

01-772-CD  
DUANE T. MCCRACKEN et al -vs- WILBUR A. NEEPER

WILBUR A. NEEPER, Contractor

and

DUANE T. McCRAKEN and  
WENDY McCRAKEN,  
Owners

WAIVER OF MECHANICS' LIEN

**FILED**

*S* MAY 21 2001  
0134516th Colavecchi  
William A. Shaw  
Prothonotary

Pd 20.00  
400

**COLAVECCHI**  
**RYAN & COLAVECCHI**

ATTORNEYS AT LAW  
221 EAST MARKET STREET  
(ACROSS FROM COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA 16830

WAIVER OF MECHANICS' LIEN 01-772-CO

WHEREAS, WILBUR A. NEEPER, of R.D. 1, Box 362, Curwensville, Pennsylvania, 16833, hereinafter referred to as CONTRACTOR, entered into an agreement dated the 16th day of April, 2001, with DUANE T. McCracken and WENDY McCracken, husband and wife, of R.R. 2, Box 362-C, Curwensville, Pennsylvania, 16833, hereinafter referred to as OWNERS, said contract being to provide material and perform labor necessary for excavation upon a lot of ground located on all that certain piece or parcel of land situated in the Township of Ferguson, Clearfield County, Pennsylvania, and being described on Exhibit "A" attached hereto and becoming part hereof.

NOW, THEREFORE, it is hereby stipulated and agreed by and between the said parties, as part of the said contract or proposal and for the consideration therein set forth, that neither the undersigned contractor, any sub-contractor or material man, nor any other person furnishing labor or materials to the said contractor under this contract shall file a lien, commonly called a Mechanics' Lien, for any work done or materials furnished to the said building or any part thereof.

LAW OFFICES OF  
COLAVECCHI  
RYAN & COLAVECCHI  
221 E. MARKET ST.  
(ACROSS FROM  
COURTHOUSE)  
P. O. BOX 131  
CLEARFIELD, PA

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William A. Shaw  
Prothonotary

This stipulation is made and intended to be filed with the Clearfield County Prothonotary, 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 21<sup>st</sup> day of MAY, 2001.

WITNESS:

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CONTRACTOR:

Wilbur A. Nepper (SEAL)  
WILBUR A. NEEPER

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OWNERS:

Duane T. McCracken (SEAL)  
DUANE T. McCRAKEN

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Wendy McCracken (SEAL)  
WENDY McCRAKEN

EXHIBIT "A"

ALL that certain piece or parcel of land situated in Ferguson Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron rod at a point on line of Fred J. and Derek R. McCracken at a point on the southwestern line of PA Route 729 having a thirty-three (33) foot wide right-of-way; thence along same, South fifty-six (56) degrees forty-eight (48) minutes five (05) seconds East, one hundred twenty-eight and no hundredths (128.00) feet to a point of beginning of the centerline of a twenty (20) foot wide easement shared by Grantees of Lot No. 2 and by Grantees of Lot No. 1; thence still by same right-of-way South fifty-six (56) degrees forty-eight (48) minutes five (05) seconds East, three hundred forty-eight and three one-hundredths (348.03) feet to a point; thence still by said Southwest right-of-way, South forty-six (46) degrees three (03) minutes forty-two (42) seconds East, three hundred fifteen and fifty-one one-hundredths (315.51) feet to an iron rod (set) on northern corner of Glenn J. and Dawn J. Witherite; thence leaving PA 729 along said Witherite South nineteen (19) degrees forty (40) minutes fifty-six (56) seconds West, five hundred seventy-seven and ninety-six one-hundredths (577.96) feet to an electric pole at corner of Lot No. 2; thence by same, North sixty-seven (67) degrees twelve (12) minutes nine (09) seconds West twenty-five and seven one-hundredths (25.07) feet to ending point of aforesaid easement; thence still by same, North sixty-seven (67) degrees twelve (12) minutes nine (09) seconds West, two hundred sixty-five and sixty-four one-hundredths (265.64) feet to an electric pole; thence still by Lot No. 2 fifty-one (51) degrees fifteen (15) minutes zero (00) seconds West, one thousand five hundred fifty-five and fifty-five one-hundredths (1555.55) feet to an iron rod (set) on line of lands of Rudy W. Shaffer; thence by same, North thirty-seven (37) degrees zero (00) minutes zero (00) seconds West, eight hundred twelve and ninety-one one-hundredths (812.91) feet through an iron rail (found) seventy and thirty-nine one-hundredths (70.39) feet prior to reaching an iron rod (set) on corner of Fred J. and Derek R. McCracken; thence by same, North fifty-one (51) degrees fifteen (15) minutes zero (00) seconds East, one thousand nine hundred seventy-four and no hundredths (1974.00) feet to the place of beginning.

Containing 40.8110 acres by calculation and being Lot No. 1 on the survey map prepared by Fred H. Shuss.

The above description is shown in complete detail on the map having been prepared by Fred H. Shuss on July 8, 1999 and recorded at Clearfield as Instrument Number 199914110.

The above conveyance is UNDER AND SUBJECT to the easement or right-of-way across Lot No. 1 as shown in the survey map prepared by Fred H. Shuss. This easement or right-of-way is for the benefit of Lot No. 2 which is being conveyed by separate deed to David M. Edwards and Teresa Edwards, his wife. Said easement or right-of-way leads from Lot No. 2 (now the Edwards property) across the McCracken property described herein leading to PA Route 729. This easement or right-of-way is for the benefit of Grantees, their heirs and assigns, and they shall have the right to maintain said right-of-way so that it may be utilized by them.

BEING the same premises conveyed to Duane T. McCracken and Wendy McCracken, his wife, from Seth Telford McCracken and Ella Margaret McCracken, his wife, by deed dated September 7, 1999, recorded at Clearfield County as Instrument Number 199914941.