

RESERVATION FROM SALE OF LAND FOR ELECTRIC TRANSMISSION

775-149

Oscoda

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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 THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00) received to its full satisfaction, ~~has 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 Townships of Mentor and Big Creek, County of Oscoda, State of Michigan, said lands being more particularly described in Exhibit "A" attached hereto and made a part hereof, and said lands containing an aggregate of 4847.10 acres, more or less, TOGETHER with a Conservation Easement in perpetuity in, over, and upon certain other tracts of land, described in Exhibit "B" attached hereto and made a part hereof, along with a right of annual entry (said right to be exercised after prior notice to the landowner) onto said lands for easement inspection purposes, the conservation easement to be of the nature and extent as immediately herein-after specified, to run with the lands described in Exhibit "B", and to be appurtenant to and for the benefit of the lands described in Exhibit "A".

THE NATURE AND EXTENT of the Conservation Easement hereinabove noted and hereby conveyed shall restrict the use of only the lands identified in Exhibit "B" in the following manner:

CONSERVATION EASEMENT RESTRICTIONS

- Said lands shall be used for single family residential purposes and for recreational purposes, including all uses necessarily or customarily incidental to said purposes. No commercial or business activity of any kind shall be conducted on said lands.

- No more than one permanent single family residential structure with appurtenant buildings shall be constructed or placed on each parcel of land described in Exhibit B.
- No buildings or other structures hereafter erected on said lands shall be located within 200 feet of the edge of the AuSable River.
- No trees, except trees that are dead, diseased or unsafe, will be cut or removed within the area lying between the edge of the AuSable River and a line drawn 100 feet upland from and parallel with the edge of said river.
- No billboards or commercial outdoor advertising structures of any nature shall be located on said lands.
- Anything in paragraphs numbered 1 through 3, to the contrary notwithstanding, these use restrictions shall not prevent (i) the use of said lands (located outside the area lying between the edge of the AuSable River and a line drawn 100 feet upland and parallel with the edge of the river) for roadways or utility lines, (ii) the commercial cutting of trees outside the area lying between the edge of the AuSable River and a line drawn 100 feet upland from and parallel with the edge of said river, (iii) the exercise by Grantor, its successors or assigns, of all rights in connection with its ownership of oil, gas, and other hydrocarbons, and all saline minerals and associated substances, provided, however, that the exercise of said rights shall not be conducted upon the surface of the area lying between the edge of the AuSable River and a line drawn 200 feet upland from and parallel with the edge of said river, it being the intention hereby to prohibit all but subsurface slant drilling into said 200-foot-wide area from locations outside, but adjacent thereto, (iv) the replacement of or any addition to any building or other structure located anywhere on said lands on the date of this conservation easement grant.

Other TRACT ID #s CREATED BY THIS SALE

2-DX5-7	12.5-DX5-2
3-DX5-3	13.1-DX5-2
4.3-DX5-2	14-DX5-841
4.2-DX5-1	15-DX5-342
4.1-DX5-2	16-DX5-5
5-DX5-4	16.1-DX5-3
5.1-DX5-1	17-DX5-4
10-DX5-1	17.1-DX5-2
11-DX5-3	17.2-DX5-3
12-DX5-4	17.3-DX5-3
12.0-DX5-2	17.4-DX5-3
12.2-DX5-1	17.5-DX5-1
12.6-DX5-3	17.6-DX5-1
13-DX5-1	17.7-DX5-3
12.4-DX5-4	

18-DX5-5
18.1-DX5-4
19-DX5-4
19.1-DX5-3
19.2-DX5-3
17.0-DX5-4

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It is the intent hereof that said negative easement restrictions hereby granted shall extend, be applicable to, and run only with the lands described in Exhibit "B", and shall not be deemed applicable to any other lands of Grantor and Grantee by implication, inference, or otherwise, unless so made specifically applicable by a duly recorded written instrument.

SUBJECT TO easements, if any, for established or existing roads, highways, railroads, and utilities.

SUBJECT ALSO TO minerals and mineral rights, if any, outstanding of record in third parties.

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, said reservation as it pertains to Exhibit "A" lands being subject, however, to the terms, conditions, provisions; and 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), Project No. 2447 (Alcona Dam), Project No. 2449 (Loud Dam), Project No. 2453 (Five Channels Dam), Project No. 2450 (Cooke Dam), and Project No. 2436 (Foote Dam).

RESERVING ALSO TO the Grantor, its successors or assigns, all oil, gas, and associated hydrocarbon substances, and all saline minerals and associated substances, in and under the lands described in Exhibit "A", together with the right to enter upon said lands and to prospect for, mine (including solution mining), and remove said oil, gas, and hydrocarbon substances, and all saline minerals and associated 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",

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the easement and right to construct, erect, lay and maintain one or more lines consisting of pole structures, poles, or any combination of same, 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 200 feet in width for all transmission lines, and 30 feet in width for all distribution lines, over a portion of the premises herein conveyed, said strips being described in Exhibit "D" 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, pole structures, poles and other supports with all necessary braces, guys, anchors, manholes, and transformers and stringing thereon, and supporting and suspending therefrom lines of wires, 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 200-foot and 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 transmission 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 transmission line facilities.

RESERVING ALSO TO the Grantor, its successors or assigns, certain easements and private access road rights of way 16 1/2 feet wide leading to various parcels described in Exhibit B, and to other lands of Grantor not herein conveyed, said easements being more particularly described in Exhibit A under the caption "Road Easement Reservation," said easements being over and across certain lands also described in Exhibit A, and said easements and road rights of way being expressly

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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 acquiring agency is the Forest Service, Department of Agriculture.

TO HAVE AND TO HOLD the said premises described at Exhibit "A," together with the Conservation Easement right hereinabove specified in, over, and upon the lands described at Exhibit "B," 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 29th day of December, 1980.

In the presence of:

W. L. Reid
W. L. Reid
Carol J. Kielar
Carol J. Kielar

CONSUMERS POWER COMPANY

By G. L. Heins
G. L. Heins
Vice President,
System Operations

APPROVED AS TO FORM
CONSUMERS POWER COMPANY
LEGAL DEPARTMENT

ATTEST:

J. H. Mellinger
J. H. Mellinger
SECRETARY ASSISTANT SECRETARY

(CORPORATE SEAL)

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STATE OF MICHIGAN)
COUNTY OF JACKSON) ss

On this 29th day December, 1980, before me, a Notary Public in and for said county, personally appeared G. L. Heins, to me personally known, who by me duly sworn, did say that he is the Vice President, System Operations 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.

