

03-983-GD
DUBOIS EDUCATION FOUNDATION vs. KEN SCHAFER EXCAVATING

03-983-CD

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

MADE as of the 7TH day of JULY, 2003, by and among

DUBOIS EDUCATION FOUNDATION

with a principal office and place of business located at COLLEGE PLACE,

CLEARFIELD COUNTY, DUBOIS, PENNSYLVANIA hereinafter referred to as Owner;

AND

KEN SCHAFFER EXCAVATING , a Pennsylvania Corporation, with its principal office located in the City of DuBois, Clearfield County, Pennsylvania, hereinafter referred to as Contractor.

WHEREAS, Owner has entered into a contract with Contractor to provide materials and perform labor necessary to CONSTRUCT THE NEW WORKFORCE

DEVELOPMENT AND TECHNOLOGY BUILDING

located upon premises situate in PROPERTY OF PENN STATE DUBOIS CAMPUS,

CLEARFIELD COUNTY, DUBOIS, PENNSYLVANIA

bounded and described as follows, to wit:

SEE ATTACHED EXHIBIT A

FILED

JUL 07 2003

William A. Shaw
Prothonotary

NOW, THEREFORE, it is hereby stipulated and agreed by and between the parties hereto, as part of the said contract and for the consideration therein set forth, that neither the undersigned Contractor, any subcontractors, materialmen, or mechanic, nor any other person furnishing labor 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 upon which the structure or work herein provided for is erected or done or against any structure thereon erected or to be erected, or against any structure or property whatsoever covered by said contract.

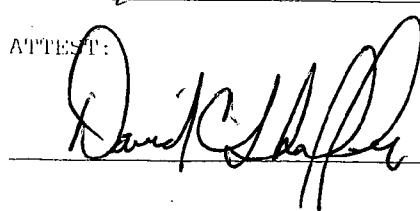
THIS stipulation is specifically made with the purpose and intent that it be filed in the Prothonotary's Office of CLEARFIELD County, Pennsylvania, in accordance with and under and by virtue of an Act titled Mechanics' Lien Law of 1963, P.L. 1175, No. 497, as amended, in order to operate as a complete waiver by the Contractor and all subcontractors of the right to file any mechanic's liens, of any nature and in any manner.

IN WITNESS WHEREOF, the parties hereto have caused this Waiver to be duly executed as of the day and year first above written.

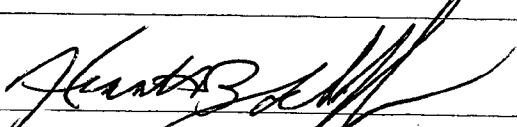
WITNESS:



ATTEST:



By



KEN SCHAFFER, OWNER
KEN SCHAFFER EXCAVATING

Alexander & Associates Inc.

(Land & GPS Surveying Services)

112 CHURCH STREET

P.O. BOX 378

FALLS CREEK, PA 15840

(814) 371-5578

e-mail: alexander@key-net.net

Date:
December 21, 2001

Prepared
for:
Penn State DuBois
JN2294-01

Surveyor: Lional Alexander, P. L. S.

Client Address: Penn State DuBois Campus
College Place
DuBois, PA 15801

Suggested Parcel Description:

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 a point, said point being the at the intersection of the western Right-of-Way for North Sixth Street (50' R/W) and the northern Right-of-Way for East DuBois Avenue (50' R/W), and being the southeast corner of the herein described parcel,

THENCE; N 66 degrees 48 minutes W along the northern Right-of-Way for East DuBois Avenue (50' R/W) a distance of 318.06 feet to a point, said point being the southwest corner of the herein described parcel,

THENCE; N 23 degrees 15 minutes E along lands now or formerly The Pennsylvania State University (Instrument Number 200014033, dated May 8, 2000) a distance of 301.72 feet to a point, said point being the northwest corner of the herein described parcel,

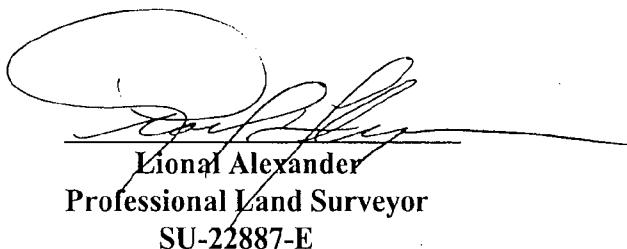
THENCE; S 68 degrees 31 minutes E along the lands now or formerly The Pennsylvania State University (Deed Book 608 Page 088, dated September 22, 1972) a distance of 307.44 feet to a point, said point being the northeast corner of the herein described parcel,

THENCE; S 21 degrees 16 minutes W along the western Right-of-Way for North Sixth Street (50' R/W) a distance of 311.11 feet to the place of beginning.

Containing 95,806 square feet or 2.20 Acres

Being the same lands as described in Deed Book 712 Page 415, dated January 12, 1976, lands conveyed to the DuBois Educational Foundation

BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of December 21, 2001, is referenced as JN2294-01, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.



Lionel Alexander
Professional Land Surveyor
SU-22887-E

FILED

Hallstrom Construction

pd. 20.00

10:02
JUL 07 2003

No CC

William A. Shaw
Prothonotary