

**KNOW ALL PERSONS BY THESE PRESENTS**

THAT MELVYN D. NUNES and BARBARA B. NUNES, husband and wife, of 11931 Gold Needle Way, Columbia, Maryland 21044 (the Grantors), grant to VALLEY LAND FUND, INC., a Massachusetts not-for-profit corporation with an address of 136 Damon Road, P. O. Box 522, Northampton, Massachusetts, its successors and assigns (the Grantee), for One (\$1.00) Dollar and other valuable consideration, a restriction, without covenants of title, and in perpetuity, consisting of a Conservation Restriction pursuant to Chapter 184, Section 31-33 and Chapter 132A, Sections 3 and 3A, of the General Laws of Massachusetts (as may be amended from time to time) for conservation purposes, on a parcel of land located in the Town of Leverett containing .7500 acres, more or less, more fully described in Exhibit A and hereinafter referred to as "the Premises."

The terms of the Conservation Restriction are as follows:

A. Except as set forth in paragraph B below, neither the Grantors nor the heirs, devisees, successors, or assigns of the Grantors will perform or give permission to others to perform the following acts or uses on the Premises:

- (1) The construction or placement of any building, tennis court, artificial swimming pool, asphalt driveway, asphalt road, sign, billboard, or other advertising display, mobile home, utility pole (except existing easements), tower, conduit or line or other temporary or permanent structure on or above the Premises.
- (2) The excavation, dredging or removal from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit in such a manner as to affect the surface thereof, and the placement, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever;
- (3) Cutting, removing or otherwise destroying trees, grasses, or other vegetation, except for clearing of shrubbery, trees and other vegetation for the purposes of beautification and maintenance of vistas, and carrying on of woodland, agricultural and farming operations, pursuant to a forest management plan approved by DEM, including the planting and harvesting of crops and cutting of trees and shrubs; provided, however, such woodland, agricultural and farming operations do not, in the reasonable opinion of the Grantee, substantially alter the present condition of the Premises or harm wildlife or the natural environmental systems;
- (4) Any use of the Premises and activity thereon, except for

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Page 1 of 4 06/24/1991 01:45PM

agricultural, forestry, educational or passive outdoor recreational purposes, inconsistent with the intent that the Premises remain, in the reasonable opinion of the Grantee, predominantly in their natural condition; and

- (5) Activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation or other acts or uses detrimental to such retention of land or water areas.

B. The provisions of paragraph A notwithstanding, the following uses and activities by Grantors and the heirs, devisees, successors and assigns of the Grantors shall not be prohibited by this Conservation Restriction or considered inconsistent with the intent of this grant:

- (1) Carrying on of woodland, agricultural and farming operations, including, but not limited to, the cultivation and harvesting of crops, flowers and hay, the planting of trees and shrubs and the mowing of grass, provided, however, such activities do not substantially alter the present condition of the Premises or harm wildlife or the natural environmental systems; the grazing of livestock; and the construction and maintenance of fences necessary or appropriate in connection therewith;
- (2) The clearing, maintenance and use of trails and wood roads on the Premises as reasonably necessary for the uses herein permitted;
- (3) The maintenance of horses and domestic animals, provided such activities do not, in the reasonable opinion of the Grantee, substantially alter the Premises or harm wildlife or natural environmental systems;
- (4) The use of Premises for walking and other recreational activities conducted on foot and the use of trails and wood roads on the Premises for horseback riding, in conformity with the restrictions hereinabove set forth; and
- (5) The placement of signs of a size not exceeding one (1) square foot on the Premises for the purpose of indicating the ownership of the Premises, and for the marking of nature trails.

C. The foregoing Conservation Restriction is authorized by Massachusetts General Laws Chapter 84, Sections 31 through 33, and otherwise by law, and is intended to ensure that the Premises will be retained predominantly in natural, scenic and open condition for conservation purposes and for the protection of wildlife and natural environmental systems.

D. This Conservation Restriction shall be enforced by the Grantee as it in its sole discretion may decide. Nothing herein shall impose upon the Grantee any duty to maintain or require that the Premises be maintained in any particular state or condition, notwithstanding the Grantee's acceptance hereof.

E. The Conservation Restriction hereby conveyed grants to Grantee, the inhabitants of the Town of Leverett and to the public generally the right to enter upon the Premises to the extent of and for the purposes that they may enter upon the adjacent land located northerly of the Premises. This shall include tree and brush removal and trimming to the extent desired by Grantee for view, trial or other purposes.

There is hereby granted to the representatives of the Grantee the right to enter Premises at reasonable times and in reasonable manner for the purposes of inspecting the same to determine compliance herewith, of enforcing this Conservation Restriction, or of taking any and all action with respect to the Premises as may be necessary or appropriate with or without order to court, to remedy or abate any violation hereof.

F. The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for enforcement of this Conservation Restriction.

No Massachusetts deed excise tax stamps are affixed hereto as none are required by Chapter 64D, Section 1 of the General Laws, as amended.

WITNESS our hands and seals this 14<sup>th</sup> day of June, 1991.

[Signature]  
Witness

[Signature]  
Melvyn D. Nunes, Owner

[Signature]  
Witness

[Signature]  
Barbara B. Nunes, Owner

STATE OF MARYLAND

Howard, SS.

June 14, 1991

Then personally appeared the above named Melvyn D. Nunes and Barbara B. Nunes and declared the foregoing instrument to be their free act and deed.

[Signature]

Notary Public  
My commission expires:



by Com. Expires 2/15, 1998

Exhibit A

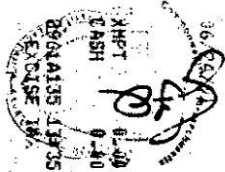
Conservation Easement

Nunes to Valley Land Fund, Inc.

(Portion of Plan Book 60, Page 51 Lot B, 0.75 acres)

Beginning at a point at the most Easterly corner of land of Melvyn D. Nunes and Barbara B. Nunes at land now or formerly of one Welch, being the most Easterly corner of "LOT B" shown on a "PLAN OF LOTS FOR HOWARD AND JOANN ROBIN", prepared by Pharmed Engineering Corporation, Holyoke, MA, dated September 3, 1985, recorded in the Franklin County Registry of Deeds in Plan Book 60, Page 51; thence

- S. 28° 01' 30" W. along said land now or formerly of Welch a distance of 87.3763 feet to a point; thence
- N. 59° 58' 00" W. along other land of Melvyn D. Nunes and Barbara B. Nunes a distance of 373.90 feet, more or less, to a point at land now or formerly of said Welch; thence
- N. 31° 17' 00" E. along land now or formerly of said Welch 87.3763 feet to a point at the most Northerly corner of the aforementioned "LOT B"; thence
- S. 59° 58' 00" E. along land now or formerly of said Welch 373.90 feet to the point of beginning; containing 0.75 acres, more or less.



DEEDS REG. 11  
FRANKLIN

ATTEST: FRANKLIN COUNTY, MASS. Walter T. Kostanski, Jr., Register