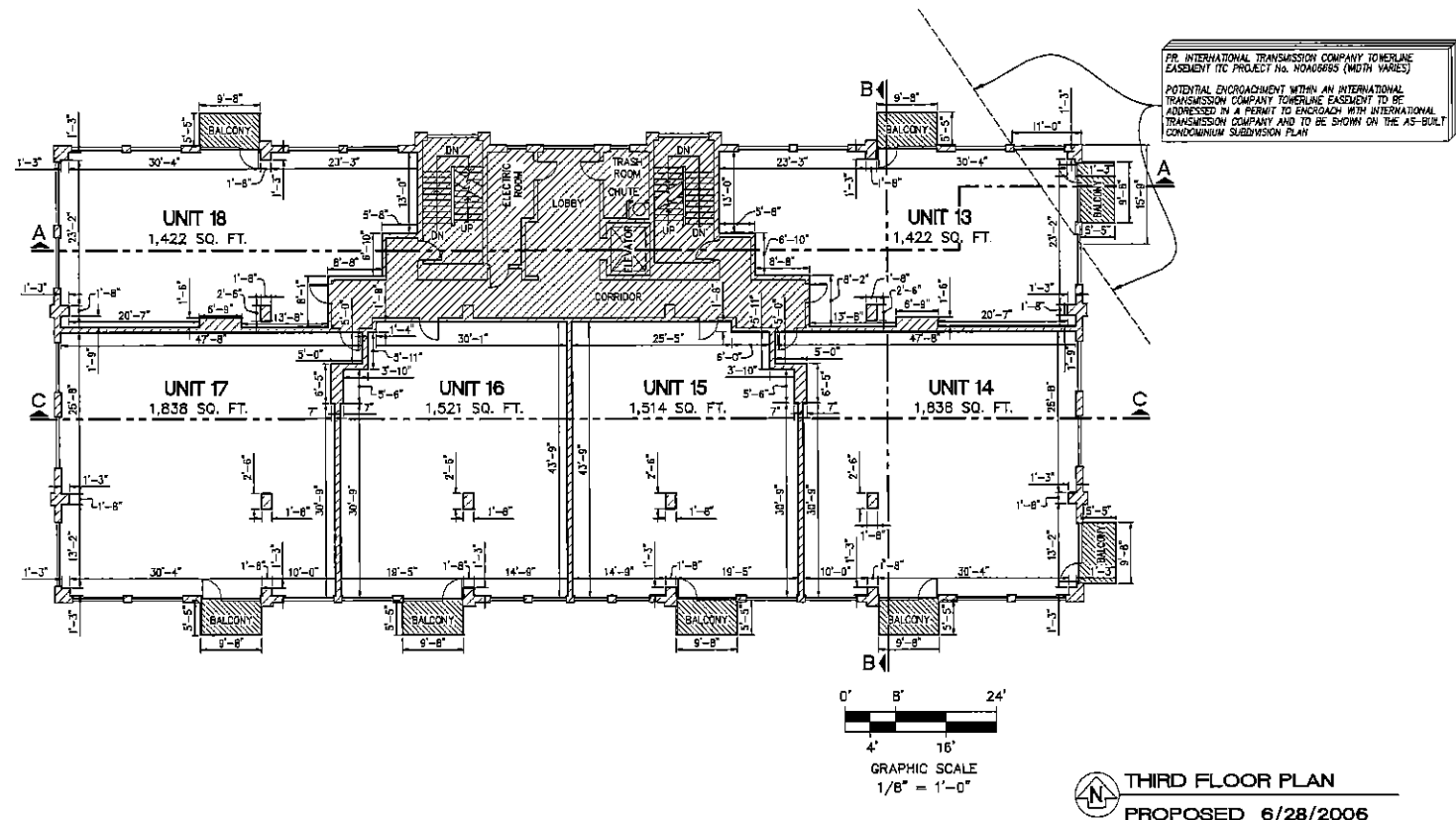
NOTES

1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES DATED MAY 3, 2006 AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 18, 2006.
2. UNITS 1 THROUGH 24, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS "MUST BE BUILT".
3. ALL UNITS AND COMMON ELEMENTS ARE CONVERTIBLE AREAS PURSUANT TO ARTICLE VII OF THE MASTER DEED.
4. ALL TERRACES, PATIOS, BALCONIES AND PARKING SPACES ARE DESIGNATED AS LIMITED COMMON ELEMENTS APPURTENANT TO THE UNIT WHICH THEY SERVE.
5. BUILDING STRUCTURAL ELEMENTS, MECHANICAL CHASSES, AND AIR SHAFTS CONTAINED WITHIN THE UNITS ARE DESIGNATED AS GENERAL COMMON ELEMENTS. THEIR SIZE AND LOCATION MAY VARY FROM UNIT TO UNIT.
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7. UTILITIES SERVING INDIVIDUAL UNITS MAY PASS THROUGH ADJACENT UNIT. AN ACCESS EASEMENT TO SAID UTILITIES FOR MAINTENANCE, REPAIR OR REPLACEMENT IS HEREBY GRANTED.
8. FLOOR TO CEILING DIMENSIONS ARE TYPICAL FOR ALL UNITS LOCATED ON THEIR DESIGNATED FLOOR, UNLESS OTHERWISE NOTED.

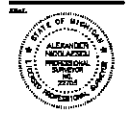
LEGEND

- LIMITS OF OWNERSHIP
- GENERAL COMMON ELEMENT
- LIMITED COMMON ELEMENT

NF
NOWAK & FRAUS
 Consulting Engineers
 Land Surveyors
 Land Planners
 1210 N. Stephenson Highway
 Royal Oak, MI 48067-1528
 Tel: (248) 359-0259
 Fax: (248) 359-0265



THE DISTRICT LOFTS






DRAWN BY: M. Czapinski
 CHECKED BY:
 APPROVED BY: J. Ploch
 DATE: 6/28/2006
 SCALE: 1/8" = 1'-0"

SHEET NO. E103 OF 8

NOTES

1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES DATED MAY 5, 2006 AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 18, 2006.
2. UNITS 1 THROUGH 24, AND ALL UTILITIES, ROADS AND DRIVES REQUIRED TO SERVICE SAID UNITS "MUST BE BUILT".
3. ALL UNITS AND COMMON ELEMENTS ARE CONVERTIBLE AREAS PURSUANT TO ARTICLE VII OF THE MASTER DEED.
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LEGEND

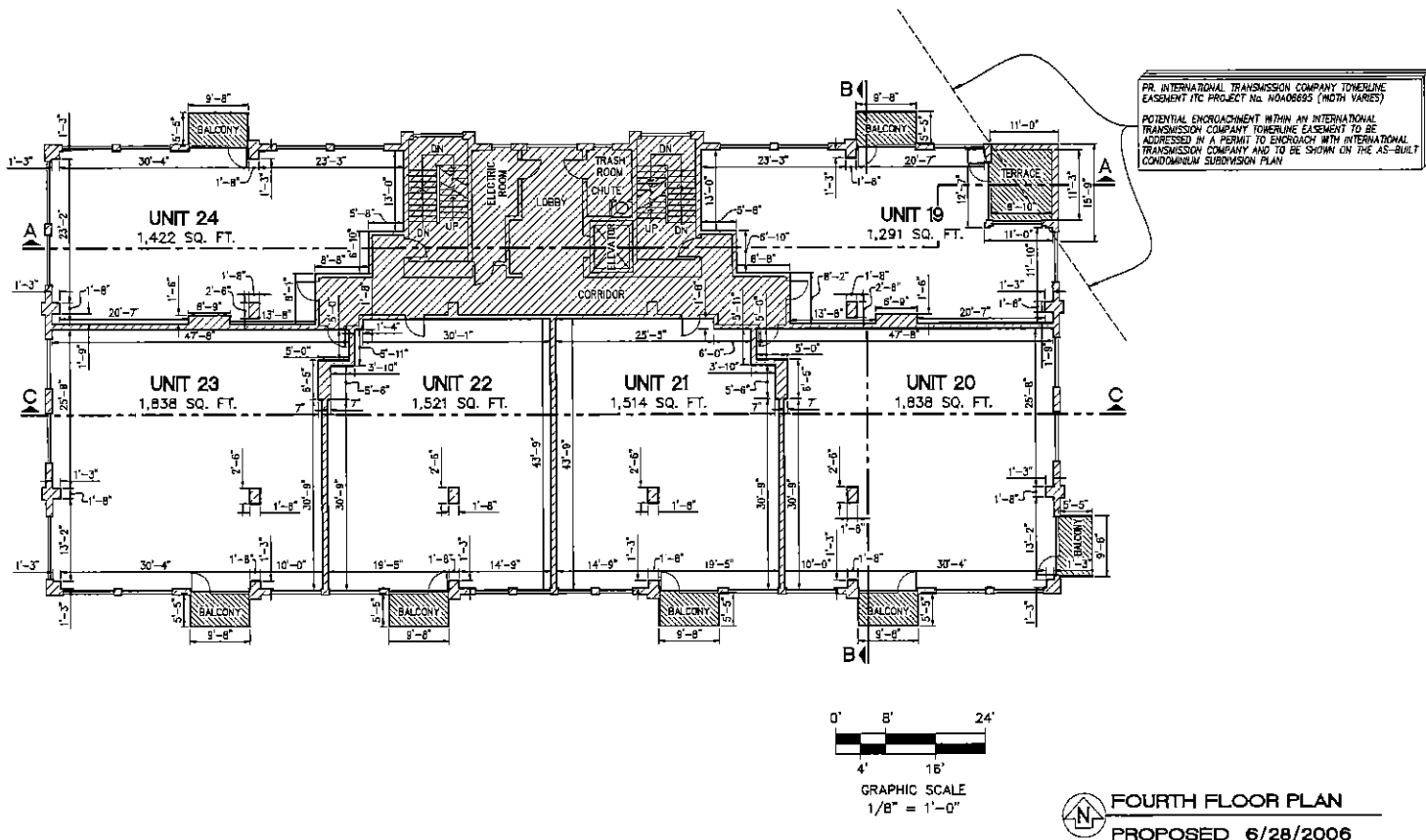
-  LIMITS OF OWNERSHIP
-  GENERAL COMMON ELEMENT
-  LIMITED COMMON ELEMENT

NF

NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1210 N. Stephen Highway
Royal Oak, MI 48067-1525
Tel: (248) 385-6881
Fax: (248) 385-6885



