

Subdivision Name _____

**TOWN OF HAMILTON, MA
PLANNING BOARD: FORM F**

COVENANT

(One completed form and two copies thereof shall be filed with the Planning Board.)

The undersigned (Name/Address of subdivision
Owner(s)) _____

Having submitted to the Hamilton Planning Board a Definitive Plan of a subdivision entitled
_____ dated _____ Sections _____ Sheets _____

designed by _____

does hereby covenant and agree with said Planning Board, in consideration of the Planning Board approving said plan without requiring a performance bond, and in consideration of one dollar in hand paid, receipt of which is hereby acknowledged, THAT:

1. The undersigned represents and covenants that the undersigned is/are the record owner(s) in fee simple of all the land included in the aforesaid subdivision, and that there are no mortgages of record or otherwise of any of said land, except such as are described below and subordinated to this contract, and that the present holders of said mortgages have assented to this contract prior to its execution by he undersigned;
2. the undersigned will not convey any lot in the subdivision except by mortgage deed or erect or place any permanent building on such lot
 - a. UNTIL the construction of ways and the installation of municipal services to said subdivision has been completed
 - 1) as shown on said Definitive Plan and accompanying agreements and documents, and as qualified by the Planning Board approval vote of said Plan, AND
 - 2) in accordance with all applicable provisions of the Hamilton Subdivision Regulations
 - b. OR UNTIL a performance bond securing any uncompleted ways and services in said subdivision has been accepted by said Planning Board in lieu of completion.

PROVIDED THAT a mortgagee who acquires title to the mortgages premises or part thereof by foreclosure or otherwise may sell any such lot subject to that portion of this Covenant which provides that no lot so sold shall be built upon until such ways and services have been provided to serve said lot;

AND PROVIDED THAT nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the parcel of land shown on the Definitive Plan, or of all the lots not previously released by the Planning Board without first providing such ways and services;

3. It is understood and agreed that lots within the subdivision shall, respectively, be released from the foregoing and following conditions upon recording of a Certificate of Release executed by a majority of said Planning Board and enumerating the specific lots to be so released;
4. this agreement shall be binding upon the executors, heirs, assigns, devisees, and administrators of the undersigned, and upon their successors in title to the premises shown on said Plan. It is the intention of the undersigned, and it is hereby understood and agreed that this agreement shall

constitute a Covenant running with the land in the aforesaid subdivision, and shall operate as restrictions upon said land. This Covenant shall take effect upon the approval of Said Plan. Reference to this Covenant shall be entered upon said Plan, and this Covenant shall be recorded when said Plan is recorded.

- 5. The construction of all ways and the installation of all municipal services shall be completed in accordance with the applicable Hamilton Subdivision Regulations before (date) _____ unless an extension of time is granted by the Hamilton Planning Board. Failure to so complete shall automatically rescind approval of the Plan;
- 6. The undersigned husband/wife of the covenantor hereby agrees that such interest as he/she may have in said premises shall be subject to the provisions of this Covenant, and insofar as is necessary releases all rights of tenancy by the courtesy, dower, homestead and other interests therein.

IN WITNESS WHEREOF the undersigned applicant, as foresaid, does/do hereunto set his/their hand(s) and seal this _____ day of _____ 20_____.

Applicant's husband/wife
(if more than one owner,
All spouses must sign).

Applicant(s) (If more than one owner,
all must sign).

_____	_____
_____	_____
_____	_____

Witness _____

Description of Mortgages (give complete names and Registry of Deeds Reference)

Assents of mortgagees' _____

COMMONWEALTH OF MASSACHUSETTS

Essex County, ss.

Date _____

Then personally appeared the above named _____ and acknowledged the foregoing instrument to be his/her free act and deed, before me.

Notary Public

My commission expires

(If there is more than one owner, all must be notarized).