

01-1090-CD
RICHARD VON MICHUCK -vs- JOHN F. SCHMADER, JR. et al

STIPULATION AGAINST MECHANICS' LIENS

RICHARD VON MICHUCK and DEBORAH L. FLEGAL, Owners } In the Court of Common Pleas
of Clearfield County, Pennsylvania
vs.) Number 01-1090-C Term 2001
JOHN F. SCHMADER, JR., an adult individual, t/a REMINGTON HOMES, a sole proprietorship, Contractor)

WHEREAS, Richard Von Michuck and Deborah L. Flegal of R.R. 1, Box 112-1, Penfield, Pennsylvania, 16866 (hereinafter referred to as "Owners") are about to execute, contemporaneously herewith, a contract, with John F. Schmader, Jr., t/a Remington Homes, a sole proprietorship, (hereinafter referred to as "Contractor"), of HC-02, Box 57A, Cranberry, Pennsylvania 16319 providing for the construction and/or erection of improvements in and upon a parcel of land situate in Huston Township, Clearfield County, Pennsylvania, more fully described in Exhibit A which is attached hereto and made a part hereof (hereinafter referred to as the "Subject Premises").

NOW, June 29, 2001, at the time of and/or immediately before the execution of the aforesaid contract, and before any authority has been given by Owners to Contractor to commence

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~~I hereby certify this to be a true and attested copy of the original statement of claim.~~

JUL 06 2001

William A. Shaw
Prothonotary

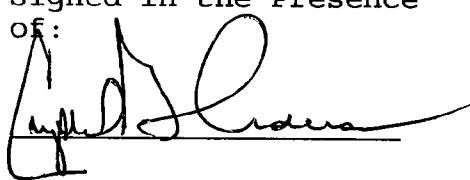
Attest:

JUL 06 2001

the construction and/or erection of the aforesaid improvements in and upon the Subject Premises and before Contractor has commenced the construction and/or erection of the aforesaid improvements, and in further consideration of One Dollar (\$1.00), to Contractor paid by Owners, it is agreed that no lien shall be filed against the Subject Premises by Contractor, or by any sub-contractor of Contractor, or by any of Contractor's material men or workmen or by any other person for any labor or materials purchased, or extra labor or materials purchased, for or in connection with the erection and/or construction of said improvements, the right to file such liens, including, without limitation, mechanics' liens and/or claims for mechanics' liens, being hereby expressly waived and/or stipulated against.

IN WITNESS WHEREOF, I have executed this Stipulation Against Mechanic's Liens as of the day and year aforesaid.

Signed in the Presence
of:



JOHN F. SCHMADER, JR.,
t/a REMINGTON HOMES, A
SOLE PROPRIETORSHIP

By:

John F. Schmader, Jr.,
Sole Proprietor

DBA

Remington Homes.

EXHIBIT A
TO STIPULATION AGAINST MECHANIC'S LIENS
BETWEEN RICHARD V. MICHUCK and DEBORAH L. FLEGAL,
OWNERS, AND JOHN F. SCHMADER, JR., t/a
REMINGTON HOMES, a sole proprietorship

ALL those certain pieces or parcels of land situate, lying and being in Huston Township, County of Clearfield, Pennsylvania, bounded and described as follows, to-wit:

THE FIRST THEREOF: BEGINNING at the Southeast corner of Lot conveyed by L. Baird and wife, to Mrs. Mary Hewitt by Deed dated September 22, 1902, recorded in Deed Book 127, Page 226, being on the West line of the Tyler Farm, and 14.9 perches from the center of the public road; thence South 21 degrees West, 96.1 perches to the corner of Putnam Tract; thence South 87-1/2 degrees West 24 perches to the L. Z. Cooker corner; thence North 21 degrees West passing a hickory site tree 95.6 perches to the corner of the Mary Hewitt lot being 12.4 perches from the center of public road; thence South 87 degrees East 393 feet to the place of beginning. CONTAINING 14.2 acres, more or less.

