

05-1478-CD
Family Mobile Homes vs R. McCracken al

Family Mobile Homes vs Russell McCracken
2005-1478-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Family Mobile Homes CIVIL ACTION
(Plaintiff)

1683 E. Pleasant Valley
(Street Address) Blvd.

Altoona, PA 16602
(City, State ZIP)

vs.

Russell E. & Diane
(Defendant) MacCadden

211 Michlin Avenue
(Street Address)

Curwensville, PA 16833
(City, State ZIP)

No. 05-1478-CD

Type of Case: _____

Type of Pleading: _____

Filed on Behalf of:

Plaintiff

(Plaintiff/Defendant)

FILED

pd \$20.00
m/1:45 LM Stratford Settlement
INC.
SEP 26 2005
No CC.

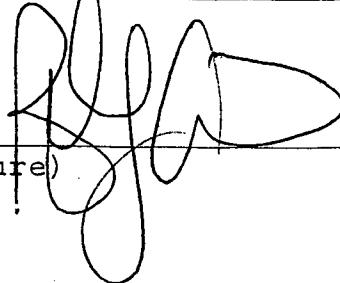
William A. Shaw
Prothonotary

Stratford Settlements
(Filed by)

500 S. Main St. Suite 2203
(Address) Zelienople, PA 16063

724-453-3181
(Phone)

(Signature)



NO LIEN AGREEMENT

THIS AGREEMENT, made and entered into the 16TH Day of SEPTEMBER, 2005, by and between DAVID P. Zimmerman of FAMILY MOBILE HOMES, Hereinafter designated as contractor, and RUSSELL E. MCCRACKEN AND DIANE MCCRACKEN, 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:

CLEARFIELD

Contractor shall erect a single family residential dwelling on property situate in the, Township of PIKE TOWNSHIP County of BEDFORD and COMMONWEALTH of PENNSYLVANIA, and being known as 211 MICHLIN AVENUE CURWENSVILLE, PA 16833.

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 by 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:

Allen W. Kolen
Allen W. Kolen
Allen W. Kolen

Russell E. McCracken Melody Endress
FAMILY MOBILE HOMES -
Russell E. McCracken
RUSSELL E. MCCRACKEN
Diane McCracken
DIANE MCCRACKEN

I HEREBY CERTIFY THAT THE PRECISE PROPERTY ADDRESS IS: 211 MICHLIN AVENUE CURWENSVILLE, PA 16833.

Russell E. McCracken

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN PIKE TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER LINE OF MAN HOLE 276 OF THE CURWENSVILLE MUNICIPAL AUTHORITY; THENCE SOUTH FORTY-FOUR (44) DEGREES FORTY-SIX (46") MINUTES EAST SIX (6) FEET TO THE SOUTHEASTERN RIGHT OF WAY OF MICHLIN STREET HAVING A FIFTY (50) FOOT WIDE ROADWAY; THENCE ALONG SAME SOUTH FORTY-FIVE (45) DEGREES FOURTEEN (14") MINUTES WEST THIRTY-NINE AND FIFTY-THREE (39.53) FEET TO AN IRON ROD AT THE PLACE OF BEGINNING AT FRONTAGE CORNER BETWEEN LOTS B-16 AND B-17; THENCE BEGINNING AT SAID IRON ROD AND RUNNING ALONG LINE OF LOT B-17 SOUTH FORTY-FOUR (44) DEGREES FORTY-SIX (46") MINUTES EAST ONE HUNDRED THIRTY-FIVE (135) FEET TO AN IRON ROAD CORNER ON LINE OF SOUTHEASTERN LINE OF "B" SECTION LOTS; THENCE BY SAME SOUTH FORTY-FIVE (45) DEGREES FOURTEEN (14") MINUTES WEST SEVENTY-FIVE (75) FEET TO AN IRON ROD AT CORNER OF LOT NO. B-15; THENCE BY SAME NORTH FORTY-FOUR (44) DEGREES FORTY-SIX (46") MINUTES WEST ONE HUNDRED THIRTY-FIVE (135) FEET THE SOUTHEASTERN RIGHT OF WAY OF MICHLIN STREET; THENCE BY SAME NORTH FORTY-FIVE (45) DEGREES FOURTEEN (14") MINUTES EAST SEVENTY-FIVE (75) FEET TO THE PLACE OF BEGINNING. CONTAINING 10,125.00 SQUARE FEET OR 0.23244 ACRES BY CALCULATION, MORE OR LESS.

BEING LOT NO. B-16 IN THE PLAN OR SUBDIVISION KNOWN AS JO-LIN ACRES WHICH PLAN APPEARS OF RECORD IN THE OFFICE OF THE REGISTER AND RECORDER FOR CLEARFIELD COUNTY, PENNSYLVANIA IN APERTURE FILE NO. 985.

