

FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS; including conditions & restrictions and grant of temporary easement

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, (the "Amendment") is made this ___ day of January 2014 by the current Lot Owners of the Hammond Subdivision (hereinafter called the "Declarants").

WITNESSETH:

WHEREAS, the Declaration of Covenants dated July 1, 2005, recorded in Volume 115 at Page 407 (the "Original Covenants") subjected the Property to the benefits and restrictions set forth therein and as set forth in Amended and Restated Declaration of Covenants dated August 2, 2005, and recorded in the Bristol Land Records in Book 115 at Page 630 (hereinafter called the "Covenants"); and

WHEREAS, the Hammond Subdivision: Lots 1 through 7 are depicted on a Plan entitled "Plat of Subdivision for Bruce Ladeau and Jeanie MacDonough, Pine and Liberty Streets, Bristol, Vermont" (the "Ladeau/MacDonough Survey") and on a Plan entitled "Hammond Property, Pine Street/ Liberty Street, Bristol, Vermont" by James Tyler Hart, dated November 9, 2004, and recorded in the Bristol Land Records on May 17, 2005, at Map Slide #52, as Map #324 (the "Plat"); and

WHEREAS, pursuant to Paragraph 10 of the Covenants, a majority of lot owners may amend the Covenants. The current Lot Owners are:

- Lot 1 Denise Cousino & Michael J. Cravens (deceased) 384 Rockydale Road Bristol, VT 05443
Lot 2 Patricia Hunter Highley Patricia Hunter Highley Revocable Trust 73 Pine Street Bristol VT 05443
Lot 3 Deborah Ladeau (d/k/a Deborah Graham) 69 Pine Street Bristol VT 05443
Lot 4 Chad & Michelle Perlee 75 Stonewall Drive Bristol, VT 05443
Lot 5 Dustin & Jennifer Corrigan 15 Lawson Lane Bristol, VT 05443

BRISTOL TOWN CLERK'S OFFICE RECEIVED FOR RECORD Date 4/8/2014 Time 9:16 A.M. Record in Book 144 Page 261-265 Attest: [Signature] Town Clerk

- Lot 6 Jackie Gorton, Sr. & Kathleen Gorton 10 Lawson Lane Bristol, VT 05443
Lot 7 William & Kristi Mount 8 Lawson Lane Bristol, VT 05443

and

WHEREAS, water lines currently servicing lots 2, 5, 6, and 7 (from a water main along Liberty Street, so-called), do so without a proper easement from other lots in the Hammond Subdivision; and

WHEREAS, it is contemplated that Lots 2, 5, 6, and 7 will obtain water service from an upgraded municipal water line off of Pine Street, so-called; and

WHEREAS, the Lot Owners agree to allow the existing water lines to remain in use in their current locations until such time as new lines can be installed (generally from each such lot and along Lawson Lane, so-called or directly from a lot) to connect to a new water main along Pine Street, so-called.

NOW THEREFORE, in consideration of the mutual promises contained herein, the receipt and sufficiency of which is hereby acknowledged, the Covenants are hereby amended as follows:

- 1. The Lot Owners hereby grant temporary easements for the existing water lines. The easements shall each be ten feet (10') wide and shall be centered on the centerline of each existing water line. The easements shall run from the existing water line shut off valves located in the vicinity of the westerly edge of Liberty Street, so-called, and shall run across Lots 2, 3, 4 and 5 and service lots 2,5,6, and 7 to Lawson Lane. Said easement areas run along the southerly boundary of Lots 3 and 2, across the northwesterly corner of Lot 4 and along the northerly boundary of Lot 5 to Lawson Lane (hereinafter the "Easement Area").
2. Lots 2, 5, 6 and 7 shall have the benefit of the said easements for the purposes of repair, replacement and maintenance of existing water lines to their respective properties. Said water lines are generally depicted on the Site Plan prepared by LaRose Surveys entitled "A Site Plan Showing Lands of D. Chad and Michelle Perlee, Liberty Street, Bristol, Addison County Vermont" dated March 1, 2011 and to be modified to show the current approximate "as built" location of the existing water lines and such Site Plan to be recorded in the Bristol Land Records.
3. Any construction, repair, replacement of said water lines shall be performed in a good and workmanlike manner and at the sole expense of the Lot Owner(s) benefiting from or requiring the work. Lot Owner(s) agree that when any construction takes place within the Easement Area, the Lot Owner(s) performing the work shall return the surface of the Easement Area (including but not limited to, grass, landscaping, trees, etc.) and any other property disturbed by the Lot Owner(s) to its condition prior to such construction.
4. The easements and rights contained herein are subject to a condition that once the Town of Bristol upgrades the water line (or lines) along Pine Street, so-called, to the westerly edge of

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the right of way of Lawson Lane, so-called, to allow water service to Lots 2, 5, 6, and 7, lot Owners 2, 5, 6 and 7 shall connect to the Town of Bristol's municipal water system along Lawson Lane to said Pine Street (in the case of Lot 2, the connection shall be directly from Lot 2 to said water system along said Pine Street), so-called, water line (or lines) and shall discontinue the use of the existing water lines (from Liberty Street, so-called), at which time the aforesaid easements burdening Lots 2, 3, 4, and 5 shall be automatically extinguished. Lot Owners 2, 5, 6 and 7 shall connect to the Town of Bristol's municipal water system within 60 days from the completion date of the Pine Street water line(s) upgrade, unless circumstances reasonably beyond the control of said Lot Owners, prevent such time frame. In such event, the work shall be completed as soon as reasonably practicable thereafter.

