

ANTRIM COUNTY MI.  
Register of Deeds  
Recorded

12-22-1999 14:30:46

Handa R. Conway  
REGISTER OF DEEDS

## ROAD MAINTENANCE AGREEMENT FOR TOBIAS TRAIL'S PRIVATE ROAD TOBIAS TRAIL

KNOW ALL MEN BY THESE PRESENTS THAT  
WOODLAND DEVELOPMENT COMPANY, A MICHIGAN CO-PARTNERSHIP,  
WHOSE ADDRESS IS: P.O. BOX 1138, KALKASKA, MICHIGAN, 49646;

(the parties hereto, their heirs, successors and assigns is hereinafter referred to as, "Owner"), being the Owner of each of the Parcels described by survey recorded Liber 00532, Pages 1201-1205, Antrim County Records, and attached hereto as "Exhibit A" (hereinafter referred to as the, "Parcels"), hereby establishes an agreement for improvement, maintenance and use of that portion of TOBIAS TRAIL described as the PRIVATE ROAD EASEMENT (hereinafter referred to as "TOBIAS TRAIL") more fully described below.

### 1. ROAD DESCRIPTION

TOBIAS TRAIL known as that portion of TOBIAS TRAIL EASEMENT as described below and further described by survey recorded Liber 00532, Pages 1201-1205, Antrim County Records, and attached hereto as "Exhibit A".

#### EASEMENT

A 66 foot wide easement and cul-de-sac for ingress, egress and the installation and maintenance of public and private utilities over, under and across part of the Southeast 1/4 of Section 20, T30N-R5W, the centerline of said Easement being described as: Commencing at the East 1/4 corner of said Section 20; thence S01deg36'13"E along the East line of said Section and centerline of Tobias Road, 661.12 feet to the Point of Beginning of said Easement centerline; thence N89deg59'43"W, 2197.68 feet to the center of a 90.00 feet radius cul-de-sac and Point of Ending of said Easement centerline.

### 2. INTENT

It is the intent of this agreement to provide an effective yet convenient mechanism for the afore described Parcel Owners to maintain said TOBIAS TRAIL in a reasonably safe condition suitable for safe efficient travel by the undersigned, their invitees, governmental agencies and public and private utilities. It is the intent of this agreement to maintain TOBIAS TRAIL in a reasonably suitable condition for travel, yet not to maintain the road at that level of care of condition that would be required by COUNTY ROAD COMMISSION standards for public roads. To that end the undersigned agree that the road should from time to time be graded, have gravel base maintained, maintain the crown and drainage from said road and that accumulation of snow and other hazards should be removed from time to time as needed. This agreement shall be in addition to any and all governmental restrictions that may be applicable to the maintenance and repair of said TOBIAS TRAIL.

### 3. COST

The cost of improving, maintaining and repairing TOBIAS TRAIL such as, by the way of illustration and not necessarily by way of limitation, the construction, improvement, snow plowing, surfacing and re-surfacing, brining and/or chloriding, grading and other like or similar improvements, maintenance or repairs shall be shared equally by all Parcel Owners, their successors or assigns. Only the parties to this agreement, their successors or assigns, having a structure on any Parcel served by TOBIAS TRAIL, will be responsible for paying snowplowing charges and/or will be responsible for snow removal. If any of the original Parcels are subdivided, any cost associated with road maintenance and repair on TOBIAS TRAIL shall be shared equally by all Parcels, whether as originally created or as may result from division of any Parcel. The cost of maintenance and repair of any secondary roads that are attached to TOBIAS TRAIL shall be the financial responsibility of the Owners whose driveways attach to the secondary road.

### 4. DETERMINING MAINTENANCE NEEDS

When repairs or maintenance on TOBIAS TRAIL appear to be necessary, a simple majority of property Owners is needed to authorize the work for which all Parcel Owners are financially obligated. Each Parcel shall have one vote, including Parcels created by division. All Parcel Owners will be notified by mail and have fifteen (15) days to respond in writing of their vote. If they do not respond within fifteen (15) days of the postmarked mailing, then they shall forfeit their vote. The person(s) undertaking such construction, maintenance or repair shall contract for and initially pay all reasonable cost associated with them. The person(s) incurring such expenses shall bill the other Parcel Owners for their share. If any Parcel Owner shall fail to pay any statement tendered by another Parcel Owner(s) to him, or to his successors and assigns, within ten (10) days after receipt thereof, the amount of such statement, together with interest thereon at the maximum legal rate, plus attorney fees necessary to collection, shall automatically become a lien upon the Parcel of the Owner billed. The Parcel Owner incurring the expense, may at his option, pursue any legal remedy he may deem necessary to collect the unpaid bill, including foreclosure of the lien.

### 5. OWNER LIABILITY

Each Owner shall be responsible to promptly repair any damage caused to TOBIAS TRAIL of whatever kind or nature by a Parcel Owner, his guests, his invitees, and by any contractor, tradesman or utilities supplier entering the subject lands at that Owner's request. If such Owner fails to make such repairs, to the reasonable satisfaction of the remaining Parcel Owners, the other Parcel Owners may do so and charge the cost of such repairs to such Owner. IF UNPAID, such charges shall be a lien against the property owned by the Owner who is responsible for the damages.

#### 6. MISCELLANEOUS PROVISIONS

- No heavy equipment will be permitted on or across TOBIAS TRAIL during the time that the Kalkaska County, Michigan "frost laws" are in effect each spring. The type and weight of the equipment not permitted and the "frost laws" beginning and ending dates will be according to established County guidelines.
- Nothing herein shall prevent the creation of a non-profit corporation or association to accomplish the purposes intended.
- At any time, the Parcel Owners may establish a road committee to deal with future road issues as they may occur. If any action is to be taken that affects TOBIAS TRAIL, such as but not limited to paving, attachment of secondary roads, culverts, etc., then the procedure for voting established in the paragraph "4. DETERMINING MAINTENANCE NEEDS" shall be followed. A single private residential driveway that attaches to TOBIAS TRAIL is exempted from this provision.
- An absent lot Owner may vote upon matters to be decided by the giving of a written proxy to another person or by the giving of a clearly and unambiguously written statement of the lot Owner's position on those matters that have been previously scheduled for a vote. The Vendee(s) under a land contract for the sale of any lot or lots may be given the proxy of the fee Owner, if their contract so provides. Such a vendee or vendees shall be and become full voting participants and responsible parties under this agreement.

#### 7. AMENDMENT

The rights and responsibilities set forth in this agreement shall be perpetual and shall run with the land. They shall be binding upon the parties hereunto, their heirs, successors and assigns. The provisions of this agreement may be amended or terminated but only with the consent of the majority of Parcel Owners.

IN WITNESS WHEREOF: The parties have executed this ROAD MAINTENANCE AGREEMENT FOR TOBIAS TRAIL'S TOBIAS TRAIL and have caused their hands and seals to be affixed hereto the day and year written below.

SIGNED, SEALED, AND DELIVERED IN PRESENCE OF:

WOODLAND DEVELOPMENT COMPANY,  
A MICHIGAN CO-PARTNERSHIP

Gayle A. Krause  
GAYLE A. KRAUSE :WITNESS  
FOR SELLER

Robert T. Burgin  
BY: ROBERT BURGIN  
ITS MANAGING PARTNER

Jill L. Gates  
JILL L. GATES :WITNESS  
FOR SELLER

STATE OF MICHIGAN  
COUNTY OF KALKASKA

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 20TH DAY OF DECEMBER, 1999, BY ROBERT BURGIN ON BEHALF OF WOODLAND DEVELOPMENT COMPANY, A MICHIGAN CO-PARTNERSHIP, AS ITS MANAGING PARTNER.

MY COMMISSION EXPIRES:  
APRIL 24, 2002

Gayle A. Krause  
GAYLE A. KRAUSE NOTARY PUBLIC  
KALKASKA COUNTY, MICHIGAN

INSTRUMENT DRAFTED BY: ROBERT BURGIN, NORTHERN LAND COMPANY BROKER  
BUSINESS ADDRESS:..... 830 SOUTH CEDAR STREET, P.O. BOX 1138, KALKASKA, MI 49646