Carol J. Kielar
Carol J. Kielar
Notary Public
Jackson County, Michigan

(NOTARIAL SEAL)

My commission expires: December 22, 1981

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

OSCODA COUNTYT26N, R2E, MICHIGAN MERIDIAN, BIG CREEK TOWNSHIPApproximate
AcreageSection 9:

The NW 1/4 of the NE 1/4 and the NE 1/4 of the NW 1/4.

80.00

Section 11:

The South 30 acres of the SW 1/4 of the SW 1/4.

30.00

T26N, R3E, MICHIGAN MERIDIAN, MENTOR TOWNSHIPSection 6:

The NE 1/4 of the SE 1/4 and the S 1/2 of the SE 1/4.

120.00

Section 7:

The SE 1/4 of the NE 1/4 and that part of the E 1/2 of the SE 1/4 and a 100 foot wide strip of land in the W 1/2 of the SE 1/4 of said Section 7 lying Northerly of a line described as beginning at a point on the East line of said section 393 feet North of the Southeast corner, running thence Northwesterly to a point on the East and West 1/4 line, which is 2505 feet West of the E 1/4 corner of said section.

94.67

Section 8:

The W 1/2 except commencing at the S 1/4 corner of said section; running thence N 0° 35' 14" W along the North and South 1/4 line of said section 666.46 feet to the place of beginning of this description; thence continuing N 0° 35' 14" W along said 1/4 line 1332.93 feet; thence S 88° 19' 05" W, 678.96 feet to an iron rod near the SE'ly bank of the Au Sable River; thence continuing S 88° 19' 05" W to the center thread of said river;

Exhibit A
Page 1 of 7T26N, R3E, MICHIGAN MERIDIAN (Cont'd.)Approximate
AcreageSection 8 (Cont'd.):

thence downstream along said center thread to a point S 88° 24' 04" W of the place of beginning; thence N 88° 24' 04" E to an iron rod near the E'ly bank of the Au Sable River; thence continuing N 88° 24' 04" E, 511.79 feet to the place of beginning and the SE 1/4 except the North 66 feet of the East 990 feet.

464.50

Section 9:

The SW 1/4 of the NE 1/4 and the SE 1/4.

200.00

Section 10:

The S 1/2 of the NW 1/4 and the S 1/2 of the SE 1/4 and the SW 1/4 except commencing at the Southwest corner of said section and the place of beginning of this description; running thence N 88° 39' 24" E along the South line of said section, 665.71 feet; thence N 0° 46' 55" W, 577.22 feet to an iron rod near the South bank of the Au Sable River; thence continuing N 0° 46' 55" W to the center thread of said river; thence upstream along said center thread to the West line of said section; thence S 0° 50' 23" E along said West section line to an iron rod near the SW'ly bank of the Au Sable River; thence continuing S 0° 50' 23" E along said West section line 725.37 feet to the place of beginning; also, except commencing at the S 1/4 corner of said section; running thence N 0° 36' 35" W along the North and South 1/4 line of said section, 641.24 feet to an iron rod near the North bank of the Au Sable River and the place of beginning of this description; thence continuing N 0° 36' 35" W along said 1/4 line 769.40 feet; thence S 88° 22' 24" W, 725.90 feet to an iron rod near the NE'ly bank of the Au Sable River; thence continuing S 88° 22' 24" W to the center thread of said river; thence downstream along said center thread to the North and South 1/4 line of said section; thence N 0° 36' 35" W along said 1/4 line to the place of beginning.

297.78

Exhibit A
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T26N, R3E, MICHIGAN MERIDIAN (Cont'd.)

Approximate
Acreage

Section 11:

The SW 1/4 of the NE 1/4, and the NE 1/4 of the SW 1/4, and all that part of the NW 1/4 of the SE 1/4 lying Northwesterly of the center thread of the Au Sable River, and the S 1/2 of the SE 1/4 lying Southerly of the center thread of the Au Sable River, and the SW 1/4 of the SW 1/4, and the SE 1/4 of the SW 1/4, except all that part of the SE 1/4 of the SW 1/4 lying South of County Road #600 and North of the center thread of the Au Sable River.

239.00

Section 12:

The South 200 feet of the SW 1/4 and the South 200 feet of the West 245 feet of the SE 1/4, and the N 1/2 of the NW 1/4 and the N 1/2 of the SW 1/4 and the SE 1/4 of the SE 1/4 and the N 1/2 of the SE 1/4 and all that part of the NE 1/4 lying Northeastly of the center thread of the Au Sable River; excepting therefrom a parcel of land described as beginning at the E 1/4 corner of said Section 12; thence N 0° 33' 12" W along the East line of said section 462 feet; thence N 88° 53' 55" W, 660.32 feet; thence S 0° 17' 07" E, 761.76 feet to an iron rod near the NW'ly bank of said river; thence continuing S 0° 17' 07" E to the center thread of said river; thence downstream along said center thread to the East line of said Section 12; thence N 0° 13' 25" W to an iron rod near the Northerly bank of said river; thence N 0° 13' 25" W, 123.65 feet to the place of beginning; also, excepting therefrom all that part of the NE 1/4 of the SE 1/4 of said Section 12 lying above elevation 914 above mean tide at New York City, according to United States Geological Survey Datum, which is described as: Beginning at the Southwest corner of the NE 1/4 of the SE 1/4, Section 12; thence N 89° 15' E, 102.2 feet along the S 1/8 line; thence N 44° 59' 40" E, 146.6 feet; thence S 80° 46' 20" E, 150.8 feet; thence N 40° 47' 10" E, 53.7 feet; thence N 57° 27' W, 71.1

Exhibit A
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T26N, R3E, MICHIGAN MERIDIAN (Cont'd.)

