

06-507-CD  
Jeffrey Dominy et al vs Haubert Homes

Jeffrey Dominy et al vs Haubert Homes  
2006-507-CD

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

JEFFREY A. DOMINY and  
LAURA A. DOMINY,  
Husband and wife,

v.

HAUBERT HOMES, INC.

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2006-507-CV

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\* Type of Pleading:

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**STIPULATION AGAINST LIENS**

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\* Filed on behalf of:

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Plaintiffs

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Counsel of Record for  
this party:

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## Investors Title Insurance Company

P.O. Drawer 2687  
 Chapel Hill, North Carolina 27515-2687  
 (919) 968-2200 (800) 326-4842 Fax: (919) 968-2235

Commonwealth of Pennsylvania, County of Clearfield

Local Agent:  
 Bankers Settlement Services  
 of Southwest Pennsylvania, LLC  
 PO Box 537  
 Hollidaysburg, PA 16648  
 Ph: 888/632-0011 Fax: 877/721-0011

## STIPULATION/WAIVER OF MECHANICS' LIENS

Commitment/Policy No. \_\_\_\_\_

On this 31st day of March, 20 06, before me personally appeared Jeffrey A. Dominy and Laura A. Dominy, Owner of the property ("Owner"), and Haubert Homes, Inc., General Contractor ("Contractor"), to me personally known, who, being duly sworn on their oaths, did say as follows:

WHEREAS, the undersigned Contractor entered into a contract with the Owner to provide materials and perform labor necessary for construction of the following improvements:  
dwelling

located on the real property described as follows:

Lot No. 4 Alice Brown Estate Subdivision, Pike Township, Clearfield County, PA

NOW, THEREFORE, it is hereby stipulated and agreed by and between the said parties as part of the said contract and for the consideration therein set forth, that neither the Contractor, any subcontractor or materialman, nor any other person furnishing labor or materials to the Contractor under this contract shall file a lien, commonly called a mechanics' lien, for work done or materials furnished to, or in connection with, the property described above.

This stipulation is made and intended to be filed with the County Prothonotary in accordance with the requirements of Section 1402 of the Mechanics' Lien Law of 1963 of the Commonwealth of Pennsylvania.

<u>Jeffrey A. Dominy</u>		<u>Laura A. Dominy</u>				
Owner		Owner				
Jeffrey A. Dominy, Owner State of <u>Pennsylvania</u> , County of <u>Clearfield</u>						
<input checked="" type="checkbox"/> INDIVIDUAL: On this, the <u>31st</u> day of <u>March</u> , 20 <u>06</u> , the undersigned officer, personally appeared <u>Jeffrey A. Dominy and Laura A. Dominy</u> , known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledge that s/he executed the same for the purposes therein contained.						
<input type="checkbox"/> CORPORATION: On this, the _____ day of _____, 20 _____, the undersigned officer, personally appeared _____, acknowledged himself to be the _____ of _____, a corporation, and that he as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as _____.						
In witness whereof, I hereunto set my hand and official seal.						
Signature	Title					
If Notary, my commission expires: _____						
COMMONWEALTH OF PENNSYLVANIA						
<table border="1" style="width: 100px; vertical-align: middle;"> <tr> <td style="text-align: center;">Notarial Seal</td> </tr> <tr> <td style="text-align: center;">Linda C. Lewis, Notary Public</td> </tr> <tr> <td style="text-align: center;">Clearfield Boro, Clearfield County</td> </tr> <tr> <td style="text-align: center;">My Commission Expires July 25, 2007</td> </tr> </table>			Notarial Seal	Linda C. Lewis, Notary Public	Clearfield Boro, Clearfield County	My Commission Expires July 25, 2007
Notarial Seal						
Linda C. Lewis, Notary Public						
Clearfield Boro, Clearfield County						
My Commission Expires July 25, 2007						

