

REGISTER'S OFFICE }
County of Keweenaw } SS
Received for Record, the 19th
day of May A.D. 2004
at 10:50 o'clock A. M., and Recorded
in Liber T of MISC
on page 693-696
Marilyn W. Wiergant
Register of Deeds

EAGLE HARBOR SOUTH

DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS

Now comes LAKE SUPERIOR LAND COMPANY, a Delaware corporation of 56730 Calumet Avenue, Suite M, Calumet, MI 49913 (LSLC); being the owner of fee title to the following described parcel of real estate (the "Property"):

A parcel of land in Government Lot 4, the SE1/4 of the NW1/4, the NW1/4 of the SW1/4, the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 6, T58N-R30W, Eagle Harbor Township, Keweenaw County, Michigan and described as follows:

Commencing at the West 1/4 Corner of Section 6, T58N-R30W, thence S 86° 36' 14" E 3150.52 feet to a point on the Easterly boundary of the Eagle Harbor County Road and the Point of Beginning; thence along the Easterly boundary of the Eagle Harbor County Road S 7° 43' 35" W 1069.81 feet; thence N 82° 16' 25" W 100.00 feet to a point on the Westerly boundary of the Eagle Harbor County Road; thence N 77° 54' 28" W 315.59 feet; thence N 86° 01' 52" W 242.13 feet; thence N 86° 28' 32" W 252.38 feet; thence N 42° 10' 13" W 280.51 feet; thence S 88° 58' 59" W 772.53 feet to an intermediate traverse line on the shore of Eliza Lake; thence along said intermediate traverse line the following eight courses: N 40° 46' 36" W 147.60 feet; thence N 63° 28' 34" W 229.20 feet; thence N 25° 45' 12" W 229.75 feet; thence N 14° 41' 14" W 200.73 feet; thence N 58° 52' 19" W 187.44 feet; thence N 31° 49' 53" W 133.38 feet; thence N 52° 47' 08" E 138.50 feet; thence N 86° 53' 46" E 282.22 feet to an intermediate traverse line on the bank of Eliza Creek; thence along said intermediate traverse line the following four courses; N 71° 40' 36" E 238.48 feet; thence N 60° 17' 23" E 296.03 feet; thence N 81° 20' 57" E 305.49 feet; thence N 44° 55' 32" E 328.70 feet; thence S 60° 52' 35" E 1350.60 feet to a point on the Westerly boundary of the Eagle Harbor County Road; thence S 82° 16' 25" E 100.00 feet to a point on the Easterly boundary of the Eagle Harbor County Road and the Point of Beginning and containing 64.48 acres, more or less, including all land to the waters edge of Eliza Lake and to the thread of Eliza Creek, but expressly excluding the easement parcel described in Exhibit "A" attached hereto.

Whereas LAKE SUPERIOR LAND COMPANY desires to create and dedicate a certain easement and use restrictions over and upon the Property.

NOW THEREFORE, the property from and after the date hereof shall be subject to the following covenants and restrictions:

1. No parcel or lot situated on or created within the "Property" shall be used for any purposes other than a seasonal or year round residence. There shall not exist on any parcel or lot at any time any trailer, shack, mobile home, motor home, or camper unit for purposes of a residence, whether temporary or permanent.
2. Each principal dwelling shall have a minimum of 1500 square feet of living space exclusive of basement area, decks, porches and garage.
3. No clear cutting of trees or timber shall be permitted on the property. The owner may cut, thin or remove standing timber on the parcel provided; however, that no more than 50% of the live trees on the parcel as of the date of conveyance may be cut, thinned or removed.

The above shall be a covenant running with the land and shall be binding upon all land in and all persons now or hereafter owning land within the "Property" and shall remain in effect until January 1, 2033 unless sooner terminated by the written consent of the owners of not less than 25 parcels or lots within the "Property", such written consent to be filed with the Keweenaw County Register of Deeds and to be controlling with respect to all the Property notwithstanding that less than all owners of the Property consent thereto

The above restrictions shall be applicable to only the Property herein described and shall not create nor shall it result in, either by expression or implication, any negative reciprocal easement or restriction on any other real estate now or hereafter owned by LSLC not lying within the boundaries of the Property described herein.

