

02-394-CD

MILLER EXCAVATING -vs- DARYL D. DAVENPORT, II et al

2002-394-C0

WAIVER OF MECHANICS' LIEN

WHEREAS, MILLER EXCAVATING, of R.D. 2, Box 243, Punxsutawney, Pennsylvania, 15767, hereinafter referred to as CONTRACTOR, entered into an agreement dated the 15 day of March, 2002, with DARYL D. DAVENPORT, II and DANIELLE M. BEATTY of 117 Panther Alley, Mahaffey, Pennsylvania, 15757, 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 Bell, 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

**FILED**

MAR 15 2002

6/3:30/47

William A. Shaw  
Prothonotary

80  
20.-

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 15 day of March, 2002.

WITNESS:

CONTRACTOR:

MILLER EXCAVATING

BY Brian R Miller (SEAL)

OWNERS:

Daryl D. Davenport (SEAL)  
DARYL D. DAVENPORT, II

Danielle M. Beatty (SEAL)  
DANIELLE M. BEATTY

**ALL** that certain piece, parcel or tract of land situate, lying and being in Bell Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point at the intersection of the center line of Township Road T-335, also known as Splash Dam Road, and the western lie of lands of Regis Q. McKnight as described in Instrument Number 200015351, said point also being the southeast corner of lands of Bertha L. Shaffer as recorded in Deed Book 1241, Page 381, said point also being near the center line of Township Road T-420, also known as Curry Run Road, said place of beginning being the northeast corner of the parcel herein conveyed and running;

Thence along the western line of lands of Regis Q. McKnight South one (01) degree one (01) minute twenty-one (21) seconds West, a distance of two hundred seventy-five and no hundredths (275.00) feet to a railroad spike (set);

Thence through lands of the Grantors for a new subdivision North eighty-six (86) degrees sixteen (16) minutes fifty-three (53) seconds West passing through a 3/4" rebar (set) at a distance of twenty-four and ninety-five one-hundredths (24.95) feet and continuing on for a total distance of one hundred seventy-five and no hundredths (175.00) feet 3/4" rebar (set);

Thence still through lands of the Grantors for a new subdivision line North one (01) degrees one (01) minute twenty-two (22) seconds East passing through a 3/4" rebar (set) at a distance of two hundred fifty and two one-hundredths (250.02) feet and continuing on for a total distance of two hundred seventy-five and two one-hundredths (275.02) feet to a point, said point being on the center line of Township Road T-335;

Thence along center line of Township Road T-335 the following courses and distances:

South eighty-six (86) degrees thirteen (13) minutes forty-six (46) seconds East, a distance of twenty-five and no hundredths (25.00) feet to a point;

South eighty-six (86) degrees sixteen (16) minutes fifty-three (53) seconds East, a distance of one hundred fifty and no hundredths (150.00) feet to a point and place of beginning.

Containing 1.104 acres and known as Lot Number 2 of the Davenport Subdivision as shown on map prepared by Curry & Associates dated August 11, 2001. Said map having been recorded at Clearfield County on November 26, 2001 as Instrument Number 200118890.

BEING the same premises conveyed to Daryl D. Davenport, II and Danielle M. Beatty from Daryl D. Davenport, Jason Davenport and Beverly D. Book by deed dated December 3, 2001, recorded at Clearfield County as Instrument Number 200119364.

**Exhibit**

**"A"**

**FILED**  
MAR 15 2002  
Prothonotary  
William A. Shaw

MILLER EXCAVATING,  
Contractor

and

DARYL D. DAVENPORT, II  
and DANIELLE M. BEATTY,  
Owners

WAIVER OF MECHANICS' LIEN

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

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

Lap over margin