



STATE OF MICHIGAN - MIDLAND COUNTY
JULIE K. ATKINSON, REGISTER OF DEEDS
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**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF MIDLAND**

COUNTY OF MIDLAND, by and through its County
Delegated Authority, the Four Lakes Task Force,
Plaintiff,

v

Case No. 20-7191-CC
Hon: Stephen P. Carras

SANFORD HYDRO PROPERTY, LLC, EDENVILLE
HYDRO PROPERTY, LLC, SMALLWOOD HYDRO
PROPERTY, LLC, SECORD HYDRO PROPERTY, LLC,
BOYCE HYDRO POWER, LLC, BOYCE HYDRO, LLC,
BOYCE MICHIGAN, LLC, CONSUMERS ENERGY
COMPANY, BYLINE BANK, MICHIGAN DEPARTMENT
OF TRANSPORTATION; and MIDLAND COUNTY ROAD
COMMISSION,
Defendants.

**CONSENT JUDGMENT
VESTING TITLE AND
AWARDING
COMPENSATION**

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CONSENT JUDGMENT VESTING TITLE AND AWARING COMPENSATION

At a session of said Court held in the
City of Midland, Midland County
State of Michigan on
December 28, 2020
PRESENT: Hon. Stephen P. Carras

This matter comes before the Court on the following actions:

A. Plaintiff, the County of Midland, by and through its Delegated Authority, the Four Lakes Task Force (the “FLTF”) filed a Complaint for Condemnation and Jury Demand on or about July 31, 2020 (the “Complaint”) seeking title to certain property and flowage rights over certain property as described in the Complaint.

B. Pursuant to MCL 213.55(5), the FLTF deposited \$100,000.00 with the Midland County Treasurer (the “Escrow Deposit”) as the amount estimated to be just compensation for the properties and rights being sought by Plaintiff collectively in this action and the sister condemnation proceedings in the Gladwin County Circuit Court, Case Number 20-10509-CC (the “Sister Action”).

C. All Defendants have been served with the pleadings and have filed answers to the Complaint, have been granted extensions of time in which to answer the Complaint, or their time for answering the Complaint has not expired yet.

D. Sanford Hydro Property, LLC, Edenville Hydro Property, LLC, Smallwood Hydro Property, LLC, Secord Hydro Property, LLC, and Boyce Michigan, LLC, filed Defendant’s Motion for Summary Disposition for Lack of Subject Matter Jurisdiction on or about September 14, 2020 (the “Motion for Summary Disposition”). Byline filed a joinder in the Motion for Summary Disposition on or about September 18, 2020.

E. The Plaintiff and Boyce Defendants (comprised of and defined as Sanford Hydro Property, LLC, Edenville Hydro Property, LLC, Smallwood Hydro Property, LLC, Secord Hydro Property, LLC, Boyce Hydro Power, LLC, Boyce Hydro, LLC and Boyce Michigan, LLC collectively) entered into a formal Settlement Agreement dated November 13, 2020 in which the Motion for Summary Disposition is withdrawn, title to certain property and rights shall transfer, and the FLTF shall pay certain compensation (the “Settlement Agreement”).

F. On or about November 17, 2020, the United States Bankruptcy Court in In re: Boyce Hydro, LLC, et al., Case No. 20-21214, United States Bankruptcy Court, Eastern District of Michigan, Northern Division – Bay City (the “Bankruptcy Court”) exercising jurisdiction over the bankruptcies of Boyce Hydro Power, LLC and Boyce Hydro, LLC (the “Debtors”) entered an order lifting the bankruptcy stay as against the Debtors for purposes of allowing the Debtors to be served with the Complaint in this action. On or about November 30, 2020, the same Bankruptcy Court approved the Settlement Agreement and authorized the Debtors to perform under its terms and enter into this Consent Judgment (the “Bankruptcy Order”).

G. The parties request that this Court enter this Consent Judgment Vesting Title and Awarding Compensation to implement their agreements and the Settlement Agreement.

Upon these actions and the stipulation of the non-defaulted parties, and the Court being otherwise fully advised in the premises,

IT IS ORDERED:

1. The Motion for Summary Disposition is recognized as withdrawn. This Court has proper jurisdiction over these proceedings.

2. All Defendants waive any challenges to the necessity of Plaintiff's taking.

3. All rights, title, and interest, including flowage rights, in and to all of the parcels of real property identified in FLTF's Declaration of Taking dated July 24, 2020 and recorded on July 28, 2020 in Liber 01635, page 01153 of the Midland County Records (attached as Exhibit A), are hereby conveyed to, and vested in, Midland County pursuant to MCL 213.57 as of July 31, 2020, free and clear of all liens and other interests, except as expressly limited or modified as follows:

- a. All easements, rights of way, rights, and interest currently held by, or for the benefit of, Defendants Consumers Energy Company, Michigan Department of Transportation, and Midland County Road Commission survive this Consent Judgment and are expressly preserved and not changed, altered, or diminished by the takings in this action and shall continue to have their current priority in title.
- b. Any mortgage interest, lien or security interest recorded as of July 31, 2020 against any of the Property that is held by or for the benefit of Byline Bank, as successor in interest to Ridgestone Bank, including, without limitation, the following mortgages and/or liens:
 - i. Mortgage, Security Agreement Assignment of Rents and Leases and Fixture Financing Statement dated November 28, 2011, between Sanford Hydro Property, LLC and Ridgestone Bank; Midland County Register of Deeds, Liber 1548; Page 1487
 - ii. Mortgage, Security Agreement Assignment of Rents and Leases and Fixture Financing Statement dated November 28, 2011, between Edenville Hydro Property, LLC and Ridgestone Bank, Midland County Register of Deeds, Liber 1548; Page 1492
 - iii. Mortgage recorded October 21, 2014, between Edenville Hydro Property, LLC and Ridgestone Bank, Midland County Register of Deeds, Liber 1581; Page 126
 - iv. Mortgage dated October 16, 2014 between Sanford Hydro Property, LLC and Ridgestone Bank; Midland County Register of Deeds, Liber 1581; Page 131
 - v. Assignment of Contracts, Leases and Rents, Sanford Hydro Property LLC and Ridgestone Bank recorded October 21, 2014, Midland County Register of Deeds, Liber 1581; Page 132

(collectively the “Mortgages”) is not discharged by this Consent Judgment and remains in full force and effect against the above properties for the benefit of Byline Bank, up to the amount of the Just Compensation. Byline Bank shall be authorized to make any necessary filings or recordings as may be necessary in connection with the Mortgages. The obligations secured by the Mortgages shall decrease as the Just Compensation is paid. When the Just Compensation is paid in full, Byline Bank shall discharge its mortgage from all properties conveyed by this Consent Judgment.

- c. Byline Bank shall be an express third party beneficiary under the Settlement Agreement and shall have all rights thereunder and applicable law to enforce the obligations of the parties thereunder, including, without limitation, the obligations of FLTF to make payments of Just Compensation proceeds in Section 2 thereof, and the distribution of Just Compensation in Section 5 thereof.
- d. The property bearing the identification number 010-001-200-040-00 is excluded from the transfer; title to, and ownership of, such property remains with Boyce Michigan, LLC.
- e. Counsel stipulating to entry of this Consent Judgment cannot and do not warrant the validity or accuracy of the references to, and descriptions of, properties and property rights included in this Consent Judgment or the separate documents being recorded pursuant to this Consent Judgment.

All property and rights being transferred to Plaintiff in this section 3 are collectively referred to as the “Property.” Any of Defendants’ rights in the Property not explicitly reserved or retained by or for Defendants are hereby acquired by, and vested in, Plaintiff.

4. In full satisfaction of Plaintiff’s obligations for just compensation, reimbursement of experts’ fees, attorneys’ fees, interest, and other claims that Defendants may have possessed under the Uniform Condemnation Procedures Act, MCL 213.51 *et seq.* (the “UCPA”) in the Present Action and the Sister Action, FLTF shall pay a total of \$1,576,000.00 (the “Just Compensation”) on the dates and in the amounts set forth in the Settlement Agreement. The Just Compensation shall be paid to counsel for Debtors, Goldstein & McClintock LLLP, to be held in trust and disbursed and allocated according to the terms of the Settlement Agreement and Bankruptcy Order. Defendants are not entitled to receive compensation other than as provided in the Settlement Agreement and waive their rights to claim or receive any other compensation in this action that they may have been entitled to under the UCPA, including any and all claims for costs, interest, or attorneys fees under the UCPA or at law or equity.

- a. As part of the Just Compensation, as soon as practical after the entry of this Consent Judgment, the Midland County Treasurer shall release the \$100,000.00 Escrow Deposit to Goldstein & McClintock LLLP at 111 W. Washington Street, Suite 1221, Chicago, IL 60602 or via ACH transfer (with routing and account numbers provided by Matthew McClintock).

