

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

Raymond T. Kauffman and
Jodie S. Kauffman,
Owners

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-VS-

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Docket No. *06-777-CD*

Clyde Deabenderfer, t/d/b/a
Big "D" Excavating,
Contractor

*

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Type of Pleading:
STIPULATION AGAINST MECHANICS'
LIEN

Filed on behalf of:
Owners:
Raymond T. Kauffman and
Jodie S. Kauffman

Counsel of record of this party:

Dwight L. Koerber, Jr., Esquire
PA I.D. No. 16332

110 North Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED *400*
0/3:03/01 *Anty Koerber*
MAY 17 2006 *Anty pd.*
20.00
William A. Shaw
Prothonotary/Clerk of Courts

STIPULATION AGAINST MECHANICS' LIENS

Raymond T. Kauffman and
Jodie S. Kauffman
Owners

Vs.

Clyde Deabenderfer
an adult individual, t/a
Big "D" Excavating
a sole proprietorship
Contractor

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In the Court of Common Pleas of
Clearfield County, Pennsylvania

Docket No:

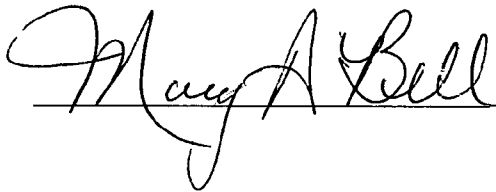
WHEREAS, Raymond T. Kauffman and Jodie S. Kauffman, of P.O. Box 235, Mahaffey, PA, 15757, (hereinafter referred to as "Owners") are about to execute a contract, contemporaneously herewith, with Clyde Deabenderfer, t/a Big "D" Excavating a sole proprietorship, (hereinafter referred to as "Contractor"), of 695 Twolick Drive, Indiana, PA, 15701 providing for the construction and/or erection of improvements in and upon a parcel of land situate in Bell Township, Clearfield County, Pennsylvania, more fully described in Exhibit A which is attached hereto and made a part hereof (hereinafter referred to as the "Subject Premises").

NOW, this 16th day of May 2006 at the time of and/or immediately before the execution of the aforesaid contract, and before any authority has been given by Owners to Contractor to commence the construction and/or erection of the aforesaid improvements in and upon the Subject Premises and before construction and/or erection of the aforesaid improvements, and in further consideration of One Dollar (\$1.00), to Contractor paid by Owners, Contractor hereby agrees that no lien shall be filed against the Subject Premises

by Contractor, or by any sub-contractor of Contractor, or by any of Contractor's material men or workmen or by any other person for any labor or materials purchased, or extra labor or materials purchased, for or in connection with the erection and/or construction of said improvements, the right to file such liens, including, without limitation, mechanics' liens and/or claims for mechanics' liens, being hereby expressly waived and/or stipulated against.

IN WITNESS WHEREOF, I have executed this stipulation against mechanics' liens as of the day and year aforesaid.

Signed in the Presence of:



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Mary A. Bell, Notary Public
Mahaffey Boro, Clearfield County
My Commission Expires Mar. 18, 2008
Member, Pennsylvania Association Of Notaries

