

03-544-CD  
RODNEY STRAW, ETAL. vs. KIMBERLY S. HORTON, etal.

STIPULATION AGAINST LIENS

03-544-cs

**THIS AGREEMENT**, made the 11<sup>th</sup> day of April, 2003, by and between RODNEY STRAW, t/d/b/a STRAW CONSTRUCTION, of 8339 Cherry Corner Road, Curwensville, Pennsylvania, hereinafter referred to as "**CONTRACTOR**",

**FILED**

APR 11 2003

**AND**

William A. Shaw  
Prothonotary

KIMBERLY S. HORTON and AMY L. HORTON, husband and wife, of 120 McGee Avenue, Curwensville, 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 Ferguson Township, Clearfield County, Pennsylvania, more particularly bounded and described as follows:

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 11<sup>th</sup> day of April, 2003.

Signed, Sealed and Delivered  
in the presence of

WITNESS:

Linda C. Lewis

STRAW CONSTRUCTION

By

Rodney Straw  
Rodney Straw

ALL those certain pieces of land together with buildings erected thereon, situate in Ferguson Township, Clearfield County, Pennsylvania, which are more particularly bounded and described as follows:

Parcel No. 1 BEGINNING at a post corner of Olen McCracken and Township Road; thence North, thirty degrees fifteen minutes East ( $N 30^{\circ} 15' E$ ), along Olen McCracken land four hundred twelve and one-half ( $412 \frac{1}{2}'$ ) feet to post; thence along Cartha J. Derrick's land, North eighty-six and one-fourth degrees West ( $86 \frac{1}{4}^{\circ} W$ ) four hundred twenty-nine ( $429'$ ) feet to a post; thence along a line parallel to first line about four hundred twelve ( $412'$ ) feet to Township Road; thence along Township Road to place of beginning. Containing four acres (4A), more or less.

Reserving and excepting to the Grantors hereof: coal, fire clay, and all other minerals with the usual mining right and privileges.

Parcel No. 2 ALL the surface and the coal above the "B" seam or vein of coal and one-half the oil and gas in, under and upon all that certain tract or parcel of land situate in the Township of Ferguson, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post corner of land of R. G. McCracken; thence by line of R. G. McCracken, North three degrees fifteen minutes East, sixteen hundred ninety-five (1695) feet to a post; thence North eighty-seven degrees fifteen minutes East, six hundred seventy-four and one-half ( $674 \frac{1}{2}'$ ) feet to a post; thence South twenty-four degrees West six hundred seventy-four (674) feet to a post; thence South fifteen and one-half degrees East seven hundred nineteen and five-twelfths ( $719.5/12$ ) feet to a post; thence by line of Philip McCracken South thirty-seven degrees fifty minutes West, three hundred twenty-two and three twelfths ( $322.3/12$ ) feet to a post; thence South seventy-two and one-half degrees West four hundred eighty-three (483) feet to post and place of beginning. Containing twenty acres and ninety-one perches, and being made up of two pieces of land; one containing seven acres and one hundred fifty-one perches and the other twelve acres and one hundred perches.

Parcel No. 3 BEGINNING at the southwest corner of the Robert G. McCracken farm and running thence in an easterly direction about two hundred four (204) rods to the

southeast corner thereof; thence North 4° 40' East seven hundred (700) feet to a public road; thence following the division line run during the month of November, 1924, by E. W. Hess the following courses and distances; South 86° West three hundred ninety (390) feet along said public road to a point South 81° 18' West six hundred fourteen and five tenths (614.5) feet along said public road to a point; North 81° 43' West two hundred fifty-two and seven tenths (252.7) feet along said public road to a point; North 74° West one hundred seventy-seven (177) feet to a point; thence leaving said public road North 4° 54' West two hundred thirty-four and five tenths (234.5) feet to a point; North 2° 50' East three hundred fifty-six and five tenths (356.5) feet to a point; North 74° 28' West two hundred eighty-one (281) feet to a point; South 5° 28' East one hundred eighty-two and two tenths (182.2) feet to a point; South 4 ° 27' East one hundred eighty-four and four tenths (184.4) feet to a point on the same public road previously mentioned; thence along said public road North 51° 34' West one hundred eighty-one and three tenths (181.3) feet; North 54° 35' West three hundred forty-three and two tenths (343.2) feet; North 59° 7' West four hundred (400) feet to a point beyond the curve of said road; thence South 19° 9' West two hundred fifty-eight and three tenths (258.3) feet; South 14° 30' West one hundred eighty-seven and five tenths (187.5) feet; South 89° 56' West one hundred thirty (130) feet; North 88° 19' West one hundred forty-five (145) feet; South 12° 4' West four hundred twenty-six (426) feet; South 11° 27' West one hundred eighty-three and seven tenths (183.7) feet; North 78° 14' West three hundred forty-two (342) feet; North 73° 45' West one hundred ninety-two (192) feet to a point in the Western boundary line of said Robert G. McCracken farm, said point being the Western end of said division line referred to; thence in a southerly direction three hundred thirty (330) feet to corner and place of beginning. The tract above described being the remainder or southern portion constituting practically one-half (1/2) of the area of said 100 acre tract conveyed by Lewis Earhard et al. to Robert G. McCracken by deed dated October 2, 1895, recorded in Clearfield County in Deed Book 88, page 546, in which deed the coal under the whole of said one hundred acre tract is reserved.

