

02-59-CD
RICHARD D. SMITH et al -vs- ADVANCED CONCRETE SYSTEMS, INC.

STIPULATION AGAINST LIENS

THIS AGREEMENT made this 21st day of November, 2001, by and between **ADVANCED CONCRETE SYSTEMS, INC.**, of r.d.#2, Box 147A, Middleburg, PA, 17842, hereinafter referred to as Contractor,

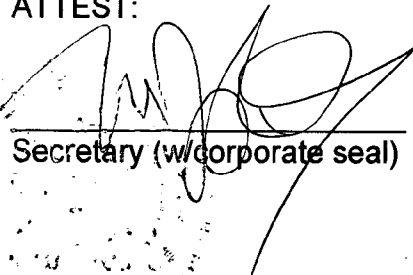
and

RICHARD D. SMITH & AMY L. SMITH, his wife, of 122 West Mahoning Street, Punxsutawney, PA, 15767, hereinafter referred to as Owner, whereby the former undertook and agreed to erect and construct basement walls situate in BELL TOWNSHIP, Clearfield County, PA, more particularly described on Exhibit "A" attached hereto and made a part hereof.

NOW, THEREFORE, THIS AGREEMENT, WITNESSETH: That the said Contractor, for and in consideration of the sum of ONE and no/100ths (\$1.00) DOLLAR to them in hand paid by Owner, the receipt whereof is hereby acknowledged, and the further consideration mentioned in the agreement aforesaid, for themselves and their subcontractors, and all parties acting through or under them, covenant and agree that no mechanic's liens or claims shall be filed or maintained by them or any of them against the said buildings and the lot of ground appurtenant thereto for or on account of any work done or materials furnished by them or any of them under said contract or otherwise, for, towards, in, or about the erection and construction of the said buildings on the lot above described, and the said Contractor, for themselves, their subcontractors and others under them hereby expressly waive and relinquish the right to have, file, and maintain any mechanic's liens or claims against the said buildings or any of them, and agree that this instrument, waiving the right of lien, shall be an independent covenant.

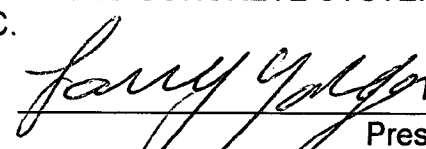
WITNESS our hands and seals the day and year first above written.

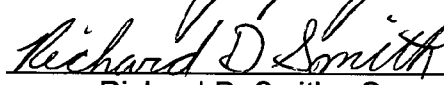
ATTEST:

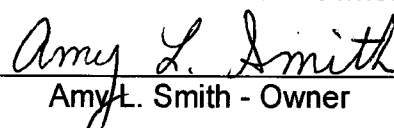

Secretary (w/corporate seal)

ADVANCED CONCRETE SYSTEMS
INC.

By:


President


Richard D. Smith - Owner


Amy L. Smith - Owner

FILED

JAN 11 2002

William A. Shaw
Prothonotary

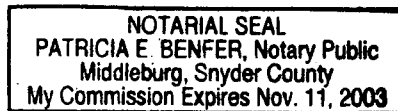
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF SNYDER

ss:

On this, the 14th day of December, 2001, before me, the undersigned officer, personally appeared Larry L. Yarger, who being duly sworn according to law, deposes and says that he is the President of **ADVANCED CONCRETE SYSTEMS, INC.**, and acknowledged that he is authorized to execute the within document as such President for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Patricia E. Benfer
Notary Public



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF Jefferson

ss:

On this, the 20th day of December, 2001, before me, the undersigned officer, personally appeared RICHARD D. SMITH & AMY L. SMITH, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official notarial seal.

Sally A. Allgeier
Notary Public

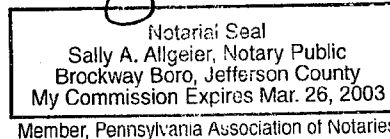


EXHIBIT "A"

ALL those two certain pieces, parcels or lots of land situate in the **TOWNSHIP OF BELL**, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described separately as follows:

FIRST:

BEGINNING at a post on line of T. B. Miller and C. D. Miller, North 51.2 degrees East, 87 perches to a post; thence by land of H. L. McGee, South 38.2 degrees East, 51 perches to a post; thence by land of J. F. Miller, South 51.2 degrees West, 87 perches to a post; thence by land of C. D. Miller, North 38.2 degrees West, 51 perches to the place of beginning.

CONTAINING 27 acres and 117 rods, and being part of the old homestead of E. S. Miller.

EXCEPTING AND RESERVING, however, from this conveyance, all of the minerals underlying the above described premises, with the right to mine and remove the same without liability for damages to the surface as has been heretofore excepted, reserved or conveyed.

ALSO EXCEPTING AND RESERVING all the oil and gas underlying the said land with the right for the removal and preparing for market the said oil and gas, together with waiver of liability for damages caused thereby to the surface.

SECOND:

BEING seventeen (17) acres of surface, formerly assessed in the name of R. H. White and Frank C. Elling, also described as **BEING BOUNDED** on the North by lands of Atley Miller, ON the South by Ellsworth Daisher, ON the East by land of Frank Miller, and ON the West by lands of O. M. Bracken.

EXCEPTING AND RESERVING, however, from this conveyance, all of the minerals underlying the above described premises, with the right to mine and remove the same without liability for damages to the surface as has been heretofore excepted, reserved or conveyed.

ALSO EXCEPTING AND RESERVING all the oil and gas underlying the said land with the right for the removal and preparing for market the said oil and gas, together with waiver of liability for damages caused thereby to the surface.

The **FIRST** and **SECOND** parcel described in this deed are the same premises title to which became vested in George M. Barney and Delores J. Barney, his wife, by deed of Clair Tyger and Faye Tyger, his wife, dated the 29th day of March, 1969, and recorded in the Recorder's Office of Clearfield County, Pennsylvania, in Deed Book Volume 551, Page 661. The said Delores J. Barney having died on the 19th day of February, 1998, title vested in fee to her surviving spouse, George M. Barney, by automatic operation of law. The **SECOND** parcel was also the subject of an Action to Quiet Title filed at No. 2001-193 C.D. in the Court of Common Pleas of Clearfield County, Pennsylvania, wherein on April 3, 2001, an Order was entered decreeing that title to the said **SECOND** parcel was vested in George M. Barney, grantor herein.

BEING the same premises conveyed to Richard D. Smith and Amy L. Smith, his wife, by Deed from George M. Barney, widower, dated April 19, 2001 and recorded in the Office of the Recorder of Deeds in and for Clearfield County, PA, prior to the recording of this Mortgage.

FILED

JAN 11 2002

01/12:04 PM
William A. Shaw
Prothonotary

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20 pd by atts Fernero