

03-1614-CD

DAVID L. LINDSTROM, et al. vs. MICHAEL W. OWENS & SONS

FILED

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

OCT 29 2003

NO. 03- 1614 -CD

William A. Shaw
Prothonotary/Clerk of CourtsSTIPULATION AGAINST LIENS

THIS AGREEMENT, made this 29th day of October, 2003, **BETWEEN** DAVID L. LINDSTROM and ELIZABETH J. LINDSTROM, husband and wife, of 4081 Winburne Munson Road, Morrisdale, Clearfield County, Pennsylvania 16858, herein referred to as Owners,

- A N D -

MICHAEL W. OWENS & SONS CUSTOM HOMES, of 5796 Clearfield/Woodland Highway, Clearfield County, Pennsylvania 16830, herein referred to as Contractor,

WHEREAS, DAVID L. LINDSTROM and ELIZABETH J. LINDSTROM, husband and wife, Owners herein, is about to execute contemporaneously herewith, a contract, with MICHAEL W. OWENS & SONS CUSTOM HOMES, 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 Cooper Township, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

ALL that certain piece or parcel of land situated in the Township of Cooper, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the North side of State Route No. 2035. Said point is also the Southeast corner of the Forest Evangelical Cemetery; thence along same North 20 degrees 36 minutes 05 seconds East 91.51 feet to an iron pin and also the Northeast corner of same; thence still along same North 70 degrees 11 minutes 02 seconds West 142.31 feet to an iron pin and also the corner of lands now or formerly of Joseph and Amanda Lesnick; thence along lands of same North 7 degrees 30 minutes 40 seconds East 560.0 feet to an iron pin; thence along lands now or formerly of Fredrick W. and Rhonda Rascoe South 5 degrees 28 minutes 32 seconds East 330.0 feet to an iron pin and also the northwest corner of Lot No. 1; thence along Lot No. 1 South 5 degrees 39 minutes West 607.76 feet to an iron pin located on the North side of above mentioned State Route No. 2035; thence along said road North 79 degrees 56 minutes 25 seconds West 127.27 feet to an iron pin; thence still along said road North 70 degrees 02 minutes 15 seconds West 91.86

feet to an iron pin and place of beginning. Being known as Lot No. 2 on map prepared by P R. Mondock for Shiscokey Surveys and dated July 31, 2000. Containing 4.4624 acres.

Being identified as Tax Map No. 110-S09-000-00152.

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:

James A. Michaels

MICHAEL W. OWENS & SONS CUSTOM HOMES

By

By Michael Ows
David L. Lindstrom
DAVID L. LINDSTROM, Owner

DAVID L. LINDSTROM, Owner

Elizabeth Lindstrom
ELIZABETH J. LINDSTROM, Owner

ELIZABETH J. LINDSTROM, Owner