Approximate
Acreage

Section 12 (Cont'd.):

feet; thence N 66° 05' 30" W, 127.6 feet; thence N 53° 41' 30" E, 138.5 feet; thence N 49° 15' 10" W, 133 feet, more or less, to the West line of the NE 1/4 of the SE 1/4, Section 12; thence South along the E 1/8 line to the place of beginning.

394.64

Section 13:

A strip of land 200 feet wide being 50 feet Southwesterly and 150 feet Northeastly of a line described as beginning at a point on the East line of said section, 50 feet North of the S 1/8 line of said section; thence Northwesterly to the North section line at a point 95 feet East of the N 1/4 post of said section.

21.10

Section 14:

The NW 1/4 of the NW 1/4 and the N 1/2 of the NE 1/4.

120.00

Section 15:

The NW 1/4 and the South 100 feet of the NW 1/4 of the NE 1/4 and the NE 1/4 of the NE 1/4, except commencing at the Northeast corner of said Section 15; thence S 0° 03' 00" E along the East line of said section, 1315.32 feet to the N 1/8 line; thence S 88° 29' 15" W along said 1/8 line 308.92 feet to the place of beginning; thence continuing S 88° 29' 15" W along said 1/8 line 1008.92 feet to the E 1/8 line; thence N 0° 37' 52" W along said E 1/8 line 1307.28 feet to the North line of said section; thence N 88° 09' 12" E along said North line 450 feet; thence S 0° 29' 07" E, 484.37 feet to an iron rod near the North bank of the Au Sable River; thence continuing S 0° 29' 07" E to the center thread of said river; thence downstream along said center thread to a point N 0° 29' 07" W of the place of beginning; thence S 0° 29' 07" E to the place of beginning.

182.43

Section 16:

The NE 1/4.

160.00

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NAME OF GRANTOR

MUNICIPALITY

SECTION

TOWN

RANGE

TRACT 1-DX5-8 (cont.)

MAP

KIND OF INSTRUMENT

DATE OF INST.

DATE OF RECORD

LIBER

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PLAT OR AREA

T26N, R3E, MICHIGAN MERIDIAN (Cont'd.)Approximate
AcreageSection 17:

The N 1/2, except the following described two parcels: Parcel #1: Beginning at the Northwest corner of said Section 17; thence East on said section line 8.8 feet; thence Southerly in a straight line to a point which is 434 feet South and 14.8 feet East of the Northwest corner of said Section 17; thence West 14.8 feet to the West line of said section; thence North along said section line to the place of beginning. Parcel #2: To find the place of beginning, commence at the Northwest corner of said Section 17; run thence N 88° 55' 20" E along the North line of said section, 74.8 feet to the place of beginning; running thence S 01° 20' 30" E along a line parallel with the West line of said section and 74.8 feet Easterly therefrom, a distance of 700 feet; thence N 88° 55' 20" E, 700 feet; thence N 01° 20' 30" W, 327.46 feet; thence N 49° 07' 00" W, 557.16 feet to the North line of said section; thence S 88° 55' 20" W along the North line of said section, 287.41 feet to the place of beginning.

310.40

T26N, R4E, MICHIGAN MERIDIAN, MENTOR TOWNSHIPSection 13:

The SW 1/4 of the SW 1/4.

40.00

Section 14:

The S 1/2 of the SE 1/4 and the S 1/2 of the SW 1/4.

160.00

Section 15:

The SW 1/4 of the NW 1/4 and entire S 1/2 of section, except commencing at the E 1/4 corner of said section; running thence N 84° 38' 16" W along the East and West 1/4 line of said section, 1978.24 feet to the place of beginning of this description; thence S 3° 48' 39" W, 700 feet; thence N 84° 38' 16" W, 660 feet to the North and South 1/4 line of said section; thence N 3° 48' 39" E along said North and South 1/4 line 700 feet to the center of said section; thence S 84° 38' 16" E along said East and West 1/4 line 660 feet to the place of beginning.

349.40

Exhibit A
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AcreageSection 16:

Entire section, except the N 1/2 of the NE 1/4 and the S 1/2 of the SW 1/4.

480.00

Section 17:

The E 1/2 of the NE 1/4 and the NE 1/4 of the SE 1/4 and the South 200 feet of the NW 1/4 of the SE 1/4 and the South 200 feet of the N 1/2 of the SW 1/4.

138.18

Section 18:

The South 200 feet of the N 1/2 of the S 1/2 of Section 18.

27.81

Section 22:

The NE 1/4 of the NE 1/4 and a 200 foot wide strip of land across the SE 1/4 of the NE 1/4 and the NW 1/4 of the NE 1/4 and the NE 1/4 of the NW 1/4, the center line of said strip described as beginning on the East line of said section at a point 1210 feet North of the E 1/4 post; thence N 62° W to the North line of said section at a point 642 feet West of the N 1/4 post of said section.

51.13

Section 23:

The N 1/2 of section and the N 1/2 of the S 1/2.

480.00*

Section 24:

The NW 1/4 and the NE 1/4 of the SW 1/4 and the NW 1/4 of the NE 1/4 and the S 1/2 of the NE 1/4 and the N 1/2 of the SE 1/4, also the South 200 feet of the NW 1/4 of the SW 1/4.

406.06

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ROAD EASEMENT RESERVATION

A strip of land 1 rod in width in Section 8, T26N, R3E, being 8.25 feet on each side of a center line described as follows: Beginning at a point on the Southwesterly side of McKinley Road at the intersection with the center line of an existing trail, said point being approximately 920 feet West of the North and South 1/4 line of said section and approximately 1200 feet North of the East and West 1/4 line of said section; running thence Southerly along the center line of said existing trail to a point which is 700 feet South of the East and West 1/4 line of said section.

A strip of land 1 rod in width in Section 15, T26N, R3E, being 8.25 feet on each side of a center line described as follows: Beginning at a point on the North line of South River Road at the intersection with the center line of an existing trail, said point being approximately 400 feet East of the West line of said section; thence Northerly along the center line of said existing trail to a point on the North line of said Section 15 approximately 425 feet East of the West line of said section.

A strip of land 1 rod in width in Section 12, T26N, R3E, being 8.25 feet on each side of a center line described as follows: Beginning at a point on the South line of McKinley Road at the intersection with the center line of an existing trail, said point being approximately 1500 feet West of the East line of said section; thence Southeasterly, Southerly and Easterly along the center line of said existing trail to a point 660 feet West of the East line of said section and approximately 299 feet South of the East and West 1/4 line of said section.

