

02-956-CD

Scott McKenzie vs Larry Yarger al

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SCOTT A. MCKENZIE -vs- LARRY YARGER et al

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

02-956-00

WHEREAS, SCOTT A. MCKENZIE, an individual, currently of RR #2 Box 104 A1, Clearfield, Clearfield County, Pennsylvania, hereinafter called "OWNER", on or about May 31st, 2002, entered into a Contract with LARRY YARGER, t/d/b/a, SUPERIOR WALLS, a franchise of ADVANCED CONCRETE SYSTEMS, of RD #2 Box 147A, Middleburg, Pennsylvania, 17842, hereinafter called "CONTRACTOR", for the purpose of erecting the foundation for a log home in accordance with the plans and specifications attached to said Contract, upon ALL that parcel of land known as Lot 5 of the Daniel King Riehl, Jr. Subdivision dated June 1, 1999, said Lot lying 1/2 mile South of Pennsylvania State Route 879 with Township Road T-648 in Covington Township, Clearfield County, Pennsylvania and being more particularly described as follows:

BEGINNING at a point in the centerline of an unnamed tributary to Sandy Creek at the Northeast corner of Lot 4 of the above referenced subdivision, said point being the Northwest corner of the land hereby conveyed and running: thence along the centerline of the unnamed tributary to Sandy Creek, downstream, the following courses and distances: S 80-39-08 E Length: 42.22, N 55-31-36 E Length: 108.25, N 84-18-12 E Length: 87.28, N 49-54-50 E Length: 82.90, N 09-51-47 E Length: 35.59, N 44-54-17 E Length: 44.21, N 37-05-26 E Length: 60.88, N 57-57-41 E Length: 51.10, N 65-33-19 E Length: 63.32, N 29-04-37 E Length: 66-17, N 05-52-03 E Length: 69.64, S 89-35-45 E Length: 112.16, N 59-30-29 E Length: 51.90, S 54-57-41 E Length: 62.61, S 82-05-11 E (erroneously omitted in prior Deed description) Length: 91.18 feet to a point in the centerline of the unnamed tributary to Sandy Creek and being on the Western line of Grace M. Bergey Estate, as was conveyed by deed Book 1317, page 198; thence S 03-00-00W 1188.76 feet along Grace M. Bergey Estate to a 1 inch iron pipe found witnessed; thence S 18-18-31 E 14.46 feet along the same to a pint in the centerline of an unnamed tributary to Sandy Creek; thence along the centerline of an unnamed tributary to Sandy Creek, upstream, the following courses and distances: S 81-52-07 W Length: 115.55, N 70-06-31 W Length: 45.98, S 77-52-17 W Length: 153.27, N 66-05-19 W Length: 33.74, S 30-24-27 W Length: 36.93, N 74-21-54 W Length: 65.41, S 59-30-42 W Length: 85.42, S 53-13-40 W Length: 96.79, S 70-38-08 W Length: 60.19, S 73-34-07 W Length: 87.12, S 00-42-32 E Length: 37.29, S 52-02-23 W 101.07 feet to a point in the centerline of the unnamed tributary to Sandy Creek and corner of Lot 3 of the above referenced subdivision; thence N 02-51-42 E 1092.17 feet to a point in the centerline of another unnamed tributary to Sandy Creek and place of beginning, said line passing through a 3/4 inch rebar set at 6.00 feet and another 3/4 inch rebar set back 6.23 feet from the point of beginning.

SAID property containing 20.00 acres and known as Lot 5 of the Daniel King Riehl, Jr. Subdivision dated June 1, 1999, and prepared by Curry and Associates. Bearings above are based on True North as determined by a series of solar observations.

FURTHER GRANTING AND CONVEYING unto the Grantee herein, his heirs, executors, successors and assigns, the perpetual right and privilege of use of a Private Road in common with future owners of Lot number 3 and 4 on the Daniel King Riehl, Jr. Subdivision dated June 1, 1999, as recorded in the Office of the Recorder of Deeds of Clearfield County,

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Pennsylvania, as Instrument Number 199900935 - as presently located on said Daniel King Riehl, Jr. Subdivision Plan. It is expressly agreed and understood that the Grantee, his heirs, executors, successors and assigns shall have the right in common with the owners of Lot numbers 3 and 4 of the Daniel King Riehl, Jr. Subdivision Plan to use the said Private Road as ingress, egress and regress to said Grantee's land. The said Private Road is further described as follows:

BEGINNING at a spike set in the centerline of Township Road T-648, said spike being N 28-31-46-W 152.11 feet from a spike set in the centerline intersection of another 50 foot Private Road, at the common corner of Lot's 1 and 6; thence N 72-12-35- E 145.96 feet to a spike set; thence N 76-43-11 E 49.48 feet to a point; thence N 67-50-04 E 65.43 feet to a spike set at the Southwest corner of Lot 4; thence N 67-50-04 E 100.92 feet to a point; thence N 70-07-38 E 88-14 feet to a point; thence N 77-32-13 E 107.39 feet to a spike set on the Western line of Lot 5 and end of the 50 foot right-of-way.

BEING a portion of the same premises as were conveyed unto Daniel King Riehl, Jr., by deed of Theresa Marie Rougeux, an individual, dated January 14, 1999, and recorded in the Clearfield County Recorder's Office of Clearfield County, Pennsylvania, as Instrument Number 199900935.

NOW, THEREFORE, at the time of and immediately before the execution of the principal Contract, and before any authority has been given by the said SCOTT A. MCKENZIE, an individual, to LARRY YARGER, t/d/b/a, SUPERIOR WALLS, a franchise of ADVANCED CONCRETE SYSTEMS, to commence work on said erecting the foundation for a log home, or to purchase materials for the same, it is hereby stipulated and agreed by and between the said parties as part of the said Contract and for the consideration therein set forth that neither the undersigned Contractor, and sub-contractor, material man, or mechanic, nor any other person furnishing labor and/or materials to the said Contractor under this Contract shall file any Mechanic's or other lien or claim for work done or material furnished in or about the performance of said Contract against the ground herein described, upon which the structure thereon is erected, or against any structure or property whatsoever covered by said Contract.

This stipulation is specifically made with the purpose and the intent that it be filed in the Prothonotary's Office of Clearfield county, Pennsylvania, in accordance with, under, and by virtue of the requirements of the Acts of Assembly of Pennsylvania in such case provided, in order to operate as a complete **Waiver** by the Contractor and all sub-contractors, and material, men, or any other person, of the right to file any Mechanic's Lien of any nature and in any manner.

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IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 3rd
day of May, 2002.

WITNESS:

Kimberly Jordan

Scott A. McKenzie (SEAL)
Scott A. McKenzie, Owner

Angela Barnett

Larry Yarger (SEAL)
Larry Yarger, Contractor