

04-06-CD
EDWARD GULVAS, etal. vs. KEN WELLS EXCAVATING

Edward Gulvas vs. Sueann Gulvas
2004-6-CD

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FILED

JAN 02 2004

CONTRACTOR'S WAIVER OF LIENS

William A. Shaw
Prothonotary/Clerk of Courts

THIS AGREEMENT made and entered into this 20th day of December 2003, by and between EDWARD L. GULVAS and SUEANN GULVAS, hereinafter "Owners", of R. R. #3, Box 234-A, DuBois, PA 15801, and KEN WELLS EXCAVATING, of R.D. #3, Reynoldsville, PA 15851, hereinafter "Contractor"

See Exhibit "A" which is attached hereto, incorporated herein, and made a part hereof as though fully set forth herein.

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 mechanics' 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 of 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 works 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 and 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' Lien Act of 1963 to file or enter on record any Mechanics' Lien or Liens' against ALL that certain piece, parcel or lot of ground situate in the Township of Ferguson, County of Clearfield, State of Pennsylvania:

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:

Contractor:



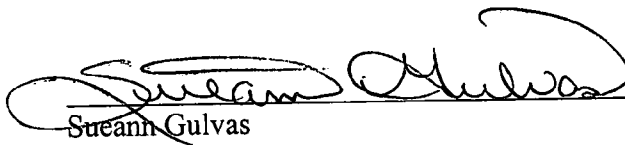
By: Ken Wells Excavating

Witness:

Borrowers:



Edward L. Gulvas



Sueann Gulvas

EXHIBIT "A"

ALL that certain piece, parcel and lot of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point on center line of Township Road T-402, also being a common corner of lands of Anthony Noker and Elizabeth Bolam;

THENCE South 84 degrees 31 minutes East along lands now or formerly of A. Noker, 416 feet to an iron pin;

THENCE North 05 degrees 45 minutes East along lands now or formerly of A. Noker, 416 feet to an iron pin;

THENCE South 84 degrees 31 minutes East along the lands now or formerly of J. E. DuBois, 904 feet to a 20-inch Oak;

THENCE South 05 degrees 45 minutes West, along lands now or formerly of J. E. DuBois and R. L. and R. E. Allen, 990 feet to a point in center line of Township Road T-400;

THENCE North 84 degrees 31 minutes West along center line of Township Road T-400, 1320 feet to a point in center line of Township Road T-402;

THENCE North 05 degrees 45 minutes East, along center line of Township Road T-402, 574 feet to a point, the place of beginning.

CONTAINING 26.028 acres

EXCEPTING and RESERVING ALL That certain piece of parcel of land situated in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a R. R spike set by survey of Lional Alexander, Registered Surveyor, dated July 1, 1983, said spike being in Township Road No. 400 and being South 84 degrees 31 minutes East a distance of 633 feet from the Southwest corner of a larger parcel of which this parcel was a part;

THENCE North 5 degrees 29 minutes East through the lands of which this was a part, and through the Northern right-of-way for said Township Road a distance of 361.50 feet to an iron pipe set by this survey, said iron pipe being the Northwest corner of the herein described parcel;

THENCE South 84 degrees 31 minutes East through the lands of which this was a part a distance of 361.50 feet to an iron pipe set by this survey, said iron pipe being the Northeast corner of the herein described parcel;

THENCE South 5 degrees 29 minutes West through the lands of which this was a part and through the Northern right of way for said Township Road a distance of 361.50 feet to a R. R. Spike set by this survey, said spike being in said Township Road and being the Southeast corner of the herein described parcel;

THENCE North 84 degrees 31 minutes West along the lands now or formerly of Jack Hanes, et ux, and lands now or formerly of Robert Kness and Township Road No. 400 a distance of 361.50 feet to a spike, the place of beginning.

CONTAINING 3.00 acres.

UNDER AND SUBJECT to the Northern right-of-way for Township Road No. 400.

EXCEPING AND RESERVING all of the coal, oils, gas and other minerals beneath the surface of said lands, only as the same have been excepted and reserved in prior deeds.

BEING the same premises which was conveyed to Edward L. Gulvas and Sueann Gulvas, husband and wife, by deed of James L. Bolam, et al, dated June 25, 2002 and recorded in the Office of the Recorder of Deeds for Clearfield County as Instrument #200213357

EXHIBIT "B"

ALL That certain piece of parcel of land situated in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a R. R spike set by survey of Lional Alexander, Registered Surveyor, dated July 1, 1983, said spike being in Township Road No. 400 and being South 84 degrees 31 minutes East a distance of 633 feet from the Southwest corner of a larger parcel of which this parcel was a part;

THENCE North 5 degrees 29 minutes East through the lands of which this was a part, and through the Northern right-of-way for said Township Road a distance of 361.50 feet to an iron pipe set by this survey, said iron pipe being the Northwest corner of the herein described parcel;

THENCE South 84 degrees 31 minutes East through the lands of which this was a part a distance of 361.50 feet to an iron pipe set by this survey, said iron pipe being the Northeast corner of the herein described parcel;

THENCE South 5 degrees 29 minutes West through the lands of which this was a part and through the Northern right of way for said Township Road a distance of 361.50 feet to a R. R. Spike set by this survey, said spike being in said Township Road and being the Southeast corner of the herein described parcel;

THENCE North 84 degrees 31 minutes West along the lands now or formerly of Jack Hanes, et ux, and lands now or formerly of Robert Kness and Township Road No. 400 a distance of 361.50 feet to a spike, the place of beginning.

CONTAINING 3.00 acres.

UNDER AND SUBJECT to the Northern right-of-way for Township Road No. 400.

EXCEPING AND RESERVING all of the coal, oils, gas and other minerals beneath the surface of said lands, only as the same have been excepted and reserved in prior deeds.

BEING the same premises which was conveyed to Edward L. Gulvas and Sueann Gulvas, husband and wife, by deed of James L. Bolam, et al, dated June 25, 2002 and recorded in the Office of the Recorder of Deeds for Clearfield County as Instrument #200213356