

02-651-CD
BEISH AND MILLER CONSTRUCTION -vs- TERRY R. BRISKAR et al

2002-651-C0

WAIVER OF MECHANICS' LIEN

WHEREAS, BEISH AND MILLER CONSTRUCTION of Box 66, Grampian, Pennsylvania, 16838, hereinafter referred to as CONTRACTOR, entered into an agreement with TERRY R. BRISKAR and MAUREEN R. BRISKAR, his wife, of 602 South Second Street, Clearfield, Pennsylvania, 16830, 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 those certain pieces or parcels of land situated in the Township of Lawrence, 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

APR 24 2002
10:30 AM 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 23rd day of April, 2002.

WITNESS:

CONTRACTOR:

BEISH AND MILLER CONSTRUCTION

BY Preston Briskar (SEAL)
Tom Miller

OWNERS:

Terry R. Briskar (SEAL)
TERRY R. BRISKAR

Maureen R. Briskar (SEAL)
MAUREEN R. BRISKAR

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I. Parcel No. 123-K8-118
Lawrence Township
Clearfield County, PA

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

BEGINNING at a point in centerline of Township Road T-591, said point being South 72 degrees 58 minutes 30 seconds East 265.88 feet from the intersection of Route 17120 and Township Road T-591, known as Owens Road; thence still along the centerline of Township Road T-591, South 72 degrees 58 minutes 30 seconds East 115.88 feet to a 7" x 9" stone buried in the centerline of said highway; thence South 26 degrees 53 minutes 49 seconds West 158.68 feet to a point; thence North 72 degrees 58 minutes 30 seconds West 115.88 feet to a point; thence North 26 degrees 53 minutes 49 seconds East 158.68 feet to the centerline of Township Road T-591 and the place of beginning.

BEING the same premises conveyed to Terry R. Briskar and Maureen R. Briskar, husband and wife, by deed of John James Davis and Carole Rae Davis, husband and wife, dated June 7, 2000, recorded at Clearfield County as Instrument Number 200007980.

Exhibit

"A"

II. Map Number 123-K8-133
Lawrence Township
Clearfield County, PA

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

BEGINNING at a point, being the northeast corner of the lot herein described and being the southeast corner of the lot of John James Davis, et ux, said point also being South twenty-six (26) degrees fifty-three (53) minutes forty-nine (49) seconds West a distance of one hundred fifty-eight and sixty-eight one-hundredths (158.68) feet from an existing seven (7) inch by nine (9) inch stone buried in Township Road T-591, also known as Owens Road; thence South twenty-six (26) degrees fifty-three (53) minutes forty-nine (49) seconds West one hundred fifty (150) feet to an iron pin; thence North seventy-two (72) degrees fifty-eight (58) minutes thirty (30) seconds West, a distance of one hundred fifteen and eighty-eight one-hundredths (115.88) feet to a point; thence north twenty-six (26) degrees fifty-three (53) minutes forty-nine (49) seconds East one hundred fifty (150) feet to the south west corner of lot of John James Davis, et ux; thence along the line of land of John James Davis, et ux, South seventy-two (72) degrees fifty-eight (58) minutes thirty (30) seconds East one hundred fifteen and eighty-eight (115.88) feet to a point and place of beginning.

BEING the same premises conveyed to Terry R. Briskar and Maureen R. Briskar, husband and wife, by deed of Patrick M. Davis, a/k/a Patrick Martin Davis and Tamie J. Davis, his wife, dated June 2, 2000 and recorded at Clearfield County at Instrument Number 200007904.

III. Map Number 123-K8-105
Lawrence Township
Clearfield County, Pennsylvania

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

BEGINNING at a point in centerline of Township Road T-591, known as Owens Road, said point being North 72 degrees 58 minutes 30 seconds West, 231.76 feet from a stone marker in said road on line of formerly Howard Owens; thence along said centerline, South 72 degrees 58 minutes 30 seconds East, 81.76 feet to corner of parcel conveyed by Joe Macaluso, et ux, to Charles L. Davis and Turi Davis, his wife, by deed dated October 6, 1951; thence by said parcel, South 26 degrees 53 minutes 49 seconds West, 150.00 feet; thence still by same parcel, South 72 degrees 58 minutes 30 seconds East, 150.00 feet to the line of Howard Owens; thence by Owens, South 26 degrees 53 minutes 49 seconds West, 158.68 feet to an iron pipe on line of Owens and line of a proposed private drive; thence along said private drive and through land of Davis and Macaluso for a new subdivision, North 72 degrees 58 minutes 30 seconds West, 239.00 feet to another iron pipe on the southeast corner of Parcel No. II as shown on map prepared by Robert L. Kester, Surveyor, dated July 11, 1978 to be conveyed to Sarah Macaluso; thence along same and Parcel No. I as shown on map prepared by Robert L. Kester, Surveyor, dated July 11, 1978, to be conveyed to Charles L. Davis, et ux, North 28 degrees 12 minutes 50 seconds East, passing an iron pin on the right-of-way of the Township Road at 293.19 feet, a total distance of 310.00 feet to the place of beginning.

Containing 1.13 acres, including 16.5 feet of easement of the Township Road, designated as Parcel No. III on the map prepared by Robert L. Kester, Surveyor, dated July 11, 1978.

BEING the rest and residue of the premises conveyed to Charles L. Davis and Turi Davis, his wife, by deed of Sarah Macaluso dated August 23, 1978 and recorded at Clearfield County at Volume 767, Page 40.

SUBJECT to the prior conveyance of 0.804 acres by Charles L. Davis and Turi Davis to Patrick M. Davis and Kimberly Davis by deed dated February 24, 1987 and recorded at Clearfield County in Volume 1128, Page 545.

It is understood and agreed that the "private drive" mentioned in this description and shown on the map attached to deed recorded at Volume 767, Page 40, shall be a private drive for its entire length of 389.95 feet and may be used by either the Grantor or the Grantees herein, their heirs, successors or assigns, and no others.

BEING the same premises set forth as "The Second Thereof" conveyed to Terry R. Briskar and Maureen R. Briskar, husband and wife, by deed of Turi Davis, widow, dated May 18, 2001 and recorded at Clearfield County at Instrument Number 200107470.