

05-198-CD
KMA Remarking vs. ~~Attorney's~~

Sullivan Co

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KMA Remarking Inc. v. Sullivan Co.
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WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

WHEREAS, Owner, has entered into a contract with Sullivan Company, General Contractor, with regard to construction of a commercial building in the City of DuBois, County of Clearfield and Commonwealth of Pennsylvania, on premises described on the attached Exhibit "A".

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 General Contractor, any subcontractor, materialmen, or mechanic, nor any other person furnishing labor or materials to the said General Contractors 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 thereon erected or to be erected, or against any structure or property whatsoever covered by said contract.

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 Mechanic's Lien Law of 1963, P.L. 1175, No. 497, as amended, in order to operate as a complete waiver by the General Contractors and all subcontractors of the right to file any mechanic's lien of any nature and in any manner.

IN WITNESS WHEREOF, the said parties have caused this waiver to be
duly executed the 2nd day of February, 2005.

WITNESS:

Karen M. Myers

KMA Remarketing, Inc., Owner

BY: [Signature] (SEAL)

WITNESS:

Karen M. Myers

Sullivan Company, Contractor

BY: M. T. Sullivan (SEAL)

Exhibit A

KMA Remarketing, Inc.

All that certain piece, parcel of tract of land lying and being situate in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

Beginning at a point on the corner of South Jared Street and Valley Avenue; thence along Valley Avenue North 35 degrees 35 minutes 30 seconds West, 301.69 feet to a point in the easterly right of way line of South Franklin Street; thence by the right of way line of South Franklin Street North 31 degrees 28 minutes 30 seconds East, 124.79 feet to a 5/8 inch rebar; thence by the lands now or formerly of Lee-Simpson Associates, Inc., South 58 degrees 19 minutes 00 seconds East, 288.73 feet to a 5/8 inch rebar in the westerly line of South Jared Street; thence by the westerly line of South Jared Street South 34 degrees 03 minutes 30 seconds West, 241.54 feet to a point and the place of beginning.

Together with one-half of 10' unnamed alley running from Jared Street to Franklin Street vacated by Ordinance of the City of DuBois and all of a 10' unnamed alley vacated by Ordinance #1417 of the City of DuBois.

Being the same premises conveyed by deed of the Redevelopment Authority of the City of DuBois to KMA Remarketing, Inc., dated November 24, 2004, and intended to be recorded in the Office of the Recorder of Clearfield County.