

FORM H

**PERFORMANCE SECURED BY
A SURETY COMPANY**

_____, 20____
Dunstable, Massachusetts

AGREEMENT made this date between the Town of Dunstable and _____
hereinafter referred to as "the applicant" of _____ ; a
corporation duly organized and existing under the laws of the state of _____
and having a usual place of business at _____, hereinafter referred
to as "the surety," to secure construction of ways and installation of municipal services in
the subdivision of land shown on a plan entitled: _____
by: _____, dated: _____ owned by: _____
_____, address _____, land located: _____
_____, and showing _____ proposed lots.

KNOW ALL MEN by these presents that the applicant and the surety hereby bind and
obligate themselves, their, or its executors, administrators, devisees, heirs, successors and
assigns, jointly and severally to the Town of Dunstable, a Massachusetts municipal
corporation, acting through its Planning Board, in the sum of _____
dollars, and have secured this obligation by depositing with the Treasurer of said Town of
Dunstable a surety bond to secure the above sum of money, said surety bond to be used to
insure the performance by the applicant of all covenants, conditions, agreements, terms
and provisions contained in the following:

1. Application for Approval Definitive Plan (Form C), dated _____
2. The subdivision control law and the Planning Board's Rules and Regulations
governing this subdivision and dated _____
3. Conditions included in the Certificate of Approval issued by the Planning Board
and dated _____
4. The definitive plan as qualified by the Certificate of Approval; and
5. Other documents(s) specifying construction or installation to be completed,
namely: (specify other documents, if any, and list lots secured if only a part of the
subdivision is secured by a surely company) _____

This agreement shall remain in full force and effect until the applicants fully and
satisfactorily performed all obligations, or has elected to provide another method of
securing performance as provided in M.G.L., Chapter 41, Section 81-U.

Form H continued _____ Subdivision _____ Date _____

Upon completion by the applicant of all obligations as specified herein, on or before _____, or such later date as may be specified by vote of the Planning Board with a written concurrence of the applicant and the surety. The interest of town in such surety bond shall be released, the surety bond shall be returned to the surety, and this agreement shall become void. In the event the applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the surety bond may be enforced, in whole, or in part, by the Planning Board for the benefit of the Town of Dunstable to the extent of the reasonable cost to the city/town of completing such construction or installation as specified in this agreement. Any unused portion of the surety bond will be released and the unused portion of the surety bond will be returned to the surety upon completion of the work by said town; and

The Town of Dunstable acting by and through its Planning Board hereby agrees to accept the aforesaid surety bond in the amount specified in this agreement as security for the performance of the project as aforesaid.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ of _____, 20____.

Signatures of a Majority of the Planning Board of the
Town of Dunstable

Signature of Applicant

Signature of Authorized Representative of the Surety

Form H continued _____ Subdivision _____ Date _____

COMMONWEALTH OF MASSACHUSETTS

_____, ss _____, 20____

Then personally appeared _____ one of the above-named members of the Planning Board of _____, Massachusetts, the applicant, and the authorized representative of the surety, and acknowledge the foregoing instrument to be the free act and deed of said parties before me.

Notary Public

My commission expires _____

Duplicate copy to:

Applicant
Surety
Planning Board
Town Clerk
Town Treasurer
Board of Selectmen

