

James Kusko et al vs Haubert Homes
2006-1920-CD

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

JAMES D. KUSKO & KAREN L.
KUSKO,
Owners

vs.

HAUBERT HOMES, INC.,
Contractor

No.: 2006-1920-CD

Type of case: civil

Type of document: Stipulation/
Waiver of Mechanics' Liens

Filed on behalf of: Owners

Counsel of record for this
party:

John R. Carfley, Esq.
Supreme Court ID 17621
P. O. Box 249
Philipsburg, PA 16866
814-342-5581

FILED *Atty pd.*
20.00
01/24/06 *Atty*
NOV 17 2006 *2006 Atty Carfley*

William A. Shaw
Prothonotary/Clerk of Courts



Investors Title Insurance Company

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

Local Agent:

BANKERS SETTLEMENT SERVICES
 OF SOUTHWEST PENNSYLVANIA, LLC
 PO BOX 537
 HOLLIDAYSBURG, PA 16648
 PH: 814.696.9800 FAX: 814.696.9802

Commonwealth of Pennsylvania, County of CENTRE

STIPULATION/WAIVER OF MECHANICS' LIENS

Commitment/Policy No. 200601174SP

On this 20 day of 06, before me personally appeared James D. Kusko & Karen L. Kusko, Haubert Homes, Inc., Owner of the property ("Owner"), and 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:
special 1/2 story residence and garage

located on the real property described as follows:

Tax Map No. 124-R9-175 located in Munson, Morris Township, Clearfield County, Pennsylvania - See full description on attached sheet marked Exhibit "A"

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>James D. Kusko</u>		Owner	<u>Karen L. Kusko</u>			
Owner <u>James D. Kusko</u> State of <u>PENNSYLVANIA</u> , County of <u>CENTRE</u>		Owner <u>Karen L. Kusko</u>				
<p><input checked="" type="checkbox"/> INDIVIDUAL: On this, the <u>20</u> day of <u>06</u>, the undersigned officer, personally appeared <u>James D. Kusko and Karen L. Kusko</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.</p> <p><input type="checkbox"/> CORPORATION: On this, the <u>20</u> day of <u>06</u>, the undersigned officer, personally appeared <u>James D. Kusko and Karen L. Kusko</u>, acknowledged himself to be 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>Division Manager</u>.</p> <p>In witness whereof, I hereunto set my hand and official seal.</p>						
<u>John R. Carley</u> <small>Signature</small>		<u>Attorney/ Notary Public</u> <small>Title</small>				
<p>If Notary, my commission expires: _____</p> <p>COMMONWEALTH OF PENNSYLVANIA</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><input type="checkbox"/> INDIVIDUAL By <u>Edward D. Hunter</u> State of <u>PENNSYLVANIA</u>, County of _____</td> <td style="width: 50%; text-align: center;"> NOTARIAL SEAL JOHN R. CARLEY NOTARY PUBLIC PHILIPSBURG BORO, CENTRE COUNTY MY COMMISSION EXPIRES APRIL 18, 2008 </td> </tr> </table> <p><input checked="" type="checkbox"/> INDIVIDUAL: On this, the <u>20</u> day of <u>06</u>, the undersigned officer, personally appeared <u>Edward D. Hunter</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.</p> <p><input checked="" type="checkbox"/> CORPORATION: On this, the <u>20</u> day of <u>06</u>, the undersigned officer, personally appeared <u>Edward D. Hunter</u>, acknowledged himself to be 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>Division Manager</u>.</p> <p>In witness whereof, I hereunto set my hand and official seal.</p>					<input type="checkbox"/> INDIVIDUAL By <u>Edward D. Hunter</u> State of <u>PENNSYLVANIA</u> , County of _____	NOTARIAL SEAL JOHN R. CARLEY NOTARY PUBLIC PHILIPSBURG BORO, CENTRE COUNTY MY COMMISSION EXPIRES APRIL 18, 2008
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<u>Melissa L. Brown</u> <small>Signature</small>		<u>Assistant Manager</u> <small>Title</small>				
<p>If Notary, my commission expires: <u>4/14/109</u></p> <p>COMMONWEALTH OF PENNSYLVANIA</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"><input type="checkbox"/> INDIVIDUAL By <u>Melissa L. Brown</u> State of <u>PENNSYLVANIA</u>, County of _____</td> <td style="width: 50%; text-align: center;"> Notarial Seal Melissa L. Brown, Notary Public Sandy Twp., Clearfield County My Commission Expires Apr. 14, 2009 </td> </tr> </table>					<input type="checkbox"/> INDIVIDUAL By <u>Melissa L. Brown</u> State of <u>PENNSYLVANIA</u> , County of _____	Notarial Seal Melissa L. Brown, Notary Public Sandy Twp., Clearfield County My Commission Expires Apr. 14, 2009
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EXHIBIT "A"

ALL that certain piece or parcel of land situate in the Township of Morris, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin marking a southerly corner of lands now or formerly of Roper W. and Lita A. Houston (D.B. 1742, Pg. 170, Tax Parcel No. R9-000-151) and also marking a northerly corner of lands of Alan D. and Donna Christensen (D.B. 1779, Pg. 224, Tax Parcel No. R9-000-08); thence through said lands of Christensen S 04° 58' 10" W a distance of 188.48 feet to an iron pin; thence through said lands of Christensen N 84° 40' 11" W a distance of 704.65 feet to an iron pin located on the easterly right of way line of Township Road No. T-706 (School House Road); thence along said right of way line of School House Road N 25° 53' 09" E a distance of 838.23 feet to an iron pin on line of said lands of Houston; thence along said lands of Houston S 84° 40' 11" E a distance of 405.39 feet to an iron pin; thence along said lands of Houston S 04° 58' 10" W a distance of 596.40 feet to an iron pin marking the place of beginning.

CONTAINING 10.000 acres and being Lot No. 1 as shown on a plan prepared by Stephen W. Norfolk, P.L.S., entitled "Alan D. and Donna Christensen Subdivision, Lot No. 1" dated May 15, 2003, and recorded in the Office of the Recorder of Deeds in Clearfield County as Instrument No. 200314949.