

04-1645-CD
FRANCIS VILLELLA, ETAL. vs. HALLSTROM CONSTRUCTION, INC.

Francis Villella et al vs Hallstrom Const
2004-1645-CD

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WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

MADE this 19th day of October, 2004, by and between FRANCIS VILLELLA, trading as C WAREHOUSE, of Sandy Township, Clearfield County, Pennsylvania, Party of the First Part, hereinafter referred to as "OWNER".

and

C WAREHOUSE, LLC, a Pennsylvania Limited Liability Company, with an office and place of business at 996 Beaver Drive, DuBois, Clearfield County, Pennsylvania, Party of the Second Part, hereinafter referred to as "TENANT",

and

HALLSTROM CONSTRUCTION, INC., a business corporation, with an office and place of business at 101 East Long Avenue, DuBois, Pennsylvania, Party of the Third Part, hereinafter referred to as "CONTRACTOR".

WHEREAS, Francis Villella, Owner, is the owner of a certain warehouse building and lot and 5.01 acres situate along Shaffer Road, Sandy Township, Clearfield County, Pennsylvania, a description of which is attached hereto and marked Exhibit A;

WHEREAS, Francis Villella, Owner, has leased said C Warehouse to Tenant;

WHEREAS, C Warehouse, LLC, Tenant, has entered into a contract with Hallstrom Construction, Inc. to construct a certain addition and improvements to C Warehouse on the premises, a legal description of which is set forth on Exhibit A attached and made a part hereof;

NOW, THEREFORE, it is hereby stipulated and agreed by and between the parties hereto, as part of the said contract and for the consideration therein set forth, that neither the undersigned Contractor, or any subcontractor, materialmen, or mechanic, nor any other person furnishing labor or materials to the said Contractor under this contract shall file any mechanic's or other lien or claim for work done or material furnished in or about the performance of said contract against the ground upon which the structure or work herein provided for is erected or done or against any structure or property erected or to be erected, or against any structure or property whatsoever covered by said contract.

FILED

M 11.25 B&P 2004

NoCC

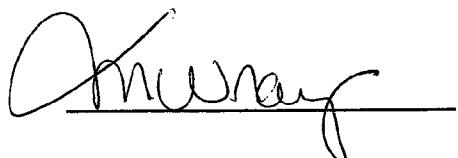
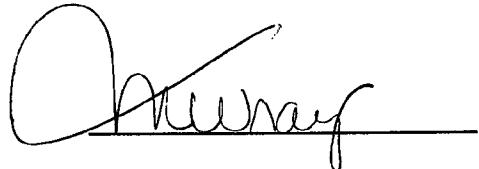
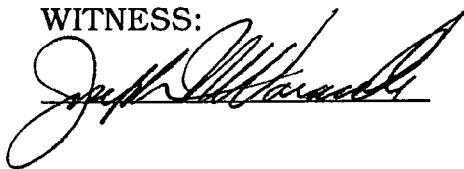
OCT 21 2004

William A. Shaw
Prothonotary

This stipulation is specifically made with the purpose and intent that it be filed in the Prothonotary's Office of Clearfield County, Pennsylvania, in accordance with and under and by virtue of an Act titled Mechanics' Lien Law of 1963, P.L. 1175, No. 497, as amended, in order to operate as a complete waiver by the Contractor, and all subcontractors of the right to file any mechanic's liens, of any nature and in any manner.

IN WITNESS WHEREOF, the said parties have caused this waiver to be duly executed as of the 19th day of October, 2004.

WITNESS:



Francis Villella (SEAL)
Francis Villella
t/a C Warehouse

Owner

C WAREHOUSE, LLC
By: John Maracalbo (SEAL)
Tenant

HALLSTROM CONSTRUCTION, INC.
Robert E. Gruel (SEAL)

Contractor

All that certain piece, parcel or tract of land situate in the Township of Sandy, County of Clearfield, State of Pennsylvania, more particularly bounded and described as follows:

Beginning at a point being located North 23 degrees 10' East 25.0 feet from the Northwest corner of a warehouse now or formerly owned by General Warehousing of DuBois; thence North 66 degrees 50' West 75.0 feet; thence along a right of way for a road North 23 degrees 10' East 324.0 feet and North 40 degrees 20' West 90.0 feet; thence along Chessie System right of way by a curve to the left, the chord of which is North 73 degrees 25' East 211.0 feet and North 69 degrees 15' East 406.0 feet; thence along Green Glen land South 25 degrees 23' West 783.0 feet; thence by a line parallel with North wall of said warehouse, North 66 degrees 50' West 269.0 feet to the place of beginning. Containing 5.01 acres.

EXCEPTING AND RESERVING from the above described property the right of ingress and egress to, along, over and from the same, together with the right to use and to make installations, repairs, and replacements of a railroad tract and utility lines.

ALSO EXCEPTING AND RESERVING from the above described property the right to construct, reconstruct and perpetually maintain covered passageways (breezeways) between buildings and to construct, reconstruct and perpetually maintain any and all storm sewers and any and all utility services, including water, sewage, and gas or any other necessary utilities, together with all necessary laterals in, upon and across the said premises, the said storm sewers and utility lines to follow any feasible course through the said premises, together with the right and privilege at any and all times to enter the said premises or any part thereof for the purpose of constructing, reconstructing and maintaining any and all of the aforesaid storm sewers and utility lines and also for making connections with any such storm sewers and utility lines as are now or hereafter constructed on the said premises or which may serve the same; all upon the condition that the grantee, its successors or assigns, will, after doing any work in connection with the foregoing, restore the premises to the condition in which same were found before such work was undertaken.