Exhibit A
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OSCODA COUNTYParcel 1

A parcel of land in the SW 1/4 of Section 8, T26N, R3E, described as follows: To find the place of beginning of this description, commence at the S 1/4 corner of said section; run thence N 0° 35' 14" W along the North and South 1/4 line of said section, 666.46 feet to the place of beginning of this description; thence continuing N 0° 35' 14" W along said 1/4 line, 1332.93 feet; thence S 88° 19' 05" W, 678.96 feet to an iron rod near the SE'ly bank of the Au Sable River; thence continuing S 88° 19' 05" W to the center thread of said river; thence downstream along said center thread to a point S 88° 24' 04" W of the place of beginning; thence N 88° 24' 04" E to an iron rod near the E'ly bank of the Au Sable River; thence continuing N 88° 24' 04" E, 511.79 feet to the place of beginning. (Bearings are based on the South line of said Section 8 between the Southwest corner and S 1/4 corner assumed as N 88° 26' 32" E.)

Parcel 2

A parcel of land in the SW 1/4 of the SW 1/4 of Section 10, T26N, R3E, described as follows: Commence at the Southwest corner of said section and the place of beginning of this description; run thence N 88° 39' 24" E along the South line of said section, 665.71 feet; thence N 0° 46' 55" W, 577.22 feet to an iron rod near the South bank of the Au Sable River; thence continuing N 0° 46' 55" W to the center thread of said river; thence upstream along said center thread to the West line of said section; thence S 0° 50' 23" E along said West section line to an iron rod near the SW'ly bank of the Au Sable River; thence continuing S 0° 50' 23" E along said West section line, 725.37 feet to the place of beginning. (Bearings are based on the East line of said Section 15 between the Northeast corner and E 1/4 corner assumed as S 0° 03' 00" E.)

Parcel 3

A parcel of land in the SW 1/4 of Section 10, T26N, R3E, described as follows: To find the place of beginning of this description, commence at the S 1/4 corner of said section; run thence N 0° 36' 35" W along the North and South 1/4 line of said section, 641.24 feet to an iron rod near the North bank of the

Exhibit B
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TITLE DATA

MICHIGAN

STATE

COUNTY

TOWNSHIP

CONSUMERS POWER CO.

TRACT 1-DX5-8 (cont.)

NAME OF GRANTOR

MUNICIPALITY

SECTION

TOWN

RANGE

MAP

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PLAT OR AREA

Au Sable River and the place of beginning of this description; thence continuing N 0° 36' 35" W along said 1/4 line, 769.40 feet; thence S 88° 22' 24" W, 725.90 feet to an iron rod near the NE'ly bank of the Au Sable River; thence continuing S 88° 22' 24" W to the center thread of said river; thence downstream along said center thread to the North and South 1/4 line of said section; thence N 0° 36' 35" W along said 1/4 line to the place of beginning. (Bearings are based on the East line of said Section 15 between the Northeast corner and E 1/4 corner assumed as S 0° 03' 00" E.)

Parcel 4

A parcel of land in the NE 1/4 of the NE 1/4 of Section 15, T26N, R3E, described as follows: To find the place of beginning of this description, commence at the Northeast corner of said section; run thence S 0° 03' 00" E along the East line of said section, 1,315.32 feet to the N 1/8 line of said section; thence S 88° 29' 15" W along said 1/8 line, 988.38 feet to the place of beginning of this description; thence continuing S 88° 29' 15" W along said 1/8 line, 329.46 feet to the E 1/8 line of said section; thence N 0° 37' 52" W along said E 1/8 line, 1,307.28 feet to the North line of said section; thence N 88° 09' 12" E along said North section line, 450.00 feet; thence S 0° 29' 07" E, 484.37 feet to an iron rod near the North bank of the Au Sable River; thence continuing S 0° 29' 07" E to the center thread of said river; thence upstream along said center thread to a point N 0° 29' 07" W of the place of beginning; thence S 0° 29' 07" E to an iron rod near the South bank of the Au Sable River; thence continuing S 0° 29' 07" E, 504.89 feet to the place of beginning. (Bearings are based on the East line of said Section 15 between the Northeast corner and E 1/4 corner assumed as S 0° 03' 00" E.)

Parcel 5

A parcel of land in the NE 1/4 of the NE 1/4 of Section 15, T26N, R3E, described as follows: To find the place of beginning of this description, commence at the Northeast corner of said Section 15; run thence S 0° 03' 00" E along the East line of said section, 1,315.32 feet to the N 1/8 line of said section; thence S 88° 29' 15" W along said 1/8 line, 308.92 feet to the place of beginning of this description; thence continuing S 88° 29' 15" W along said 1/8 line, 679.46 feet; thence N 0° 29' 07" W, 504.89 feet to an iron rod near the South bank of the Au Sable River; thence continuing N 0° 29' 07" W to the center thread of said river; thence downstream along said center thread to a point N 0° 29' 07" W of the

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place of beginning; thence S 0° 29' 07" E to an iron rod near the SE'ly bank of the Au Sable River; thence continuing S 0° 29' 07" E, 710.05 feet to the place of beginning. (Bearings are based on the East line of said Section 15 between the Northeast corner and E 1/4 corner assumed as S 0° 03' 00" E.)

Parcel 6

A parcel of land in the E 1/2 of Section 12, T26N, R3E, described as follows: Commence at the E 1/4 corner of said section and the place of beginning of this description; run thence N 0° 33' 12" W along the East line of said section, 462.00 feet; thence N 88° 53' 55" W, 660.32 feet; thence S 0° 17' 07" E, 761.76 feet to an iron rod near the NW'ly bank of the Au Sable River; thence continuing S 0° 17' 07" E to the center thread of said river; thence downstream along said center thread to the East line of said section; thence N 0° 13' 25" W along said East section line to an iron rod near the N'ly bank of the Au Sable River; thence continuing N 0° 13' 25" W along said East section line, 123.65 feet to the place of beginning. (Bearings are based on the East line of said Section 12 between the Northeast corner and E 1/4 corner assumed as S 0° 33' 12" E.)