5. Once Lot Owners 2, 5, 6 and 7 have connected to the Town of Bristol's municipal water system via the Pine Street water line, each such Lot Owner shall submit to the State of Vermont, District Environmental Commission, 111 West Street, Essex Junction, VT 05452, a statement from the appropriate Town of Bristol official indicating their compliance with said connection to the Town's municipal water system.

6. The Lot Owners and their successors in title agree to sign all additional necessary documentation to effectuate the terms and provisions of this Declaration.

7. The above Covenants are intended to bring the Hammond Subdivision in compliance with State of Vermont Act 250 Permit #9A0301 dated March 24, 2005, and recorded in Book 114 at Page 412 of the Bristol Land Records, together with any amendments thereto (hereinafter "Act 250 Permit").

8. Once Lot Owners 2, 5, 6 and 7 connect to the Town of Bristol's municipal water system on Pine Street, the existing water lines may remain where they are located under Lots 2, 3, 4, and 5, but will be shut off and disconnected from the Town's Liberty Street water main.

9. These Covenants are intended to run with the land and shall only be amended as allowed by the Act 250 Permit, Vermont law and by the terms of said Covenants.

10. The parties hereby execute this document for themselves, their heirs, successors and assigns.

11. Except as amended hereby, the Covenants remain unchanged and in full force and effect.

Dated at Bristol, Vermont, this 22 day of January, 2014

Denise M. Cousino
Denise Cousino

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this 22 day of January, 2014, Denise Cousino, personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Melrose Kirby
Notary Public
My commission expires: 2-10-2015

Dated at Bristol, Vermont, this 21st day of January, 2014

IN THE PRESENCE OF:

Patricia Hunter Highley, Trustee

Patricia Hunter Highley Revocable Trust
BY: Patricia Hunter Highley, Trustee

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this 20th day of January, 2014, **Patricia Hunter Highley, Trustee of the Patricia Hunter Highley Revocable Trust**, personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed and the free act and deed of the Patricia Hunter Highley Revocable Trust.

Amber Scott
Notary Public
My commission expires: 2-10-2015

Dated at Bristol, Vermont, this ___ day of _____, 2014

Deborah Graham

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this ___ day of _____, 2014, **Deborah Graham**, personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Notary Public
My commission expires: 2-10-2015

Dated at Bristol, Vermont, this ___ day of _____, 2014

IN THE PRESENCE OF:

Patricia Hunter Highley Revocable Trust
BY: Patricia Hunter Highley, Trustee

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this ___ day of _____, 2014, **Patricia Hunter Highley, Trustee of the Patricia Hunter Highley Revocable Trust**, personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed and the free act and deed of the Patricia Hunter Highley Revocable Trust.

Notary Public
My commission expires: 2-10-2015

Dated at Bristol, Vermont, this 21st day of February, 2014

Deborah Graham Ladeau
Deborah Graham Ladeau

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this 21st day of February, 2014, **Deborah Graham Ladeau**, personally appeared, and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed.

Amber Scott
Notary Public
My commission expires: 2-10-2015

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Dated at Bristol, Vermont, this 27th day of JANUARY, 2014

Michelle S. Perlee
Michelle S. Perlee
D. Chad Perlee
D. Chad Perlee

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this 27th day of January, 2014, Michelle S. Perlee and D. Chad Perlee, personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Lisa Heald
Notary Public
My commission expires: 2-10-2015

Dated at Bristol, Vermont, this ___ day of ___, 2014

Dustin Corrigan
Dustin Corrigan
Jennifer A. Corrigan
Jennifer Corrigan

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this 27th day of JANUARY, 2014, Dustin and Jennifer Corrigan, personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Laura M. Stutz
Notary Public
My commission expires: 2-10-2015

Dated at Bristol, Vermont, this ___ day of ___, 2014

Jackie Gorton, Sr.

Kathleen Gorton

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this ___ day of ___, 2014, Jackie Gorton, Sr. and Kathleen Gorton, personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Notary Public
My commission expires: 2-10-2015

Dated at Bristol, Vermont, this 16th day of JANUARY, 2014

William Mount
William Mount
Kristi Mount
Kristi Mount

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this 16th day of January, 2014, William and Kristi Mount, personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Debra R. Heald
Notary Public
My commission expires: 2-10-2015

Dated at Bristol, VERMONT, this 3rd day of APRIL, 2014

Jackie Gorton, Sr.
Jackie Gorton, Sr.

Kathleen Gorton
Kathleen Gorton

STATE OF Vermont
Addison COUNTY, SS

At Bristol, Vermont, this 3rd day of APRIL, 2014, Jackie Gorton, Sr. and Kathleen Gorton, personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Stacy
Notary Public
My commission expires: 2-10-2015

Dated at Bristol, Vermont, this 3rd day of APRIL, 2014

William Mount
William Mount

Kristi Mount
Kristi Mount

STATE OF VERMONT
ADDISON COUNTY, SS

At Bristol, Vermont, this ___ day of _____, 2014, **William and Kristi Mount**, personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Notary Public
Notary Public
My commission expires: 2-10-2015