5. Pursuant to the terms of the Settlement Agreement, Plaintiff reverses its election to reserve, and waives, its rights to bring a state or federal cost recovery claim against the Boyce Defendants arising out of a release of hazardous substances at the properties being conveyed.

6. A copy of this Consent Judgment may be recorded with the Midland County Register of Deeds, which shall accept such a true copy for recording.

This is a final order that resolves the last pending claim and closes this case.

LS **HON. STEPHEN P. CARRAS**
P52700

Hon. Stephen P. Carras
Judge, Midland County Circuit Court

Stipulated as to form and content and notice of entry waived by:

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CERTIFIED COPY
42nd CIRCUIT COURT

DATE *12-28-2020*

I hereby certify that
this document is
a true and correct copy
of the original on file
with this office.

Ann Manary
MIDLAND COUNTY
CLERK AND
CLERK OF THE
CIRCUIT COURT

[Signature]
By: Deputy County Clerk

EXHIBIT A

to Consent Judgment Vesting Title and Awarding Compensation

Declaration of Taking dated July 24, 2020 and previously recorded on July 28, 2020 in Liber 01635, page 01153 of the Midland County Records.

STATE OF MICHIGAN)
)SS.
COUNTY OF MIDLAND)

DECLARATION OF TAKING

I, David E. Kepler, Chairperson and President of the Four Lakes Task Force (FLTF), having been duly sworn hereby state and affirm the following in support of this Declaration of Taking:

1. Wixom Lake, Sanford Lake, Smallwood Lake, and Secord Lake are inland lakes located in Gladwin and Midland Counties, that were created by the impoundment of the Tittabawassee and Tobacco Rivers by four (4) hydroelectric dams that are privately owned and operated by Boyce Hydro Power, LLC ("Boyce Hydro") and, with exception of the Edenville Dam on Wixom Lake, are regulated by the Federal Energy Regulatory Commission ("FERC").
2. For almost 100 years, Wixom Lake, Sanford Lake, Smallwood Lake, and Secord Lake (the "Lakes" or "Four Lakes") have been and remain important resources to both Midland and Gladwin counties, and the impoundment of water and operation of the dams are of paramount importance to manage the lake levels of the Four Lakes, and to the public health and safety of lake residents and the public of the counties.
3. Part 307 of the Michigan Natural Resources and Environmental Protection Act, "Inland Lake Levels", MCL 324.30701 et seq. ("Part 307") governs the process for the determination, establishment and maintenance of the water level of inland lakes, and authorizes counties to acquire, finance, construct, operate and maintain dams as necessary to maintain such levels as determined by the circuit court.
4. On October 9, 2018, the Gladwin County Board of Commissioners adopted Resolution #2018-034, finding that in order to protect the public's health, safety, and welfare, to best preserve the natural resources of the state, and to preserve and protect the value of properties around the Lakes, that it was necessary to take all action to establish and maintain the normal lake levels for the Lakes pursuant to Part 307.
5. On October 16, 2018, the Midland County Board of Commissioners adopted a resolution, finding that in order to protect the public's health, safety, and welfare, to best preserve the

natural resources of the state, and to preserve and protect the value of properties around the Lakes, that it was necessary to take all action to establish and maintain the normal lake level for the Lakes pursuant to Part 307.

6. Pursuant to the foregoing resolutions adopted by the Gladwin and Midland County Board of Commissioner, the Four Lakes Task Force was appointed by the Counties to serve as the "Delegated Authority" as provided by Part 307; to act on behalf of the Counties to oversee the Lake Level Project; to prepare a Special Assessment District and Special Assessment Roll in accordance with the procedures set forth in Part 307; and to take all other actions as necessary and required by the Delegated Authority as provided in Part 307 ("Delegated Authority"). The Four Lakes Task Force, is a Michigan non-profit corporation and IRC 501(c)(3) organization comprised of representatives from all Four Lakes and lake associations.
7. The lake levels of the Four Lakes cannot be maintained in accordance without proper improvements, maintenance and repairs of the four dams that create the Four Lakes.
8. In February, 2019, the Counties filed petitions in the circuit courts of Gladwin and Midland counties pursuant to Part 307 requesting the determination of the normal levels of the Four Lakes, and approval of the boundaries of a special assessment district (*In the matter of Wixom Lake, Sanford Lake, Smallwood Lake and Secord Lake*, Midland Circuit Court Case #19-5980-PZ and Gladwin Circuit Court Case #19-009892-PZ).
9. On May 28, 2019 following a hearing, Midland County Circuit Court Judge Stephen P. Carras entered an order establishing the normal levels for each of the Four Lakes and approved the boundaries of the Four Lakes Special Assessment District ("Lake Level Order").
10. On May 19, 2020 the Tittabawassee River side of the privately-owned Edenville Dam (that impounds water creating Wixom Lake), breached east of the powerhouse and spillways, resulting in an uncontrolled release of Wixom Lake into Sanford Lake, subsequently resulting in failure and breach of the Sanford Dam and loss of Sanford Lake. Secord and Smallwood Dams did not breach but were damaged by floodwaters. The Federal Energy and Regulatory Commission ("FERC") ordered the private dam owner to lower all the FERC-regulated lakes as much and as soon as safely possible and hold the water levels there until the projects are again deemed safe to operate.
11. Following the May 19, 2020 failures, debris removal, short-term stabilization of the dams, environmental damage to habitat and shoreline erosion, and the reconstruction, replacement and/or repairs to the dams in order to restore the lakes levels in accordance with the circuit court order was estimated to cost in the hundreds of millions of dollars.
12. By resolution (the "Resolution") adopted on June 9, 2020, the Board of Commissioners of Midland County, acting under the authority granted by Section 30710 of Part 307 (MCL 324.30710) and pursuant to the procedures set forth in the Michigan Uniform Condemnation Procedures Act, Michigan Public Act 87 of the Public Acts of 1980, as amended, MCL 213.51 et seq. ("UCPA") determined that it is necessary to condemn private property for the purposes set forth in Part 307 in order to restore and maintain the normal levels for each of the Four Lakes in accordance with the Lake Level Order ("Lake Level Project").

13. By Resolution authorized its Delegated Authority (i.e. FLTF), if it has not been able to secure through negotiation all such property interests located in Midland County as set forth in **Attachment A** (list of parcels, legal descriptions and property owners) that are needed to undertake the Lake Level Project, to proceed to obtain the necessary property interests by initiating proceedings in condemnation in accordance with the applicable provisions of Part 307 and UCPA, and any other applicable state or federal law.
14. Based on a resolution adopted by the FLTF board, and pursuant to the June 9, 2020 Resolution of Gladwin County, I am authorized, on behalf of Gladwin County to issues this declaration of the taking of property by eminent domain by the County of Gladwin, under the applicable statutes of the State of Michigan, declaring the same for public purposes to undertake the Lake Level Project.
15. The purpose of this taking is to enable the Counties to undertake the Lake Level Project, and thus it is necessary to acquire fee simple title to certain lands, and flowage rights located within Gladwin County, as described and depicted in **Attachment A** (collectively shall be referred to as the "Property Interests").
16. In addition, the purpose of this taking is to preserve the rights of the United States, State of Michigan, and the public for commerce, navigation, recreation, and fishery, in any portion of the lands comprising the bed of the Tittabawassee River or Tobacco River or land created by fill or artificial accretion, and the nature, extent, or lack of riparian rights or the riparian rights of riparian owners and the public in and to the use of the waters of the Tittabawassee River or Tobacco River.
17. In addition, the purpose of this taking is to preserve, and not extinguish, terminate, remove, or otherwise take any existing recorded easements or right of ways for public utilities, drains, public or private roads or other access (ingress/egress) easements.
18. The individuals or entities believed to have an interest in the **Property Interests** described in **Attachment A** include:
 - a. Sanford Hydro Property, LLC (Sanford Dam)
 - b. Edenville Hydro Property, LLC (Edenville Dam)
 - c. Smallwood Hydro Property, LLC (Smallwood Dam)
 - d. Secord Hydro Property, LLC (Secord Dam)
 - e. Boyce Hydro Power, LLC (FERC License Holder)
 - f. Boyce Hydro, LLC
 - g. Boyce Michigan, LLC
 - h. W.D. Boyce Trusts #2350
 - i. W.D. Boyce Trusts #3649
 - j. W.D. Boyce Trusts #3650
 - k. Lee W. Mueller
 - l. Michelle Mueller
 - m. Stephen B. Hultberg

(Collectively known as "Boyce Entities")

 - n. Consumers Energy Company


- o. Byline Bank
- p. Michigan Department of Transportation
- q. Midland County Road Commission

(Collectively known as "Other Property Owners")

19. Based on a market analysis required to stabilize, restore, improve the dams and maintain the lake levels consistent with the Lake Level Order, estimated just compensation for the **Property Interests**, which also includes certain property interests located in Midland County (not listed) is: Ten and 00/100 (\$10.00) dollars, however, the good faith offer presented was in the amount of One Hundred Thousand and 00/100 Dollars (\$100,000) plus any all moneys and work previously paid or benefitting the Boyce Entities in excess of \$797,500.
20. Negotiations with the Boyce Entities and Other Property Owners to acquire the **Property Interests** have not been successful.
21. Gladwin and Midland counties, by and through its Delegated Authority, reserve the right to bring federal and state cost recovery action against the Boyce Entities and/or **Other Property Owners** that may have an interest in the **Property Interests** for costs incurred as a result of the release of hazardous or toxic substances or materials which may have occurred on the **Property Interests**.
22. Midland County, by and through its Delegated Authority, has the authority pursuant to Section 30710 of Part 307, MCL 324.30710, and applicable provisions of Michigan law to acquire the Property interests by condemnation.
23. This Declaration of Taking shall be recorded with the Midland County Register of Deeds.
24. This Declaration of Taking is dated July 24, 2020.


