



NON-LIEN AGREEMENT

2002-785-00

This Agreement, made and entered into this 30th day of April in the year, 2002
Is by and between M & M Floor Systems Contractor,
and Khushi, Inc Owner,
for Holiday Inn Express Hotel & Suites, Clearfield County, Exit 120 Projects,
at 14424 Clearfield Shawville Hwy, Clearfield, PA 16830 Premises.

Whereas, Contractor and Owner have entered into a construction contract for the construction of the Project on the Premises:

SEE EXHIBIT "A"

FILED No CC 20-
PP 20-1

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Now Therefore, in consideration of one (\$1.00) dollar and the mutual covenants, conditions and promises contained in the said construction contract, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged the parties hereto, with the intention of being legally bound hereby, agree as follows:

1. Contractor, on behalf of himself/herself, his/her successor and assigns, and for and on behalf of all of his/her subcontractors, material men and all other persons furnishing labor, materials, supplies or services on the Project, hereby unconditionally waives, releases and relinquishes any and all liens, claims and rights to file any lien, against the Project or the Premises, including, without limitation, those liens arising under the Act of August 24, 1963, P.L. 1175. No. 497 (49 P.S. §1101 et seq.) commonly referred to as the "Mechanics' Lien Law of 1963," as amended, for work done or services or materials provided in connection with the Project.
2. Contractor hereby authorizes Owner and Owner's successors and assigns to plead this waiver of liens in bar of any suit or suits brought by Contractor or any subcontractors, material men. or other persons furnishing labor, material, supplies or services to establish a lien upon the Premises or Project for labor, services, material or equipment, or any of them, or otherwise, done, performed, furnished or delivered in connection with the Project heretofore or at any time hereafter.
3. This Agreement is made and, intended to be filed with the Prothonotary of CLEARFIELD County, Pennsylvania prior to the commencement of construction of the Project.

In Witness Whereof, the parties have hereunto set their hands and seals the day and year first above written.

David B. Koon 5-8-02
[Witness]

BY M & M Floor Systems
[Contractor]

David B. Koon 5-8-02
[Witness]

BY Khushi Inc
[Owner]

NON-LIEN AGREEMENT

BETWEEN

..... M & M Floor Systems.....

.....

AND

Khushi, Inc.

.....

A Pennsylvania Corporation

.....

Certificate of location

The undersigned certifies that the property
Covered by this Non-Lien Agreement is located in

..... **Lawrence Township**

..... **Clearfield**..... County, Pennsylvania

..... 

Agent

EXHIBIT "A"

ALL that certain piece or parcel of ground located in Lawrence Township, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a found iron rebar corner on the Southern right-of-way line of State Route 879, said corner being the Northwest corner of the property described herein; thence along the Southern right-of-way line of State Route 879, North 53° 08' 36" East, a distance of 200.47 feet to a found iron rebar corner; thence along land of Joseph R. and Allana M. Kondisko, South 37° 12' 00" East, 176.32 feet to a found iron rebar corner, thence along land of Joseph R. and Allana M. Kondisko, North 80° 27' 36" East, a distance of 194.55 feet to a found iron rebar corner, thence along land of Joseph R. and Allana M. Kondisko North 48° 11' 24" East, a distance of 35.07 feet to a found iron rebar corner; thence along land of Joseph R. and Allana M. Kondisko, North 36° 52' 48" West, a distance of 47.16 feet to a found iron rebar corner; thence along land of Joseph R. and Allana M. Kondisko, North 79° 49' 12" East, a distance of 102.99 feet to a set 3/4" iron rebar corner, thence along land of Clearfield Volunteer Fire Department and Fair and Park Board, South 01° 06' 36" East, a distance 857.88 feet to a found iron pin corner; thence along land of Wal-Mart Stores, Inc., North 36° 52' 12" West, a distance of 922.82 feet to a found iron rebar corner; thence along land of Wal-Mart Stores, Inc., North 36° 49' 12" West, a distance of 34.98 feet to a found iron rebar corner, the place of beginning.

CONTAINING 5.42 acres as shown on a plan titled "A & E International topography and property survey, Lawrence Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated July 3, 2001.

SUBJECT to access easements recorded at Deed Book Volume 846, Page 52 and Deed Book Volume 906, Page 289.

BEING the same property which EPC Holdings 531 LLC, a Washington Limited Liability Company, by its deed dated December 11, 2001 and recorded in the Recorder of Deeds Office of Lawrence County in Instrument #200120489, granted and conveyed unto Khushi, Inc., A Pennsylvania Corporation, mortgagor herein.