

03-901-CD
MARGARET J. FISH, etal, vs. FRANCES ZAPSKY, etal.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JUN 19 2003

NO. 03-901 -CD

William A. Shaw
Prothonotary

STIPULATION AGAINST LIENS

THIS AGREEMENT, made this 19th day of June, 2003, BETWEEN
MARGARET J. FISH and CHARLES L. HERR, both of 311 Pruner Street, Osceola
Mills, Clearfield County, Pennsylvania 16666, herein referred to as Owners,

- A N D -

FRANCES ZAPSKY, of MOSHANNON CONSTRUCTION, of Madera, Clearfield
County, Pennsylvania, herein referred to as Contractor,

WHEREAS, MARGARET J. FISH and CHARLES L. HERR, Owners
herein, is about to execute contemporaneously herewith, a contract, with FRANCES
ZAPSKY t/d/b/a MOSHANNON CONSTRUCTION, Contractor herein to provide
materials and/or to perform labor necessary for the construction and erection or the
alteration and repair of (a) building(s) upon those certain pieces or parcels of land
situated in Decatur Township, County of Clearfield and Commonwealth of
Pennsylvania, bounded and described as follows:

ALL that certain lot or piece or parcel of land situate in Decatur Township, Clearfield County,
Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the southern side of T-655, said pin being the northeast
corner of the property herein described; thence along said T-655 South 20 degrees 31 minutes
11 seconds East a distance of 10.97 feet to a point; thence along the same South 31 degrees 18
minutes 34 seconds East a distance of 131.11 feet to a point; thence along the same South 35
degrees 16 minutes 29 seconds East a distance of 56.79 feet to an iron pin; thence along the line
of land of Merle and Joyce Fahr South 37 degrees 18 minutes 38 seconds West a distance of 207.89
feet to an iron pin; thence along the line of land of Paul Scott Mills and Cindy L. Mills North 43
degrees 15 minutes 47 seconds West a distance of 558.81 feet to an iron pin; thence along the line
of Parcel 1 of the Mease Road Subdivision South 79 degrees 46 minutes 22 seconds East a distance
of 410.74 feet to an iron pin and the point of beginning. Containing 2.00 acres, more or less, as
shown on the Herr Subdivision as prepared by George A. Cree, Registered Surveyor dated
August 8, 2001 and filed for record to Instrument No. 200115269 and Map File No. 2410.

NOW, the day and date first above written, and at the time of and immediately before the execution of the principle contract, and before any authority has been given by the said owners 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 owner and the further consideration of one (\$1.00) to contractor paid by owner, it is hereby agreed by and between the said parties hereto that the said contractor for themselves and their sub-contractor and all parties acting through or under them, covenant and agree that no mechanics lien or claim shall be filed or maintained by them, or any of them, against the said building and lot of ground appurtenant thereto, for or on account of any work done or materials furnished by them, or any of them, under the principle contract or otherwise for, toward, in, or about the erection and construction of the said building, and the said contractor, for themselves and their sub-contractor and others under them, hereby expressly waive and relinquish the right to have or maintain any mechanics lien or claim against the said building or the lot of ground appurtenant thereto, and that this agreement waiving the right of lien shall be an independent covenant.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands and seals this day and date first above written.

WITNESSES:

By Frances Zapsky
FRANCES ZAPSKY, Contractor

Margaret J. Fish
MARGARET J. FISH, Owner

Charles L. Herr
CHARLES L. HERR, Owner