

McShane & Bowie

MEMORANDUM

TO: Ghulam Malik
FROM: Aaron Smith and Nicholas Smith
DATE: November 26, 2025
SUBJECT: Access Rights for 5757 28th Street SE, Grand Rapids, Michigan (the "Subject Land")

Below are our comments relating to our limited review of the owner's commitment of title insurance, dated October 28, 2025 as Commitment No. 314369, by Sun Title Agency of Michigan, LLC, agent for First American Title Insurance Company ("Commitment"). We have reviewed the Commitment and the documents identified therein for the limited purposes of assessing access rights for the Subject Land. We have omitted discussion of any documents not granting access road rights or privileges.

1. Vesting Deed and Referenced Documents:

a. Inst. 20140113-0002589 – Vesting Deed: The Vesting Deed describes the Subject Land (depicted as the red rectangle on *Exhibit A*, attached) in connection with an "Easement Parcel" referencing easements contained in three other recorded documents. Whatever easements are granted in those documents are part of the insured legal description of the Subject Land, which will have certain rights under those documents.

b. Liber 6509, page 419 – Declaration of East-West Access Easement: This instrument includes the Subject Land as the "North Kraft Property" and creates two permanent access easements over the property adjoining immediately on the south (what is now known as 5759 and 5901 28th Street). These are the (i) East-West Access Easement, depicted in dark blue on *Exhibit A*, and (ii) the North Kraft Property Access Easement, depicted in light blue.

c. Liber 6509, page 429 – Declaration of North-South Access Easement: This instrument is a pair with the instrument at 1(b), above, and creates a permanent access easement over nearby property (what is now known as 5751 28th Street) in order to connect the East-West Access Easement (dark blue) to a drive created by Liber 2440, page 366 (discussed below). This North-South Access Easement is depicted in green on *Exhibit A*.

d. Instrument 20050829-0102602 – Easement Agreement: This instrument likewise includes the Subject Land within the description of the "Kraft Property" and creates a permanent access easement in two parts (functionally, east and west halves of the same drive, due to a property line splitting the easement). These are (i) the Kraft Easement Property, corresponding to the western half of the drive, and (ii) the P&L Easement Property, corresponding to the eastern half of the drive. The drive as a whole is shown in orange on *Exhibit A*.

e. Liber 2440, page 366 – Warranty Deed: Although not expressly included in the insured legal description of the Subject Land, this document was referenced within 1(c), above and conveys land (currently known as 5755 28th Street) out of a larger parcel (which includes the Subject Land), subject to several easements. The pertinent easements are defined as the "Road" and cover approximately the same lands as those shown in the instrument at 1(d), above. This easement is, therefore, approximately the same as the easement in orange on *Exhibit A*.

2. Documents Referenced in the Title Commitment

a. Liber 2434, page 1095 – Warranty Deed: This deed is similar to the deed discussed at 1(e), above, in that the deed conveys lands (currently known as 5747 28th Street) out of a larger parcel (which includes the Subject Land), subject to several easements comprising the “Road” and covering approximately the same lands as described in 1(d) and 1(e), above. This easement is, therefore, approximately the same as the easement in orange on *Exhibit A*.

b. Inst. 20051122-0141915 – Declaration of Reciprocal Construction, Operation and Easement Agreement; Inst. 20070222-0020406 – First Amendment to Declaration: These two documents, being an initial declaration and an amendment:

- i. Reference the “Driveway Easement” (the same easement granted in 1(d) above, shown in orange on *Exhibit A*),
- ii. Create the “Kraft Avenue Access Road” access easement, being a drive running roughly east-west along the southern boundary of Parcels A and B of the Developer Property (as depicted therein), and
- iii. Redefine the “East Access Road” being a drive running roughly north-south along the eastern boundary of Parcel B of the Developer Property (as depicted therein).

The Subject Land is identified as Parcel C of the Developer Property. The Kraft Avenue Access Road is as approximately shown in yellow on *Exhibit A*, as amended, and the East Access Road is as approximately shown in light green on *Exhibit A*, being approximately the same as the North-South Access Easement in 1(c), above, less the portion that overlaps with the Kraft Avenue Access Road (yellow) and with the Driveway Easement (orange).

3. Conclusion

The Commitment ultimately indicates the presence of four separate easements over which the Subject Land has permanent vehicular ingress and egress rights:

- i. East-West Access Easement (blue);
- ii. North-South Access Easement, a/k/a East Access Road (green/light green);
- iii. Driveway Easement, a/k/a the Road, and sometimes Savory SE (orange); and,
- iv. Kraft Avenue Access Road (yellow).

Consequently, the Subject Land has access to Kraft Avenue SE and to 28th Street SE. The documents indicate only temporary closures of the (ii)-(iv) easements for maintenance purposes are permitted; additional review would be necessary in order to determine the identity of the successors in interest the declarant/creators of these easements, or the party obligated to maintain, who would be authorized to enforce such closures.

However, no documents provided in the Commitment indicate any right to utilize any portion of Charlevoix Woods Court SE, although there would be access over the East-West Access Easement up to the boundary of the Charlevoix Woods Court SE. Further review of documents not relating to the Subject Land would be required to determine whether that road has been dedicated to public use or if it remains private. A cursory review of the Kent County online mapping resources indicates it is likely a private roadway. As such, the Subject Land is not entitled to its use unless a document specifically grants that right.

EXHIBIT A
APPROXIMATE DEPICTION OF EASEMENTS

