

05-392-CD

B. Hawkins et al vs. Haubert Homes

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Bobby Hawkins et al v. Haubert Homes

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

ESW
FILED *No. ce*
019:13874
MAR 21 2005 *My*
Kesner
William A. Shaw *pd.*
Prothonotary/Clerk of Court *2000*

BOBBY G. HAWKINS and KATHLEEN
A. HAWKINS, husband and wife,
Owners

No. 05- 392 -CD

A
N
D

HAUBERT HOMES, INC.,
Contractor

WAIVER OF MECHANIC'S LIEN

WHEREAS, the undersigned, on or about the 13th day of January, 2005, entered into a Contract with BOBBY G. HAWKINS and KATHLEEN A. HAWKINS, husband and wife, of 9582 Curwensville-Tyrone Highway, P.O. Box 44, Olanta, Pennsylvania, 16863, as the General Contractor for the construction of a dwelling house on premises situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF:

ALL that parcel of land known as Lot 1 of the Margaret Shimchock, Francine M. Smith and Kathleen A. Hawkins Subdivision dated September 10, 2004, lying near the Village of Olanta, Pike Township, Clearfield County, Pennsylvania, and being more particularly described as follows:

BEGINNING at a 1 ¼ inch iron pipe filled with concrete found at the northernmost corner of John L. and Ellen C. Vasbinder, as was conveyed to them by Deed Book 867, page 550, said pipe being the northeastern corner of McCully Living Trust, as was conveyed by Deed Book 1816 page 65, said pipe being also on the southern side of Old Route 453, now a private road and being a southern corner of the land herein described and running; thence North 79 degrees 47 minutes 9 seconds West a distance of 233.66 feet, along McCully Living Trust to a 5/8 inch rebar found; thence North 82 degrees 19 minutes 08 seconds West a distance of 152.75 feet, along the same to a 1 ¼ inch iron pipe filled with concrete found; thence North 09 degrees 57 minutes 55 seconds East a distance of 699.69 feet, through lands of the Grantor to a ¾ inch rebar set on the southern line of William R. Freeman, as was conveyed to him by Deed Book 394 page 266; thence South 76 degrees 55 minutes 43 seconds East a distance of 388.85 feet, along William R. Freeman to a point at the northwest corner of Lot 2 of the above referenced subdivision; thence South 11 degrees 57 minutes 57

seconds East a distance of 348.72 feet, along Lot 1 and along Bobby G. and Kathleen A. Hawkins, as was conveyed to them by Instrument Number 200408456 to a point; thence South 05 degrees 49 minutes 57 seconds East a distance of 417.55 feet, along Bobby G. and Kathleen A. Hawkins to a point; thence South 28 degrees 19 minutes 57 seconds East a distance of 414.36 feet, along the same and along Lot 2 of the above referenced subdivision to a railroad spike set at the westernmost corner of Lot 3; thence South 32 degrees 28 minutes 57 seconds East a distance of 187.19 feet, along Lot 3 to a point; thence South 38 degrees 57 minutes 57 seconds East a distance of 269.69 feet, along the same to a point in the centerline of Pennsylvania State Route 453, said line passing through an X chiseled in the lower concrete culvert headwall back 48.92 feet from said centerline of Pennsylvania State Route 453; thence North 58 degrees 45 minutes 25 seconds West a distance of 34.82 feet, along the centerline of Pennsylvania State Route 453 to a point; thence North 38 degrees 57 minutes 57 seconds West a distance of 237.87 feet, through the right-of-way line of Pennsylvania State Route 453 and along John L. and Ellen C. Vasbinder to a 5/8 inch rebar found; thence North 33 degrees 23 minutes 00 seconds West a distance of 185.40 feet, along the same to a 5/8 inch rebar found; thence North 40 degrees 50 minutes 43 seconds West a distance of 248.00 feet, along the same to a 1/2 inch iron pipe found; thence North 35 degrees 20 minutes 19 seconds West a distance of 212.08 feet, along the same to a 14 inch maple; thence North 51 degrees 14 minutes 56 seconds West a distance of 171.56 feet, along the same to a 1 1/4 inch iron pipe filled with concrete found and place of beginning.

