

02-1536- CD
HOOVER AVENUE GF, LP vs. WESTRA CONSTRUCTION, INC.

HOOVER AVENUE GF, LP : IN THE COURT OF COMMON PLEAS
Owner, : CLEARFIELD COUNTY, PENNSYLVANIA
:
v. :
: NO. 02-1536-CB
WESTRA CONSTRUCTION, INC., :
Contractor :
:

STIPULATION AGAINST LIENS

WHEREAS, HOOVER AVENUE GF, LP of 1000 North Front Street, Suite 500, Wormleysburg, Pennsylvania 17043 (the "Owner") the Owner of the hereinafter described tract of land, has executed or is about to execute contemporaneously herewith a contract with WESTRA CONSTRUCTION, INC. of 4002 Fenton Avenue, Harrisburg, Pennsylvania 17109 (the "Contractor") for improvements to the premises located at Southeast quadrant Liberty Boulevard and Hoover Avenue, City of DuBois, Clearfield County, Pennsylvania, more particularly described on "Exhibit A" attached hereto and made a part hereof (the "Premises").

NOW, September 18, 2002, before any authority has been given by said Owner to the said Contractor to commence work on said Premises or to otherwise construct any improvements thereto, or to purchase materials for the same, or to enter into any contracts with any subcontractors, or materialmen, or to authorize any purchases by or through any subcontractors or materialmen, in consideration of the making of said contract with the Owner and the further consideration of One Dollar (\$1.00), to Contractor paid by said Owner, and with the intent of all parties to be legally bound hereby, it is agreed that no lien shall be filed against the building or Premises or any part thereof, by

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Prothonotary

the Contractor or any subcontractor, or by any of the materialmen or workmen or any other person for any labor, or materials purchased, or extra labor or materials purchased, for the building and improvements to the Premises (including hereafter changes made thereto), the right to file liens being expressly waived.

It is the full intent of the Contractor, for itself and for any subcontractors or materialmen claiming for themselves, or by, through or under the contract or the Contractor, that the right to file a mechanic's lien, under the provisions of law and/or of Acts of Assembly in such cases made and provided, for work done or materials furnished in and about the building and improvements to the Premises above described is hereby waived.

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

Attest:

By: George J. Haasen

Attest:

By: James J. West

HOOVER AVENUE GF, LP
by DuBois Hoover, Inc.

By: R. Westra
WESTRA CONSTRUCTION, INC.

By: Walter J. Schreie

EXHIBIT A

All that certain parcel or tract of land lying, situated and being in the City of DuBois, Clearfield County, Pennsylvania; bounded and described as follows to wit:

Beginning at a set brass monument, said monument being the southwest corner of land now or formerly owned by Charles W. & Shelly M. Delullo (also being the All Washed Up Car Wash); said rebar also being on the eastern right-of-way line of US 219/119 (Liberty Boulevard); thence by the southern line of line of land of Delullo S 65-45-30 E, 257.37' to a found iron pipe; thence by the lands of Delullo and Paul K. & Karen M. Rezk N 27-18-07 E, 212.92' to a found iron pin; thence by the land of Fullington GMC Sales Inc. the following two courses and distances S 65-32-37 E, 227.91' to a found iron pipe; thence N 25-16-00 E, 137.98' to a found iron pipe on the southerly right-of-way of Hoover Avenue; thence by the said right-of-way by a curve to the left for an arc distance of 151.34' to a set 5/8" rebar, said curve having a central angle of 20-35-36 and a radius of 421.08'; thence by a parcel or tract of land to be retained or to be conveyed by the grantor and known as Parcel One the following three courses and distances S 05-15-34 E, 200.65' to a set 5/8" rebar; thence N 84-44-26 E, 294.30' to a set 5/8" rebar; thence N 05-15-34 W, 197.31' to a set 5/8" rebar on the southerly right-of-way of Hoover Avenue; thence by the aforesaid right-of-way N 84-53-54 E, 50.00' to a set 5/8" rebar; thence through lands of which this was a part S 05-15-34 E, 198.71' to a set 5/8" rebar; thence continuing through this land S 01-43-49 E, 619.26' to a set 5/8" rebar; thence by the lands now or formerly or lands to be conveyed to the City of DuBois, thence S 76-32-49 W, .40' to a set 5/8" rebar; thence S 74-49-48 W, 124.57' to a set rebar; thence S 74-20-40 W, 100.49' to a set 5/8" rebar; thence S 72-58-42 W, 91.01' to a set brass monument; thence S 74-20-45 W, 84.14' to a set 5/8" rebar; thence S 85-10-04 W 57.13' to a set 5/8" rebar; thence N 85-23-24 W 66.86 to a set 5/8" rebar; thence N 75-04-03 W 61.24' to a set 5/8" rebar; thence N 63-22-16 W 22.54' to a set 5/8" rebar; thence by a parcel or tract of land to be retained or to be conveyed by the grantor and known as Parcel Two the following courses and distances N 01-43-49 W, 343.10' to a set brass monument; thence N 64-03-59 W, 238.15' to a brass monument; thence S 26-02-51 W, 123.74' to a set 5/8" rebar; thence by lands now or formerly or lands to be conveyed to the City of DuBois, N 22-52-08 W, 5.94' to a set 5/8" rebar; thence N 22-23-38 W, 80.22' to a set 5/8" rebar; thence N 24-49-39 W, 52.92' to a set brass monument; thence N 24-44-31 W, 48.98' to a set 5/8" rebar; thence N 34-48-26 W, 77.37' to a set 5/8" rebar; thence N 46-23-01 W, 97.30' to a set 5/8" rebar; thence N 49-41-21 W, 54.31' to a set 5/8" rebar; thence N 46-24-48 W 23.98' to a set 5/8" rebar; thence N 41-04-25 W 25.10' to a set 5/8" rebar; thence N 62-55-31 W 29.91' to a set brass monument on the eastern right-of-way line of US 219/119 (Liberty Boulevard); thence by the eastern right-of-way line of US 219/119 (Liberty Boulevard) N 27-04-29 E, 72.52' to a set brass monument the point and place of beginning.

Said parcel of land containing 13.97 acres, more or less. Being all or part of the following parcels as shown on the City of DuBois Assessment Map Sec. 5 and as recorded in the Clearfield County, PA Courthouse. In part Parcel 1262 Volume 433, page 204, In part Parcel 1261 Volume 524 page 292, In part Parcel 1261A Volume 525 page 292, In part Parcel 1230 Volume 1178 page 231, In part Parcel 1231 Volume 984 page 496, In part Parcel 1220 Volume 984 page 496, In part Parcel 1220 Volume 534 page 539, In part Instrument No. 200209401 In part Instrument No. 200209402.

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