



# **Town of Littleton**

## **Abutter Lots Sales Program**

# Town of Littleton - Abutter Lots Sales Program

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The Abutter Lots Sales Program has been established to facilitate the sale of Town owned parcels of land, acquired by foreclosure, to property owners with a home or building directly abutting the parcel. The goal of this program is to give property owners a chance to acquire a vacant parcel, improve their current parcel and encourage private ownership and maintenance of land that is not suitable for development.

The lots that are available for sale under this program are:

- Generally less than 4,800 square feet in size;
- In residential neighborhoods, with a privately-owned building on at least one side;
- Not needed by the Town for open space or any other public use;
- And not part of a larger vacant parcel which can be developed.

This information packet describes how the Abutter Lots Sales Program works. If you are an abutter and interested in purchasing a lot, you will find an application, instructions, a checklist and a map attached for your use. Please review all of this material very carefully if you are participating in this program.

## Who Can Apply to Buy an Abutter Lot?

A property owner whose property is located immediately next to or behind the abutter lot is eligible to apply. The exhibit below shows an example of who can and cannot apply.

A	B	C
D	Abutter Lot	E

Owners of properties B, C, D, and E can apply to buy the abutter lot. The owner of parcel A cannot apply since the property does not directly border the abutter lot. Additionally, owners of property located across the street from the abutter lot are not eligible. Owners of vacant land abutting the lot are also not eligible unless they also own land with a building next to the abutter lot or next to that vacant land which abuts the lot.

## Town of Littleton - Abutter Lots Sales Program

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All applicants must show existence of property ownership, i.e. copy of your Deed. Your deed can be obtained from;

Middlesex South Registry of Deeds  
208 Cambridge Street  
Cambridge, MA 02141

Deeds filed after 1974 may be available online at  
<http://www.masslandrecords.com/malr/controller>

### What Can an Abutter Lot be used for?

Abutter Lots may, pursuant to the terms of this program, be used ONLY for the following:

- Garden
- Side-yard
- Landscaped open space
- Off-street parking
- Garage
- Septic improvements
- An addition to an abutter's existing structure

The Town makes no representations or warranties, however, with respect to the suitability of any lot for any particular purpose, or as to the applicability or effect of any local, state, or Federal law. Certain uses may require permits or approvals from the Littleton Building Inspector and/or other Town boards or commissions. Selection of a proposal and sale of a lot by the Town pursuant to the terms of this program do not ensure that such zoning or other approval will be granted.

### What is the Price of an Abutter Lot?

The standard price for lots under this program is set at \$1.00 per square foot. This is adjusted by an index assigned by the Town Assessor to obtain the sales price. This lot price is for residential and non-profit abutters only.

For commercial abutters, the sales price will be based on the assessed value as determined by the Town Assessor.

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The lot sales price must be paid in full prior to a deed being issued. In addition to the sales price, the buyer is responsible for any applicable legal fees, registry filing fees and an in-lieu of tax payment based on the lot appraised value.

## How are Applications Evaluated?

All abutters who submit an application will be subject to the following reviews:

- Tax delinquency review - Abutters who have been foreclosed on by the Town of Littleton are ineligible. At the time of filing an application and during this review process, abutters cannot be delinquent in the payment of taxes on any property within the Town.
- Arson Prevention review - Abutters with arson related histories or with unresolved arson related charges are not considered eligible for the program.
- Complete Applications – Applications must be complete and submitted by any applicable deadlines. All sections should be completely answered, the attachment forms signed and a property deed, as well as any other information, if applicable, should be included.
- Eligible Abutter – Applicants must be an abutting property owner to be eligible to buy an abutter lot (see details above).
- Abutter Lot Use – The applicant’s proposed use for the abutter lot must be an allowed use as described above.

## What if More than one abutter applies for the same abutter lot?

If there is more than one abutter that applies for the same lot, then the Board of Selectmen will either choose a single buyer utilizing the criteria below or the abutters will be sold the lot as tenants in common to subdivide at their own expense after the sale. Abutters interested in subdividing should still complete a separate application. Only in certain cases where 3-4 abutters wish to subdivide and the costs would be prohibitive, the lot may be subdivided prior to sale. For abutters who are not interested in subdividing, each abutter will receive a score for each criteria and the abutter who scores the most total points will be chosen. If all abutters receive an equal score for all the criteria combined, then the abutter who scores the highest point among the criteria in rank order will be chosen.

