

CONSUMERS POWER COMPANY

TRACT 304.5-D318-5

MAP 6

ACCOUNT NO. \_\_\_\_\_

*Journal 8-327-5*

LOCATION					TITLE DATA					
Michigan	Oscoda	Big Creek			(13)	Prudential Land Company				
STATE	COUNTY	TOWNSHIP	MUNICIPALITY		NAME OF GRANTOR OR GRANTORS					
3	T 26 N	R 2 E		40 Acres	General	5-9-17	5-21-17	15	426	
SECTION	TOWN	RANGE	AREA		KIND OF DEED	DATE OF DEED	DATE OF RECORD	LIBER	PAGE	DEED NO. ABSTRACT NO.

(18)

LEGAL DESCRIPTION

The Southeast one-quarter (SE<sup>1</sup>/<sub>4</sub>) of Southwest one-quarter (SW<sup>1</sup>/<sub>4</sub>) of Section three (3), Township twenty-six (26) North, Range two (2) East, containing forty (40) acres more or less according to the Government Survey.

SEE NOTE #1 FOR RELEASE OF RIGHT OF WAY FOR HIGHWAY

SEE NOTE # 2 FOR SALE OF **PART OF ABOVE** LAND

40 YR. AFF'T.  
RECORDED 1966

CONDITIONS-RESTRICTIONS-LIMITATIONS

First party reserves all buildings now on sd premises, & agrees to remove the same within 2 months after receiving written notice to that effect from the 2nd party, her heirs, administrators or assigns. In case 1st party fails or neglects to remove sd buildings within the time above specified, the sd buildings will revert to, & become the property of the 2nd party, her heirs, administrators or assigns.

By General Deed dated Dec. 22, 1915, recorded Dec. 28, 1915, in Liber 15, page 330, (Deed #252), Prudential Land Co. conveyed to Consumers Power Co., the exclusive & perpetual right to flow with the waters of & in the Au Sable River & from any & all of its tributaries by the erection & maintenance of the Mio Dam across sd River of the height & at the place mentioned in the permission to construct the same granted by the Board of Supervisors of Oscoda Co. to the Eastern Michigan Power Co., its successors & assigns, over & upon the SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> of Section 3.

Deed #251 above does not except the flowage which was previously conveyed to Consumers Power Company. Deed from Prudential Ld. Co. to Consumers Power Co. in L. 15, P. 426 says: "Part of the desc in this paragraph desc (being the above & other ld) are SUBJECT to the right, title & interest conveyed by sd party of the 1st part to sd party of the 2nd part by deed dated 12-1-15 & recorded in Oscoda Co. Register's office on Dec. 24, 1915, in L. 15, P. 327 & 328." Sd deed in L. 15, P. 327 does not convey any part of the above land.

DATE	JOURNAL ENTRY	ITEMS OF COST	AMOUNT	TRANSFERS	BALANCE
Oct 1941	212	Original Cost (See Volume LR 2, Exhibit 27a, Working Papers)	\$ 6,933 03		\$ 6,933 03
Dec 1963	755	M.P.S.C. Land Audit Adj. JE-1		\$ (786 99)	6,146 04

MAPPED AND CHECKED

**PROPERTY TAX RECORD**

**GENERAL AND SPECIAL TAXES AND IMPROVEMENT ASSESSMENTS**

DATE	VOUCHER	KIND	ASSESSORS VALUATION	TAX PAID	ACCOUNT	DATE	VOUCHER	KIND	ASSESSORS VALUATION	TAX PAID	ACCOUNT
<b>GENERAL ENGINEERING MAP REFERENCES</b>											
Line Map No.		Sheet	of	Sheets							
Plan & Profile No.		Sheet	of	Sheets							
Survey Map No.		Sheet	of	Sheets							
<b>DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS</b>											
1. Abstract		Yes #381									
2. Opinions of Title											
3. Title Search											
4. Mortgage Release											
5. Tree Vouchers											
6. Other Documents											

TITLE HISTORY

- 1 Anna M. Solomon  
11-24-13 1-2-14 15-207 #167 W.D.
- 2 Effie R. McNichol, widow  
11-29-13 1-2-14 16-212 #167 W.D.
- 3 Eastern Michigan Power Company  
12-1-15 12-27-15 15-329 #341 General Deed
- 4 Prudential Land Company  
5-9-17 5-21-17 15-426 #251 General Deed
- 5 Consumers Power Company

