

08-1378-CD
D. Homer al vs Thompson Hill Homes

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

DENNIS R. HOMER and GAIL D. : No. 08-1378- C.D.
HOMER, :
Plaintiffs, : Type of Pleading: STIPULATION/WAIVER
vs. : OF MECHANICS' LIENS
: Filed on Behalf of: DENNIS R. HOMER
THOMPSON HILL HOMES, : and GAIL D. HOMER, Plaintiffs
Defendant. :
: Counsel of Record for this Party:
: PAULA M. CHERRY, ESQ.
: Supreme Court No.: 36023
: GLEASON, CHERRY AND CHERRY, L.L.P.
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:

FILED *Atty pd \$20.00*
013-3367
JUL 28 2008 *2CC Atty*
William A. Shaw *WAS* P. Cherry
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) 968-2235Commonwealth 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. 200800672SP

On this 28 day of July, 2008, before me personally appeared DENNIS R. HOMER & GAIL D. HOMER, Owner of the property ("Owner"), and KEVIN WOLFE, President of Thompson Hill Homes, 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:

Modular Home

located on the real property described as follows:

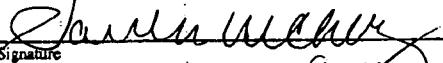
5872 Wayne Rd

Dubois, PA 15801

See Exhibit A for description.

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 1508 of the Mechanics' Lien Law of 2007 of the Commonwealth of Pennsylvania.

<u>DENNIS R. HOMER</u> <small>Owner</small> <small>Owner</small> <u>GAIL D. HOMER</u> <small>Owner</small> <u>State of Pennsylvania</u> , County of <u>Clearfield</u>		
<input type="checkbox"/> INDIVIDUAL: On this, the <u>28</u> day of <u>July</u> , 20 <u>08</u> , 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 type="checkbox"/> CORPORATION: On this, the <u>28</u> day of <u>July</u> , 20 <u>08</u> , the undersigned officer, personally appeared, acknowledged himself to be the <u>President</u> of <u>Thompson Hill Homes</u> , a corporation, and that he as such <u>KEVIN WOLFE</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>President</u> .		
<small>In witness whereof, I hereunto set my hand and official seal.</small>  <small>Signature</small> <u>DENNIS R. HOMER</u> <small>Title</small> <u>Notary Public</u> <small>My Commission Expires Sept. 16, 2009</small>		
<small>Commonwealth of Pennsylvania</small> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> <small>NOTARIAL SEAL</small> PAULA M. CHERRY, Notary Public <small>City of Dubois, County of Clearfield</small> <small>My Commission Expires Sept. 16, 2009</small> </div>		

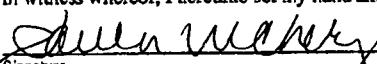
<u>Thompson Hill Homes</u> , General Contractor <small>BY: KEVIN WOLFE</small> <u>State of Pennsylvania</u> , County of <u>Clearfield</u>		
<input type="checkbox"/> INDIVIDUAL: On this, the <u>28</u> day of <u>July</u> , 20 <u>08</u> , the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledge that he/she/they executed the same for the purposes therein contained.		
<input type="checkbox"/> CORPORATION: On this, the <u>28</u> day of <u>July</u> , 20 <u>08</u> , the undersigned officer, personally appeared, acknowledged himself to be the <u>President</u> of <u>Thompson Hill Homes</u> , a corporation, and that he as such <u>KEVIN WOLFE</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>President</u> .		
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Exhibit "A"

ALL that certain piece or parcel of land situated in the Township of Sandy, County of Clearfield, and Commonwealth of Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a point on the southwestern right of way line of Township Road T-387, also known as Wayne Road, said point being the northwest corner of lands of Mark A. and Christina M. Fields as described in Deed Book 1221, Page 367, said point being the northeast corner of the parcel herein conveyed and running:

THENCE, along the northwestern line of Mark A. and Christina M. Fields, South 37° 42' 00" West, passing through a 1½" pipe (found) at a distance of 5.15 feet and continuing on for a total distance of 166.30 feet to a ¾" rebar (set);

THENCE, through lands now or formerly of Dennis R and Gail D. Homer for a new subdivision line the following courses and distances:

North 53° 07' 22" West a distance of 38.96 feet to a ¾" rebar (set);

North 14° 11' 54" East a distance of 26.16 feet to a ¾" rebar (set);

North 01° 09' 16" East a distance of 92.65 feet to a ¾" rebar (set);

North 21° 39' 12" East a distance of 50.18 feet to a ¾" rebar (set);

North 66° 05' 19" East a distance of 24.00 feet to a ¾" rebar (set),
said rebar being on the southwestern right of way line of Wayne Road;

THENCE along the southwestern right of way line of Wayne Road, South 51° 49' 03" East a distance of 107.03 feet to a point and place of beginning.

CONTAINING 14,487.27 square feet or 0.333 acre and known as Parcel 1 of the Homer Subdivision dated July 23, 2007, and shown on map prepared by Curry & Associates recorded in the mapping records of the Office of the Register and Recorder of Clearfield County, Pennsylvania, as Instrument No. 200800540, on January 15, 2008. Bearings above are based on southeastern line of lands of Dennis R. and Gail D. Homer as shown on a plat map prepared by Yost, Bromfield and Hess dated September 6, 1950.

The above description was prepared by Curry & Associates in accordance with a survey performed by it as referenced above.

UNDER AND SUBJECT to all exceptions, reservations, restrictions, covenants, conditions, easements, and rights of way which may appear in the recorded chain of title or which can be ascertained from an examination of the premises.

BEING the same premises which were conveyed to Dennis R. Homer and Gail D. Homer, husband and wife, by Deed of Dennis R. Homer and Gail D. Homer, husband and wife, dated June 6, 2008, and recorded in the Office of the Register and Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200808816, on June 9, 2008.