

04-824-CD
BETH A. AUGHENBAUGH, et al. vs. THOMAS A. COULTER, et al.

Beth Aughenbaugh et al vs Thomas Coulter e
2004-824-CD

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

WHEREAS, **BETH A. AUGHENBAUGH and RYAN J. AUGHENBAUGH**, currently of 10168 Mahaffey-Grampian Highway, Grampian, Clearfield County, Pennsylvania, 16838 hereinafter called "OWNER", on or about

6/7/, 2004, entered into a Contract with Thomas A Coulter, t/d/b/a,
Date of Contract Name of Owner

Coulter Custom Log Homes, of 43 Elizabeth St Extension, Curwensville, PA 16833
Name of Company Address, City, County, State and Zip Code

Clearfield County, Pennsylvania, hereinafter called "CONTRACTOR", for the purpose of construction of home, in

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accordance with the plans and specifications attached to said Contract, upon **ALL** that certain lot or piece of land, situate in the Township of Pike, County of Clearfield and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post corner, said corner being North twenty-seven (27) degrees fourteen (14) minutes West fifty-five (55) feet from post corner of parcel of land of which this is a part; thence North twenty-seven (27) degrees fourteen (14) minutes West, four hundred and seventy-seven (477) feet to a post; thence South forty-nine (49) degrees eighteen (18) minutes West six hundred and forty- seven and seven tenths (647.7) feet to a post corner; thence South fifty-five (55) degrees thirty-nine (39) minutes West ninety-seven and seven tenths (97.7) feet to an iron pin in center of run on line of now or formerly Simon Kavalak; thence by line of said now or formerly Simon Kavalak South fourteen (14) degrees fifteen (15) minutes East seven hundred and seventy (770) feet to a post; thence by residue of this parcel of land North sixty-three (63) degrees twenty-three (23) minutes East, three hundred and seventy-three (373) feet to a post; thence by same North eleven (11) degrees twenty-six (26) minutes West four hundred and sixty-six (466) feet to a post; thence by same North sixty-four (64) degrees twenty-one (21) minutes, East three hundred and eighty-nine and eight tenths (389.8) feet to post and place of beginning, and containing ten and seven tenth (10.7) acres.

Map Number I09-000-00084

RESERVING however, a right of way ten (10) feet in width across the above described premises for the purpose of hauling coal from a mine as having been reserved by a former grantor.

EXCEPTING AND RESERVING from the above listed piece or parcel of land the

following description that vested in Martin J. Mayersky and Gena J. Mayersky, husband and wife, as tenants by the entireties, by Deed from Helen P. Mayersky, Widow, dated July 11, 1978, as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 765, page 416:

Beginning at an iron pipe, said iron pipe being located in the Eastern Right-of-Way line of a dirt road, and said iron pipe being eight hundred twenty-one (821) feet in a Southerly direction along said dirt road from the centerline of Township Road T-494, and said iron pipe being the Northwest corner of the land herein described; thence along said dirt road South thirty-seven (37) degrees twenty-nine (29) minutes East two hundred fifty (250) feet to an iron pipe; thence along the line of land now or formerly of Mary A. Wellgus North sixty-two (62) degrees forty-two (42) minutes East one hundred ninety-five (195) feet to an iron pipe; thence continuing along now or formerly Wellgus land North twenty-seven (27) degrees fourteen (14) minutes West two hundred fifty (250) feet to an iron pipe; thence through residue of land now or formerly George and Helen Mayersky South sixty-one (61) degrees forty-eight (48) minutes West two hundred forty (240) feet to an iron pipe and place of beginning. Containing 1.24 acres.

ALSO EXCEPTING AND RESERVING from the above listed piece or parcel of land the following description that vested in Robert S. Goodman and Linda S. Goodman, husband and wife, as tenants by the entireties, by Deed from Helen P. Mayersky, widow, dated September 20, 1978, as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book 769, page 238:

Beginning at an iron pipe, said iron pipe being located in the East side of a dirt road, said iron pipe being located Seven hundred eighty-seven and five tenths (787.5) feet in a southerly direction along said dirt road from the center line of Township Road T-494 and being located North thirty-seven (37) degrees twenty-nine (29) minutes West a distance of Thirty-three and four tenths (33.4) feet from the northwest corner of land now or formerly of Martin and Gena Mayersky, and said iron pipe being located at the southwest corner of the parcel herein described; thence along remaining lands now or formerly of George and Helen Mayersky North Sixty-one (61) degrees forty-eight (48) minutes East a distance of Two hundred forty-one and eight tenths (241.8) feet to a iron pipe; thence along line of land now or formerly of Mary A. Wellgus North Twenty-seven (27) degrees fourteen (14) minutes West a distance of Two hundred fifty-five (255) feet to an iron pipe; thence continuing along line of land now or formerly of Mary A. Wellgus South fifty-two (52) degrees fifty-seven (57) minutes West a distance of Two hundred seventy-eight and seven tenths (278.7) feet to an iron pipe on the East side of said dirt road; thence along the East side of said dirt road South thirty-seven (37) degrees twenty-nine (29) minutes East a distance of One hundred eighty-four and five tenths (184.5) feet to an iron pipe and place of beginning. Containing 1.215 acres; a print of said premises having been conveyed was attached to the aforesaid described Deed for further identification.

