

FORM E
APPROVAL WITH COVENANT CONTRACT

Know all men by these presents that whereas the undersigned has submitted an application dated _____, 19____, to the Ashby Planning Board for approval of a definitive plan of a certain subdivision entitled _____ and dated _____, 19____, and has requested the Board to approve such plan without requiring a performance bond.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that in consideration of the Ashby 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 Ashby 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 thereof.
- 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 shall operate as restrictions 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.

- 3. The undersigned represents and covenants that 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 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.

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

- 4. The undersigned agrees that all construction in the subdivision shall be completed with a time period of two years from the date of endorsement of approval of the definitive plan. Failure to so complete the construction shall render such approval of the subdivision null and void.

IN WITNESS WHEREOF the undersigned, applicant as aforesaid, does hereunto set his hand and seal this _____ day of _____, 19_____.

Applicant

Address

Description of Mortgages: _____

(Give complete names and Registry of Deeds reference.)

Assents of Mortgages:

COMMONWEALTH OF MASSACHUSETTS

_____, SS. _____, 19____.

Then personally appeared the above named _____ and acknowledged that he executed this instrument as his free act and deed before me.

Notary Public

My commission expires: _____

Note: If executed by or on behalf of a corporation or other entity, attach here proper authority therefore, and annex hereto a Certificate of Corporate Vote and/or other certificate of authority.