

DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS

THIS DECLARATION, made this 25th day of July, 1977, by UOP, Inc., a Delaware corporation, of 10 UOP Plaza, Des Plaines, Illinois, 60016, hereinafter called "UOP";

WITNESSETH:

WHEREAS, UOP is the owner of that certain parcel of land (hereinafter called the "Property") situated in the Township of Torch Lake, County of Houghton, and State of Michigan, and more particularly described in Exhibit A attached hereto and made a part hereof by reference.

WHEREAS, UOP desires to subject a portion of the Property to covenants and restrictions hereinafter set forth, which portion (hereinafter referred to as "Restricted Area") is more particularly described in Exhibit B attached hereto and made a part hereof by reference.

NOW, THEREFORE, UOP declares that, in order to preserve the natural environmental integrity of the Restricted Area, there shall be no buildings, structures of any kind, appurtenances thereto, mobile homes, fences or surfaces constructed on, brought onto, or affixed to the Restricted Area.

The covenants and restrictions of this Declaration shall run with the land, and shall inure to the benefit of and be enforceable by the owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns, forever.

WBA

Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction, either to restrain violation or recover damages, by any owner of land within the Property. In no event shall the violation of any of the covenants and restrictions contained herein cause a reverter of title.

ALSO,

WHEREAS, UOP desires to subject a portion of the Property to an easement for ingress and egress for the mutual benefit and use of the owners of the Property.

NOW, THEREFORE, UOP declares that that portion of the Property and other premises more particularly described in Exhibit C attached hereto and made a part hereof by reference shall hereafter be subject to a perpetual non-exclusive easement for ingress and egress for the mutual benefit of the owners of the Property.

ALSO,

WHEREAS, UOP desires to subject a portion of the Property to an easement for roadway purposes for ingress and egress.

NOW, THEREFORE, UOP declares that the portion of the Property more particularly described in Exhibit D, attached hereto and made a part hereof by reference, shall hereafter be subject to a perpetual non-exclusive easement for ingress, egress, and roadway purposes.

MBP

IN WITNESS WHEREOF, UOP has caused these presents to be signed by M. B. Peek, its Secretary, and countersigned by P. J. Link, its ASSISTANT SECRETARY, and its corporate seal to be hereto affixed on the day and year first above written.

In the presence of:

Lucille B. Bodden
Lucille B. Bodden

Nancy A. Perry
Nancy A. Perry

Lorraine Falde
Lorraine Falde

N. A. Mirza
N. A. Mirza

UOP INC.

By

Its

M. B. Peek

Countersigned:

By

Its

P. J. Link

State of Illinois)

ss

County of Cook)

Personally came before me this 25th day of July, 1977, M. B. Peek, Secretary, and P. J. Link, Assistant Secretary of the above named corporation, to me known to be such Secretary and Assistant Secretary, respectively, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation by its authority.

Karen J. Wier
Notary Public

My commission expires:

October 28, 1980

This instrument was drafted by:

Elsa M. Theile
UOP Inc.
Ten UOP Plaza
Des Plaines, Illinois 60016

COVENANTS & RESTRICTIONS
LEGAL DESCRIPTION
TRAVERSE BAY

A parcel of land within Sections 16 & 21 T55N - R31W, Torch Lake Township, Houghton County, Michigan and described more fully as follows:

Beginning at the Northwest corner of Section 16 T55N - R31W; thence S 89° - 26' - 15" E along the North line of said Section 16, 3,358.63 feet to the Meander Corner between Section 16 & 17 T55N - R31W, which Meander Corner is 60 feet more or less west of the waters edge of Lake Superior; thence along an intermediate traverse line following the shore of Lake Superior, S 02° - 57' - 10" W 815.84 feet; thence S 03° - 29' - 00" W 609.52 feet; thence S 02° - 29' - 27" W 499.92 feet; thence S 00° - 48' - 14" W 505.14 feet; thence S 00° - 35' - 31" W 497.74 feet; thence S 00° - 31' - 23" E 502.75 feet; thence S 02° - 06' - 16" E 496.30 feet; thence S 05° - 15' - 19" E 493.34 feet; thence S 05° - 26' - 12" E 493.26 feet; thence S 10° - 41' - 46" E 380.26 feet to the Meander Corner between Sections 16 & 21, said Meander Corner being 85 feet West of the waters edge of Lake Superior; thence S 12° - 28' - 09" E 467.40 feet; thence S 16° - 35' - 52" E 500.98 feet; thence S 15° - 11' - 02" E 489.99 feet; thence S 22° - 36' - 42" E 482.33 feet; thence S 43° - 46' - 42" E 240.42 feet; thence S 43° - 08' - 22" E 253.95 feet; thence S 41° - 24' - 49" E 316.16 feet; thence S 60° - 39' - 40" E 128.28 feet; thence S 49° - 23' - 10" E 113.56 feet to a point at the Southerly end of the intermediate traverse line, said point being 40 feet more or less Southwesterly of the waters edge of Lake Superior; thence S 34° - 35' - 00" W 250.00 feet; thence West 4,348.92 feet to the West line of Section 21

MB

T55N - R31W; thence N 1° - 33' - 20" W along the west line of Section 21, 2,847.53 feet to the corner common to Sections 16, 17, 20 & 21; thence N 1° - 49' - 30" W along the West line of Section 16, 5,262.38 feet to the Point of Beginning.

