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GRANT OF COMMON DRIVEWAY EASEMENT

THIS EASEMENT AGREEMENT has been entered into on the ^{9th} day of November, 1990, by and between DAVID R.M. FRIEDRICHS and KATHLEEN M. FRIEDRICHS, his wife, hereinafter referred to as "Friedrichs," whose address is 4975 Miller Road, Ann Arbor, Michigan, and STEVEN D. PEPE and PENELOPE A. HOMMEL, his wife, hereinafter referred to as "Pepe," whose address is 2018 Pontiac Trail, Ann Arbor, Michigan.

WITNESSETH:

WHEREAS, Friedrichs is the land contract purchaser of real property located in the City of Ann Arbor, Washtenaw County, Michigan, legally described as follows:

Commencing at the south 1/4 corner of Section 16, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan; thence north 0°00'33" west 336.98 feet (recorded as north 0°00'30" west 337.50 feet) along the north-south 1/4 line of said Section 16 and the east line of Starwick Heights Number 2, as recorded in Liber 11 of Plats, Page 50, Washtenaw County Records, Washtenaw County, Michigan for a Place of Beginning; thence south 87°20'40" west 320.63 feet (recorded as south 87°17'00" west 320.51 feet) along the north line of said Starwick Heights Number 2; thence north 01°53'30" east 414.85 feet (recorded as north 01°53'30" east 414.89 feet); thence south 87°20'40" west 610.81 feet (recorded as south 87°17'00" west 610.00 feet); thence north 01°53'30" east 463.24 feet along the centerline of Pontiac Trail and the east line of Huron River Hills, a subdivision recorded in Liber 6 of Plats, Page 47 of said Washtenaw County Records; thence north 88°37'10" east 901.58 feet (recorded as north 88°37'10" east 900.62); thence south 0°00'33" west 856.18 feet (recorded as south 0°00'30" west 855.24 feet) along said north-south 1/4 line to the Place of Beginning, being a part of the southwest 1/4 of said Section 16, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, "Parcel A," and

WHEREAS, Pepe owns a parcel of real estate located in the Township of Ann Arbor, Washtenaw County, Michigan, which is legally described as follows:

Commencing at the South 1/4 corner of Section 16, T2S, R6E, City of Ann Arbor, Washtenaw County, Michigan; thence S 86°-11'-40" W 1035.51 feet along the South line of said Section to a point on the centerline of Pontiac Trail; thence N 15°-27'-30" E 365.87 feet along said centerline; thence N 00°-46'-10" E 246.75 feet continuing along said centerline to the POINT OF BEGINNING; thence continuing N 00°-46'-10" E 160.00 feet along said centerline; thence N 86°-11'-40" E 610.00 feet; thence S 00°-46'-10" W 414.89 feet; thence S 86°-11'-40" W 280.40 feet; thence N 00°-46'-10" E 250.16 feet; thence S 86°-58'-10" W 349.25 feet to the Point of Beginning. Said parcel of land being part of the Southwest 1/4 of Section 16, T2S, R6E, Ann Arbor

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Township, Washtenaw County, Michigan, and containing 3.77 acres of land, more or less, being subject to the rights of the public over the Easterly 33 feet of Pontiac Trail; also being subject to easements and restrictions of record, if any, "Parcel B," and

WHEREAS, Parcel A and Parcel B adjoin one another, and

WHEREAS, Pepe desires to make use of a proposed future access road, and all replacements thereof, the "Access Road," over and across Parcel A, which Access Road will run between future Tibbits Court, as shown on attached Exhibit A, and Parcel B, between future units 23/24 and 25 in Orchard Place, a proposed site condominium project whose site plan has been approved by the City of Ann Arbor and which is attached hereto as Exhibit A, which Access Road ultimately reaches the common border of Parcel A and Parcel B, and as is more accurately depicted on Exhibit A, and

WHEREAS, Friedrichs is willing to grant Pepe a non-exclusive easement over the Access Road.

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, and intending to be legally bound, the parties agree as follows:

1. Friedrichs hereby grants Pepe, and their heirs, successors and assigns, as well as their guests and invitees, a perpetual non-exclusive easement, the "Easement" over the Access Road for the purpose of ingress from and egress to future proposed Tibbits Court, and the maintenance of public utilities.
2. The Easement shall be appurtenant to Parcel B and shall run with the land.
3. Once constructed, the Access Road shall at all times be kept in a good and viable condition by Pepe, and their heirs, successors and assigns, and the fee title owners of future units 23, 24 and 25, in Orchard Place, a proposed site condominium, and all costs incurred therefor from time to time shall be apportioned by mutual agreement of the parties in accordance with their respective usage.

IN WITNESS WHEREOF, the undersigned have executed this Easement Agreement as of the day first above written.