# Certificate of Survey

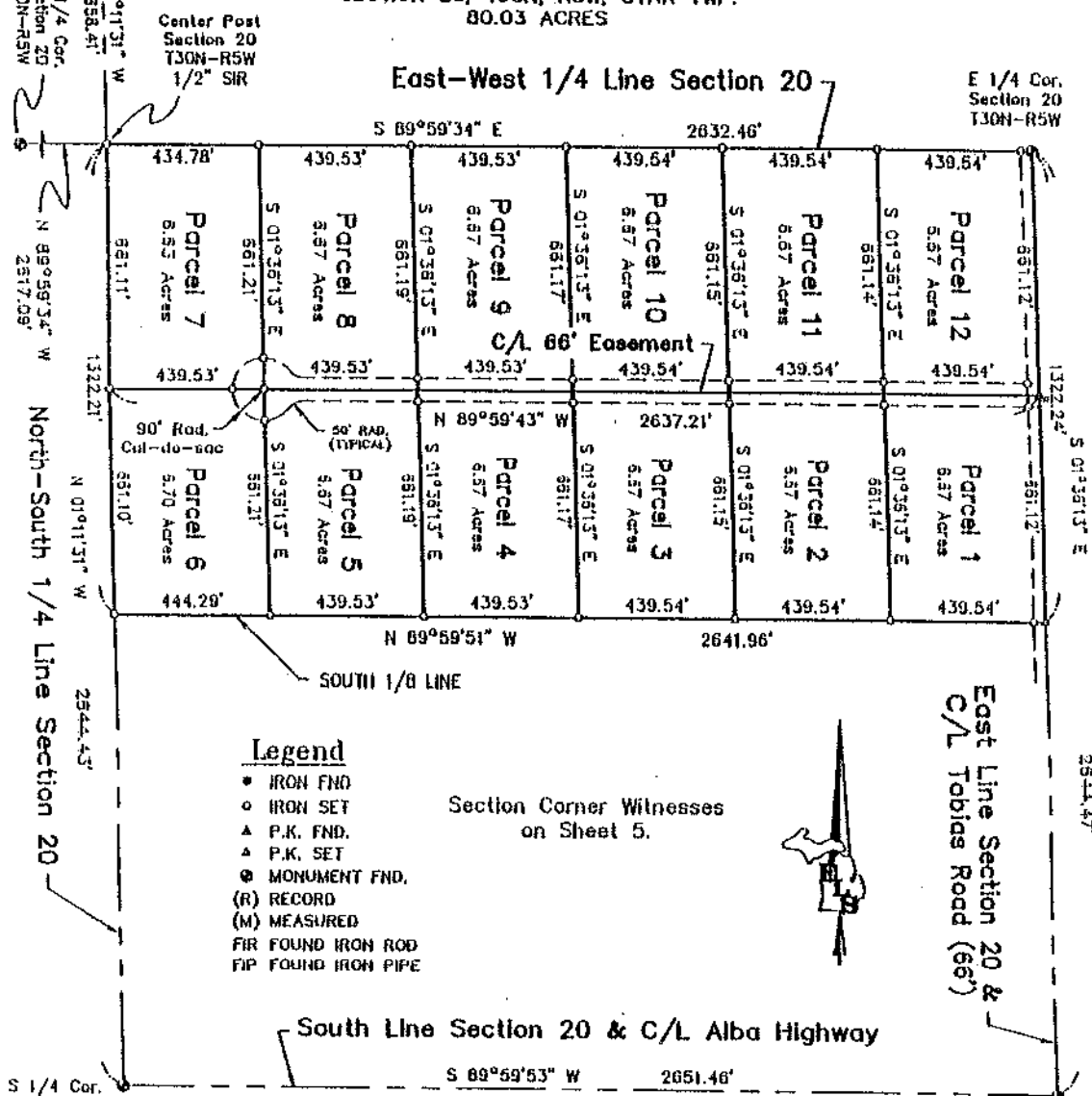
N 1/4 Cor.  
Section 20  
T30N-R5W

\*\*\*\*\*TOBIAS TRAIL\*\*\*\*\*

SURVEY & DIVISION OF THE  
NORTH 1/2 of the SOUTHEAST 1/4,  
SECTION 20, T30N, R5W, STAR TWP.  
80.03 ACRES

E 1/4 Cor.  
Section 20  
T30N-R5W

East-West 1/4 Line Section 20



### Legend

- \* IRON FND  
 o IRON SET  
 ▲ P.K. FND.  
 ▲ P.K. SET  
 ⊗ MONUMENT FND.  
 (R) RECORD  
 (M) MEASURED  
 FIR FOUND IRON ROD  
 FIP FOUND IRON PIPE

Section Corner Witnesses  
on Sheet 5.

