

04-1680-CD
JOSEPH O. KORB, et al. vs. TORRELL & BERNARDO REMODELING

Joseph Korb et al vs Torreell & Bernardo
2004-1680-CD

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FILED *Amber Hopkins*
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OCT 26 2004 2005
William A. Shaw
Prothonotary Clerk of Courts
Amber

CONTRACTOR'S WAIVER OF LIENS

THIS AGREEMENT, made and entered into this 22nd day of October, 2004, by and between JOSEPH O. KORB and KARLA J. KORB, husband and wife, of 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 piece, parcel or tract of land 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.

Karla J. Korb
Karla J. Korb

Joseph O. Korb
Joseph O. Korb, Owner

ATTEST

Ronald C. Torrell
Ronald C. Torrell

TORRELL & BERNARDO
REMODELING & CUSTOM HOMES

Richard J. Bernardo
Richard J. Bernardo, Contractor

Alexander & Associates Inc.

(Land & GPS Surveying Services)
112 CHURCH STREET
P.O. BOX 378
FALLS CREEK, PA 15840
(814) 371-5578
e-mail: alexander@key-net.net

Date:
January 4, 2004

Prepared
for:
Joseph Korb
JN2355-02

Surveyor: Lional Alexander, P. L. S.

Client Address: Mr. Joseph Korb
15 East Park Avenue
Dubois, PA. 15801

RUMBARGER AVENUE ESTATES PLAN OF LOTS PARCEL DESCRIPTIONS

Suggested Parcel Description:

ALL that certain pieces, parcels or tracts of land lying and being situate in The City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows to wit:

PARCEL "F"

Beginning at a rebar set by this survey on the northern Right-of-Way for Rumbarger Avenue (50' R/W), and being the southwest corner of Lot "E" of the Rumbarger Avenue Estates Plan of Lots, and being the southeast corner of the herein described parcel,

THENCE; along the northern Right-of-Way for Rumbarger Avenue by a curve to the right, said curve having a radius of 25.00 feet and an arc length of 25.58 feet, said arc having a chord bearing of N 35 degrees 35 minutes 42 seconds W a chord distance of 24.48 feet to a rebar set by this survey,

THENCE; along the northern Right-of-Way for Rumbarger Avenue by a curve to the left, said curve having a radius of 55.00.00 feet and an arc length of 85.69 feet, said arc having a chord bearing of N 50 degrees 55 minutes 10 seconds W a chord distance of 77.28 feet to a rebar set by this survey, and being the southwest corner of the herein described parcel,

THENCE; N 05 degrees 33 minutes 05 seconds W along Lot "G" of the Rumbarger Avenue Estates Plan of Lots a distance of 183.74 feet to a rebar set by this survey, and being the northwest corner of the herein described parcel,

THENCE; S 64 degrees 54 minutes 10 seconds E along lands now or formerly Joseph S. Lesky, et. ux. (Deed Book 526 Page 056, dated October 27, 1966), Terrri L. Milliron (Instrument No. 200005791, dated April 23, 2000), and Larry T. Kirkwood, et. ux. (Deed Book 1311 Page 180, dated October 30, 1989) a distance of 190.00 feet to a rebar set by this survey, the northeast corner of the herein described parcel,

THENCE; S 25 degrees 05 minutes 50 seconds W along Lot "E" of the Rumbarger Avenue Estates Plan of Lots a distance of 188.73 feet to the place of beginning.

Containing 23,066 square feet or 0.530 Acre

Being subject to a 20 foot utility easement along the northern Right-of-Way for Rumbarger Avenue as shown on the hereto attached survey map.

BEING the same premises as surveyed and drawn by ALEXANDER & ASSOCIATES INC., Falls Creek, PA 15840. Said survey plat is under the date of October 15, 2003, Revised December 11, 2003, is referenced as JN2355-02, and is intended to be recorded in the Clearfield County Courthouse for a more particular description.

Lional Alexander
Professional Land Surveyor
SU-22887-E

