

13 13A

TITLE DATA

CONSUMERS POWER COMPANY

363-D318-5

Richard W. Holmes and wife, Betty S.

TRACT

Warranty Deed 12/20/67 2/21/68 120 484.1

ACCOUNT NO. W.O. 8337

MAP 7-63

RECORDED IN DEEDS LIBER 120 PAGE 484

Recorded FEB 21, 1968 at 9:30 o'clock AM Liber 120 of Deeds, Page 484 T.W. Weits Register of Deeds

MICHIGAN STATE Otsego COUNTY Bagley TOWNSHIP 17 T 30 N R 3 W SECTION 17 SUMMERS & HOLMES SUBDIVISION- PLAT OR AREA

This Indenture, made Dec. 20, 19 67 BETWEEN RICHARD W. HOLMES and BETTY S. HOLMES, his wife, of 36 Oakridge Lane, West Hartford, Connecticut 06107, parties of the first part, and CONSUMERS POWER COMPANY, a corporation duly authorized to do business in Michigan and having its principal office therein at 212 West Michigan Avenue, Jackson, Michigan 49201, party of the second part, \$27,500.00

Witnesseth, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and Other Good and Val- able Consideration to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and ac- knowledged, does by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, its successors and assigns, Forever, all that certain piece or parcel of land situate and being in the Township of Bagley County of Otsego and State of Michigan, and described as follows.

Parcel 1 A parcel of land in Lot 1 of Summers & Holmes Subdivision, being a subdivision in the SW 1/4 of Section 16, T30N, R3W, according to the recorded plat thereof, described as follows: Beginning at the Northeast corner of said lot; running thence S 01° 46' 50" E along the East line of said lot 88.89 feet to a point which is 285 feet distant S'ly of the East and West 1/4 line of said section as measured at right angles; thence N 81° 43' 50" W parallel with said East and West 1/4 line of said section 258.45 feet to the West line of said lot; thence N 03° 09' 10" E along said West line of said lot 87.87 feet to the North line of said lot; thence S 81° 43' 50" E along said North line of said lot 250.77 feet to the place of beginning.

Also conveying to said party of the second part, its successors and assigns; the right to cut, trim, remove, destroy or otherwise control all trees and brush standing on all that portion of a strip of land 40 feet in width which lies within Lots 1 and 2 of Summers & Holmes Subdivision, being a subdivision in the SW 1/4 of Section 16, T30N, R3W, according to the recorded plat thereof, along, adjoining, adja- cent and measured at right angles to the S'ly line of Parcel 1 above described, and also the right to re-enter upon said strip of land from time to time, to keep said strip of land clear of trees and brush.

Parcel 2 A strip of land 330 feet in width across the N 1/2 of the SE 1/4 of Section 17, T30N, R3W, described as follows: To find the place of beginning of this description commence at the Southeast corner of said section; run thence N 01° 21' 30" W along the East line of said section 1682.55 feet to the place of beginning of this description; thence continuing N 01° 21' 30" W along the East line of said section 367.74 feet to a point which is 582.72 feet distant S'ly of the E 1/4 post of said section as measured along the East line of said section; thence S 62° 27' 20" W, 860.12 feet; thence N 89° 34' 10" W, 1883.75 feet to the North and South 1/4 line of said section; thence S 01° 15' 10" E along the North and South 1/4 line of said section 330.2 feet to the South 1/8 line of said section; thence S 89° 34' 10" E along the South 1/8 line of said section 1956.26 feet to a point which is 700.34 feet distant W'ly from the East line of said section as measured along the South 1/8 line of said section; thence N 62° 27' 20" E, 780.05 feet to the place of beginning.

SEE NOTE #1 for Sale of Minerals and Rel or R/W for Ingress & Egress SEE NOTE #2 FOR RELEASE OF R/W FOR ROADWAY

OTSEGO COUNTY Gaylord, Mich. TREASURER'S OFFICE Feb 21 1968 I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection. COUNTY TREASURER

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX 30.25

SEE NOTE #3 FOR ROADWAY EASEMENT & QUITCLAIM OF PRIOR ESMT RIGHTS.

Formerly 1382-D145-5

Table with columns: BALANCE, TRANSFERS, AMOUNT, ITEMS OF COST, JOURNAL ENTRY, DATE

MAPPED AND CHECKED

OTHER NOTES AND DATA

NOTE #1

(By W.O. 8337; T70-49) Consumers Power Company conveyed mineral rights and ingress and egress rights across the following described land as follows:

- 1. Consumers Power Company
3-4-70 QCD
- 2. Richard W. Holmes & wf

Forever, all those certain interests in land situate in the Township of Bagley, County of Otsego and State of Michigan, known and described as follows:

All oil, gas and other minerals (not including sand, clay, or gravel) in and under the premises hereinafter described as Parcel 1 and Parcel 2, together with the right to remove the same by wells or shafts placed on adjoining lands; no wells or shafts are to be placed on the premises hereinafter described as Parcel 1 and Parcel 2.

