

02-466-CD
HAUBERT HOMES, INC. -vs- PAUL M. HUNTER et al

RELEASE AND WAIVER OF RIGHT TO FILE MECHANICS' LIEN

William A. Shaw
Prothonotary

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, an Agreement was entered into between HAUBERT HOMES, INC., of 73 Beaver Drive, DuBois, Clearfield County, Pennsylvania (hereinafter referred to as "Contractor") and PAUL M. HUNTER and FRANCES GRACE HUNTER a/k/a GRACE HUNTER, his wife, of Grampian, Clearfield County, Pennsylvania (hereinafter referred to as "Owners"), wherein the said Contractor undertook to furnish material and labor necessary for the construction of a dwelling home in accordance with the aforementioned Agreement on the premises described in "Exhibit A", attached hereto, made part hereof and incorporated herein by reference and owned by the said Owners.

NOW THIS AGREEMENT WITNESSETH: That the said Contractor, for and in consideration of the sum of One (\$1.00) Dollar to it in hand paid by the said Owners, the receipt whereof is hereby acknowledged, and the further consideration mentioned and set forth in the Agreement as aforesaid, for itself and its subcontractors, and all parties acting through or under it, covenants and agrees that no mechanics' liens or claims shall be filed or maintained by him against the said home and lot of ground appurtenant thereto as hereinbefore described for or on account of any work done or materials furnished by it under said contract or otherwise for, toward in or about the erection of said home as aforesaid; and the said Contractor, for itself and its subcontractors and others acting under it, hereby expressly

releases and waives the right to have, file and maintain any mechanics' liens or claims against said home, the real estate hereinbefore described or appurtenances thereto or any of them, and agrees that this agreement releasing and waiving the right of lien shall be an independent covenant.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 26th day of March, 2002.

WITNESS:

CONTRACTOR:
HAUBERT HOMES, INC.

By: Michael C. Ptk

WITNESSES:

OWNERS:

Paul M. Hunter
Paul M. Hunter

Frances Grace Hunter
Frances Grace Hunter

Grace Hunter
a/k/a Grace Hunter

ALL their right, title and interest, in and to that certain piece or parcel of land situate in Jordan Township, Clearfield County, Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a post by a marked maple on the line between this land and land formerly occupied by Samuel Jordan; thence by land of which this is a part, North 40 degrees West, one hundred and sixty (160) perches to a post; thence North 50 degrees East, one hundred and fifteen (115) perches to a post; thence by land sold to Donald McDonald, South 40 degrees East one hundred and sixty (160) perches to a post; thence by land now or formerly of Samuel Jordan South 50 degrees West, one hundred and fifteen (115) perches to the place of beginning, containing 108 acres and 78 perches, and allowances of 6% for roads.

EXCEPTING AND RESERVING, however, all that certain piece or parcel of land conveyed by Viola Hunter to Thelma E. Johnston by deed dated April 14, 1975 and recorded in the Recorder of Deeds Office in and for Clearfield County in Deed Book 699, page 173, and described as follows:

BEGINNING at an iron pin at a small run where it crosses the line of land of Glen A. Bowman, said iron pin corner being North 34° 48' West a distance of 608.1 feet from iron pin and stones corner, the southwest corner of the tract of which this is a part; thence through the lands of which this is a part for new lines, said lines following the meandering of the aforementioned small run, the following courses and distances: North 65° 09' East for a distance of 109.0 feet; North 47° 00' East for a distance of 229.0 feet; North 41° 03' East for a distance of 290.9 feet; North 68° 06' East for a distance of 109.8 feet; North 23° 32' East for a distance of 132.5 feet; North 33° 00' West for a distance of 71.6 feet; North 78° 16' East for a distance of 59.1 feet; and North 70° 13' East for a distance of 147.5 feet to a point at the edge of a private road or right of way being along the edge of a metal pipe culvert under the road; thence along the aforementioned road, North 44° 35' West for a distance of 261.7 feet to a point at the edge of the said road; thence leaving the road for still new lines through the land of which this is a part, and substantially along the line of a field South 70° 26' West for a distance of 212.3 feet; South 64° 49' West, for a distance of 286.2



feet; South 67° 37' West for a distance of 511.1 feet to an iron pin on the line of land of Roland Tiracorda; thence by the line of his land, South 33° 55' East for a distance of 261.5 feet to an iron pin corner, the corner common to land of Roland Tiracorda, Glenn A. Bowman and the land herein being described; thence by land of the said Glenn A. Bowman, South 34° 48' East for a distance of 348.9 feet to iron pin corner and place of beginning. Containing in all 10.36 acres.

EXCEPTING AND RESERVING, however, all that certain piece or parcel of land conveyed by Viola Hunter to Thomas Bailey by deed dated April 14, 1975 and recorded in the Recorder of Deeds Office in and for Clearfield County in Deed Book 699, page 178, and described as follows:

BEGINNING at a point in the center of the Township Road Route No. T-421, said point being North 34° 12' West from a concrete monument at the southeast corner of the larger tract of which this is a part, being also a common corner of this land and the land of Robert L. Glasgow and the land of Mark Johnston; thence by the center of the aforementioned road South 55° 50' West for a distance of 548.3 feet to a point in the center of the road; thence leaving the road for new lines through the land of which this is a part North 35° 00' West for a distance of 533.7 feet to an iron pin; thence North 55° 50' East for a distance of 548.3 feet to an iron pin on the line of land of Mark Johnston; thence by said land South 33° 00' East for a distance of 533.7 feet to the point in the center of the aforementioned road and place of beginning. Containing in all 6.72 acres.

UNDER AND SUBJECT, nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, easements, covenants, restrictions, limitations, qualifications and conveyances out as are contained in all prior deeds of record in the chain of title.

BEING the same premises which Viola Hunter, widow, by her deed dated April 21, 1978 and recorded in Clearfield County Recorder of Deeds Office in Deed Book 760, page 067 granted and conveyed to Paul M. Hunter and Barbara J. Hunter. The said Barbara J. Hunter died on February 15, 1991 thereby vesting title solely in her surviving husband, Paul M. Hunter.

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Owner pd

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William A. Shaw
Prothonotary