Parcel 7

A parcel of land in the NW 1/4 of the SE 1/4 of Section 15, T26N, R4E, described as follows: To find the place of beginning of this description, commence at the E 1/4 corner of said section; run thence N 84° 38' 16" W along the East and West 1/4 line of said section, 1978.24 feet to the place of beginning of this description; thence S 3° 43' 39" W, 700.0 feet; thence N 84° 38' 16" W, 660.0 feet to the North and South 1/4 line of said section; thence N 0° 48' 27" W along said North and South 1/4 line, 700.0 feet to the center of said section; thence S 84° 38' 16" E along said East and West 1/4 line, 660.0 feet to the place of beginning, containing 10.6 acres. (Bearings are based on the East and West 1/4 line of said Section 15 between the center and E 1/4 corner assumed as S 84° 38' 16" E.)

Exhibit B
Page 3 of 3

Oscoda

OSCODA COUNTY

UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE

CONDITIONS, RULES AND REGULATIONS TO GOVERN EXERCISE OF MINERAL RIGHTS RESERVED IN CONVEYANCES TO THE UNITED STATES

Code of Federal Regulations - Title 36 - Chapter II - Section 251.15

(a) Except as otherwise provided in paragraphs (b) and (c) of this section, in conveyances of lands to the United States under authorized programs of the Forest Service, where owners reserve the right to enter upon the conveyed lands and to prospect for, mine and remove minerals, oil, gas, or other inorganic substances, said reservations shall be subject to the following conditions, rules and regulations which shall be expressed in and made a part of the deed of conveyance to the United States and such reservations shall be exercised thereunder and in obedience thereto:

(1) Whoever undertakes to exercise the reserved rights shall give prior written notice to the Forest Service and shall submit satisfactory evidence of authority to exercise such rights. Only so much of the surface of the lands shall be occupied, used, or disturbed as is necessary in bona fide prospecting for, drilling, mining (including the milling or concentration of ores), and removal of the reserved minerals, oil, gas, or other inorganic substances.

(2) (i) None of the lands in which minerals are reserved shall be so used, occupied, or disturbed as to preclude their full use for authorized programs of the Forest Service until the record owner of the reserved rights, or the successors, assigns, or lessees thereof, shall have applied for and received a permit authorizing such use, occupancy, or disturbance of those specifically described parts of the lands as may reasonably be necessary to exercise of the reserved rights.

(ii) Said permit shall be issued upon agreement as to conditions necessary to protect the interest of the United States including such conditions deemed necessary to provide for the safety of the public and other users of the land, and upon initial payment of the annual fee, which shall be at the rate of \$2 per acre or fraction of acre included in the permit.

(iii) The permit shall also provide that the record owner of the reserved right or the successors, assigns, or lessees thereof, will repair or replace any improvements damaged or destroyed by the mining operations and restore the land to a condition safe and reasonably serviceable for authorized programs of the Forest Service, and shall provide for a bond in sufficient amount as determined necessary by the Forest Service to guarantee such repair, replacement or restoration.

(iv) Failure to comply with the terms and conditions of the aforesaid permit shall be cause for termination of all rights to use, occupy, or disturb the surface of the lands covered thereby, but in event of such termination a new permit shall be issued upon application when the causes for termination of the preceding permit have been satisfactorily remedied and the United States reimbursed for any resultant damage to it.

(v) All structures, other improvements, and materials shall be removed from the lands within one year after date of termination of the aforementioned permit. Should the holder of the permit fail to do so within the specified time, the Forest Service may remove, destroy or otherwise dispose of said structures, other improvements, and materials at the permit holder's expense, or in lieu thereof, may upon written consent of the permittee, assume title thereto in the name of the United States.

(vi) Timber and/or young growth cut or destroyed in connection with exercise of the reserved right shall be paid for at rates...

Service to be fair and equitable for cooperable timber and/or young growth in the locality. All slash resulting from cutting or destruction of timber or young growth shall be disposed of as required by the Forest Service.

(2) In the prospecting for, mining, and removal of reserved minerals, oil, gas, or other inorganic substances all reasonable provisions shall be made for the disposal of tailings, dumpage, and other deleterious materials or substances in such manner as to prevent obstruction, pollution, or deterioration of water resources.

(3) Nothing herein contained shall be construed to exempt operators or the mining operations from any requirements of applicable State laws nor from compliance with or conformity to any requirements of any law which later may be enacted and which otherwise would be applicable.

(7) While any activities and/or operations incident to the exercise of the reserved rights are in progress, the operators, contractors, subcontractors, and any employees thereof shall use due diligence in the prevention and suppression of fires, and shall comply with all rules and regulations applicable to the land.

(b) The conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this section shall not apply to reservations contained in conveyances of lands to the United States under the Act of March 3, 1925, as amended (43 Stat. 1133, 64 Stat. 82; 16 U.S.C. 555).

(c) In cases where a State, or an agency, or a political subdivision thereof, reserves minerals, oil, gas, or other inorganic substances, in the conveyance of land to the United States under authorized programs of the Forest Service and there are provisions in the laws of such State or in conditions, rules and regulations promulgated by such State, agency or political subdivision thereof, which the Chief, Forest Service, determines are adequate to protect the interest of the United States in the event of the exercise of such reservation, the Chief, Forest Service, is hereby authorized, in his discretion, to subject the exercise of the reservation to such statutory provisions or such conditions, rules and regulations in lieu of the conditions, rules and regulations set forth in subparagraphs (1) through (7) of paragraph (a) of this section. In that event, such statutory provisions or such conditions, rules and regulations shall be expressed in and made a part of the deed of conveyance to the United States and the reserved rights shall be exercised thereunder and in obedience thereto.

All regulations and rules issued by the Secretary of Agriculture to govern the exercise of mineral rights reserved in lands to the United States under authorized programs of the Forest Service shall continue to apply in the cases to which they are applicable and shall be hereby superseded as to mineral rights reserved in conveyances under such programs.

(30 Stat. 1011, 16 U.S.C. 551. Interpreted and applied in 16 U.S.C. 513-519, 48 Stat. 1011, as amended, 16 U.S.C. 485, 486, and 50 U.S.C. 1011)

Signed at Washington, D.C., on April 30, 1963.