**South Line Section 20 & C/L Alba Highway**

Scale: 1" = 400'



A horizontal scale bar with vertical tick marks at 0', 200', 400', and 800'. The text 'Scale: 1" = 400\'' is positioned above the bar.

SE Corner  
Suction 20  
T308-R588

S 1/4 Cor.  
Section 20  
T30N-R5W



NEIL L. WAY  
Licensed Surveyor Number: 28432

I, NEIL L. WAY, a Licensed Professional Surveyor in the State of Michigan, do hereby certify that I have surveyed and mapped the herein described parcel(s) of land; that the ratio of closure of the unadjusted field observations is within the accepted limits; and that I have fully complied with the requirements of P.A. 132 of 1970, as amended.

Ratio of Closure: 1/10,000  
Basis of Bearing: Eagle Land Surveying  
File No. 98-2231, 28 Sep. 1998

**EAGLE  
LAND  
SURVEYING, Inc.**

(616) 264-9110  
FAX: 264-9311  
nlw28432@gol.com

For:

## WOODLAND DEVELOPMENT

Part of the SE 1/4 of Sec. 20,  
T30N, R5W, Star Twp.,  
Antrim Co., Michigan.

Date: 12 Oct. 1999

File No.: 99-2180

Drafted By: DJC-1071

Sheet 1 of 5

710 US-31 SOUTH  
P.O. BOX 836  
ELK RAPIDS, MI 49629

FD/PG: 46/18

DWG File: 82-2150.DWG

**Parcel 4**

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence South 01°36'13" East along the East line of said section and centerline Tobias Road, 1322.24 feet to a point on the South 1/8 line of said section; thence North 89°59'51" West along said South 1/8 line, 1318.62 feet to the Point of Beginning; thence continuing North 89°59'51" West along said South 1/8 line, 439.53 feet; thence North 01°36'13" West, 661.19 feet; thence South 89°59'43" East, 439.53 feet; thence South 01°36'13" East, 661.17 to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.

**Parcel 5**

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence South 01°36'13" East along the East line of said section and centerline Tobias Road, 1322.24 feet to a point on the South 1/8 line of said section; thence North 89°59'51" West along said South 1/8 line, 1758.15 feet to the Point of Beginning; thence continuing North 89°59'51" West along said South 1/8 line, 439.53 feet; thence North 01°36'13" West, 661.21 feet; thence South 89°59'43" East, 439.53 feet; thence South 01°36'13" East, 661.19 to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.

**Parcel 6**

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence South 01°36'13" East along the East line of said section and centerline Tobias Road, 1322.24 feet to a point on the South 1/8 line of said section; thence North 89°59'51" West along said South 1/8 line, 2197.68 feet to the Point of Beginning; thence continuing North 89°59'51" West along said South 1/8 line, 444.29 feet to a point on the North and South quarter line; thence North 01°11'31" West along said North and South quarter line, 661.10 feet; thence South 89°59'43" East, 439.53 feet; thence South 01°36'13" East, 661.21 to the Point of Beginning. Containing 6.70 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.

**Parcel 7**

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence North 89°59'34" West along the East and West quarter line of said section, 2197.68 feet to the Point of Beginning; thence continuing North 89°59'34" West along said East and West quarter line, 434.78 feet to the point of the North and South quarter line of the said section; thence South 01°11'31" East along said North and South quarter line, 661.11 feet; thence South 89°59'43" East, 439.53 feet; thence North 01°36'13" West 661.21 feet to the Point of Beginning. Containing 6.63 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.



NEIL L. WAY  
Licensed Surveyor Number: 28432

<div style="text-align: center;"> <h2 style="margin: 0;">EAGLE LAND SURVEYING, Inc.</h2> <p style="margin: 5px 0;">710 US-31 SOUTH P.O. BOX 836 ELK RAPIDS, MI 49629</p> </div> <div style="text-align: right; margin-top: 10px;"> <p>(616) 264-9110 FAX: 264-9311 nlw28432@aol.com</p> </div>	<p>For: <b>WOODLAND DEVELOPMENT</b></p>	
	<p style="text-align: center;">Part of the SE 1/4 of Sec. 20, T30N, R5W, Star Twp., Antrim Co., Michigan.</p>	
	<p>Date: 12 Oct. 1999</p>	<p>File No.: 99-2180</p>
	<p>FB/PG: 46/18</p>	<p>Drafted By: DJC-1071</p>
<p style="text-align: right;">Sheet 3 of 5</p>		

Draw File: 98-2180.DWG

**PARENT PARCEL (as furnished)**

The North one-half of the Southeast quarter of Section 20, Town 30 North, Range 5 West, Township of Star, County of Antrim, State of Michigan.

