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BERRIEN COUNTY CONDOMINIUM SUBDIVISION PLAN NUMBER 89

7TH AMENDMENT TO EXHIBIT D TO THE MASTER DEED OF

RIVER TRACE ESTATES

ROYALTON TOWNSHIP, BERRIEN COUNTY, MICHIGAN

DEVELOPER:
LITKE PROPERTIES, A MICHIGAN CO-PARTNERSHIP
A MICHIGAN CORPORATION
2437 AUTUMN RIDGE
ST. JOSEPH, MICHIGAN 48085

ENGINEER/SURVEYOR
ABONMARCHE CONSULTANTS, INC.
95 WEST MAIN STREET
BENTON HARBOR, MICHIGAN 49022

DESCRIPTION OF PROJECT:

A PARCEL OF LAND LOCATED IN THE NORTHWEST FRACTIONAL QUARTER, THE NORTHEAST FRACTIONAL QUARTER, THE SOUTHEAST FRACTIONAL QUARTER, AND THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 18 WEST, ROYALTON TOWNSHIP, BERRIEN COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER POST OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 18 WEST, ROYALTON TOWNSHIP, BERRIEN COUNTY, MICHIGAN; THENCE SOUTH 89°49'38" EAST, ALONG THE EAST AND WEST QUARTER LINE OF SAID SECTION 21, 1982.46 FEET, TO THE NORTHWEST CORNER OF THE EAST ONE HALF OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21, BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUING SOUTH 89°49'38" EAST, ALONG SAID EAST AND WEST QUARTER LINE, 464.32 FEET; THENCE NORTH 00°10'22" EAST (RECORDED AS NORTH), PERPENDICULAR TO SAID EAST AND WEST QUARTER LINE, 661.00 FEET; THENCE NORTH 62°49'38" WEST (RECORDED AS NORTH 63° WEST), 243.00 FEET; THENCE NORTH 08°49'38" WEST (RECORDED AS NORTH 9° WEST), 1059.00 FEET; THENCE SOUTH 89°49'38" EAST, PARALLEL WITH SAID EAST AND WEST QUARTER LINE, 527.95 FEET; THENCE NORTH 00°10'22" EAST, PERPENDICULAR TO SAID EAST AND WEST QUARTER LINE, 374.01 FEET; TO AN INTERMEDIATE TRAVERSE LINE OF THE ST. JOSEPH RIVER; THENCE SOUTH 73°17'55" EAST, ALONG SAID INTERMEDIATE TRAVERSE LINE, 164.00 FEET; THENCE SOUTH 57°37'10" EAST, ALONG SAID INTERMEDIATE TRAVERSE LINE, 611.70 FEET; THENCE SOUTH 33°49'00" EAST, ALONG SAID INTERMEDIATE TRAVERSE LINE, 608.08 FEET; THENCE SOUTH 18°12'39" EAST, ALONG SAID INTERMEDIATE TRAVERSE LINE, 1041.92 FEET; THENCE SOUTH 01°03'17" EAST, ALONG SAID INTERMEDIATE TRAVERSE LINE, 341.66 FEET; THENCE SOUTH 06°23'20" WEST, ALONG SAID INTERMEDIATE TRAVERSE LINE, 275.18 FEET; THENCE SOUTH 18°51'27" WEST, ALONG SAID INTERMEDIATE TRAVERSE LINE, 480.11 FEET; THENCE SOUTH 12°17'21" WEST, ALONG SAID INTERMEDIATE TRAVERSE LINE, 584.07 FEET, TO THE SOUTH LINE OF THE NORTH 38 ACRES OF THE NORTHWEST QUARTER OF THE SOUTHEAST FRACTIONAL QUARTER OF SAID SECTION 21; THENCE NORTH 89°49'03" WEST, ALONG SAID SOUTH LINE, 171.17 FEET; THENCE NORTH 49°47'34" WEST, 411.62 FEET; THENCE SOUTH 87°13'27" WEST, 236.87 FEET; THENCE NORTH 33°53'38" WEST, 55.57 FEET; THENCE SOUTH 89°47'43" WEST, 233.00 FEET, TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 21; THENCE NORTH 00°12'17" WEST, ALONG SAID NORTH AND SOUTH QUARTER LINE, 360.63 FEET, TO THE SOUTH LINE OF THE EAST ONE HALF OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 89°53'23" WEST, ALONG SAID SOUTH LINE, 661.25 FEET, TO THE WEST LINE OF THE EAST ONE HALF OF THE NORTH ONE HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 21; THENCE NORTH 00°09'59" WEST, ALONG SAID WEST LINE, 658.31 FEET, TO THE POINT OF BEGINNING. INCLUDING ALL THAT LAND LYING BETWEEN SAID INTERMEDIATE TRAVERSE LINE AND THE THREAD OF THE ST. JOSEPH RIVER.

INDEX OF SHEET:

1. COVER SHEET *
2. SURVEY PLAN
3. SITE PLAN - OVERALL *
4. SITE PLAN - UNITS *
5. COORDINATES, CURVE AND LINE DATA
6. UTILITY PLAN *
7. FLOOD PLAIN PLAN *

NOTE:
THE ASTERISK (*) INDICATE AMENDED OR NEW SHEETS DATED JUNE 21, 2023. THESE SHEETS REPLACE OR ARE SUPPLEMENTAL TO THOSE PREVIOUSLY RECORDED. ALL SHEETS NOT AMENDED OR SUPPLEMENTED, ARE NOT RE-RECORDED WITH THIS SEVENTH AMENDMENT.

PRIOR UNIT 13 WAS DIVIDED INTO UNITS 13A AND 14A FOR THIS AMENDMENT.

