

COVENANT FORM F

Know all men by these presents that the undersigned has submitted to the Town of Ashland Planning Board an application dated _____ for approval of a definitive plan of a subdivision of land entitled:

“ _____ ”

and showing _____ () lots (“the Plan”), which plan was approved by said Planning Board on _____ and is recorded with the Middlesex South Registry of Deeds in Plan Book _____, Page _____.

NOW THEREFORE, in consideration of the Town of Ashland Planning Board approving the Plan without requiring a performance bond, the undersigned covenants and agrees with the Town of Ashland, acting by and through its Planning Board, as follows:

1. The undersigned is the owner in fee simple absolute of all the land included in said subdivision (“the Property”) and there are no mortgages of record or otherwise on any of the Property except for those described below and the present holders of said mortgages have assented to this Covenant prior to the execution by the undersigned. It is agreed that any subsequent mortgages shall be subordinate to this Covenant.

2. The undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any such lot until the construction of ways and installation of municipal services necessary to adequately serve such lot have been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:
 - a. Application for Approval of Definitive Plan dated _____;
 - b. The Subdivision Laws of the Town of Ashland and the Planning Board’s Rules and Regulations governing this Subdivision;
 - c. The Certificate of Approval and conditions of approval specified therein issued by the Planning Board on _____, 20__ and filed with the Ashland Town Clerk on _____, 20__;
 - d. The Plan as qualified by the Certificate of Approval;
 - e. Other document(s) specifying construction or installation to be completed, namely _____.

3. This Covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned, and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon said land.
4. The particular lots within the subdivision shall be released from the foregoing conditions only upon the recording of a certificate of performance executed by a majority of said Planning Board and enumerating the specific lots to be released.
5. Nothing herein shall be deemed to prohibit a conveyance by a single deed subject to this Covenant of either the entire parcel of land shown on the Plan or of all lots not previously released by the Planning Board.
6. The undersigned agrees to record this Covenant with the Middlesex South Registry of Deeds forthwith. Reference to this Covenant shall be entered upon the definitive plan as approved.
7. Upon final completion of the construction of all ways and the installation of all municipal services as specified herein, on or before _____, 20__, or within one year thereafter, if the Planning Board in their sole discretion determines that it shall grant a one year extension beyond _____, 20__ and as evidenced by a majority vote of the Planning Board, the Planning Board shall release this Covenant by an appropriate instrument, duly acknowledged. Failure to complete construction and installation within the time specified herein or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant shall result in automatic rescission of the approval of the Plan.
8. This Covenant shall take effect upon the endorsement of approval of the Plan by the Planning Board.
9. A deed of any part of the subdivision in violation of the Covenant shall be voidable by the grantee prior to the release of the Covenant, but not later than three (3) years from the date of such deed, as provided in G.L. c. 41, §81U.

For title to the Property see deed from _____, dated _____, recorded with said Registry in Book _____, Page _____.

_____ There is no mortgage on the Property.

_____ There are __ mortgages on this property held by _____, recorded in the Middlesex South Registry of Deeds in Book __ and Page ____.

IN WITNESS WHEREOF, (Applicant or Agent), have hereunto set my hand and seal this _____ day of _____, 20__.

XXXXXX, Inc (or LLC)

(Applicant or Agent)

Acceptance by the Majority
of the Ashland Planning Board

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was a drivers license, to be the person whose name is signed on the preceding or attached document as record owner, and acknowledged to me that he signed it as President, voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 20__, before me, the undersigned notary public, personally appeared the above named members of the Ashland Planning Board as aforesaid, and proved to me through satisfactory evidence of identification which was _____ to be the persons whose names they signed on the foregoing instrument as members of the Planning Board, and further acknowledged to me that they signed it voluntarily for its stated purpose as said members.

Notary Public
My Commission Expires:

CONSENT TO COVENANT

We, _____ the holders of a mortgage recorded in Book _____ and page _____ and filed with the Middlesex South Registry of Deeds for the property at _____, Ashland, Massachusetts, do hereby consent to the recording and filing of the foregoing Covenant by and between the Town of Ashland and (Applicant of Subdivision)

Signed this the ___ day of _____ 20__.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared the above-named _____, representative of _____ Bank as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name he/she signed on the foregoing instrument in my presence, and further acknowledged to me that he/she signed it voluntarily for its stated purpose as said representative.

Notary Public
My Commission Expires: