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# Fidelity National Title Insurance Company

## COMMITMENT FOR TITLE INSURANCE

*Fidelity National Title Insurance Company, a California corporation (Company), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.*

*This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.*

*All liability and obligation under this Commitment shall cease and terminate 6 months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.*

*The Company will provide a sample of the policy form upon request.*

*IN WITNESS WHEREOF, Fidelity National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.*

### FIDELITY NATIONAL TITLE INSURANCE COMPANY

Countersigned

MARTIN, OLIVEIRA & HAMEL, PC

Authorized Signatory

27-083-06 (6/06)



By:

President

ATTEST

Secretary

ALTA Commitment - 2006

(10/07 DisplaySoft 29-WIN-MA-COMMIT\_2006)

**Fidelity National Title Insurance Company**

**COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

1. Effective Date: **11/03/11** Office File No.: **PITTSCOOP**  
          **09:00 a.m.**
2. Policy or Policies to be issued: Amount
- a)  ALTA Owner's Policy - 2006 (6/17/2006) \$  
    ALTA Leasehold Owner's Endorsement 13-06  
    ALTA Homeowner's Policy of Title Insurance for a One-to-Four Family Residence (10/22/03)

PROPOSED INSURED:

- b)  ALTA Loan Policy - 2006 (6/17/2006) \$  
    ALTA Leasehold Loan Endorsement 13.1-06  
    ALTA Expanded Coverage Residential Loan Policy (10/13/01)

PROPOSED INSURED:

**, its successors and assigns, as their interest may appear.**

3. The estate or interest in the Land described or referred to in this Commitment and covered herein is  
**Fee Simple**
4. Title to the **Fee Simple** estate or interest in said Land is at the effective date hereof vested in:  
**Pittsfield Cooperative Bank**

5. The Land referred to in this Commitment is described as follows:

The Land referred to in this policy is located at:

Address: **1 Devon Road**

Lot/Unit #:

Subdivision/Condominium Name:

City/Town: **Stockbridge**

County: **Berkshire**

State/Commonwealth: **MA**

and is described as set forth in "Exhibit A" attached hereto and made a part hereof.

Note: Recorded/Filed Documents referred to herein are recorded/filed with

**Berkshire Middle District Registry of Deeds**

Countersigned:

**MARTIN, OLIVEIRA & HAMEL, PC**

\_\_\_\_\_  
Authorized Signatory

# Fidelity National Title Insurance Company

## COMMITMENT FOR TITLE INSURANCE

### SCHEDULE B I

#### (Requirements)

Office File No.: **PITTSCOOP**

The following are the requirements to be complied with:

1. Payment to, or for the account of, the sellers or mortgagors of the full consideration for the estate or interest to be insured.
2. Instrument(s) in insurable form which must be executed, delivered and duly filed for record:
  - a. **Municipal Lien Certificate to be duly recorded/filed with Berkshire Middle District Registry of Deeds. All outstanding real estate taxes, water, sewer and other municipal betterment and charges to be paid at or prior to the closing.**
  - b. **If the Corporation will NOT be conveying all or substantially all of its assets in Massachusetts, Deed should contain statement to that effect.**

See Continuation Sheet

3. All outstanding real estate taxes, water, sewer and other municipal charges to be paid at closing.  
NOTE: Certificate of Municipal Liens to be recorded, if applicable.
4. Provide satisfactory affidavit as to parties in possession and mechanics liens.
5. Provide satisfactory plot plan or long form affidavit for survey deletion. NOTE: plot plan required for ALTA Homeowner's Policy of Title Insurance for a One-to-Four Family Residence (10/22/03 version).
6. Discharge and/or termination of the following liens or encumbrances:
  7. Receipt of title insurance premium in the correct amount.
  8. The following state-specific requirements as may apply:
    - a. **Maine: All taxes and applicable returns that may be required upon the transfer of real estate pursuant to Title 36 of the Maine Revised Statutes Annotated.**
    - b. **New Hampshire:**
      - i) **Payment of applicable transfer tax at the time of recording.**
      - ii) **Original Department of Revenue Administration Real Estate Transfer Questionnaire (Form PA-34) to be filed with the Department of Revenue Administration.**
      - iii) **Declaration of Consideration (Form CD-57) to be filed with the New Hampshire Department of Revenue Administration.**
    - c. **Vermont: Vermont property transfer tax return, Act 250 Disclosure statement and payment and Land Gains Tax (Form LG 2) and Real Estate Withholding tax Return (RW-171)(as applicable)**
    - d. **Massachusetts:**
      - i) **Municipal Lien Certificates to be recorded/filed with the appropriate Registry of Deeds or Registry District of the Land Court.**
      - ii) **Payment of applicable transfer tax at the time of recording.**