Bearings based on True North.

Consisting of 9.021 acres total minus 0.021 acre for the right-of-way of Pennsylvania State Route 453, leaving 9.000 acres net.

BEING the same premises conveyed to the Grantors, Bobby G. Hawkins and Kathleen A. Hawkins by Deed of Margaret Shimchock dated December 16, 2004 and recorded in the Office of the Recorder of Deeds of Clearfield County on December 17, 2004 at Instrument Number 200420229.

THE SECOND THEREOF:

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

BEGINNING at a point in the center line of an unnamed dirt road and line of land now or formerly of John W. Shimchock, said point being 496.30 feet north of the northern right of way line of Pennsylvania Route 453; thence along the center line of said dirt road and land now or formerly of John Shimchock and Margaret Shimchock N 21° 50' 37" W 292.02 feet to a point; thence N 5° 55' 21" W 127.63 feet to a point; thence N 2° 25' 45" E 116.31 feet to a point; thence N 3° 29' 17" W 320.56 feet to a point in the center line of said dirt road at the intersection of said dirt road and a dirt lane and land now or formerly of John W. Shimchock; thence along center line of said dirt lane and land now or formerly of John W. Shimchock N 65° 59' 45" E 46.94 feet to a point; thence S 37° 41' 08" E 210.35 feet to a point; thence S 25°

42' 14" E 109.05 feet to a point in center line of dirt lane; thence along land now or formerly of John W. Shimchock N 67° 51' 21" E 85.41 feet to an iron pipe; thence still along land now or formerly of John W. Shimchock S 22° 08' 39" E 308.81 feet to an iron pipe; thence still along land now or formerly of John Shimchock S 39° 42' 00" W 435.03 feet to a point and place of beginning.

BEING the same premises conveyed to Bobby G. Hawkins and Kathleen A. Hawkins, Grantors herein by Deed of David W. Sprenkle dated May 21, 2004 and recorded in Clearfield County as Instrument Number 200408456.

NOW, THEREFORE, BY THESE PRESENTS WITNESSETH: That in consideration of the grant of the Contract for the construction of said dwelling to the undersigned, and for the performance of said work and the sum of \$1.00 in hand paid at or before the signing and delivery hereof, the undersigned, covenants and agrees that no Mechanic's Lien or Materialman's Lien or claims shall be maintained or filed by the undersigned, or by any contractor, sub-contractor, person, firm or corporation, or any of them against the above described premises or lot or other appurtenances thereto, for or on account of any work done or materials furnished by him in the construction of said dwelling under his Contract to furnish all the labor and materials in and about the aforesaid work; and for the undersigned, himself, his heirs and assigns, and all others acting through or under him, hereby expressly waives and relinquishes the right to have filed and maintained any Mechanic's Lien or Materialman's Lien or claim against said building on the above described premises or any part thereof, and the undersigned further agrees that this agreement waiving the right to file a lien is an individual covenant and shall operate and be effective with respect to materials furnished and labor performed under the said Contract for the construction of said dwelling or any extra additions to be made to said Contract in and about said building or premises.

HAUBERT HOMES, INC.

By:

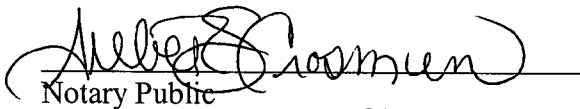


Michael A. Peters, Division Manager

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

On this the 11th day of March, 2005, before me the undersigned authority personally appeared, Michael A. Peters, who acknowledged himself to be the Division Manager of Haubert Homes, Inc. and that as such, he being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing his name thereon as such officer and subscribed before me the day and year aforesaid.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and official seal.


Notary Public

My Commission Expires:

