

T-5

AMENDMENT TO DECLARATION OF RESTRICTIONS

WHEREAS, Westvale Meadows, Inc., a Massachusetts Corporation with a usual place of business at 9 Pond Lane, Concord, Middlesex County, Massachusetts (hereinafter the "Grantor") is the owner of a certain parcel of land containing approximately 8 acres and shown on a plan entitled "Plan of Land in Concord, Mass." by David W. Perley, Civil Engineers, Concord, Mass., dated July 7, 1989, owned by Mill Square Partnership, recorded with the Middlesex South District Registry of Deeds on July 25, 1989, as Plan No. 809 in Book 19961, at Page 299, (hereinafter the "Premises"), and

WHEREAS, the Grantor and it's predecessor in title, Mill Square Partnership have developed the Premises as a Planned Residential Development comprised of sixteen (16) residential units and related amenities known as Westvale Meadow, pursuant to and in accordance with the Decision of the Town of Concord Board of Appeals, dated April 11, 1989, and recorded with the said Registry on May 5, 1989, in Book 19802, at Page 488, and

WHEREAS, a condition of the Decision is the imposition by the Grantor's said predecessor in title of a deed restriction setting forth the conditions and restrictions set forth in Paragraphs 4(c) and (d) and Paragraph 5 of the Decision, and

WHEREAS, the Grantor's said predecessor in title, with the consent of the Town of Concord, through its Board of Selectmen, imposed restrictions on the Premises as set forth in the Declaration of Restrictions recorded with the Middlesex South District Registry of Deeds on July 25, 1989, in Book 19961, at

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MARGINAL REFERENCE REQUESTED
BOOK 19961 PAGE 299

Page 311, (hereinafter "the Declaration of Restrictions"), and

WHEREAS, the Grantor and the Town of Concord, through its Board of Selectmen, for good and valuable non-monetary consideration, the receipt and sufficiency of which are hereby acknowledged, desire to amend the Declaration of Restrictions,

IT IS HEREBY AGREED that the Grantor, with the approval of the Town of Concord, through its Board of Selectmen, shall amend the Declaration of Restrictions as follows:

1. All references in the Declaration of Restrictions to "forty (40) years, forty (40) year term, or forty (40) year period" shall be stricken and the following shall be substituted respectively therefor: "ninety-nine (99) years, ninety-nine (99) year term, or ninety-nine (99) year period."

2. Paragraph 2(e) shall be amended by adding the following at the conclusion of Paragraph 2(e): "The foregoing shall be binding upon any subsequent owners of the Protected Units during the ninety-nine (99) year term as referred to in the Declaration of Restrictions and this and any subsequent amendments."

3. Paragraph 3 shall be amended by striking the date "April 11, 2031," and substituting therefor the date "April 11, 2091."

4. The Declaration of Restrictions is further amended by adding the following paragraph after Paragraph 3(b) as set forth in the Declaration of Restrictions:

At the written request of the Grantor or any subsequent owner of the protected units, the Town Manager shall issue a certificate, in form suitable for recording

with said Registry, indicating whether the Premises are in compliance with this Declaration of Restrictions, as amended. The agreements, covenants and restrictions contained in this Declaration of Restrictions are intended to and shall run with the Premises, or any portion thereof, and shall be binding upon the Grantor and its successors, assigns and all persons succeeding to all or any portion of the interest of the Grantor in the Premises, or any portion thereof.

5. All references in the Declaration of Restrictions to "households with incomes between one hundred ten (110%) percent and one hundred fifty (150%) percent" shall be stricken and the following shall be substituted respectively therefore: "households with incomes of less than 150%".

The undersigned, William H. Sullivan, Jr., hereby certifies that he is a the President and Treasurer of Westvale Meadows, Inc., that he has the full authority to enter into this Amendment to the Declaration of Restrictions on behalf of said Westvale Meadows, Inc., in the usual course of business, and that his signature of this Amendment to the Declaration of Restrictions serves to bind said Westvale Meadows, Inc., to all of the terms hereof.

The Declaration of Restrictions and this Amendment shall be enforceable by the Town of Concord through its Board of Selectmen, and in addition, the provisions of Paragraph 1 of the Declaration of Restrictions shall be enforceable by the Concord

Housing Authority. No modification or amendment may be made to the Declaration of Restrictions or this Amendment without the prior written approval of the Town of Concord Board of Selectmen, which approval shall be granted in the sole discretion of said Board.

The present holder of a mortgage upon the Premises is Middlesex Savings Bank of 64 Main Street, Concord, Massachusetts 01742. The mortgage is dated April 10, 1990, and was recorded in the Middlesex South District Registry of Deeds on April 11, 1990, in Book 20484, Page 568. The mortgagee agrees to hold the mortgage subject to the amendments set forth above and agrees that the amendments shall have the same status, force and effect as though executed and recorded before the taking of the mortgage and further agrees that the mortgage shall be subordinate to the above amendments.

WITNESS my hand and seal this 27th, day of April, 1990.

WESTVALE MEADOWS, INC.
By: William H. Sullivan, Jr.
WILLIAM H. SULLIVAN, JR.
President and Treasurer

COMMONWEALTH OF MASSACHUSETTS
Middlesex, SS: April 30, 1990

Then personally appeared before me the above-named WILLIAM H. SULLIVAN, JR., President and Treasurer as aforesaid, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said WESTVALE MEADOWS, INC.

Denise M. Fernald
NOTARY PUBLIC
My Commission Expires: April 25, 1991

MIDDLESEX SAVINGS BANK

By: David H. Huntley
DAVID HUNTLEY, Vice President

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS: Date: April 24, 1990

Then personally appeared before me the above named DAVID HUNTLEY, Vice President of MIDDLESEX SAVINGS BANK, and stated that he is the authorized representative of the mortgagee and acknowledges the foregoing instrument to be his free act and deed and the free act and deed of said MIDDLESEX SAVINGS BANK.

Anna M. Wallace
NOTARY PUBLIC
My Commission Expires: 3/4/94

The foregoing Amendment is approved by the Town of Concord Board of Selectmen.

[Signature]
[Signature]
[Signature]
[Signature]

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS: Date: April 23, 1990

Then personally appeared before me the above named and acknowledged the foregoing instrument to be his/her free act and deed.

Carolyn F. Landry
NOTARY PUBLIC
My Commission Expires:

**MY COMMISSION EXPIRES
FEB. 03, 1995**