



# Town of Brookhaven Long Island

## Law Department

One Independence Hill, Farmingville, NY 11738  
(631) 451-6500 Fax: (631) 451-6505

### **INSTRUCTIONS FOR TOWN BOARD COVENANTS**

1. Draw up Declaration of Covenants following sample provided. Please draw up separate document – do not fill in sample. Declaration must be signed by the owner(s) of the property and his/her/their signature(s) must be acknowledged. Once executed, please submit the original Declaration to the Town Clerk along with the following:
  - a. A copy of the Resolution of Adoption;
  - b. A Title Certification from a reputable title company, dated within three months of the date of the Declaration of Covenants, which certifies as to owner(s), mortgages, judgments and/or liens. If the Title Certification is done by a company other than a Title Insurance Company, i.e. a Title Agency or Abstract Company, an authorized agent letter from the Underwriter must be submitted with the Title Certification. If there are mortgages on the property, the written, acknowledged consent must be made a part of the Declaration (see Schedule B attached to sample). Any judgments/liens must be satisfied prior to approval of the Declaration and either a recorded copy of the Satisfaction or an updated Title Certification must be submitted. If there are no mortgages on the property, the title certification must so state. If there are no judgments and/or liens on the property, the title certification must so state;
  - c. A copy of the survey; and
  - d. A copy of the approved metes and bounds description(s) that was/were submitted with the application.
2. The paperwork will be sent from the Town Clerk's Office to the Law Department, etc., for review. Once the Declaration of Covenants and Restrictions has been deemed legally sufficient by the Law Department, it will be returned to the Town Clerk with either an approval memo or a memo listing the deficiencies.
3. If the Declaration of Covenants and Restrictions has been deemed legally sufficient by all necessary Departments, it will be returned to you by the Town Clerk for recording.

4. Upon recording with the County Clerk, obtain a certified copy of the Declaration of Covenants and forward same to the County Clerk's Office. Once approved by the Departments, it will be placed before the Board for acceptance.

**All documents relating to applications pending before the Town Board are to be routed through the Town Clerk's Office.**