

02-737-CD
D. J. WISOR & SONS -vs- RIVER'S BEND ASSOCIATES, LP

FILED

MAY 09 2002

STIPULATION AGAINST LIENS

William A. Shaw
Prothonotary

02-737-02

THIS AGREEMENT, made the 9th day of May, 2002, by and between D. J. WISOR & SONS, of R. R. 1, Box 265, West Decatur, Pennsylvania, hereinafter referred to as "CONTRACTOR",

AND

RIVER'S BEND ASSOCIATES, LP, a limited partnership, of 2 Wood Avenue, Clearfield, Pennsylvania, hereinafter referred to as "OWNER",

whereby the former undertook and agreed to improvements of said property on that certain lot of ground situate in Lawrence Township, Clearfield County, Pennsylvania, more particularly described in the attached Exhibit "A".

NOW THEREFORE, THIS AGREEMENT WITNESSETH: That the said CONTRACTOR, for and in consideration of the sum of One (\$1.00) DOLLAR to Contractor in hand paid by OWNER, the receipt whereof is hereby acknowledged, and 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 this 9th day of May, 2002.

Signed, Sealed and Delivered
in the presence of

WITNESS:

D. J. WISOR & SONS

Jennifer L. Royce

Delbert J. Wisor
Delbert J. Wisor

ALL that certain tract of land situated in Lawrence Township, Clearfield County, Pennsylvania being a perimeter, as shown on a Plan entitled, "River's Bend Subdivision, Subdivision Plan, Final Subdivision Plan, Phase 1 Overall Record Plan," dated December 11, 2001, by Penn Terra Engineering, Inc., State College, Pennsylvania. Said subdivision being recorded in the Office of the Recorder of Deeds for Clearfield County to Map File No. 2495, and the premises being bounded and described as follows:

BEGINNING at an iron pin, lying in a northerly line of the Susquehanna River and being an easterly corner of lands owned now or formerly by Robert M. Kurtz (Tax Parcel 123-L08-52, R.B. 909, pg. 35); thence along said lands North forty-three (43°) degrees seventeen (17') minutes ten (10'') seconds West, four hundred seventeen and sixty-one hundredths (417.61) feet to an iron pin, being a northerly corner of said lands and an easterly corner of lands owned now or formerly by The Clearfield Education Foundation (Tax Parcel 123-L08-111, R.B. 1098, pg. 498); thence along the Clearfield Education Foundation lands North forty-three (43°) degrees seventeen (17') minutes ten (10'') seconds West, one thousand one hundred ninety and eighty-seven hundredths (1190.87) feet to an iron pin; thence continuing along said lands South forty-six (46°) degrees forty-two (42') minutes fifty (50'') seconds West, five hundred twenty-three and eighty hundredths (523.80) feet to an iron pin; thence continuing along said lands and along lands owned now or formerly by Donald A. and Sheila A. Reed (Tax Parcel 123-L08-695-141, R.B. 978, pg. 284) North forty-three (43°) degrees seventeen (17') minutes ten (10'') seconds West, two hundred thirty-one and thirty hundredths (231.30) feet to an iron pin; thence continuing along the Reed lands South forty-four (44°) degrees thirty-four (34') minutes fifty (50'') seconds West, thirty-five and two hundredths (35.02) feet to an iron pin, lying in a northerly line of said lands and lying in a southerly right-of-way line of Johns Drive (60' right-of-way); thence traversing through said right-of-way and along lands owned now or formerly by Richard B. and Betty A. Barkley (Tax Parcel 123-L08-695-140, R.B. 617, pg. 159) North forty-three (43°) degrees seventeen (17') minutes ten (10'') seconds West, two hundred five and four hundredths (205.04) feet to an iron pin, being a northerly corner of said lands and an easterly corner of lands owned now or formerly by Deborah Young (Tax Parcel 123-L08-694-118); thence along the Young lands, traversing through Charles Road (60' right-of-way), along lands owned now or formerly by Elizabeth Kulling (Tax Parcel 123-L08-116) and along lands owned now or formerly by Robert M. Kurtz (Tax Parcel 123-L08-694-68, R.B. 909, pg. 35) North forty-three (43°) degrees sixteen (16') minutes forty (40'') seconds West, five hundred twenty-six and ninety-three hundredths (526.93) feet to an iron pin, lying in a northerly line of the Kurtz lands and lying in an easterly line of The Clearfield Creek; thence along the Clearfield Creek the following bearings and distances: North one (01°) degrees twelve (12') minutes eight (08'') seconds East, one hundred sixty-five and ninety-seven hundredths (165.97) feet to a point; thence North eight (08°) degrees twenty-four (24') minutes fifty-four (54'') seconds West, one hundred seventeen and sixty-nine hundredths (117.69) feet to a point; thence North nine (09°) degrees thirty (30') minutes forty-eight (48'') seconds West, three hundred eight and fifty-nine hundredths (308.59) feet to

