

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

ROBERT A. HANNA, JR., :
OWNER :
VS. :
PHIL KITKO, d/b/a KITKO :
CONCRETE, :
CONTRACTOR :
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PHIL KITKO, d/b/a KITKO :
CONCRETE, :
CONTRACTOR :
VS. :
ROBERT A. HANNA, JR., :
OWNER :

No.

04-1812-41

0 10:55 AM - 10/20/04
100% atty
NOV 15 2004

STIPULATION AGAINST LIENS

WHEREAS, Robert A. Hanna, Jr., of 724 Don Street, Houtzdale, Clearfield County, Pennsylvania 16651, of the one part, herein called "Owner", and Phil Kitko, d/b/a Kitko Concrete, of 103 Ida Street, Houtzdale, Clearfield County, Pennsylvania 16651, of the other part, herein called "Contractor", did or will enter into a contract for certain improvements to or materials for Owner's lot, situate in Houtzdale Borough, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin at the southeast corner of the intersection of the right-of-way lines of Don Street and Mill Street, said iron pin being the northwest corner of the land herein described; thence along the south right-of-way line of Mill Street North 62 degrees 26 minutes 42 seconds East (N 62° 26' 42" E), a distance of seventy-one and 22/100 feet (71.22 feet) to an iron pin; thence along the residual of land of Karen E. Carter South 10 degrees 03 minutes 59 seconds West (S 10° 03' 59" W), a distance of sixty-four and 42/100 feet (64.42 feet) to an iron pin; thence by same South 78 degrees 30 minutes 00 seconds East (S 78° 30'

00'' E), a distance of one hundred five and 07/100 feet (105.07 feet) to an iron pin; thence by same South 27 degrees 33 minutes 18 seconds East (S 27° 33' 18'' E), a distance of thirty-two and 77/100 feet (32.77 feet) to an iron pin; thence along the north right-of-way line of Centennial Street South 62 degrees 26 minutes 42 seconds West (S 62° 26' 42'' W), a distance of thirty-eight and 96/100 feet (38.96 feet) to an iron pin; thence by same North 78 degrees 30 minutes 00 seconds West (N 78° 30' 00'' W), a distance of one hundred fifty-two and 43/100 feet (152.43 feet) to an iron pin; thence along the east right-of-way line of Don Street North 11 degrees 32 minutes 47 seconds East (N 11° 32' 47'' E), a distance of sixty-nine and 53/100 feet (69.53 feet) to an iron pin and the place of beginning.

CONTAINING 10,870.88 square feet or 0.250 acres.

AND WHEREAS, pursuant to said contract Contractor will or has supplied various materials, supplies and/or labor necessary for the improvements contemplated by said contract; and


WHEREAS, the undersigned has or may acquire the right to file liens against the premises commonly known as mechanics' liens under the Mechanics' Lien Law of the Commonwealth of Pennsylvania.

NOW THEREFORE, in consideration of the price Owner has agreed to pay Contractor for the labor, supplies and materials for the improvements under said contract, it is hereby stipulated and agreed by and between the undersigned and, to the extent permitted by law, their laborers and materialmen, that none of them shall file a lien, commonly known as a mechanics' lien, provided under the Mechanics' Liens Law of the Commonwealth of Pennsylvania for work done or materials furnished for the improvements, or any part thereof, against Owner or the premises and that further, that to the extent that any labor or materials have been furnished prior to the entry of the Mortgage as security for the loan to finance construction of said improvements, that said Mortgage shall constitute a first

and paramount lien against said premises and that all claims or rights of the Contractor are hereby subordinated to the lien of said Mortgage.

WITNESS the due execution of this agreement, and intending to be legally bound hereby, the day and year first above written.

OWNER:


ROBERT A. HANNA, JR.

CONTRACTOR:


PHIL KITKO, d/b/a KITKO CONCRETE