Further affiant sayeth naught.

COUNTY OF MIDLAND, by and through
FOUR LAKES TASK FORCE, County
Delegated Authority,


By: David E. Kepler
Title: Chairperson and President
Four Lakes Task Force

Subscribed and sworn before me July 24, 2020.

JOSEPH W. COLAIANNE
NOTARY PUBLIC, STATE OF MI
COUNTY OF LIVINGSTON
MY COMMISSION EXPIRES May 10, ~~2018~~ 2025
ACTING IN COUNTY OF MIDLAND


Joseph W. COLAIANNE Notary Public
State of Michigan, County of LIVINGSTON
My Commission Expires: 5-10-2025
Acting in the County of MIDLAND

Prepared By/When Recorded Return To:
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Attachment A - Midland County Parcels

Real Property from Boyce Hydro to FLTF
Midland County
Attachment A
Revised 06/08/2020

No.	Parcel ID	WPC Lot Number (s)	Encumbered	Exhibit Map Sheet No.	Project	Current Owner	County
1.	081-024-200-502-00	1,3,7	YES	2	Sanford	Sanford Hydro Property LLC	Midland
2.	-	8	-	2	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
3.	-	9	-	2	Sanford	Boyce Michigan LLC	Midland
4.	-	11	-	2	Sanford	Boyce Michigan LLC	Midland
5.	-	31	-	2,3	Sanford	Boyce Michigan LLC	Midland
6.	-	51	-	3	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
7.	-	50	-	3	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
8.	-	50A	-	3	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
9.	-	53	-	3,4	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
10.	-	61	-	4	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
11.	-	65	-	4	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
12.	-	66	-	4	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
13.	-	68	-	4	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
14.	-	69	-	4,5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
15.	010-014-200-270-00	72, 74, 73	-	5	Sanford	Boyce Michigan LLC	Midland
16.	-	71	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
17.	-	72	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland

Real Property from Boyce Hydro to FLTF
Midland County
Attachment A
Revised 06/08/2020

No.	Parcel ID	WPC Lot Number (s)	Encumbered	Exhibit Map Sheet No.	Project	Current Owner	County
18.	-	73	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
19.	-	75	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
20.	-	77	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
21.	-	78	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
22.	-	79	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
23.	-	80	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
24.	-	82	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
25.	-	83	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
26.	-	84	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
27.	-	85	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
28.	-	86	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
29.	-	88	-	5	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
30.	-	89	-	5,6	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland

Real Property from Boyce Hydro to FLTF
Midland County
Attachment A
Revised 06/08/2020

No.	Parcel ID	WPC Lot Number (s)	Encumbered	Exhibit Map Sheet No.	Project	Current Owner	County
31.	-	100	-	5,6	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
32.	-	101	-	5,6	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
33.	-	102	-	6	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
34.	-	103	-	6	Sanford	Boyce Michigan LLC, Edenville Hydro Property LLC, Smallwood Hydro Property LLC, Secord Hydro Property LLC	Midland
35.	010-001-200-040-00	88, 100, 102, 150, 152	Yes	6	Edenville	Boyce Michigan LLC	Midland
36.	010-001-100-080-00	155, 157, 159, 159A, 161	Yes	6	Edenville	Boyce Michigan LLC	Midland

Term Definitions

- Parcel ID – The unique identification number associated with a piece of land.
- WPC Lot Number – The number that refers to a piece of land on the Wolverine Power Corporation (WPC) Maps. These maps were developed during the initial land transfer to WPC in the 1920's.
- Encumbered – The property consists of both the dam and the bottom lands.
- Exhibit Map Sheet No – The exhibit map sheet number which shows the parcel.
- Project – The dam project extents under which the parcel is contained.
- Current Owner – The current legal owner of the parcel.
- County – The county in which the parcel is located.

Attachment A - Midland County Parcels

The following particularly described premises, pieces and parcels of property in the Township of Jerome, County of Midland, State of Michigan:

PARCEL No. 1

That part of Lot Seven (7), Section Twenty-four (24), Township Fifteen (15) North of Range One (1) West, bounded and described as follows:

Beginning on the East line of said lot, being the center line of said Section Twenty-four (24), at a point where the said line intersects the center line of the Tittabawassee River, running thence down the center of said river, following its crooks and turns forty-six (46) rods to point, thence southeasterly twenty-two (22) rods, more or less, to the old River Road, so-called, to a stake, thence in a Northeasterly direction forty-two (42) rods, more or less, to a stake on the top of high bank, thence North on center line of said Section Eight (8) rods, more or less, to the place of beginning, containing four (4) acres, more or less.

PARCEL No. 2

Being a part of the Southwest quarter of the Northwest quarter of Section twenty-four (24), Town Fifteen (15) North, Range One (1) West, described as follows:

Beginning in the center of the Tittabawassee River on a line between the land of the First Party and land now owned or formerly owned by Benjamin Utter, and being the north and south eighth line of the northwest quarter of said section; thence north along the First Party's east line nine hundred (900) feet, more or less to a point which is two hundred (200) feet south of the east and west eighth line of the said northwest quarter; thence west two hundred (200) feet; thence south parallel with the east boundary of said parcel four hundred eighty (480) feet, more or less, thence west one hundred (100) feet, thence south four hundred eighty (480) feet more or less to center of Tittabawassee River; thence easterly upstream along the center of the said river three hundred fifteen (315) feet, more or less, to the place of beginning; containing five and four-tenths (5.4) acres, more or less.

PARCEL No. 3

Lot four (4) of Section Twenty-four (24) Town Fifteen (15) North of Range One (1) West, containing Twenty-nine and forty-six hundredths (29.46) acres, more or less.

PARCEL No. 7

The Northeast quarter of the Northwest quarter of Section Twenty-four (24) Town Fifteen (15) North of Range One (1) West, containing Forty (40) acres, more or less.

All the pieces and parcels of land situated in the Townships of Jerome and Edenville, County of Midland, State of Michigan, lying and being in, along and adjacent to the Tittabawassee River and its tributaries within and below contour lines at elevation six hundred and thirty-three (633) feet above sea level, as established by bench mark at Sanford, in the Township of Jerome, County of Midland, State of Michigan, being in and part of the following described lands, to-wit:

In said Township of Jerome-

PARCEL No. 5

The west part of Lot Number One (1) Section Twenty-four (24) Town Fifteen (15) North of Range One (1) West described and bounded as follows, to-wit: Commencing in the center line of said Section Twenty-four (24) and on the West line of said Lot Number One (1) where said lot corners with land owned or formerly owned by Gordon Woltz, where the center of the Tittabawassee River intersects with said West line of Lot Number One (1); thence South five (5) rods, more or less, to the top of high bank, thence easterly and northerly along the top of the high bank following all of its crooks and turns Two Hundred Fifty-Five (255) rods, more or less, to the North line of said Lot Number One (1); thence West twenty-four (24) rods, more or less, to the center of the Tittabawassee River; thence South following all of the crooks and turns of said river to the place of beginning, containing seventeen and eighty nine hundredths (17.89) acres be the same more or less.

PARCELS No. 9-11-13-15-17-19-22-23

The northwest quarter of the northwest fractional quarter, the east half of the northwest fractional quarter, Lot One (1) in the northwest fractional quarter, and Lots Two (2), Three (3) and Four (4) and the northeast quarter of the southeast quarter, all in Section Thirteen (13) in Township Fifteen (15) North, Range One (1) West according to the Government survey thereof, containing three hundred and seventeen and eighty hundredths (317.80) acres of land more or less, except all coal, minerals and ores upon or under said land.

PARCEL No. 10

Being a part of the southeast fractional quarter of the southwest quarter of Section Thirteen (13), T. 15 N. R. 1 W., described as follows, to-wit:

Beginning at the center of the Tittabawassee River on the north and south quarter line of Section 13, thence south along said quarter line one hundred ninety (190) feet more or less to the line or contour at elevation six hundred thirty three (633) feet above mean tide of the Atlantic Ocean; thence West-northwesterly along said contour fourteen hundred ninety six (1496) feet more or less to the west one-eighth line of said section 13, thence north along said eighth line one hundred seventy (170) feet more or less to the center of the Tittabawassee River, thence down the center line of the river to the place of beginning, containing six and three hundredths acres (6.03) more or less.

