

TREE PRESERVATION EASEMENT

THIS TREE PRESERVATION EASEMENT, made this 28th day of April, 2004, by and between Jensam, LLC, a Michigan limited liability company, its successors or assigns, whose address is 2301 West Big Beaver, Suite 900, Troy, Michigan 48084 (hereafter "Grantor") and the City of Rochester Hills, whose address is 1000 Rochester Hills Drive, Michigan 48309-3033 (hereafter "Grantee"):

WITNESSETH

A. Grantor owns land in the City of Rochester Hills, Oakland County, Michigan, commonly known as the proposed Butler Ridge Subdivision Development No. 2, more particularly described on Exhibit A attached hereto ("Subject Property").

B. The parties desire to create a Tree Preservation Easement (the "Easement") over that area of the Subject Property described on Exhibit B (the "Easement Premises") to preserve the existing trees and utilize them to provide a buffer between the Subject Property and the properties located across the Subject Property or abutting it, as required by the ordinances governing the development of property within Rochester Hills (the "Ordinances").

NOW, THEREFORE, for and in consideration of the sum of One and No/100 Dollar (\$1.00), the receipt of which is acknowledged, and other good and valuable consideration, GRANTOR hereby GRANTS AND CONVEYS TO GRANTEE the Easement over the Easement Premises on the terms and conditions stated below.

1. Except as agreed by the Grantor and Grantee, Grantor and its successors and assigns shall not remove, cut, or destroy any trees within the Easement Premises unless authorized to do so by the Grantee in writing, which authorization shall not be unreasonably withheld.

2. The Grantor reserves the right to replace this existing tree buffer with any other kind of buffer which may be allowed by the Ordinances, upon prior written notice to and authorization of the Grantee, which authorization shall not be unreasonably withheld.

3. This Easement does not grant or convey to Grantee or members of the general public any right of ownership, possession, or use of the Easement Premises.

4. Upon reasonable written notice to Grantor, its successors or assigns, at reasonable times, Grantee, and its authorized employees and agents may enter upon for inspection only the Easement Premises to determine whether they are being maintained in compliance with the terms of this Preservation Easement. The Grantee assumes all liability for the acts of its agents who enter the Easement Premises and does hereby indemnify and hold the Grantor harmless from any loss, including bodily injuries, and any and all costs or expenses incurred by the Grantor as a result of such acts.

5. This Easement shall run with the land in perpetuity unless modified or terminated by written agreement of the parties.

6. Grantor shall indicate the existence of this Easement on all deeds, mortgages, land contracts, plats, and any other legal instrument used to convey an interest in the Easement Premises.

7. This Easement shall be binding upon the successors and assigns of the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

Signed in the presence of:

JENSAM, LLC, a Michigan
limited liability company (Grantor)

Mark Greenstone
Mark Greenstone

By: BUTLER RIDGE, LLC, a Michigan
limited liability company, its sole Member
By: Stanley Frankel
Stanley Frankel, Member

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 28th day of APRIL, 2004, by Stanley Frankel, as sole Member of Butler Ridge, LLC, the sole Member of Jensem, LLC, on behalf of the company.

SANDRA R. PISCHING
NOTARY PUBLIC - MICHIGAN
MACOMB COUNTY
MY COMMISSION EXPIRES SEPT. 19, 2007

Sandra R. Pisching
Notary Public, Oakland County, Michigan (ACTING)
My Commission Expires: 9-19-07

Signed in the presence of:

CITY OF ROCHESTER HILLS

By: _____

Its: _____

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2004, by _____, a _____ of City of Rochester Hills, on behalf of the City of Rochester Hills.

Notary Public, Oakland County, Michigan
My Commission Expires:

