

THIS SPACE RESERVED FOR REGISTRY OF DEEDS

FORM H

COVENANT

CONDITIONAL APPROVAL CONTRACT

Topsfield, MA _____

KNOW ALL MEN BY THESE PRESENTS

that whereas the undersigned has submitted application dated _____, to the Topsfield Planning Board for approval of a Definitive Plan of a certain subdivision entitled _____ and dated _____ and has requested the Board to approve such plan without requiring a Performance Bond.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Topsfield Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt whereof is hereby acknowledged, the undersigned covenants and agrees with the Town of Topsfield as follows:

- 1. The undersigned will not sell any lot in the subdivision or erect or place any permanent building on any such lot until the work on the ground necessary to serve adequately such lot has been completed in the manner specified in the aforesaid application, and in accordance with the covenants, conditions, agreements, terms and provisions contained in the following:
 - a. Application for Approval of Definitive Plan (Form B) signed by the Principal and dated _____.
 - b. The Subdivision Control Laws and the Rules and Regulations Governing the Subdivision of Land in Topsfield adopted by the Planning Board.
 - c. The Definitive Plan as defined by the above Rules and Regulations and as qualified by the Certificate of Approval issued by the Planning Board dated _____.
- 2. This agreement shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned.

It is the intention of the undersigned and it is hereby understood and agreed that this Contract shall constitute a covenant running with the land included in the aforesaid subdivision and operate as restriction upon said land.

It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing conditions upon the recording of a Certificate of Performance executed by a majority of said Planning Board and enumerating the specific lots to be so released.

(continued on next page)

3. The undersigned represents and covenants that the undersigned is the owner* in fee simple of all the land included in the aforesaid subdivision and that there are no mortgages of record or otherwise on any of said land, except such as are described below and subordinated to this Contract, and the present holders of said mortgages have assented to this Contract prior to its execution by the undersigned.
4. 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 Subdivision Plan or of all lots not previously released by the Planning Board.
5. A mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgaged premises or part thereof may sell or convey any lot, subject only to that portion of this covenant which provides that no lot be sold or conveyed or shall be built upon until ways and services have been provided to serve such lot.
6. The undersigned agrees to record this covenant with the Essex South District County Registry of Deeds contemporaneously with the filing of the Subdivision Plan.

(continued on next page)

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____.

Applicant

Owner

Address

Address

Description of Mortgages: _____

(Give Complete names and Registry of Deeds reference)

Assents of mortgagees:

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

On this ____ day of ____, 20__ before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and that he has the authority to act in that capacity.

Notary Public
My Commission Expires: _____

*If there is more than one owner, all must sign.

- 1 copy each: Applicant
- Planning Board
- Town Clerk
- Registry of Deeds or Land Court