OTHER DATA AND NOTES

NOTE #1

(By Sale No. 147.794) Consumers Power Company granted a release of right of way for highway purposes across the land on the caption of this tract and other lands as follows:

1. Consumers Power Company  
8-2-60 Release of Right of Way
2. Board of Co. Rd Commissioners, Co. of Oscoda Highway

X-5

Forever, the easement and right of way for hwy purposes on, over, alg & across a certain piece or pcl of ld situate in the Twp of Big Creek, County of Oscoda & State of Michigan, known and desc as follows, to wit:

The S $\frac{1}{2}$  of the SW $\frac{1}{4}$  & the W $\frac{1}{2}$  of the SE $\frac{1}{4}$  & the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  & all that part of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  lying S & W of the N & E line of a public hwy running through the SW corner thereof, as sd public hwy existed on November 2, 1916, sd ld being all in Sec 3, T26N, R2E.

The r/w hereby conveyed & released is for the sole & only purpose of locating & establishing a hwy over & across sd premises & is to be used for no other purpose; sd hwy to be 66 ft wide being 33 ft on each side of a ctr line desc as follows:

(continued)

NOTE #1 (continued)

To find the place of beg of sd ctr line begin at a pt on the W line of Sec 10, T26N, R2E, 142 ft S of the NW corner of sd Sec 10 run th N 79°53' E 192.3 ft to the pt of curve of an 8° curve to the left; th alg the arc of sd 8° curve to the left 293.7 ft to the place of beg of sd ctr line which is on the S line of Sec 3, T26N, R2E, run th alg the arc of the sd 8° curve 203.2 ft to the pt of tangent of sd curve; th N 40° 8' E 531.3 ft to the pt of curve of an 8° curve to the right; th alg the arc of sd 8° curve 761.3 ft to the pt of tangent of sd curve; th S 78°58' E 723.1 ft to the pt of curve of a 7° curve to the left; th alg the arc of sd 7° curve 208.3 ft to the pt of tangent of sd curve; th N 86°27' E 416.3 ft to the pt of curve of a 14° curve to the right; th alg the arc of sd 14° curve 153.7 ft to the pt of tangent of sd curve; th S 72°2' E 398.5 ft to the pt of curve of a 14° curve to the left; th alg the arc of sd 14° curve 814.3 ft to the pt of tangent of sd curve; th N 6°2' W 199.5 ft to the pt of curve of an 8° curve to the left; th alg the arc of sd 8° curve 330.2 ft to the pt of tangent of sd curve; th N 32°27' W 913.4 ft to the pt of curve of a 4° curve to the left; th alg the arc of sd 4° curve 254.6 ft to the pt of tangent of sd curve; th N 42°38' W 658.3 ft to the pt of curve of a 14° curve to the right; th alg the arc of sd 14° curve 305.6 ft to the pt of tangent of sd curve; th N 0°9' E 2070.8 ft to a pt on the N line of the NW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of sd Sec 3.

This conveyance is made subject to the following express conditions, reservations and exceptions, to wit:

FOR FURTHER DETAILS SEE ORIGINAL INSTRUMENT

NOTE #2: OSCODA #15: 189.533-3

CONVEYED <u>Part of</u> TRACT TO: <u>U.S.A.</u>
BY <u>WD</u> DEED DATED <u>12-23-86</u>

<b>MINERALS</b>
RESERVED FROM SALE <u>X</u>
NOT OWNED AT TIME OF SALE _____

*Flowage + Elec. Dist.*  
*See Orig. w/ Gen Deed file.*

Oscoda 15

State of Michigan } Recorded 30<sup>th</sup> Day of  
County of Oscoda } Feb. A.D. 1986 at 9:32  
O'clock A.M. in Liber 153 of 1192 on page 509-523  
Petty R. Blamer Registrar of Deeds

WARRANTY DEED

CONSUMERS POWER COMPANY, a corporation organized and existing under the laws of the State of Michigan, having its principal office at 212 West Michigan Avenue, Jackson, Michigan 49201, GRANTOR, for and in consideration of the sum of TWO HUNDRED EIGHTY-THREE THOUSAND AND NO/100 DOLLARS (\$283,000.00), received to its full satisfaction, does by these presents CONVEY AND FOREVER WARRANT UNTO THE UNITED STATES OF AMERICA Washington, D.C., and its assigns, GRANTEE, certain tracts of land with all appurtenances thereunto belonging or in anywise appertaining, situate in the Township of Big Creek, County of Oscoda, State of Michigan, said lands hereby conveyed being more particularly described in Exhibit "A" attached hereto and made a part hereof, and said lands containing in aggregate 665.38 acres, more or less.

24

SUBJECT TO easements, if any, for established or existing roads, highways, railroads, and utilities to include those rights set forth in the instrument recorded in Liber 94, Page 307 of the Oscoda County, Michigan records.

SUBJECT ALSO TO minerals and mineral rights and rights of ingress and egress outstanding of record in the State of Michigan as set forth in the instrument recorded in Liber 9X, Page 618 of the Oscoda County, Michigan records, said outstanding rights affecting only those lands described in Exhibit "B-2" attached hereto and made a part hereof.

RESERVING TO Grantor, its successors and assigns, the right to flow those lands described in Exhibit "A" which are adjacent to the AuSable River, together with the right to fluctuate or otherwise affect the flow of water in said river by the normal operation and maintenance of any dam or dams of Grantor in said river, the exercise of said reservation as it pertains to Exhibit "A" lands being subject, however, to the terms, conditions, provisions, and

I hereby certify that for the five years preceding date of said instrument there are no tax liens or titles held by the State for any unpaid taxes, except such as may be in the process of collecting.

1230 19 Ed Parks Coats  
Min. Mich. Oscoda County Treasurer

LIBER 153 PAGE 509

REAL ESTATE  
TRANSFER TAX  
3 1 1 3 0  
STATE OF MICHIGAN  
DEPT. OF TREASURY  
TAXATION  
PB-10596

0 1 5 1 8 4

RECORDED  
200250

*[Handwritten signature]*

Consideration, Acreage Descriptions checked  
Reservation, Exception, Easement checked

limitations of the "Order Issuing License (Major)" of the United States of America, Federal Power Commission (Federal Energy Regulatory Commission) now pertaining to Project No. 2448 (Mio Dam) and, to the extent they may be determined applicable, subject also to the Rules and Regulations of the Secretary of Agriculture dated August 5, 1938, a copy of which is attached hereto and made a part hereof as Exhibit "D".

RESERVING ALSO TO the Grantor, its successors or assigns, all oil, gas, and associated hydrocarbon substances in and under the lands described in Exhibit "B-1", together with the right to enter upon said lands and to prospect for, mine, and remove said oil, gas, and hydrocarbon substances, Forever, subject to the Rules and Regulations of the Secretary of Agriculture, dated April 30, 1963, a copy of which is attached hereto and made a part hereof as Exhibit "C".

RESERVING ALSO TO the Grantor, its successors or assigns, Forever, subject to the Rules and Regulations of the Secretary of Agriculture, dated August 5, 1938, a copy of which is attached hereto and made a part hereof as Exhibit "E", the easement and right to construct, erect, lay and maintain one or more lines consisting of poles, wires, cables, conduits and other fixtures and appurtenances for the purpose of transmitting and distributing electricity and/or conducting a communication business on, over, under, and across certain strips of land 30 feet in width over a portion of the premises herein conveyed, said strips being described in Exhibit "F" attached hereto and made a part hereof, with full right and authority to Grantor, its successors, licensees, lessees, or assigns, and its and their agents and employees, subject to said Rules and Regulations set forth at Exhibit "E", to enter at all times upon said strips of land for the purpose of patrolling, constructing, repairing, removing, replacing, improving, enlarging, and maintaining such wires, cables, conduits, structures, towers, poles and other supports with all necessary braces, guys, anchors, manholes, and transformers and stringing thereon, and supporting and suspending therefrom lines of wire, cables, or other conductors for the transmission of electrical energy and/or communication, and also the right to cut, trim, remove, destroy, or otherwise control all trees and brush growing upon said 30-foot wide strips of land which may, in the opinion of Grantor, interfere or threaten to interfere with or be hazardous to

the construction, operation, and maintenance of said lines. No buildings or other structures will be placed on said strips of land without the written consent of Grantor. Limited use of a part of the easement area reserved by the Grantor and occupied by Grantor's distribution line facilities shall not constitute abandonment as to any unused portion of said easement area which is situated within the easement boundaries and located to either side of that portion of said easement area occupied by Grantor's distribution line facilities.

