

03-707-CD
HARPSTER OF PHILIPSBURG, NC vs. JACK FROST CONST.

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

HARPSTER OF PHILIPSBURG, INC.

Owner

No. 03-707-CO

V.

JACK FROST CONSTRUCTION, INC.,

Contractor

Waiver of Mechanic's Lien

WHEREAS, Jack Frost Construction, Inc., contractor, a Pennsylvania corporation, hereinafter called "Contractor," has entered into a contract with Harpster of Philipsburg, Inc., hereinafter called "Owner," whereby Contractor is to provide materials and perform labor necessary for the construction of a commercial car wash, for the Owner upon a lot of ground located in Clearfield County, Pennsylvania, being the property more particularly described on Exhibit "A" attached hereto.

NOW, THEREFORE, it is hereby stipulated and agreed by and between Owner and Contractor, as part of that contract and for the consideration set forth in that contract, that neither Contractor nor any subcontractor or material man, nor any other person furnishing labor or materials to contractor under that contract, shall file a lien, commonly called a mechanic's lien, for work done or materials furnished for said construction or any part thereof.

This stipulation is made and is intended to be filed in the Office of the Clearfield County Prothonotary in accordance with the requirements of Section 402 of the Mechanic's Lien Law of 1963, Act of August 24, 1963, P.L. 1175, No. 497, Article IV, § 402, 49 P.S. § 1402, in such case provided.

FILED

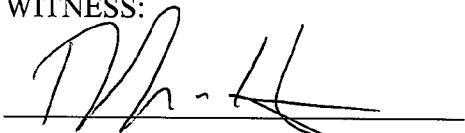
MAY 09 2003

William A. Shaw
Prothonotary

IN WITNESS WHEREOF, the parties have set their hands and seals this 30 day of

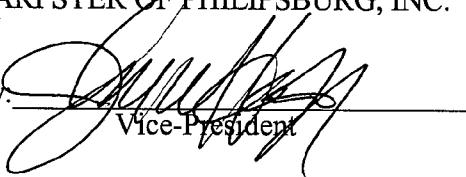
April, 2003.

WITNESS:



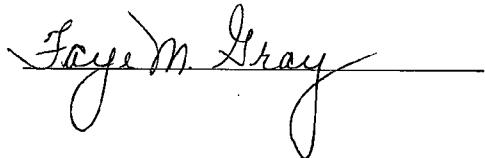
HARPSTER OF PHILIPSBURG, INC.

By:



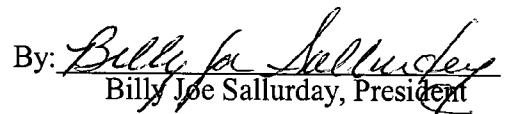
Vice-President

WITNESS:



JACK FROST CONSTRUCTION, INC.

By:



Billy Joe Sallurday
Billy Joe Sallurday, President

DESCRIPTION

ALL that certain messuage, tenement and tract of land, situate in Decatur Township, Clearfield, County, bounded and described as follows:

BEGINNING at a stake corner, said corner being on the North right-of-way line of Highway Route #322, said right-of-way line being sixty (60') feet from the center line thereof, said corner also being on the East side of a twenty (20') foot alley; thence along the above noted alley North 34° 45' East, one hundred twenty (120') feet to a stake corner, said corner being a common corner with that of land belonging to Daniel McGee, of which this parcel is a part; thence along the land of Daniel McGee South 55° 30' East two hundred thirty-nine and five-tenths (239.5') feet to a stake corner, said corner being on the right-of-way line of the newly constructed State Highway Route #53; thence along the right-of-way line required at the intersection of Rt. #53 with Route #322, said right-of-way line being at a 45° angle with the center line of State Highway Rt. #53, South 79° 30' West, one hundred seventy-eight and seven-tenths (178.7') feet to a stake corner, said corner being on the right-of-way line of State Highway Rt. #322; thence along the right-of-way line of the above noted Highway North 52° 23' West one hundred thirteen and nine-tenths (113.9') feet to the place of beginning.

CONTAINING five-tenths (0.5) acre, more or less. More fully described in the survey of Allen G. Butler, Engineer, dated August 10, 1959, recorded herewith.

ACCEPTING AND RESERVING all reservations contained in prior deeds.

BEING the same piece or parcel of real property granted and conveyed to Chevrolet Harpster, Inc., now known as Harpster of Philipsburg, Inc. by deed of J. W. Pritchard Company, a Pennsylvania Corporation, dated July 23, 1987, and recorded July 24, 1987, in Clearfield County, Pennsylvania, Deed Book 1172, at Page 281.

FILED

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MAY 21 2003

Atty Schoonover

William A. Shaw
Prothonotary

Atty pd. 20-00