

EASEMENT

1/10
25

IN CONSIDERATION of the sum of One (\$1.00) Dollar and other valuable considerations, receipt of which is hereby acknowledged, EMBASSY TOWERS APARTMENTS, a Michigan Co-Partnership consisting of Fred A. Erb, Erb Lumber Co., a Michigan Corporation, Robert R. Risman and William B. Risman whose address is 375 South Eton, Birmingham, Michigan, hereinafter referred to as "OWNER" hereby grants and conveys to THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, whose address is 2000 Second Avenue, Detroit, Michigan 48226, hereinafter referred to as "EDISON", its licensees, lessees, successors and assigns, the right to construct, operate and maintain line facilities for the purposes of providing underground electric services including the necessary underground primary lines, underground transformers, switching facilities, meters and other equipment in, under, over and across land located in the City of Southfield, County of Oakland, State of Michigan described as:

Part of the Northeast 1/4 of Southeast 1/4 of Section 25, Town 1 North, Range 10 East, described as follows: Commencing at the South 1/4 corner of said Section 25, thence North 0°18'23" West, 60.00 feet, thence North 89°33'07" East, 2560.74 feet to the Westerly line of Greenfield Road, 120 feet wide, thence North 0°32'06" West, along said line 2051.35 feet; thence due West 600.00 feet to the point of beginning; thence South 0°32'06" East, 484.83 feet thence South 89°33'07" West, along the Northerly line of Providence Drive, 346.03 feet thence South 44°33'07" West, 19.74 feet thence North 0°32'06" West 501.61 feet thence Due East 360.03 feet to the point of beginning.

The approximate location of the underground lines are indicated on the attached drawing, Exhibit "A". However, for exact location call MISS DIG.

The easements granted herein shall be ten (10) feet in width, five (5) feet on each side of the lines as installed (unless indicated to the contrary on Exhibit "A").

RECORDED RIGHT OF WAY NO. 33181
See Also Record 46133325

2011

EDISON, its employes, agents and contractors, shall have full right and authority to enter, at all times, upon said premises for the purpose of constructing, reconstructing, repairing, modifying, operating, maintaining and removing EDISON'S lines, cables, conduits, transformers, meters, above grade switching facilities and other equipment.

It is understood and agreed that the title to all lines, primary cables, conduits, transformers, meters, above grade switching facilities and other equipment of EDISON, situated in or on premises of the undersigned shall at all times remain the property of EDISON and shall be deemed personal property and shall not be deemed a part of realty.

Excavations or changes of grade, trees, large shrubs, structures or apparatus of any kind shall not be allowed within three (3) feet of either side of the utility lines and equipment shown on attached Exhibit A. EDISON shall have the right to trim or remove any trees, bushes, plants or roots of any kind which, in its sole opinion interfere with its facilities, or are necessary to trim or remove for the installation, re-installation, repair, operation, modification or removal of its facilities. The trimming or removal of such trees, bushes, obstructions, plants or roots, by EDISON for the purpose set forth above, shall be without liability to the utility.

In the event OWNER is the owner of a main disconnect switch, required for the furnishing of electricy to the occupants of each apartment unit, OWNER covenants and agrees that EDISON shall have access to said main disconnect switch of OWNER for the purposes of furnishing electricity to the occupants of each apartment unit.

EDISON shall own, furnish, install and maintain, at its own expense, the transformers and high voltage primary cables to the padmount transformer. It is hereby understood that EDISON'S responsibility and liability stops at said padmount transformer. OWNER shall continue to own and maintain the distribution lines from the secondary bushings of the transformer into the building itself.

RECORDED EIGHTH OF MAY NO. 33181

The purpose and intent of this Easement is to convey to EDISON, a right of way in, under, upon, over and across the above described property, sufficient, in the opinion of EDISON, to permit EDISON to provide electric service to the individually metered apartments converted by OWNER and to extend service across OWNER'S property in the future, if necessary. Portions of the above mentioned primary cables are located beneath the Embassy Towers apartment building itself. OWNER recognizes that maintenance of this section of the line will be impossible. In the event of failure of these lines in that section under the building, OWNER agrees to grant, if EDISON requires, alternate easements necessary to maintain service to the apartment building.

The foregoing easements, restrictions and covenants shall run with the land and shall not be subject to termination without the consent of EDISON.

Enforcement may be by civil proceeding against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damages.

Invalidation of these covenants or restrictions by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.

This Agreement shall inure to the benefit of and be binding upon the heirs, administrators, executors, personal representatives, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the 29th day of April, 1980.

In the Presence of:

EMBASSY TOWERS APARTMENTS

Michael P. Foley
Michael P. Foley

Shirley C. Hinz
Shirley C. Hinz

By: Fred A. Erb
Fred A. Erb, Partner; and on behalf of Robert R. Risman and William B. Risman, Partners;
By: Fred A. Erb, Jr.
and, as President of Erb Lumber Co. Partner

By: John A. Theisen
John A. Theisen, Senior Vice-President
Erb Lumber Co., Partner

RECORDED NIGHT OF WAY NO. 33187

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

On this 29th day of April, 1980, before me the subscriber, a Notary Public in and for said County, appeared Fred A. Erb and John A. Theisen to me personally known, and being the President and Senior Vice-President respectively of Erb Lumber Co., a Michigan Corporation, who being by me duly sworn did say they respectively executed this easement on behalf of Embassy Towers Apartments, a Michigan Co-Partnership and acknowledged said instrument to be the free act and deed of said corporation.

Michael P. Foley
Notary Public, _____ County, MI.