Also beginning at the quarter post of the south line of said Section 13, thence west three hundred sixty-two (362) feet more or less to the said line or contour at elevation six hundred thirty three (633) feet; thence northeasterly along said contour to the north and south quarter line of said section 13, thence south along said quarter line two hundred sixty-five (265) feet more or less to the place of beginning, containing one and seventeen hundredths (1.17) acres more or less.

PARCEL Nos. 12-14-16-18-20

The east fractional half of the north east fractional quarter of Section Fourteen (14), in Township Fifteen (15) North of Range One (1) West of Michigan Meridian in Michigan, containing sixty eight acres and forty hundredths of an acre (68.40).

And Lots Number Five (5) and Six (6) and the southwest quarter of the southwest quarter of Section Thirteen (13), in Township Fifteen (15) North of Range One (1) West, containing according to the Government survey, seventy five and sixty five hundredths (75.65) acres, more or less.

PARCELS No. 21-26

Entire fractional Lot No. Two (2) Section Fourteen (14); also the southeast part of the southeast fractional quarter of the southeast quarter of Section Eleven (11) bounded and described as follows, to-wit:

Commencing at the southeast corner of Section Eleven (11) thence north thirty-three (33) rods more or less, on the section line between Sections Eleven (11) and Twelve (12) to the top of high bank; thence southwesterly on top of high bank six (6) rods, more or less, thence southerly on top of high bank following all of its crooks and turns twenty-nine (29) rods, more or less, to the south line of said Section Eleven (11); thence east on said south section line seventeen (17) rods, more or less, to the place of beginning; also a piece or parcel of land in the Gully, four (4) rods wide by Twelve (12) rods long; all of the above being in Town Fifteen (15) North of Range One (1) West, containing eleven (11) acres, more or less.

PARCELS No. 24-28-30



Lots Four (4), Five (5) and Six (6) of Section Twelve (12) Township Fifteen (15) North of Range One (1) West, being all of said Section Twelve (12), being and lying west of the Tittabawassee River, containing one hundred forty-four and seventy-seven hundredths (144.77) acres of land according to the Government survey thereof.

PARCELS No. 27-31-32

Beginning at a point on the north line of said parcel being the north line of Section 11, T 15 N, R 1 W, 112 feet more or less, west of the center of the Tittabawassee River, said point being on a line or contour six hundred thirty-three (633) feet; thence southeasterly, southwesterly and southeasterly always on said contour at said elevation, 2985 feet, more or less, to the east line of said parcel being the east line of said Section 11; thence northerly along the said east line 2115 feet, more or less to the center of the Tittabawassee River; thence upstream along the center of said river following its crooks and turns 740 feet, more or less, to the said north line of said parcel; being the North line of said Section Eleven (11); thence westerly 112 feet more or less to the place of beginning, containing eight and fifty-four hundredths (8.54) acres more or less.

Also, beginning at a point on the east, north and south 1/8 line of Section 11, T 15 N, R 1 W, being the west line of said parcel and 140 feet, more or less south of a stake which is the center of the NE 1/4 of said Section 11, said point being on a line or contour six hundred thirty-three (633) feet; thence southeasterly, southerly, easterly to the center of a gully, westerly along the south side of said gully and southeasterly always on said contour at said elevation 2670 feet, more or less, to the east line of said parcel being the east line of said Section 11; thence

south along said east line 325 feet, more or less, across a gully to a line or contour at said elevation six hundred thirty-three (633) feet; thence northwesterly, southerly to the center of a gully, northerly along west side of said gully and northwesterly always on said contour at said elevation, 2240 feet more or less to the east line of the school grounds; thence north along said east side of school grounds 150 feet, more or less, to the north line of said school grounds, thence west along said north line of said school grounds 30 feet, more or less, to the line or contour at elevation six hundred thirty three (633) feet; thence northwesterly always on said contour at said elevation, 380 feet more or less to the west line of said parcel being the said east, north and south 1/8 line of said Section 11; thence north along said west line of said parcel and across a gully 845 feet, more or less, to the place of beginning containing fifteen and sixteen hundredths (15.16) acres more or less.

PARCELS No. 29-33-33a-33b-35a-35b

Lot No. One (1), Section Twelve (12), containing 22-79/100 acres more or less; Lot No. Two (2), Section Twelve (12), containing 46-90/100 acres more or less; NE quarter (1/4) of the NW quarter (1/4), Section Twelve (12), containing Forty (40) acres more or less; all that part of Lot No. Two (2), on Section One (1), in SW Fr. (1/4), lying West of the 1/8 line; NE Frac. of the NE Fr. (1/4), Section Eleven (11), containing one and 14/100 acres more or less; Lot No. Four (4), Section Two (2), containing six (6) acres more or less; all being located in Town Fifteen (15) North Range One (1) West, Midland County, Michigan, comprising one hundred twenty one (121) acres more or less.

PARCEL No. 35

Being a part of the east half (E 1/2) of the southwest quarter (SW 1/4) of Section One (1), Town Fifteen (15) North Range One (1) West, described as follows, to-wit:

Beginning at a stake in the East and West quarter line of said Section One (1) and five hundred eighty seven (587) feet, more or less, West of the center of said Section, said stake being on a line or contour six hundred thirty three (633) feet above the mean sea level of the Atlantic Ocean, thence West six hundred fourteen (614) feet more or less to the center of the Tittabawassee River, thence southerly along the center of said river, following its crooks and turns to the North boundary of land now owned, or formerly owned, by Jemina Tigner, being the South line of said Section One (1) thence east five hundred fifty six (556) feet, more or less, along said south line to a stake, being eight hundred

forty five (845) feet, more or less, west of the south quarter (S 1/4) post of said section, and being on a line or contour above described; thence northerly along said contour, following its crooks and turns, and always at elevation six hundred thirty three (633) feet above mean sea level, to the east line of said parcel, being the North and South center line of said Section One (1) and, on the South side of a gully; thence North along said North and South center line of said Section one (1), being the East line of said parcel, two hundred eighty (280) feet, more or less, across the gully to the line or contour at elevation six hundred thirty three (633) feet above mean sea level on the North side of said gully; thence Southwesterly and northerly along said line or contour always at elevation six hundred thirty three (633) feet above mean sea level to the place of beginning, containing sixteen (16) acres of land, more or less.

PARCELS No. 34-38-40

Fractional Lots Three (3), Four (4) and Five (5) of Section One (1) in Town Fifteen (15) North Range One (1) West, Midland County, State of Michigan, containing One Hundred Twenty-seven and seven hundredths (127.07) acres, more or less.

Reserving all mineral and coal deposits that may underlie said lands.

PARCEL No. 36

All that part of Lot Three (3) Section Two (2), Town Fifteen (15) North of Range One (1) West, bounded and described as follows:

Beginning on the South line of said lot, being the section line between Sections Two (2) and Eleven (11), at a point where the said line intersects the center line of the Tittabawassee River, running thence up the center of said river, following its crooks and turns, to the East line of said Lot Three (3); thence northerly along the east line of said lot thirty two (32) rods and three (3) feet more or less to a point on top of high bank; thence westerly following along the top of high bank following its crooks and turns forty two (42) rods more or less to a point; thence southerly forty (40) rods more or less to south line of said lot; thence easterly along the south line of said lot seven and one-half rods (7-1/2) more or less to the place of beginning, containing five and forty hundredths (5.40) acres, be the same more or less.

PARCELS No. 39-41-43-45

All lands lying West of the river road and East of the river upon Sections One (1) and Two (2) and known as the Grindrich and Abbott property, and bounded on the south by the quarter line of Section One (1) and on the North by the North line of Section Two (2), containing seventy (70) acres more or less.

Reserving all mineral rights thereon.

In said Edenville Township as follows, to-wit:

PARCELS No. 46, 46-a, 48, 48-a, 50, 50-a

Fractional Lot No. Three (3), being southwest fractional quarter of the southeast fractional quarter; the southwest fractional quarter, fractional Lot No. Two (2), and the southwest quarter of Northwest fractional quarter, all in Section Thirty-five, Township Sixteen North, Range One (1) West, and containing in all Two Hundred Seventy eight and forty five hundredths (278.45) acres, more or less.

PARCEL No. 47

Lot Four (4) of fractional Section Thirty-five (35) in Township Sixteen (16) North of Range One (1) West, containing thirty-four and forty-five hundredths (34.45) acres.

PARCEL No. 51

Lot Six (6) of the northeast fractional quarter of Section Thirty-five (35) in Township Sixteen North, Range One (1) West, containing forty two and ninety three hundredths (42.93) acres more or less.