THE DISTRICT LOFTS



DESIGNED BY:
ME Chomkowski

APPROVED BY:
J. Ploch




DATE:
6/28/2006

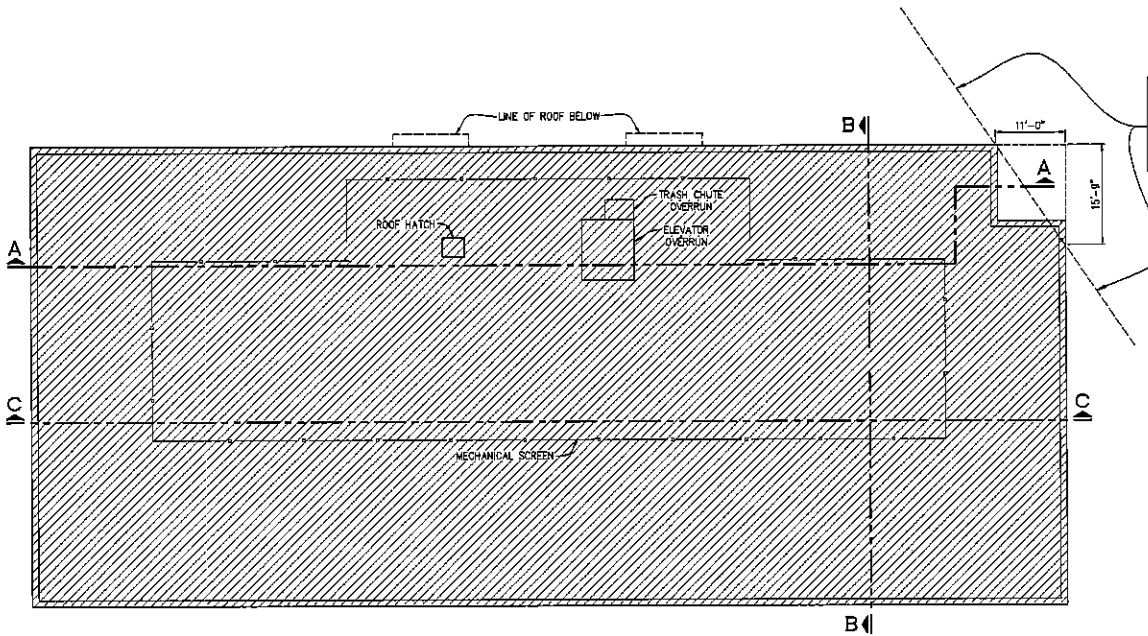
SCALE:
1/8" = 1'-0"

NOTES

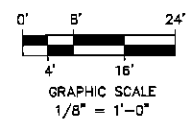
1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES DATED MAY 1, 2006 AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 18, 2006.
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LEGEND

-  LIMITS OF OWNERSHIP
-  GENERAL COMMON ELEMENT
-  LIMITED COMMON ELEMENT



FR. INTERNATIONAL TRANSMISSION COMPANY TOWERLINE EASEMENT (FC PROJECT No. 00408655 (WIDTH VARIES))
 POTENTIAL ENCRoACHMENT WITHIN AN INTERNATIONAL TRANSMISSION COMPANY TOWERLINE EASEMENT TO BE ADDRESSED IN A PERMIT TO ENCRoACH WITH INTERNATIONAL TRANSMISSION COMPANY AND TO BE SHOWN ON THE AS-BUILT CONDOMINIUM SUBDIVISION PLAN



ROOF PLAN
 PROPOSED 6/28/2006

NF
NOWAK & FRAUS
 Consulting Engineers
 Land Surveyors
 Land Planners
 1910 N. Stephanie Highway
 Royal Oak, MI 48067-1558
 Tel. (248) 839-0855
 Fax. (248) 839-0815

The DISTRICT LOFTS



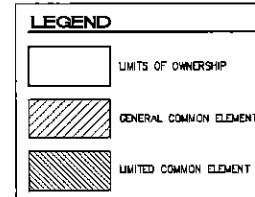
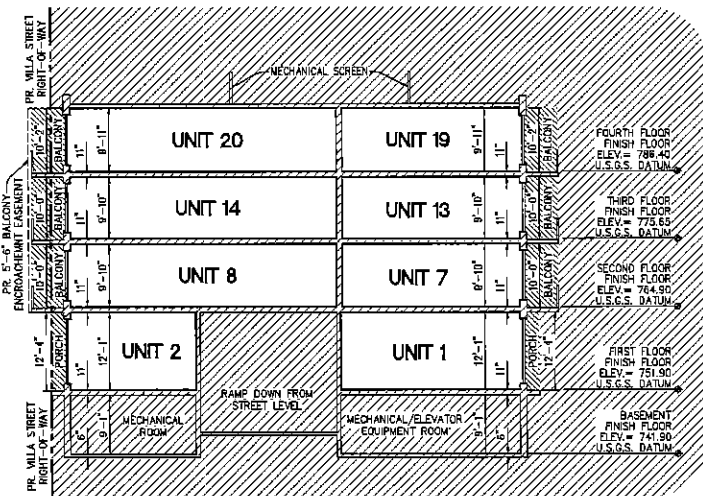
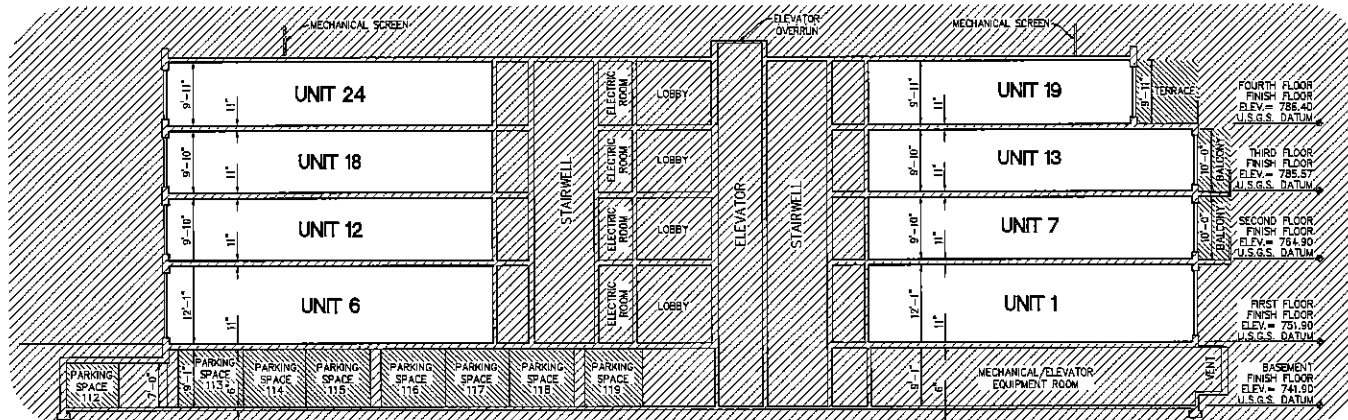
DESIGNED BY
 M. Czerny
 CHECKED BY
 APPROVED BY
 J. Ploch
 DATE
 6/28/2006
 SCALE
 1/8" = 1'-0"



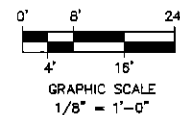
**NOWAK
&
FRAUS**

Consulting Engineers
Land Surveyors
Land Planners

1510 N. State Avenue Highway
Royal Oak, MI 48067-1525
Tel. (248) 336-6886
Fax (248) 336-6036



- NOTES**
1. INFORMATION AS SHOWN HAS BEEN OBTAINED FROM ARCHITECTURAL PLANS PREPARED BY: VICTOR SAROKI & ASSOCIATES DATED MAY 5, 2006 AND RECEIVED BY NOWAK & FRAUS P.L.L.C. ON MAY 18, 2006.
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CROSS SECTIONS A-A AND B-B
PROPOSED 6/28/2006






DESIGNED BY
M. Czerny
CHECKED BY
J. Ploch
DATE
6/28/2006
SCALE
1/8" = 1'-0"

BY (DRAWN) **E103** PROJECT NO. **11**

NOTES

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LEGEND

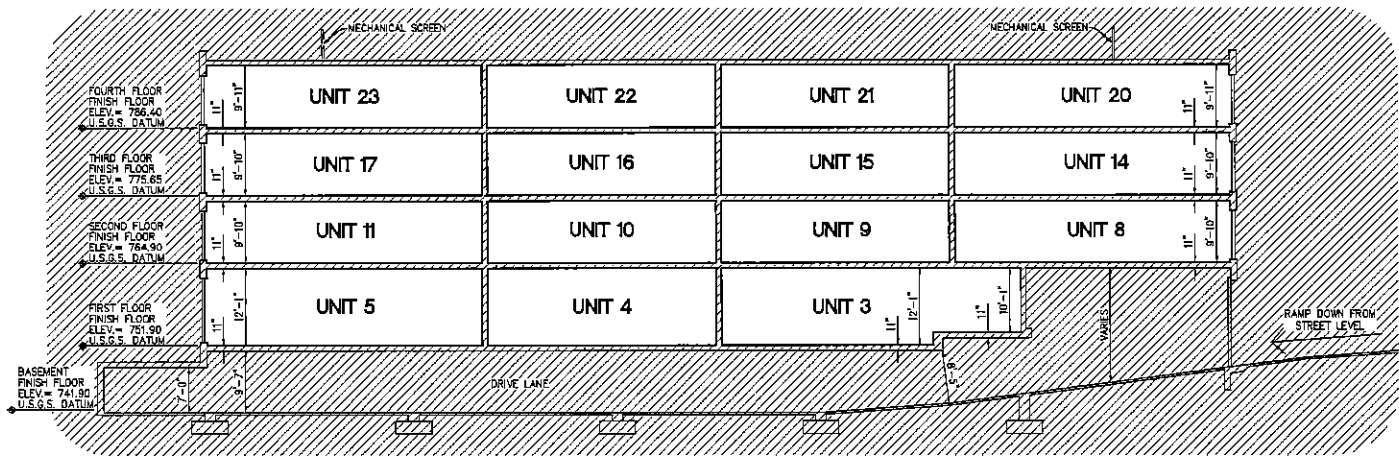
-  UNITS OF OWNERSHIP
-  GENERAL COMMON ELEMENT
-  LIMITED COMMON ELEMENT



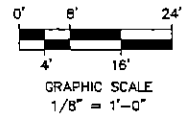
NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1810 N. Stephenson Highway
Royal Oak, MI 48067-1526
Tel. (248) 388-0816
Fax. (248) 388-0826



CROSS SECTION C-C



CROSS SECTION C-C
PROPOSED 6/28/2006

THE DISTRICT LOFTS






DESIGNED BY
M. Czernight
CHECKED BY
J. Plech
DATE
6/28/2006
SCALE
1/8" = 1'-0"

200 4/06/06 SHEET NO.
E103 12

NOTES

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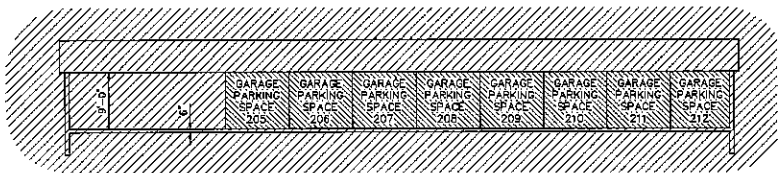
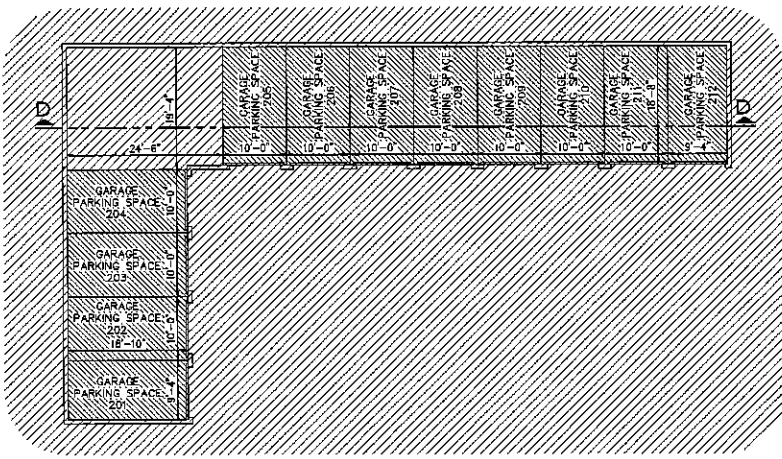
	UNITS OF OWNERSHIP
	GENERAL COMMON ELEMENT
	LIMITED COMMON ELEMENT



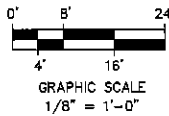
NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Shepherd Highway
Royal Oak, MI 48067-1528
Tel. 248-335-0855
Fax. 248-335-1928



CROSS SECTION D-D



GARAGE PLAN AND CROSS SECTION D-D
PROPOSED 6/28/2006



DESIGNED BY
E.A. Czernight
DRAWN BY
Z. Ploch
DATE
07/28/2006
SCALE
1/8" = 1'-0"

Date: March 22, 2006

To: Elaine Clifford
Real Estate and Rights of Way
ITC

From: David Doubley
Engineering
ITC

Subject: **NOA06695**
District Lofts Permit to Encroach
Section 31, City of Birmingham, Oakland County

This request is approved under the followings conditions:

1. The maximum floor height for the Parking structure, in the transmission easement, is 30 feet.
2. The small portion of the North Stair Tower that is 38 feet above grade, within the transmission easement, is acceptable per ITC safety requirements.
3. The garage parapet walls that 31'-2" above grade are acceptable per ITC safety requirements.
4. The roof level of the proposed loft, in the transmission easement, at an elevation of 34'-4" is acceptable per the National Electric Safety Code.
5. The trash compactor located near tower 4040 is acceptable per ITC safety requirements.

Approved by: David Doubley
David Doubley
Engineer

PERMIT REVIEW AND APPROVAL FORM

Date: 3/20/2006

To: Tom Beagen
Legal

From: Elaine Clifford

Project: District Lofts

Project No: MOA04434 / *NOA-06695*

ROW#:

Easement: 120kV line

Comments:

Permit document reviewed and approved: *Beagen*

Date: *3-20-06*

EASEMENT REVIEW AND APPROVAL FORM

Date: 6/1/2007

To: Tom Beagen
Legal

From: Elaine Clifford

Project: Tower relocation and Easement Acquisition

Project No: MOA04434

ROW#:

Easement: 120kV line

Comments:

Easement document reviewed: _____
Date Date Date

Approved: Beagen 6-1-07
Signature Date





Date: May 15, 2007

To: Elaine Clifford
Real Estate and Rights of Way
ITC

From: David Doubley
Engineering
ITC

Subject: **NOA06695-A**
District Lofts / Eton Properties Permit to Encroach
Section 31, City of Birmingham, Oakland County

This request as shown on Nowak & Fraus Drawing Number E103-01, dated 5/2/2007 and revised 5/7/2007, Sheets 1-8, are approved under the followings conditions:

- A. The four -12 foot tall lights as shown on the 4 story parking structure are acceptable. Lights must be grounded. OSHA Safety rules for maintenance of the lights should be followed.
- B. Trash compactor located east of the 1 story parking garage is acceptable. The truck lift should not extend greater than 30' above average grade.
- C. The proposed future one story parking garage described as Unit 6 on drawing should limited to 11 feet in height. If lighting is proposed or other structures, ITC engineering should be notified for approval.
- D. The proposed 1 story parking garage is approved as shown on drawing. If lighting is proposed or other structures, ITC engineering should be notified for approval.

Approved by: David Doubley
David Doubley
Engineer



Date: July 29, 2005

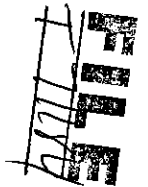
To: Elaine Clifford
Real Estate and Rights of Way
ITC

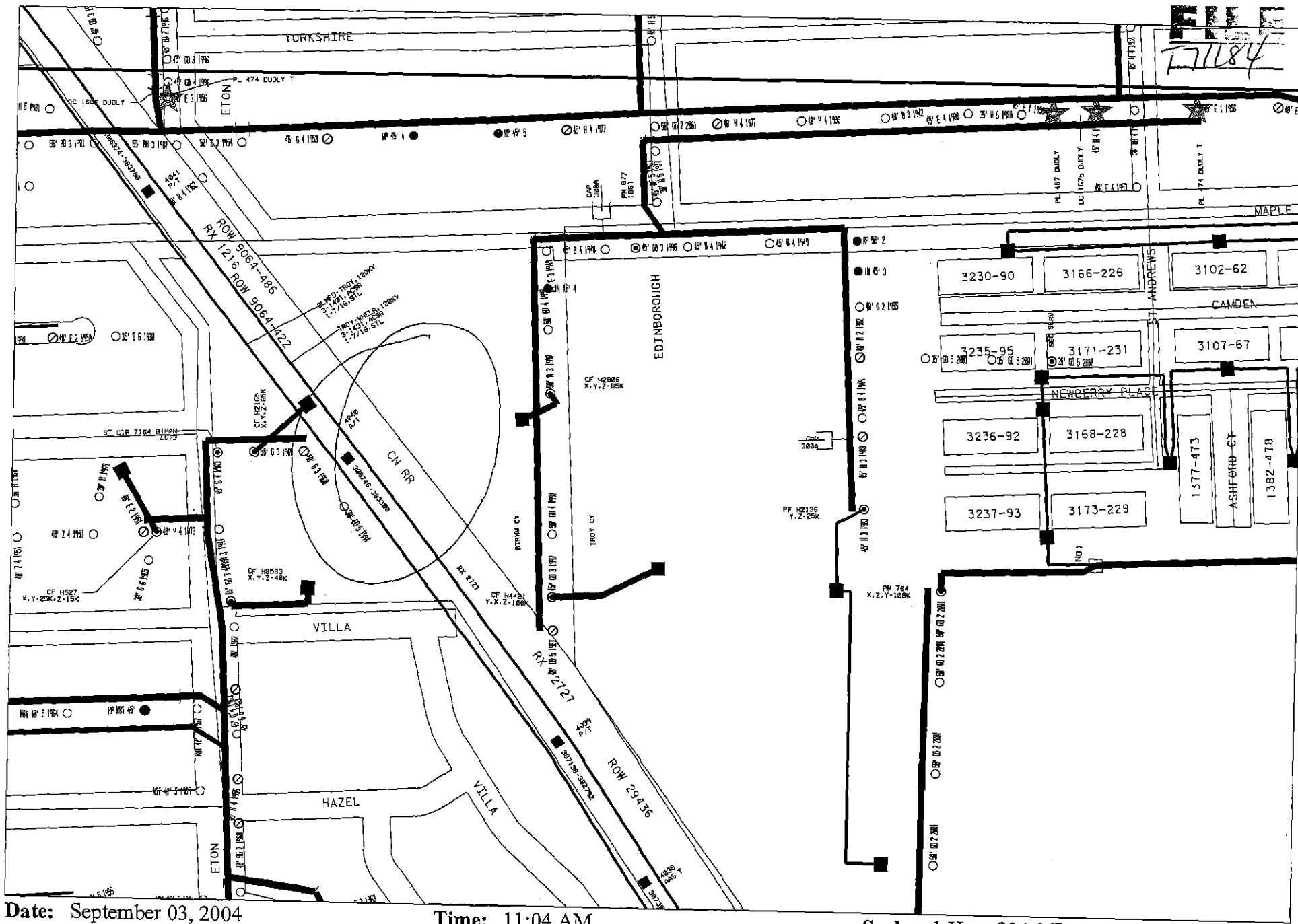
From: David Doubley
Engineering
ITC

Subject: **MOA04434A**
Relocation of Tower 4040
Section 31, City of Birmingham, Oakland County

A revised version of the CIAC letter has been provided to you for resubmitted to the customer. It has been signed by Jon Jipping.

