

06-769-CD
Timothy Butler et al vs Wayne Nepper et al

Timothy Butler et al vs Wayne C Nepper
2006-769-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA

CIVIL DIVISION - LAW

TIMOTHY C. BUTLER AND KASEY

BUTLER, his wife,

Plaintiff

vs.

WAYNE C. NEEPER BUILDING & REMODELING,
INC.,

Defendant

06- 769 -CD

TYPE OF CASE:
Civil Division

TYPE OF PLEADING:
Stipulation Against
Liens

FILED ON BEHALF OF:
Plaintiff

COUNSEL OF RECORD FOR
THIS PARTY:

David R. Thompson, Esq.
Attorney at Law
Supreme Court I.D. 73053
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FILED

MAY 16 2006

William A. Shaw
Prothonotary/Clerk of Courts

ICC Atty
Thompson
Atty pd.
20.00

STIPULATION AGAINST LIENS

TIMOTHY C. BUTLER

Homeowner

KASEY A. BUTLER

Homeowner

vs.

In the Court of Common Pleas, County of

CLEARFIELD, Pennsylvania

Number _____ Term, 2006

WAYNE C. NEEPER BUILDING & REMODELING

Contractor

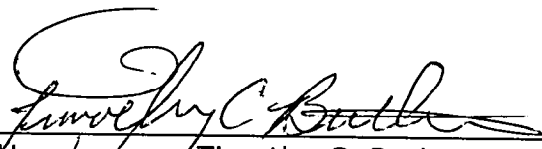
WHEREAS, **TIMOTHY C. BUTLER AND KASEY A. BUTLER**, currently of 870 Old Grade Road, Grampian, Pennsylvania, about to execute contemporaneously herewith, a contract, with **WAYNE C. NEEPER BUILDING & REMODELING**, of 344 Ridge Avenue Extension, Curwensville, Pennsylvania, 16833 for the construction of a residential structure upon premises situate in the Township of Penn, Clearfield County, Pennsylvania, bounded and described as follows:

SEE EXHIBIT "A"

NOW, May 16, 2006, at the time of and immediately before the execution of the principal contract, and before any authority has been given by the said **TIMOTHY C. BUTLER AND KASEY A. BUTLER**, to the said **WAYNE C. NEEPER BUILDING & REMODELING**, to commence work on the said building, or purchase materials for the same in consideration of the making of the said contract with **TIMOTHY C. BUTLER AND KASEY A. BUTLER**, and further by, **WAYNE C. NEEPER BUILDING & REMODELING**, it is agreed that no lien shall be filed against the building by the contractor, or any sub-contractor, nor by any of the material men or workmen or any other person for any labor, materials purchased for the erection of said building, the right to file such liens being expressly waived.

WITNESS, our hands and seals the day and year aforesaid.

SIGNED AND SEALED IN THE PRESENCE OF:


Homeowner- Timothy C. Butler


Homeowner- Kasey A. Butler

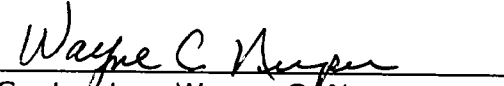

Contractor- Wayne C. Neeper

Exhibit "A"

ALL that parcel of land known as Lot 1 of the now or formerly of Frank K. And Mary C. Snyder Subdivision dated September 27, 2005, lying 1/4 mile north and east of the intersection of Knob Farm Road and West Hepburnia Road in Penn Township, Clearfield County, Pennsylvania, and being more particularly described as follows:

BEGINNING at an axle found at a southeast corner of W. Donald and Suzie M. Pentz, as was conveyed to them by Deed Book 1855 Page 65, said axle being the southwest corner of now or formerly Janet M. Michael, et al, as was conveyed to them by Deed Book 711 Page 566; said axle also being a north east corner of the parcel herein conveyed and running: thence South 00 degrees 57 minutes 30 seconds east a distance of 474.26 feet, through lands of the Grantor to a point in the centerline of a 20 foot private road known as Old Grade Road, said line passing through a 3/4" rebar set back 10.00 feet from aid centerline of Old Grade Road; thence continuing along the centerline of Old Grade Road the following courses and distances:

1. South 88 degrees 02 minutes 30 seconds West a distance of 303.27 feet;
2. Thence North 88 degrees 18 minutes 52 seconds West a distance of 104.31 feet;
3. 87.34 feet along an arc of a circle, curving to the left with a 111.81 foot radius, the long chord of which bears South 69 degrees 18 minutes 29 seconds West a distance of 85.14 feet;
4. South 46 degrees 55 minutes 50 seconds West a distance of 96.07 feet;
5. 72.56 feet along an arc of a circle, curving to the right with a 42.75 foot radius, the long chord bears north 84 degrees 26 minutes 15 seconds West a distance of 64.16 feet;
6. North 35 degrees 48 minutes 20 seconds West a distance of 83.17 feet;
7. 29.95 feet along an arc of a circle, curving to the left with 76.52 foot radius, the long chord of which bears North 47 degrees 01 minutes 10 seconds West a distance of 29.76 feet to a point in the centerline of the 20 foot private road known as Old Grade Road on the eastern line of Bonnie L. and Robert Schappele, as was conveyed to them by deed book 1370 page 534;

thence North 05 degrees 35 minutes 48 seconds East a distance of 119.21 feet, along Bonnie L. And Robert Schappele and along W. Donald and Suzie M. Pentz as was conveyed to them by Deed Book 1855 page 65 to an axle found, said line passing through a 3/4 inch rebar set at 18.75 feet; thence North 61 degrees 31 minutes 00 seconds East a distance of 764.46 feet, along W. Donald and Suzie M. Pentz to an axle found and place of beginning.

TOGETHER WITH A SUBJECT TO COVENANTS, EASEMENTS AND RESTRICTIONS OF RECORD.

CONTAINING 5.00 acres and known as Lot 1 of the Frank K. and Mary C. Snyder Subdivision as shown on map prepared by Curry & Associates dated September 27, 2005.

Also including the right to use in common with the Grantors a 20 foot Private Road, known as Old Grade Road, as well as the right to use Snyder Road, a private road leading from west Hepburnia Road, also known as Township Road T-464, to Old Grade Road, for access to the public road known as West Hepburnia Road.

EXCEPTING AND RESERVING unto Grantors herein all right, title and interest in and to all the coal, gas, oil, and minerals that may be in, under and upon the above-described premises.

BEING further identified as Clearfield County Tax Parcel No. 125-F11-216 as shown on the assessment map in the records of Clearfield County, PA.

BEING the same premises as vested unto the Borrowers herein by deed recorded in Clearfield County to Instrument #200517684.