The decision will be based on the following criteria and points in rank order:

- |   |  |                 |
|---|--|-----------------|
| 1 | Preference will be given to residential abutters   | 0 = No, 1=Yes   |
| 2 | Preference will be given to owner-occupants who have resided on the abutting property for a period of greater than 5 years | 0 = No, ½ = Yes |
| 3 | Preference will be given to abutters who have little or no useable space   | 0 = No, 1=Yes   |

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- on their property
- |   |  |               |
|---|--|---------------|
| 4 | Preference will be given to abutters who presently maintain their property in good condition and use | 0 = No, 1=Yes |
| 5 | Preference will be given to abutters who have been maintaining or investing in the abutter lot       | 0 = No, 1=Yes |
| 6 | Preference will be given to proposals which fulfill a recognized need for the neighborhood           | 0 = No, 1=Yes |
| 7 | Preference will be given to proposals which fit in well with neighborhood uses and design            | 0 = No, 1=Yes |

The final decision on the disposition of all lots will be made by the Board of Selectmen as custodians of the property.

### What are the Terms and Conditions of the Sale?

- The buyer will be responsible for all legal, recording or other applicable fees that may be incurred as part of the sale, as detailed in the accompanying letter.
- The buyer agrees to the terms and conditions detailed in the “Acknowledgements and Agreements” form included as an attachment to the application, and any others detailed in the accompanying letter.
- The deed from the Town will contain restrictions which shall run with the land and which shall be enforceable by the Town, to provide substantially as follows:
  - The premises shall be kept free of garbage and debris.
  - The premises shall be combined with the abutting property into the same record ownership for the purposes of future conveyances.
- Any other specific terms and conditions detailed in the accompanying letter.

## TOWN OF LITTLETON ABUTTER LOTS PROGRAM APPLICATION

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**INSTRUCTIONS** – Thank you for your interest in the Littleton Abutters Lots Program. The purpose of this program is to encourage private ownership and maintenance of land that is not suitable for development and allow abutters to make improvements to their property. Enclosed is a 2 page application and attachments. Please review the information of this page carefully and use the checklist below to make sure that your application is complete. Incomplete and late applications will not be accepted. If you have any questions do not hesitate to call the Town Treasurer’s Office at 978-540-2450.

**DEADLINE AND DELIVERY** – The application must be submitted in a sealed envelope with your return address, the program name and the abutter lot address written on the outside of the envelope. The information below must be delivered to the following address by the deadline date and time:

TOWN TREASURER  
37 SHATTUCK STREET  
LITTLETON, MA. 01460

**CHECKLIST** – Information in the top box should be submitted by all applicants. Information in the bottom box is only applicable to certain applicants (See below for details).

- |   |
|---|
| <input type="checkbox"/> Completed application (pages 1-2). Did all applicants sign the application form?   |
| <input type="checkbox"/> Affidavit regarding payment of taxes, town employment, arson and related housing code violations, etc (page 3).                                |
| <input type="checkbox"/> Copy of deed (with book and page number) to your abutting property (sometimes called a quitclaim deed, warranty deed or certificate of title). |
| <input type="checkbox"/> Beneficial Interest Statement and 803 Disclosure Statement (pages 4-5).<br>Did all co-owners/co-applicants sign both statements?               |
| <input type="checkbox"/> Acknowledgement and Agreements Form (pages 10-11 ) Did all applicants sign the form?   |