THE SECOND THEREOF: BEGINNING at a post at the North line of Warrant 215 and North 70-1/2 degrees East 24 perches from the Northeast corner of lot deeded by said Hewitt and Arvilia Henever; thence North 7-1/2 degrees East 21 perches to the Northwest corner of lot deeded by said Hewitt to Della Francisco; thence along the highway North 61 degrees East 8.7 perches to the corner of lot deeded by John W. Lucore to F. R. Cooker; thence still along the highway in part by said Cooker lot North 79 degrees East 50.9 perches to a post that stands 23.6 perches Westerly from the line of P. Tyler Farm; thence North 21 degrees East passing a crab tree and passing a forked hickory marked as a site tree 168 perches in all 188 perches to the foot of a steep bank and the line of lot deeded by said Hewitt to John E. Putnam; thence by line of said Putnam, South 87-1/2 degrees West 5 perches; thence North 68-1/4 degrees 32 perches North 73-1/2 degrees West 26 perches; South 75 degrees West 10-1/2 perches to a post at the foot of a steep bank; thence North 34 degrees West 70 perches to the highway; thence North 36 degrees West 20 perches to the place of beginning. CONTAINING 36 acres, more or less, and being part of Warrant 215 in the name of Jonathon B. Smith.

EXCEPTING AND RESERVING HOWEVER, out of the above two described parcels of land all of the following: right of way 66 feet wide conveyed to the Buffalo and Susquehanna Railroad; a strip of land containing .82 of an acre conveyed to Franklin R. Cooker to the Kersey Railroad Company, by Deed recorded in Clearfield County in Deed Book 255, Page 378, a tract of 10 acres, more or less, conveyed to New Sawmut Mining Company by Deed of Harry A. Cooker, et al, dated April 7, 1947, and recorded at Clearfield County; lot of land conveyed to Paul Cataldo by Deed of Harry A. Cooker, et al, and also lot conveyed to Stanley Kentosky by Deed of Harry A. Cooker, et al.

SUBJECT TO a right of way for road purposes over and across the Northwest corner of the 36 acre tract hereinabove mentioned described as a means of ingress and egress to a tract of 15.5 acres to the North of the above described 36 acre tract now or formerly owned by Harry A. Cooker.

ALSO EXCEPTING AND RESERVING such pieces or parcels previously conveyed by prior Grantors, and also excepting and reserving those two conveyances from Leslie A. Munn to Kenneth L. Munn as found in Deed Book Volume 1651, Page 563, and by Deed to Kenneth L. Munn and Jo Ann M. Munn found in Deed Book Volume 1806, Page 284.

FINALLY EXCEPTING AND RESERVING unto Leslie A. Munn, his heirs, successors and assigns, the right to utilize, maintain and repair certain covered drains as he presently utilizes the same leading from other properties owned by him to Bennetts Branch.

The aforesaid premises has recently been surveyed and is more fully described as follows:

ALL those certain pieces or parcels of land situate, lying and being in Huston Township, Clearfield County, Pennsylvania, more fully described as follows:

PARCEL ONE:

BEGINNING at a point on the Southern right of way of Pennsylvania State Route 255, said point being at the Northeastern corner of the parcel of land herein described and the Northwestern corner of lands now or formerly of Donald J. Kentoski et ux.; thence along said lands now or formerly of Donald J. Kentoski et ux. South 39 degrees 43 minutes 09 seconds East 829.97 feet to a point at the corner of said lands now or formerly of Donald J. Kentoski et ux., the parcel of land herein described and lands now or formerly of Leslie A. Munn; thence along the line of said lands now or formerly of Leslie A. Munn, South 85 degrees 07 minutes 03 seconds West 222.88 feet to a point; thence continuing along the line of said lands now or formerly of Leslie A. Munn, South 04 degrees 52 minutes 57 seconds East 52.13 feet to a point on the Northern right of way of the B & O Railroad; thence along said right of way, now or formerly of the B & O Railroad, South 88 degrees 34 minutes 01 seconds West 111.35 feet to a point at the Southwestern corner of the parcel of land herein described and the Southeastern corner of lands now or formerly of Donald C. Georgino; thence along the line of said lands now or formerly of Donald C. Georgino, North 35 degrees 38 minutes 24 seconds West 703.20 feet to a point of curvature on the Southern right of way of Pennsylvania State Route 255; thence along said right of way by a curve to the right having a radius of 2,500.67 feet, an arc length or distance of 251.95 feet to a point on the aforesaid Southern right of way of Pennsylvania State Route 255, the aforesaid place of beginning. Containing 4.86 acres.