EXHIBIT A
TREE PRESERVATION EASEMENT

Legal Description of the Subject Property

PART OF THE SOUTHWEST QUARTER OF SECTION 19, T. 3 N., R. 11 E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE WEST QUARTER CORNER OF SECTION 19; THENCE ALONG THE WEST SECTION LINE S. 00° 28' 40" E., 625.22 FEET TO THE POINT OF BEGINNING, THENCE FROM SAID POINT OF BEGINNING N. 66° 28' 41" E., 986.52 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF BUTLER RIDGE ROAD (120 FEET WIDE); THENCE S. 23° 31' 19" E., 191.00 FEET; THENCE S. 18° 17' 17" E., 60.25 FEET; THENCE S. 23° 31' 19" E., 136.14 FEET; THENCE S. 19° 50' 03" E., 152.06 FEET; THENCE S. 25° 37' 47" E., 235.00 FEET; THENCE N. 69° 29' 57" E., 97.41 FEET; THENCE N. 79° 45' 21" E., 97.49 FEET; THENCE N. 88° 48' 08" E., 103.76 FEET; THENCE N. 90° 00' 00" E., 172.97 FEET; THENCE N. 49° 37' 02" E., 61.74 FEET; THENCE N. 90° 00' 00" E., 139.65 FEET; THENCE 12.76 FEET ALONG AN ARC OF A CURVE CONCAVE WESTERLY, SAID CURVE HAVING A RADIUS OF 220.00 FEET, A CENTRAL ANGLE OF 03° 19' 28", AND A CHORD BEARING S. 04° 52' 51" W., 12.76 FEET; THENCE S. 83° 27' 25" E., 181.81 FEET; THENCE S. 51° 04' 28" E., 46.69 FEET; THENCE S. 00° 04' 00" W., 323.88 FEET; THENCE N. 76° 52' 26" E., 38.72 FEET; THENCE S. 19° 10' 00" E., 206.37 FEET; THENCE N. 70° 50' 00" E., 6.45 FEET; THENCE S. 19° 10' 00" E., 132.16 FEET; THENCE S. 37° 21' 13" W., 93.15 FEET; THENCE S. 58° 47' 27" W., 64.49 FEET; THENCE S. 84° 30' 00" W., 323.40 FEET; THENCE N. 87° 40' 41" W., 123.59 FEET; THENCE N. 71° 37' 29" W., 103.72 FEET; THENCE S. 62° 10' 00" W., 131.75 FEET; THENCE N. 27° 50' 00" W., 147.37 FEET; THENCE N. 27° 34' 33" W., 60.00 FEET; THENCE 3.51 FEET ALONG AN ARC OF A CURVE CONCAVE SOUTHEASTERLY, SAID CURVE HAVING A RADIUS OF 780.00 FEET, A CENTRAL ANGLE OF 00° 15' 27", AND A CHORD BEARING S. 62° 17' 44" W., 3.51 FEET; THENCE S. 62° 10' 00" W., 84.38 FEET; THENCE 82.05 FEET ALONG AN ARC OF A CURVE CONCAVE NORTHWESTERLY, SAID CURVE HAVING A RADIUS OF 270.00 FEET, A CENTRAL ANGLE OF 17° 24' 40", AND A CHORD BEARING S. 70° 52' 20" W., 81.73 FEET; THENCE S. 10° 25' 20" E., 424.09 FEET; THENCE S. 89° 37' 02" W., 1269.83 FEET; THENCE N. 00° 28' 40" W., 1392.41 FEET ALONG THE WEST SECTION LINE TO THE POINT OF BEGINNING CONTAINING 59.24 ACRES MORE OR LESS.

