

05-297-CD  
Whaling et al vs Haubert Homes

Donald Whaling et al v. Haubert Homes  
2005-297-CD

05-297-CJ

FILED No cc  
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William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

NO. \_\_\_\_\_

**STIPULATION AGAINST LIENS**

**THIS AGREEMENT**, made this 4th day of March, 2005, **BETWEEN**  
DONALD L. WHALING and MELISSA G. WHALING, husband and wife, of 773 Schuckers  
Orchard Road, Luthersburg, Clearfield County, Pennsylvania 15848, herein referred to as  
Owners,

- A N D -

HAUBERT HOMES, of 73 Beaver Drive, DuBois, Clearfield County, Pennsylvania 15801,  
herein referred to as Contractor,

**WHEREAS**, DONALD L. WHALING and MELISSA G. WHALING, husband  
and wife, Owners herein, are about to execute contemporaneously herewith, a contract,  
with HAUBERT 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 Brady Township, County of  
Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

**ALL** that certain piece or parcel of land situate in the Township of Brady, County of Clearfield, and  
State of Pennsylvania, bounded and described as follows, to wit:

**BEGINNING** at a point being the Southeast corner of the tract being conveyed and being a point  
in the center line of L.R. (erroneously referred to in Deed as S.R.) 17090; thence North 72 degrees  
16 minutes 00 seconds West 638.53 feet along other lands of the Grantor, Gaynelle M. Mitchell, to  
a point on line of Yvonne Hartzfeld; thence along the line of Yvonne Hartzfeld North 6 degrees 53  
minutes 00 seconds East 80.29 feet to a corner of Ronald F. Swope and on line of Yvonne Hartzfeld;  
thence continuing along Ronald F. Swope South 83 degrees 08 minutes East 645.70 feet to a point  
in the center line of L.R. (erroneously referred to in Deed as S.R.) 17090; thence continuing along  
the center line of L.R. (erroneously referred to in Deed as S.R.) 17090 South 9 degrees 40 minutes  
West 150.00 feet to a point; thence along the same South 19 degrees 25 minutes 00 seconds West  
52.10 feet to a point in the center line, the place of beginning. Containing 2.081 acres.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 107-C07-000-  
00087.

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:

HAUBERT HOMES

Melissa Brian

By: Melissa Brian

Donald L. Whaling Jr.  
operator of Brian

Donald L. Whaling Jr.  
DONALD L. WHALING, JR., Owner

Melissa G. Whaling  
MELISSA G. WHALING, Owner