

OVERHEAD EASEMENT (RIGHT OF WAY) NO. R-9309862-01

On 10-26, 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:

Daniel T. Whelan and Mary Lou Whelan, Husband and Wife, 825 Granger, Ortonville, Michigan 48462

"Grantee" is:

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

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

Part of West 1/2 of Southwest 1/4 of Section 6, T5N, R9E, beginning at point distance South 00°28'55" E 440 feet and South 89°00'00" E 700 feet and South 00°28'55" E 350 feet and South 89°00'00" E 143 feet from West 1/4 corner; thence South 00°28'55" E 356.64 feet; thence South 88°34'00" E 253.36 feet; thence North 00°17'57" W 428.86 feet; thence North 88°34'00" W 254.73 feet; thence South 00°28'55" E 72.26 feet to beginning. 2.50 acres. Sidwell No: 03-06-301-013

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

As shown on the attached D.E. Company Drawing No. R-9309862-01 dated 08-25-93. The right of way is 10 feet in width.

- 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.

B#92 REG/DEEDS PAID
0001 NOV 29 '93 12:10PM
5386 MISC 9.00

RECORDED AGAIN ON MAY NO. 45353

Witnesses:(type or print name below signature)

Thomas W. Hankins
THOMAS W. HANKINS

Charles R. Ferguson
CHARLES R. FERGUSON

Grantor:(type or print name below signature)

Daniel T. Whelan
Daniel T. Whelan

Mary Lou Whelan
Mary Lou Whelan

Acknowledged before me in OAKLAND County, Michigan, on OCTOBER 26, 1993 by Daniel T. Whelan and Mary Lou Whelan, Husband and Wife.

THOMAS W. HANKINS
Notary Public, Genesee County, Michigan
Acting in Oakland County
My Commission Expires May 3, 1997

Notary's Stamp (Notary's name, county and date commission expires)

Notary's Signature Thomas W. Hankins

Prepared by and returned to: John C. Greenlee, 1970 Orchard Lake Road, Sylvan Lake, Michigan 48320/kjk.

Return Dver

B#92 REG/DEEDS PAID
0001 NOV 29 '93 12:10PM
5386 RMT FEE 9.00
2.00 RMT

OK - G.K.