SUBJECT TO DECLARATION OF PROTECTIVE COVENANTS FILED IN THE OFFICE OF THE REGISTER AND RECORDER FOR CLEARFIELD COUNTY IN DEED AND RECORDS BOOK 1475, PAGE 362. SUPPLEMENTAL DECLARATION OF PROTECTIVE COVENANTS DATED SEPTEMBER 21, 1992 AND FILED IN THE OFFICE OF THE REGISTER AND RECORDER FOR CLEARFIELD COUNTY IN DEED BOOK VOLUME 1485, PAGE 473.

EXCEPTING AND RESERVING AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITY LINES INCLUDING BUT NOT LIMITED TO WATER, SEWER, TELEPHONE, ELECTRIC, GAS, AND CABLE TV WHICH EASEMENT SHALL BE FIVE (5) FEET IN WIDTH FROM THE FRONT OF THE DEMISED PREMISES, FIVE (5) FEET IN WIDTH FROM EASE SIDE OF THE DEMISED PREMISES AND TEN (10) FEET IN WIDTH FROM THE REAR OF THE DEMISED PREMISES. SAID EASEMENT SHALL RUN WITH THE LAND AND BE BINDING UPON THE PARTIES, HERETO, THEIR HEIRS, EXECUTORS, SUCCESSORS AND ASSIGNS.

THE ABOVE DESCRIBED PREMISES WERE THE SUBJECT OF A SURVEY COMPLETED BY FRED H. SHUSS, P.E., ON JANUARY 28, 1993.

ALSO

PARCEL # 126-H10-711-33

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN PIKE TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHERN CORNER OF LOT B-16 ON THE SOUTHEASTERN RIGHT OF WAY OF MICHLIN STREET HAVING A FIFTY (50) FOOT WIDE ROADWAY; THENCE BY LOT NO. B-16 SOUTH FORTY-FOUR (44) DEGREES FORTY-SIX (46") MINUTES EAST ONE HUNDRED THIRTY-FIVE (135) FEET TO AN IRON ROD IN THE LINE OF LOWER LOTS OF "B" SECTION; THENCE BY LINE OF LOWER "B" SECTION NORTH FORTY-FIVE (45) DEGREES FOURTEEN (14") MINUTES EAST SEVENTY-FIVE (75) FEET TO AN IRON ROD AT CORNER OF LOT B-18; THENCE BY SAME NORTH FORTY-FOUR (44) DEGREES FORTY-SIX (46") MINUTES WEST ONE HUNDRED THIRTY-FIVE (135) FEET TO AN IRON ROD IN THE SOUTHEASTERN RIGHT OF WAY OF MICHLIN STREET; THENCE BY SAME SOUTH FORTY-FIVE (45) DEGREES FOURTEEN (14") MINUTES WEST SEVENTY-FIVE (75) FEET TO THE PLACE OF BEGINNING. CONTAINING 10,125.00 SQUARE FEET OR 0.23244 ACRES, BY CALCULATION, MORE OR LESS.

BEING LOT NO. B-17 IN THE PLAN OR SUBDIVISION KNOWN AS JO-LIN ACRES WHICH PLAN APPEARS OF RECORD IN THE OFFICE OF THE REGISTER AND RECORDER FOR CLEARFIELD COUNTY, PENNSYLVANIA IN APERTURE FILE NO. 985.

LEGAL DESCRIPTION CONTINUED

SUBJECT TO DECLARATION OF PROTECTIVE COVENANTS FILED IN THE OFFICE OF THE REGISTER AND RECORDER FOR CLEARFIELD COUNTY IN DEED AND RECORDS BOOK 1475, PAGE 362. SUPPLEMENTAL DECLARATION OF PROTECTIVE COVENANTS DATED SEPTEMBER 21, 1992 AND FILED IN THE OFFICE OF THE REGISTER AND RECORDER FOR CLEARFIELD COUNTY IN DEED BOOK VOLUME 1485, PAGE 473.

EXCEPTING AND RESERVING AN EASEMENT FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITY LINES INCLUDING BUT NOT LIMITED TO WATER, SEWER, TELEPHONE, ELECTRIC, GAS, AND CABLE TV WHICH EASEMENT SHALL BE FIVE (5) FEET IN WIDTH FROM THE FRONT OF THE DEMISED PREMISES, FIVE (5) FEET IN WIDTH FROM EASE SIDE OF THE DEMISED PREMISES AND TEN (10) FEET IN WIDTH FROM THE REAR OF THE DEMISED PREMISES. SAID EASEMENT SHALL RUN WITH THE LAND AND BE BINDING UPON THE PARTIES, HERETO, THEIR HEIRS, EXECUTORS, SUCCESSORS AND ASSIGNS.

THE ABOVE DESCRIBED PREMISES WERE THE SUBJECT OF A SURVEY COMPLETED BY FRED H. SHUSS, P.E., ON JANUARY 28, 1993.