My Commission expires: _____

MICHAEL P. FOLEY
Notary Public, Oakland County, Mich.
My Commission Expires April 18, 1983

Prepared by Thomas P. Beagan
2000 2nd Ave
Detroit, Mi 48226

Return to: Thomas P. Beagan
2000 2nd Ave
Detroit, Mi 48226

Thomas P. Beagan
LYNN D. ALLEN
CLERK - REGISTER OF DEEDS

RECORDED
MICHIGAN
1980 MAY 12 AM 9 33

RECORDED

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, That EMBASSY TOWERS APARTMENTS, a Michigan Co-Partnership consisting of Fred A. Erb, Erb Lumber Co., a Michigan Corporation, Robert R. Risman and William B. Risman whose address is 375 S. Eton Road, Birmingham, Michigan, hereinafter referred to as "OWNER", for and in consideration of the sum of Seventeen Thousand Forty-Six and 00/100 (\$17,046.00) Dollars lawful money of the United States to it paid by THE DETROIT EDISON COMPANY, a corporation organized and existing concurrently under the laws of the States of Michigan and New York, hereinafter referred to as "EDISON", the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does grant and convey unto Edison, its successors and assigns, all right, title and interest to the electrical distribution system, including high voltage primary cable and respective conduits, load breaks and transformer located on real property belonging to OWNER and identified as The Embassy Towers Apartments consisting of the following equipment:

1 Vantran Electric transformer 1500 KVA (Serial No. 71V8032)

Primary switch gear, Park Metal Loadbreak, two switches and meter bay, Drawing #4852, 13.8 KV

360 feet of No. 2, conductor X3, PCN, 15 KV cable

RECORDED FILED IN WAY NO.

33181

See Also: Recorded E/0133325

To have and to Hold the same unto EDISON, its successors and assigns, FOREVER.

It is understood that EDISON shall not own or maintain the distribution lines within the building itself and that EDISON'S responsibility stops at the padmount transformers.

The location of the electrical facilities conveyed herein is as indicated on the attached Exhibit "A". OWNER hereby indemnifies and holds EDISON harmless against any and all detriment, damages, losses, demands, suits, costs, or other expenses which EDISON may suffer, sustain or be subject to caused either wholly or in part, directly or indirectly by the failure of the above described equipment or by EDISON'S reliance on the location of such equipment as indicated on said Exhibit "A" except for those damages, losses, demands, suits, costs or other expenses caused by EDISON'S sole negligence.

OWNER, for its successors and assigns, does covenant and agree to and with EDISON, its successors and assigns, to Warrant and Defend the sale of said property, goods, and chattels hereby made, unto EDISON, its successors and assigns, against all and every person or persons whatsoever.

IN WITNESS WHEREOF, the parties hereto have caused this Bill of Sale to be executed by their duly authorized officers this 29th day of April, 1980.

In the presence of:

Michael P. Foley
Michael P. Foley
Shirley C. Hinz
Shirley C. Hinz

EMBASSY TOWERS APARTMENTS

By: Fred A. Erb
Fred A. Erb, Partner; and on behalf of Robert R. Risman and William B. Risman, Partners; and, as President of Erb Lumber Co., Partner
By: John A. Theisen
John A. Theisen, Senior Vice-President Erb Lumber Co., Partner

RECORDED
INDEXED
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APR 30 1980
33181

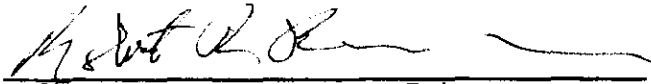
AUTHORIZATION

William B. Risan and Robert R. Risan, Partners in Embassy Tower,
15800 Providence Drive, Southfield, Michigan, and Diplomat Tower,
15700 Providence Drive, Southfield, Michigan herewith grant full permission
and authorization to Fred Erb, Partner, to sign any and all necessary
documents for the purpose of separate electric metering and conversion to
said separate electric metering at the above mentioned addresses.

We hereto set our hands this 24 day of April, 1980.



William B. Risan, Partner, Embassy Tower
Diplomat Tower



Robert R. Risan, Partner, Embassy Tower
Diplomat Tower

RECORDED RIGHT OF WAY NO.

33181

EAST 35.03'

P.O.B

DUE WEST 600.00'

LIBER 7783 PAGE 805

N. 07° 32' 06" W. 495.48'

S. 00° 12' 06" E. 455.48'

WEST 360.03'

EAST 360.03'

P.O.B

DUE WEST 600.00'

GREENFIELD

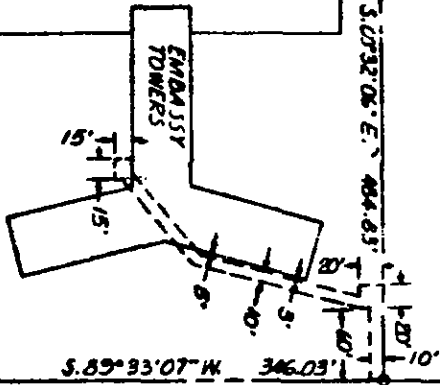
N. 0° 32' 06" W.

N. 0° 32' 06" W.

2546.93'

N. 07° 32' 06" W. 521.64'

S. 07° 32' 06" E. 444.85'



S. 89° 33' 07" W. 346.03'

S. 44° 33' 07" W. 19.74'

PROVIDENCE DR.

2051.95'

RECORDED RICTT OF V.V. NO. 33181

EMBASSY TOWERS EXHIBIT "A"

N. 89° 33' 07" E.

2560.74'

N. 0° 18' 23" W.

60.00'

S. 1/4 COR

NINE MILE

