

03-829-CD

LUKE A. FUNAIR, et al vs. ROBERT BURNS CONST.

FILED

JUN 06 2003

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William A. Shaw
Prothonotary

2003-829-CD

CONTRACTOR'S WAIVER OF LIENS

THIS AGREEMENT, made and entered into this 4th day of May, 2003, by and between LUKE A. FUNAIR and ELAINE T. FUNAIR, husband and wife, of DuBois, Pennsylvania 15801, hereinafter "Owner" and ROBERT BURNS CONSTRUCTION, of Treasure Lake, DuBois, Pennsylvania 15801, hereinafter "Contractor".

NOW, THEREFORE, INTENDING TO BE LEGALLY BOUND HEREBY, the parties do agree as follows:

1. The Contractor for himself and anyone else acting or claiming through or under him, intending to be legally bound hereby, does hereby waive and relinquish all right to file a mechanic's lien, claim or notice of intention to file any lien or claim, and does hereby covenant, promise and agree that no mechanics' lien or claim or other lien or claim of any kind whatsoever shall be filed or maintained against the improvements or the estate or the title of the Owner in the Property or the curtilage or curtilages appurtenant thereto, by or in the name of the Contractor or any subcontractor, materialmen or laborers for work done or materials furnished under the Contract or by any other party acting through or under them or any of them for and about the improvements or the Property or any part thereof, or on credit thereof, and that all subcontractors, materialmen and laborers on the works shall look to and hold Contractor personally liable for all subcontractors, materials furnished and work and labor done, so that there shall not be any legal or lawful claim of any kind whatever against Owner for any work done or labor or materials furnished under the Contract for and about the erection, construction and completion of the improvements or under any contract for extra work, or for work supplemental thereto, or otherwise.

2. The Contractor does hereby remise, release and waive for himself, subcontractor and materialmen the right under the Act of Assembly entitled the Mechanics's Lien Act of 1963 to file or enter on record any Mechanic's Lien or Liens against ALL that certain piece or parcel land located and known as Lot 81, Sylvan Heights, DuBois, Clearfield County, Pennsylvania, bounded and described as follows:

See Attached Exhibit "A"

3. This Agreement waiving the right of lien shall be an independent covenant and shall operate and be effective as well with respect to work done and materials furnished under any supplemental contract for extra work in the erection, construction and completion of the improvements as to any work and labor done and materials furnished under the Contract.

4. In the event Contractor consists of more than one person, firm or corporation, the undertakings hereunder of each of such persons, firms or corporations shall be joint and several, and the word "Contractor" shall mean all or some or any of them. For purposes of this

Agreement, the singular shall be deemed to include the plural, and the neuter shall be deemed to include the masculine and feminine, as the context may require. This Agreement shall be binding upon the parties hereto, their heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto intending to be legally bound hereby do execute this Agreement the day and year first above written.

Witness:

MB Carlinas

Luke A. Funair (Seal)
LUKE A. FUNAIR, Owner

Witness:

MB Carlinas

Elaine T. Funair (Seal)
ELAINE T. FUNAIR, Owner

Witness:

Josephine Komarova

Burns Contracting
~~ROBERT BURNS CONSTRUCTION~~
Robert Burns (Seal)
Robert Burns, Contractor

EXHIBIT 'A'

Keith L. Kriner and Lori L. Kriner

ALL that certain lot or parcel of ground situate, lying and being in Sandy Township, Clearfield County, Pennsylvania. Said property being also known as Lot No. 81, as shown on the Schall Land Company subdivision plan dated July 12, 1994, surveyed by Lee-Simpson Associates, Inc. and which is more particularly bounded and described on Exhibit "A" attached hereto.

EXCEPTING and RESERVING therefrom and subject to:

1. All building and subdivision regulations of Sylvan Heights, as Amended, recorded in Volume 1635, Page 27 in the Clearfield County Recorder's Office; all of said restrictions being covenants which run with the land.
2. All easements, rights of way, reservations, and limitations shown or contained in prior instruments of record and as recorded.
3. All coal, mining, mineral, oil and gas rights of every kind and nature.

SUBJECT TO all exceptions, reservations, conditions, restrictions, easements and rights-of-way as fully as the same are contained in all prior deeds, instruments or writings or in any other manner touching or affecting the premises hereby conveyed.