

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: "Definitive Subdivision Plans for Tanglewood, Middleborough, MA", dated December 31, 1998, and revised through June 26, 1999, prepared by Earth Tech for Bay Colony Investment and Development, Inc., which plan is recorded at the Plymouth County Registry of Deeds herewith (hereinafter referred to as "Definitive Subdivision Plan").

THE UNDERSIGNED ACKNOWLEDGES 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 covenants and agrees with the Inhabitants of the Town of Middleborough 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 the subdivision and that there are no mortgages of record or otherwise on any of the land.

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.

4. The undersigned owner hereby reserves the following described easements, which are shown on the above referenced plan or are recorded as separate documents, 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. Access and Drainage easement over entire portion of Open Space Parcel "B". Comprising of approximately 47,646 square feet.
- b. Access and Drainage easement located at the easterly side of the intersection of Chadderton Way and Plymouth Street located on a portion Open Space Parcel "A". Comprising of approximately 2,001 square feet.
- c. Access and Drainage easement located at the easterly end of Pendleton Court located on a portion of southerly portion of Lot 2. Comprising of approximately 1,208 square feet.
- d. Access and Drainage easement located at the easterly end of Pendleton Court located on a portion of Open Space Parcel "A". Comprising of approximately 9.4 acres.
- e. Access and Drainage easement located at the southwesterly side of Saddleworth Way between and to the west of Lots 45 and 46 located on a portion of Open Space Parcel "A". Comprising of approximately 19.6 acres.
- f. Access and Drainage easement located at the westerly side of Saddleworth Way between and to the west of Lots 38 and 39 located on a portion of Open Space Parcel "A". Comprising of approximately 24.8 acres.
- g. Overland drainage easement over lots 1, 3, 6, 13, 15, 17, 19, and 21 to protect existing critical natural flow paths.
- h. 25-foot wide Access, Utility, Drainage, Planting and Slope easement running along both sides of all streets and ways within the subdivision.

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- i. 30-foot wide easement over land now or formerly of Thomas F. Kinsman and Ellen M. Kinsman dated July 12, 1999 and recorded at the Plymouth County Registry of Deeds in Book 17821, Page 194.
- j. 50-foot wide access easement over land now or formerly of Steven T. Hastings and Ann M. Hastings dated June 19, 1998 and recorded at the Plymouth County Registry of Deeds in Book 16571, Page 99.
- k. Existing drainage easement over land now or formerly of Salvatore A. Christofaro and Susan D. Christofaro dated November 29, 1996 and recorded at the Plymouth County Registry of Deeds in Book 14817, Page 263.
- l. Drainage and access easement over the Drainage Lot located on the northerly side of Plymouth Street adjacent to Rte 44, as shown on the Definitive Subdivision Plan

5. For title to the property, see the following deeds:

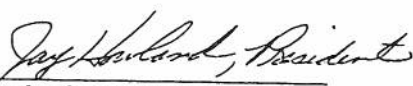
- a. Deed from Roger H. Parent dated April 4, 1994 and recorded at the Plymouth County Registry of deeds in Book 12785, Page 227.
- b. Deed from the Co-operative Central Bank dated September 14, 1994 and recorded at the Plymouth County Registry of deeds in Book 13147, Page 341
- c. Deed from Julia E. Bernier dated February 22, 1994 and recorded at the Plymouth County Registry of deeds in Book 12682, Page 073.
- d. Deed from the Cemetery at the Green dated June 19, 1998 and recorded at the Plymouth County Registry of Deeds in Book 16571, Page 99.

6. Any lot shown on the Definitive Subdivision Plan which is subject to any easement described in Paragraph 4 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 4 shall not be subject to the terms of this declaration.

7. 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 4 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.

IN WITNESS WHEREOF, the said JJAD, Inc. has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name by Jay Howland its President and Treasurer hereto duly authorized, this 31st day of August in the year one thousand nine hundred and ninety nine.

JJAD, Inc.

by 
Jay Howland, President & Treasurer