This description includes all land to the waters edge of Lake Superior and contains 642.5 acres more or less.

MBP

EXHIBIT B

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TRAVERSE BAY
RESTRICTED BUILDING AREA

A parcel of land within Sections 16 and 21, T55N - R31W, Torch Lake Township, Houghton County, Michigan and described more fully as follows:

Beginning at the Northwest corner of Section 16, T55N - R31W; thence S 89°-26'-15" E along the North line of said Section 16 - 2,650.00 feet; thence due South 4,850.26 feet; thence S 21°-00'-00" E 1,360.98 feet; thence S 35°-00'-00" E 433.86 feet; thence East 199.48 feet to a point 33 feet westerly of the centerline of County Road T-46; thence S 22°-00'-35" E along the westerly boundary of the County Road Right-of-Way 677.82 feet; thence S 05°-01'-13" E 218.95 feet; thence S 44°-52'-23" E 200.06 feet; thence S 83°-54'-40" E 170.98 feet; thence S 42°-09'-57" E 146.59 feet; thence S 29°-10'-15" E 167.48 feet; thence S 16°-53'-50" E 198.44 feet; thence S 00°-18'-15" E 152.73 feet; thence West 4,163.92 feet to the west line of Section 21, T55N - R31W; thence N 01°-33'-20" W along the west line of said Section 21 - 2,847.53 feet to the corner common to Sections 16, 17, 20 and 21; thence N 01°-49'-30" W 5,262.38 feet to the Point of Beginning; and containing 530.1 acres more or less.

MBP

BIG TRAVERSE BAY
EASEMENT FOR ACCESS TO
BACK OF PARCELS

A strip of land 100 feet in width within Section 16 and Section 21, T55N - R31W, Torch Lake Township, Houghton County, Michigan, lying 100 feet East of and adjacent to the following described line:

Beginning at the Northwest corner of Section 16, T55N - R31W thence S 1°-49'-30" E along the West line of Section 16 - 5,262.38 feet to the corner common to Sections 16, 17, 20 & 21; thence S 1°-33'-20" E along the West line of Section 20 - 3,319.00 feet more or less to the centerline of County Road T23EB, and the point of ending.

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BIG TRAVERSE BAY
NON-EXCLUSIVE ROADWAY EASEMENT

A strip of land 66 feet wide over and across Section 16 and Section 21 of T55N - R31W, Torch Lake Township, Houghton County, Michigan, being 33 feet in width on each side of and adjacent to the following described centerline.

Beginning at the point of intersection of County Road T-46 and T-23EB which point of intersection is 3,697.44 feet South and 1,455.91 feet East of the Northwest corner of Section 21, T55N - R31W; from the Point of Beginning thus established thence run N 59°-36"-00" E 491.70 feet; thence N 44°-26'-50" E 575.00 feet; thence N 26°-39'-15" E 539.76 feet; thence

S 86°-26'-20" E 686.62 feet; thence
S 63°-32'-18" E 423.89 feet; thence
S 75°-37'-15" E 586.37 feet; thence
N 60°-00'-00" E 134.82 feet; thence
N 00°-18'-15" W 176.71 feet; thence
N 16°-53'-50" W 206.80 feet; thence
N 29°-10'-15" W 174.78 feet; thence
N 42°-09'-57" W 162.93 feet; thence
N 83°-54'-40" W 171.87 feet; thence
N 44°-52'-23" W 176.40 feet; thence
N 05°-01'-13" W 211.92 feet; thence
N 22°-00'-35" W 687.99 feet; thence
N 40°-02'-45" W 236.99 feet; thence
N 36°-29'-10" W 214.11 feet; thence
N 18°-21'-30" W 898.69 feet to a point on the North line of Section 21, T55N - R31W, S 89°-03'-50" E 2,893.96 feet from the Northwest corner thereof; thence continue N 18°-21'-30" W 43.30 feet; thence

N 09°-57'-28" W 522.53 feet; thence
N 04°-35'-40" W 593.70 feet; thence
N 09°-45'-48" E 302.38 feet; thence
N 00°-27'-26" W 709.74 feet; thence
N 24°-14'-10" W 173.69 feet; thence
N 33°-23'-50" W 178.21 feet; thence
N 19°-16'-30" W 94.98 feet; thence
N 04°-14'-40" E 1,344.16 feet; thence
N 13°-19'-10" E 461.60 feet; thence
N 04°-11'-45" E 909.58 feet more or less to a point on the North line of Section 16, T55N - R31W 3,017.56 feet from the Northwest corner thereof and being the Point of Ending.

Received for Record July 28, 1977
Recorded in Liber 33 of Misc Records

Dorothy Gaska
deputy

MBP