

FORM K-1

DECLARATION OF RESERVED EASEMENTS

Town of Middleborough, Massachusetts

KNOW ALL MEN BY THESE PRESENTS that the undersigned has submitted to the Town of Middleborough Planning Board and has obtained approval of a definitive plan of a subdivision of land entitled: _____

_____ which Plan dated _____ and revised through _____; and which plan is recorded at the Plymouth County Registry of Deeds, Book _____, Page _____ herewith (hereinafter referred to as "Definitive Subdivision Plan").

THE UNDERSIGNED ACKNOWLEDGE that the within described easements as shown on the above referenced Definitive Subdivision Plan are integral to the subdivision's design and necessary to protect the safety, convenience and welfare of the inhabitants of the Town of Middleborough. In consideration of said Planning Board of the Town Middleborough in the County of Plymouth approving said Definitive Subdivision Plan, the undersigned hereby covenant and agree with the Inhabitants of the Town of Middleborough acting by and through its Planning Board as follows:

1. The undersigned are the owners in fee simple absolute of all the land included in the subdivision and that there are no mortgages of record or otherwise on any of the land, except for those described below, and that the present holders of said mortgages have assented to this covenant prior to its execution by the undersigned.

2. This declaration shall be binding upon the executors, administrators, devisees, heirs, successors, and assigns of the undersigned and shall run with the land included in the subdivision and shall operate as restrictions upon the land to the extent provided under law.

3. The undersigned shall record this declaration with the Plymouth County Registry of Deeds forthwith, or pay the necessary recording fee forthwith to the said Planning Board in the event the Planning Board shall record this declaration. Reference to this declaration shall be entered upon the Definitive Subdivision as approved.

4. This Declaration shall be executed before endorsement of approval of the Definitive Subdivision Plan by the Planning Board and shall take effect upon the endorsement of approval.

5. The undersigned owners hereby reserve the following described easements, which are shown on the above referenced plan, in perpetuity for the

benefit of the owners of record of the roads and the owners of record of the lots shown on the Definitive Subdivision Plan and their successors and assigns:

- a. _____
- b. _____

6. For title to the property owned by _____, see the deed from _____ dated _____ and recorded at the Plymouth County Registry of Deeds in Book _____, Page _____. For title, see the deed of _____ dated _____ and recorded at the Plymouth County Registry of Deeds in Book _____, Page _____.

See also the deed from _____ to _____ dated _____ and recorded at the Plymouth County Registry of Deeds herewith.

7. Any lot shown on the Definitive Subdivision Plan which is subject to any easement described in Paragraph 5 shall be subject to the terms of this declaration. Any lot shown on the Definitive Subdivision Plan which is not subject to any easement described in Paragraph 5 shall not be subject to the terms of this declaration.

8. This declaration may be amended by a document executed by the owner(s) of the subdivision road(s) provided such amendment shall not be effective unless it is assented to in writing by the owner(s) of all lots which are subject to the reserved easements described in Paragraph 5 and provided further that the amendment shall not be effective until it is approved in writing by the Town of Middleborough Planning Board and recorded in the Plymouth County Registry of Deeds.

9. The present holder of a mortgage upon the property is _____. The mortgage is dated _____ and recorded in Plymouth County Registry of Deeds, Book _____, Page _____. The said mortgagee joins in this Declaration and hereby agrees to hold the mortgage subject to the within Declaration and agrees that the within Declaration shall have the same status, force and effect as though executed and recorded before the recording of the said mortgage and further agrees that the mortgage shall be subordinate to the within Declaration.

IN WITNESS WHEREOF the undersigned hereunto set our hands and seals this _____ day of _____, 20 ____.

By _____

By _____

COMMONWEALTH OF MASSACHUSETTS

County of _____, SS: _____, 20__

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification, which was _____ to be the person(s) whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(Notary Public Signature)

(seal)

My Commission Expires

IN WITNESS WHEREOF, the said _____ Bank
has caused its corporate seal to be hereto affixed and these presents to be signed,
acknowledged and delivered in its name by _____
hereto duly authorized, this _____ day of _____, 20__.

_____ Bank

by _____

COMMONWEALTH OF MASSACHUSETTS

County of _____, SS: _____, 20__

On this _____ day of _____, 20__, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification, which was _____ to be the person(s) whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

(Notary Public Signature)

(seal)

My Commission Expires

The within declaration is hereby
accepted on this _____ day of
_____, 20__.

Majority of the Planning Board of the Town of Middleborough

THE COMMONWEALTH OF MASSACHUSETTS

County of _____, SS: _____, 20 ____

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____ proved to me through satisfactory evidence of identification, personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose as a member of the Planning Board of Middleborough.

Notary Public Signature

My commission expires:

Approval as to Form and
Manner of Execution Only:

By: _____
_____, Town Counsel