ALSO EXCEPTING AND RESERVING from the above listed piece or parcel of land the following description that vested in MARY A. WELLGUS and JOSEPHINE V. EVANKO, by Deed from Helen P. Mayersky, widow, dated December 31, 1987, as recorded in the Office of

the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed and Record Book 1201, page 244:

Beginning at an iron pin found on the Eastern most corner of land now or formerly of Robert S. and Linda S. Goodman described in Deed Book 769, Page 238, being on common line of land conveyed to George and Helen Mayersky and also the residue of the Twenty-four (24) acre tract conveyed to Philip G. Wellgus after the sale to George and Helen Mayersky; thence following the line of the Mayersky ten (10) acre tract and the residue of the Wellgus Twenty-four (24) acre tract, South Twenty-seven (27) degrees Fourteen (14) minutes East Thirty-three (33) feet to an iron pin set on corner of tract formerly conveyed to Martin J. Mayersky, et ux., now or formerly Glenn and Diana Stephenson; thence along land now or formerly of Stephenson, South Sixty-one (61) degrees Forty-eight (48) minutes West Two hundred forty (240) feet, passing an iron pin set on said line at Two hundred twenty-seven and sixty-seven one-hundredths (227.67) feet to the edge of an unimproved access road now or formerly used by Stephenson, Mayersky, et al.; thence along said cartway North Thirty (30) degrees twenty-three (23) minutes fifty-one (51) seconds West Thirty-three and three one-hundredths (33.03) feet to the Southern most corner of the lands now or formerly of Robert S. Goodman; thence along said lands now or formerly of Goodman, North Sixty-one (61) degrees Forty-eight (48) minutes East (erroneously referred to as West in prior Deed dated December 31, 1987, as recorded in Deed and Record Book 1201, page 244.) Two hundred forty-one and eight tenths (241.8) feet to the iron pin found a place of beginning. Said parcel contains eighteen one hundred (0.18) of an acre. A plat of a survey made August 25, 1987 by Robert L. Kester, P.L.S., was attached thereto for further identification and description.

BEING the same premises that vested in Ryan J. Aughenbaugh, by Deed dated April 16, 2004, as recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, at Instrument Number 200405766.

NOW, THEREFORE, at the time of and immediately before the execution of the principal Contract, and before any authority has been given by the said, **BETH A. AUGHENBAUGH and RYAN J. AUGHENBAUGH**, husband and wife, to Thomas Culter (Name of Owner), t/d/b/a, Culter Custom Log Homes, (Name of Company) to commence work on said construction of home,

List specific work to be done

or to purchase materials for the same, it is hereby stipulated and agreed by and between the said parties as part of the said Contract and for the consideration therein set forth that neither the undersigned Contractor, and sub-contractor(s), material man, or mechanic, nor any other person furnishing labor and/or materials to the said Contractor under this Contract shall file any Mechanic's or other lien or claim for work done or material furnished in or about the performance of said Contract against the ground herein described, upon which the structure thereon is erected, or against any structure or property whatsoever covered by said Contract. Furthermore, Contractor shall require all sub-contractor(s), material man(en), or mechanic(s), or any other person(s) furnishing labor and/or materials to the said Contractor under this Contract to execute a similar Waiver of Mechanics' Lien as required by Owner's financial institution.

This stipulation is specifically made with the purpose and the intent that it be filed in the Prothonotary's Office of Clearfield county, Pennsylvania, in accordance with, under, and by virtue of the requirements of the Acts of Assembly of Pennsylvania in such case provided, in order to operate as a complete Waiver by the Contractor and all sub-contractors, and material, men, or any other person, of the right to file any Mechanic's Lien of any nature and in any manner.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 26
day of June, 2004.

WITNESS:

Wade
Wade

Beth Augenbaugh (SEAL)
Beth A. Augenbaugh, Owner
Ryan J. Augenbaugh (SEAL)
Ryan J. Augenbaugh, Owner

Thomas A. Coulter (SEAL)
, Contractor

(SEAL)
, Contractor