

02-1665-CD  
JAMES E. FENSTERMACHER, et al. vs. RONALD TORRELL, et al.

STIPULATION AGAINST MECHANICS' LIENS

JAMES E. FENSTERMACHER  
and ELLEN L. FENSTERMACHER,  
Husband and Wife,  
Owners

vs.

RONALD TORRELL and  
RICHARD J. BERNARDO, t/a  
TORRELL & BERNARDO  
REMODELING & CUSTOM HOMES,  
a general partnership,  
Contractor

} In the Court of Common Pleas  
} of Clearfield County,  
} Pennsylvania

}  
} 02-11665-23  
} Number \_\_\_\_\_ Term 2002  
}

**FILED**

OCT 23 2002

William A. Shaw  
Prothonotary

WHEREAS, James E. Fenstermacher and Ellen L. Fenstermacher, whose address is 530 Treasure Lake, DuBois, Pennsylvania, 15801 (hereinafter referred to as "Owners") are about to execute, contemporaneously herewith, a contract, with Ronald Torrell and Richard J. Bernardo t/a Torrell & Bernardo Remodeling & Custom Homes, a general partnership (hereinafter referred to as "Contractor"), whose address is 130 McCracken Run Road, DuBois, Pennsylvania 15801, providing for the construction and/or erection of improvements in and upon a parcel of land situate in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, more fully described in Exhibit A which is attached hereto and made a part hereof (hereinafter referred to as the "Subject Premises").

NOW, October 18, 2002, at the time of and/or immediately

before the execution of the aforesaid contract, and before any authority has been given by Owners to Contractor to commence the construction and/or erection of the aforesaid improvements in and upon the Subject Premises and before Contractor has commenced the construction and/or erection of the aforesaid improvements, and in further consideration of One Dollar (\$1.00), to Contractor paid by Owners, it is agreed that no lien shall be filed against the Subject Premises by Contractor, or by any sub-contractor of Contractor, or by any of Contractor's materialmen or workmen or by any other person for any labor or materials purchased, or extra labor or materials purchased, for or in connection with the erection and/or construction of said improvements, the right to file such liens, including, without limitation, mechanics' liens and/or claims for mechanics' liens, being hereby expressly waived and/or stipulated against.

IN WITNESS WHEREOF, We have executed this Stipulation Against Mechanics' Liens as of the day and year aforesaid.

Signed in the Presence  
of:

Patricia A. Yonushonis  
Patricia A. Yonushonis

CONTRACTOR:  
TORRELL & BERNARDO  
REMODELING & CUSTOM HOMES,  
A GENERAL PARTNERSHIP

By: Ronald Torrell  
Ronald Torrell,  
General Partner  
By: Richard J. Bernardo  
Richard J. Bernardo,  
General Partner

**EXHIBIT A**  
**TO STIPULATION AGAINST MECHANICS' LIENS**  
**BETWEEN JAMES E. FENSTERMACHER and ELLEN L. FENSTERMACHER**  
**HUSBAND AND WIFE, OWNERS AND TORRELL & BERNARDO**  
**REMODELING & CUSTOM HOMES, CONTRACTOR**

ALL that certain tract of land designated as Lot No. 134, Section No. 9, "Antigua" in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 24.

EXCEPTING AND RESERVING THEREFROM AND SUBJECT TO:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Miscellaneous Book Volume 146, Page 476, all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Treasure Lake, Inc., its successors, or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

BEING the same premises which Carl E. Farrow, Sr. and Shirley E. Farrow, husband and wife, granted and conveyed to James E. Fenstermacher and Ellen L. Fenstermacher, husband and wife, under a deed dated October 21, 1991 which is recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania in Deed Book Volume 1427, Page 571.

✓  
JOHN R. LHOTA, P.C.  
ATTORNEY AT LAW  
110 NORTH SECOND STREET  
CLEARFIELD, PENNSYLVANIA 16830

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FILED

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OCT 23 2002

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William A. Shaw  
Prothonotary

Atty pd. 20.00