Also conveying to second party, his heirs and assigns, the esmt and right to cross the premises hereinafter desc as Parcel 1 and Parcel 2 at such places and in such a manner as is mutually satisfactory to both parties so long as sd crossing shall not interfere with the use of sd premises hereinafter desc as Parcel 1 and Parcel 2 by first party, its successors and assigns.

Sd premises herein referred to as Parcel 1 and Parcel 2 are desc as follows:

PARCEL 1

SAME AS CAPTION

PARCEL 2

SAME AS CAPTION

NOTE #2

(By Sale No. 189.787-5; T73-266) Consumers Power Co granted a release of r/w for roadway purposes across the ld on the caption of this tract as follows:

- 1. Consumers Power Co
9-20-77 Release of R/W
- 2. R. W. Holmes for Roadway

Forever, the esmt and r/w for roadway purposes on, over, alg and across that certain piece or pcl of ld situate in the Twp of Bagley, Co of Otsego and State of Mich., known and desc as follows, to wit:

A strip of ld 80 ft in width, runn in a NW'ly and SE'ly direction across the following desc strip of ld: A strip of ld 330 ft in width across the N 1/2 of the SE 1/4 of Sec 17, T30N, R3W, desc as follows: To find the pob of this desc comm at the SE corner of sd sec; runn th N 01° 21' 30" W alg the E ln of sd sec 1682.55 ft to the pob of this desc; th cont N 01° 21' 30" W alg the E ln of sd sec 367.74 ft to a pt which is 582.72 ft dist S'ly of the E 1/4 post of sd sec as meas alg the E ln of sd sec; th S 62° 27' 20" W, 860.12 ft; th N 89° 34' 10" W, 1883.75 ft to the N and S 1/4 ln of sd sec; th S 01° 15' 10" E alg the N and S 1/4 ln of sd sec 330.2 ft to the S 1/8 ln of sd sec; th S 89° 34' 10" E alg the S 1/8 ln of sd sec 1956.26 ft to a pt which is 700.34 ft dist W;ly from the E ln of sd sec as meas alg the S 1/8 ln of sd sec; th N 62° 27' 20" E, 780.05 ft to the pob.

The ctr ln of sd roadway, 80 ft in width, is desc as follows:

(Cont.)

GENERAL ENGINEERING MAP REFERENCES

Line Map No. <u>F-16944</u>	Sheet <u>20</u> of	Sheets
Plan & Profile No. _____	Sheet _____ of	Sheets
Survey Map No. _____	Sheet _____ of	Sheets

DOCUMENTS FILED WITH ORIGINAL INSTRUMENTS

- 1. Abstract _____
- 2. Opinions of Title _____
- 3. Title Search _____
- 4. Mortgage Release _____

KIND OF INSTRUMENT DATE OF INST. DATE OF RECORD LIBER PAGE

462

LIBER 120 PAGE 435

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said party of the second part and to its successors and assigns, Forever. And the said party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, its successors and assigns, that at the time of the delivery of these presents he is well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever

and that he will, and his heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, and Delivered in Presence of

Thomas M. ... Chedomin J. Markovitch

Richard W. Holmes Betty S. Holmes

STATE OF CONNECTICUT,) ss. County of Hartford On Dec 20 19 67 before me, a Notary Public of ... County, Connecticut acting in ... County, personally appeared Richard W. Holmes and Betty S. Holmes

to me known to be the same person B described in and who executed the within instrument, who severally acknowledged the same to be their free act and deed.

My commission expires ... Notary Public, ... Conn.

STATE OF MICHIGAN,) ss. County of ... On ... 19 ... before me, a Notary Public of ... County, Michigan, acting in ... County, personally appeared

to me known to be the same person described in and who executed the within instrument, who severally acknowledged the same to be free act and deed.

My commission expires ... 19 ... Notary Public, ... County, Michigan.

PREPARED BY U. R. ROOD, CONSUMERS POWER CO., 212 W. MICHIGAN AVENUE, JACKSON, MICHIGAN

RETURN TO LAND & RIW DEPT. CONSUMERS POWER CO. 212 MICHIGAN AVE. WEST JACKSON, MICHIGAN WARRANTY DEED

TO REGISTER'S OFFICE. COUNTY OF ... This instrument was presented and received for record this ... day of ... at ... o'clock ... M., and recorded in Liber ... of Deeds, on page ... as a proper certificate was furnished in compliance with Section 3531 of Compiled Laws of 1929, as amended by Act 261, P. A. of 1931. Register of Deeds.

Note #2 (Cont.)

Comm at the place of intersection of the SE'ly ln of sd above-desc strip of ld 330 ft in width with the W ln of Dickerson Rd; run th N 89° 37' W, 207 ft to the pt of a curve to the right, sd curve having a radius of 271.061 ft, a chord length of 187.638 ft and a delta angle of 40° 30'; th NW'ly alg the arc of sd curve 191.602 ft to a pt of tangent; th N 49° 07' W to a poe of sd ctr ln on the NW'ly ln of sd above-desc ld.

FOR FURTHER CONDITIONS SEE ORIGINAL IN FILE.