Clyde Deabenderfer
t/a Big "D" Excavating,
A SOLE PROPRIETORSHIP

By: 
Clyde Deabenderfer

CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder

Maurene Inlow - Chief Deputy

P.O. Box 361

1 North Second Street, Suite 103

Clearfield, Pennsylvania 16830

***RETURN DOCUMENT TO:**

DWIGHT KOERBER

110 NORTH 2ND ST

CLEARFIELD, PA 16830

Instrument Number - 200521598

Recorded On 12/14/2005 At 3:32:43 PM

* Instrument Type - DEED

* Total Pages - 8

Invoice Number - 141019

* Grantor - KAUFFMAN, DAVID W

* Grantee - KAUFFMAN, RAYMOND T

* Customer - KOERBER, DWIGHT

AFFIDAVIT No. 38985

*** FEES**

STATE TRANSFER TAX \$128.89

STATE WRIT TAX \$0.50

JCS/ACCESS TO JUSTICE \$10.00

RECORDING FEES - \$20.00

RECORDER

RECORDER IMPROVEMENT \$3.00

FUND

COUNTY IMPROVEMENT FUND \$2.00

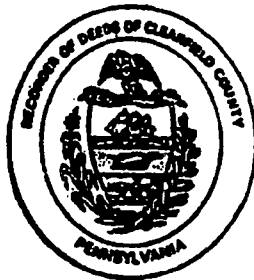
PURCHASE LINE AREA \$64.45

SCHOOLS REALTY TAX

BELL TOWNSHIP \$64.44

TOTAL \$293.28

**I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.**



Karen L. Starck

Karen L. Starck
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

EXHIBIT "A"

THIS DEED

MADE the 17 day of Dec, 2005 in the year two thousand five (2005) is by and

BETWEEN, David W. Kauffman and Barbara Kauffman, husband and wife, of R.R. 1, Box 697B, Mahaffey, Clearfield County, Pennsylvania, 15757, **Thomas R. Kauffman and Doreen F. Kauffman**, husband and wife, of 408 Kauffman Road, Mahaffey, Clearfield County, Pennsylvania, 15757, and **Rose Marie Wesolek**, a single individual of 1940 Woodmont Avenue, Arnold, Westmoreland County, Pennsylvania, 15068, Parties of the First Part, hereinafter referred to as "GRANTORS";

AND

Raymond T. Kauffman and Jodie S. Kauffman, husband and wife, as joint tenants in the entireties, of P.O. Box 235, Mahaffey, Clearfield County, Pennsylvania, 15757, Parties of the Second Part, hereinafter referred to as "GRANTEES".

WITNESSETH, That in consideration of the sum of One (\$1.00) Dollar in hand paid, the receipt whereof is hereby acknowledged, the said Grantors do hereby grant and convey to the said Grantees, their executors, administrators, heirs, successors and assigns, forever,

All that parcel of land known as Lot 1 of the David W. Kauffman, et al. Subdivision dated September 2, 2005, lying off the end of Kauffman Road, also known as Township Road T-131, in Bell Township, Clearfield County, Pennsylvania, and being more particularly described as follows:

Beginning at a point in the centerline of a 16-foot Private Road, said point being north 83 degrees 23 minutes 41 seconds east 73.62 feet and north 53 degrees 31 minutes 20 seconds east 17.79 feet from the centerline intersection of the said 16-foot Private Road with the end of Kauffman Road, said point also being the western corner of the land herein conveyed and running:

thence north 53 degrees 31 minutes 20 seconds east a distance of 101.34 feet, along the centerline of the 16-foot Private Road to a point;

thence north 49 degrees 38 minutes 28 seconds east a distance of 131.35 feet, along the same to a spike set;

thence north 43 degrees 11 minutes 31 seconds east a distance of 326.12 feet, along the same to a point on the southwestern line of Harrie W. Hall, et al., as

was conveyed to them by instrument number 200007232;

thence south 40 degrees 42 minutes 41 seconds east a distance of 1483.57 feet, along Harrie W. Hall, et al. to a 3/4 inch iron pin found on the northwest line of Sallee Mosteller, et al., as was conveyed to them by deed book 426 page 69, said line passing through a 3/4 inch rebar set at 15.00 feet;

thence north 66 degrees 36 minutes 41 seconds west a distance of 1061.30 feet, through lands of the Grantor to a 3/4 inch rebar set;

thence north 51 degrees 12 minutes 29 seconds west a distance of 511.08 feet, through lands of the Grantor to a point in the centerline of a 16-foot Private Road and place of beginning, said line passing through 3/4 inch rebar set back 15.00 from said centerline of the 16-foot Private Road.