Reserving and excepting, in addition to said coal, to Lee McCracken, his heirs and assigns, all the oil, gas, fire clay and other clays and minerals, in addition to the coal

together with the right of ingress, egress and regress to prospect for, dig, shaft, mine and remove said oil, gas, fire clay, and other clays and minerals hereby reserved, including the right to strip the surface and the right to build and maintain such roads, tramways, openings, chutes, shafts and drifts thereon as may be convenient for the mining and removal of the same, and the right to haul and transport minerals from other properties adjacent to the same through any openings or operations on the above described premises; the grantee for himself, his heirs and assigns hereby waiving and releasing all and any damages which may be done to the surface or to the waters thereon or thereunder by reason of the mining and removal of any and all of said oil, gas, fire clay and other clays and minerals.

Tracts 1, 2, and 3 are known as the "Olen McCracken farm".

Parcel No. 4 BEGINNING at a post on the bank of the West Branch of the Susquehanna River on line of George Stubb's land (formerly McCracken's land); thence South 13 degrees West 53 perches to an old hemlock stump corner of Lewis Earhard's land (formerly George Straw's land); thence by said Lewis Earhard's land North 50 degrees West 152 perches to stones and old pointer; thence North 13 degrees East 60 perches to old sugar pointer on bank of Susquehanna River; thence by said river down the same by the meanderings thereof to line of George Stubb's lands (formerly McCracken's land) and place of beginning. Containing fifty-one and three tenths (51 and 3/10) acres.

Parcel No. 5 BEGINNING at a corner on the bank of the Susquehanna River; thence along line of F. C. Bell then to corner of Philip McCracken; thence along line of Philip McCracken to lines of D. G. Campbell, then corner of George Straw line; thence to Susquehanna River to corner of Kirk Estate; thence along the Susquehanna River to place of beginning. Containing sixty-eight (68) acres, more or less.

BEING the same premises conveyed to the Mortgagors herein by deed of Thomas K. Kelly and Susan K. Kelly dated July 31, 2001 and recorded in the Office of the Register and Recorder for Clearfield County as Instrument No. 20011844.

EXCEPTING and RESERVING all that certain piece or parcel of land conveyed to Kimberly Ann Myers by Deed dated February

25, 2002 and recorded in the Office of the Register and Recorder for Clearfied County as Instrument No. 200203057, bounded and described as follows:

BEGINNING at a point on the center line of Township road T-324, said point being South 33 degrees 43 minutes 21 seconds east a distance of 51.55 feet from a 3/4" pipe (found) at the southeast corner of lands of Martin D. and Donna M. McGary, said place of beginning being the northwest corner of the parcel herein conveyed and running; Thence along the center line of Township Road T-324 the following courses and distances: south 57 degrees 03 minutes 02 seconds east a distance of 51.24 feet to a point; south 58 degrees 15 minutes 53 seconds east a distance of 54.19 feet to a point; south 49 degrees 02 minutes 21 seconds east a distance of 55.59 feet to a point; south 36 degrees 44 minutes 43 seconds east a distance of 56.12 feet to a point; south 27 degrees 01 minutes 13 seconds east a distance of 56.41 feet to a point; south 20 degrees 40 minutes 58 seconds east a distance of 56.40 feet to a point, said point being at the center line intersection of Township Road T-324 with the existing dirt driveway; Thence along the center line of the existing dirt driveway and through lands of the Grantor for a new subdivision line the following courses and distances: south 83 degrees 40 minutes 46 seconds west a distance of 32.97 feet to a 3/4" rebar (set); north 84 degrees 35 minutes 28 seconds west a distance of 41.79 feet to a point; north 79 degrees 28 minutes 58 seconds west a distance of 88.28 feet to a point; north 80 degrees 42 minutes 35 seconds west a distance of 82.42 feet to a point; north 83 degrees 17 minutes 55 seconds west a distance of 85.29 feet to a 3/4" rebar (set); Thence still through lands of the Grantor for a new subdivision line north 30 degrees 11 minutes 49 seconds east passing through a 3/4" rebar (set) at a distance of 182.69 feet and continuing on for a total distance of 232.69 feet to a point in the center line of Township Road T-324 and place of beginning.

Containing an area of 1.00 acres, and being more fully described and depicted on a plan prepared by Curry & Associates dated December 10, 2001.

Excepting and reserving unto the Grantors their heirs and assigns a 20 foot right of way (10 foot on each side of the southern line or center line of said driveway as mentioned

in the above described parcel) for the right of egress, ingress and regress over, through and upon said 20 foot wide right of way and also being for the common use of the Grantees, their heirs and assigns here above described to gain access to both the residue lands and the parcel herein described.