

03-1167-CD
WALTMAN BROTHERS CONST. vs. ARDEN R. FRY , et al

AUG 08 2003

William A. Shaw
Prothonotary/Clerk of Courts

THIS AGREEMENT made the 8th day of August, 2003, by and between Waltman Brothers Construction, a Pennsylvania general partnership with a mailing address of RD 1 Box 202, Anita, Pennsylvania 15711, hereinafter referred to as Contractor,

AND

Arden R. Fry and Mary Jo Fry, husband and wife, of 39 Fisher Road, Westover, Pennsylvania, 16692, hereinafter referred to as Owners, whereby the former undertook and agreed to erect a one-story ranch home with a loft on ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Burnside, County of Clearfield and State of Pennsylvania, being more particularly bounded and described as follows:

BEGINNING at a nail in the centerline of Township Route 315 at a corner common to lands now or formerly of Norman D. Yingling, et ux. and the lands herein described; thence with the centerline of said Township Route 315 South 61° 07' 23" East for a distance of 244.98 feet to a nail in the centerline of said Township Route 315; thence through lands of which this is part, the following courses and distances: South 18° 45' 39" West for a distance of 339.32 feet to an iron pin; thence North 71° 25' 15" West for a distance of 241.17 feet to an iron pin at a corner common to lands now or formerly of Norman D. Yingling, et ux. and the lands herein described; thence along the lands now or formerly of Norman D. Yingling, et ux. North 18° 45' 39" East for a distance of 383.11 feet to a nail, the point and place of beginning. Containing 2.00 acres, more or less, as shown as Lot No. 1 of the Fry Subdivision prepared by CPS Surveys, Inc., Ebensburg, Pennsylvania on October, 2002, which is recorded in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania to Instrument No. 200302802.

BEING that certain piece, parcel or tract of land title to which became vested in Arden R. Fry and Mary Jo Fry, husband and wife, by deed of Norman R. Fry and Tonya L. Fry, husband and wife, dated March 25, 2003 and recorded on March 27, 2003, in the Recorder of Deeds Office in and for Clearfield County, Pennsylvania; to Instrument No. 200304832.

NOW THEREFORE, THIS AGREEMENT WITNESSETH: That the said Contractor, for and in consideration of the sum of (\$1.00) Dollar to them in hand paid by Owners, the receipt whereof is hereby acknowledged, and the 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 building and the piece, parcel or tract 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 building on the piece or parcel 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 building 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 8th day of August, 2003.

Signed, Sealed and Delivered
in the Presence of

WALTMAN BROTHERS CONSTRUCTION

Michelle M. Anderson
WITNESS

 (Seal)
JOHN H. WALTMAN, general partner

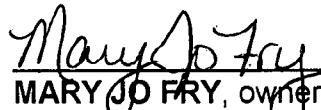
Michelle M. Anderson
WITNESS

 (Seal)
RICHARD W. WALTMAN, general partner

Michelle M. Anderson
WITNESS

 (Seal)
ARDEN R. FRY, owner

Michelle M. Anderson
WITNESS

 (Seal)
MARY JO FRY, owner

STATE OF PENNSYLVANIA

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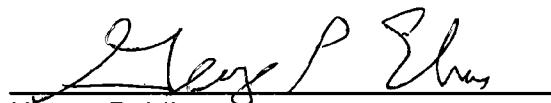
* **SS:**

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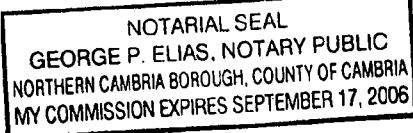
COUNTY OF CAMBRIA

On this, the 8th day of August, 2003 before me the undersigned officer, personally appeared John H. Waltman and Richard W. Waltman, being all the general partners of Waltman Brothers Construction, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public



STATE OF PENNSYLVANIA

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* **SS:**

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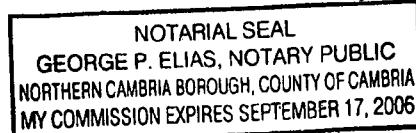
COUNTY OF CAMBRIA

On this, the 8th day of August, 2003 before me the undersigned officer, personally appeared Arden R. Fry and Mary Jo Fry, husband and wife, Owners, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public



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