NOTE #3: (By Sale No. Otsego Co. #4; 189.217-3) Consumers Power Company granted a roadway esmt and quitclaimed a prior esmt across the ld on the caption of this tract as follows:

- | | |
|----------------------------|--|
| 1. Consumers Power Company | Roadway Esmt & Quitclaim of Prior Esmt |
| 5-6-85 | |
| 2. Richard W Holmes & wf | X-5 |

The esmt and r/w for rdwy purposes on, over and across that certain piece or pcl of ld situate in the Twp of Bagley, Co of Otsego and State of Mich, known & desc as follows, to wit:

All that part of the hereinafter desc strip of ld 80 ft in width running in a NW'ly & SE'ly direction on, over and across the following desc strip of ld: A strip of ld 330 ft in width across the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec 17, T30N, R3W, desc as follows: To find the POB of this desc comm at the SE cor of sd sec; run th N 01 deg 21' 30" W alg the E ln of sd sec 1682.55 ft to the POB of this desc; th cont N 01 deg 21' 30" W alg the E ln of sd sec 367.74 ft to a pt which is 582.72 ft distant S'ly of the E $\frac{1}{4}$ post of sd sec as measured alg the E ln of sd sec; th S 62deg 27' 20 W, 860.12 ft; th N 89 deg 34' 10" W, 1883.75 ft to the N & S $\frac{1}{4}$ ln of sd sec; th S 01 deg 15' 10" E alg the N & S $\frac{1}{4}$ ln of sd sec 330.2 ft to the S 1/8 ln of sd sec; th S 89 deg 34' 10" E alg the S 1/8 ln of sd sec 1956.26 ft to a pt which is 700.34 ft distant W'ly from the E ln of sd sec as measured alg the S 1/8 ln of sd sec; th N 62 deg 27' 20" E, 780.05 ft to the POB.

Sd strip of ld 80 ft in width is desc as follows: Comm at a pt on the E ln of sd Sec 17, which sd pt is S 01 deg 18' 44" E, 931.32 ft from the E $\frac{1}{4}$ cor of sd sec; run th S 01 deg 18' 44" E, 80.04 ft alg the E ln of sd sec; th N 89 deg 30' 31" W, 209.26 ft; th 219.88 ft alg a curve to the right, sd curve having a radius of 311.06 ft and a long chord of 215.33 ft bearing N 69 deg 15' 31" W, th N 49 deg 00' 31" W, 135.25 ft; th N 62 deg 29' 34" E, 86 ft alg the N'ly ln of sd above-desc ld; th S 49 deg 00' 31" E, 103.73 ft; th 163.33 ft alg a curve to the left, sd curve having a radius of 231.06 ft and a long chord of 159.95 ft bearing S 69 deg 15' 31" E; th S 89 deg 30' 31" E, 206.74 ft to the POB.

FOR FURTHER CONDITIONS, SEE ORIGINAL IN FILE.

NOTE #4: (By Easement No. OTSEGO #45) CPCo granted easement across land as shown on the caption of this tract as follows:

- | | |
|----------------------------|---------------------------|
| 1. Consumers Power Company | Gas & Water Pipeline Esmt |
| 4-18-96 | |
| 2. PLC Pipeline Company | |

Forever, the easement and right to construct, maintain, inspect, remove, reconstruct, replace and repair one natural gas pipeline and one water pipeline, together with all valves, fittings, meters, protective apparatus, and all other equipment and appurtenances as may be convenient from time to time (hereinafter collectively referred to as "pipeline" or "pipelines"), on, over, under, along and across that certain piece or parcel of land situate in the Township of Bagley, County of Otsego and State of Michigan, known and described as follows:

PARCEL 1: A 20-foot-wide strip of land, 10 feet either side of a center line described as being in the Southeast 1/4 of Section 17, Township 30 North, Range 3 West, commencing at the East 1/4 corner of said Section 17; thence S 01°18'44" E 950.24 feet along the East line of said Section 17; thence S 62°30'21" W 780.62 feet to the South 1/8 line of said Section 17; thence N 89°30'22" W 248.51 feet along said 1/8 line to the point of beginning of this description; thence North 330.02 feet to the North side of Consumers Power property and the point of ending.

PARCEL 2: A 20-foot-wide strip of land, 10 feet either side of a center line described as being in the Southwest 1/4 of said Section 17; commencing at the West 1/4 corner of said Section 17; thence S 00°43'10" E 982.59 feet along the West line of said Section 17; thence S 89°15'15" E

NOTE #4 cont.

10.09 feet to the point of beginning of this description: thence S 00°43'10" E 330.22 feet to the South side of Consumers Power property and the point of ending.

TRACT 363-D318-5

1*

The easement hereby conveyed is for the sole and only purpose of constructing, inspecting, repairing, replacing, removing, reconstructing, and maintaining under and across said land one steel natural gas pipeline to be a maximum of 4 inches in diameter and one polyurethane water pipeline to be a maximum of 8 inches in diameter. The pipelines shall run in a Northerly and Southerly direction under the above-described parcel of land. Furthermore, said pipelines shall be buried at a minimum of 3 feet beneath the surface of the land, as measured from the surface of the land to the top of the each pipeline.

FOR OTHER CONDITIONS, SEE ORIGINAL IN FILE.