

04-1023-CD
ROBERT J FLECK, et al VS CORBERT CONSTRUCTION, INC

Robert Fleck et al vs Corbert Construction
2004-1023-CD

FILED

2004-1023-CO

JUL 06 2004

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William A. Shaw
Prothonotary

THIS AGREEMENT, made and entered into this 18th day of June, 2004, by and between ROBERT J. FLECK and MARCIA L. FLECK, of Treasure Lake, DuBois, Pennsylvania 15801, hereinafter "Owner" and CORBET CONSTRUCTION, INC., a Pennsylvania Corporation, of 99 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. 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 20 in the Acorn Hills Plan in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Office of the Recorder of Clearfield County. The property is more completely described on 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,

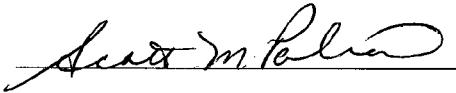
and the word "Contractor" shall mean all or some or any of them. For purposes of this Agreement, the singular shall be deemed to include the plural, and the neuter shall be deemed to include the masculine and feminine, as the context may require. This Agreement shall be binding upon the parties hereto, 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:



Witness:



Witness:



(Seal)

Robert J. Fleck, Owner



(Seal)

Marcia L. Fleck, Owner

Corbet Construction, Inc.



(Seal)

By: Daniel L. Corbet, President
Contractor

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

BEGINNING at an iron pipe or iron pin, said pipe or pin being along the western right-of-way for Bay Berry Drive and also being the northeast corner of Lot Number 17 in the Acorn Hills Subdivision and the southeast corner of the herein described parcel;

THENCE, N 87 Degrees 44 Minutes 57 Seconds W along Lot Number 17 in the Acorn Hills Subdivision a distance of 284.44 feet to an iron pipe or iron pin, said pipe or pin being the northwest corner of said Lot Number 17, the northeast corner of Lot Number 18, the southeast corner of Lot Number 19, and the southwest corner of the herein described parcel;

THENCE, N 19 Degrees 19 Minutes 28 Seconds W along Lot Number 19 in the Acorn Hills Subdivision a distance of 343.12 feet to an iron pipe or iron pin, said pipe or pin being the northeast corner of said Lot Number 19, the southeast corner of Lot Number 22, the southwest corner of Lot Number 21, and the northwest corner of the herein described parcel;

THENCE, N 86 Degrees 59 Minutes 23 Seconds E along Lot Number 21 in the Acorn Hills Subdivision a distance of 450.78 feet to an iron pipe or iron pin, said pipe or pin being along the western right-of-way for Bay Berry Drive, and also being the southeast corner of said Lot Number 21 and northeast corner of the herein described parcel;

THENCE, along the western right-of-way for Bay Berry Drive by a curve to the right, said curve having a radius of 375.00 feet and an arc length of 142.60 feet, said arc having a chord bearing of S 02 Degrees 13 Minutes 34 Seconds W and a chord distance of 141.75 feet, to an iron pipe or iron pin, said pipe or pin being the PT of said curve;

THENCE, S 13 Degrees 07 Minutes 13 Seconds W along the western right-of-way for Bay Berry Drive a distance of 184.26 feet to an iron pipe or iron pin, said pipe being the PC of a curve to the left;

THENCE, along the western right-of-way for Bay Berry Drive by a curve to the left, said curve having a radius of 200.00 feet and an arc length of 37.94 feet, said arc having a chord bearing of S 07 Degrees 41 Minutes 08 Seconds W and a chord distance of 37.89 feet, to an iron pipe or iron pin, the point of beginning.

CONTAINING 128,490 square feet or 2.95 acres.

BEING subject to any utility easements which may be of record.

BEING Lot Number 20 in the Acorn Hills Subdivision.

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William A. Shaw
Prothonotary