PARCELS No. 53, 61, 63

Lot Seven (7) of Section Thirty-five (35); Lot One (1) of Section Twenty six (26); also three (3) acres in the southwest corner of the northwest one-quarter (1/4) of the northeast one quarter (1/4) of Section Twenty six (26), Town Sixteen (16) North of Range One (1) West, containing ninety and ten hundredths (90.10) acres, more or less.

PARCELS No. 55, 57, 59

The west Thirty (30) acres of Lots Six (6), Seven (7) and Eight (8) of Section Twenty six (26), In Town Sixteen (16) North, Range One (1) West, bordering on the Tittabawassee River as would be overflowed or required by a dam across said river.

PARCELS No. 64, 65, 66, 67, 68

West half (1/2) of Section Twenty three (23), Town Sixteen (16) North, Range One (1) West, containing in all Two Hundred Ninety Eight and twenty four hundredths (298.24) acres, more or less.

PARCELS No. 72, 74

Commencing at a point on the east and west quarter (1/4) line of Section Fourteen (14), Town Sixteen (16) North, Range One (1) West, Ten Hundred Fifty (1050) feet East of the Southwest corner of fractional Lot No. Five (5) of said Section Fourteen (14) and running from thence East to the center of the Tittabawassee River; thence up stream along the center line of said river to a point at the intersection of said river and North Eighth line of said Section Fourteen (14); thence West on said Eighth (1/8) line to a point Thirteen Hundred Thirty Five (1335) feet East of the Northwest corner of said Lot Five (5); thence in a southwesterly direction Eleven Hundred Sixty (1160) feet to the place of beginning, containing Seventeen and ninety hundredths (17.90) acres.

Also the meandered and riparian rights and flowage on Lot Six (6) Section Fourteen (14) Town Sixteen (16) North, Range One (1) West, County and State aforesaid, containing Two and Ten Hundredths (2.10) acres, all being a part of the Northwest fractional quarter (1/4) of said Section Fourteen (14) lying West of the Tittabawassee River in the Township of Edenville, Midland County, Michigan.

PARCEL No. 73

Beginning at a point on the center line of the Tittabawassee River on the North Line of Section Fourteen (14) Town Sixteen (16) North, Range One (1) West, said line being the North boundary of said parcel; thence Easterly along said North line eighty-eight (88) feet, more or less, to the top of the slope; thence southwesterly along the top of said slope five hundred (500) feet, more or less, to a break in the slope; thence southwesterly Thirteen Hundred Seventy-four (1374) feet, more or less in a straight line to the top of the slope at a bend in the river; thence

southerly and south westerly along the top of said slope nine hundred nine (909) feet, more or less, to the East and West quarter line of the said Section being the South boundary of said parcel; thence West One Hundred fourteen (114) feet, more or less, to the center of the Tittabawassee River; thence northeasterly, northwesterly, northerly and northeasterly along the center of said river following its crooks and turns Forty Three Hundred (4300) feet, more or less to the place of beginning; containing forty and ninety seven hundredths (40.97) acres, more or less.

Reserving coal and mineral rights

PARCELS No. 76, 78, 81

All that certain piece or parcel of land situate and being in the Township of Edenville, County of Midland and State of Michigan, being a part of the East half of the southwest quarter, and all of the West half of the Southeast quarter lying West of the Tittabawassee River in Section 11, T 16, N, R 1 W, described as follows, to-wit:

Beginning at a stake in the East and West quarter line 205 feet more or less, East of the center of said Section 11, and on the West top of slope of the Tittabawassee River; thence southwesterly along the top of the slope following its crooks and turns 775 feet, more or less, to a stake near a fence running East and West, and on a line or contour, at the elevation of six hundred thirty three (633) feet above mean tide at the Atlantic Ocean; thence Westerly, Northwesterly along a gully, and Southerly following the crooks and turns of said line or contour, always at said elevation 633 to the South line of Section 11, which is the South line of the property of T. Gransden, thence Easterly along the South line of Section 11, and the South line of the property of T. Gransden 1387 feet, more or less, to the center of the Tittabawassee River; thence up the center of said river to the East and West quarter line, being the North line of the lands owned by T. Gransden; thence West 244 feet, more or less, to the place of beginning, containing forty-two and eight tenths (42.8) acres, more or less.

Also a part of Fractional Lot One (1), Section 11, Town 16 N or R 1 West, being a part of the Northeast quarter of said Section, beginning on the South line of said lot, being the North line of property now owned or formerly owned by Corey Spencer, at a point in the center of Tittabawassee River where center of river intersects with South line; thence east to top of high bank thence North on top of high bank, following all its crooks and turns to the South line of land now owned, or formerly owned, by James H. Grover; thence West on said South line

to center of river; thence South in center of Tittabawassee River, following all its crooks and turns, to South line of said lot One (1), being the place of beginning, containing three (3) acres, more or less.

Party of the first part reserves the right for boat landing and watering stock.

PARCEL No. 84

Commencing on the South line of Lot Seven (7) Section Two (2), Town Sixteen (16) North of Range One (1) West, at a point where the said line intersects with the center of the Tittabawassee River; thence running upstream in the center of said river, following all of its crooks and turns to the North line of said lot; thence West on the North line of said Lot One Hundred and fifty two (152) feet to the top of bank; thence Southerly along the top of bank, following all its crooks and turns to the South line of said lot; thence East along said South line one hundred seventy three and one-half (173-1/2) feet to the place of beginning; also the meandered and riparian rights, the right to raise the water level of the river to a height that will not interfere with said lands for farming purposes, except at freshet time, reserving access to the river for the purpose of watering stock and boating.

PARCEL No. 86

All that part of Lot No. Three (3) of Section Two (2), Town No. Sixteen (16) North, of Range One (1) West, bounded and described as follows, to-wit:

Beginning on the South line of said Lot Three (3) being the South one-eighth line of said Section Two (2), at a point where the said line intersects the center line at the Junction of the Tittabawassee and Tobacco Rivers; thence running up the center of the Tobacco River following its crooks and turns to the North line of said Lot Three (3); thence Westerly along the North line of said Lot Three (3) thirty three (33) rods, more or less, to a stake on the top of the high bank; thence Southerly along the top of said high bank thirty (30) rods, more or less to a stake; thence southerly along the top of high bank following its crooks and turns forty seven (47) rods, more or less; thence Southerly on top of said high bank twenty three (23) rods, more or less, to the South line of said Lot Three (3); thence Easterly along said South line of Lot No. Three (3) forty nine (49) rods, more or less, to the place of beginning, containing eleven and 50/100 acres, be the amount more or less, reserving mineral and coal rights on above described lands.

PARCEL No. 103

Being a part of the fractional Northwest quarter of the Northeast quarter of Section Two (2) being Lot No. Five (5), Town Sixteen (16), North of Range One (1) West, beginning in the center of the Tobacco River on the North line of said first party's land, being the North line of said Section Two (2); thence down the said Tobacco River following its crooks and turns to the North line of land owned or formerly owned by G. W. Bowman; thence West along said G. W. Bowman's North line four hundred and ten (410) feet, more or less to the top of the slope; thence Northwesterly along the top of the slope following its crooks and turns to the North line of said Lot Five (5), being the North line of said Section Two (2); thence East along the said North line of said first party's land nine hundred twenty (920) feet, more or less, to the place of beginning containing twenty two and fifty hundredths (22.50) acres, more or less.

Reserving all coal and mineral rights, also all timber on said above described lands.

Flowage rights now owned by first party in, along and adjacent to the Tittabawassee River in the Townships of Jerome and Edenville, County of Midland, State of Michigan, as follows, to-wit:

In Jerome Township:

PARCEL No. 42

The right to flow, reflow and keep flowed with water the South fractional half of the Northeast fractional quarter of Section Two (2) In Township Fifteen (15) North of Range One (1) West.

In Edenville Township:

PARCEL No. 49

The right to flow, reflow and keep flowed with water fractional lot No. Five (5) of Section Thirty five (35), Township Sixteen (16), North of Range One (1) West, or so much of said land as may or can be covered or overflowed by any dam or dams that may be hereafter constructed at any point on the Tittabawassee River. The above contains twenty-one and fifty one-hundredths (21.50) acres, more or less.

PARCEL No. 69

The right to flow, reflow and keep flowed or flooded, so much of the land herein described, as may be necessary by an dam or dams that may be hereafter built or constructed across the Tittabawassee River, said land being described as follows: Fractional Lot Three (3) of the Southwest fractional quarter of Section Fourteen (14) Town Sixteen (16) North, Range One (1) West. (Frl. Lot 3 of SW Frl. 1/4 of Sec. 14, T 16 N, R 1 W.)

PARCEL No. 70

The right to flow, reflow and keep flowed the fractional Lot No. Four (4), Section Fourteen (14), Town Sixteen (16) North, Range One (1) West, or so much thereof as may be necessary in constructing and operating a dam or dams that may be hereafter built across the Tittabawassee River.