OSCAR L. FREEMAN, Secretary.

Electric Transmission Line Easements

T26N, R3E

A strip of land 200 feet in width in the NE 1/4 of the SE 1/4 and the S 1/2 of the SE 1/4 of Section 6, T26N, R3E, being 100 feet on each side of the center line of an existing electric transmission line, which center line is described as beginning on the East line of said Section 6 at a point which is 102.19 feet Southerly of the E 1/4 corner of said Section 6, as measured along said East section line; thence S 44° 39' 14" W, 3614.66 feet to the South line of said section at a point 105.92 feet Easterly of the S 1/4 corner of said section, as measured along said South section line, and the place of ending for this description. (Bearings are based on 1930 Government Survey.)

A 100 foot wide strip of land in the W 1/2 of the SE 1/4 of Section 7, T26N, R3E, lying Northerly of a line described as beginning at a point on the East line of said section 393 feet North of the Southeast corner of said section; running thence Northwesterly to a point on the East and West 1/4 line, which is 2505 feet West of the E 1/4 corner of said section.

The South 200 feet of the SW 1/4 of Section 12, T26N, R3E, and the South 200 feet of the West 245 feet of the SE 1/4 of said section.

A strip of land 200 feet wide in Section 13, T26N, R3E, being 50 feet Southwesterly of and 150 feet Northeasterly of a line described as beginning at a point on the East line of said section 50 feet North of the S 1/8 line of said section; thence Northwesterly to the North line of said section at a point 95 feet East of the N 1/4 post of said section.

The South 100 feet of the SW 1/4 of the NE 1/4 of Section 15, T26N, R3E.

A strip of land 200 feet in width in the S 1/2 of the SE 1/4 of Section 11, the N 1/2 of the NE 1/4 of Section 14, the S 1/2 of the SW 1/4 of Section 11, the NW 1/4 of the NW 1/4 of Section 14, the NE 1/4 of the NE 1/4 of Section 15, the NW 1/4 of Section 15, the NE 1/4 of Section 16, the N 1/2 of Section 17 and that portion of the E 1/2 of the SE 1/4 of Section 7 lying Northeast of a line beginning on the East line of said Section 7 at a point 393 feet North of the

1-DX5-8

14-DX5-8

14-DX5-1

12-DX5-4

12-DX5-4

13-DX5-1

Add 13.1-DX5-2

12.8-DX5-3

Add 12.9-DX5-2

12.2-DX5-1

12.1-DX5-2

11-DX5-3

10-DX5-1

9-DX5-3

5.1-DX5-1

4.2-DX5-1

4.1-DX5-2

4.3-DX5-2

5-DX5-4

2-DX5-7

12.1 +
12.3 already
existing as
previous sale

3-DX5-3
Southeast corner of said Section 7 and running thence Northwesterly to a point on the East and West 1/4 line of said Section 7, 2505 feet West of the E 1/4 corner of said Section 7, the SW 1/4 of the SW 1/4 of Section 8, all in T26N, R3E, being 100 feet on each side of the center line of an existing electric transmission line, which center line is described as follows:

To find the place of beginning, commence at the Southeast corner of said Section 13; thence N 0° 28' 00" W along the East line of said section, 1468.5 feet to the center line of said electric transmission line and the place of beginning for this description; thence N 60° 59' 58" W 105.6 feet; thence N 33° 04' 50" W, 4419.14 feet; thence N 61° 00' 00" W, 300.3 feet; thence N 89° 00' 00" W, 2533.36 feet to the West line of said Section 12 at a point which is 66 feet North of the Southwest corner of said Section 12 as measured along said West section line; thence N 86° 47' 40" W, 3001.05 feet; thence S 79° 01' 55" W, 1096.47 feet; thence S 61° 18' 39" W, 47.97 feet to the South line of said Section 11 at a point which is 1179.99 feet Easterly of the Southwest corner of said Section 11 as measured along the South line of said section; thence continuing S 61° 18' 39" W, 1344.48 feet to the West line of said Section 14 at a point which is 646.29 feet Southerly of the Northwest corner of said section as measured along said section line; thence continuing S 61° 18' 39" W, 1397.76 feet; thence S 86° 59' 49" W, 1699.58 feet; thence S 73° 49' 44" W, 2138.73 feet; thence S 72° 19' 44" W, 319.86 feet to the West line of said Section 15, at a point 639.40 feet Northerly of the W 1/4 corner of said section as measured along said section line; thence continuing S 72° 19' 44" W, 261.14 feet; thence S 74° 36' 24" W, 2060.87 feet to the East and West 1/4 line of said Section 16; thence continuing S 74° 36' 24" W, 319.21 feet; thence N 88° 51' 51" W, 2736.34 feet to the West line of said Section 16, at a point being 47.99 feet Southerly of the W 1/4 corner of said Section 16 as measured along the West line of said section; thence N 89° 06' 05" W, 1732.98 feet; thence N 66° 17' 00" W, 3051 feet to the East and West 1/4 line of said Section 17; thence continuing N 66° 17' 00" W, 289.19 feet; thence N 48° 52' 11" W, 4419.00 feet to the West line of said Section 8 at a point which is 458.19 feet Northerly of the Southwest corner of said Section 8 as measured along said section line; thence N 48° 56' 26" W along said center line 3335.78 feet to the East and West 1/4 line of said Section 7 at a point which is 102.23 feet Easterly of the center of said section as measured along said 1/4 line and the place of ending for this description.

Exhibit D
Page 2 of 8

T26N, R4E

The South 200 feet of the NW 1/4 of the SE 1/4 and the South 200 feet of the N 1/2 of the SW 1/4, all in Section 17, T26N, R4E.

The South 200 feet of the N 1/2 of the S 1/2 of Section 18, T26N, R4E.

A 200 foot wide strip of land across the SE 1/4 of the NE 1/4 and the NW 1/4 of the NE 1/4 and the NE 1/4 of the NW 1/4 of Section 22, T26N, R4E, being 100 feet on each side of a center line described as beginning on the East line of said section at a point 1210 feet North of the E 1/4 post of said section; thence N 62° W to the North line of said section at a point 642 feet West of the N 1/4 post.