WITNESSES:

Carl R. Frankens
Carl R. Frankens
Susan K. Lathers
Susan K. Lathers

David M. Friedrichs
David M. Friedrichs
Kathleen M. Friedrichs
Kathleen M. Friedrichs

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Anne M. Burns
Anne M. Burns

Steven D. Pepe
Steven D. Pepe

Susan Kaye Herman
Susan Kaye Herman

Penelope A. Hommel
Penelope A. Hommel

STATE OF MICHIGAN, COUNTY OF WASHTENAW

Subscribed and sworn to before me, a Notary Public, this 9th day of November, 1990 by David R.M. Friedrichs and Kathleen M. Friedrichs, his wife.

Karl R. Frankena
Karl R. Frankena, Notary Public
Washtenaw County, Michigan
My Commission Expires: 5/17/91

STATE OF MICHIGAN, COUNTY OF WASHTENAW

Subscribed and sworn to before me, a Notary Public, this 9th day of November, 1990 by Steven D. Pepe and Penelope A. Hommel, his wife.

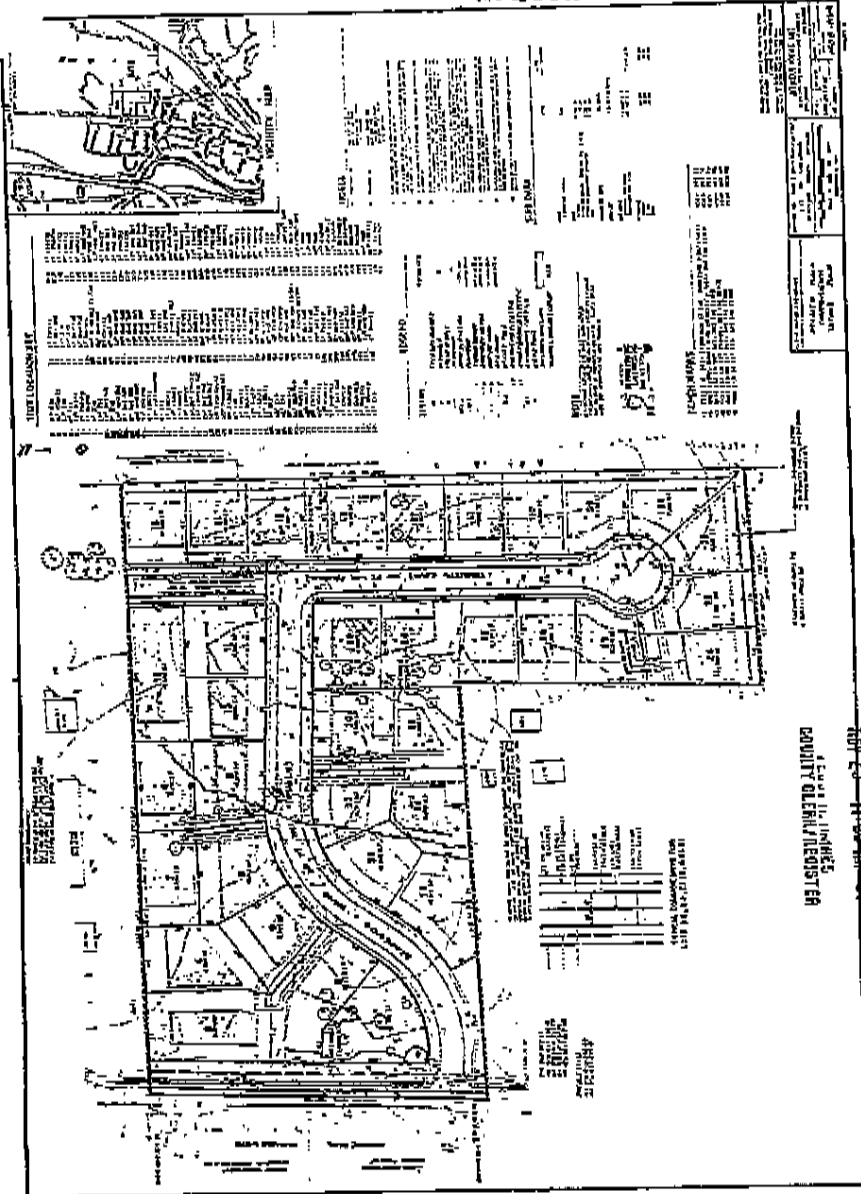
Susan Kaye Herman
Susan Kaye Herman, Notary Public
Washtenaw County, Michigan
My Commission Expires: April 7, 1992

This document prepared by:
Karl R. Frankena
700 City Center Building
Ann Arbor, Michigan 48104

When recorded return to:
Steven D. Pepe
2018 Pontiac Trail
Ann Arbor, Michigan 48105

5:01:Grant2-OP

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1/2" = 1'-0" PLAN
EQUITY DEVELOPMENT SYSTEM

NOV 25 11:56 AM '91
WASHINGTON COUNTY MI

RECORDED

THE OFFICE OF THE REGISTER
NOV 25 11:56 AM '91
WASHINGTON COUNTY MI