MICHAEL A. FLEETHAM
LICENSED PROFESSIONAL SURVEYOR #4001040159
ABONMARCHE CONSULTANTS, INC.

JUNE 21, 2023
DATE

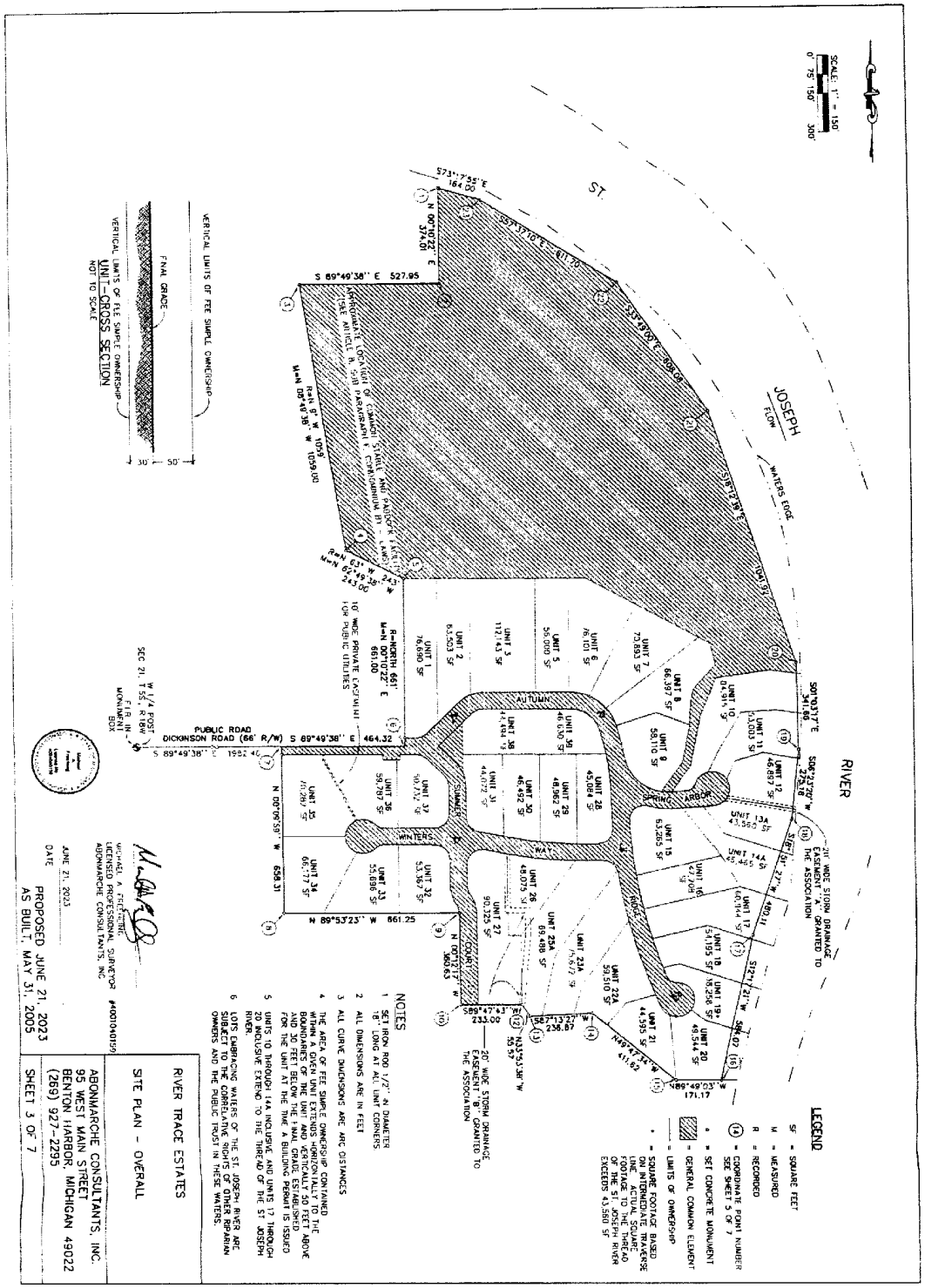
PROPOSED JUNE 21, 2023
AS BUILT, MAY 31, 2005

