

04-532-CD
EUGENE F. EICHENLAUB, et al. vs. LUMADUE EXCAVATING

Eugene Eichenlaub et al vs Lumadue Excav.
2004-532-CD

COVENANT AGAINST LIENS

04-532-CD

THIS AGREEMENT made this 15th day of April, 2004,

between EUGENE F. EICHENLAUB and LANA M. EICHENLAUB, of 2222 North McQueen
Road, Apt. 1140, Chandler, Arizona, hereinafter referred to as "Owners",

FILED

APR 16 2004

- A N D -

FRED LUMADUE, trading and doing business as LUMADUE EXCAVATING, hereinafter

William A. Shew

Prothonotary Clerk of Courts

referred to as "Contractor".

WHEREAS, Eugene F. Eichenlaub and Lana M. Eichenlaub, owners herein, are about to execute contemporaneously herewith, a contract, with Lumadue Excavating, Contractor herein, for certain construction work to be performed upon certain lots of land situate and described as follows:

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

BEGINNING at an iron pin on the Southern side of the right-of-way of Township Road 757, which iron pin is also the Northeastern corner of lands currently owned by Norman R. Collins and Patricia L. Collins; thence South Eighty-five Degrees Fifty-eight Minutes Forty Five Seconds East (S 85° 58' 45" E) along the Southern side of the right-of-way of Township Road 757 a distance of Thirty-four and Fifty-seven One Hundredths Feet (34.57') to an iron pin; thence South Two Degrees Twenty-two Minutes Thirty-two Seconds West (S 02° 22' 32" W) through the lands of Lewis Lumadue and Melva Lumadue, Grantors herein, a distance of Seven Hundred Fifty-one and Forty One Hundredths Feet (751.40') to an iron pin, which iron pin is at the Northwestern corner of lands of Marvin L. Lumadue; thence South Two Degrees Twenty-two Minutes Thirty-two Seconds West (S 02° 22' 32" W) along the lands of the said Marvin L. Lumadue a distance of Sixty-two and Zero One Hundredths Feet (62.00') to an oak tree, which oak is at the Northeastern corner of lands of Darrel D. Collins and Doris J. Collins; thence South Seventy-two Degrees Eighteen minutes Fifteen Seconds West (S 72° 18' 15" W) along the lands of the said Darrel D. Collins and Doris J. Collins a distance of Two Hundred Fifty and Zero One Hundredths Feet (250.00') to an iron pin, which iron pin is the Northwestern corner of the lands of the said Darrel D. Collins and Doris J. Collins; thence South Two Degrees Twenty-two Minutes Thirty-two Seconds West (S 02° 22' 32" W) along the lands of the said Darrel D. Collins and Doris J. Collins a distance of Two Hundred Fifty-eight and Twenty-one One Hundredths Feet (258.21') to an iron pin on the Northern side of the

right-of-way of Township Road 759, which iron pin is at the Southwestern corner of the lands of the said Darrel D. Collins and Doris J. Collins; thence South Sixty-seven Degrees Forty-three Minutes Ten Seconds West (S 67° 43' 10" W) along the Northern side of the right-of-way of Township Road 759 a distance of Fifty-three and Thirty-three one Hundredths Feet (53.33') to an iron pin, which iron pin forms a corner of lands of Edna M. Kephart and Gerald Kephart; thence North Five Degrees Twenty-one Minutes Two Seconds East (N 05° 21' 02" E) along the lands of the said Edna M. Kephart and Gerald Kephart a distance of Seven Hundred Thirty-five and Seventy-one One Hundredths Feet (735.71') to a one-inch iron pin, which iron pin forms a corner of lands of Edna M. Kephart and Gerald Kephart at the point where said lands meet the lands of Norman R. Collins and Patricia L. Collins; thence North Two Degrees Thirty-five Minutes Zero Seconds East (N 02° 35' 00" E) along the lands of Norman R. Collins and Patricia L. Collins a distance of Two Hundred Forty-two and Ninety-two One Hundredths Feet (242.92') to an iron pin; thence South Eighty-five Degrees Fifty-eight Minutes Fifty-one Seconds East (S 85° 58' 51" E) a distance of Two Hundred Nine and Zero One Hundredths Feet (209.00') to an iron pin, which iron pin forms the Southeastern corner of lands of Norman R. Collins and Patricia L. Collins; thence North Two Degrees Thirty-four Minutes Forty-six Seconds East (N 02° 34' 46" E) along the lands of the said Norman R. Collins and Patricia L. Collins a distance of Two Hundred Nine and Zero One Hundredths Feet (209.00') to an iron pin on the Southern side of the right-of-way of Township Road 757 and the place of beginning. Containing 4.213 acres more or less.

BEING a portion of the premises previously conveyed to Lewis G. Lumadue and Melva V. Lumadue by Deed of Harry B. Varner dated October 17, 1942 and recorded in the Recorder's Office of Clearfield County, Pennsylvania on November 20, 1942 at Deed Book Vol. 348, Page 242. The said Lewis G. Lumadue having become deceased on April 6, 1992, title to the subject premises became vested solely in Melva V. Lumadue, Grantor herein, as surviving tenant by the entireties.

ALSO BEING the same premises identified as Lot No. 1 in the Lewis and Melva Lumadue subdivision dated November 7, 2003 and recorded in the Recorder's Office of Clearfield County, Pennsylvania on December 23, 2003 at Instrument No. 200323179, which map is hereby incorporated herein by reference.

NOW, the day and date first above written, and at the time of and immediately before the execution of the principal contract, and before any authority has been given by the said Owners to the said Contractor to commence work or purchase materials upon the same, in consideration of the making of the said contract and the further consideration of One (\$1.00) Dollar to Contractor paid by Owners, receipt whereof is hereby acknowledged, it is hereby agreed by and between the said parties hereto that the said Contractor, for themselves, their subcontractors and all other parties acting through or under them, hereby covenants and agrees that no mechanics lien or claim shall be filed or maintained by them, or any of them, against the subject premises for or on account of any work done or materials furnished by them or any of them under the principal contract or otherwise for, toward, in, or about the said construction; and the said contractor, for themselves, their subcontractors and all others under them, hereby expressly waives and relinquishes the right to have or maintain any mechanics lien or claim against the subject premises, and that this agreement waiving the right of lien shall be an independent covenant.

Eug Eich
Eugene F. Eichenlaub

Lana M. Eichenlaub
Lana M. Eichenlaub

Fred Lumadue
Fred Lumadue, t/d/b/a Lumadue Excavating

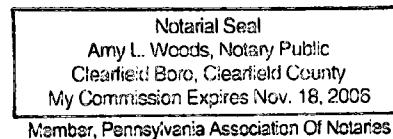
By:

COMMONWEALTH OF PENNSYLVANIA : : SS
COUNTY OF CLEARFIELD : :

Before me, the undersigned officer, personally appeared FRED LUMADUE, known to me or satisfactorily proven to be the same, who, being duly sworn according to law, acknowledged that he executed the foregoing instrument for the purposes contained therein.

In witness whereof, I have hereunto set my hand and official seal this 16th day of April, 2004.


Notary Public



FILED Amy Collins
01/31/04 pd. 20.00
APR 16 2004
No CC

William A. Straw
Prothonotary Clerk of Courts