The South 200 feet of the NW 1/4 of the SW 1/4 of Section 24, T26N, R4E.

A strip of land 200 feet in width in the N 1/2 of the SE 1/4 and the NE 1/4 of the SW 1/4, Section 24, the N 1/2 of the SE 1/4 and the SW 1/4 of the NE 1/4, the NW 1/4 South of the Au Sable River, and the NE 1/4 of the SW 1/4, Section 23, the NE 1/4 of the NE 1/4, Section 22, the S 1/2 of the SW 1/4, Section 15, the SE 1/4 and the N 1/2 of the SW 1/4, Section 16 and the NE 1/4 of the SE 1/4, Section 17, all in T26N, R4E, being 100 feet on each side of the center line of an existing electric transmission line, which center line is described as follows:

To find the place of beginning, commence at the Southeast corner of said Section 24; thence N 0° 14' 00" W along the East line of said section, 1336.71 feet to the place of beginning for said center line; thence N 71° 20' 40" W along said center line 158.9 feet; thence S 88° 50' 00" W along said center line 5011.7 feet; thence N 78° 30' 00" W along said center line 264 feet to the West line of said section at a point which is 1452.0 feet Northerly of the Southwest corner of said section, as measured along said West section line; thence continuing N 78° 30' 00" W along said center line 132.0 feet; thence N 64° 51' 00" W along said center line 5695.6 feet to the West line of said Section 23 at a point which is 1419.5 feet Southerly of the Northwest corner of said section as measured along said section line; thence continuing N 64° 51' 00" W along said center line 229.6 feet; thence N 65° 52' 00" W along said center line 3281.1 feet to the North line of said Section 22 at a point which is 2020.75 feet Easterly of the Northwest corner of said section as measured

Exhibit D
Page 3 of 8

TITLE DATA

MICHIGAN
STATE

COUNTY

TOWNSHIP

CONSUMERS POWER CO.

7

TRACT 1-DX5-8 (cont.)

NAME OF GRANTOR

MUNICIPALITY

SECTION

TOWN

RANGE

MAP

KIND OF INSTRUMENT

DATE OF INST.

DATE OF RECORD

LIBER

PAGE

PLAT OR AREA

T26N, R4E (Cont'd.)

along said North line; thence continuing N 65° 52' 00" W along said center line 2215.4 feet to the West line of said Section 15 at a point which is 904.2 feet Northerly of the Southwest corner of said section as measured along said section line; thence continuing N 65° 52' 00" W along said center line 1091.56 feet; thence N 78° 18' 00" W along said center line 641.0 feet; thence S 88° 15' 00" W along said center line 3647.5 feet to the West line of said Section 16, at a point which is 1389.96 feet Northerly of the Southwest corner of said section as measured along said section line; thence continuing S 88° 15' 00" W along said center line 174.0 feet; thence S 89° 45' 00" W along said center line 1144.5 feet to the E 1/8 line of said Section 17; thence S 89° 41' 02" W a distance of 3955.43 feet to the West line of said Section 17; thence S 89° 13' 50" W a distance of 5154.34 feet; thence N 60° 59' 58" W a distance of 217.8 feet to the West line of said Section 18 at a point which is 1468.50 feet North of the Southwest corner of said Section 18 as measured along said West section line, said point being the point of ending. (Bearings are based on the East line of Section 24 from the Southeast corner to the E 1/4 corner as assumed N 0° 14' 00" W.)

Electric Distribution Line EasementsT26N, R3E

A strip of land 30 feet in width in the S 1/2 of the SE 1/4, Section 6, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line running in a Northeasterly and Easterly direction along the North side of McKinley Road.

A strip of land 30 feet in width in the NE 1/4 of the SE 1/4, Section 6, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line running in a Northwesterly and Southeasterly direction across the Northeasterly portion of said land.

A strip of land 30 feet in width in that part of the S 1/2 of the SE 1/4 and the NE 1/4 of the SE 1/4, Section 6, T26N, R3E, lying Northerly of McKinley Road, being 15 feet on each side of the center line of an existing electric distribution line running in a Northeasterly and Southwesterly direction across said land.

Exhibit D
Page 4 of 8T26N, R3E (Cont'd.)

A strip of land 30 feet in width, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northwesterly and Southeasterly direction across the E 1/2 of the SE 1/4, Section 7, T26N, R3E, and along a 100 foot wide strip of land in the W 1/2 of the SE 1/4 of said Section 7, lying Northerly of a line described as beginning at a point on the East line of said section, 393 feet North of the Southeast corner and running thence Northwesterly to a point on the East and West 1/4 line which is 2505 feet West of the E 1/4 corner.

A strip of land 30 feet in width in the NW 1/4, Section 8, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Southeasterly and Northwesterly direction along the Easterly side of McKinley Road, thence in an Easterly and Westerly direction through the Southerly portion of said land.

A strip of land 30 feet in width in the NE 1/4 of the SE 1/4, Section 8, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in an Easterly and Westerly direction along the Northerly side of McKinley Road across said land.

A strip of land 30 feet in width in the SW 1/4 of the SW 1/4, Section 8, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northwesterly and Southeasterly direction across the Southwest corner of said land.

A strip of land 30 feet in width in the SE 1/4 of the SE 1/4, Section 11, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northerly and Southerly direction across the Southeast portion of said land.

A strip of land 30 feet in width in the S 1/2 of the S 1/2, Section 11, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in an Easterly and Westerly direction together with two lines running laterally from said existing line in a Southerly direction across the Southerly portion of said land.

A strip of land 30 feet in width in the E 1/2 of the SW 1/4, Section 11, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northerly and Southerly direction across said land.

Exhibit D
Page 5 of 8

T26N, R3E (Cont'd.)

A strip of land 30 feet in width, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northwesterly and Southeasterly direction along a strip of land 200 feet in width in Section 13, T26N, R3E, being 50 feet Southwesterly and 150 feet Northeasterly of a line described as beginning at a point on the East line of said section, 50 feet North of the S 1/8 line of said section, thence Northwesterly to the North line of said section at a point 95 feet East of the N 1/4 post of said section.

A strip of land 30 feet in width in the South 200 feet of the SW 1/4 and the South 200 feet of the West 245 feet of the SE 1/4, Section 12, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line running in an Easterly and Westerly direction across said land.