RIVER TRACE ESTATES

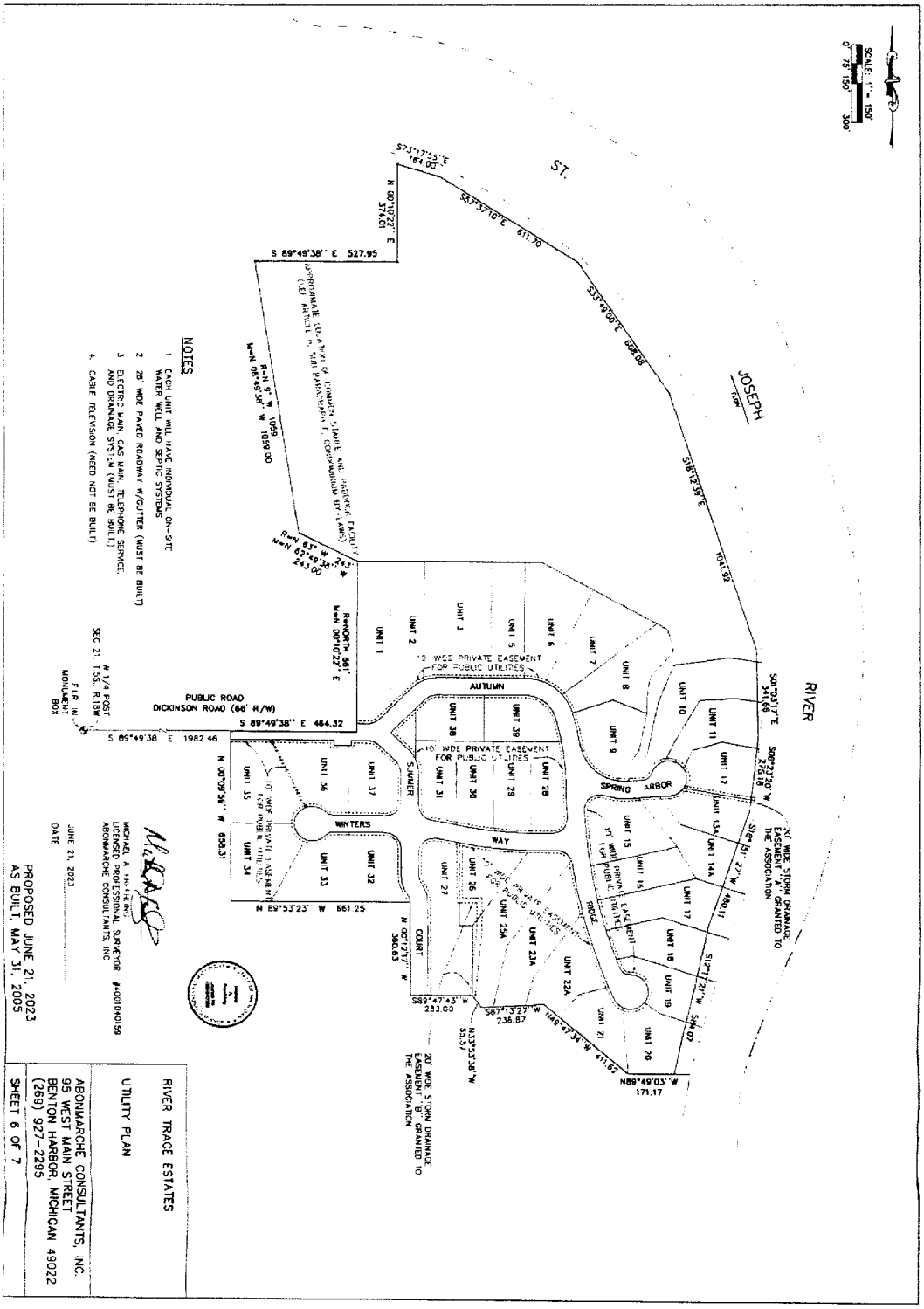
COVER SHEET

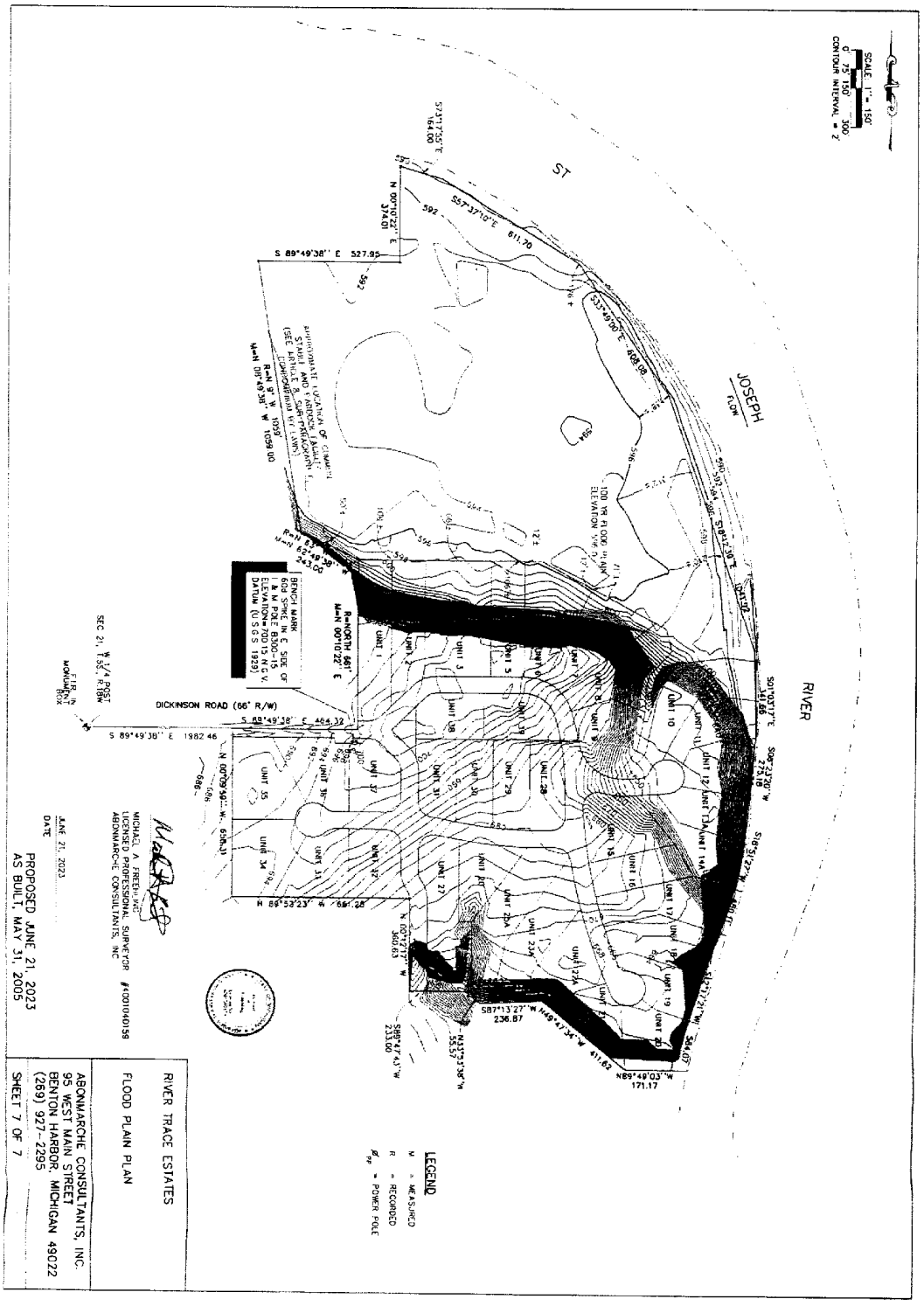
ABONMARCHE CONSULTANTS, INC.
95 WEST MAIN STREET
BENTON HARBOR, MICHIGAN 49022
(269) 927-2295

