

COVENANT

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We, the undersigned, RIBOT REALTY TRUST, S. FRANCIS VITALE, Trustee, of Beverly, Essex County, Massachusetts, said Trust duly organized under the laws of the Commonwealth of Massachusetts dated July 18th, 1968 and recorded with Essex South District Registry of Deeds in Book 5625 Page 214 on July 25th, 1969, and S. FRANCIS VITALE, individually, of Beverly, Massachusetts, their successors and assigns, hereinafter called the COVENANTOR, having submitted to the NEWBURYPORT PLANNING BOARD, of Newburyport, Massachusetts, a Definitive Plan of a subdivision of land located off Ferry Road, Newburyport, Massachusetts, entitled "Evergreen Estates" dated JULY 25, 1985 made by BSC Engineering, 450 Summer Street, Boston, Massachusetts, to be recorded herewith, does hereby covenant and agree with said Newburyport Planning Board and with the CITY OF NEWBURYPORT, their successors and offices, pursuant to M.G.L., Chapter 41, as amended:

That:

1. COVENANTOR is the owner of record of the premises shown on said Plan;
2. Covenant shall run with the land and be binding upon the executors, administrators, heirs and/or assigns of the COVENANTOR and their successors entitled to the premises shown on said Plan;
3. Construction of the ways and the installation of municipal services shall be provided to serve any lot shown on said Plan in accordance to the applicable subdivision Rules and Regulations of

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said Board, as amended, before such lot may be built upon or conveyed, other than by mortgaged deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and a succeeding owner of the mortgaged premises or any part thereof may sell any such lot, subject only 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 such lot;

4. This Covenant shall take effect upon approval of said Plan;

5. Reference to this Covenant shall be entered upon said land and this Covenant shall be recorded when said Plan is recorded;

6. Incorporated into this Covenant and made a part hereof is the Zoning Board decision dated Sept 25, 1985, on an application from S. Francis Vitale and Ribot Realty Trust of Beverly, Essex County, Massachusetts seeking a special permit for the purpose of creating a public nine (9) hole golf course and clubhouse on said premises. The stipulations contained within that decision are incorporated herein by reference including, but not limited to, the recommendations made by M. Anthony Lally Associates and the Water Commission regarding the maintenance of the water wells entitled, "Report of Findings Evergreen Estates and Golf Course, Newburyport, Massachusetts", September 17, 1985;

7. The roads and other off site services and improvements must be completed pursuant to the subdivision Rules and Regulations of said Board and the Plan filed herewith before any lot is released;

8. The golf course on a lot described on said Plan shall be substantially completed before any lot is released;
9. The COVENANTOR agrees to pay for a Clerk of the Works to be appointed by said Planning Board and the City of Newburyport and who shall work as the agent of said Planning Board and the City of Newburyport, commencing on NOV. 26, 1985, and to continue in that status until the Subdivision is completed.

SIGNED under the pains and penalties of perjury, this
26th day of NOVEMBER, 1985.

COVENANTOR:

RIBOT REALTY TRUST

By: 
St. Francis Vitale, Trustee


St. Francis Vitale, Individually

NEWBURYPORT PLANNING BOARD

By: 
E. James Gaines, Chairman

CITY OF NEWBURYPORT

By: 
Richard E. Sullivan, Mayor

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

11/26, 1985

Then personally appeared the above-named S. Francis Vitale, Trustee, and acknowledged the foregoing instrument to be the free act and deed of Ribot Realty Trust, before me,



Sheila R. Gennedy
Notary Public
My commission expires: 2-28-92

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

11/26, 1985

Then personally appeared the above-named S. Francis Vitale, and acknowledged the foregoing instrument to be his free act and deed, before me,



Sheila R. Gennedy
Notary Public
My commission expires: 2-28-92

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

, 1985

Then personally appeared the above-named E. James Gaines, Chairman, and acknowledged the foregoing instrument to be the free act and deed of the Newburyport Planning Board, before me,

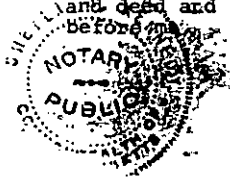
Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

11/26, 1985

Then personally appeared the above-named E. Richard Sullivan, Mayor, and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of the City of Newburyport, before me,



Sheila R. Gennedy
Notary Public
My commission expires: 2-28-92