

OVERHEAD EASEMENT (RIGHT OF WAY) NO. R-9410092-01

On 12-27, 1994, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

"Grantor" is:

Breckenbridge Homes, Inc., a Michigan Corporation, 2617 Beacon Hill Drive, Auburn Hills, Michigan 48326,

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226

"Grantor's Land" is in the City of Troy, Oakland County, described as:

Part of the East one-half (1/2) of Southwest one-quarter (1/4), Section 22, Town 2 North, Range 11 East, the East 71 feet of the West 142 feet of Lot 24 and the East 71 feet of the West 142 feet of the South 32 feet of Lot 25, Big Beaver Subdivision as recorded in Liber 21, Page 19 of Plats, Oakland County Records. Sidwell No. 20-22-376-021.

The "Right of Way Area" is a part of Grantor's Land and is described as:

The North Ten (10) feet of Grantor's land.

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- 1. Purpose: The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead utility line facilities consisting of poles, guys, anchors, wires, cables, transformers and accessories.
2. Access: Grantee has the right of access to and from the Right of Way Area.
3. Building or other Permanent Structures: No buildings or other permanent structures shall be placed in the Right of Way Area without Grantee's prior written consent.
4. Trees, Bushes, Branches or Roots: Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches or roots in the Right of Way Area (or that could grow into the Right of Way Area) that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities.
5. Restoration: If Grantee's employees, contractors, vehicles or equipment damage Grantor's Land while entering Grantor's Land for the purposes stated in this Right of Way, then Grantee shall restore Grantor's Land as nearly as can be to its original condition.
6. Successors: This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licensees and assigns.

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature) Breckenbridge Homes, Inc., a Michigan Corporation

Janine Garverick, James D. McDonald

By: ANTHONY F. RANDAZZO, Its: pat.

Acknowledged before me in Oakland County, Michigan, on December 27, 1994 by Anthony F. Randazzo the President of Breckenbridge Homes, Inc., a Michigan Corporation, for the Michigan Corporation.

Notary's Stamp: BARBARA S. GARVERICK, Notary Public, Oakland County, MI, My Commission Expires July 10, 1995. Notary's Signature: Barbara S. Garverick

RECORDED RIGHT OF WAY NO. 46593