

04-528-CD
DIANE L. BERNARDO vs. TORRELL & BERNARDO REMODELING & CUSTOM
HOMES

Diane Bernardo vs. Torrell & Bernardo
2004-528-CD

FILED

APR 16 2004

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

THIS AGREEMENT, made and entered into this 14th day of April, 2004, by and between Diane L. Bernardo, of 5 Railroad Avenue, 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 that certain tract of land designated as Lot 14 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.



DIANE L. BERNARDO, Owner

ATTEST



Ronald C. Torrell

TORRELL & BERNARDO
REMODELING CUSTOM HOMES



Richard J. Bernardo

EXHIBIT 'A'

DIANE L. BERNARDO

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 northwest corner of Lot No. 15;

THENCE by the right of way of Tower Lane the following courses and distances: North 57 degrees 12 Minutes 8 seconds West 78.52 feet to an iron pin;

THENCE by a curve to the right with a 25 foot radius, having a chord of North 12 degrees 5 minutes 46 seconds West 35.42 feet to an iron pin;

THENCE north 33 degrees 00 minutes 36 seconds East 124.91 feet to an iron pin the Northwest corner of Lot No. 13;

THENCE by the westerly line of Lot No. 13 South 57 degrees 12 minutes 08 seconds East 103.59 feet to an iron pin the northeast corner of Lot No. 15;

THENCE by the northerly line of Lot No. 15 South 33 degrees 00 minutes 00 seconds West 150.00 feet to an iron pin and the place of beginning.

CONTAINING 15,404 square feet or 0.35 acre.

Being known as Lot No. 14 in the Arminta Hill Estates of the City of DuBois.

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William A. Shaw
Prothonotary/Clerk of Courts

REC
Atty Hopkins
Atty pd. 2000