SHEET 1 OF 7


SCALE: 1" = 150'
0' 75' 150' 300'
ST. JOSEPH RIVER
FLOW
WATERS EDGE
RIVER
PUBLIC ROAD
DICKINSON ROAD (66' R/W) S 89°49'38" E 464.32
AUTUMN
SUMMER
WINTERS
SPRING
ARBOR
WAY
COURT
UNIT 1 76,690 SF
UNIT 2 8,503 SF
UNIT 3 117,145 SF
UNIT 5 56,000 SF
UNIT 6 76,101 SF
UNIT 7 72,853 SF
UNIT 8 86,397 SF
UNIT 9 58,110 SF
UNIT 10 64,981 SF
UNIT 11 74,003 SF
UNIT 12 46,687 SF
UNIT 13A 43,566 SF
UNIT 14A 43,565 SF
UNIT 15 53,265 SF
UNIT 16 47,709 SF
UNIT 17 46,114 SF
UNIT 18 51,153 SF
UNIT 19 48,254 SF
UNIT 20 45,324 SF
UNIT 21 44,595 SF
UNIT 22A 59,510 SF
UNIT 23A 71,647 SF
UNIT 25A 69,488 SF
UNIT 26 48,075 SF
UNIT 27 90,725 SF
UNIT 28 45,089 SF
UNIT 29 48,962 SF
UNIT 30 46,492 SF
UNIT 31 44,072 SF
UNIT 32 53,387 SF
UNIT 33 55,696 SF
UNIT 34 66,775 SF
UNIT 35 71,749 SF
UNIT 36 58,787 SF
UNIT 37 50,744 SF
UNIT 38 46,434 SF
UNIT 39 46,030 SF
R=NORTH 661.00
M=N 00°10'22" E
10' WIDE PRIVATE EASEMENT FOR PUBLIC UTILITIES
20' WIDE STORM DRAINAGE EASEMENT GRANTED TO THE ASSOCIATION
20' WIDE STORM DRAINAGE EASEMENT GRANTED TO THE ASSOCIATION
S 89°49'38" E 527.95
N 00°10'22" E 374.01
S 71°17'28" E 184.70
S 35°49'08" E 411.76
S 54°49'08" E 499.08
S 89°27'57" E 341.51
S 00°32'03" E 341.82
S 00°27'29" W 275.18
S 89°49'38" W 1059.00
N 89°49'38" W 1059.00
N 00°09'59" W 658.31
W 89°53'23" W 861.25
N 00°02'17" W 380.63
S 58°13'27" W 238.87
N 43°54'38" W 55.57
S 89°49'03" W 171.17
S 12°47'27" W 598.07
S 89°49'38" W 1992.43
W 1/4 POST SEC 21, T1S, R18W FIR IN MONUMENT BOX
VERTICAL LIMITS OF FEE SIMPLE OWNERSHIP
FINAL GRADE
VERTICAL LIMITS OF FEE SIMPLE OWNERSHIP
UNIT-CROSS SECTION
NOT TO SCALE
30' 50'
LEGEND
SF = SQUARE FEET
M = MEASURED
R = RECORDED
(#) = COORDINATE POINT NUMBER SEE SHEET 5 OF 7
• = SET CONCRETE MONUMENT
= GENERAL COMMON ELEMENT
= LIMITS OF OWNERSHIP
• = SQUARE FOOTAGE BASED ON INTERMEDIATE TRAVERSE LINE, INCLUDES SQUARE FOOTAGE TO THE THREAD OF THE ST. JOSEPH RIVER EXCEEDS 43,560 SF
NOTES
1 SET IRON ROD 1/2" IN DIAMETER 18" LONG AT ALL UNIT CORNERS
2 ALL DIMENSIONS ARE IN FEET
3 ALL CURVE DIMENSIONS ARE ARC DISTANCES
4 THE AREA OF FEE SIMPLE OWNERSHIP CONTAINED WITHIN A GIVEN UNIT EXTENDS HORIZONTALLY TO THE BOUNDARY LINES OF SAID UNIT, VERTICALLY 10 FEET ABOVE AND 10 FEET BELOW THE FINAL GRADE ESTABLISHED FOR THE UNIT AT THE TIME A BUILDING PERMIT IS ISSUED
5 UNITS 10 THROUGH 14A INCLUSIVE AND UNITS 17 THROUGH 20 INCLUSIVE EXTEND TO THE THREAD OF THE ST JOSEPH RIVER.
6 LOTS EMBRACING WATERS OF THE ST. JOSEPH RIVER ARE SUBJECT TO THE CORRELATIVE RIGHTS OF OTHER RIPARIAN OWNERS AND THE PUBLIC TRUST IN THESE WATERS.
RIVER TRACE ESTATES
SITE PLAN - OVERALL
ABONMARCHE CONSULTANTS, INC.
95 WEST MAIN STREET
BENTON HARBOR, MICHIGAN 49022
(269) 927-2295
SHEET 3 OF 7
PROPOSED JUNE 21, 2023
AS BUILT, MAY 31, 2005
JUNE 21, 2023
DATE
MICHAEL A. STAUFFER
REGISTERED PROFESSIONAL SURVEYOR
#40010140159
ABONMARCHE CONSULTANTS, INC.