**DESCRIPTIONS AS SURVEYED:**

Liber 00534 Page 1281

Parcels of land situated in Star Township, Antrim County, Michigan, and more fully described as follows:

**Parcel 1**

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence South 01°36'13" East along the East line of said section and centerline Tobias Road, 661.12 feet to the Point of Beginning; thence continuing South 01°36'13" East along said East section line and said centerline, 661.12 feet to a point on the South 1/8 line of said section; thence North 89°59'51" West along said South 1/8 line, 439.54 feet; thence North 01°36'13" West, 661.14 feet; thence South 89°59'43" East, 439.54 feet to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with the rights of the public over the easterly 33.00 feet thereof as occupied by Tobias Road. Also subject to and together with a 66 foot easement as described on sheet 5. Further subject to easements, right-of-ways, reservations and restrictions of record.

**Parcel 2**

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence South 01°36'13" East along the East line of said section and centerline Tobias Road, 1322.24 feet to a point on the South 1/8 line of said section; thence North 89°59'51" West along said South 1/8 line, 439.54 feet to the Point of Beginning; thence continuing North 89°59'51" West along said South 1/8 line, 439.54 feet; thence North 01°36'13" West, 661.15 feet; thence South 89°59'43" East, 439.54 feet; thence South 01°36'13" East, 661.14 to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 foot easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.

**Parcel 3**

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence South 01°36'13" East along the East line of said section and centerline Tobias Road, 1322.24 feet to a point on the South 1/8 line of said section; thence North 89°59'51" West along said South 1/8 line, 879.08 feet to the Point of Beginning; thence continuing North 89°59'51" West along said South 1/8 line, 439.54 feet; thence North 01°36'13" West, 661.17 feet; thence South 89°59'43" East, 439.54 feet; thence South 01°36'13" East, 661.15 to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 foot easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.



NEIL L. WAY  
Licensed Surveyor Number: 28432

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	<p>Part of the SE 1/4 of Sec. 20, T30N, R5W, Star Twp., Antrim Co., Michigan.</p>		
	<p>Date: 12 Oct. 1999</p>	<p>File No.: 99-2180</p>	
	<p>FB/PG: 46/18</p>	<p>Drafted By: DJC-1071</p>	
<p>Sheet 2 of 5</p>		<p>Drawn File: 99-2180.DWG</p>	

# Certificate of Survey

## Parcel 8

Liber 00532 Page 1204

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence North 89°59'34" West along the East and West quarter line of said section, 1750.15 feet to the Point of Beginning; thence continuing North 89°59'34" West along said East and West quarter line, 439.53 feet; thence South 01°36'13" East, 661.21 feet; thence South 89°59'43" East, 439.53 feet; thence North 01°36'13" West 661.19 feet to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.

## Parcel 9

Liber 00534 Page 1282

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence North 89°59'34" West along the East and West quarter line of said section, 1318.62 feet to the Point of Beginning; thence continuing North 89°59'34" West along said East and West quarter line, 439.53 feet; thence South 01°36'13" East, 661.19 feet; thence South 89°59'43" East, 439.53 feet; thence North 01°36'13" West 661.17 feet to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.

## Parcel 10

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence North 89°59'34" West along the East and West quarter line of said section, 879.08 feet to the Point of Beginning; thence continuing North 89°59'34" West along said East and West quarter line, 439.54 feet; thence South 01°36'13" East, 661.17 feet; thence South 89°59'43" East, 439.54 feet; thence North 01°36'13" West 661.15 feet to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.

## Parcel 11

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Commencing at the East quarter corner of said section 20, thence North 89°59'34" West along the East and West quarter line of said section, 439.54 feet to the Point of Beginning; thence continuing North 89°59'34" West along said East and West quarter line, 439.54 feet; thence South 01°36'13" East, 661.15 feet; thence South 89°59'43" East, 439.54 feet; thence North 01°36'13" West 661.14 feet to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to easements, right-of-ways, reservations and restrictions of record.

