

OVERHEAD AND UNDERGROUND EASEMENT (RIGHT OF WAY) NO. R-9402079-01R

On May 31, 1994, for the consideration of system betterment, Grantor grants to Grantee a permanent overhead and underground easement ("Right of Way") in, on and across a part of Grantor's Land called the "Right of Way Area".

\$ 9.00 MISCELLANEOUS RECORDING
RECORDATION
4 OCT 94 2:52 P.M. RECEIPT# 187B
PAID RECORDED - OAKLAND COUNTY
LYNN D. ALLEN, CLERK/REGISTER OF DEEDS

"Grantor" is:

Hallmark Quality Homes Inc., a Michigan corporation, 2899 E. Big Beaver • Suite 285, Troy, MI 48083

"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

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

Part of Southeast ¼ of Section 29, T5N, R9E, beginning at point distance North 00°18'00" W 170 feet and South 40°03'10" E 556.80 feet and South 00°11'20" W 250 feet from center of section; thence South 00°11'20" W 847.98 feet; thence North 88°41'00" E 293.36 feet; thence North 00°11'20" E 1120 feet; thence North 30°06'00" W 220 feet; thence South 55°39'54" W 25 feet; thence South 30°06'00" E 211.27 feet; thence South 00°11'20" W 266.03 feet; thence South 88°41'00" W 268.34 feet to beginning. 5.99 acres. Sidwell No: 03-29-401-014

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

Shown on the attached D.E. Company Drawing No. R-9402079-01R dated 04-04-94.

- 1. Purpose:** The purpose of this Right of Way is to construct, reconstruct, modify, add to, operate and maintain overhead and underground utility line facilities consisting of poles, guys, anchors, wires, manholes, conduits, pipes, cables, transformers and accessories.
- 2. Access:** Grantee has the right of access to and from the Right of Way Area.
- 3. Buildings 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. Excavation:** As required by Public Act 53 of 1974, MISS DIG must be called on 1-800-482-7171 before anyone excavates in the Right of Way Area.
- 5. Trees, Bushes, Branches, Roots, Structures and Fences:** Grantee may trim, cut down, remove or otherwise control any trees, bushes, branches and roots in the Right of Way Area (or that could grow into the Right of Way Area) and remove structures and fences in the Right of Way Area that Grantee believes could interfere with the safe and reliable construction, operation and maintenance of Grantee's facilities. No trees, plant life, structures and fences shall be planted, grown or installed within 8 feet of the front door and within 2 feet of the other sides of transformers and switching cabinet enclosures. Grantee shall not be responsible to Grantor for damages to or removal of trees, plant life, structures and fences placed in front of transformer doors.
- 6. 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.
- 7. Successors:** This Right of Way runs with the land and binds and benefits Grantor's and Grantee's successors, lessees, licenses and assigns.

Witnesses:(type or print name below signature)

Grantor:(type or print name below signature)

Hallmark Quality Homes Inc., a Michigan corporation

Robert Blacksher
ROBERT BLACKSHER
Terry L. Benedict

by: Stefano Mularoni
STEFANO MULARONI
its: PRESIDENT

TERRY L. BENEDICT

Acknowledged before me in OAKLAND County, Michigan, on MAY 31, 1994 by

STEFANO MULARONI, the PRESIDENT of Hallmark Quality Homes Inc., a Michigan corporation, for the corporation.