a point; thence North five (05°) degrees thirty-eight (38') minutes ten (10'') seconds West, one hundred twenty-four and sixty-one hundredths (124.61) feet to a point; thence along a curve to the right, having a chord bearing of North zero (00°) degrees forty-one (41') minutes fifty-seven (57'') seconds West, a chord distance of one hundred seventy-two and twelve hundredths (172.12) feet, a radius of one thousand (1000) feet and an arc length of one hundred seventy-two and thirty-three hundredths (172.33) feet to a point; thence North four (04°) degrees fourteen (14') minutes sixteen (16'') seconds East, one hundred ninety-six and thirty-seven hundredths (196.37) feet to a point; thence along a curve to the right, having a chord bearing of North sixty-one (61°) degrees fifty-nine (59') minutes eight (08'') seconds East, a chord distance of three hundred eighty and fifty-seven hundredths (380.57) feet, a radius of two hundred twenty-five (225) feet, and an arc length of four hundred fifty-three and fifty-five hundredths (453.55) feet to a point, being an easterly edge of the Clearfield Creek and a southerly edge of the West Branch of the Susquehanna River; thence along the West Branch of the Susquehanna River the following bearings and distances: along a curve to the right, having a chord bearing of South fifty-three (53°) degrees thirty-six (36') minutes sixteen (16'') seconds East, a chord distance of one hundred ninety-eight and eighty hundredths (198.80) feet, a radius of eight hundred fifty-six and seventy-seven hundredths (856.77) feet, and an arc length of one hundred ninety-nine and twenty-five hundredths (199.25) feet to a point; thence along a curve to the right, having a chord bearing of South thirty-four (34°) degrees thirty-five (35') minutes fifty-three (53'') seconds East, a chord distance of eighty-five and fifty-one hundredths (85.51) feet, a radius of two hundred (200) feet, and an arc length of eighty-six and eighteen hundredths (86.18) feet to a point; thence along a curve to the left, having a chord bearing of South forty-three (43°) degrees twenty-six (26') minutes thirty-nine (39'') seconds East, a chord distance of seventy-two and twenty-nine hundredths (72.29) feet, an arc length of seventy-three and ninety-seven hundredths (73.97) feet, and a radius of one hundred (100) feet to a point; thence along a curve to the right, having a chord bearing of South forty-seven (47°) degrees twenty-five (25') minutes fifty (50'') seconds East, a chord distance of two hundred ninety-five and seventy-seven hundredths (295.77) feet, a radius of five hundred (500) feet, and an arc length of three hundred and twenty-six hundredths (300.26) feet to a point; thence along a curve to the left, having a chord bearing of South thirty-seven (37°) degrees seven (07') minutes one (01'') second East, a chord distance of seventy-one and ninety-eight hundredths (71.98) feet, a radius of three hundred (300) feet, an arc length of seventy-two and fifteen hundredths (72.15) feet to a point; thence South forty-four (44°) degrees zero (00') minutes twenty-four (24'') seconds East, two hundred five and nineteen hundredths (205.19) feet to a point; thence along a curve to the left, having a chord bearing of South fifty-seven (57°) degrees twenty-eight (28') minutes thirty-nine (39'') seconds East, a chord distance of five hundred fifty-nine and eight hundredths (559.08) feet, a radius of twelve hundred (1200) feet, and an arc length of five hundred sixty-four and twenty-six hundredths (564.26) feet to a point; thence South seventy (70°) degrees fifty-six (56') minutes fifty-three (53'') seconds East, one hundred fifty-seven and six