Approved
by: David Doubley
David Doubley
Engineer





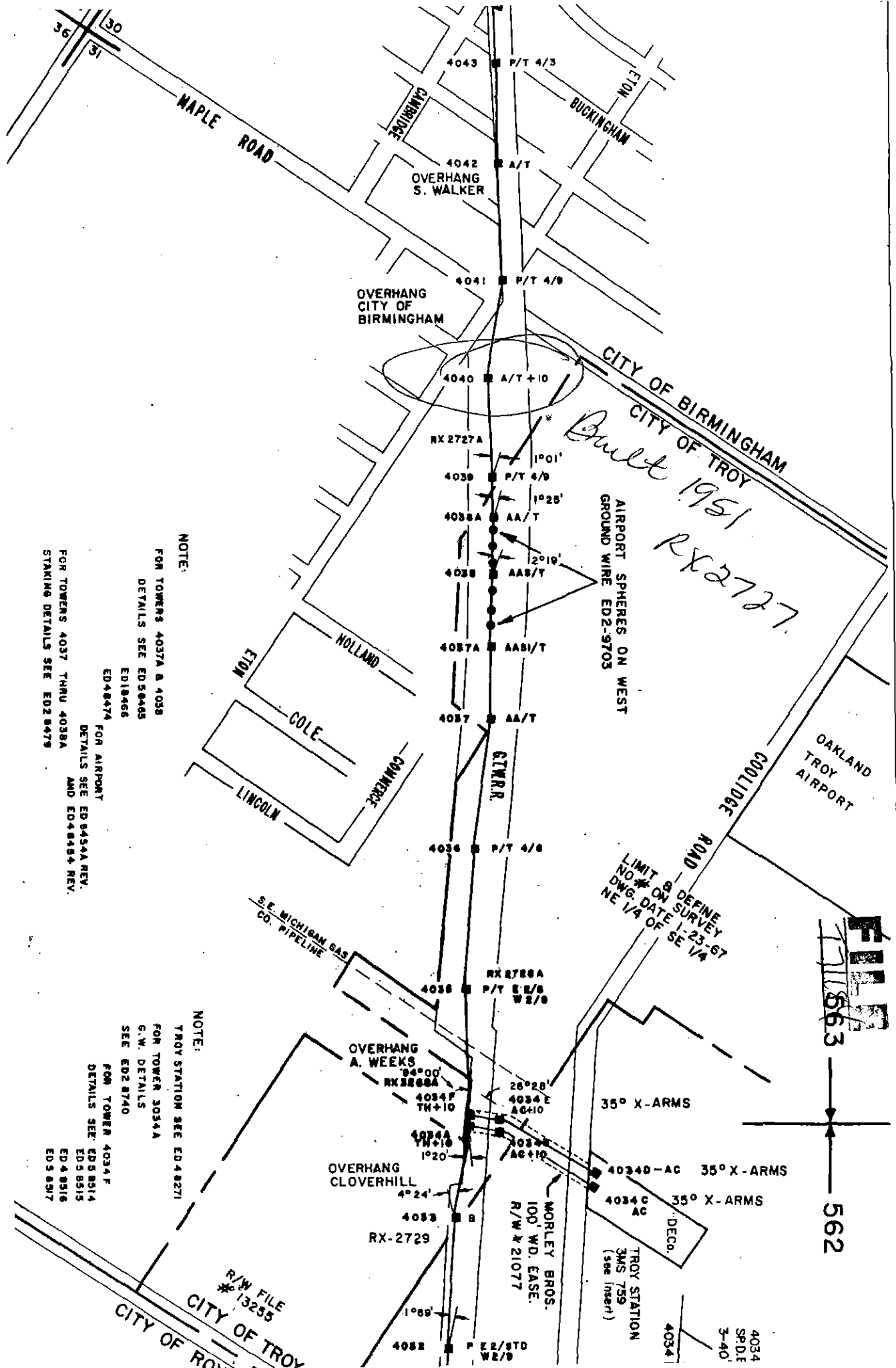
Date: September 03, 2004

Time: 11:04 AM

Scale: 1 Hn = 234.8 Feet

Notes: Index for Tie 4501 subtran maintenance map

Field View 3.0.17



NOTE:
 FOR TOWERS 4037A & 4038
 DETAILS SEE ED58485
 ED18466
 ED48474
 FOR AIRPORT
 DETAILS SEE ED45444 REV.
 AND ED48484 REV.
 FOR TOWERS 4037 THRU 4038A
 AND ED48484 REV.
 STAKING DETAILS SEE ED28479

NOTE:
 TROY STATION SEE ED48271
 FOR TOWER 4034A
 G.W. DETAILS
 SEE ED28740
 FOR TOWER 4034F
 DETAILS SEE ED58514
 ED58515
 ED48516
 ED58517

Built 1951
RX2727

LIMIT & DEFINE
 NO. ON SURVEY
 DWG. DATE 1-23-67
 NE 1/4 OF SE 1/4

FILE
 563
 562

R/W FILE
 #13255
 CITY OF TROY
 CITY OF RO...

4034
 SF/DL
 3-40'
 TROY STATION
 3MS 759
 (see insert)
 4034
 AC
 35° X-ARMS
 40340-AC 35° X-ARMS
 4034C AC 35° X-ARMS
 (DECO.)
 MORLEY BROS.
 100' WD. EASE.
 R/W # 21077
 RX-2729
 4033 B
 4° 24'
 OVERHANG CLOVERHILL
 1° 20'
 4034A TH+10
 4034F TH+10
 4034E AC+10
 4034 AC+10
 26° 28'
 39° 00'
 RX2728A
 P/T E/E/S
 W2/S
 4038
 P/T 4/8
 4036
 P/T 4/8
 4037
 AA/T
 4037A
 AAS1/T
 4038
 AAS/T
 12° 10'
 4038A
 AA/T
 1° 25'
 4039
 P/T 4/8
 1° 01'
 RX2727A
 4040
 A/T+10
 4041
 P/T 4/8
 OVERHANG CITY OF BIRMINGHAM
 4042
 A/T
 OVERHANG S. WALKER
 4043
 P/T 4/3
 BUCKINGHAM
 ETON
 HOLLAND
 COLE
 LINCOLN
 CONNOR
 CAMBRIDGE
 NAPLE ROAD
 S.E. MICHIGAN GAS
 CO. PIPELINE
 COOLIDGE ROAD
 OAKLAND
 TROY
 AIRPORT
 CITY OF BIRMINGHAM
 CITY OF TROY

Dean & Fulkerson, P.C.
Attorneys & Counselors
801 W. Big Beaver Road, Suite 500
Troy, Michigan 48084
Telephone: (248) 362-1300
Facsimile: (248) 362-1358

E-Mail: dpierce@dflaw.com

FAX TRANSMISSION
5 PAGES, INCLUDING THIS PAGE

Date: 11/16/04

To: Elaine Clifford

Fax No: (248) 374-7260

From: Donald A. Pierce, Jr.

Re: 325 Eton Street, Birmingham relocation

Our client is Eton Office Properties.

attached is a copy of the deed.

I am pulling our old files to get independent
verification of the easement documents. Let me know if you
have copies.

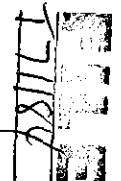
cc: JC Cataldo

Norman Helage

Pierce

If you do not receive all pages, please call Juliet or me at (248) 362-1300, ex. 264

CONFIDENTIALITY NOTICE: The information contained in this facsimile message is attorney-privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.



LIBER 20524 561

EXHIBIT B**PERMITTED EXCEPTIONS**

1. Memorandum of Lease executed by Birmingham Train Station Associates, Lessee and Edgemere Enterprises, Inc. FKA Erb Lumber Company and Erb-Roestrick Lumber Company, Landlord, recorded July 11, 1997 in Liber 17376, Page 743, Oakland County Records as to that portion of Parcel 1 known as Tax Item No. 20-31-203-022 and 20-31-203-028.
2. Terms, Conditions and Provisions of Easements and Reservations contained in Warranty Deeds as recorded in Liber 6746, on Page 20 and Liber 7819, on Page 474, Oakland County Records. As to Parcel 1, covers additional land.
3. Building and Use Restrictions recorded in Liber 611 on Page 84, Liber 763, on Page 300, Liber 692, Page 51, Liber 1545 on Page 483, Liber 1679 on Page 275, and in Liber 594 on Page 397, Oakland County Records.
4. Easement granted to Grand Trunk Western Railroad as set forth in Liber 1917, Page 875, Oakland County Records, as to Parcel 1.

0642665.01

17184

Dean & Fulkerson, P.C.
Attorneys & Counselors
801 W. Big Beaver Road, Suite 500
Troy, Michigan 48084
Telephone: (248) 362-1300
Facsimile: (248) 362-1358

E-Mail: dpierce@dflaw.com

FAX TRANSMISSION
16 PAGES, INCLUDING THIS PAGE

Date: November 17, 2004

To: JC Cataldo, Norman LePage and Elaine Clifford

Fax No: (248) 258-6514 (248) 647-2103 (248) 374-7260

From: Donald A. Pierce, Jr.

Re: Attached is a copy of the original title policy on the subject Eton Office Properties land. Note it is 5 years old and a subsequent conveyance of part of the land was made to Edgemere / the City of Birmingham, changing the legal description. Also, there may have been other subsequent occurrences. I believe the enclosed should take care of your needs, but I am ordering a current commitment to develop the future plans file.

If you do not receive all pages, please call Juliet or me at (248) 362-1300, ex. 264

CONFIDENTIALITY NOTICE: The information contained in this facsimile message is attorney-privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. *Thank you.*

11/17/04
JULIET

SCHEDULE A

Office File Number	Policy Number	Date of Policy	Amount of Insurance
1 F-215631-O BU	2 23 0400 106 686	3 September 10, 1999 at 5:00 P.M.	

1. Name of Insured:

Eton Office Properties, L.L.C., a Michigan limited liability

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest is vested in the insured:

Eton Office Properties, L.L.C., a Michigan limited liability

4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:

Mortgage executed by Eton Office Properties, L.L.C., a Michigan limited liability company to Bank One, Michigan dated July 27, 1999 and recorded August 30, 1999 in Liber 20477, on Page 201, Oakland County Records.

and the mortgages or trust deeds, if any, shown in Schedule B heretofore.

5. The land referred to in the Policy is described as follows: City of Birmingham

Parcel 1. See Continuation Attached.

See Legal Description Continuation Attached

325-375 South Eton

Tax Item No. Part of 20-31-203-002, 20-31-203-021, 20-31-203-022 and 20-31-203-028

SCHEDULE A

This Policy void only if Schedule B is attached.

