

OVERHEAD EASEMENT (RIGHT OF WAY) NO. R-9306777-10R

On July 27<sup>th</sup>, 1993, 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:

Gary P. Johnston and Judith C. Johnston, husband and wife, 4855 Sawmill Lake Road, Orchard Lake, Michigan 48324

E#92 REG/DEEDS PAID 0001 NOV.04.93 12:21PM 1098 MISC 7.00

"Grantee" is:

The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, Michigan 48226
GTE North, Incorporated, a Wisconsin corporation, 455 E. Ellis, Muskegon, Michigan 49443
Concord Telecommunications, a Michigan corporation, 2410 Metamora Road, Oxford, Michigan 48371

"Grantor's Land" is in Brandon Township, Oakland County, Michigan, described as:

Part of NW 1/4, Sec. 4., T5N., R9E., beg at pt dist S 00°00'11" E 359.32 ft from N 1/4 cor, th S 00°00'11" E 165 ft, th S 89°54'50" W 660 ft, th N 00°00'11" W 165 ft, th N 89°54'50" E 660 ft to beginning. 2.50 acres. Sidwell No: 03-04-100-018

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

The south 5 ft of the east 285 ft of the grantor's land.

- 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.

RECORDED RIGHT OF WAY NO.

45266

7.00 2.00

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

TERRI SWAIM

Gary P. Johnston

JUDITH J BROOKS

Judith C. Johnston

Acknowledged before me in Oakland County, Michigan, on July 27<sup>th</sup>, 1993 by Gary P. Johnston and Judith C. Johnston, husband and wife.

JUDITH J. BROOKS
NOTARY PUBLIC - OAKLAND COUNTY, MICH.
COMMISSION EXPIRES 09-11-95

Notary's Signature Judith J Brooks

Prepared by and Return to: Terry L. Benedict, 1970 Orchard Lake Road, Sylvan Lake, Michigan 48320/lhp.