



Selling Your Conservation Restriction Property

Quick guide for landowners, realtors, and potential buyers

Please notify us that your property is for sale!

Please inform us when you list your Conservation Restriction (CR) property on the market. This helps us with the following:

- Establish early contact with the new landowners to help them to better understand the terms of the CR and answer any questions
- Acquaint the new landowners with the CR stewardship staff and The Trustees.
- Prevent violations from taking place because of a misunderstanding



We also like to connect with the realtor early on to be sure that they know about the CR and to answer any of their questions. From our conversations with CR landowners, we have learned it is extremely helpful to potential buyers, as well as The Trustees, if the description on the realtor's website mentions that the property is protected under a perpetual CR.

We also ask you to let us know if you're planning to transfer legal ownership within your own family, to a real estate trust or a limited liability corporation, as we need to maintain records of the correct legal ownership of all our CR properties

How we can help

We can provide the following resources (as electronic copies for easy distribution):

- CR document – recorded document that is specific to this property
- Basemap - shows the CR boundaries and any Building Envelopes or Special Use areas referenced in the CR document
- [*CR Landowner Handbook*](#) – link to the CR handbook provides helpful information for your realtor and potential buyer about CR's

We are willing to discuss or meet with serious potential buyers to answer any questions they may have about the conservation restriction and allowed activities on the property. However, it should be made clear that we can only answer questions about possible uses of the property and/or exercising of reserved development rights in general terms as we can only approve or disapprove proposed activities at the request of the legal landowner.

What is an Estoppel Certificate?



An estoppel certificate is a legal document in which the holder of a CR certifies to a potential buyer or lender that the condition of the CR complies with the conservation restriction terms. The landowner may request an estoppel certificate prior to a sale of the property. Some banks may require this certificate as a condition of a loan. If your CR has an estoppel paragraph (CR's recorded prior to the late 1980's usually don't), most require 20 to 45 days advance written notice to request an estoppel certificate to allow time for a site visit to be completed. So, be sure to request this as soon as possible to prevent any delay of the sale.



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Landowner Checklist

- Notify us when planning to list your CR property for sale
- Let us know if you will require an Estoppel Certificate
- Share the electronic copies of the CR document, the basemap showing the CR, our CR Handbook, and this document with your realtor.
- Consider including information in the listing describing the conservation restriction and the values that the CR protects in perpetuity.
- To help ensure protection of your special landscape, it is important that your realtor and the prospective new owner of your CR property understand the significance of the restriction: why it exists, how it works, the specific restrictions and allowances, and our monitoring protocol. All too often, we learn of a change in ownership after the sale, making our relationship-building efforts with the new landowner difficult from the outset, and raising the risk of unintentional CR violations. Remember that a buyer who learns of the existence and impact of a conservation restriction *after* the closing may be a dissatisfied client and potential litigant.
- Review the CR document (with your attorney, if necessary) about any Subsequent Transfers of ownership requirements.
- Most CRs contain the requirement that you notify us before any conveyance and that the transfer deed references the Book and Page of the recorded CR, so please check the “Transfer” section in your conservation restriction to avoid an unintentional violation.
- Share new owner contact information with us (with their permission) prior to closing so that we’re able to establish a good, cooperative working relationship with them as soon as possible. Many new owners wish to make changes to the property right away so the sooner we can connect, the better.



Benefits of Protecting Your Land

- Protect the scenic, natural, or agricultural value of your property!
- Maintain land ownership and its associated rights
- Reduce property and estate taxes
- Most times, land protected by a CR does not require public access of the property. Read your CR document for any specific restrictions

About The Trustees

<https://thetrustees.org/>

The Trustees is the nation’s first and Massachusetts’ largest preservation and conservation nonprofit, and its landscapes and landmarks continue to inspire discussion, innovation, and action today as they did in the past.

We own, manage, and permanently protect more than 27,000 acres (120 reservations) across Massachusetts. We are best known for the beloved beaches, shorebirds, and historic oceanfront estates that are all under our care, and where we see thousands of visitors each year. Iconic properties such as the Crane Estate in Ipswich, the Old Manse of Concord, and Naumkeag in Stockbridge, are just a few of our special places.

Less known, but just as important are the 20,500 acres (410 parcels) that are permanently protected by Conservation Restrictions that The Trustees holds. We value the relationship we have with each landowner and strive to protect the conservation values for each property.

As the holder of your CR, we are obligated to do yearly monitoring of the property. This typically involves planning a date to meet with you and walk the property. We prefer walking the property with you, but this is not necessary. We observe the CR conditions and discuss any management strategies. In typical cases, the visit is done in less than 2 hours.