HAUBERT HOMES, INC.		General Contractor				
By: _____						
State of <u>Pennsylvania</u> , County of <u>Clearfield</u>						
<input type="checkbox"/> INDIVIDUAL: On this, the _____ day of _____, 20 _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledge that s/he executed the same for the purposes therein contained.						
<input checked="" type="checkbox"/> CORPORATION: On this, the <u>27</u> day of <u>March</u> , 20 <u>06</u> , the undersigned officer, personally appeared <u>SCOTT A. BRYAN</u> , the <u>DIVISION MANAGER</u> of <u>HAUBERT HOMES, INC.</u> , a corporation, and that he as such <u>DIVISION MANAGER</u> , being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as <u>SCOTT A. BRYAN</u> .						
In witness whereof, I hereunto set my hand and official seal.						
Signature	Title					
If Notary, my commission expires: <u>4/14/09</u>						
COMMONWEALTH OF PENNSYLVANIA						
<table border="1" style="width: 100px; vertical-align: middle;"> <tr> <td style="text-align: center;">Notarial Seal</td> </tr> <tr> <td style="text-align: center;">Melissa L. Brown, Notary Public</td> </tr> <tr> <td style="text-align: center;">Sandy Twp., Clearfield County</td> </tr> <tr> <td style="text-align: center;">My Commission Expires Apr. 14, 2009</td> </tr> </table>			Notarial Seal	Melissa L. Brown, Notary Public	Sandy Twp., Clearfield County	My Commission Expires Apr. 14, 2009
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Melissa L. Brown, Notary Public						
Sandy Twp., Clearfield County						
My Commission Expires Apr. 14, 2009						

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

BEGINNING at a rebar set by survey, said rebar being the southwest corner of Lot 3 of the Alice J. Brown Estate Subdivision and the northwest corner of the herein described parcel, and shown as corner number 11 on the Alice J. Brown Subdivision survey map; thence North 40 degrees 37 minutes 00 seconds East along Lot 3 of the Alice J. Brown Estate Subdivision a distance of 370.74 feet to a rebar set by this survey and being the northeast corner of the herein described parcel, and shown as corner number 10 on the survey map; thence South 45 degrees 10 minutes 55 seconds East along lands intended to be conveyed to Duane & Joyce Spencer (30' Access Way) as shown on the survey map, a distance of 500.29 feet to an existing rebar, said rebar being the southeast corner of the herein described parcel, and shown as corner number 12 on the survey map; thence South 44 degrees 09 minutes 50 seconds West along lands now or formerly Duane & Joyce Spencer (Deed Book 490 Page 688, dated August 8, 1961) a distance of 43.04 feet to an existing rebar, and shown as corner number 13 on the survey map; thence South 44 degrees 32 minutes 10 seconds West along lands now or formerly Duane & Joyce Spencer (Deed Book 490 Page 688, dated August 8, 1961) a distance of 220.81 feet to an existing rebar, said rebar being the common corner of lands now or formerly Duane & Joyce Spencer (Deed Book 490 Page 688, dated August 8, 1961) and lands now or formerly Gary L. & Jeffrey N. Shaffer (Deed Book 1643 Page 270, dated November 11, 1994) and shown as corner number 14 on the survey; thence South 44 degrees 31 minutes 20 seconds West along lands now or formerly Gary L. & Jeffrey N. Shaffer (Deed Book 1643 Page 270, dated November 11, 1994) a distance of 103.13 feet to an existing rebar, and being the southwest corner of the herein described parcel, and shown as corner number 7 on the survey map; thence North 45 degrees 31 minutes 00 seconds West along Lot 2 of the Alice J. Brown Estate Subdivision a distance of 475.24 feet to the place of beginning. Containing 179,734 square feet of 4.126 Acres, together with no buildings or structures.

TOGETHER with the uninterrupted use of a 30 foot access way leading from T-203 (Bilger Rocks Road) to the above described lands.

BEING the same premises conveyed to the Mortgagors herein by Deed of James K. Brown, et al dated August 16, 2005 and recorded in the Office of the Register and Recorder for Clearfield County as Instrument No. 200520957.