A strip of land 30 feet in width in the NW 1/4 of the NW 1/4, Section 14, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northerly and Southerly direction across the Northwesterly portion of said land.

A strip of land 30 feet in width in the NW 1/4 of the NW 1/4, Section 14, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northeasterly and Southwesterly direction across the Northwest portion of said land.

A strip of land 30 feet in width in the W 1/2 of the W 1/2 of the NW 1/4, Section 15, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northerly and Southerly direction across said land.

A strip of land 30 feet in width in the NW 1/4, the NE 1/4 of the NE 1/4, and the South 100 feet of the NW 1/4 of the NE 1/4, Section 15, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northeasterly and Southwesterly direction across said parcels of land.

A strip of land 30 feet in width in the S 1/2 of the NE 1/4, Section 16, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in a generally Easterly and Westerly direction across the Southerly portion of said land.

Exhibit D
Page 6 of 8

T26N, R3E (Cont'd.)

A strip of land 30 feet in width in the N 1/2, Section 17, T26N, R3E, being 15 feet on each side of the center line of an existing electric distribution line, running in an Easterly and Westerly direction and in a Northwesterly and Southeasterly direction across said land, together with two lines running laterally from said existing line in a Southerly direction and one line running laterally from said existing line in a Southwesterly direction.

T26N, R4E

A strip of land 30 feet in width in the SW 1/4 of the NW 1/4, Section 15, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northerly and Southerly direction across the Northwest portion of said land.

A strip of land 30 feet in width in the SW 1/4 of the NW 1/4, Section 15, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in an Easterly and Westerly direction along the South side of McKinley Road across said land.

A strip of land 30 feet in width in the E 1/2 of the SW 1/4, Section 15, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northerly and Southerly direction across said land.

A strip of land 30 feet in width in the N 1/2 of the SE 1/4, Section 15, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in an Easterly and Westerly direction across the Northerly part of said land.

A strip of land 30 feet in width in the NE 1/4 of the SE 1/4, Section 15, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northerly and Southerly direction across the Easterly part of said land.

A strip of land 30 feet in width in the S 1/2 of the SW 1/4, Section 15, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northwesterly and Southeasterly direction across the Southwest part of said land.

A strip of land 30 feet in width in the S 1/2 of the NE 1/4 and the N 1/2 of the NW 1/4, Section 16, T26N, R4E, lying Northerly of the Au Sable River, being 15 feet on each side of the center line of an existing electric distribution line, running in a generally Easterly and Westerly direction along the Southerly side of McKinley Road across said land.

Exhibit D
Page 7 of 8

T26N, R4E (Cont'd.)

A strip of land 30 feet in width in the SE 1/4 and the N 1/2 of the SW 1/4, Section 16, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in a generally Easterly and Westerly direction across said land.

A strip of land 30 feet in width in the NE 1/4 of the NE 1/4, Section 17, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in an Easterly and Westerly direction along the South side of McKinley Road across said land.

A strip of land 30 feet in width in the NE 1/4 of the SE 1/4, the South 200 feet of the NW 1/4 of the SE 1/4 and the South 200 feet of the N 1/2 of the SW 1/4, Section 17, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in an East and West direction across said land.

A strip of land 30 feet in width in the South 200 feet of the N 1/2 of the S 1/2, Section 18, T26N, R4E, being 15 feet on each side of the center line of an existing electric distribution line, running in an Easterly and Westerly direction on said land.

A strip of land 30 feet in width, being 15 feet on each side of the center line of an existing electric distribution line, running in a Northerly and Southerly direction Easterly of Evans Road, across a 200 foot wide strip of land across the N 1/2 of the N 1/2, Section 22, T26N, R4E, the center line of said 200 foot wide strip being described as beginning on the East line of said section, 1210 feet North of the E 1/4 post of said section; running thence N 62° W to the North line of said section at a point 642 feet West of the N 1/4 post of said section.

Exhibit D
Page 8 of 8

Rules and Regulations Governing Rights-of-way
Reserved by the Grantor, on Lands
Conveyed to the United States

In conformity with the provisions of the Act of March 1, 1911 (36 Stat. 961, 16 U.S.C. Sec. 518), I, H. A. Wallace, Secretary of Agriculture, do hereby prescribe the following rules and regulations to govern the use, occupancy, and operation of rights-of-way reserved by a grantor of lands to the United States.

1. Brush and refuse resulting from the exercise of the right-of-way reservation shall be disposed of to the satisfaction of the Forest Officer in charge.

2. Timber cut and destroyed in the exercise of the right-of-way reservation shall be paid for at rates to be prescribed by the Forest Officer in charge, which rates shall be the usual stumpage prices charged in the locality in sales of national forest timber of the same kind or species; for injury to timber, second growth, and reproduction, the amount of actual damage shall be ascertained by the Forest Supervisor according to the rules applicable in such cases.

3. All improvements built or maintained upon the right-of-way shall be kept in an orderly, safe and sanitary condition. Failure to maintain such conditions shall be cause for the termination of the reservation after 30 days' notice in writing to the occupant or user that unsatisfactory conditions exist and that the Department intends to terminate all rights under the reservation unless such conditions are forthwith corrected to the satisfaction of the Regional Forester.

4. Upon the abandonment of a reserved right-of-way, either by formal release, by termination, or by non-use for a period of one calendar year, all improvements thereon not the property of the United States shall be removed therefrom within three months from the date of the abandonment, otherwise such improvements shall vest in and become the property of the United States.

5. All reasonable precautions to prevent and suppress forest fires shall be taken by the grantor and all persons acting for or claiming under him; suitable crossings shall be constructed by grantor and/or said persons where the reserved right-of-way intersects existing roads and trails; borrow pits shall not be opened outside of the immediate graded section except under a special use permit from the Forest Supervisor.

6. Officers of the Forest Service shall have free ingress and egress on and over the reserved rights-of-way for all purposes necessary and incidental to the protection and administration of the national forest.

In testimony thereof, I have hereunto set my hand and official seal at the City of Washington, this 5th day of August, 1938.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

EXHIBIT E

[F.R. Doc. 38-2290; Filed, August 6, 1938;
12:40 p.m.]