hundredths (157.06) feet to a point; thence along a curve to the left, having a chord bearing of North seventy-four (74°) degrees twenty-nine (29') minutes ten (10'') seconds East, a chord distance of five hundred ninety-five and seventy-two hundredths (595.72) feet, a radius of five hundred twenty-five (525) feet, and an arc length of six hundred thirty-three and forty-five hundredths (633.45) feet to a point; thence along a curve to the left, having a chord bearing of North twenty (20°) degrees thirty-one (31') minutes five (05'') seconds East, a chord distance of one hundred thirty-two and eighty-eight hundredths (132.88) feet, a radius of two hundred (200) feet, and an arc length of one hundred thirty-five and forty-five hundredths (135.45) feet to a point; thence along a curve to the right, having a chord bearing of North twenty-two (22°) degrees fifty-eight (58') minutes thirty-six (36'') seconds East, a chord distance of seventy-four and forty-seven hundredths (74.47) feet, a radius of one hundred (100) feet, and an arc length of seventy-six and thirty-one hundredths (76.31) feet to a point; thence along a curve to the left, having a chord bearing of North forty-nine (49°) degrees fifty-two (52') minutes fourteen (14'') seconds East, a chord distance of nine hundred sixteen and ten hundredths (916.10) feet, a radius of five thousand two hundred twenty-one and eight hundredths (5221.08) feet, and an arc length of nine hundred seventeen and twenty-eight hundredths (917.28) feet to a point; thence along a curve to the right, having a chord bearing of South sixty-five (65°) degrees forty-six (46') minutes thirty-seven (37'') seconds East, a chord distance of seven hundred thirty-one and two hundredths (731.02) feet, a radius of four hundred twenty-five (425) feet, and an arc length of eight hundred eighty and two hundredths (880.02) feet to a point; thence along a curve to the left, having a chord bearing of South four (04°) degrees twenty-five (25') minutes fifty-two (52'') seconds East, a chord distance of eighty-nine and ninety-three hundredths (89.93) feet, a radius of one thousand two hundred seventy-one and eighty-three hundredths (1271.83) feet, and an arc length of eighty-nine and ninety-five hundredths (89.95) feet to a point; thence along a curve to the right, having a chord bearing of South ten (10°) degrees forty-nine (49') minutes fifty-three (53'') seconds West, a chord distance of ninety-one and fifty-nine hundredths (91.59) feet, a radius of two hundred (200) feet, and an arc length of ninety-two and forty-one hundredths (92.41) feet to a point; thence along a curve to the left, having a chord bearing of South three (03°) degrees seventeen (17') minutes thirty-three (33'') seconds West, a chord distance of seventy and ninety-four hundredths (70.94) feet, a radius of one hundred (100) feet, and an arc length of seventy-two and fifty-two hundredths (72.52) feet to a point; thence along a curve to the right, having a chord bearing of South four (04°) degrees fourteen (14') minutes forty-six (46'') seconds East, a chord distance of ninety-one and fifty-nine hundredths (91.59) feet, a radius of two hundred (200) feet, and an arc length of ninety-two and forty-one hundredths (92.41) feet to a point; thence along a curve to the right, having a chord bearing of South twenty-one (21°) degrees twenty-seven (27') minutes forty-six (46'') seconds West, a chord distance of five hundred forty-nine and thirty-six hundredths (549.36) feet, a radius of one thousand two hundred seventy-one and eighty-three hundredths (1271.83) feet, and an arc length of five hundred fifty-three and seventy-two hundredths (553.72) feet to a point; thence

along a curve to the left, having a chord bearing of South twenty-one (21°) degrees thirty-one (31') minutes twenty-three (23'') seconds West, a chord distance of one hundred twenty-eight and ninety-seven hundredths (128.97) feet, a radius of three (300) feet, and an arc length of one hundred twenty-nine and ninety-eight hundredths (129.98) feet to a point; thence along a curve to the right, having a chord bearing of South twenty-four (24°) degrees thirty-seven (37') minutes fifty-three (53'') seconds West, a chord distance of fifty-three and fifty-two hundredths (53.52) feet, a radius of one hundred (100) feet, and an arc length of fifty-four and eighteen hundredths (54.18) feet to a point; thence South forty (40°) degrees nine (09') minutes seven (07'') seconds West, one hundred forty-three and ninety-four hundredths (143.94) feet to a point; thence along a curve to the right, having a chord bearing of South forty-five (45°) degrees forty-four (44') minutes forty-six (46'') seconds West, a chord distance of one hundred ninety-four and ninety-six hundredths (194.96) feet, a radius of one thousand (1000) feet, and an arc length of one hundred ninety-five and twenty-seven hundredths (195.27) feet to a point; thence South fifty-one (51°) degrees twenty (20') minutes twenty-five (25'') seconds West, ninety-three and ninety-one hundredths (93.91) feet to a point; thence along a curve to the right, having a chord bearing of South fifty-four (54°) degrees forty-one (41') minutes zero (00'') seconds West, a chord distance of one hundred sixteen and sixty-three hundredths (116.63) feet, a radius of one thousand (1000) feet, and an arc length of one hundred sixteen and seventy hundredths (116.70) feet to a point; thence along a curve to the left, having a chord bearing of South fifty-two (52°) degrees twenty-eight (28') minutes forty-two (42'') seconds West, a chord distance of two hundred six and forty-two hundredths (206.42) feet, a radius of One thousandn sixty-seven and 49 hundredths (1067.49) feet, and an arc length of Two Hundred Six and Seventy-Four Hundredths (206.74) feet to a point; thence South forty-six (46°) degrees fifty-five (55') minutes forty-eight (48'') seconds West, three hundred ninety and eighty hundredths (390.80) feet to a point; thence along a curve to the left, having a chord bearing of South twenty-four (24°) degrees seventeen (17') minutes twenty-four (24'') seconds West, a chord distance of six hundred sixty-two and eighty-two hundredths (662.82) feet, a radius of eight hundred sixty and ninety-five hundredths (860.95) feet, and an arc length of six hundred eighty and thirty-nine hundredths (680.39) feet to an iron pin, being the place of beginning, containing 115.013 acres.

BEING the same premises conveyed to River's Bend Associates, LP by Deed of Robert M. Kurtz, Jr. dated May 8, 2002 and recorded in the Office of the Register and Recorder for Clearfield County on May 9, 2002.