

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Fredric L. Cheyette, P.O. Box 152, Leverett, MA 01054

To Grantee: Rattlesnake Gutter Trust, P.O. Box 195, Leverett, MA 01054

or to such other address as any of the above parties shall designate from time to time by written notice to the other.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Massachusetts General Laws Chapter 184, Sections 31-33. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights.

Approval of this Conservation Restriction pursuant to M.G.L. Chapter 184, Section 32 by any municipal officials and by the Secretary of Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Subordination of Mortgage:

The Grantor shall record at the Franklin County Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Property.

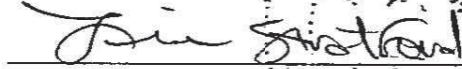
WITNESS my hand and seal this 20 day of Nov, 2007

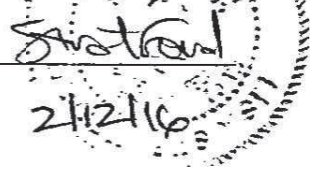

Fredric L. Cheyette

COMMONWEALTH OF MASSACHUSETTS

Franklin, ss:

On this 20 day of November, 2007, before me, the undersigned notary public, personally appeared Fredrick Cheyette proved to me through satisfactory evidence of identification which was to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public
My Commission Expires: 2/12/10



ACCEPTANCE OF GRANT

The above Conservation Restriction was accepted by the Rattlesnake Gutter Trust
this 20 day of NOVEMBER 2007.

RATTLESNAKE GUTTER TRUST

By: Matt Kelly

Its: CO-CHAIR, duly authorized

COMMONWEALTH OF MASSACHUSETTS

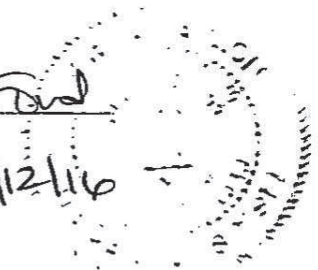
Franklin, ss:

On this 7 day of November 2007 before me, the undersigned notary public,
personally appeared Matt Kelly, proved to me through
satisfactory evidence of identification which was to be the person whose name is signed
on the proceeding or attached document, and acknowledged to me that he signed it
voluntarily for its stated purpose as co-chair of the Rattlesnake Gutter Trust,
a Massachusetts not for profit corporation.

Lin Strotdahl

Notary Public

My Commission Expires: 2/12/16



CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the Town of Leverett, Franklin County, Massachusetts, hereby certify that the proposed Cheyette Conservation Restriction is in the public interest in that it will contribute to the four overall goals listed in the *Leverett Conservation Committee's 2005-2010 Open Space Plan (Section 8, Goals)*

- a. Preserve the rural character of the Town
- b. Protect and preserve natural resources
- c. Improve public education related to open space
- d. Provide wider recreational uses of the Town's natural resources

Signed: _____

John McPherson

Ralph Tim

Rathkeena Casey

Christine Nelson

Date: 11/5/07

APPROVAL OF SELECT BOARD

We, the undersigned, being a majority of the Select Board of the Town of Leverett, Franklin County, Massachusetts, hereby certify that at a meeting duly held on _____, 200_, the Select Board voted to approve the foregoing Conservation Restriction to the Rattlesnake Gutter Trust, pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

Select Board

[Signature]
[Signature]
[Signature]

COMMONWEALTH OF MASSACHUSETTS

Franklin, ss:

On this 20 day of November, 2007 before me, the undersigned notary public, personally appeared Rich Brazeeau, Peter d'Errico, and Jim Lyons

proved to me through satisfactory evidence of identification which was personal knowledge to be the persons whose names are signed on the proceeding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as Selectmen for the Town of Leverett.

[Signature]
Notary Public

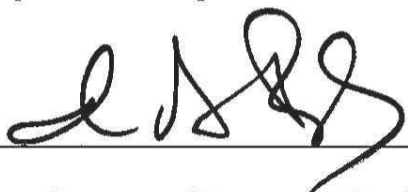
My Commission Expires: 2/12/16



APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction to the Town of Leverett has been approved in the public interest pursuant to M.G.L. Chapter 184, Section 32.