**Fidelity National Title**  
INSURANCE COMPANY

Office File No.: **PITTSLOOP**

**CONTINUATION PAGE**  
B-I

**NONE**

**Fidelity National Title Insurance Company**  
**COMMITMENT FOR TITLE INSURANCE**  
**SCHEDULE B II**  
**(Exceptions)**

Office File No.: **PITTSCOOP**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof, but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Liens for taxes and assessments which become due and payable subsequent to the Date of Policy.
3. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
4. Notwithstanding coverage provisions to the contrary contained in the policy or policies to be issued, any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Rights or claims of parties in possession.
6. Environmental protection liens provided for by the following existing state statutes, which liens will have priority over the lien of the Insured Mortgage when they arise: Title 38 MRSA, Section 1370 (Maine property only).
7. Subject to an easement granted to the Ripley Family Trust as described in a deed from Anne A. Ripley, Virginia Ripley Hathaway and Charlotte Ripley Sorenson, as Trustees of the Ruth B. Ripley Family Real Estate Trust to the Ripley Family Trust recorded on April 7, 2006 in said Registry of Deeds in Book 3492, Page 200.
8. Subject to the right of Matthew W. Vania and Metta M. Vania, their heirs, successors and assigns, granted to them in a deed from Judith S. V. Noon and O. James Noon, Jr., dated August 20, 1999, and recorded in said Registry of Deeds in Book 1689, Page 1045, and subject to the right of Charles E. Tenney, his heirs, successors and assigns, granted to him in a deed from William E. Dunbar, et al, dated May 18, 1948, and recorded in said Registry of Deeds in Book 531, Page 608, to draw water from the two spring houses located on Lots 2 and 3 as shown on the Plan through existing pipes as shown on Lots 1, 2 and 3 of the Plan; and to enter upon the land conveyed herein for the purposes of maintaining or repairing the said spring houses and maintaining, repairing or relocating the pipes.

NOTE: This commitment omits any covenants, conditions or restrictions referred to above or on attached continuation sheet, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal law, except to the extent that said covenants, conditions or restrictions are permitted by applicable state or federal law.

# Fidelity National Title Insurance Company

## COMMITMENT FOR TITLE INSURANCE

### EXHIBIT A

File No. PITTSCOOP

A certain parcel of land consisting of 4.00 acres and shown as Lot 1 on a plan entitled, "Plan of Land in Stockbridge, Massachusetts, Prepared for Ruth B. Ripley Family Real Estate Trust, dated February 13, 2006, Scale 1" equals 50', BEK Land Surveyors and Foresters, Windsor, Massachusetts," (hereinafter referred to as the "Plan") recorded in said Registry of Deeds in Plat H 103.

Also granting to the Mortgagors herein, their heirs, successors and assigns, the right, together with others, to draw water from the two spring houses located on Lots 2 and 3 as shown on the Plan through existing pipes as shown on Lots, 1, 2 and 3 of the Plan. The Mortgagors herein, their heirs, successors and assigns, at their own expense, shall have the right to enter upon the land shown as Lots 2 and 3 on the Plan for the purposes of maintaining or repairing the said spring houses and maintaining, repairing or relocating the pipes. The Mortgagors herein, their heirs, successors and assigns, at their own expense, will promptly restore the said land to its previous condition prior to such maintenance or repair of the spring houses or the maintenance, repair or relocation of the pipes.



# Fidelity National Title Insurance Company

## CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <<http://www.alta.org/>>.



**THE COMMONWEALTH OF MASSACHUSETTS**  
**Town of Stockbridge**  
**Office of the Collector of Taxes**

Certificate of Municipal Liens  
GEN. LAWS CHAP. 60, SEC. 23  
AS AMENDED, CHAP. 250, 1987

Requested By:  
MARTIN & OLIVEIRA  
75 SOUTH CHURCH STREET  
PITTSFIELD MA 01201

Certificate # 120871  
Cert Date 11/09/2011

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 11/09/2011 are listed below