FILE

Policy Number: 23 0400 106 686

Office File Number: F-215631-0 67

SCHEDULE A, ITEM 5 - LEGAL DESCRIPTION CONTINUATION

City of Birmingham

Parcel 1:

A Part of the Northeast 1/4 of Section 31, Town 7 North, Range 11 East, City of Birmingham, Oakland County, Michigan, Being a part of Lot 1 of Assessor's Plat No. 28 as recorded in Liber 43, Page 58 of Plats, Oakland County Records and Lots 112 through 118, inclusive, part of Lots 88 through 96, inclusive, 109 through 111, inclusive 119 and part of vacated Prairie Avenue of Birmingham Gardens as recorded in Liber 31, Page 38, of Plats, Oakland County Records, more particularly described as: commencing at the North 1/4 corner of said Section 31; thence South 01 degree 59 minutes 10 seconds West 701.82 feet along the North-South 1/4 line of said Section 31; thence South 88 degrees 11 minutes 20 seconds East 36.00 feet to the point of beginning at the Northwest corner of Lot 1 of said Assessor's Plat No. 28; thence the following three (3) Courses along the Easterly line of Eton Road (Width Varies): (1) North 01 degrees 59 minutes 10 seconds East 36.00 feet, and (2) North 13 degrees 14 minutes 00 seconds West 137.11 feet, and (3) North 01 degree 58 minutes 10 seconds East 140.91 feet; thence South 88 degrees 26 minutes 57 seconds East 245.03 feet to a point on the Westerly line of the Grand Trunk Western Railroad; thence along said Railroad Line South 33 degrees 11 minutes 31 seconds East 396.32 feet; thence North 88 degrees 00 minutes 50 seconds West 431.60 to a point on the East line of said Eton Road; thence North 01 degree 59 minutes 10 seconds East 10.69 feet along said road line to the point of beginning.

Re: 325 South Eton

Part of Tax Item Nos. 20-31-203-002, 20-31-203-021, 20-31-203-022 and 20-31-203-028.

12/18/04

Policy Number: 23 0400 106 686
Owners

SCHEDULE B

Office File Number: F-215631-0 SU

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

*These
have
been
removed
by
11/17/04
SJS*

1. Terms, Conditions and Provisions of Easements and Reservations contained in Warranty Deeds as recorded in Liber 6746, on Page 20 and Liber 7819, on Page 474, Oakland County Records. As to Parcel 1, covers additional land.
2. Building and Use Restrictions recorded in Liber 611 on Page 84; Liber 763, on Page 300; Liber 692, Page 51; Liber 1545 on Page 483; Liber 1679 on Page 275; and in Liber 584 on Page 397, Oakland County records, NOT OMITTING ANY COVENANT OR RESTRICTION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN. As to Parcel 1 and 2. Final policy insures over the above residential Building and use restrictions for any property continuously occupied as a commercial parcel.
3. Easement granted to Grand Trunk Western Railroad as set forth in Liber 19187, Page 875, Oakland County Records, as to Parcel 1. Also covers additional land.
4. Assignment of Rights between Stou Office Properties, L.L.C., a Michigan limited liability company and Bank One, Michigan dated July 27, 1999 and recorded August 30, 1999 in Liber 20476, Page 873, Oakland County Records.
5. Memorandum of Agreement to Grant Easement between Stou Office Properties, L.L.C., a Michigan limited liability company and Edgemore Enterprises, Inc., a Michigan Corporation dated July 29, 1999 and recorded August 30, 1999 in Liber 20476, Page 870, Oakland County Records.

Countersigned

Authorized Signatory

SCHEDULE B

Schedule B of this Policy consists of 1 Page(s).

FILE

191870575

NO 19 98 3 31 6 92

22.00 MISCELLANEOUS RECORDS

2.00 REDEMPTION FOR
19 NOV 20 1998 A.M. RECEIPTS FOR
FIDELITY - OAKLAND COUNTY
S. WILLIAM CARROLL
CLERK/REGISTER OF DEEDS

EASEMENT

CN PIN No.4770105 FILE No. D-21-51

Edgemore Enterprises, Inc., a Michigan corporation, 44 E. Long Lake Road,
Bloomfield Hills, MI 48304, ("Grantor") and Grand Trunk Western Railroad
Incorporated, a Delaware corporation, with offices at 2800 Livernols, Troy, Michigan
46007-5025, ("Grantee"), enter into the following agreement:

WHEREAS, Grantor is willing to grant to Grantee a non-exclusive easement
on, over and across Grantor's property described herein for the purposes of ingress and
egress to Grantee's adjoining property in Birmingham, MI.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and
the termination of existing easements as recorded in Liber 6746, Page 20 and Liber
7819, Page 474 of Oakland County Records, Grantor grants to Grantee, its lessees,
licensees, successors and assigns, a perpetual non-exclusive easement for purposes of
ingress and egress to that portion of Grantee's adjoining property in Birmingham, MI
which is leased to Michigan Railcar Repair, Inc., said easement more particularly
described on the attached survey No. 13669.08 prepared by Giffels-Webster Engineers,
Inc. dated February 4, 1998 consisting of three pages. If the City of Birmingham
requires the location of the easement for the roadway to be different than

75.00
12.00

O.K. - KB

FILE

Um1918776876 CN PIN No. 4770109

that as proposed in the attached survey No. 13669.08, then Grantor shall obtain a new survey with the easement described thereon and submit the same to Grantee for Grantee's approval.

The foregoing easement is granted on the following terms and conditions:

1. Prior to any installation or work being undertaken, Grantor and Grantee shall agree on the plans and details for the proposed easement for ingress and egress.
2. All the planning, installing, construction, as the case may be, of the roadway for ingress and egress to Grantee's adjoining property, including the furnishing of all labor, materials, tools and equipment, shall be performed by the Grantor at its sole cost and expense. Grantor shall specifically pave a 20 foot x 61 foot section of Grantee's property bordering on the south end of the Easement.
3. Any maintenance, repair, or renewal of the Easement pavement (excluding snow removal) shall be performed by the Grantor and any such cost shall be divided equally between Grantor and Grantee. Prior to the commencement of any maintenance, repair or renewal of the Easement pavement, Grantor and Grantee shall agree on such work being performed and Grantor shall submit plans and estimated costs of such work to Grantee.
4. Each party hereto (the "Indemnifying Party") agrees to protect, defend, indemnify and hold harmless the other party (the "Indemnified Party") from and against any and all liability, cost and expense (including without limitation, any fines, penalties, judgments, arbitration awards, litigation and arbitration costs and attorneys fees) incurred by the Indemnified Party in connection with any loss of life,

FILE
11/18/04

191870877

CN PIN No. 4770105

personal injury, or damage to property (either property of the Indemnified Party or property of a third party) arising out of any negligent, willful or wanton acts or omissions, or breach of the Indemnifying Party's duties under this Easement or the failure to comply with applicable federal, state or local laws or regulations by the Indemnifying Party, its agents or employees, and reasonably related to the Indemnifying Party's performance of this Contract. When any loss, damage, injury or death is caused by the concurring negligence or wrongdoing of the agents, officers or employees of both parties, liability shall be divided and borne in proportion to the respective negligence or wrongdoing of the parties.

5. This Easement runs with the land.

6. Grantor shall not block or obstruct the easement premises and neither party shall allow construction traffic the use of the easement premises except for temporary ingress and egress and/or temporary staging during a construction period unless convenient replacement access is continuously provided and maintained by the party granting such temporary use.

7. All notices required to be given by this Easement shall be given to the parties as follows or as the parties may otherwise advise in writing:

Edgemere Enterprises, Inc.
44 East Long Lake Road
Bloomfield Hills, MI 48304
Inc.

and

Manager, Asset Management
Real Estate Department
Grand Trunk Western Railroad

2800 Livernois
Troy, MI 48067-5025

FILE

191871878

CN PIN No. 4770105

8. The rights herein granted and the terms and conditions hereof shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto and are deemed to run with the land.

9. This Easement Agreement shall be construed, governed and enforced in accordance with the laws of the state of Michigan.

19187
11/18/04

LINE 191871879

CN PIN No. 4770105

IN WITNESS WHEREOF, this Agreement is effective on June 17, 1998

WITNESSES

Patricia A. Sutherland
PATRICIA SUTHERLAND

C. J. Tucker
C. J. TUCKER

C. J. Tucker
C. J. TUCKER

Andrew J. Higley
Andrew J. Higley

EDGEWIRE ENTERPRISES, INC.
a Michigan corporation

By: Jack R. Wundakow, Jr.
JACK R. WUNDAKOW, JR.

Its VICE PRESIDENT

GRAND TRUNK WESTERN
RAILROAD INCORPORATED,
a Delaware corporation

By: T. J. Higley
T. J. Higley
Its Manager, Asset Management

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on 17 JUNE 1998 by Jack R. Wundakow, Jr. Vice President of Edgemere Enterprises, Inc., a Michigan corporation, on behalf of said corporation.

Patricia A. Sutherland
Notary Public
Oakland County, State of Michigan
My Commission Expires 10/14/99

PAULINE S. COOPER, Notary Public
Notary Public for Michigan
Expiration Date: 10/14/99

FILE

10191870800 LN PIN No. 4770105

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on
12-29-98 by T. J. Rigley, Manager, Asset Management of Grand
Trunk Western Railroad Incorporated, a Delaware corporation, on behalf of the said
corporation.

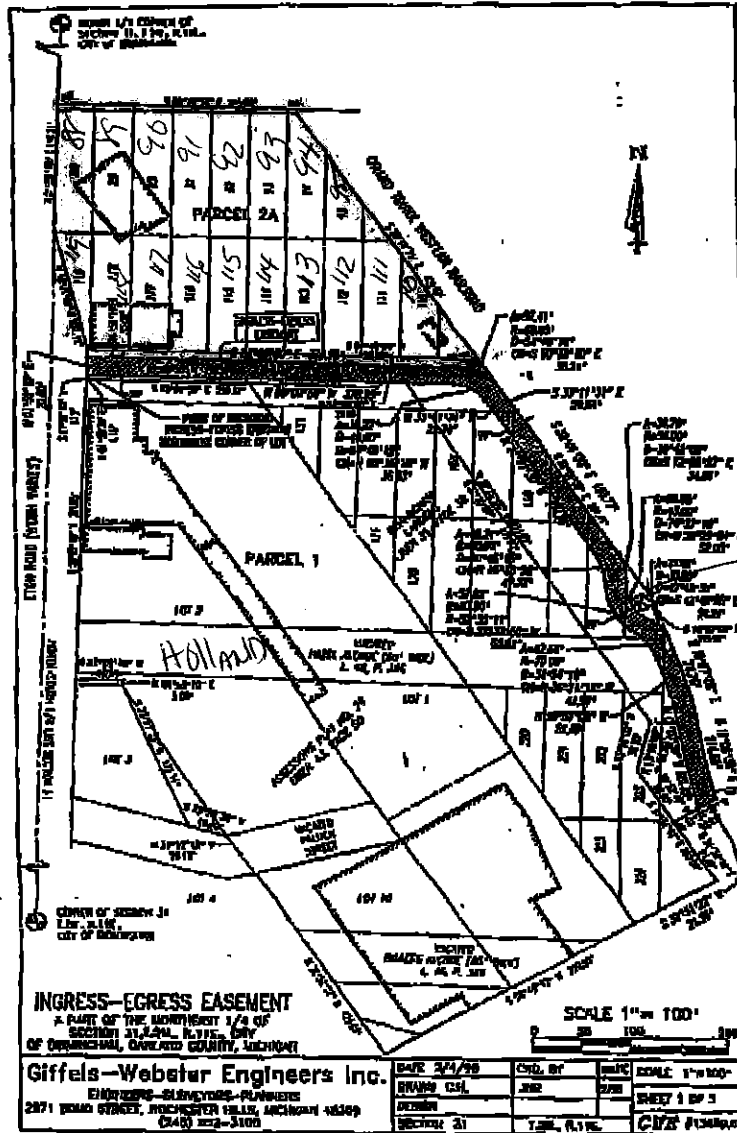
Andrea J. Hoffman
Notary Public
County, State of Michigan
My Commission Expires _____