Date: 12/20, 2007



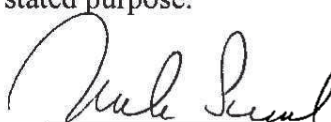
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Dec. 20, 2007

Then personally appeared before me the above-named Ian A. Bowles, Secretary, Executive Office of Energy and Environmental Affairs, and proved to me through satisfactory evidence of identification, which was (*personal knowledge of identity*) to be the person whose name is signed on the document and acknowledged to me that he/she signed it voluntarily as Secretary of Energy and Environmental Affairs for the Commonwealth of Massachusetts, for its stated purpose.



Notary Public

My Commission expires: 12/15/2011

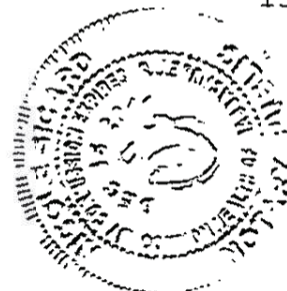


Exhibit A

The entire Cheyette property in Leverett, Franklin County, Massachusetts is approximately 9.3 acres. Of those, 3 acres will be excluded in the building envelope. This envelope, which includes the family home (originally the home for the Adams family farm dating from at least the early 1800s), has 348 feet of road frontage. The building envelope, therefore, does not require an access easement. All as further shown on the Sketch Plan, attached hereto (Exhibit A2).

The purposes of the Conservation Restriction are:

Expansion of Protected land: The Cheyette CR abuts a cluster of four town-owned conservation lands, adding 6+ acres to the 104 acres already protected. See Exhibit A3. Cheyette CR and Nearby Protected Areas.

Scenic Protection: The land slopes gradually to the west. The forest and the brook can be seen from the well-traveled Shutesbury Road on the east edge and from woods roads and trails.

Aquifer Protection: The low-lying land provides overflow storage for Mountain Brook during spring and major storms.

Protection of Wildlife Habitat: The Cheyette CR includes higher land dominated by old field pine, lower-lying seasonal wet woodlands dominated by red maple and mixed hardwoods, and streamside trees and shrubs along Mountain Brook. It abuts protected areas that include one mile of Doolittle Brook and its wetlands, drier woodlands and vernal pools. Vegetation Report in the Baseline Monitoring Report. Wildlife surveys being conducted 2007-2008.

Public Use: Access signs will be erected for hiking and other passive recreation on trails and woods roads.

Furtherance of Government Policy: The CR will help the Rattlesnake Gutter Trust meet all four goals of Leverett Conservation Commission: rural character preservation, natural resource protection, public education about open space, wider recreational use of natural resources.

The boundaries of the land are describe in the grantor's deed and plan and the deeds of the surrounding properties. Those descriptions (and the iron pins) will make it easy to monitor. All neighboring deeds are included in the Baseline Monitoring Report.