- |  |
|--|
| <input type="checkbox"/> If a co-owner of your property is deceased, please provide a copy of the death certificate, Will and probate order, if applicable.  |
| <input type="checkbox"/> If title to your property is held in a trust, please provide a Declaration of Trust with recording reference; Authorization and Declaration of Beneficiaries; Trustee’s Certificate; Beneficial Interest Statement for the Trust; Schedule of Beneficial Interests. |
| <input type="checkbox"/> If the applicant is a Condominium Association, please provide the Master Deed and Trustee’s Certificate.  |
| <input type="checkbox"/> If the applicant is a Limited Partnership, please provide the Agreement & Certificate of Limited Partnership, Authorization by and Authority of General Partner.  |
| <input type="checkbox"/> If the applicant is a corporation (non-profit, for-profit, or religious organization), please provide the Articles of Incorporation, By-Laws, list of Board Officers’ names and addresses, Clerks Certificate, Corporate Vote and 501(c)3 letter, if applicable.    |

TOWN OF LITTLETON  
ABUTTER LOTS PROGRAM APPLICATION

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1. Abutter Lot Address: \_\_\_\_\_

2. Applicant's Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

What is the best time to reach you? \_\_\_\_\_  am  pm  home  work

Mailing Address: (if different from above) \_\_\_\_\_

3. Address of the property you own next to the abutter lot: \_\_\_\_\_

Please indicate the type of property you own next to the lot:

- Residence       Business       Church  
 Vacant Land       Other – please explain
- \_\_\_\_\_

4. \*Co-Applicant's Name (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

\*Co-Applicant's Name (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

\* Co-applicants or co-owners are any other person(s) listed on your deed for the abutting property. Please provide a copy of the death certificate for any co-owner who is deceased

5. If another abutter applies for the same lot, would you be willing to purchase the lot together to subdivide at your own expense after the sale?  Yes  
 No

6. Please indicate your proposed use(s) for the abutter lot:

- Garden       Landscaped Open Space       Off Street Parking  
 Side Yard       Addition to Existing Structure       Garage  
 Septic improvements

TOWN OF LITTLETON  
ABUTTER LOTS PROGRAM APPLICATION

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7. When do you plan to start and complete your proposed improvements to the lot?

Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_

If you are proposing to build either a garage or addition to your home, what are your expected construction costs? \$ \_\_\_\_\_

8. Describe your proposed use(s) for the abutter lot in as much detail as possible. If you have already been maintaining this lot, please mention your work here. If you'd like, sketch your proposed use and design for the lot in the box below. Attach additional pages if necessary.

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I certify that all the information included in this application is accurate and complete to the best of my knowledge.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(if applicable)*

Co-Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(if applicable)*

Co-Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Affidavit

Any person submitting an application for the Abutter lots Sale Program must truthfully complete this affidavit and submit it with their application. Questions apply to you as an applicant and any co-applicant(s) or co-owner(s). *The applicant and all co-applicants must sign the application below.*

1. Do you or any of the co-applicants owe the Town of Littleton any monies for incurred real estate taxes, water or light charges or any other indebtedness?

No \_\_\_\_\_ Yes \_\_\_\_\_ Explain \_\_\_\_\_

2. Were you or any of the co-applicants ever the owner of any property upon which the Town of Littleton foreclosed for his/her failure to pay real estate taxes or any other indebtedness?

No \_\_\_\_\_ Yes \_\_\_\_\_ Explain \_\_\_\_\_

3. Have you or any of the co-applicants ever been convicted of any arson related crimes, or are you currently under indictment for any such crime?

No \_\_\_\_\_ Yes \_\_\_\_\_ Explain \_\_\_\_\_

4. Have you or any of the co-applicants ever been convicted of violating any law, code, statute or ordinance regarding conditions of human habitation within the last three years?

No \_\_\_\_\_ Yes \_\_\_\_\_ Explain \_\_\_\_\_

5. Are you or any of the co-applicants and immediate family members (see below) currently employed, employed within the last 12 months or hold, or held within the last 12 months, an elected or appointed position by the Town of Littleton?

No \_\_\_\_\_ Yes \_\_\_\_\_ Explain \_\_\_\_\_

Immediate family member is defined as spouses, parents, offspring and siblings. If yes, Please include the name of the employee or board member, their capacity or title and the name of the department.

6. List the address of all property you and the co-applicants own in the Town of Littleton, including the abutting property.

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Signed under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_.

