

**TOWN OF BELMONT
APPLICATION INSTRUCTIONS**

MERGER OF CONTIGUOUS LOTS

COMPLETING APPLICATION:

The property owner is responsible to submit all information correctly. Copies of all Ordinances, Regulations and application forms are available on file in the Land Use office for review or purchase and at http://www.belmontnh.org/data_forms.asp.

The Town strongly encourages the applicant to consult an attorney to review the title of the lots to be merged and to draft the restrictive covenant that will be recorded in the Belknap County Registry of Deeds. This document will encumber the title of your property and if not properly drafted may result in future title problems. The property owner is ultimately responsible for the information contained in the covenant.

Submit applications with all required documents to the Belmont Land Use Office. Questions may be addressed to the Land Use office. Contact information is provided below. In accordance with RSA 674:39-a, no public hearing or notice will be required for this request. The Town will record the notice of merger in the Registry of Deeds if approved.

THE FOLLOWING MUST BE SUBMITTED AS PART OF YOUR APPLICATION:

- A. Completed application form. Applications must be complete and legible, either typed or printed in ink. Incomplete or illegible applications will be returned.
- B. Plan: One copy of the proposed plan, accurate sketch or section of the Belmont Tax Map showing the entirety of the lots to be merged. A surveyed plan is not required but should be used if available.
- C. Deed(s): One copy of the current deed, as recorded in the Belknap County Registry, for each lot proposed to be merged. Deeds must be held in exactly the same ownership.
- D. Other relevant documents produced after the current deeds: One copy of any other document impacting the lots to be merged (death certificate, merger, subdivision, boundary line adjustment, corporation filing, etc.).
- E. A list of all lienholders shall be submitted or a signed statement that there are no lienholders on any property being merged. For each lienholder listed, a partial release, subordination document or other applicable document shall be submitted.
- F. A Declaration of Restrictive Covenant. A sample of the applicable language is attached. The sample provided shall not be "filled in" and used as the recording document. The document is available in electronic form upon request. The Declaration shall be prepared by an attorney or other individual who certifies that the merger of the lots shall not result in a violation of ordinances or regulations. A draft of the covenant shall be submitted for approval prior to being signed by the property owner(s).
- G. A check, made payable to the Belknap County Registry of Deeds to cover the document recording cost. Current cost as follows:

First page of document	\$12.00
Each additional page of the document	\$4.00 (ea)
Planning Board Acknowledgement page	\$4.00
Postage back from the Registry	\$.60

- H. Once a completed application is submitted, the Planning Board shall consider and act on the merger application at a public meeting. Once approved the Board shall authorize the chairman to sign the document and it shall be recorded in the Belknap County Registry of Deeds.

DECLARATION OF RESTRICTIVE COVENANT

(DO NOT FILL OUT THIS WATERMARKED FORM FOR YOUR DOCUMENT – THIS IS AN EXAMPLE)

This Agreement is made this (day) of (month), (year) by (name) of (street/ mailing address), (city/state/zip), (County), (hereinafter referred to as "Property Owner").

WHEREAS Property Owner is the owner of two (or enter appropriate number) certain abutting tracts or parcels of land located on (street addresses) in Belmont, Belknap County, New Hampshire, described in deed of (seller) to (buyer) dated (date) and recorded in the Belknap County Registry of Deeds in Book (#), Page (#), and further described as the Town of Belmont Tax Map and Lot Number (#); and (seller) to (buyer) dated (date) and recorded in the Belknap County Registry of Deeds in Book (#), Page (#), and further described as the Town of Belmont Tax Map and Lot Number (#).

WHEREAS, Property Owners desire to merge said parcels into one lot of land as provided for by NH RSA 674:39-a. Said lot to be hereafter referred to as the Town of Belmont Tax Map and Lot Number (call for number).

NOW, THEREFORE, Property Owner hereby declares as follows:

1. Merger of Lots: Property Owner hereby merges the above noted tracts, which will hereafter constitute one tract of land.
2. Purpose of Merger: These two lots are intended to be combined for all zoning, planning, building or other development purposes from and after the date of this Declaration, and may not be individually transferred or developed. The lots described in the separate deeds noted above shall be considered to be one lot. No subdivision of this parcel of land may occur without approval from the appropriate authorities of the Town of Belmont.
3. Binding Effect: This Declaration of Restrictive Covenant shall be recorded in the Belknap County Registry of Deeds. It shall run with the land described herein and be binding upon property Owner, his heirs, successors and assigns.
4. Enforcement of Restrictive Covenant: This restrictive covenant may be enforced by the Town of Belmont. In the event of a breach of the restriction set forth herein, the Town of Belmont shall have the right to recover reasonable attorney's fees in the event it is successful in enforcing this restrictive covenant.

EXECUTED this (day) day of (month), (year).

STATE OF (state) _____
COUNTY OF (county)

On this (day) day of (month), (year), before me, the undersigned officer, personally appeared the above-named (owner), known to me or satisfactorily proven to be the same person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained as (his/her) free act and voluntary deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires

Notary Public/Justice of the Peace

**BELMONT PLANNING BOARD
APPLICATION FOR MERGER OF LOTS**

APPLICATION MUST BE TYPED OR PRINTED LEGIBLY IN PEN.

Owner: _____ Tele: _____

Contact Person: _____ e-mail: _____

Mailing Address: _____ Fax: _____

Agent: _____ Tele: _____

Contact Person: _____ e-mail: _____

Mailing Address: _____ Fax: _____

Attorney: _____ Tele: _____

Contact Person: _____ e-mail: _____

Mailing Address: _____ Fax: _____

ROAD LOCATION OF LOTS: _____

Lots to be merged

List all the existing structures and uses on each of the lots

Tax Lot # _____ : _____

Tax Lot # _____ : _____

Tax Lot # _____ : _____

Lot Information:

Tax Lot # _____ Zone: _____ Lot size: _____

Tax Lot # _____ Zone: _____ Lot size: _____

Tax Lot # _____ Zone: _____ Lot size: _____

STATEMENT OF ASSURANCE

I hereby certify that to the best of my knowledge this information is valid and that there is no violation of the approved ordinances, codes, and/or regulations of the Town of Belmont. I authorize the Members of the Board or their staff to enter onto my property and take both land and aerial photos for the purposes of this review.

Date

Owner's Signature

Date

Owner's Signature

List below all lienholders for all properties included in this application to merge. For each lienholder a release, partial release, subordination document or other applicable document from the lienholder shall be submitted.

LOT NUMBER	LIENHOLDER NAME/ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please check the appropriate box and sign the following statement:

STATEMENT OF LIENS - Check one of the following and sign:

- There are no liens on this property **OR** All lienholders have been noted above

Date

Owner's Signature

Date

Owner's Signature