

01-550-CD.  
MICHAEL A. NESBIT et al -vs- FLEMING CONTRACTING

*Sherry R. Cherry*  
23 EAST PARK AVENUE,  
DUBOIS, PENNSYLVANIA 15801

CERTIFIED TO BE A TRUE AND CORRECT  
COPY.

BY .....  
ATTORNEY FOR .....

WAIVER OF MECHANIC'S LIEN

2001 - 550 - CD

WHEREAS, MICHAEL A. NESBIT and BECKY A. NESBIT, Owners, of P.O. Box 491, DuBois, Clearfield County, Pennsylvania, 15801, entered into a contract with FLEMING CONTRACTING, General Contractor, of Route 28 South, Brookville, Jefferson County, Pennsylvania 15825, to provide materials and perform labor necessary for construction upon a parcel of ground located at Lot #31, Sylvan Heights Development, Sandy Township, Clearfield County, Pennsylvania, 15801, more fully bounded and described as follows:

ALL that certain lot or parcel of ground situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows to wit:

BEGINNING at a point in the right-of-way of William Penn Avenue, said point being the corner of Lot 30 and Lot 31 in the Schall Land Company plan of lots;

THENCE, South 58 degrees 25 minutes 35 seconds East, a distance of 89.64 feet along the right of way of William Penn Avenue, to a point;

THENCE, South 22 degrees 40 minutes 58 seconds West along Lot 32, a distance of 165.28 feet to a point;

THENCE, North 78 degrees 20 minutes 42 seconds West, a distance of 158.68 feet to a point;

THENCE, North 40 degrees 27 minutes 51 seconds East along Lot 30, a distance of 220.00 feet to the place of beginning.

CONTAINING 0.51 acres.

Said property being also known as Lot No.31, as shown on the Schall Land Company subdivision plan dated July 12, 1994, surveyed by Lee-Simpson Associates, Inc., and recorded in the Office of the Recorder of Deeds in and for Clearfield County as Map No. M-1541.

EXCEPTING and RESERVING therefrom and subject to:

1. All building and subdivision regulations of Sylvan Heights, as Amended, recorded in Volume 1635, Page 27 in the Clearfield County Recorder's Office; all of said restrictions being covenants which run with the land.

**FILED**  
APR 17 2001

William A. Shaw  
Prothonotary

2. All easements, rights of way, reservations, and limitations shown or contained in prior instruments of record and as recorded.
3. All coal, mining, mineral, oil and gas rights of every kind and nature.

BEING the same premises conveyed to Michael A. Nesbit and Becky A. Nesbit by deed of Frank S. Schall, Julianne Schall, Raymond E. Schall and Margaret S. Schall, individually and doing business as Schall Land Company, dated November 14, and recorded in the Office of the recorder of Deeds of Clearfield County, Pennsylvania, as Instrument Number 200102219.

NOW, THEREFORE, it is hereby stipulated and agreed by and between the said parties, as part of said contract and for the consideration therein set forth, that neither the undersigned General Contractor, Contractor, any subcontractor, materialman, nor any other person furnishing labor or materials to said contractor under this contract shall file a lien, commonly called a mechanic's lien, for the work done or materials furnished to the said building or any part thereof.

This stipulation is made and intended to be filed with the County Prothonotary within ten (10) days after date in accordance with the requirements of Act of Assembly of Pennsylvania, in such case provided.

IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands and seals this 14<sup>th</sup> day of April, 2001.

Michael A. Nesbit (SEAL)  
Michael A. Nesbit

Becky A. Nesbit (SEAL)  
Becky A. Nesbit

David W. Fleming (SEAL)  
David Fleming  
Fleming Contracting