SCALE: 1" = 100'
0 50' 100' 200'
UNIT-CROSS SECTION
NOT TO SCALE
VERTICAL LIMITS OF FEE SIMPLE OWNERSHIP
FINAL GRADE
VERTICAL LIMITS OF FEE SIMPLE OWNERSHIP
30'
50'
PUBLIC ROAD
DICKINSON ROAD (66' R/W)
S 89°49'38" E 464.32
AUTUMN
10' WIDE PRIVATE EASEMENT FOR PUBLIC UTILITIES
20' WIDE STORM DRAINAGE EASEMENT "A" GRANTED TO THE ASSOCIATION
ST. JOSEPH RIVER
STORM DRAINAGE EASEMENT "B" DETAIL
SCALE: 1" = 100'
LEGEND
ESMT = EASEMENT
① = COORDINATE POINT NUMBER
SEE SHEET 5 OF 7
L=15# LINE DATA NUMBER
SEE SHEET 5 OF 7
C-2> CURVE DATA NUMBER
SEE SHEET 5 OF 7
= GENERAL COMMON ELEMENT
= LIMITS OF OWNERSHIP
SF = SQUARE FEET
o = SET CONCRETE MONUMENT
L = ARC LENGTH
• = SQUARE FOOTAGE BASED ON INTERMEDIATE TRAVERSE LINE THE THREAD OF THE ST. JOSEPH RIVER EXCEEDS 43,560 SF
NOTES
1. SET IRON ROD 1/2" IN DIAMETER 18" LONG AT ALL UNIT CORNERS
2. ALL DIMENSIONS ARE IN FEET.
3. ALL CURVE DIMENSIONS ARE ARC DISTANCES.
4. THE AREA OF FEE SIMPLE OWNERSHIP CONTAINED WITHIN A GIVEN UNIT EXTENDS HORIZONTALLY TO THE BOUNDARIES OF THE UNIT AND VERTICALLY 50 FEET ABOVE AND 30 FEET BELOW THE FINAL GRADE CONSTRUCTED ON THE UNIT AT THE TIME A BUILDING PERMIT IS ISSUED. THE UNIT AT THE TIME A BUILDING
5. UNITS 10 THROUGH 14A INCLUSIVE AND UNITS 17 THROUGH 20 INCLUSIVE EXTEND TO THE THREAD OF THE ST. JOSEPH RIVER
6. LOTS EMBRACING WATERS OF THE ST. JOSEPH RIVER ARE SUBJECT TO THE CORRELATIVE RIGHTS OF OTHER RIPARIAN OWNERS AND THE PUBLIC TRUST IN THESE WATERS
MICHAEL A. FREEMAN
LICENSED PROFESSIONAL SURVEYOR #40010400159
ABONMARCHE CONSULTANTS, INC
JUNE 21, 2023
DATE
PROPOSED JUNE 21, 2023
AS BUILT, MAY 31, 2005
RIVER TRACE ESTATES
SITE PLAN - UNITS
ABONMARCHE CONSULTANTS, INC.
95 WEST MAIN STREET
BENTON HARBOR, MICHIGAN 49022
(269) 927-2295
SHEET 4 OF 7


NOTES
1. EACH UNIT WILL HAVE INDIVIDUAL ON-SITE WATER WELL AND SEPTIC SYSTEMS
2. 25' WIDE PAVED ROADWAY W/GUTTER (MUST BE BUILT)
3. ELECTRIC MAIN, GAS MAIN, TELEPHONE SERVICE, AND DRAINAGE SYSTEM (MUST BE BUILT)
4. CABLE TELEVISION (NEED NOT BE BUILT)
SCALE: 1" = 150'
0 75 150 300
ST. JOSEPH RIVER
S 89°49'38" E 527.95
N 00°10'22" E 374.01
S73°17'55"E 164.00
S37°57'10"E 611.70
S33°48'00"E 608.08
S18°12'59"E 1041.93
S09°03'17"E 341.64
S09°33'20"W 276.18
S18°12'59"W 160.01
S12°12'12"W 54.07
N89°49'03"W 171.17
N49°47'34"W 411.62
N33°53'36"W 55.37
S87°13'27"W 236.87
S89°47'43"W 233.03
N 00°10'22" E 380.63
N 89°53'23" W 661.25
N 00°09'56" W 658.31
S 89°49'38" E 1982.46
S 89°49'38" E 464.32
PUBLIC ROAD
DICKINSON ROAD (66' R/W)
F.I.R. IN MONUMENT BOX
W 1/4 POST SEC 21, T 35S, R 18W
RAMORTH 661'
N=N 00°10'22" E
R=N 6° W 1059
N=N 08°49'38" W 1059.00
R=N 82° W 243.00
N=S 82°49'38" W 243.00
10' WIDE PRIVATE EASEMENT FOR PUBLIC UTILITIES
AUTUMN
SUMMER
WINTERS
SPRING
ARBOR
WAY
RIDGE
COURT
UNIT 1
UNIT 2
UNIT 3
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 10
UNIT 11
UNIT 12
UNIT 13A
UNIT 14A
UNIT 15
UNIT 16
UNIT 17
UNIT 18
UNIT 19
UNIT 20
UNIT 21
UNIT 22A
UNIT 23A
UNIT 24A
UNIT 25A
UNIT 26
UNIT 27
UNIT 28
UNIT 29
UNIT 30
UNIT 31
UNIT 32
UNIT 33
UNIT 34
UNIT 35
UNIT 36
UNIT 37
UNIT 38
UNIT 39
20' WIDE STORM DRAINAGE EASEMENT "A" GRANTED TO THE ASSOCIATION
20' WIDE STORM DRAINAGE EASEMENT "B" GRANTED TO THE ASSOCIATION
MICHAEL A. HAYHURST
LICENSED PROFESSIONAL SURVEYOR #4001040159
ABONMARCHE CONSULTANTS, INC.
JUNE 21, 2023
DATE
PROPOSED JUNE 21, 2023
AS BUILT, MAY 31, 2005
RIVER TRACE ESTATES
UTILITY PLAN
ABONMARCHE CONSULTANTS, INC.
95 WEST MAIN STREET
BENTON HARBOR, MICHIGAN 49022
(269) 927-2295
SHEET 6 OF 7


