

05-1476-CD
Family Mobile vs C. Mayes et al

Family Mobile Homes vs Charles Mayes et al
2005-1476-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Family Mobile Homes CIVIL ACTION
(Plaintiff)

1683 E. Pleasant Valley BWP
(Street Address) No. 05-1476-CD

Altuda, PA 16602
(City, State ZIP) Type of Case: _____

Type of Pleading: _____

Filed on Behalf of:

vs.

Charles E. & Rhianon L. Mayes
(Defendant) Plaintiff
(Plaintiff/Defendant)

353 Miller Road Extension
(Street Address)

Houtzdale, PA 16651
(City, State ZIP)

FILED

m/1:32 Lm ^{\$180.00} Stratford Settlement Inc.
SEP 26 2005 ^{NOCC}

William A. Shaw
Prothonotary

Stratford Settlements
(Filed by)

506^s Main St. Suite 2203
(Address) Zelienople, PA 16063

724-453-3181
(Phone)

[Signature]
(Signature)

NO LIEN AGREEMENT

THIS AGREEMENT, made and entered into the 22 Day of SEPTEMBER, 2005, by and between Melody Endress of FAMILY MOBILE HOMES, Hereinafter designated as contractor, and CHARLES E. MAYES AND RHIANON L. MAYES, HUSBAND AND WIFE, hereinafter designated as owners.

WITNESSETH: That by a certain contract, of even date herewith, the contractor, in consideration of the covenants to be performed and payments to be made by or on account of the owner, did covenant and agree to furnish all labor and materials and perform all work necessary to complete in the most substantial manner and to the satisfaction and acceptance of the owner,

NOW THEREFORE, the contractor, in consideration of the sum of one (\$1.00) dollar and of the covenants and provisions in said contract contained, does hereby covenant, stipulate and agree, and it is also covenanted, stipulated and agreed in the above-recited contract, as follows:

Contractor shall erect a single family residential dwelling on property situate in the, Township of GULICH County of CLEARFIELD and COMMONWEALTH of PENNSYLVANIA, and being known as 353 MILLER ROAD EXTENSION HOUTZDALE, PA 16651.

SEE ATTACHED LEGAL DESCRIPTION MADE PART OF HERETOFORE.

That there shall be no lien or right to file a lien against the structures or improvements contracted for in the above recited contract, or any part thereof, or the site thereof, for work or labor done or materials furnished in the performance of the work embraced in said recited contract, or any part or parts thereof, or extra work thereunder or changes made therein; and that no such lien or claim shall be filed, or in any way attempted to be enforced by, or on behalf of, the contractor, or by or on behalf of, any sub-contractors, material men or other persons concerned in or about the performance of the work embraced in said contract; nor shall there be any claim for work or materials against the owner, his heirs, executors, administrators or assigns, other than the legal claim of the contractor as provided in said contract.

It is the full intent of the contractor, for himself and for any sub-contractors or material men claiming for themselves, or by, through or under the contract, that the right to file a mechanics' lien, under the provision of acts of assembly in such cases made and provided, for work done or materials furnished in and about the erection, construction or repairs of the building and improvements above described, is hereby waived.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands and seals, the day and year first written.

WITNESSES:

Kimberly A. Hamer

Melody Endress
FAMILY MOBILE HOMES

Charles E. Mayes
CHARLES E. MAYES

Rhianon L. Mayes
RHIANON L. MAYES

I, HEREBY CERTIFY THAT THE PRECISE PROPERTY ADDRESS IS: 353 MILLER ROAD EXTENSION HOUTZDALE, PA 16651.

Kimberly A. Hamer

LEGAL DESCRIPTION

Parcel # 118-L16-000-000282

ALL that certain piece or parcel of land situated, lying and being in Gulich Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a 3/4" rebar (set) at the southwest corner of lands of John A. and Sandra Philage as recorded in Deed Book 1974, page 483, said rebar being on the northeastern right-of-way of Township Road T-542 Extension, said rebar also being the northwestern corner of the parcel herein conveyed and running; thence along the southern line of lands of John A. and Sandra Philage North 53 degrees 09 minutes 15" East a distance of 208.41 feet to a 3/4" rebar (set) at the southeastern corner of lands of John A. and Sandra Philage as recorded in Deed Book 1974, Page 483; thence through lands of the Grantor for a new subdivision line South 34 degrees 48 minutes 18 seconds East a distance of 208.71 feet to a 3.4" rebar (set); thence still through lands of the Grantor for a new subdivision line South 53 degrees 09 minutes 25 seconds West a distance of 208.71 feet to a 3/4" rebar (set), said rebar being on the northeastern right-of-way line of Township Road T-542 Extension; thence along the northeastern right-of-way line of Township Road T-542 Extension North 34 degrees 42 minutes 32 seconds West a distance of 194.51 feet to a point, formerly a concrete monument with a 3" hole in the middle of the concrete; thence still along the northeastern right-of-way line of Township Road T-542 Extension North 34 degrees 54 minutes 12 seconds West a distance of 14.20 feet to a 3/4" rebar (set) and place of beginning. Containing 1.0 acre as shown on map prepared by Curry and Associates dated June 10, 1999 and recorded in Clearfield County Instrument No. 199910658.

EXCEPTING AND RESERVING to the Grantor's, their heirs, and assigns along with the Grantee's, their heirs, and assigns, to share in common a certain piece or parcel of ground for the use of a 25 foot common access road for the right of egress, ingress, regress over through and upon to gain access to the eastern portion of the residue lot. The said 25 foot access road being located and described as follows:

BEGINNING at a 3.4" rebar (set) at the southwest corner of lands of John A. and Sandra Philage as recorded in Deed Book 1974, Page 483, said rebar being on the northeastern right-of-way of Township Road T-542 Extension, said rebar also being the northwestern corner of the parcel herein conveyed and running; thence along the southern line of lands of John A. and Sandra Philage North 53 degrees 09 minutes 15" East a distance of 208.41 feet to a 3/4" rebar (set) at the southeastern corner of lands of John A. and Sandra Philage as recorded in Deed Book 194, Page 483; thence through lands of the Grantor South 34 degrees 48 minutes 18 seconds East a distance of 25.40 feet to a point; thence through lands of the above described
(Continued on Attached)

LEGAL DESCRIPTION CONTINUED

parcel of ground South 53 degrees 09 minutes 15 seconds West a distance of 208.61 feet to a point, formerly a concrete monument with a 3" hole in the middle of the concrete; thence along the northeastern right-of-way line of Township Road T-542 Extension North 34 degrees 42 minutes 32 seconds West a distance of 11.21 feet to a point, formerly a concrete monument with a 3" hole in the middle of the concrete; thence still along the northeastern right-of-way line of Township Road T-542 Extension North 34 degrees 54 minutes 12 seconds West a distance of 14.20 feet to a 3/4" rebar (set) and place of beginning.