Applicant's Signature \_\_\_\_\_ Address \_\_\_\_\_

Co-Applicant's Signature \_\_\_\_\_ Address \_\_\_\_\_

Co-Applicant's Signature \_\_\_\_\_ Address \_\_\_\_\_

This form must be completed by all applicants

## Beneficial Interest Statement

WHEREAS, the undersigned, if determined to be the successful applicant, intends to purchase real property situated at \_\_\_\_\_ Littleton, MA  
(street address)

from the Town of Littleton, I hereby certify pursuant to section 40J of Chapter 7 of M.G.L. that the following are the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property.

(Please print the names and address of the applicant and all co-applicants below)

NAME

ADDRESS

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This statement is made under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_ .

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Applicant (Signature)

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Co-Applicant (Signature)

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Co-Applicant (Signature)

This form must be completed by all applicants

## Chapter 803 Disclosure Statement

IN COMPLIANCE WITH Chapter 60, Section 77B of the Massachusetts General Laws as amended by Chapter 803 of the Acts of 1985, I hereby certify, that I have never been convicted of a crime involving the willful and malicious setting of a fire or a crime involving the aiding, counseling, or procuring of a willful and malicious setting of a fire, or a crime involving the fraudulent filing of a claim for fire insurance; nor am I delinquent in the payment of real estate taxes in the Town of Littleton, or being delinquent, an applicant for the abatement for such tax is pending or a pending petition before the appellate tax board has been filed in good faith.

This statement is made under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_ .

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Applicant (Signature)

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Co-Applicant (Signature)

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Co-Applicant (Signature)

This form must be completed by all applicants only if property held in trust

## Schedule of Beneficial Interests and Certificate of Direction

*Applicable to property held in Trust*

The undersigned, being all the Trustees and beneficiaries of the \_\_\_\_\_  
(Trust's Name)

under a Declaration of Trust dated \_\_\_\_\_ and recorded with the Middlesex South Registry of Deeds on \_\_\_\_\_ as Document No. \_\_\_\_\_, hereby certifies the following is a complete list of the Beneficiaries of said Trust and their proportionate interest as of this date.

In addition, the undersigned Beneficiaries hereby direct the undersigned Trustee to purchase certain property in Littleton, Middlesex County, Massachusetts having the street address of \_\_\_\_\_ from the Town of Littleton, and to do any and all things which the Trustee may deem necessary in his sole and absolute discretion to effectuate this conveyance.

List of all beneficiary's names

Percentage of interest respectively

_____	_____
_____	_____
_____	_____
_____	_____

Witness the execution hereof take effect as a sealed instrument this \_\_\_\_\_ day of

\_\_\_\_\_ .

\_\_\_\_\_  
(Trust Name)

, as Trustee and not  
individually

\_\_\_\_\_  
Witness (signature)

By: \_\_\_\_\_

, as Trustee and not  
individually

\_\_\_\_\_  
Witness (signature)

By: \_\_\_\_\_

This form must be completed by all applicants only if property held in trust

## Trustee's Certificate

*Applicable to property held in Trust or by a Condo Association*

The undersigned, being all Trustees of \_\_\_\_\_ Trust under declaration of trust dated \_\_\_\_\_ and recorded with the Middlesex south Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, with a mailing address care of \_\_\_\_\_ (the "Trust"), hereby certifies as follows:

1. That as of the date hereof, the Trust is in full force and effect and has not been amended, modified or revoked;
2. That as of the date hereof, the undersigned are all of the duly elected and appointed Trustees of the trust; and,
3. That the undersigned hereby consent to and confirm the following which shall be treated for all purposes as a vote taken at a duly called meeting of the Trustees in accordance with Article \_\_\_\_\_, Section \_\_\_\_\_ of the Trust:

That pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Trust, the trustees are authorized and directed in the name of and on behalf of the Trust to execute and deliver any such instruments and to take all such actions as may be necessary or desirable in order to effectuate the purchase of that certain parcel of vacant land located at \_\_\_\_\_, Littleton, MA, Assessor Parcel Number \_\_\_\_\_, including but not limited to executing and delivering a Purchase and Sale Agreement, and Deed acknowledgement.