PARCEL No. 71

The right to flow, reflow and keep flowed with water so much of the herein described land, situate, lying and being in the Township of Edenville, County of Midland, State of Michigan, as may be necessary by any dam or dams that may be hereafter built or constructed across the Tittabawassee River, said land being described as follows: Lot Two (2) of Section Fourteen (14), Township Sixteen (16) North, Range One (1) West, containing forty-four and eight hundredths (44.08) acres of land, more or less.

PARCEL No. 79

The right to flow, reflow and keep flowed with water fractional Lot No. Two (2) of Section Eleven (11) Town No. Sixteen (16) North, of Range One (1) West, in Midland County, State of Michigan, or so much of said land as can be covered or overflowed by a dam that may be hereafter constructed at any point on the Tittabawassee River South of the South one-eighth (1/8) line of Section Thirteen (13), Town No. Fifteen (15) North, of Range One (1) West, in Jerome Township, County and State aforesaid.

PARCEL No. 81

The riparian and meandered rights on the North three acres of fractional Lot One (1) of Section Eleven (11) Town Sixteen (16) North,

of Range One (1) West, Midland County, Michigan: that is to say the right to raise the low water level of the Tittabawassee River to a height that will not flood any land except the bottom lands and sides of a creek that runs across the south end of said lands, also the sides of the bank on the river front, reserving all other rights and privileges, it being the intention of this deed to convey all the right to the riparian rights for the purpose of flowage.

In Jerome Township:

PARCELS No. 4, 6, 8

Being all of Lots Two (2) and Three (3) of Section Twenty-Four (24) and all of Lot Eight (8) of Section Thirteen (13), all in Town Fifteen (15) North, Range One (1) West.

PARCEL No. 25

Being part of Lot Three (3) of Section Twelve (12) Town Fifteen (15) North, Range One (1) West; excepting that part of said lands lying above said contour six hundred thirty three (633) feet above sea level which is deeded to J. N. Bick simultaneously with the execution of this agreement.

In Edenville Township:

PARCEL No. 62

Being part of Lot Two (2), Section Twenty Six (26) Town Sixteen (16) North, Range One (1) West, excepting that part of said lands lying above said contour six hundred thirty three (633) feet above sea level which is deeded to J. N. Bick simultaneously with the execution of this agreement.

PARCELS No. 88, 100, 102, 150, 152

Being part of Lots One (1) and Two (2), Section Two (2); and Lots Three (3) and Four (4) Section One (1), Town Sixteen (16) North, Range One (1) West; excepting that part of said lands lying above said contour six hundred thirty three (633) feet above sea level which is deeded to J. N. Bick simultaneously with the execution of this agreement.

In Jerome Township:

PARCEL No. 44

Lot Two (2) Section Two (2), Town Fifteen (15) North, Range One (1) West.

In Edenville Township:

PARCELS No. 52, 54, 56, 58, 60

Lot One (1) Section Thirty Five (35), Lots Three (3), Four (4) and Five (5) and the Northeast quarter of the Southwest quarter of Section Twenty Six (26) Town Sixteen (16) North, Range One (1) West.

PARCEL No. 75

Lot Four (4) Section Eleven (11), Town Sixteen (16) North, Range One (1) West.

PARCEL No. 77

Lot Three (3), Section Eleven (11), Town Sixteen (16) North, Range One (1) West.

PARCELS No. 80, 82, and 101

Lots Seven (7) and Eight (8), Section Eleven (11), and part of Lot Four (4), Section Two (2), Town Sixteen (16) North, Range One (1) West.

PARCEL No. 83

The Southeast quarter of the Southeast quarter of Section Two (2) described as Lot Six (6) Section Two (2), Town Sixteen (16) North, Range One (1) West, lying East of the Tittabawassee River.

PARCEL No. 85

The riparian rights and the right to raise and lower the water of the Tittabawassee River along the high bank in the Northwest corner of the Southwest quarter of the southwest quarter of Section One (1), Town Sixteen (16) North, Range One (1) West.

PARCELS No. 89 and 89-a

Lots Five (5) and Six (6), Section One (1), Town Sixteen (16) North, Range One (1) West.

PARCELS No. 151 and 153

Lots One (1) and Two (2), Section One (1), Town Sixteen (16) North, Range One (1) West.

PARCELS No. 104, 106, 154, 156, 158

The entire southwest quarter of Section Thirty-Six (36); also fractional Lot No. Six (6) of Section Thirty-five (35), according to the survey thereof containing One Hundred Ninety-Five and Ninety-Five Hundredths (195.95) acres, be the same more or less.

The following particularly described premises, pieces and parcels of property in Edenville Township, Midland County, Michigan, to wit:

PARCEL No. 155

All that part of the West Half (1/2) of West Half (1/2) of Northeast Quarter (1/4) of Section One (1), Township Sixteen (16) North, Range One (1) West, Midland County, Michigan, described and bounded as follows:

Commencing at the Northwest corner of Northeast Quarter (1/4) of said Section One (1); thence south on center line of said Section One (1) fifty (50) rods, more or less, to top of high bank; thence easterly forty six and one-half (46-1/2) rods, more or less, on top of high bank following all its crooks and turns to land owned or formerly owned by George Kinter; thence North twenty-four (24) rods, more or less, to North line of said Section One (1), being the County Line between the Counties of Midland and Gladwin; thence West along said county line Forty (40) rods, more or less, to the place of beginning, containing nine and one-half (9-1/2) acres of land, more or less.

All the pieces and parcels of land situated in the Townships of Tobacco, Billings and Hay, County of Gladwin, and in the Township of Hope, County of Midland, State of Michigan, lying and being in, along and adjacent to the Tittabawassee and Tobacco Rivers and its tributaries within and below contour lines at elevation Six Hundred and seventy-three (673) feet above sea level, as established by bench mark at

Sanford, in the Township of Jerome, County of Midland, State of Michigan, being in and part of the following described lands, to-wit:

PARCELS No. 128, 130



Beginning in the center of the Tobacco River on the West line of Section Twenty-three (23), thence downstream along the center of the Tobacco River following its crooks and turns to the East line of said first party, being the North and South quarter line of Section Twenty-three (23) thence North along said East line of said first party three hundred and five (305) feet, more or less, to a line or contour at elevation 673 feet above the mean tide of the Atlantic Ocean; thence Northwesterly along said line or contour always at elevation 673 feet to the West line of said First Party; thence South along the said West line 330 feet, more or less, to the place of beginning, containing twenty and twelve one-hundredths (20.12) acres, more or less. The right to flow, reflow and keep flowed the above described lands, or so much thereof, as may be necessary by any dam or dams that may be hereafter built across the Tobacco River.

In the Township of Hope, County of Midland:

PARCELS No. 163, 165

Lot No. Four (4) of Section Four (4) Town No. Sixteen (16) North of Range One (1) East, containing fifty five and thirty five hundredths (55.35) acres, more or less of land.

Also Lot No. Seven (7) being that part of the West fractional one-half of the West fractional one-half of Section Four (4), Township No. Sixteen (16) North of Range One (1) East, containing Sixty and fifty-four hundredths (60.54) acres of land more or less, and lying South of the Tittabawassee River.

PARCEL No. 164

Lot Three (3) of the Northwest fractional quarter of Section Four (4) in Township Sixteen (16) North, Range One (1) East, Midland County, Michigan.

PARCELS No. 166, 168

Fraction Lots Nos. One (1) and Two (2) Section No. Four (4), Township Sixteen (16) North of Range One (1) East, Midland County,

Michigan, containing One Hundred Sixteen (116) acres of land, more or less.

PARCELS No. 167, 169

Beginning at the Northeast corner of Section Four (4) Town Sixteen (16) North, Range One (1) East; thence South along East line of said parcel, being the East line of said Section Four (4), five hundred ninety-five (595) feet, more or less, to the line or contour at elevation six hundred and seventy three (673) feet above mean tide of the Atlantic Ocean; thence Northwesterly, Southwesterly, Westerly, Southeasterly, Easterly along North side of gully to center of said gully, Westerly, Northwesterly along East side of said gully and Southwesterly always on said contour at said elevation, forty-three hundred fifty (4350) feet, more or less, to the West line of said parcel, being the North and South quarter line of said Section Four (4); thence North along said North and South quarter line Four Hundred Eighty six (486) feet, more or less, to the center of the Tittabawassee River; thence Easterly and upstream along center of said river following its crooks and turns thirty-one hundred sixty (3160) feet, more or less to the North line of said Section Four (4); thence Easterly along said North line of said Section Four (4), Fifty (50) feet, more or less, to the place of beginning, containing Nineteen and Eighty hundredths (19.80) acres, more or less.