DESCRIPTION OF REAL ESTATE

Map/Parcel	Land	188,500	Land Area	174,240	Book	4414
217 54	Building	956,100	Cert #	0	Page	21
	Other	0	Doc #	0	Deed Date	10/09/2009
Unit	Total	1,144,600				
District	0					
Name of person assessed	PITTSFIELD COOPERATIVE BANK (THE)					
Location of Property	1 DEVON RD					

Interest thru 11/09/2011

Year	Description	Total Billed	Balance	Interest	Demand & Fees	Total Due	PerDiem
2012	RE HI	4,398.02	4,398.02	0.00	0.00	4,398.02	0.00
2011	RE	8,796.02	0.00	0.00	0.00	0.00	0.00
2010	RE	8,238.53	0.00	0.00	0.00	0.00	0.00
	Total Taxes	21,432.57	4,398.02	0.00	0.00	4,398.02	0.00
	Property Total	21,432.57	4,398.02	0.00	0.00	<b>4,398.02</b>	0.00

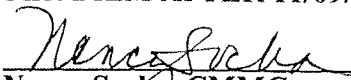
FOR CURRENT WATER/SEWER CHARGES, PLEASE CALL 298-4170 EXTENSION 253.

I have no knowledge of any other lien outstanding. All of the amounts listed are to be paid to the Collector. Improvements have been voted, with regard to which there will probably be betterments/special assessments. Parcels are subject to supplemental assessments under MGL Ch.59 Sec. 2D.

RE Bill Number: 1324

Unpaid utility and other charges

**PER DIEM AFTER 11/09/2011 0.00 TOTAL DUE 4,398.02**

  
Nancy Socha, CMMC

Collector of taxes for **Town of Stockbridge**  
NAME OF CITY OR TOWN



## Town of Stockbridge

Building Inspections Department  
50 Main Street-Town Hall  
Stockbridge, MA 01262  
Tel.-413-298-4170 ext. 257  
Fax-413-298-4344

### Certificate of Occupancy and Use

This is to certify that Pittsfield Cooperative Bank having filed on the 4<sup>th</sup> day of June 2010, an Application for Certificate of Occupancy applying to the premises or structure located at 1 Devon Road shown on the Stockbridge Assessor's Map # 217, Lot 54, and located in a Residential zone, and the application having been approved, authority is hereby given to occupy or use said premises or structure or part thereof for the following purposes: Single Family Dwelling

Single family dwelling, R-3 use group-Type 5B construction occupancy limited as such building permit issued under the seventh edition of the state building code.

under the following conditions: None

and after this date until revoked, and subject to all the provisions of the bylaws of the Town of Stockbridge.

Issued the 4<sup>th</sup> day of June 2010

Temporary Certificate of Occupancy and Use # c/o 2010-13  
B.P. # 2009-00181

Ned Baldwin,  
Building Inspector

**Town of Stockbridge, Massachusetts**

**Building Commissioner**

wireinspector@townof stockbridge.com  
 plumbing&gas inspections 413-429-1483

Permit # <u>2010-00059</u>	Date <u>5/3/2010</u>	Permit To <u>Alterations, Existing Kitchen</u>
Application to <u>Alter</u>	Permit Address <u>1</u>	DEVON RD Parcel <u>217 54</u>
Zoning District <u>R-4</u>	Dwelling Units <u>1</u>	Stories <u>2.00</u> Class _____ Occ/Use <u>R-4</u>
Property Owner <u>Pittsfield Co-Op Bank</u>		
Owners Address <u>70 South Street</u>		
Owner City <u>PITTSFIELD</u>	Owner State <u>MA</u>	Owner Zip <u>01201</u>
Type of Construction <u>5-B</u>	Est Cost of Construction <u>\$6,000.00</u>	Public Water? <u>N</u> Public Sewer? <u>N</u>
Architect _____	Engineer _____	
Contractor <u>David J Tierney Jr, Inc.</u>	Amount <u>\$35.00</u>	
Signature of Applicant <u><i>Michael Tierney</i></u>	Building Commissioner <u><i>Ned Baldwin</i></u> Ned Baldwin	
Remarks <u>Alterations to pre-existing kitchen located in detached residence.</u>		