SCALE 1" = 150'
0 75' 150' 300
CONTOUR INTERVAL = 2'
ST
JOSEPH
RIVER
FLOW
S27°37'10"E 611.70
S 89°49'38" E 527.95
N 00°10'22" E 374.01
S37°49'00"E 408.09
S01°03'17"E 141.66
S01°03'17"E 274.18
S16°57'27"W 264.32
S87°13'27"W 236.87
N89°49'03"W 171.17
N13°29'38"W 55.57
S89°47'43"W 233.80
N 00°12'27" W 360.63
N 89°53'23" W 655.28
N 00°09'54" W 696.31
S 89°49'38" E 1982.46
S 89°49'38" E 464.32
DICKINSON ROAD (66' R/W)
SEC 21, T 35 S, R 19 W
FIR. IN MONUMENT BOX
BENCH MARK
60d SPIKE IN E. SIDE OF
T & M POLE B30C-15
ELEVATION = 610.51
DATUM (U.S.C.G.S. 1929)
R=NORTH 661'
M=N 00°10'22" E
R=N 9° W
M=N 00°49'38" W 1059.00
100 YR FLOOD PLAIN ELEVATION 596.0
UNIT 1
UNIT 2
UNIT 3
UNIT 5
UNIT 6
UNIT 10
UNIT 11
UNIT 12
UNIT 13A
UNIT 14
UNIT 15
UNIT 16
UNIT 17
UNIT 18
UNIT 19
UNIT 20
UNIT 21
UNIT 22
UNIT 23A
UNIT 24
UNIT 25
UNIT 26
UNIT 27
UNIT 28
UNIT 29
UNIT 30
UNIT 31
UNIT 32
UNIT 33
UNIT 34
UNIT 35
UNIT 36
UNIT 37
UNIT 38
UNIT 39
UNIT 40
UNIT 41
UNIT 42
UNIT 43
UNIT 44
UNIT 45
UNIT 46
UNIT 47
UNIT 48
UNIT 49
UNIT 50
UNIT 51
UNIT 52
UNIT 53
UNIT 54
UNIT 55
LEGEND
M = MEASURED
R = RECORDED
PP = POWER POLE
MICHAEL A. FREEMAN
LICENSED PROFESSIONAL SURVEYOR
#43010140159
ABONMARCHE CONSULTANTS, INC
JUNE 21, 2023
DATE
PROPOSED JUNE 21, 2023
AS BUILT, MAY 31, 2005
RIVER TRACE ESTATES
FLOOD PLAIN PLAN
ABONMARCHE CONSULTANTS, INC.
95 WEST MAIN STREET
BENTON HARBOR, MICHIGAN 49022
(269) 927-2295
SHEET 7 OF 7

7041/4/cs/C1-5

RECORDED

JUL 8 11 30 AM '93

MASTER DEED

RIVER TRACE ESTATES

(Act 59, Public Acts of 1978)

This Master Deed is made and executed on this 17 day of JUNE, 1993, by **Litke Properties,** a Michigan Co-Partnership, hereinafter referred to as the "Developer", whose office is situated at 3007 Bonnie Lane, St. Joseph, Michigan, 49085, in pursuance of the provisions of the Michigan Condominium Act (being Act 59 of the Public Acts of 1978), hereinafter referred to as the "Act".

WITNESSETH:

WHEREAS, the Developer desires by recording this Master Deed, together with the legal description of the project attached hereto as Exhibit A, the legal description of the Contraction Property attached hereto as Exhibit B, the Condominium By-Laws attached hereto as Exhibit C, the Condominium Subdivision Plan attached hereto as Exhibit D, and the Architectural Guidelines attached hereto as Exhibit E, all of which are incorporated herein by reference and made a part hereof, to establish the real property described in Article 2 below, together with the improvements located and to be located thereon, and the appurtenances thereto, as a residential condominium project consisting of single-family home building site units under the provisions of the Act.

NOW THEREFORE, the Developer does, upon the recording hereof, establish River Trace Estates, as a condominium project under the Act and does declare that River Trace Estates, hereinafter referred to as the "Condominium", the "Project" or the "Condominium Project", shall, after such establishment, be held, conveyed, hypothecated, encumbered, leased, rented, occupied, improved, or in any other manner utilized, subject to the provisions of the Act, and to the covenants, conditions, restrictions, uses, limitations and affirmative obligations set forth in this Master Deed and Exhibits A, B, C, D and E hereto, all of which shall be deemed to run with the land and shall be burden and a benefit to the Developer, its successors and assigns, and any persons acquiring or owning an interest in the said real property, their grantees, successors, heirs, executors, administrators and assigns. In furtherance of the establishment of said Condominium Project, it is provided as follows:

ARTICLE 1. TITLE AND NATURE

The Condominium Project shall be known as River Trace Estates, Berrien County Condominium Subdivision Plan No. 89. The Condominium Project is established in accordance with the Act. Such architectural plans and specifications as may exist for the Condominium Project will be filed with the Township of Royalton, Berrien County, Michigan. The improvements contained in the Condominium Project, including the number, boundaries, dimensions and area of each unit are as set forth in the Condominium Subdivision Plan attached hereto as Exhibit D. The Condominium contains individual units to be used as building sites for single family homes.