TERRY L. BENEDICT

Notary Public, Oakland County, MI

Notary's Stamp My Commission Expires June 17, 2003

Notary's Signature

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

Terry L. Benedict

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

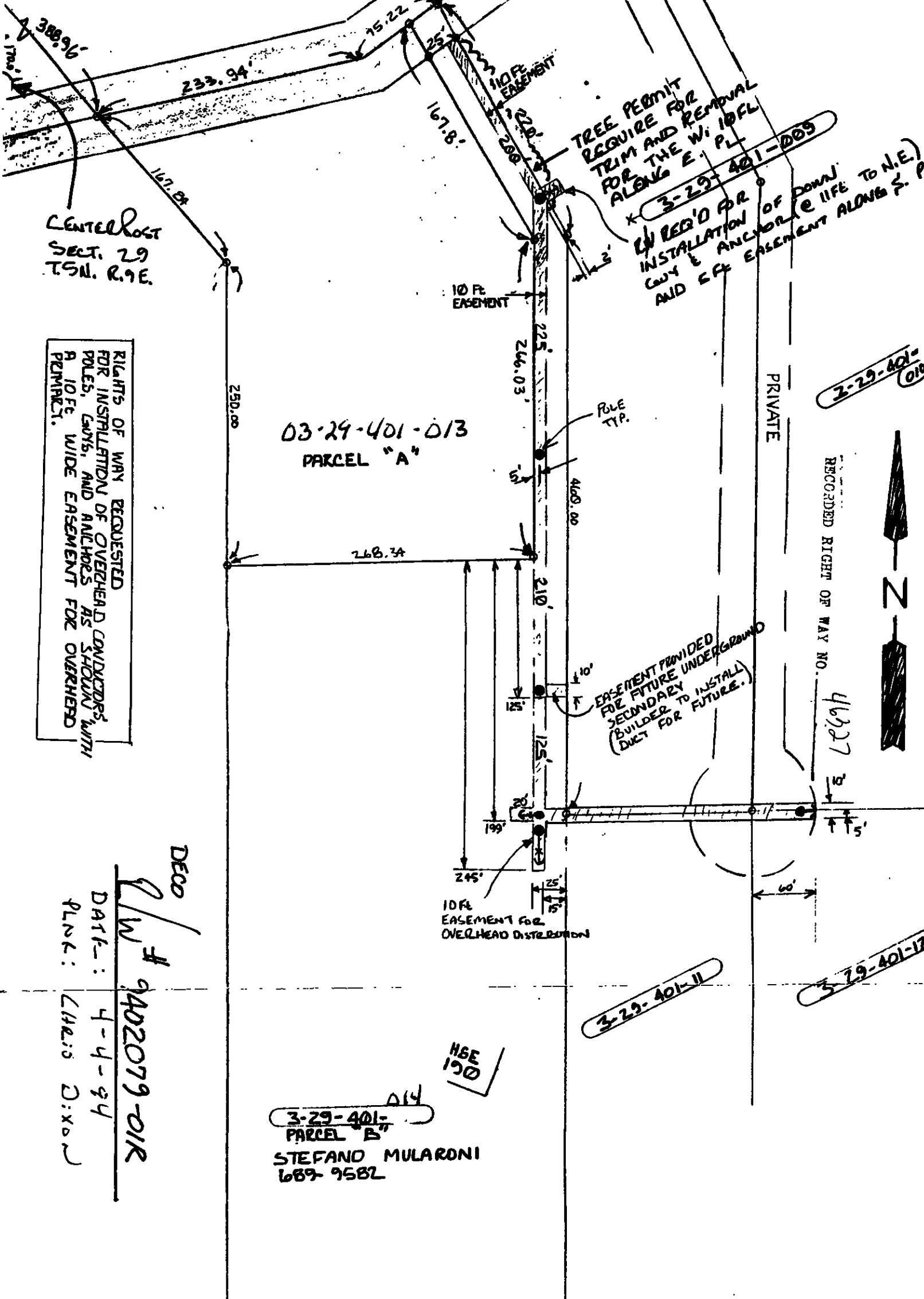
RECORDED RIGHT OF WAY NO.

46327

3-29-401-007
MIKE BOYLE
348-5774
EXT. 201

HSE

GUY & ANCHOR
INSTALLED 2 1/2" W. PARALLEL AL
SIDE OF P. LINE OF P. R.
DECO NO. 1
DISTURB



TREE PERMIT
REQUIRE FOR
TRIM AND REMOVAL
FOR THE W/ 10 FT
ALONG E. PL

3-29-401-009

W/ REQ'D FOR
INSTALLATION OF DOWN
GUY & ANCHOR (E LIFE TO N.E.)
AND EASEMENT ALONG S. P

CENTERPOST
SECT. 29
T.9N. R.9E.

RIGHTS OF WAY REQUESTED
FOR INSTALLATION OF OVERHEAD CONDUCTORS,
POLES, GWYS, AND ANCHORS AS SHOWN WITH
A 10 FT WIDE EASEMENT FOR OVERHEAD
PERMIT.

03-29-401-013
PARCEL "A"

PRIVATE

3-29-401-010

RECORDED RIGHT OF WAY NO. 46927



EASEMENT PROVIDED
FOR FUTURE UNDERGROUND
SECONDARY (BUILDER TO INSTALL
DUCT FOR FUTURE.)

10 FT
EASEMENT FOR
OVERHEAD DISTRIBUTION

3-29-401-11

3-29-401-12

DECO

DATE: 4-4-94
PLNK: CHRIS DIXON
9402079-01R

HSE
190

014
3-29-401-
PARCEL "B"
STEFANO MULARDI
689-9582