

STATE OF MICHIGAN  
COUNTY OF CHARLEVOIX  
REGISTER OF DEEDS

AFFIDAVIT

1992 JUN 19 PM 4:39

*Clara M. [Signature]*  
REGISTER OF DEEDS

STATE OF MICHIGAN                     )  
  ) SS.  
COUNTY OF CHARELVOIX                )

Robert C. Pew and Mary I. Pew, being first duly sworn, state as follows:

1. That Affiants are of full age, make this Affidavit on their own personal knowledge in aid of title to real property in the City of Charlevoix, Charlevoix County, Michigan, more particularly described in the attached Exhibit B, and are competent to testify to the matters herein set forth if called as witnesses.

2. That Affiants acquired the real property described on the attached Exhibit A from Charco, Inc., by means of a Warranty Deed executed and delivered by the said Charco, Inc. on 31 May 1984.

3. That, in connection with its conveyance of the property described on the attached Exhibit A to Affiants, Charco, Inc. retained a non-exclusive easement with respect to that part of the property described on the attached Exhibit A which is described in the attached Exhibit B (the "Easement").

4. That, as of 31 May 1984 and continuing to this date, the said Charco, Inc. and its heirs, successors and assigns have the right to use the Easement for non-exclusive vehicular, pedestrian, utility and all other purposes, and to engage in construction, maintenance and repair in connection with such uses,

and to otherwise enjoy the Easement, so long as such use, construction, maintenance, repair and enjoyment is at the sole expense and risk of the said Charco, Inc. and its heirs, successors and assigns.

Further Affiant sayeth not.

Date: 19 June 1992

Robert C. Pew  
Robert C. Pew

Mary I. Pew  
Mary I. Pew

19th Subscribed and sworn to before me, a Notary Public, this day of June, 1992, by Robert C. Pew and Mary I. Pew.

Nonness V. Voisin  
Nonness V. Voisin  
Notary Public  
Charlevoix County, Michigan  
My commission expires: 9-18-94

DRAFTED BY:  
Richard E. Joseph  
Pointner & Joseph, P.C.  
201 State Street  
Charlevoix, MI 49720

DESCRIPTION OF REAL ESTATE

In the City of Charlevoix, Charlevoix County, Michigan, Commencing at a 1" rod at the Northeast corner of Section 23, Township 34 North, Range 0 West; thence along the East line of said section South 0°40'13" West 2653.39 feet to a 1" rod set by E. K. Robinson, past county surveyor, at the East quarter corner of said section; thence continuing along said section line South 0°39'10" West 1506.17 feet (recorded as 1507.40 feet) to a concrete monument recorded as being 80 feet Northwest of the center line of the former Chesapeake and Ohio Railroad right-of-way; so measured perpendicularly thereto; thence South 32°26'44" West (recorded as being 32°44' deflection angle to the right from said section line) 670.03 feet to the point of beginning of this description; thence continuing along the last described course South 32°26'44" West 70.73 feet to an iron stake on the Easterly extension of the Northerly line of Cherry Street; thence along the Easterly extension of the Northerly line of Cherry Street North 70°47'00" West 02.91 feet to the Southeasterly line of the former Frank J. Brown property described in Liber 124, Page 220, Charlevoix County records; thence along the Southeasterly line of said Brown property South 19°13'10" West 277.58 feet to an iron stake; thence continuing along the Southeasterly line of said Brown property South 33°15'32" West 361.90 feet (recorded as being on a 14°10' deflection angle to the right from the last described course 367.27 feet, more or less) to a 1" pipe on the Northerly line of Chicago Avenue; thence along the Northerly line of said Chicago Avenue South 71°00'00" East (recorded as South 70°51' East) 53.59 feet to an iron stake being 50 feet Northwest of the center line of said railroad right-of-way, so measured perpendicularly thereto; thence continuing along the last described course South 71°00'00" East (recorded as South 70°51' East) 45.71 feet to an iron stake; thence parallel with said center line North 32°26'44" East 250.00 feet to an iron stake; thence perpendicular to said center line North 57°33'16" West 0.46 feet to an iron stake; thence parallel with said center line North 32°26'44" East 456.70 feet to an iron stake; thence perpendicular to said center line North 57°33'16" West 36.00 feet to an iron stake being 50 feet Northwest of the center line of said railroad right-of-way, so measured perpendicularly thereto; thence continuing along the last described course North 57°33'16" West 29.77 feet to the point of beginning; being a part of Government Lot 1, Section 26, and part of Government Lot 4, Section 23, all in Township 34 North, Range 0 West. The above bearings are in relationship to the Michigan Coordinate System, Central Zone (2112). The above distances are grid distances.

## EASEMENT

In the City of Charlevoix, Charlevoix County, Michigan, Commencing at a 1" rod at the Northeast corner of Section 23, Township 34 North, Range 8 West; thence along the East line of said section South 0°40'13" West 2653.39 feet to a 1" rod set by E. K. Robinson, past county surveyor, at the East quarter corner of said section; thence continuing along said section line South 0°39'18" West 1506.17 feet (recorded as 1507.40 feet) to a concrete monument recorded as being 80 feet Northwesterly of the center line of the former Chesapeake and Ohio Railroad right-of-way, as measured perpendicularly thereto; thence South 32°26'44" West (recorded as being 32°44' deflection angle to the right from said section line) 670.03 feet to the point of beginning of this description; thence continuing along the last described course South 32°26'44" West 70.73 feet to an iron stake on the Easterly extension of the Northerly line of Cherry Street; thence along the Easterly extension of the Northerly line of Cherry Street North 70°47'00" West 82.91 feet to the Southeastly line of the former Frank J. Brown property described Lib. 124, Page 220, Charlevoix County records; thence along the Southeastly line of said Brown property South 19°13'18" West 29.77 feet; thence parallel with the Easterly extension of said street line South 70°47'00" East 106.50 feet to a point 50 feet Northwesterly of the center line of said railroad right-of-way, as measured perpendicularly thereto; thence parallel with said center line North 32°26'44" East 102.32 feet to an iron stake; thence perpendicular to said center line North 57°33'16" West 29.77 feet to the point of beginning; being a part of Government Lot 4, Section 23; Township 34 North, Range 8 West. The above bearings are in relationship to the Michigan Coordinate System, Central Zone (2112). The above distances are grid distances.