## Parcel 12

That part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, described as: Beginning at the East quarter corner of said section 20, thence North 89°59'34" West along the East and West quarter line of said section, 439.54 feet; thence South 01°36'13" East, 661.14 feet; thence South 89°59'43" East, 439.54 feet to a point on the East line of said section and centerline Tobias Road; thence North 01°36'13" West along said East section line and said centerline, 661.12 feet to the Point of Beginning. Containing 6.67 acres of land. Subject to and together with a 66 feet easement as described on sheet 5. Also subject to and together with the rights of the public over the easterly 33.00 feet thereof as occupied by Tobias Road. Further subject to easements, right-of-ways, reservations and restrictions of record.



NEIL L. WAY  
Licensed Surveyor Number: 28432

<b>EAGLE LAND SURVEYING, Inc.</b>  710 US-31 SOUTH P.O. BOX 836 ELK RAPIDS, MI 49629	(616) 264-9110 FAX: 264-9311 nlw28432@aol.com	For: <b>WOODLAND DEVELOPMENT</b>	
		Part of the SE 1/4 of Sec. 20, T30N, R5W, Star Twp., Antrim Co., Michigan.	
		Date: 12 Oct. 1999	File No.: 99-2180
	FD/PG: 46/18	Drafted By: DJC-1071	Sheet 4 of 5

Dwg File: 00-2180.DWG



# Certificate of Survey

Liber 00532 Page 1205

## 66.00 FEET WIDE EASEMENT

An easement situated in Star Township, Antrim County, Michigan, and more fully described as follows:

A 66.00 feet wide easement and cul-de-sac for ingress and egress and the installation and maintenance of public and private utilities over and across part of the Southeast 1/4 of Section 20, Town 30 North, Range 5 West, the centerline of said easement being described as: Commencing at the East 1/4 corner of said section 20; thence South 01°36'13" East along the East line of said section and centerline of Tobias Road, 661.12 feet to the Point of Beginning of said easement centerline; thence North 89°59'43" West, 2197.60 feet to the center of a 90.00 foot radius cul-de-sac and Point of Ending of said easement centerline.

Liber 00534 Page 1283

### WEST 1/4 CORNER

Section 20, T30N-R5W

Fd. 1-1/4" Square Bolt

EAST 8' C/L Tucker Rd.

N36°W 55.54' P. Pole

S64°E 50.00' 8" R. Pine

S36°E 68.25' 8" R. Pine

WEST 31.03' C/L Phone Box

### EAST 1/4 CORNER

Section 20, T30N-R5W

Fd. 1/2" Iron Rod in C/L Road

N85°W 42.50' 10" R. Pine

S87°E 38.15' P. Pole

S40°E 68.40' 8" W. Pine

S35°W 61.90' 2" Elm

### SOUTH 1/4 CORNER

Section 20, T30N-R5W

Fd. 1/2" I. Rod in Mon. Box

In C/L Road

S02°E 56.4' P. Pole

S65°E 71.30' 40" Poplar

N15°W 51.70' 4" R. Pine

SOUTH 33.00' 1/2" FIR

### SOUTHEAST CORNER

Section 20, T30N-R5W

Fd. 1/2" I. Rod in Mon. Box

SOUTH 1.60' C/L E-W Road

N47°W 52.51' P. Pole

N45°E 47.95' Sign

S10°W 32.70' P. Pole

ANTRIM COUNTY MI.  
Register of Deeds  
Recorded

11-17-1999 10:43:32

Manda R. Conway  
REGISTER OF DEEDS



**EAGLE  
LAND  
SURVEYING, Inc.**

710 US-31 SOUTH  
P.O. BOX 836  
ELK RAPIDS, MI 49629

(616) 264-9110  
FAX: 264-9311  
nlw28432@aol.com

For:

**WOODLAND DEVELOPMENT**

Part of the SE 1/4 of Sec. 20,  
T30N, R5W, Star Twp.,  
Antrim Co., Michigan.

Date: 12 Oct. 1999

File No.: 99-2180

FD/PG: 46/18

Drafted By: DJC-1071

Sheet 5 of 5

Drawn File: 99-2180.DWG