PARCELS No. 177, 179

Beginning on the top of the slope and in center of the highway 150 feet more or less, West of the Northeast corner of Section 34; thence West along North line of said Section 34, 1103 feet, more or less, to the center of the Tittabawassee River; thence downstream along the center of the said Tittabawassee River, following its crooks and turns, to the South line of Lot Three (3), being the East and West quarter line of said Section 34; thence East along the said South line 1900 feet, more or less, to the East top of slope of a gully, being 752 feet, more or less, West of the East line of said Section 34; thence Northeasterly along the top of slope of said gully 600 feet, more or less, opposite to a point in the center, or lowest point in the gully, which is at an elevation of six hundred eighty two (682) feet above the mean sea level of the Atlantic Ocean; thence Westerly across said gully to the West top of slope of said gully; thence Southwesterly along the said top of slope to the South line of said parcel, being 990 feet, more or less, west of the East line of Section 34; thence West along said South line 295 feet, more or less, to the top of the slope on the North side of a gully; thence Westerly, Northerly and Easterly along the top of the slope of the gully and on the

1109 120

east top of the slope of the river valley and the South top of slope of gully following the crooks and turns to a point on the East line of said Section 34, 980 feet, more or less, South of the Northeast corner of said Section 34; thence North along said East line across said gully, one hundred and forty feet (140) more or less, to the North top of slope of said gully; thence westerly and Northeasterly along the top of the slope to a point on the East line of said Section 34, being 500 feet, more or less, South of the Northeast corner of said Section 34; thence North along said East line across the gully 273 feet, more or less, to the top of the slope; thence Southwesterly, Westerly and Northeasterly along the top of the slope to the place of beginning, containing 54-20/100 acres of land, more or less, and the right to flow, reflow and keep flowed the above described land, or so much thereof as may be necessary by and dam or dams that may be hereafter built across the Tittabawassee River.

PARCEL No. 187

Beginning in the center of the Tittabawassee River where the North line of the said Lot Number Four (4) intersects with the said center of the river, running thence Southerly in the center of the said Tittabawassee River, following its crooks and turns to the North line of property owned or formerly owned by Charles O. Hosmer; thence East along the said Chas. O. Hosmer's North line 600 feet, more or less, to a line or contour at the elevation six hundred and seventy three (673) feet above the mean tide of the Atlantic Ocean; thence Northerly along said line or contour following all the crooks and turns always at elevation 673 feet, to the North line of said Lot Number 4; thence West along the North line of said Lot Number Four (4) 458 feet, more or less, to the place of beginning, containing thirteen and fifteen hundredths (13.15) acres, more or less.

PARCELS No. 309 and 311

The right to flow and reflow and keep flowed with water all that may be necessary by any dam or dams that may be hereafter built across the Tobacco River.

Lot One (1) of Section Nine (9), also all that part of the Northeast fractional quarter of Section Sixteen (16) lying North of the Tobacco River.

In Township of Edenville, Midland County.

The first party will acquire, in the name of the Wolverine Power Company, and the same shall be subject to all the terms of this contract

Parcel Number: 081-024-200-501-00

***** LEGAL DESCRIPTION *****

SEC 24 T15N R1W GOVT LOT 4 & COM AT INT OF CL OF RIV & N & S ¼ LN, TH S 8 RD, S 54D W 42 RD, N 13.5 D W 22 RD, WLY DN CL OF RIV 34 RD TO W 1/8 LN, WLY ALG CL 315 FT, N 480 FT, E 100 FT, N 480 FT, E 200 FT, N 200 FT, E 80 RD, S 74 RD TO POB ALSO S 33 FT OF NE ¼ OF NW ¼. EXC COM AT WATERS EDGE TH W ALG N 1/8 LN TO W 1/8 LN, S 261.5 FT, SE 87 FT TO W LN SAN LAKE, TH NLY TO POB. EXC COM 3005.31 FT W & S 68D 36M W 173.11 FT OF E ¼ COR, TH S 68D 36M W 213.27 FT, N 12D 36M E 253.66 FT TO TRAVERSE LN, N 63D 16M E ALG TRAV LN 192.37 FT, S 18D 27M W 49.56 FT, S 14D 3M E 114.45 FT, S 35D 28M E 120.57 FT. ALSO EXC ALL THAT LANG LYG BET TRAVERSE LN & C/L OF TITABAWASSEE RIVER.

Parcel Number: 010-014-200-270-00

***** LEGAL DESCRIPTION *****

SEC 14 T16N R1W W PART OF GOVT LOT 1.

Parcel Number: 010-001-100-080-00

***** LEGAL DESCRIPTION *****

SEC 01 T16N R1W COM 825 FT S OF N ¼ COR, NE TO A PT ON W WING WALL 500 FT SE FROM N SEC LN, ELY TO A PT 660 FT DUE E OF N & S ¼ LN, N 396 FT, W 660 FT.

Existing Easement Summary

No.	Type	Name/Location*	Grantor	Grantee	Year	LIBER	PAGE	Township	Section
1	Utility		Wolverine Power Corporation	Consumers Power Company			257 280 thru 281	Second	22
2	Drain	Pary Drain	Wolverine Power Corporation	Pary Drain Drainage District	2002	2002	613 800 thru 802	Billings	33
3	Drain	Pary Drain	Wolverine Power Corporation	Pary Drain Drainage District	2002	2002	613 803 thru 805	Billings	33
4	Drain	Payne Creek Drain	Wolverine Power Corporation	Payne Creek Drain Drainage District	2002	2002	613 809 thru 811	Billings	33
5	Drain	Payne Creek Drain	Wolverine Power Corporation	Payne Creek Drain Drainage District	2002	2002	613 812 thru 814	Billings	33
6	Ingress/Egress	Edenville Dam Plant	Wolverine Power Corporation	Consumers Power Company	1967	1967	225	512 Tobacco	36
7	Utility	Edenville Dam Plant	Wolverine Power Corporation	Consumers Power Company	1972	1972	249	485 Tobacco	36
8	Utility	Edenville Dam Plant	Wolverine Power Corporation	Consumers Power Company	1974	1974	257 249 thru 241	Tobacco	36
9	Ingress/Egress	Second Dam Property	Wolverine Power Corporation	Lawrence A. Davids and Ruth A. Davids	1986	1986	333 672 thru 673	Second	15
10	Utility	Adjacent to M80, easterly side	Wolverine Power Corporation	Consumer Energy Company	2002	2002	626 478 thru 479	Tobacco	36
11	Utility	Second Dam Property	Wolverine Power Corporation	Consumer Power Company	1952	1952	151 213 thru 214	Second	28
12	Utility	Bottomland Second	Wolverine Power Corporation	Consumer Power Company	1953	1953	153 493 thru	Second	33
13	Utility	Smallwood Dam Property	Wolverine Power Corporation	Consumer Power Company	1960	1960	191	488 Hay	15
14	Utility	Smallwood Dam Property	Wolverine Power Corporation	Consumer Power Company	1960	1960	191	489 Hay	15
15	Utility	Smallwood Dam Property	Wolverine Power Corporation	Consumer Power Company	1960	1960	192	250 Hay	15
16	Utility - Oil	Smallwood Dam Property	Wolverine Power Corporation	Leonard Crude Oil Company	1964	1964	197	462 Hay	15
17	Utility - Gas	Wisom Bottomland	Wolverine Power Corporation	Consumer Power Company	1968	1968	218	547 Tobacco	35
18	Utility	Smallwood Dam Property	Wolverine Power Corporation	Consumer Power Company	1968	1968	221	636 Hay	15
19	Utility	Crosses @ Second Dam Road	Wolverine Power Corporation	Consumer Power Company	1968	1968	221	637 Second	15
20	Utility	Crosses @ Second Dam road, South side	F.E. Mensing & Deanna G. Mensing	Consumer Power Company	1949	1949	145	389 Second	22
21	Road ROW	Second Road	Fred Boman & Marguerite Boman, his wife	Board of County Road Commissioners of the County Gladwin	1937	1937	104	319 Second	15
22	Utility	Second Bottomland	Wolverine Power Corporation	Consumer Power Company	1949	1949	145	390 Second	15
23	Utility - Elec	Wisom Bottomland	Joseph W. Keane and Shirley M. Keane	Consumer Power Company	1960	1960	161	388 Billings	34
24	Utility - Elec	Wisom Bottomland	Olive K. Touse	Consumer Power Company	1960	1960	181	149 Tobacco	35
25	Utility	Smallwood Dam Property	Wolverine Power Corporation	Consumer Power Company	1962	1962	191	488 Hay	15
26	Utility	Smallwood Dam Property	Wolverine Power Corporation	Consumer Power Company	1962	1962	191	489 Hay	16
27	Utility	Smallwood Bottomland	F.E. Mensing & Deanna G. Mensing	Consumer Power Company	1961	1961	191	520 Second	22
28	Utility	Smallwood Bottomland + Dam Property	Wolverine Power Corporation	Consumer Power Company	1961	1961	191	250 Hay	15
29	Road ROW	Smallwood Bottomland	Chas. H. Hell and Rose M. Hell	Board of County Road Commissioners of the County Gladwin	1960	1960	192	93 Hay	15
30	Utility	Smallwood Dam Property	Stanley C. Rivers and Arlene M. Rivers, his wife, Wooden Shoe Village, Gladwin, Michigan; Chas. H. Hell, also known as Charles H. Hell	Consumer Power Company	1969	1969	214	365 Hay	15, 10
31	Utility	Smallwood Dam Property	Stanley C. Rivers and Arlene M. Rivers, his wife, Wooden Shoe Village, Gladwin, Michigan; Chas. H. Hell, also known as Charles H. Hell	Consumer Power Company	1969	1969	214	365 Hay	15
32	Utility	Wisom Bottomland	Horace J. Edmonds and Margery R. Edmonds, his wife	Consumer Power Company	1971	1971	214	379 Second	22
33	Utility	Wisom Bottomland + Dam Property	Wolverine Power Corporation	Consumer Power Company	1968	1968	218	547 Tobacco	35
34	Utility	Smallwood Bottomland + Dam Property	Dwight Kuhns Wolverine Power Corporation	Consumer Power Company	1968	1968	221	636 Hay	15
35	Road ROW	Second Dam Property	Lawrence A. Davids	Board of County Road Commissioners of the County Gladwin	1989	1989	357	80 Second	15, 22
36	Road ROW	Second Dam Property	Lawrence A. Davids and Ruth A. Davids, his wife	Board of County Road Commissioners of the County Gladwin	1991	1991	357	81 Second	22
37	Road ROW	Second Dam Property	Lawrence A. Davids and Ruth A. Davids, his wife	Board of County Road Commissioners of the County Gladwin	1987	1987	357	82 Second	22
38	Road ROW	Smallwood Bottomland	A. Martin and wife,	Michigan State Highway Department	1951	1951	78	31 Hay	22
39	Road ROW	Second Bottomland	Wm. E. Creamer and E. H. McCaughey	Board of County Road Commissioners of the County Gladwin	1973	1973	69	10 Tobacco	16, 21
40	Utility	Smallwood Bottomland + Dam Property	Wolverine Power Corporation	Consumer Power Company	1968	1968	219	108 Hay	15

