

04-1093-CD  
JAMES RICHARD MOYER, et al VS  
JOSEPH E GRAHAM d/b/a  
JOSEPH GRAHAM MASONARY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

JAMES RICHARD MOYER, LARRY  
KENNETH MOYER and LORINE ANN  
SMITH,

No. 04-1093-CD

Owners

and

JOSEPH E. GRAHAM, d/b/a  
JOSEPH GRAHAM MASONRY,  
Contractor

FILED <sup>Atty</sup>  
01/09/31 <sup>Kesner pd.</sup>  
JUL 20 2004 NoCC  
William A. Shaw  
Prothonotary/Clerk of Courts

**WAIVER OF MECHANIC'S LIEN**

WHEREAS, the undersigned, entered into a Contract with James R. Moyer, Larry K. Moyer and Lorine Ann Smith, of 110 Mt. Joy Road, Clearfield, Pennsylvania, 16830, as the Contractor for the construction of footers, foundations and floors for two (2) building additions in accordance with contracts dated May 19, 2040, at the premises situate in Lawrence Township, Clearfield County, Pennsylvania, bounded and described as follows:

ALL that certain lot or piece of land situate in Lawrence Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a Spanish oak on the north bank of Moose Creek being a corner on division line between lands now or late of R.E. Shaw and lands of H.B. Shaw; thence along the line of lands late of R.E. Shaw and up along Moose Creek north 33 degrees 26 minutes west four hundred and twenty-seven (427) feet, more or less, to a point thirty-three (33) feet distant from the right angles to the center line of the Clearfield and Mahoning Railway as now constructed; thence by a line and parallel with and thirty-three (33) feet distant from said center line north 55 degrees 30 minutes east fifty-six (56) feet to a post on the west line of Mount Joy Road; thence along said road South 25 degrees 38 minutes east three hundred and fifty-six (356) feet, more or less, to a white oak; thence continuing along said road south 18 degrees 30 minutes east to the place of beginning.

BEING the same premises conveyed to James Richard Moyer, Larry Kenneth Moyer and Lorine Ann Smith by deed of Caroline Moyer dated January 28, 1993 and recorded in Clearfield County Deeds and Records Book Volume 1512, page 289.

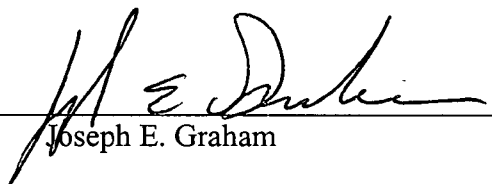
NOW, THEREFORE, BY THESE PRESENTS WITNESSETH: That in consideration of the grant of the Contract for the construction of footers, foundations and floors for two (2) building additions to the undersigned, and for the performance of said work and the sum of \$1.00 in hand

paid at or before the signing and delivery hereof, the undersigned, covenants and agrees that no Mechanic's Lien or Materialman's Lien or claims shall be maintained or filed by the undersigned, or by any contractor, sub-contractor, person, firm or corporation, or any of them against the above described premises or lot or other appurtenances thereto, for or on account of any work done or materials furnished by him in the construction of footers, foundations and floors for two (2) building additions under the Contract to furnish all the labor and materials in and about the aforesaid work; and for the undersigned, himself, his heirs and assigns, and all others acting through or under him, hereby expressly waives and relinquishes the right to have filed and maintained any Mechanic's Lien or Materialman's Lien or claim against said building on the above described premises or any part thereof, and the undersigned further agrees that this agreement waiving the right to file a lien is an individual covenant and shall operate and be effective with respect to materials furnished and labor performed under the said Contract for the construction of footers, foundations and floors for two (2) building additions or any extra additions to be made to said Contract in and about said building or premises.

JOSEPH GRAHAM MASONRY

ATTEST/WITNESS:

A handwritten signature in dark ink, appearing to be "H. E. Smith", written over a horizontal line.

By:   
Joseph E. Graham

COMMONWEALTH OF PENNSYLVANIA

:

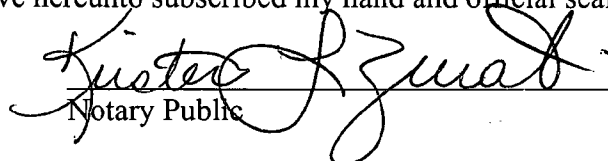
: SS.

COUNTY OF CLEARFIELD

:

On this the 15<sup>th</sup> day of July, 2004, before me the undersigned authority personally appeared, JOSEPH E. GRAHAM, who acknowledged himself to be the owner of JOSEPH GRAHAM MASONRY, a sole proprietorship and that as such, he being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing his name thereon as such officer and subscribed before me the day and year aforesaid.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and official seal.

  
Notary Public

My Commission Expires:

