

02-1771-CD  
Barry Fox vs George McFarland

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BARRY A. FOS, etal vs. GEORGE W. MCFARLAND, JR.

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# Stipulations Against Liens

02-1771-CD

BARRY A. FOX and  
TAMMY FOX (AKA)  
TAMMY D. FOX vs. Owner

In the Court of Common Pleas, County of

CLEARFIELD, Pennsylvania

GEORGE W. MCFARLAND, JR. t/d/b/a  
MCFARLAND CONSTRUCTION Contractor

Number Term, 2002

Whereas, BARRY A. FOX and TAMMY FOX (AKA TAMMY D. FOX)  
of P.O. Box 132, Beccaria, Pennsylvania, 15616  
is about to execute contemporaneously herewith, a contract, with GEORGE W. MCFARLAND, JR  
t/d/b/a McFarland Construction of Clearfield County, Pennsylvania,  
for the erection of a Residential ~~store~~ building upon a lot of land situate  
at 999 Walnut Street, Smithmill, PA 16680, Gulich Township,  
Clearfield County, Pennsylvania, as set forth on the attached

Exhibit "A"

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William A. Shaw  
Prothonotary

Now, November 12 2002, at the time of and immediately before the ex-  
ecution of the principal contract, and before any authority has been given by the said  
Owner to the said Contractor

to commence work on the said building, or purchase materials for the same in consideration  
of the making of the said contract with Contractor and the further  
consideration of One Dollar, to Contractor paid  
by Owner, it is agreed that no lien shall be filed against the

building by the contractor, or any sub-contractor, nor by any of the material men or workmen  
or any other person for any labor, or materials purchased, or extra labor or materials  
purchased for the erection of said building, the right to file such liens being expressly waived.

Witness, our hands and seals the day and year aforesaid.

OWNERS:

MCFARLAND CONSTRUCTION  
~~Signature and Seal of~~

BY *George W. McFarland, Jr.*  
GEORGE W. MCFARLAND, JR.

*Barry A. Fox* [Seal]  
BARRY A. FOX

*Tammy Fox* [Seal]  
TAMMY FOX

[Seal]

West (S 30° 44' W) One Hundred (100') feet from the Northwestern corner of an intersecting street; thence along land of the Ramey Estate North Fifty-nine degrees Sixteen minutes West (N 59° 16' W) Seven Hundred Thirty and One-tenth (730.1') feet to a post corner on the Eastern side of the right of way line of the Janesville Branch of the Pennsylvania Railroad; thence along or near the line of the said right of way South Seventeen degrees Thirty-two minutes West (S 17° 32' W) Two Hundred Five and Two tenths (205.2') feet to a post corner of land sold to Metro Bereznosky; thence by said land South Fifty-nine degrees Sixteen minutes East (S 59° 16' E) Six Hundred Eighty-three and Seven tenths (683.7') feet to a post corner on the Northwestern side of an alley; thence along the Northwestern side of said alley North Thirty degrees Forty-four minutes East (N 30° 44' E) Two Hundred (200') feet to a post corner and the place of beginning. CONTAINING Three and Twenty-three hundredths (3.23) acres, and being part of tract number 11 of the Ramey Estate lands, BEING further identified by Clearfield County Assessment Number 118-K16-513-00016.

EXCEPTING and RESERVING such exceptions and reservations as are contained in prior deeds in the chain of title.

BEING the same premises as were conveyed to Wasco Worcolick, also known as Wasco Warholic, also known as Wasco Varholic, by deed of David K. Ramey dated July 10, 1924, and entered for record in Clearfield County Deed Book Volume 539, Page 247.

The said Wasco Varholic, a widower, also known as Wasco Worcolick, also known as Wasco Warholic, died testate on February 8, 1968, and by his Last Will and Testament dated October 22, 1963, and duly entered for probate in Clearfield County Will Book 13, Page 565, devised his entire estate to his son, Michael Warholic, Grantor herein.

## NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

*Ronald E. Archer*

*Barry A. Fox*  
Barry A. Fox

*Tammy Fox*  
Tammy Fox

This

*20th*

day of

*October*

*1990*

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

EXHIBIT "A"

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— AND —

BARRY A. FOX and TAMMY FOX, his wife, both of R. D. 1, Box 67, Fallen Timber, Pennsylvania 16539, as tenants by the entireties, Grantees and Parties of the Second Part.

**WITNESSETH**, That in consideration of

FIVE THOUSAND AND 00/100 (\$5,000.00) DOLLARS ----- Dollars,  
in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant  
and convey to the said grantees, their heirs and assigns. —

**ALL** those certain pieces or parcels of land situate, lying and being in Culch Township, Clearfield County, Pennsylvania, bounded and described as follows:

**THE FIRST THEREOF:** BEGINNING at a post on the North side of Patton Street and on the Western side of an unnamed Street; thence along the Western side of said unnamed Street North Fifty-eight degrees Thirty-nine minutes West (N 58° 39' W) Four Hundred Thirty-five and Six tenths (435.6') feet to a point; thence by land of Ramey Estate South Thirty-one degrees Twenty-one minutes West (S 31° 21' W) Two Hundred (200') feet to other land of said Grantors; thence by Grantors' land South Fifty-eight degrees Thirty-nine minutes East (S 58° 39' E) Four hundred Thirty-five and Six tenths (435.6') feet to a post on the Northern side of Patton Street; thence along the Northern side of Patton Street North Thirty-one degrees Twenty-one minutes East (N 31° 21' E) Two Hundred (200') feet to the post at the place of beginning. CONTAINING two (2) acres, more or less. Being further identified by Clearfield County Assessment No. 118-K16-513-0C007.

EXCEPTING and RESERVING such exceptions and reservations as are contained in prior deeds in the chain of title.

BEING the same premises as were conveyed unto Wasco Warholic, also known as Wasco Worcolick, also known as Wasco Warholic, by deed of Paul Santoro, et ux, dated April 23, 1920, and entered for record in Clearfield County Deed Book Volume 242, Page 286.

**THE SECOND THEREOF:** BEGINNING at a post corner on the Northwestern side of an alley and which post is South Thirty degrees Forty-four minutes

EXHIBIT "A"  
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FILED

1 cc to William Donovan's

APR 8/11:45 ~~EST~~

office

NOV 14 2002

W. Donovan pd.

20:00

William A. Shaw  
Prothonotary