Easement or Right of Way - Crossing Summary

No.	Crossing Name	Crossing Owner	Parcel PID	Lake	County	Township
1	US10	MDOT	080-013-400-050-00	Sanford	Midland	Jerome
	Curtis Road	Midland County	N/A	Sanford	Midland	Edenville
	M30	MDOT	N/A	Sanford	Midland	Edenville
	M30 (Causeway)	MDOT	150-036-300-001-02	Wixom		Tobacco
	Dale Road (Tobacco River)	Gladwin County	150-021-100-001-00	Wixom		Tobacco
	Estey Road	Gladwin County	150-016-00-005-00	Wixom		
			030-014-300-010-00	Wixom		Billings
			030-023-200-010-00	Wixom		
			030-014-100-005-00	Wixom		
	Highwood Road		N/A	Wixom	Gladwin	Hay
	M61	MDOT	N/A	Smallwood		Hay
	M30	MDOT		Smallwood		Hay
	Secord Dam Road	Gladwin County	130-022-200-004-00	Secord		Secord
			130-015-300-001-03	Secord		Secord
	Wildwood Road	Gladwin County	040-030-400-015-00	Secord		Bourret
			N/A	Secord		

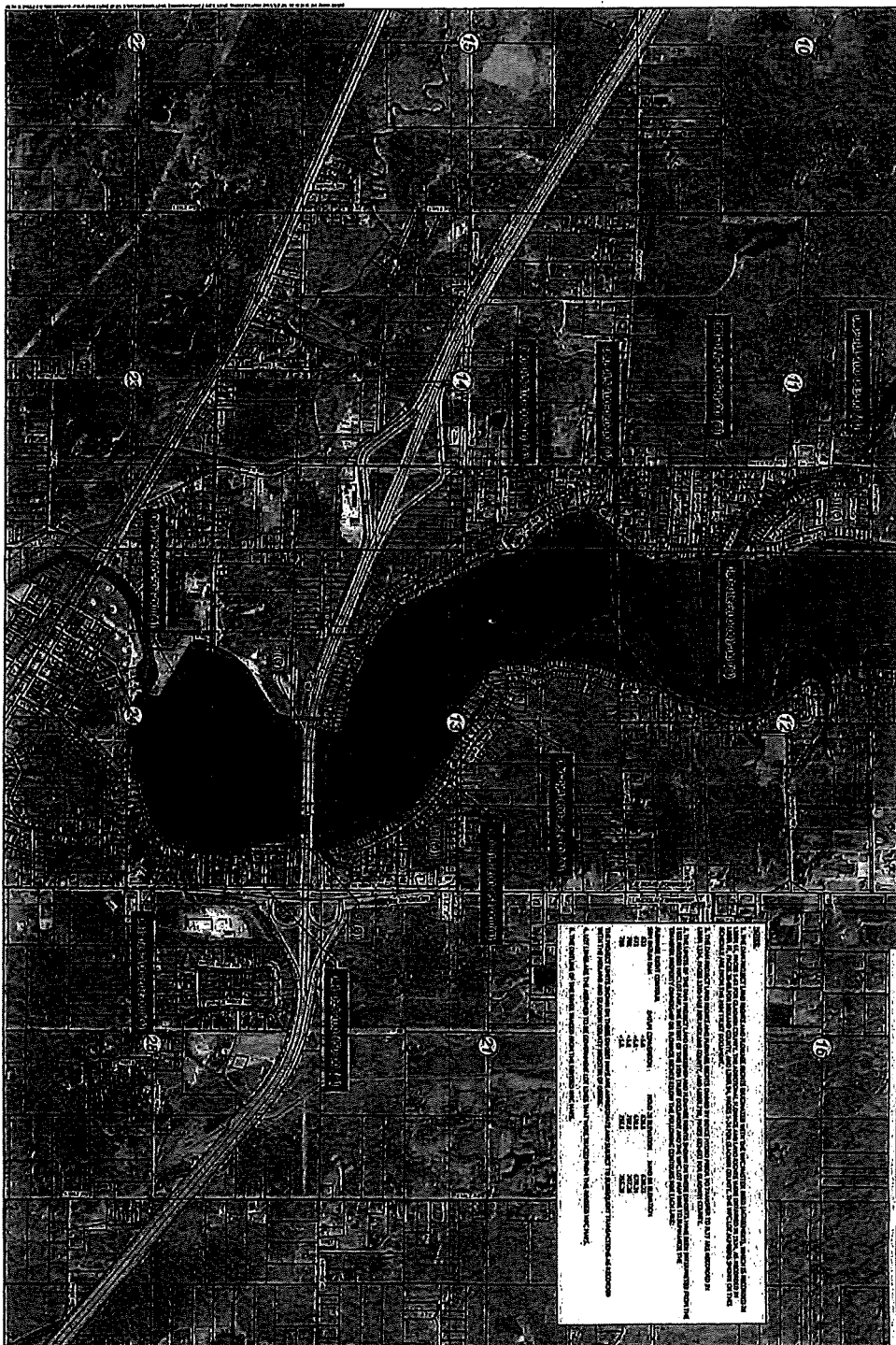
LIMITED LEGIBILITY



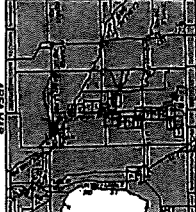
Department of Natural Resources

TRANSFER OF REAL PROPERTY AND FLOWAGE RIGHTS TO FOUR LAKES TASK FORCE

SCHEDULE 2.01 (c)
EXHIBIT A - MAP OF PROPERTY AND FLOWAGE RIGHTS



NOTICE: This map is a reproduction of the original map on file with the Department of Natural Resources. It is intended for informational purposes only and does not constitute a warranty of accuracy. The Department of Natural Resources is not responsible for any errors or omissions on this map. The user of this map should consult the original map for the most current information.



Legend

- ▣ AGRICULTURAL LAND
- ▣ FORESTED LAND
- ▣ DEVELOPED LAND
- ▣ WATER BODIES
- ▣ RAILROADS
- ▣ HIGHWAYS
- ▣ LOCAL ROADS
- ▣ POWER LINES
- ▣ TELEPHONE LINES
- ▣ FENCE LINES
- ▣ PROPERTY BOUNDARIES
- ▣ FLOWAGE RIGHTS
- ▣ UNDEVELOPED LAND
- ▣ WETLANDS
- ▣ WOODLANDS
- ▣ PASTURE
- ▣ CRIPPLED LAND
- ▣ OTHER

ppca
Professional Planning & Consulting Associates, Inc.

**SCHEDULE 2.01 (c)
EXHIBIT MAP**

DATE: 1/18/21
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]