Ret
Document prepared by:
Kevin M. Stanko, Esq.
Hopkins & Sutter
Suite 220
2800 Livernois
Troy, MI 48063-1210

ANDREA J. HOFFMAN
Notary Public, Macomb County, Michigan
Acting in Oakland County
My Commission Expires April 25, 1999

12/18/98
FILE

191870851



#4037

Investigation: Oakland, MI Department-Book Page 19187.075 Page: 7 of 9
date: 3 Comment:

11/18/04
FILE

Lot 191871863

43050

STATEMENT WITH BUSINESS PURPOSE

[Faded, illegible text block]

pt 20-31-203-002-pt 1 of 1
pt 20-31-203-008-plots 159-162
plots 164-166
pt 20-31-203-002-pt 1 of 1
+pt Val. Franck Ave - No Sidewell

Giffels-Webster Engineers Inc. ENGINEERS-SURVEYORS-PLANNERS 3871 BOND STREET, DOVER, OHIO 44604-1488 (419) 882-0100	DATE	BY	SCALE
	3/4/04	JR	AS SHOWN
	DESIGN		SHEET 2 OF 3
	APPROVED	D.M. FULKERSON	DATE 11/17/04

Handwritten signature or initials

20476 870

219739

LIBER PAGE PAGE 870
\$11.00 REC. RECEIPTS
\$2.00 REDEMPTION
08/30/1999 11:27:23 A.M. RECEIVED 7246
MIG RECEIVED - OAKLAND COUNTY
A. WILLIAM CORWELL, CLERK/REGISTER OF DEEDS

MEMORANDUM OF AGREEMENT TO GRANT EASEMENT

THIS MEMORANDUM OF AGREEMENT TO GRANT EASEMENT is made and entered into this 29th day of July, 1999, by and between ETON OFFICE PROPERTIES, L.L.C., a Michigan limited liability company ("Eton") and EDGEEMERE ENTERPRISES, INC., a Michigan corporation ("Edgemere").

Pursuant to the terms of the purchase agreement by and between Eton and Edgemere, Eton agrees to purchase certain land from Edgemere commonly known as 325 and 375 South Eton, Birmingham, Michigan (the "Property"), described in Exhibit A attached hereto, and Edgemere retained the property contiguous to and south of the Property (the "Remaining Property"). In connection with its purchase of the Property, Eton granted the owner of the Remaining Property, and its successors, grantees and assigns, the right to use the easement granted to Grand Trunk Western Railroad, recorded in Liber 19187, Page 875, Oakland County Records. Additionally, in connection with the eventual development of the Remaining Property, Eton acknowledged that the water main, sanitary sewer or other utility lines servicing the 375 S. Eton Building on the Property (collectively, the "Utilities") may need to be relocated. Eton agreed, by separate written agreement, to grant Edgemere, or its successors, grantees and assigns, any easement or right-of-way necessary for Edgemere to relocate or modify the Utilities in connection with the development of the Remaining Property.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement to Grant Easement as of the date and year first above written.

WITNESSES:

ETON:

ETON OFFICE PROPERTIES, L.L.C., a Michigan limited liability company

[Signature]
Dennis A. Pierle, Jr.
Dennis A. Pierle, Jr.

By: *[Signature]*
NORMAN E. LePage
As: *[Signature]*
ATTORNEYS AT LAW

BP
ST

215631-ST

-13

OK-G.K.

FILE
11184

LAB 20476 671

EDGEWERE:

EDGEWERE ENTERPRISES, INC., a Michigan corporation

By: Carl Craft
Carl Craft
In: President

[Signature]
Notary Public
DANIEL A. DESSA

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 27th day of July, 1999, by Nancy R. Lohme, the Agent of Stun Office Properties, L.L.C., a Michigan limited liability company, on behalf of said company.

[Signature]
Notary Public, Oakland County, MI
My Commission Expires: 11/16/2000
JULIE DESSA
Notary Public, Oakland County, MI
My Commission Expires Nov. 16, 2000

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 27th day of July, 1999, by Carl Craft, the President of Edgewere Enterprises, Inc., a Michigan corporation, on behalf of said corporation.

[Signature]
Notary Public, Oakland County, MI
My Commission Expires: 11/16/2000
JULIE DESSA
Notary Public, Oakland County, MI
My Commission Expires Nov. 16, 2000

Instrument Drafted By and
Whom Recorded Returns To:
Mark P. Krystinski, Esq.
Jaffe, Raitt, Heuer & Weiss
Professional Corporation
One Woodward Avenue
Suite 2400
Detroit, Michigan 48226
060221.01

FILE

1917 20476 872

LEGAL DESCRIPTION CONTINUATION

City of Birmingham

Traylor

Parcel 1:

A Part of the Northwest 1/4 of Section 31, Town 2 North, Range 11 East, City of Birmingham, Oakland County, Michigan, being a part of Lot 1 of Assessor's Plat No. 28 as recorded in Liber 45, Page 50 of Plats, Oakland County Records and Lots 112 through 118, inclusive, part of Lots 88 through 96, inclusive, 109 through 111, inclusive 119 and part of vacated Prairie Avenue of Birmingham Heights as recorded in Liber 31, Page 38, of Plats, Oakland County Records, more particularly described as: commencing at the North 1/4 corner of said Section 31; thence South 01 degree 59 minutes 20 seconds West 701.82 feet along the North-South 1/4 line of said Section 31; thence South 08 degree 11 minutes 20 seconds East 26.00 feet to the point of beginning at the Northwest corner of Lot 1 of said Assessor's Plat No. 28; thence the following three (3) courses along the westerly line of Eton Road (Widened Taxies): (1) North 01 degree 59 minutes 10 seconds East 20.00 feet, and (2) North 13 degree 14 minutes 00 seconds West 137.11 feet, and (3) North 01 degree 59 minutes 10 seconds East 140.81 feet; thence South 08 degree 26 minutes 57 seconds West 249.03 feet to a point on the westerly line of the Grand Trunk Western Railroad; thence along said Railroad line South 23 degree 11 minutes 11 seconds East 206.32 feet; thence North 02 degree 00 minutes 50 seconds West 431.60 to a point on the East line of said Eton Road; thence North 01 degree 59 minutes 10 seconds East 10.00 feet along said road line to the point of beginning.

Re: 323 South Road

Plat 28-91

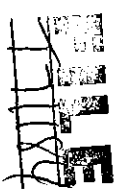
*Plats 28-91, 119, 116 & 114
28-95, 117-118*

Part of Tax Map Nos. 28-21-203-002, 20-21-203-021, 20-21-203-022 and 20-21-203-024.

Plat 28-96, 109-114

Plat 28-93, 112-116

and pt vac Prairie Ave



 **Philip R. Seaver Title Company**

A Title Insurance Agency
42851 Woodward Ave
Bloomfield Hills, MI 48304
(248) 338-7135
FAX NO. (248) 338-3045

Record Search furnished to:
Dean & Fulkerson, P.C.
801 W. Big Beaver 5th Floor
Troy, MI 48084-4767
Donald A. Pierce, Jr., Esq

Revised
File No. S-358953-125

TITLE INFORMATION REPORT

DESCRIPTION OF REAL ESTATE

Situated in City of Birmingham, Oakland County, Michigan

SEE COMPLETE LEGAL DESCRIPTION ATTACHED

Re: 245 South Eton
Tax Item No. 20-31-201-002

Owner(s): Eton Street Real Estate, Inc., a Michigan Corporation

1. Mortgage for the sum of \$3,000,000.00, executed by Eton Street Real Estate, Inc., a Michigan Corporation to NBD Bank, dated January 30, 1997 and recorded February 13, 1997 in Liber 16988, on Page 167, Oakland County Records and Assignment of Rents recorded in Liber 30300, Page 547, Oakland County Records.
2.
 - A. Affidavit regarding inclusion of the Grand Trunk Station within the City of Birmingham Historic District as recorded in Liber 7923, Page 131, Oakland County Records and rules, regulations, laws and ordinances relating thereto.
 - B. Easement and Encroachment Agreement (Overhead Encroachment) recorded in Liber 7914, Page 57, Oakland County Records.
 - C. Easement and Encroachment Agreement (Underground Encroachment) recorded in Liber 7914, Page 62, Oakland County Records.
 - D. Easement Agreement (Passenger Tunnel) recorded in Liber 7914, Page 50, Oakland County Records.
 - E. Easement Agreement (Baggage Tunnel) recorded in Liber 7914, Page 43, Oakland County Records.
 - F. Rights of Way for drainage and flowage and building and use restrictions recited in Warranty Deed recorded in Liber 594, Page 397, Oakland County Records.
 - G. Memorandum of Lease recorded July 11, 1997 in Liber 17376, Page 743, Oakland County Records and terms, provisions and conditions of the underlying Lease referenced therein.
 - H. Water Main Easement recorded in Liber 17596, Page 810, Oakland County Records.
 - I. Rights of the public or any governmental unit in any part of captioned land taken, used, dedicated or deeded for road purposes.
 - J. Reservation of aerial easement, right of entry for inspection and maintenance and other matters recited in Warranty Deed recorded in Liber 7914 on Page 40, Oakland County Records.
3. Taxes and special assessments which constitute a lien on the Land at date of commitment/policy, but which are not yet due and payable.

This information compiled as of an effective date of May 26, 2006 at 8:00 A.M.