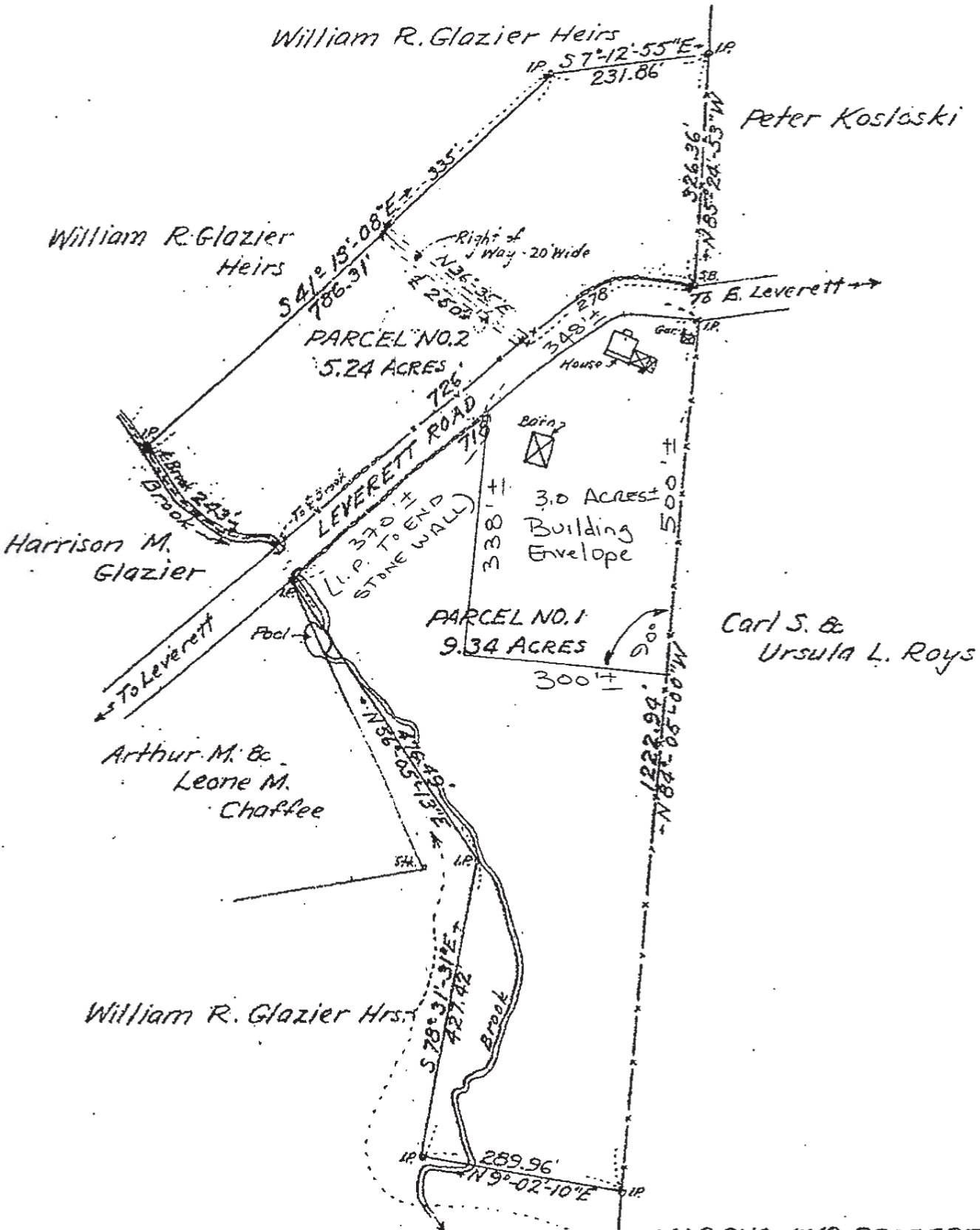
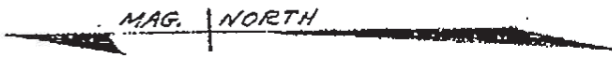
East line from Mountain Brook culvert (iron pin) along Shutesbury Road to edge of building envelope to Crafts/Snowdon line.

South line with Crafts/Snowdon (deed) along stone wall and barbed wire embedded in trees to corner with Gordon King Life Estate (iron pin).

West line with Gordon King Life Estate (deed) to iron pin.

North line along King Life Estate and Evans (deed) to Shutesbury Road (pin).

Mid-line pin missing (flooded out?), but have distances and angles.



MAP SHOWING PROPERTY
 OF
 DOROTHY KING STIRLING
 LEVERETT, MASS.
 SCALE 1"=200' MARCH 25, 1953.

A2





-  Leverett Conservation Areas
-  Rattlesnake Gutter Trust
-  Cheyette CR



A3. Cheyette CR & Nearby Protected Lands

ATTEST: FRANKLIN COUNTY, MASS. Joseph A. Gochinski Register

A3