Together with and subject to covenants, easements and restrictions of record.

Containing 11.000 acres and known as Lot 1 of the David W. Kauffman, et al. Subdivision, as shown on map prepared by Curry and Associates dated September 2, 2005. Bearings based on True North. Being a part of lands conveyed to the Grantors by instrument number 199911173.

This conveyance includes the right to use jointly with others previously granted use, of the existing 16-foot Private Road as shown on the above referenced subdivision map.

This conveyance also allows for a 20-foot utility easement to supply this lot with electric, telephone and other utilities that may be made available.

BEING a portion of the same premises as were granted and conveyed unto Grantors herein by Deed of Helen Kauffman dated July 1, 1999 and recorded in the Office of the Recorder of Deeds for Clearfield County at Instrument Number 199911173 and known as Lot 1 of the David W. Kauffman, et al. Subdivision as recorded by subdivision map dated September 2, 2005, approved October 17, 2005 and recorded on October 21, 2005, at Clearfield County Instrument No. 200518122.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said party of the first part, of, in, to or

out of the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances, unto the said party of the second part, his executors, administrators, heirs, successors and assigns, to and for the only proper use and behoof of the said party of the second part, his executors, administrators, successors and assigns forever.

SUBJECT TO all restrictions, reservations, conditions and encumbrances of record.

ONE-THIRD OF THIS TRANSFER is from father to son and daughter-in-law and that portion of the property value is therefore exempt from realty transfer tax pursuant to 72 P.S. §8102-C.3(6).

For the purpose of complying with the Act of July 17, 1957, P.L. 984; 52 P.S. Supp. 1551, as amended, of the General Assembly of Pennsylvania, and for no other purpose, there is incorporated herein the following notice:

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended.)

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Mary A. Bell
.....
Mary A. Bell
.....

Paul S. Kauffman
.....
Raymond A. Kauffman
Jodie S. Kauffman
.....
Jodie S. Kauffman

This day of 2005

AND the said Grantor will SPECIALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said Grantors have hereunto set their hands and seals,
the day and year first above written.

Sealed in the presence of

Mary H. Bell
Mary H. Bell
Mary H. Bell
Mary H. Bell
Mary H. Bell

David W. Kauffman [Seal]
David W. Kauffman
Barbara A. Kauffman [Seal]
Barbara Kauffman
Thomas R. Kauffman [Seal]
Thomas R. Kauffman
Doreen F. Kauffman [Seal]
Doreen F. Kauffman
Rose Marie Wesolek [Seal]
Rose Marie Wesolek

Certificate of Residence

I hereby certify that the precise residence of the Grantees herein is as follows:

P.O. Box 235
Mahaffey, PA, 15757

Dwight L. Koerber, Jr.
Dwight L. Koerber, Jr., Esquire
Attorney for GRANTEES

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

On this, the 12 day of Dec, 2005, before me, a notary public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared **David W. Kauffman and Barbara Kauffman**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the above Indenture, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial seal.

My Commission Expires:

March 18, 2008

Mary A. Bell

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Mary A. Bell, Notary Public
Mahaffey Boro, Clearfield County
My Commission Expires Mar. 18, 2008

Member, Pennsylvania Association Of Notaries

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

On this, the 12 day of Dec, 2005, before me, a notary public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared **Thomas R. Kauffman and Doreen F. Kauffman**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the above Indenture, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial seal.

My Commission Expires:

March 18, 2008

Mary A. Bell

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Mary A. Bell, Notary Public
Mahaffey Boro, Clearfield County
My Commission Expires Mar. 18, 2008

Member, Pennsylvania Association Of Notaries

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

On this, the 12 day of Dec, 2005, before me, a notary public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared **Rose Marie Wesolek**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the above Indenture, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial seal.

My Commission Expires:

March 18, 2008

Mary A Bell
NOTARY PUBLIC