APPROVED *RESC*
M. [Signature]
ROCHESTER HILLS
ENGINEERING DEPT.
05-19-2004

June 11, 2001
REVISED April 1, 2002

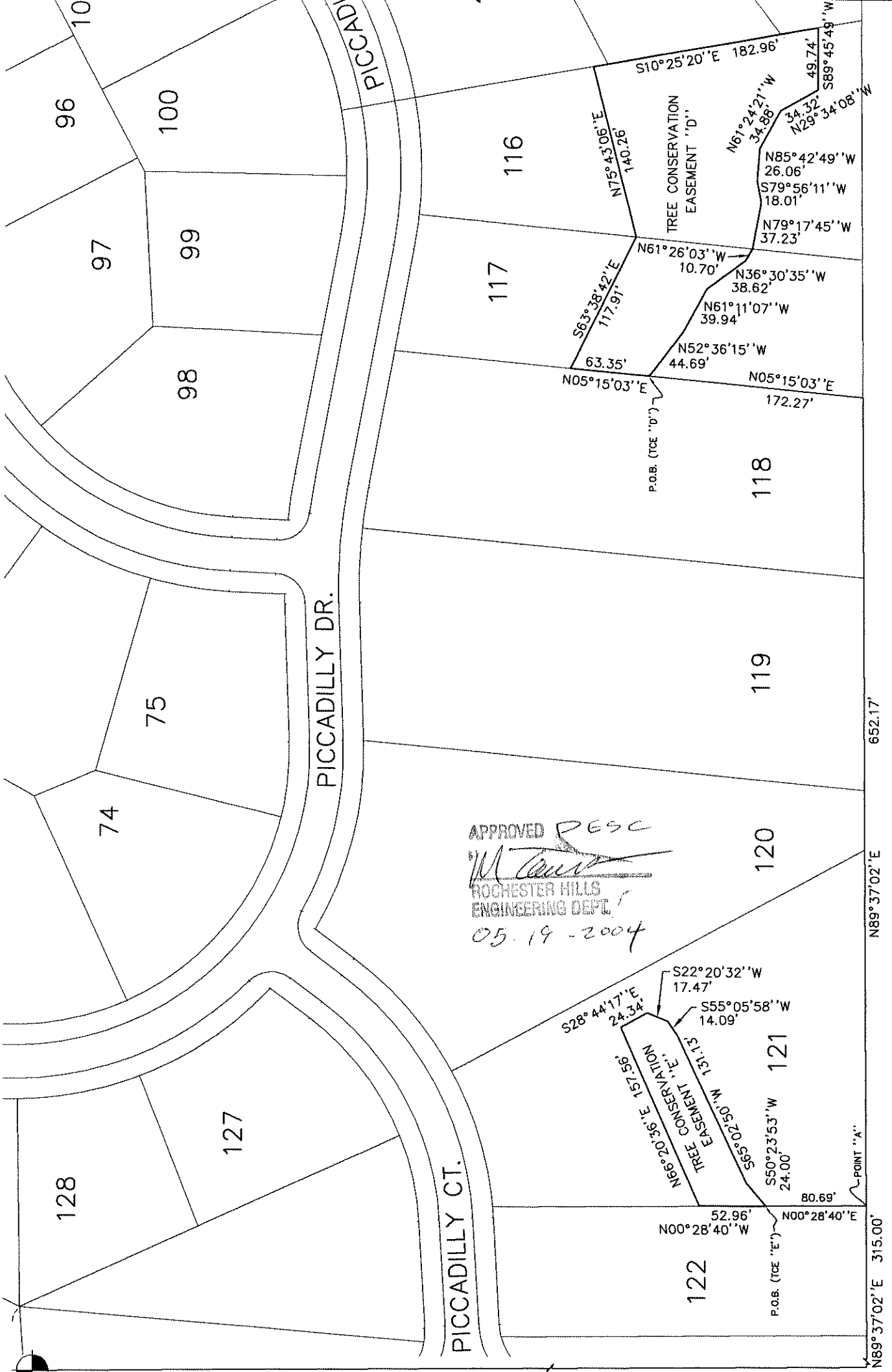
TREE CONSERVATION EASEMENT "D" AND "E"
BUTLER RIDGE NO. 2

PART OF THE SOUTHWEST QUARTER OF SECTION 19, T. 3 N., R. 11 E., CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS COMMENCING AT THE WEST QUARTER CORNER OF SECTION 19; THENCE ALONG THE WEST SECTION LINE S. 00°28'40" E. 2017.64 FEET AND N. 89°37'02" E. 315.00 FEET TO POINT "A" AND CONTINUING N. 89°37'02" E. 652.17 FEET AND N. 05°15'03" E. 172.27 FEET TO THE POINT OF BEGINNING OF "TREE CONSERVATION EASEMENT "D". THENCE FROM SAID POINT OF BEGINNING CONTINUING N. 05°15'03" E. 63.35 FEET; THENCE S. 63°38'42" E. 117.91 FEET; THENCE N. 75°43'06" E. 140.26 FEET; THENCE S. 10°25'20" E. 182.96 FEET; THENCE S. 89°45'49" W. 49.74 FEET; THENCE N. 29°34'08" W. 34.32 FEET; THENCE N. 61°24'21" W. 34.88 FEET; THENCE N. 85°42'49" W. 26.06 FEET; THENCE S. 79°56'11" W. 18.01 FEET; THENCE N. 79°17'45" W. 37.23 FEET; THENCE N. 61°26'03" W. 10.70 FEET; THENCE N. 36°30'35" W. 38.62 FEET; THENCE N. 61°11'07" W. 39.94 FEET; THENCE N. 52°36'15" W. 44.69 FEET TO THE POINT OF BEGINNING CONTAINING 0.67 ACRES MORE OR LESS. THENCE FROM SAID POINT "A" PROCEEDING N. 00°28'40" W. 80.69 FEET TO THE POINT OF BEGINNING OF "TREE CONSERVATION EASEMENT "E". THENCE FROM SAID POINT OF BEGINNING CONTINUING N. 00°28'40" W. 52.96 FEET; THENCE N. 66°20'36" E. 157.56 FEET; THENCE S. 28°44'17" E. 24.34 FEET; THENCE S. 22°20'32" W. 17.47 FEET; THENCE S. 55°05'58" W. 14.09 FEET; THENCE S. 65°02'50" W. 131.13 FEET; THENCE S. 50°23'53" W. 24.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.15 ACRES MORE OR LESS.

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*approved
by J. Stinson
3-3-04*

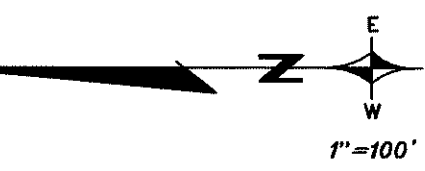
APPROVED *Desc*
M. Turro
ROCHESTER HILLS
ENGINEERING DEPT.
05-19-2004



APPROVED *RESC*
[Signature]
 ROCHESTER HILLS
 ENGINEERING DEPT.
 05.19.2004

WEST QUARTER CORNER
 SECTION 19, T. 3N., R. 11E.

S 00°28'40" E 2017.64'



REVISIONS		
ITEM	DATE	BY
PER CITY OF ROCHESTER HILLS	4-1-02	JH
PER CITY OF ROCHESTER HILLS	4-29-04	PTG

DRAWN BY IAH	DESIGNED BY TEZ	DATE 12-26-01
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BUTLER RIDGE		MICHIGAN
CITY OF ROCHESTER HILLS		SCALE HOR: 1" = 100' VER: 1" = 10'
TREE CONSERVATION EASEMENTS "D" and "E"		FIELD BOOK NO.
ZEIMET WOZNIAK * ASSOCIATES CIVIL ENGINEERS & LAND SURVEYORS 28450 FRANKLIN ROAD SOUTHFIELD, MICHIGAN 48034 (248) 352-8950		JOB NO. 92179
		SHEET NO.