Each single-family home building site unit is capable of individual utilization as evidenced by each unit having its own entrance from and exit to a common element of the Condominium Project.

Each co-owner in the Condominium Project shall have an exclusive right to occupy his unit and shall have undivided and inseparable rights to share with other co-owners the use and enjoyment of the common elements, as designed by this Master Deed.

11-17-021-0004-00-0
6-00-6
6-00-2
11-00-6

I HEREBY CERTIFY, That there are no Tax Liens or Titles held by the State or any individual against the within description, and all Taxes on same are paid for five years previous to the date of this instrument, as appears by the records in my office. This certificate does not apply on taxes, if any, now in process of collection. Also exempt, Deferred Special Assessments, if any, under Act No. 225, Public Acts of 1976, as amended, and any Specific Tax. (I.E. Enterprise Zone)

Date JUL 08 1993

No. 3782

Berrien County Treasurer

LIBER 89 PAGE 1

HIGHWAY EASEMENT RELEASE —
COUNTY ROAD COMMISSION —983

Received for Record.....
at ..... o'clock .....
Liber ..... of ..... Page .....
.....
Register of Deeds.

Berrien
.....County Road Commission

HIGHWAY EASEMENT RELEASE

For and in consideration of the improvement of Dickensen Road county highway

and other valuable consideration, the receipt whereof is acknowledged, the undersigned

hereby grant and convey to the Berrien County Road Commission an easement for highway purposes, in, over and upon the parcels of land described as:

See Exhibit A attached hereto and incorporated herein by reference

05/20/93 111#8303 A33
MISCELLANEOUS $11.00
05/20/93 111#8303 A33
STATE REMON FE $2.00

RECORDED

MAY 20 3 57 PM '93

Bernice Trostenberg
REGISTER OF DEEDS
BERRIEN COUNTY MICHIGAN

This conveyance includes a release of any and all claims to damages to grantors' adjoining property, arising from or incidental to the laying out, establishing, altering, widening, change of grade, drainage within the right-of-way, and improving of the highway in, over, and upon the land hereby granted. This conveyance also includes the consent of the grantors to the removal at any time of such trees, shrubs and vegetation as, in the judgment of the Berrien County Road Commission, is necessary to the construction and maintenance of the highway, further notice of such removal being hereby expressly waived; provided that all desirable trees, shrubs and vegetation which do not interfere with the construction, maintenance or use of the highway, are to be preserved and shall not be removed or disturbed; and provided further, that all timber, logs, and parts of trees suitable for firewood resulting from removal of any trees shall be reserved for the grantors.

The grantors covenant and agree for themselves, their heirs, executors, administrators, successors and assigns, that no bill board, sign board or advertising device, other than those advertising articles produced or sold on the premises, shall be erected permitted, or maintained in or upon the remaining lands and premises now owned by the grantors immediately adjoining the lands herein conveyed, and within *~~sixty-six of three hundred feet from the highway xxxxxxxx, measured at right angles to said line~~. This covenant is hereby declared to be a perpetual covenant and shall be construed as a real covenant attached to and running with the land. *the road right-of-way

The undersigned mortgagee hereby releases and discharges the lands described from the mortgage lien.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 15 day of April A. D. 19.....

In Presence of:

Christine A. Smith
* Christine A. Smith

Howard H. Kahne
* Howard H. Kahne

Litke Properties, a Michigan Co-Partnership (LS)
*

BY: Donald E. Litke (LS)
* Donald E. Litke
ITS: General Partner

..... (LS)
*

..... (LS)
*

* PRINT, TYPEWRITE OR STAMP names of persons executing this instrument, also names of the Witnesses and Notary Public immediately underneath such Signatures

Pt. of 11-17-0021-0001-00-6 EASEMENT

STATE OF MICHIGAN, COUNTY OF .....: ss

On this ..... day of .....A. D. 19....., before me, the undersigned personally appeared

.....

and ..... to me known to be the persons who executed the foregoing release and severally acknowledged the same to be their free act and deed.

Proofed	
Form	
Exec.	
Posted	

.....

Notary Public ..... County, Michigan,

Acting in ..... County, Michigan.

My Commission Expires .....

PARTNERSHIP

~~CORPORATE~~ ACKNOWLEDGMENT

State of Michigan

County of Berrien } ss

On this 15 day of April A. D. 19....., before me, the undersigned personally appeared .....

Donald E.Litke ~~and~~ .....

to me personally known, who being by me duly sworn, did say that ~~they are respectively President and~~ he is General Partner of

Litke Properties, a Michigan Co-Partnership ~~Corporation that the seal affixed to the foregoing~~ Partnership

~~instrument is the corporate seal of said Corporation~~; that the said instrument was signed and sealed in behalf of said ~~corporation~~ by authority of the

~~Board of Directors~~ General Partners and said Donald E. Litke ~~and~~ ~~severally~~ acknowledged said instrument to be the free

act and deed of said ~~corporation~~ Co-Partnership.

Howard H.Kahne

Notary Public Berrien County, Michigan,

Acting in ..... County, Michigan.

