

02-460-CD
KEN PRISK EXCAVATING & CONSTRUCTION -vs- ROBERT K. WITHERITE
etux

WAIVER OF MECHANICS' LIEN

02-460-CD

WHEREAS, KEN PRISK EXCAVATING & CONSTRUCTION, of R.R. 2, Box 97, Curwensville, Pennsylvania, 16833, hereinafter referred to as CONTRACTOR, entered into an agreement dated the 24 day of March, 2002, with ROBERT K. WITHERITE and PAULA K. WITHERITE, husband and wife, of 421 Meadow Street, 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 located on Lee Run road, Grampian, 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.

FILED

MAR 27 2002

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 26 day of March, 2002.

WITNESS:

CONTRACTOR:

KEN PRISK EXCAVATING & CONSTRUCTION

Melissa K Witherite

BY Kenneth B Prisk (SEAL)

OWNERS:

[Signature]

Robert K. Witherite (SEAL)
ROBERT K. WITHERITE

AS TO BOTH

Paula K. Witherite (SEAL)
PAULA K. WITHERITE

Map Number 125-D9-31
Penn Township
Clearfield County, PA

ALL that certain parcel of land known as Lot 3 of the C.B. Danver Heirs Trust, Michael C. Sutika, Trustee Subdivision lying in Penn Township, Clearfield County, Pennsylvania, band being more particularly described as follows:

BEGINNING at a 3/4 inch rebar set, said rebar being northern most corner of Lot 2 of the above-mentioned subdivision, said rebar being the eastern most corner of the land herein conveyed and running:

THENCE, South 36 degrees 46 minutes 38 seconds West, a distance of 300.42 feet, along Lot 2 to a point in the centerline of Township Road T-460, said line passing through a 3/4 inch rebar set back 17.00 feet from said centerline;

THENCE, North 55 degrees 00 minutes 11 seconds West, 312.59 feet along the centerline of T-460 to a spike set;

Thence, North 38 degrees 47 minutes 29 seconds East, 300.94 feet through land of the Grantor to a 3/4 inch rebar set, said line passing through a 3/4 inch rebar set at 24.45 feet;

Thence, South 55 degrees 30 minutes 11 seconds East 302.01 feet through lands of the Grantor to a 3/4 inch rebar set and place of beginning.

TOGETHER with and subject to covenants, easements and restrictions of record.

Continuing 2.118 acres total, minus, 0.118 acre for the right-of-way of Township Road T-460, leaving 2.000 acres net and known as Lot No. 3 of the C.B. Danver Heirs Trust, Michael C. Sutika, Trustee, Subdivision dated October 2, 2001 and shown on map prepared by Curry and Associates, said map being recorded at Clearfield County as Instrument Number 200119179. Bearings above are based on True North.

BEING the same premises conveyed to Robert Keith Witherite and Paula Kay Witherite, his wife, from Michael C. Danver, Trustee under Agreement dated July 8, 1991 with Andrew J. Sutika and Veryl J. Sutika, his wife, by deed dated December 27, 2001, recorded at Clearfield County as Instrument Number 200120866.

Exhibit

"A"

KEN PRISK EXCAVATING &
CONSTRUCTION,
Contractor

and

ROBERT KEITH WITHERITE and
PAULA KAY WITHERITE,
Husband and Wife,

Owners

WAIVER OF MECHANIC'S LIEN

FILED

01/10:38:201
MAR 27 2002

William A. Shaw
Prothonotary

COLAVECCHI
RYAN & COLAVECCHI

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

Atty Colavecchi:

pd. 20.00

No CC