The acquiring agency is the Forest Service, Department of Agriculture.

TO HAVE AND TO HOLD the said premises described at Exhibit "A" unto Grantee, its successors and assigns, to the sole and only proper use, benefit and behoof of Grantee, its successors and assigns, Forever.

IN WITNESS WHEREOF, Consumers Power Company has caused these presents to be executed in its corporate name by its duly authorized officer this 29<sup>th</sup> day of December, 1986.

In the presence of:

CONSUMERS POWER COMPANY

Beverly Wilson  
Beverly Wilson

By G. L. Weins  
G L Weins  
Vice President

W L Reid  
W L Reid

APPROVED AS TO FORM  
DWR  
CONSUMERS POWER COMPANY  
LEGAL DEPARTMENT

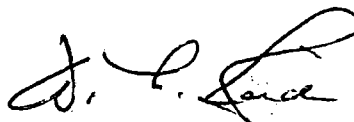
(CORPORATE SEAL)

ATTEST:

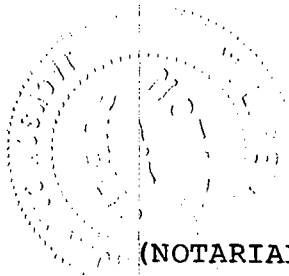
J. H. Morley  
Vice Secretary

STATE OF MICHIGAN )  
 ) SS  
COUNTY OF JACKSON )

On this 23rd day of December, 1986,  
before me, a Notary Public in and for said county,  
personally appeared G L Heins  
to me duly sworn, did say that he is the  
Vice President of Consumers Power Company, the  
corporation named in and which executed the within  
instrument, and that the seal affixed to said instrument is  
the corporate seal of said corporation, and that said  
instrument was signed and sealed on behalf of said  
corporation by authority of its Board of Directors, and said  
G L Heins, acknowledged said instrument to  
be the free act and deed of said corporation.



W L Reid  
Notary Public



(NOTARIAL SEAL)

My commission expires:

**WILLIAM E. REID**  
Notary Public, Jackson County, MI  
My Commission Expires Aug. 7, 1988

This instrument was drafted by Michael J. Danaher, Attorney,  
Office of General Counsel, U. S. Department of Agriculture,  
Milwaukee, Wisconsin, and B. E. Hagen, Supervisory Attorney,  
Consumers Power Company.

OSCODA COUNTYT26N. R2E. MICHIGAN MERIDIAN. BIG CREEK TOWNSHIPAPPROXIMATE  
ACREAGESection 2:

That part of the S 1/2 of the SW 1/4 of said section lying S'ly of the center thread of the Au Sable River, and also the portion of the island located in the SW 1/4 SW 1/4 of said section 2 which lies N'ly of said center thread.

14.9

Section 3:

20

The E 1/2 of the SW 1/4 and W 1/2 of the SE 1/4 of said Section 3, all lying S'ly of the center thread of the Au Sable River; and any islands located within Section 3 which lie N'ly of said center thread; except a strip of land 330 feet wide across the W 1/2 of Section 11, the NE 1/4 and the NE 1/4 of the NW 1/4 of Section 10 and the SW 1/4 of Section 3, T26N, R2E, the E'ly and NE'ly line of said strip being 115 feet E'ly and 115 feet NE'ly of the survey center line of an existing transmission line, described as follows: To find the place of beginning of this description, commence at the SW corner of said Section 11, run thence N 89° 58' E along the S line of said section 1,547.80 feet to the survey center line of an existing transmission line and the place of beginning of this description, thence N 0° 20' 54" W along said survey center line 2,239 feet, thence N 63° 40' 54" W along said center line 4,574 feet, thence N 43° 59' 54" W along said center line approximately 2,537 feet to the S'ly bank of Mio Pond on the Au Sable River, thence continuing N 43° 59' 54" W along said center line to the center thread of said river and the place of ending of this description; and further excepting that portion of said section 3 lying SW'ly of the previously described fee exception.

80.49

Section 4:

The S 1/2 of said section 4 lying S'ly of the center thread of the Au Sable River, and also any islands located N'ly of the center thread of the Au Sable River within said section 4.

195.3