Continued

NOTE: "In consideration of the reduced rate at which this report is furnished, it is understood that the information contained herein is only such as may be obtained in the office of the County Register of Deeds. It is understood that any liability for correctness or incorrectness of information furnished herein is limited to the amount paid for this report.
The information contained herein should not be used for due diligence inquiry under CERCLA or other federal or state environmental legislation.

June 23, 2006

Examined By: Elie Kaplan

4. The Company assumes no liability for tax increases occasioned by retroactive revaluation, changes in the land usage or loss of any homestead exemption for the insured premises.
5. TAXES:
 - 2005 July Tax - Paid \$43,581.69
 - 2005 December Tax - Paid \$14,116.39
 - Special Assessments - None.

PROPERTY DESCRIPTION

The land referred to in this report is described as follows:

City of Birmingham

A part of the Northeast 1/4 of Section 31, Town 2 North, Range 11 East, City of Birmingham, Oakland County, Michigan, being a part of Lots 11 through 15, inclusive and Lots 55 through 57, ALSO all of Lots 58 and 59, ALSO part of vacated alley, vacated Eton Road and vacated Yosemite Boulevard of Birmingham Gardens as recorded in Liber 31, Page 38 of Plats, Oakland County Records, more particularly described as: Commencing at the North 1/4 corner of said Section 31; thence North 88 degrees 16 minutes 37 seconds West 117.95 feet; thence South 34 degrees 11 minutes 27 seconds East 87.17 feet to the point of beginning; thence North 29 degrees 04 minutes 00 seconds East 31.10 feet; thence South 88 degrees 16 minutes 37 seconds East 22.56 feet; thence South 33 degrees 36 minutes 11 seconds East 57.77 feet; thence North 56 degrees 34 minutes 45 seconds East 16.90 feet to a point on the Westerly line of the Grand Trunk Western Railroad; thence along said railroad line South 33 degrees 43 minutes 31 seconds East 389.60 feet (recorded as North 33 degrees 44 minutes 54 seconds West 390.56 feet); thence North 88 degrees 26 minutes 57 seconds West 245.03 feet (recorded as South 88 degrees 20 minutes 47 seconds East 245.76 feet) to a point on the North-South 1/4 line of said Section 31; thence along said Section line North 01 degrees 59 minutes 10 seconds East 236.66 feet (recorded as 236.98 feet); thence North 34 degrees 11 minutes 27 seconds West 112.65 feet (recorded as 112.57 feet) to the point of beginning.

Re: 245 South Eton
Tax Item No. 20-31-201-002

LIBER 7914 PAGE 40

50182165

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That GRAND TRUNK WESTERN RAILROAD COMPANY, a Michigan corporation, whose address is 131 West Lafayette Boulevard, Detroit, Michigan 48226, conveys and warrants to BIRMINGHAM TRAIN STATION ASSOCIATES, a Michigan co-partnership, whose address is 480 Pierce Street, Birmingham, Michigan 48011, the following described premises situated in the City of Birmingham, County of Oakland, and State of Michigan, to-wit:

A parcel of land located in the North 1/2 of Section 31, T2N, R11E, Township of Troy (now City of Birmingham) now owned by Grand Trunk Western Railroad Company and previously platted as Lots 58 and 59, part of Lot 11, Lots 12 thru 15 plus all or parts of Lots 55 thru 59, plus part of vacated Yosemite Boulevard, Eton Road and a 16 foot alley in "Birmingham Gardens Subdivision" as recorded in Liber 31 of Plats, page 38, Oakland County Records. Parcel more particularly described as: Beginning at a point on the east line of Eton Road (as relocated), said point being N 88°16'37" West 117.95 feet along the E-W section line in Maple Road (66 ft. wide) and S 34°11'27" East 87.17 feet along the easterly right-of-way line of Eton Road (50 ft. wide) extended from the North 1/4 corner of said Section 31; thence continuing S 34°11'27" East 112.57 feet along said right-of-way line; thence S 1°59'10" West 236.98 feet along the east line of Eton Road; thence S 88°20'47" East 245.76 feet; thence N 33°44'54" West 390.56 feet parallel and 0.5 feet westerly of an existing concrete retaining wall; thence S 56°34'45" West 16.90 feet; thence N 33°36'11" West 57.77 feet to the south line of Maple Road as widened for Railroad bridge (43 ft. = 1/2 of R.O.W.); thence N 88°16'37" West 22.56 feet along said right-of-way; thence S 29°04' West 31.10 feet along the easterly right-of-way of Eton Road as relocated to the Point of Beginning and containing 1.056 Ac. or 45,977 square feet of land.

25609

OAKLAND COUNTY RECORDS
I HEREBY CERTIFY THAT THIS CERTIFICATE
WAS FILED IN THE OFFICE OF THE CLERK OF
SAYED COUNTY ON THE 25th DAY OF JUNE
A.D. 1930 AT 11:00 A.M.
CLERK OF SAID COUNTY
W. H. HARRIS
By _____
Notary Public for Michigan
Exp. 1st, Jan. 20th, 1933 at Lansing, Mich.

AND OTHER GOOD AND VALUABLE CONSIDERATION

subject to any easements, zoning ordinances, restrictions or limitations of record and subject to any special assessments and taxes which may become payable after the date hereof.

Grantor reserves unto itself, its successors and assigns an aerial easement for existing electrical transmission lines or future transmission lines within the sway limits of the existing lines of Grantor's licensee. Grantor hereby agrees that in the event said aerial easement interferes with Grantee's development and use of said premises, Grantor shall negotiate with Grantee for a resolution to permit such use and/or development; however, none of the costs arising therefrom shall be borne by the Grantor.

20-31-20-001

CA 92776-S

NOV 25 1930

700/100 CT

7814 PAGE 41
No warranty is made by Grantor to Grantee, either express or implied, as to the condition of the existing building, fixtures or other appurtenances thereto, as to the fitness thereof for any particular purpose, use or otherwise. Grantee represents that Grantee has examined the existing building, fixtures and other appurtenances thereto, is familiar with and accepts same in its present condition and assumes all risks incident thereto.

Because of the close proximity to Grantor's rail operations, and as a part of the consideration hereof, Grantee, for itself, its heirs, successors and assigns, agrees:

1. To repair and maintain the premises and/or any buildings, fixtures and/or appurtenances thereto now or which may hereafter be erected, to withstand deterioration and damage resulting from the operation, maintenance, repair or renewal of Grantor's railroad or which may be caused by vibrations resulting therefrom. In the event that Grantee no longer desires to so maintain any such building, fixtures or appurtenances thereto, Grantee shall cause same to be removed from the premises.

2. Grantee shall not have or assert any claim or demand whatsoever for compensation for damages, whether said damages be direct or consequential, to the land hereinbefore described or to any buildings or improvements now or hereafter erected thereon, or to the contents thereof which may be caused by the operation, maintenance, repair or renewal of Grantor's railroad or which may be caused by vibration resulting from the operation, maintenance, repair or renewal thereof; and Grantee hereby expressly releases Grantor from liability for any such damages.

3. Grantee shall not at any time hereafter ask, demand, recover or receive any compensation whatever for any damage which may be caused by the sliding of any part of the adjoining railroad embankment of Grantor, or by the draining or seeping of water therefrom upon or into the land hereinbefore described or upon or into anything which may be erected or placed thereon.

Grantee agrees to maintain the east wall of the existing building adjacent to Grantor's roadbed in its present condition and Grantor hereby reserves unto itself the right to enter said building during normal business hours and after reasonable notice for the purpose of inspecting said wall. If said building is ever destroyed or removed, the Grantee shall maintain the east wall of said building to Grantor's

grounded grade. The Grantee further ~~shall~~ not to change the ground contour and elevations between the north side of the existing building and the south line of Maple Road without the consent of Grantor's Chief Engineer which consent shall not be unreasonably withheld.

It shall be the obligation of the Grantor to inspect, repair and maintain the existing retaining walls to the north and south of the existing building and Grantor hereby reserves the right to enter upon the above-granted property during normal business hours and after reasonable notice for the purpose of inspecting said walls; provided, however, that Grantor's right of entry shall be limited to a fifteen (15) foot strip of land adjacent to Grantee's east property line on the north and south sides of the existing building.

Dated this 14th day of November, 1980.

WITNESSES:

Thomas Girard
Thomas Girard

Signed and Sealed:

GRAND TRUNK WESTERN RAILROAD COMPANY, a Michigan corporation

By W. Glavin
Its Vice President, Administration
131 W. Lafayette Blvd.,
Detroit, Michigan

J. Isabelle Matusko
J. Isabelle Matusko

SEARCHED	INDEXED
SERIALIZED	FILED

And E. G. Fontaine
E. G. Fontaine,
Its Secretary
131 W. Lafayette Blvd.,
Detroit, Michigan

STATE OF MICHIGAN)
)SS.
COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this 14th day of November, 1980 by W. Glavin and E. G. Fontaine, Vice President, Administration and Secretary, respectively, of Grand Trunk Western Railroad Company, a Michigan corporation, on behalf of said corporation.

Thomas J. Risley
Notary Public, Wayne County, MI
My Comm. Exp:

THOMAS J. RISLEY
Notary Public, Oakland County, Mich.
Acting in Wayne County
My Commission Expires March 21, 1982

Drafted By and When Recorded, Return To:
John E. Amerman, Esq.
HONIGMAN MILLER S. SWARTZ AND COHN
2290 First National Building
Detroit, Michigan 48226

(4)

EASEMENT AND ENCROACHMENT AGREEMENT
(Overhanging Encroachment)

211/31

This AGREEMENT, effective the 14th day of November, 1980 by and between the GRAND TRUNK WESTERN RAILROAD COMPANY, a Michigan corporation, 131 W. Lafayette Boulevard, Detroit, Michigan 48226 (hereinafter called the "Grantor") and BIRMINGHAM TRAIN STATION ASSOCIATES, a Michigan co-partnership, 430 Pierce Street, Birmingham, Michigan 48011 (hereinafter called the "Grantee").

W I T N E S S E T H:

WHEREAS, Grantee is today purchasing from Grantor the property described on Exhibit A attached hereto by means of a warranty deed being delivered simultaneously herewith; and

WHEREAS, a certain building currently exists on said property; and

WHEREAS, Grantor desires to grant to Grantee and Grantee desires to acquire from Grantor a perpetual easement and right to encroach on hereinafter set forth for the reason that a certain portion of said existing building currently encroaches upon other land owned by Grantor and described on Exhibit B, attached hereto.