<input type="checkbox"/> PIER / FOUNDATION <input type="checkbox"/> FRAMING and FIRE CAULKING <input type="checkbox"/> INSULATION <input type="checkbox"/> BEFORE FILLING HOLE <input type="checkbox"/> FINAL	<p><b>Town of Stockbridge, Massachusetts</b>  <b>Building Commissioner</b>                  wireinspector@townof stockbridge.com                  plumbing&amp;gas inspections 413-429-1483  <b>Application for Certificate of Occupancy</b></p>	Permit # <u>2010-00059</u> Date <u>5/3/2010</u>
Address <u>1</u> <b>DEVON RD</b> Application to <b>Alterations, Existing Kitchen</b>		
<b>BUILDING INSPECTOR</b>	<b>PLUMBING and GAS INSPECTOR</b>	<b>ELECTRICAL INSPECTOR</b>
Foundation approval <input type="checkbox"/> Violations noted _____ Date _____	underground approved <input type="checkbox"/> rough piping approved <input checked="" type="checkbox"/> gas test approved <input type="checkbox"/> Approval for C of O <input type="checkbox"/> <i>AMC 5-26-10</i>	service approved <input type="checkbox"/> rough wiring approved <input checked="" type="checkbox"/> Approval for C of O <input type="checkbox"/> <i>AMC</i>
lath or framing approved <input type="checkbox"/> Violations noted <i>AS</i> <i>5-27-2010</i> Date _____	<b>FIRE DEPARTMENT</b>	<b>HEALTH DEPARTMENT</b>
	approval of oil burner <input type="checkbox"/> approval of smoke detector <input type="checkbox"/> Approval for C of O <input type="checkbox"/>	septic field approved <input type="checkbox"/> Approval for C of O <input type="checkbox"/>
Final Inspection Approval <input type="checkbox"/> Date _____	<b>CONSERVATION</b>	<b>PUBLIC UTILITIES</b>
	Approval for C of O <input type="checkbox"/>	Approval for C of O <input type="checkbox"/>

*5/26/10*

**To the Director of Tri-Town Health Department (Lee-Lenox-Stockbridge)**

**Compliance Letter of Installation of Septic System**

**To be filled out by installer and returned to Tri-Town Health- 45 Railroad Street,  
Lee, MA 01238**

Owner of Property: <u>George</u>	
<u>Spears</u>	
At Map #: <u>34 A</u>	Lot #: <u>P 7</u>
<u>1</u> <u>Devon Road</u>	<u>Stockbridge</u> , MA
Disposal Works Construction Permit: <u>2008-06</u>	Date of Permit: <u>4/7/2008</u>
as shown on plans designed by: <u>White Engineering</u>	
Dated <u>11/30/2007</u>	

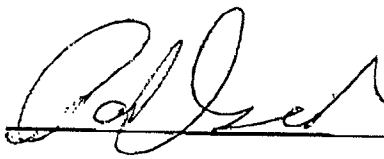
Date of Installation: \_\_\_\_\_ Check one: Repair \_\_\_\_\_ New Construction \_\_\_\_\_

The subsurface sewage disposal system and/or system components installed by the above named company have been constructed in compliance with 310 CMR 15.000 The State Environmental Code Title V: Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, all approved design plans (if required), and all local requirements.

Any changes to the required design plans have been reflected on as-built plans which must be submitted to the approving authority by the Designer prior to the issuance of a Certificate of Compliance. The as-built plans have been prepared in accordance with 310 CMR 15.220.

For repairs to system components, an as-built sketch, including measurements from at least 2 reference points, has been included.

Certified Septic Installer: All Star Excavation

Installer Signature: 

Date: 8-30-08

01/15/08 credit memo

45 Railroad Street  
Lee, MA 01238

Telephone 413-243-5540  
Fax 413-243-5542

# TRI-TOWN HEALTH DEPARTMENT

Lee - Lenox - Stockbridge

## Certificate of Compliance

This is to certify that the individual sewage disposal system      Constructed:  or Repaired:

Licensed Septic Installer: All Star Excavation

for: George  
Spear

at:      Map#: 34 A      Lot #: P 7  
1      Devon Road  
Stockbridge      MA

has been constructed in accordance with the provisions of Title 5 and the State Environmental Code as described in the

Application for Disposal Works Construction Permit number: 2008-06      Dated, 4/7/2008

The issuance of this certificate shall not be construed as a guarantee that the system will function satisfactorily.



Date of Inspection: 5/30/2008 James J. Wilusz, R.S.

Certificate valid 2 years from date of final inspection or 3 years if pumped once during the third year.

Peter Kolodziej  
Director/Sanitarian  
Tri-Town Health Department

Tuesday, June 03, 2008