

02-1472-CD
Ronald Lykens vs Torrell & Bernardo

02

02-1472- CD
RONALD E. LYKENS et al. vs. TORRELL & BERNARDO REMD.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RONALD E. LYKENS and :
JOANNE R. LYKENS, :
husband and wife, :
Owners : 2002-1472-WML

vs.

TORRELL & BERNARDO :
REMODELING & CUSTOM HOMES, :
Contractor :
:

FILED

SEP 24 2002

WAIVER OF MECHANIC'S LIEN

William A. Shaw
Prothonotary

THIS AGREEMENT, waiving the right to file Mechanic's Lien, is made this 20 day of September, 2002, between RONALD E. LYKENS and JOANNE R. LYKENS, husband and wife, with mailing address of R.R. 1 Box 345, Clearfield, Pennsylvania, 16830, hereinafter called "OWNERS", and TORRELL & BERNARDO REMODELING & CUSTOM HOMES with place of business at 130 McCracken Run Road, DuBois, Pennsylvania 15801, hereinafter referred to as "CONTRACTOR".

WHEREAS, CONTRACTOR has agreed to furnish certain materials and labor for the construction of a commercial building on all that certain piece or parcel of land situate in the City of DuBois, Clearfield County, to which OWNERS took title by deed at Clearfield County Instrument Number 200203355, and more particularly described as follows:

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

BEGINNING at an existing rebar, said rebar being on the southern right-of-way for the Buffalo & Pittsburgh Railroad and being at the southern terminus of Aspen Way (54' right-of-way) and being the northwest corner of the herein described parcel; thence South 80°

54' East along the southern terminus of Aspen Way, a distance of 50.00 feet to an existing rebar; thence North 9° 6' East along the eastern right-of-way for Aspen Way a distance of 15.32 feet to an existing rebar; thence South 80° 54' East along the southern right-of-way for Aspen Way a distance of 4.00 feet to an existing rebar; thence South 62° 54' East along the southern right-of-way for Aspen Way (50' right-of-way) a distance of 127.92 feet to an existing rebar; thence South 27° 54' East through lands of which the herein described parcel was a part a distance of 34.13 feet to an existing rebar; thence South 27° 24' 30" West through lands of which the herein described parcel was a part a distance of 101.82 feet to an existing rebar, said rebar being the southeast corner of the herein described parcel; thence North 80° 52' 40" West through lands of which the herein described parcel was a part a distance of 164.21 feet to an existing rebar, said rebar being the southwest corner of the herein described parcel; thence North 9° 6' East along lands now or formerly of the Buffalo & Pittsburgh Railroad a distance of 148.08 feet to a rebar, the place of beginning. CONTAINING 26,256 square feet or 0.603 acres.

NOW, THEREFORE, it is hereby stipulated by and between the said parties as part of the said Contract and for the consideration set forth, that before any of the above construction is commenced, neither the undersigned CONTRACTOR, any sub-contractor or Materialman, nor any other person furnishing labor or materials to the said CONTRACTOR under the contract above referred to, shall file a lien commonly known as a Mechanic's Lien, for work done or materials furnished to the said building or any part thereof.

This stipulation is made and intended to be filed with the Clearfield County Prothonotary in accordance with the requirements of the Act of Assembly of Pennsylvania in such cases made and provided.

CONTRACTOR acknowledges that he, it or they have inspected the land in question and that no part of it has been disturbed by the CONTRACTOR or any one claiming by or through him prior to the execution of this Agreement.

IN WITNESS WHEREOF, the parties have properly executed this Agreement the day and
year first above written.

OWNERS:

Ronald E. Lykens
Ronald E. Lykens

Joanne R. Lykens
Joanne R. Lykens

CONTRACTOR:
TORRELL & BERNARDO REMODELING &
CUSTOM HOMES

Richard J. Bernardo
Richard J. Bernardo, Partner

Ronald C. Torrell
Ronald Torrell, Partner

AFFIDAVIT

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared RONALD E. LYKENS and
JOANNE R. LYKENS, husband and wife, who being duly sworn according to law deposes and
says that they are the Owners in the foregoing Waiver of Mechanic's Lien, and further that they
executed the foregoing Waiver of Mechanic's Lien for the purposes contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 20 day of
September, 2002.

Susan G. Loskoski
Notary Public

Notarial Seal
Susan G. Loskoski, Notary Public
City of DuBois, Clearfield County
My Commission Expires Apr. 25, 2005

Member, Pennsylvania Association of Notaries

AFFIDAVIT

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared RICHARD J. BERNARDO and RONALD TORRELL, who being duly sworn according to law deposes and says that they are the partners of TORRELL & BERNARDO REMODELING & CUSTOM HOMES in the foregoing Waiver of Mechanic's Lien, and further that they executed the foregoing Waiver of Mechanic's Lien for the purposes contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 23rd day of September, 2002.

Susan M. Swales
Notary Public

Notarial Seal
Susan M. Swales, Notary Public
DuBois, Clearfield County
My Commission Expires Apr. 14, 2003

FD 100-2000
10:30 AM
SEP 24 2002 100-2000
100-2000

William A. Shaw
Prothonotary