NOW, THEREFORE, in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt and adequacy of which are hereby mutually acknowledged and confessed, it is hereby agreed:

1. Grantor hereby grants and conveys unto Grantee, its heirs, successors and assigns, a perpetual easement and right to encroach upon the property described on Exhibit B for the purpose of using, maintaining and repairing said encroachment for the benefit of the property described on Exhibit A; provided, however, that the easement and right to encroach hereby granted shall terminate in the event that the portion of Grantee's building, which currently encroaches on Grantor's land, is permanently destroyed or removed and not replaced within one (1) year. In the event of such termination, Grantee agrees to grant a deed of release to Grantor releasing the rights created by the Easement and Encroachment Agreement and Grantor agrees, upon such termination, to give the easement premises described on Exhibit B in a neat and level condition subject to the

REC'D NOV 11 1980

CTI 92776-5

NOV 25 1980

11.00

reasonable approval and acceptance of Grantor's Chief Engineer.

- 2. In the event that the easement premises described on Exhibit B are separately assessed for local taxes or are assessed as part of the property described on Exhibit A, Grantee agrees to pay all such separately assessed or combined local taxes upon the receipt of bills therefor. It is understood that such taxes will be considered to cover the calendar year in which bills therefor are received from the taxing authorities. In the event of combined local assessment, Grantee shall furnish Grantor with a copy of the paid tax bills within thirty (30) days after the last date for payment without penalty.
- 3. The perpetual easement and right to encroach herein granted shall benefit and burden the real properties described on Exhibits A and B hereto and shall run with, bind and encumber said lands.
- 4. The rights and easements herein granted shall inure to the benefit of and be binding upon the parties hereto, their successors, heirs and assigns.
- 5. Grantor hereby warrants to Grantee that it has good and indefeasible fee simple title to the easement premises described on Exhibit B and any appurtenances thereto notwithstanding anything contained herein to the contrary.

IN WITNESS WHEREOF, the parties hereto have executed this Easement And Encroachment Agreement effective as of the day and year first above written.

WITNESSES:

Theresa Girard
Theresa Girard

Thomas J. Rigley
Thomas J. Rigley

J. Isabelle Matusko
J. Isabelle Matusko

Thomas J. Rigley
Thomas J. Rigley

GRAND TRUNK WESTERN RAILROAD COMPANY,
a Michigan corporation,

By [Signature]
W. Clavin
Its Vice President - Administration

ATTEST:
By [Signature]
E. G. Fontaine
Its Secretary

G. T. W. APPROVALS	
SA	EL
PA	SE
EA	TE
TA	TE
EA	TE
TA	TE
EA	TE
TA	TE

(signatures continued)

John E. Amerman
JOHN E. AMERMAN
RODDY WHITELY

BIRMINGHAM TRAIN STATION ASSOCIATES,
a Michigan co-partnership,

By *Anthony S. Brown*
Anthony S. Brown
Its Partner

STATE OF MICHIGAN:SS
COUNTY OF WAYNE:

The foregoing instrument was acknowledged before me this 14th day of November, 1980 by W. Clovin and E. G. Fontaine, Vice President-Administration and Secretary, respectively, of GRAND TRUNK WESTERN RAILROAD COMPANY, a Michigan corporation, on behalf of the corporation.

Thomas H. Hight
Notary Public, Wayne County, Michigan

My Comm. Exp:

1-1-73, 1-1-81
Notary Public, Oakland County, Mich.
Acting in Wayne County
My Commission Expires March 31, 1982

STATE OF MICHIGAN:SS
COUNTY OF OAKLAND:

The foregoing instrument was acknowledged before me this 14th day of November, 1980 by Anthony S. Brown, Partner of BIRMINGHAM TRAIN STATION ASSOCIATES, a Michigan co-partnership, on behalf of the partnership.

Thomas H. Hight
Notary Public, Oakland County, Michigan

My Comm. Exp:

3/1/82

THOMAS T. RIGLEY

Drafted by and when recorded,
return to: John E. Amerman, Esq.
MONTGOMERIE MILLER SCHWARTZ AND COHN
2290 First National Building
Detroit, Michigan 48226

The following described premises situated in the City of Birmingham, Oakland County, Michigan:

A parcel of land located in the North $\frac{1}{4}$ of Section 31, Town 2 North, Range 11 East, Township of Troy (now City of Birmingham) now owned by Grand Trunk Western Railroad Company and previously platted as Lots 58 and 59, part of Lot 11, Lots 17 thru 18, plus all or parts of Lots 33 thru 39, plus part of vacated Yosemite Boulevard, Eton Road and a 16 foot alley in "Birmingham Gardens Subdivision" as recorded in Liber 31 of Plats, page 38, Oakland County Records. Parcel more particularly described as: Beginning at a point on the east line of Eton Road (as relocated), said point being N 88 degrees 18 minutes 37 seconds West 117.95 feet along the E-W Section line in Maple Road (66 feet wide) and South 34 degrees 11 minutes 27 seconds East 87.17 feet along the Easterly right-of-way line of Eton Road (50 feet wide) extended from the North $\frac{1}{4}$ corner of said section 31; thence continuing South 34 degrees 11 minutes 27 seconds East 112.57 feet along said right-of-way line; thence South 1 degree 59 minutes 10 seconds West 236.08 feet along the East line of Eton Road; thence South 88 degrees 20 minutes 47 seconds East 245.76 feet; thence North 33 degrees 44 minutes 54 seconds West 390.56 feet parallel and 0.5 feet Westerly of an existing concrete retaining wall; thence South 56 degrees 34 minutes 45 seconds West 16.99 feet; thence North 33 degrees 36 minutes 11 seconds West 57.77 feet to the South line of Maple Road as widened for Railroad bridge (43 feet $\frac{1}{4}$ R.O.W.); thence North 88 degrees 16 minutes 37 seconds West 27.56 feet along said right-of-way; thence South 29 degrees 04 minutes West 31.10 feet along the Easterly right-of-way of Eton Road as relocated to the Point of Beginning and containing 1.056 Ac, or 45,977 square feet of land.

EXHIBIT "D"

The following described premises situated in the City of Birmingham, Oakland County, Michigan:

Commencing at the intersection of the North Line of Section 31, T24, R11E and the centerline of Grantor's Track No. 690-1; thence Southeasterly 220.2 feet, more or less, along the centerline of said track; thence Southwesterly 43.8 feet at right angles to a point 1.3 feet Northwesterly of the Northwesterly face of the former Birmingham Depot, said point being the point of beginning; thence Southeasterly 79.4 feet, more or less, along Grantor's Southwesterly right of way line; thence Northwesterly 2.8 feet at right angles; thence Northwesterly 24.8 feet at right angles; thence Southwesterly 0.8 feet at right angles; thence Northwesterly 29.8 feet at right angles; thence Northeasterly 0.8 feet at right angles; thence Northwesterly 24.8 feet at right angles; thence Southwesterly 2.8 feet to the point of beginning.

Clifford, Elaine K.

From: Carrie Walter [cwalter@mdcandk.com]
Sent: Thursday, March 02, 2006 10:17 AM
To: Clifford, Elaine K.
Subject: Reimbursement

Elaine, please have the check made out to the following:

The Development Collaborative

JC Cataldo
700 Forest
Birmingham, Michigan 48009

If there is anything else, please let me know.
Thank you!

Carrie Walter
Mosher, Dolan, Cataldo & Kelly
700 Forest
Birmingham, MI 48009
248-258-9453
248-258-6514 (fax)
cwalter@mdcandk.com

FILE

FILE



March 20, 2006

Ms. Carrie Walter
Mosher, Dolan, Cataldo & Kelly
700 Forest
Birmingham, MI 48009

Re: District Lofts Development – Tower Line Relocation
ITC Project No: MOA04434

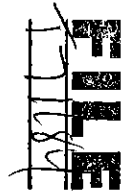
Dear Ms. Walter:

ITC has completed the project you requested on behalf of your client. Please find enclosed Check Number 2161 in the amount of Ten Thousand Two Hundred Seventy-Eight and 54/100 dollars (\$10,278.54). This amount represents the difference between the actual costs incurred and the cost estimate paid by your client.

If you have any questions, please call me at (248) 374-7256.

Thank you,

Elaine Clifford
Property Management



INTERNATIONAL TRANSMISSION COMPANY		2161
39500 ORCHARD HILL PLACE DR., STE. 205 NOVI, MI 48375		9-9/720 433
PAY TO THE ORDER OF	The Development Collaborative	DATE <u>March 6, 2006</u>
		\$ 10,278.54
Ten thousand two hundred seventy eight dollars and 54/100***** DOLLARS		
 Comerica Bank Ann Arbor, Michigan www.comerica.com		Security features are included. Details on back.
FOR	<u>moa 04434</u>	
⑈002161⑈ ⑆072000096⑆ 1851465433⑈		

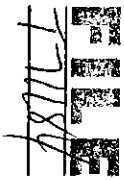
Clifford, Elaine K.

From: Chopra, Nisha
Sent: Monday, February 20, 2006 3:20 PM
To: Clifford, Elaine K.
Cc: Stibor, Fred; Ginste, Wayne
Subject: A0002013 Reconciliation
Attachments: Rec of Tower 4040 Relocation.xls

Elaine -- Here is the reconciliation for A0002013. We owe the customer a refund of \$10,278.54.

Thanks for your patience!

Nisha Chopra
Senior Financial Analyst
248.374.7233



2/27/2006

FILE
July

CIAC Reconciliation
 Project 4040 Tower
 Work Order A0002013
 Customer JC Catalco

RT 84

	<u>Estimate</u>	<u>YTD 2005 Actual</u>	<u>YTD 2006 Actual</u>	<u>Costs Outstanding</u>	<u>Total Cost</u>	<u>Refund to Customer</u>
Design	8,500	1,198.00			1,198.00	7,302.00
Equipment	59,300	6,029.00			6,029.00	53,271.00
Labor	16,200	35,163.00	26,195.00		61,358.00	(45,158.00)
Crane Rental	-				-	-
Overheads	16,800	24,955.00	579		25,534.00	(8,734.00)
Fed. Income Taxes	54,277			50,679.46	50,679.46	3,597.54
	<u>155,077</u>	<u>67,345.00</u>	<u>26,774.00</u>	<u>50,679.46</u>	<u>144,798.46</u>	<u>10,278.54</u>

Total Cumulative Charges in Powerplant (60,958.00)

Check Tax Calc 50,679.46