

Planning

RECORDING DEPARTMENT
TOWN OF WAREHAM, MASSACHUSETTS

FORM F
COVENANT

October 7, 2019
Town of Wareham, Massachusetts

OWNER OF RECORD: Bay Pointe Club, LLC
TITLE REFERENCES: Book 40976, Page 207
Book 47864, Page 341
ASSESSORS MAP
AND LOT: Map 2, Lot 1004A

KNOW ALL MEN by these presents that an application to the Wareham Planning Board was submitted by Bay Pointe Club, LLC for approval of a definitive plan of a subdivision of land entitled: "The Bay Pointe Club Mixed Use Development project, Definitive Plan Submittal, Special Use Permit, Site Plan Review in Wareham, Massachusetts" Prepared by Principe Company, Inc. Date: February 12, 2019 revised 3/8/19, 5/1/19 & 5/23/19.

Land owned by Bay Pointe Club, LLC [a/k/a Bay Pointe, LLC], c/o Stonestreet Corp., of 1275 Wampanoag Trail, Suite 14, East Providence, RI 02915, said land being located on Onset Avenue, Bay Pointe Drive and Cahoon Street. The undersigned has requested the Planning Board to approve such plan without requiring a performance bond.

IN CONSIDERATION of said Planning Board of Wareham in the County of Plymouth approving said plan without requiring a performance bond, the undersigned hereby covenants and agrees with the inhabitants of the Town of Wareham as follows:

1. That 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 except for the following:
 - a. Mortgage to North Easton Savings Bank dated July 24, 2018 recorded in Book 50079, Page 205.
2. That the undersigned will not sell or convey any lot in the subdivision or erect or place any permanent building on any lot until the construction of ways and installation of municipal

services necessary to adequately serve such lot has been completed in accordance with the covenants, conditions, agreements, terms and provisions as specified in the following:

- a. The application for Approval of Definitive Plan (Form C).
- b. The Subdivision Control Law and the Planning Board's Rules and Regulations governing this subdivision.
- c. The decision of approval and the conditions of approval specified therein, issued by the Planning Board, dated June 10, 2019 ; and filed with the Town Clerk on June 18, 2019
- d. The definitive plan as approved and as qualified by the decision of approval.

However, 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.

3. That this covenant shall be binding upon the executors, administrators, devisees, heirs, successors and assigns of the undersigned and shall constitute a covenant running with the land included in the subdivision and shall operate as restrictions upon the land.
4. That particular lots within the subdivision shall be released from the foregoing conditions upon the recording of a certificate of performance executed by a majority of the Planning Board and enumerating the specific lots to be released or upon the provision of adequate substitute surety in accordance with the requirements of the Subdivision Control Law.
5. That 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.
6. That the undersigned agrees to record this covenant with the Plymouth County Registry of deeds, forthwith, or to pay the necessary recording fee to the said Planning Board in the event the Planning Board shall record this agreement forthwith. Reference to this covenant shall be entered upon the definitive subdivision plan as approved.
7. A deed of any part of the subdivision in violation of the covenant shall be voidable by the grantee prior to the release of the covenant; but not later than three (3) years from the date of such deed as provided in Section 81-U, Chapter 41, M.G.L.
8. That this covenant shall be executed and duly recorded by the owner of record with the definitive plan by the Planning Board and shall take effect upon the endorsement of approval.

IN WITNESS WHEREOF we have hereunto set our hands and seals as of the 21st day of October, 2019.

Wareham Planning Board

George T Barrett
George Barrett, Chairman

Michael A Baptiste SR.
Michael A. Baptiste, Sr., Vice-Chairman

Marc Bianco, Member

Michael King, Member

Emanuel Daskalakis, Member

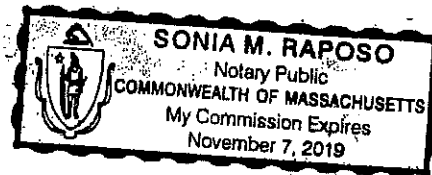
COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

On this 21st day of October, 2019, before me, the undersigned notary public, personally appeared George Barrett, proved to me through satisfactory evidence of identification, which was his Planning Board nameplate, to be the person whose name is signed on the preceding or attached document, as Planning Board Member, and acknowledged to me that he signed it voluntarily for its stated purpose.

Sonia Raposo
Signature of Notary Public

My commission expires 11/7/2019



WAREHAM TOWN CLERK
2019 OCT 22 AM 10:20

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the 17 day of September 2019.

North Easton Savings Bank

By:

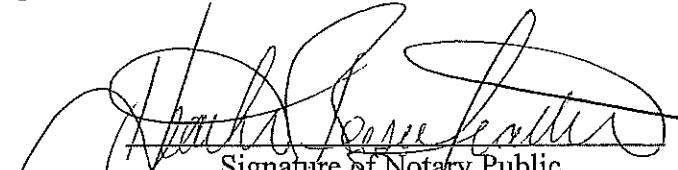

Duly Authorized Agent
Nicholas Mollo

See Vote appended hereto
or recorded herewith

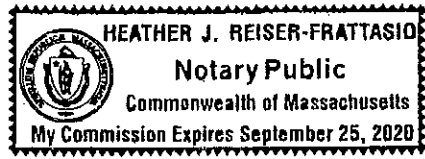
COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

On this 17 day of September, 2019, before me, the undersigned notary public, personally appeared the above-named Nicholas Mollo, MADL as aforesaid, proved to me through satisfactory evidence of identification, which was his/her driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.


Signature of Notary Public

My commission expires _____

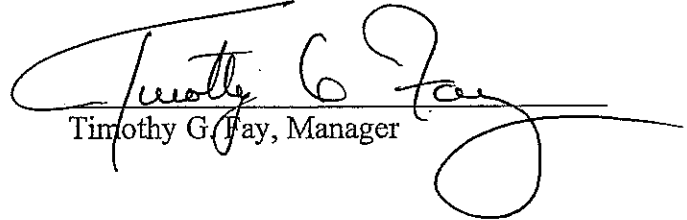


WAREHAM TOWN CLERK
2019 OCT 22 AM 10:22

IN WITNESS WHEREOF I have hereunto set my hand and seal as of the 17th day of September 2019.

Bay Pointe Club, LLC

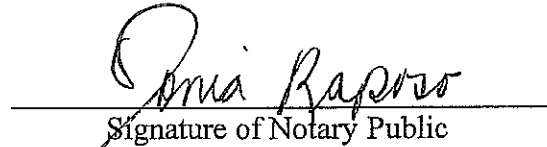
By:


Timothy G. Fay, Manager

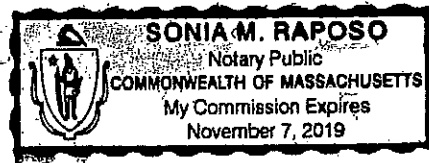
COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss

On this 17th day of September, 2019, before me, the undersigned notary public, personally appeared the above-named Timothy G. Fay, Manager as aforesaid, proved to me through satisfactory evidence of identification, which was his driver's license, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Signature of Notary Public

My commission expires 11.07.2019



WAREHAM TOWN CLERK
2019 OCT 22 AM 10:23