

05-1702-CD
Family Mobile Home vs K. Bortz

Family Mobile Homes vs Kristy L. Bortz
05-1702-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Family Mobile Homes
(Plaintiff)

CIVIL ACTION

1683 E. Pleasant
(Street Address)

Valley Blvd.

No. 05-1702-CD

Altamora, PA 16602
(City, State ZIP)

Type of Case: _____

Type of Pleading: _____

VS.

Filed on Behalf of:

Kristy L. Bortz
(Defendant)

Plaintiff
(Plaintiff/Defendant)

202 West Scribner Avenue
(Street Address)

DuBois, PA 15801
(City, State ZIP)

Stratford Settlements
(Filed by)

FILED Stratford Settlements
01/25/06 pd. 20.00
NOV 01 2005 No CC

William A. Shaw
Prothonotary/Clerk of Courts

506 S. Main St. Suite 2203
(Address)

724-453-3181
(Phone)

(Signature)

NO LIEN AGREEMENT

THIS AGREEMENT, made and entered into the 28 day of October, 2005, by and between David Gelman of FAMILY MOBILE HOMES, Hereinafter designated as contractor, and KRISTY L. BORTZ, 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 SANDY County of CLEARFIELD and State of PENNSYLVANIA, and being known as 493 ROKOSKY ROAD, (LOT #49), DUBOIS, PA 15801

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:

Melody Jendren

CONTRACTOR: FAMILY MOBILE HOMES

Paul C. Hill

Kristy L. Bortz
KRISTY L. BORTZ

CERTIFICATE OF LOCATION

I HEREBY CERTIFY THAT THE PRECISE PROPERTY ADDRESS IS:
493 ROKOSKY ROAD, (LOT #49), DUBOIS, PA. 15801.

James R. Bortz

ALL that certain piece, parcel, or lot of surface only situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point along the centerline of Township Road 945, said place of beginning being along the southern boundary line of lands now or formerly owned by Frank Fox; said place of beginning also being the northeastern corner of the premises described herein; thence South $12^{\circ} 53'$ West along the centerline of Township Road 945, a distance of 120.00 feet to a point on the centerline of Township Road 945; thence North $78^{\circ} 05'$ West along the northern boundary line of Busy Bee Builders, Inc. "Liberty Hills-Phase III" Subdivision Lot # 48, a distance of 367.95 feet to an 1" iron pipe set; thence North $28^{\circ} 36'$ East along the centerline of U.S. Route 119, a distance of 110.35 feet to a point located on the centerline of U.S. Route 119; thence South $80^{\circ} 30'$ East along the southern boundary line of lands now or formerly of Frank Fox, a distance of 338.58 feet to a point located on the centerline of Township Road 945, said place of beginning. BEING KNOWN AS LOT # 49 OF BUSY BEE BUILDERS, INC. "LIBERTY HILLS- PHASE III SUBDIVISION." Said subdivision survey map was recorded in Clearfield County Instrument # 2004-16797 on October 13, 2004.

EXCEPTING AND RESERVING all oil and gas that was previously reserved. ALSO EXCEPTING AND RESERVING to Grantors herein, their successors, heirs, and assigns, a 10 foot right of way along all boundaries for, but not limited to, public water line, public sewer, television cable, telephone cable, and subject to other reservations and restrictions that may appear heretofore of record. ALSO EXCEPTING AND RESERVING to Grantor herein, its successors, heirs, and assigns, all coal and minerals of any nature lying in or under the above described premises, with the right of ingress, egress, and regress.

The conveyance herein is also subject to any and all easements, reservations, and restrictions that were made heretofore of record.

IT IS ALSO UNDERSTOOD THAT upon any earth disturbance, an Erosion & Sedimentation (E & S) control plan must be constructed by Grantee or Grantee's agent or contractor. Grantee is solely responsible for his E & S control on the premises herein being conveyed by Grantor.