

08-1742-CD
Family Mobile Homes vs M. Witherite al

FILED No CC
M/11/02/08 Stratford
SEP 16 2008 Settlements
pd. \$20.00

William A. Shaw
Prothonotary/Clerk of Courts

08-1742-CD

NO LIEN AGREEMENT

THIS AGREEMENT, made and entered into the 8TH Day of SEPTEMBER, 2008, by and between FAMILY MOBILE HOMES, hereinafter designated as contractor, and MARK A. WITHERITE AND JENNA M. WITHERITE hereinafter designated as owners.

WITNESSETH: That by a certain contract, of even date herewith, the contractor, in consideration of the covenants to be performed and payments to be made by or on account of the owner, did covenant and agree to furnish all labor and materials and perform all work necessary to complete in the most substantial manner and to the satisfaction and acceptance of the owner.

NOW THEREFORE, the contractor, in consideration of the sum of one (\$1.00) dollar and of the covenants and provisions in said contract contained, does hereby covenant, stipulate and agree, and it is also covenanted, stipulated and agreed in the above-recited contract, as follows:

Contractor shall erect a single family residential dwelling on property situate in FERGUSON TOWNSHIP, County of CLEARFIELD and COMMONWEALTH of PENNSYLVANIA, and being known as ~~67 WITHERITE ROAD~~
CURWENSVILLE, PA 16833. 1948 WATTS ROAD

SEE ATTACHED LEGAL DESCRIPTION MADE PART OF HERETOFORE.

That there shall be no lien or right to file a lien against the structures or improvements contracted for in the above recited contract, or any part thereof, or the site thereof, for work or labor done or materials furnished in the performance of the work embraced in said recited contract, or any part or parts thereof, or extra work thereunder or changes made therein; and that no such lien or claim shall be filed, or in any way attempted to be enforced by, or on behalf of, the contractor, or by or on behalf of, any sub-contractors, material men or other persons concerned in or about the performance of the work embraced in said contract; nor shall there by any claim for work or materials against the owner, his heirs, executors, administrators or assigns, other than the legal claim of the contractor as provided in said contract.

It is the full intent of the contractor, for himself and for any sub-contractors or material men claiming for themselves, or by, through or under the contract, that the right to file a mechanics' lien, under the provision of acts of assembly in such cases made and provided, for work done or materials furnished in and about the erection, construction or repairs of the building and improvements above described, is hereby waived.

IN WITNESS WHEREOF, the parties to these presents have hereunto set their hands and seals, the day and year first written.

WITNESSES:

Mark A. Witherite
MARK A. WITHERITE

Jenna M. Witherite
JENNA M. WITHERITE

John J. DeLoach
FAMILY MOBILE HOMES
BY: Assistant Sales Manager

1948 Watts Rd

I HEREBY CERTIFY THAT THE PRECISE PROPERTY ADDRESS IS: ~~67 WITHERITE ROAD~~ CURWENSVILLE, PA 16833.

LEGAL DESCRIPTION

ALL THAT PARCEL OF LAND KNOWN AS LOT 1 OF THE ROBERT A. WITHERITE AND GLENNNA WITHERITE SUBDIVISION DATED MAY 14, 2008, LYING ONE JUST SOUTHWEST OF THE INTERSECTION OF WATTS ROAD, ALSO KNOWN AS TOWNSHIP T-440 AND CEMETERY ROAD, ALSO KNOWN AS TOWNSHIP ROAD T-324, FERGUSON TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4 INCH REBAR SET AT THE SOUTHEAST CORNER OF LANDS OWNED BY DENNIS G. AND KATHRYN M. WILLS, AS WAS CONVEYED BY DEED BOOK 1192 PAGE 157, SAID REBAR LYING ALONG A WESTERN BOUNDARY LINE OF PRISK DAIRY FARMS, AS WAS CONVEYED BY DEED BOOK 801 PAGE 473, SAID REBAR ALSO THE NORTHERN MOST CORNER OF THE LAND HEREIN DESCRIBED AND RUNNING: THENCE SOUTH 16 DEGREES 19 MINUTES 39 SECONDS EAST A DISTANCE OF 199.72 FEET, ALONG PRISK DAIRY FARMS TO A POINT ON THE CENTERLINE OF CEMETERY ROAD; THENCE, 37.98 FEET ALONG AN ARC OF A CIRCLE, CURVING TO THE RIGHT WITH A 238.75 FOOT RADIUS, THE LONG CHORD OF WHICH BEARS SOUTH 11 DEGREES 23 MINUTES 51 SECONDS WEST A DISTANCE OF 37.94 FEET, ALONG THE CENTERLINE OF WATTS ROAD TO A POINT ON THE CENTERLINE OF SAID ROAD; THENCE SOUTH 70 DEGREES 11 MINUTES 46 SECONDS WEST AND PASSING THROUGH A 3/4 INCH REBAR SET AT A DISTANCE OF 34.32 FEET AND CONTINUING ON FOR A TOTAL DISTANCE OF 254.32 FEET, THROUGH LANDS OF THE GRANTOR TO A 3/4 INCH REBAR SET; THENCE NORTH 08 DEGREES 33 MINUTES 37 SECONDS WEST A DISTANCE OF 236.34 FEET, THROUGH LANDS OF THE GRANTOR TO A 3/4 INCH REBAR SET, SAID REBAR LYING ALONG THE SOUTHERN BOUNDARY LINE OF PAUL D. AND SARAH E. WITHERITE, AS WAS CONVEYED BY INSTRUMENT NUMBER 200008394; THENCE NORTH 70 DEGREES 11 MINUTES 46 SECONDS EAST A DISTANCE OF 240.00 FEET, ALONG PAUL D. AND SARAH E. WITHERITE AND ALONG DENNIS G. AND KATHRYN M. WILLS TO A 3/4 INCH REBAR SET, AND PLACE OF BEGINNING.

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

CONTAINING 1.356 ACRES TOTAL MINUS 0.022 ACRE FOR THE RIGHT OF WAY OF WATTS ROAD, LEAVING 1.334 ACRE NET, AND KNOWN AS LOT 1 OF THE ROBERT A. WITHERITE AND GLENNNA WITHERITE SUBDIVISION DATED MAY 14, 2008, AND SHOWN ON MAP PREPARED BY CURRY AND ASSOCIATES.