

03-721-CD
NEW ERA EXCAVATING vs. Gary L. Hendershot

03-721-CD

NON LIEN AGREEMENT

THIS AGREEMENT, made and entered into this 1ST day of MAY, 2003, by and between JAMES B PETERS OF NEW ERA EXCAVATING, hereinafter designated as Contractor, and GARY L & MARY B HENDERSHOT, H/W, hereinafter designated as Owner.

WITNESSETH: That by a certain contract, of even date herewith, the Contractor, in consideration of the covenants to be performed and payments to be made by or on account of the Owner, did covenant and agree to furnish all labor and materials and perform all work necessary to complete in the most substantial manner and to the satisfaction and acceptance of the Owner,

NOW THEREFORE, the Contractor, in consideration of the sum of One (\$1.00) Dollar and of the covenants and provisions in said contract contained, does hereby covenant, stipulate and agree, and it is also covenanted, stipulated and agreed in the above recited contract, as follows:

Contractor shall erect a single family residential dwelling on property situate in the TOWNSHIP OF GRAHAM County of CLEARFIELD, Commonwealth of Pennsylvania, and being know as
123 BAUGHMAN LANE, MORRISDALE, PA 16858
LEGAL DESCRIPTION ATTACHED

That there shall be no lien or right to file a lien against the structures or improvements contracted for in the above recited contract, or any part or parts thereof, or the site thereof, for work or labor done or materials furnished in the performance of the work embraced in said recited contract, or any part or parts thereof, or extra work thereunder or changes made therein; and that no such lien or claim shall be filed, or in any way attempted to be enforced by, or on behalf of, the contractor, or by or on behalf of, any sub-contractors, material men or other persons concerned in or about the performance of the work embraced in said contract; nor shall there be any claim for work or materials against the Owner, his heirs, executors, administrators or assigns, other than the legal claim of the Contractor as provided in said contract.

It is the full intent of the Contractor, for himself and for any sub-contractors or material men claiming for themselves, or by, through or under the contract, that the right to file a mechanics' lien, under the provisions of Acts of Assembly in such cases made and provided, for work done or materials furnished in and about the erection, construction or repairs of the building and improvements above described, is hereby waived.

IN WITNESS WHEREOF, the parties to these presents have herunto set their hands and seals the day and year first written.

WITNESSES:

<u>Alene Kolan</u>	<u>James B Peters</u> (SEAL) NEW ERA EXCAVATING, Contractor
<u>Alene Kolan</u>	<u>Gary L Hendershot</u> (SEAL) GARY L HENDERSHOT, Owner
<u>Alene Kolan</u>	<u>Mary B Hendershot</u> (SEAL) MARY B HENDERSHOT, Owner

I HEREBY CERTIFY THE PRECISE PROPERTY ADDRESS IS: 123 BAUGHMAN LANE,
MORRISDALE, PA 16858
Alene Kolan

ALL THAT CERTAIN PIECE AND PARCEL OF LAND SITUATED IN THE TOWNSHIP OF GRAHAM COUNTY OF CLEARFIELD AND STATE OF PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE NORTH SIDE OF A FIFTY FOOT (50.0) WIDE ACCESS ROAD. SAID POINT IS ALSO THE SOUTHEAST CORNER OF LOT NO. 2, THENCE ALONG LOT NO. 2 AND LOT NO. 1 NORTH NO DEGREES, FIVE MINUTES, FORTY-FIVE SECONDS EAST (N 00° 05' 45" E), THREE HUNDRED FORTY-EIGHT AND NINETY-THREE HUNDREDTHS FEET (348.93) TO AN IRON PIN ON LINE OF, NOW OR FORMERLY, ALTHEA M. HUBLER; THENCE ALONG LANDS OF SAME, NORTH EIGHTY-NINE DEGREES, THIRTY-THREE MINUTES EAST (N 89° 33' E), TWO HUNDRED FIFTY-ONE FEET (251.0) TO AN IRON PIN AND ALSO THE NORTHWEST CORNER OF LOT NO. 7; THENCE ALONG LOT NO. 7 SOUTH NO DEGREES, FIVE MINUTES, FORTY-FIVE SECONDS WEST, (S 00° 05' 45" W), THREE HUNDRED FORTY-EIGHT AND NINETY-THREE HUNDREDTHS FEET (348.93) TO AN IRON PIN LOCATED ON THE NORTH SIDE OF A FIFTY FOOT (50.0) WIDE ACCESS ROAD; THENCE ALONG SAID ROAD, SOUTH EIGHTY-NINE DEGREES, THIRTY-THREE MINUTES WEST (S 89° 33' W) TWO HUNDRED FIFTY-ONE FEET (251.0) TO AN IRON PIN AND PLACE OF BEGINNING. KNOWN AS LOT NO. 5 ON MAP PREPARED BY P.R. MONDOCK FOR SHIROKEY SURVEYS AND DATED MAY 25, 1999. CONTAINING 2.0105 ACRES.

SAID PROPERTY HAVING BEEN APPROVED AS PART OF A SUBDIVISION IN GRAHAM TOWNSHIP, CLEARFIELD COUNTY PENNSYLVANIA AND RECORDED IN CLEARFIELD COUNTY ON AUGUST 17, 1999 AS INSTRUMENT NUMBER 199913160 AND BEING SUBJECT TO ANY RESTRICTIONS APPEARING THEREON.

BEING PARCEL 116-Q08-00-000-43