My Commission expires 5-31-94

LIBER 1574 PAGE 660

HIGHWAY EASEMENT RELEASE

to

County Road Commission

Register's Office

State of Michigan } ss

County of .....

This instrument was presented and received for record this ..... day of ....., A. D. 19....., at ..... o'clock ..... M. and recorded in Liber ..... of ..... on page .....

Register of Deeds.

7041/4/cs/C3-1

EXHIBIT A

Legal Description of the Right of Way

A parcel of land located in the South West One-Quarter of Section 21, Township 5 South, Range 18 West, Royalton Township, Berrien County, Michigan, more particularly described as follows:

Commencing at the West Quarter Post of Section 21, Township 5 South, Range 18 West, Royalton Township, Berrien County, Michigan; thence South 89° 49' 38" East, along the East and West Quarter line of said Section 21, 2426.77 feet; thence South 00° 10' 22" West, perpendicular to said East and West Quarter line, 33.00 feet, to the Southerly right of way line of Dickinson Road, being the point of beginning of the herein described parcel; thence continuing South 00° 10' 22" West, 20.00 feet, thence North 89° 49' 38" West, parallel with said East and West Quarter line, 65.00 feet; thence North 00° 10' 22" East, 20.00 Feet, to said right of way line; thence South 89° 49' 38" East, parallel with said East and West Quarter line, 65.00 feet, to the point of beginning.

Serial No. 24167 04/20/93 111#5636 A99
MISCELLANEOUS $9.00
04/20/93 111#5636 A99
STATE REMON FEE $2.00

Form No. 8105-M/Rev. 9/89

DISTRIBUTION EASEMENT

Indiv. & Corp.
Overhead & Underground

W.O. No. 762/7259 Eas. No. 956 Map No. 665

THIS INDENTURE, made this 16th day of March, 19 93,
between Litke Properties, a Michigan General Partnership,

whose address is 3007 Bonnie Lane, St. Joseph, MI 49085

(hereinafter called "Grantor"), and **INDIANA MICHIGAN POWER COMPANY**, an Indiana Corporation authorized to do business in the State of Michigan, whose address is P.O. Box 60, One Summit Square, Fort Wayne, Indiana, 46801 (hereinafter called "grantee").

WITNESSETH: That for One Dollar ($1.00) and other good and valuable considerations in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee a right-of-way and easement for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy, and for communication purposes including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the following described Premises situated in Royalton Township, County of Berrien, State of Michigan, and being a part of Section 21, Township 5 South, and Range 18 West, to wit:

Being the same (or a part of the same) property conveyed to Litke Properties

by Sally A. Hoffman by deed dated July 24, 19 92, and recorded in Liber 1524 Page 794

, in the office of the Register of Deeds of Berrien County, Michigan, to which reference is made for further description.

The North 38 acres of the Northwest Fractional Quarter of the Southeast Fractional Quarter of Section 21; also the West fraction of the Northeast Quarter of said Section.

Also: That part of the East Half of the Northwest Fractional Quarter of Section 21, described as follows: Commencing in the center of said Section 21; thence West 196 1/2 feet; thence North 661 feet; thence North 63° West 243 feet; thence North 9° West 1059 feet; thence West 619 feet; thence North 566 feet; thence East 600 feet to the left bank of the St. Joseph River; thence up along said bank of said river to a point due North of the place of beginning; thence South 2235 feet to the place of beginning.

Also: The East Half of the North Half of the Northeast Quarter of the Southwest Quarter of Section 21.

TOGETHER with the right of ingress and egress to, from, and over said Premises, and also the right to cut or trim any trees and bushes which may endanger the safety or interfere with the construction and use of said facilities.

Grantee shall promptly repair or replace all physical damage on the Premises proximately caused by the construction, operation and maintenance of Grantee's Facilities.

The Grantor warrants that no structure or building shall be erected upon said easement.

After the completion of said system the Grantor reserves the full use of the land which is not inconsistent with the existence and maintenance of said facilities but does agree not to change elevation or grade within the area of said easement without prior written consent of Grantee.

It is agreed that the foregoing is the entire contract between the parties hereto and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representative, heirs, successors, and assigns.

IN WITNESS WHEREOF, Grantor, if individual(s), ha ve hereunto set their hand s;
and if corporation, has caused its corporate name and seal to be affixed by its duly authorized officers, the day first above written.

Signed, Sealed and Delivered in Presence of

Litke Properties

Linda C. Honyoust

Linda C. Honyoust

Donald E. Litke

Kenneth Warner

Kenneth Warner

Linda B. Litke

Linda B. Litke

This instrument was prepared by Linda C. Honyoust, Agent for Indiana Michigan Power Company on its behalf.

RECORDED

APR 20 12 35 PM '93

Bernice Mattaway
REGISTER OF DEEDS
BERRIEN COUNTY, MICHIGAN

STATE OF MICHIGAN
County of _____ } ss:

On this _____ day of _____
in the year of our Lord one thousand nine hundred and _____
before me, a _____ in and for said County
appeared _____ to me personally
known, who, being by me duly sworn, did _____ say that _____
_____ the _____
of _____
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 _____
_____ acknowledged said instrument to be the free act and deed of said corporation.

_____
Notary Public, _____ County, Michigan
My commission expires _____, 19__

STATE OF MICHIGAN
County of Berrien } ss:

On this 16th day of March, 19 93, before me personally appeared
Donald E. Litke and Linda B. Litke

to me known to be the person s described in and who executed the within instrument, and acknowledged that they executed the same as their free act and deed.

Linda C. Honyoust, Notary Public
Berrien County, Michigan

My commission expires December 19, 19 95.

LINDA C. HONYOUSY
Notary Public, Berrien County, Michigan
My Commission Expires December 19, 1995