PARCEL TWO:

BEGINNING at a point of curvature on the Southern line of a right of way, now or formerly of the B & O Railroad; thence along a curve to the right having a radius of 2,849.46 feet, an arc length or distance of 364.71 feet to a point on the Southern line of the aforesaid right of way, now or formerly of the B & O Railroad; thence continuing along the aforesaid right of way, now or formerly of the B & O Railroad, a 66 foot wide right of way, North 88 degrees 35 minutes 17 seconds East 770.49 feet to a point at the Northwestern corner of other lands now or formerly of Richard Von Michuck and Deborah L. Flegal; thence along the said lands now or formerly of Richard Von Michuck and Deborah L. Flegal South 21 degrees 00 minutes 00 seconds East 717.36 feet crossing Bennett's Branch to a point at the Southwestern corner of said lands now or formerly of Richard Von Michuck and Deborah L. Flegal; thence South 87 degrees 30 minutes 00 seconds West 82.50 feet to a point on the line of said lands now or formerly of the Commonwealth of Pennsylvania; thence along the said lands now or formerly of the Commonwealth of Pennsylvania North 68 degrees 15 minutes 00 seconds West 528 feet to a point; thence continuing along the line of said lands now or formerly of the Commonwealth of Pennsylvania, North 73 degrees 30 minutes 00 seconds West 429.00 feet to a point on the Southern boundary of Bennett's Branch; thence continuing along the line of said lands now or formerly of the Commonwealth of Pennsylvania South 75 degrees 00 minutes 00 seconds West 173.25 feet to a point in the bed of Bennett's Branch; thence along the line of lands now or formerly of Patsy Georgino, North 34 degrees 00 minutes 00 seconds West 427.90 feet to a point, the place of beginning. Containing 11.98 acres.

PARCEL THREE:

BEGINNING at a point on the Southern line of a 66 foot wide right of way, now or formerly of the B & O Railroad, said point being the Northwest corner of the parcel of land herein described; thence North 88 degrees 35 minutes 17 seconds East 398.60 feet to a point on the Southern line of the aforesaid right of way, now or formerly of the B & O Railroad, the Northeastern corner of the parcel of land herein described, thence South 21 degrees 00 minutes 00 seconds East 709.38 feet, crossing Bennett's Branch, to a point, the Southeastern corner of the parcel of land herein described; thence along the line of lands now or formerly of the Commonwealth of Pennsylvania South 87 degrees 30 minutes 00 seconds West 396.00 feet to a point, the Southwestern corner of the parcel of land herein described; thence along the line of other lands now or formerly of Richard Von Michuck and Deborah L. Flegal North 21 degrees 00 minutes 00 seconds West 717.36 feet to a point, the aforesaid place of beginning. Containing 6.15 acres.

PARCEL FOUR:

BEGINNING at a point of curvature on the Southern right of way of Pennsylvania State Route 255 at the Northeastern corner of lands now or formerly of Donald J. Kentoski et ux. and the Northwestern corner of the parcel of land herein described; thence along a curve to the right having a radius of 2,073.14 feet, an arc length or distance of 177.13 feet to a point at the Northwest corner of lands now or formerly of Anthony S. Guido; thence continuing along the line of said lands now or formerly of Anthony S. Guido, South 07 degrees, 19 minutes 52 seconds East, 182.65 feet to a point at the Southwestern corner of lands now or formerly of Anthony S. Guido; thence along the line of said lands now or formerly of Anthony S. Guido and lands now or formerly of Leslie A. Munn, North 77 degrees 05 minutes 18 seconds East, 91.44 feet to a point; thence along the line of lands now or formerly of Leslie A. Munn and lands now or formerly of Robert V. Glass, III North 76 degrees 16 minutes 14 seconds East 109.03 feet to a point; thence continuing along the line of other lands now or formerly of Leslie A. Munn, South 07 degrees 07 minutes 02 seconds East 459.76 feet to a point; thence along the line said lands now or formerly of Donald J. Kentoski et ux., North 39 degrees 38 minutes 26 seconds West 694.90 feet to a point, the aforesaid place of beginning. Containing 1.96 acres.

BEING the same premises which Richard Von Michuck, a single person, granted and conveyed to Richard Von Michuck and Deborah L. Flegal as joint tenants with rights of survivorship and not as tenants in common under a deed dated May 10, 2001 which is recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania at Instrument No. 200107101.

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