If the owner, tenant, occupant or possessor of any parcel or lot within the property shall violate any of the restrictions herein set out, it shall be lawful for any other person owning land within the "Property" to institute proceedings at law or in equity against the person or persons violating such covenants and to obtain either injunctive relief preventing further violation or to recover damages for such violation; it being the intent of **LAKE SUPERIOR LAND COMPANY** to benefit hereby all other parcels or lots within the "Property" and the present or future owners thereof.

Whereas LSLC subjects portions of the property to easements for roadway purposes for ingress, egress and utility placement; LSLC declares that the portion of the Property more particularly described in Exhibit "A" attached hereto and incorporated here shall hereafter be subject to a perpetual non-exclusive easement as set forth on Exhibit "A" for ingress, egress, roadway and utility purposes for the mutual benefit of the Property and the owners, present and future, of the Property.

By granting and declaration of this easement LSLC does not by expression or implication assume any obligation for the care, maintenance, or upkeep of the easement parcels or any improvements thereon.

In Witness whereof, Lake Superior Land Company has caused this Declaration of Easement, Covenants and Restrictions to be signed by David E. Lieser, Vice President and its corporate seal to be hereto affixed this 23rd day of July, 2003.

LAKE SUPERIOR LAND COMPANY

David E. Lieser
David E. Lieser
Vice President

STATE OF MAINE }
 } ss.
COUNTY OF KENNEBEC }

Personally came before me this 23rd day of July, 2003, David E. Lieser, Vice President of the above name corporation, to me known to be such Vice President of said corporation and acknowledged that he executed the foregoing instrument as such officers as the deed of said corporation by its authority.

Jeanne Kannegieser
By: JEANNE KANNEGIESER
Kennebec County, Maine
My Commission Expires: 09.04.09

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EXHIBIT "A"

ROADWAY AND UTILITY EASEMENT

A perpetual non-exclusive easement 100 feet in width for roadway and public utility purposes including the right to construct, maintain, improve and reconstruct thereon a roadway and utility services and fixtures on, over and across Government Lot 4, the SE1/4 of the NW1/4, the NW1/4 of the SW1/4, the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 6, T58N-R30W, Eagle Harbor Township, Keweenaw County, Michigan and lying 50 feet on each side of and adjacent to the centerline which is described as follows:

Commencing at the West 1/4 Corner of Section 6, T58N-R30W, thence S 71° 08' 21" E 3099.32 feet to the Westerly boundary of Eagle Harbor County Road, the centerline of Eliza Lane and the Point of Beginning; thence along the centerline of Eliza Lane S 89° 10' 46" W 111.94 feet to a point of curve, concave to the right, having a radius of 954.93 feet and a central angle of 23° 49' 07", and a chord of 394.12 feet bearing N 78° 54' 41" W; thence Westerly along said curve, a distance of 396.98 feet; thence N 67° 00' 08" W 288.60 feet to a point curve, concave to the left, having a radius of 1432.33 feet, a central angle of 16° 40' 55", and a chord of 415.56 feet bearing N 75° 20' 35" W; thence Westerly along said curve, a distance of 417.03 feet; thence N 83° 41' 02" W 554.36 feet to a point curve, concave to the to the right, having a radius of 286.78 feet, a central angle of 163° 40' 51", and a chord of 567.75 feet bearing N 1° 50' 38" W; thence Northerly along said curve, a distance of 819.26 feet; thence N 79° 59' 44" E 608.75 feet to a point of curve, concave to the to the right, having a radius of 251.28 feet, a central angle of 77° 02' 03", and a chord of 312.97 feet bearing S 61° 29' 14" E; thence Southeasterly along said curve, a distance of 337.85 feet; thence S 22° 58' 14" E 71.43 feet to a point of curve, concave to the left, having a radius of 270.54 feet, a central angle of 58° 00' 45", and a chord of 262.37 feet bearing S 51° 58' 35" E; thence Southeasterly along said curve, a distance of 273.92 feet; thence S 80° 58' 57" E 709.80 feet to the Westerly boundary of Eagle Harbor County Road and the Point of Ending, and containing 6.95 acres, more or less.