

04-382-CD
TORRELL & BERNARDO LAND CORP. vs. TORRELL & BERNARDO REMODEL

Torrell & Bernardo Land vs Torrell & Bern.
2004-382-CD

FILED

MAR 19 2004

CONTRACTOR'S WAIVER OF LIENSWilliam A. Shaw
Prothonotary/Clerk of Courts

THIS AGREEMENT, made and entered into this 19th day of March, 2004, by and between TORRELL & BERNARDO LAND CORP., of 130 McCracken Run Road, DuBois, Pennsylvania, 15801, hereinafter "Owner"; and TORRELL & BERNARDO REMODELING & CUSTOM HOMES of 130 McCracken Run Road, 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 those certain tracts of land designated in the Arminta Hills Estates Subdivision in the City of DuBois, Clearfield County, Pennsylvania. See attached property description.
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.

ATTEST



Ronald C. Torrell, Secretary

TORRELL & BERNARDO LAND CORP.

By:



Richard J. Bernardo, President

ATTEST



Ronald C. Torrell

TORRELL & BERNARDO
REMODELING & CUSTOM HOMES



Richard J. Bernardo

EXHIBIT 'A'
TORRELL & BERNARDO LAND CORP.

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:

BEGINNING at an iron pin in the right of way line of Tower Lane, being also the northerly line of a 16-foot alley;

THENCE by the right of way line of Tower Lane the following courses and distances: North 57 degrees 12 minutes 08 seconds West 129.91 feet to an iron pin;

THENCE by a curve to the right with a 25-foot radius, having a chord of North 12 degrees 06 minutes 12 seconds West 35.42 feet to an iron pin;

THENCE North 33 degrees 00 minutes 00 seconds East 345.44 feet to an iron pin;

THENCE by a curve to the left with a 75-foot radius, having a chord of North 15 degrees 34 minutes 31 seconds East 44.92 feet to an iron pin;

THENCE by a 25 foot right of way easement North 82 degrees 03 minutes 08 seconds East 113.65 feet to an iron pin;

THENCE by same South 42 degrees 05 minutes 14 seconds East 85.49 feet to an iron pin in the northerly right of way of a 16 foot alley;

THENCE by the northerly right of way of said 16 foot alley South 33 degrees 00 minutes 00 seconds West 465.33 feet to an iron pin and the place of beginning.

CONTAINING 72,529 square feet or 1.66 acres.

Being known as the condominium development in the Arminta Hills Estates of the City of DuBois.

FURTHER UNDER AND SUBJECT to the covenants and provisions of said Declaration of Condominiums for Tower Lane Condominiums.

BEING a portion of the same premises conveyed to Torrell and Bernardo Land Corporation by deed of Daniel J. Russell and Cynthia E. Russell, dated July 13, 1996, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 1816, page 540.

ALSO BEING a portion of the same premises conveyed to Torrell and Bernardo Land Corporation by deed of J.B. Green, Jr., Leah Green, Emmanuel J. Klaiber and Pamela L. Klaiber, dated June 12, 1995, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deed Book Vol. 1687, page 452.

FILED *sec*
04/11/04
Hopkins Law Firm
MAR 19 2004
Attn: pd. 20-00
William A. Shaw
Prothonotary/Clerk of Courts