4. That the vote has not been amended, modified or rescinded and is still of full force and effect.

\_\_\_\_\_  
Trustee (signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Trustee (signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Trustee (signature)

\_\_\_\_\_  
Print Name

This form must be completed by all applicants only if property held in trust

**Beneficial Interest Statement**  
*Applicable to property held in Trust*

WHEREAS, the undersigned, if determined to be the successful applicant, intends to purchase real property situated at \_\_\_\_\_ Littleton, MA  
(street address)

from the Town of Littleton, I hereby certify pursuant to section 40J of Chapter 7 of M.G.L. that the following are the true names and addresses of all persons and/or entities who have or will have a direct or indirect beneficial interest in said property.

(Trust Name)	(Trust Address)
(Trustee's Name)	(Trustee's Address)
(Trustee's Name)	(Trustee's Address)
(Beneficiary's Name)	(Beneficiary's Address)
(Beneficiary's Name)	(Beneficiary's Address)

This statement is made under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_ .

Witness (signature)	By:		, as Trustee and not individually
Witness (signature)	By:		, as Trustee and not individually

This form must be completed by all applicants only if property held in trust  
**Beneficial Interest Statement**

page 2

EXECUTED as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_ .

(Trust Name): \_\_\_\_\_

\_\_\_\_\_, as Trustee and not  
By: \_\_\_\_\_ individually  
Witness (signature)

\_\_\_\_\_, as Trustee and not  
By: \_\_\_\_\_ individually  
Witness (signature)

**Commonwealth of Massachusetts**

Date: \_\_\_\_\_

Then personally appeared the above-named \_\_\_\_\_  
(Trustee's Name)

\_\_\_\_\_  
(Trustee's Name)

Trustees as foresaid, and acknowledged the foregoing instrument to be their free act and deed as  
Trustee, and the free act and deed of said trust, before me.

\_\_\_\_\_  
(Name) Notary Public

My Commission Expires: \_\_\_\_\_

## ACKNOWLEDGMENTS AND AGREEMENTS

WHEREAS the undersigned, if determined to be the successful applicant under the Abutter Lot Sales Program, intend to purchase real property located at \_\_\_\_\_, Littleton, MA from the Town of Littleton for the total sales cost (inclusive of Lot Sales Price, Legal Fees, Recording Fee, and In-Lieu of Tax Payment) of \$\_\_\_\_\_.

NOW THEREFORE, the undersigned hereby acknowledge(s) and agree(s) as follows:

1. The Town will convey the Lot by a good and sufficient quitclaim deed running to the undersigned (or, as applicable, to the record owners of the abutting land);
2. The Lot will be sold "as is", in its present condition; and
3. The Town of Littleton has made no representations or warranties of any kind as to the suitability of the Lot for any particular purpose, or as to the applicability or effect of any local, state, or Federal law.
4. The Town of Littleton has made no representations or warranties as to whether the Lot contains any substance which may be classified as a hazardous, toxic, chemical or radioactive substance, or a contaminant or pollutant (together, "Hazardous Substances") under applicable federal, state or local law, statute, ordinance, rule or regulation ("Applicable Laws") or which may require any cleanup, remediation or other corrective action pursuant to such Applicable Laws.
5. The deed from the Town will contain restrictions that provide substantially as follows:

"This conveyance is made pursuant to the Abutter Lot Sales Program of the Town of Littleton, and is subject to the following restrictions, which shall run with the land and which shall be enforceable by the Town:

The premises shall be kept free of garbage and debris.

The premises shall be combined for purposes of future conveyances with the abutting property owned by Grantee, located at \_\_\_\_\_, Littleton, MA and described in a deed dated \_\_\_\_\_ and recorded in the Middlesex South District Registry of Deeds in Book \_\_\_\_, Page \_\_ (the

“abutting lot”), such that the premises shall henceforth be conveyed in tandem with the abutting lot, and into the same record ownership.”

Signed under the pains and penalties of perjury this \_\_\_\_\_ day of \_\_\_\_\_.

Applicant's Signature

Address

Co-Applicant's Signature

Address

Co-Applicant's Signature

Address