

Todd Shive et al v. Richard Neeper et al
2005-550-CD

05-550-CD
RECEIVED
CLERK'S OFFICE, U.S. DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

TODD A. SHIVE and :
NICOLE L. SHIVE, :
husband and wife, :
:
Owners :
:
A : No. 65-550-CD
N :
D :
RICHARD W. NEEPER, d/b/a :

Eny

FILED *No. 65-550-CD*
04/20/05 APR 19 2005 *AMY*
F.C. Bell

William A. Shaw *pd-2000*
Prothonotary/Clerk of Courts

WAIVER OF MECHANIC'S LIEN

WHEREAS, the undersigned, on or about the 11th day of April, 2005, entered into a Contract with TODD A. SHIVE and NICOLE L. SHIVE, husband and wife, of 1956 German Road, Drifting, Clearfield County, Pennsylvania, for the construction of a dwelling house on premises situate at 1956 German Road, Drifting, Cooper Township, Clearfield County, Pennsylvania, bounded and described as follows:

ALL that certain lot situate in the Township of Cooper, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a 3/4" rebar (set0 at the Southwest corner of lands of Calvin and Albert Berkley as identified as Tax Parcel Number 110-T06-00003, said rebar being South 01 degrees 00 minutes 00seconds West a distance 842.31 feet from a 3/4" iron stake (found) on

degrees 00 minutes 00seconds West a distance 842.31 feet from a 3/4" iron stake (found) on the Southern line of lands of the Commonwealth of Pennsylvania Game Commission as described in Deed Book 591 page 38, and being the Northeast corner of Calvin and Albert Berkley, said place of beginning being on the Eastern side of an abandoned Township Road T-728, said point of beginning being the Northeast corner of the parcel herein conveyed and running; thence along the Southern line of lands of Calvin and Albert Berkley as identified as Tax Parcel Number 110-T06-00003 South 88 degrees 53 minutes 10 seconds East a distance of 287.77 feet to a 3/4" rebar (set); thence through lands of the Grantors for a new subdivision line South 01 degrees 00 minutes 00 seconds West a distance of 295.16 feet to a 3/4" rebar (set); thence still through lands of the Grantors for a new subdivision line North 88 degrees 53 minutes 10 seconds West a distance of said 285.18 feet to a 3/4" rebar (set), said rebar being on the Eastern line of lands of John J. Harvey as described in Deed Book 1157 page 245, said rebar also being on the Eastern side of an abandoned Township Road T-728; thence along the Eastern side of the abandoned Township Road T-728 North 00 degrees 29 minutes 51 seconds East a distance of 295.16 feet to a 3/4" rebar (set) and place of beginning.

CONTAINING 87,119.36 sq. ft. or 2 Acres more or less and known as Parcel 1 of the Shive Subdivision dated April 5, 2004 and shown on subdivision map prepared by Curry & Associates as was recorded in the Office of the Register and Recorder of Deeds of Clearfield County on January 3, 2005 at Instrument Number 200500062.

Bearings above are based on the Eastern line of lands of the Grantors herein as described in Instrument Number 200102650. Being a part of the lands conveyed to the unto the Grantors by Instrument Number 200102650.

FURTHER GRANTING AND CONVEYING to the Grantees herein, the right of egress, ingress and regress over through and upon a right of way for construction, placement and maintenance of a water line from the existing Spring House on residue lands of the Grantors to the property here above described. Said water line running generally in a Northern direction from the Spring House approximately 305 feet more or less and then in a generally westerly direction 950 feet more or less to the property of the Grantees. Said right of way will be 10 foot on both sides of the water line location as determined by the Grantors and the Grantees consistent with the above.

FURTHER GRANTING AND CONVEYING to the Grantees the right of egress, ingress and regress over through and upon a right of way for the construction, placement and maintenance of electric and telephone lines from the existing electric line that is located on the residue lands of the Grantors running to Parcel 1 of the Shive subdivision. Said right of way to run generally in a Northwest direction from the existing electric line a distance of 324 feet more or less to a pole to be installed and then running in a generally Northern direction a distance of 85 feet more or less to the property of the Grantees.

NOW, THEREFORE, BY THESE PRESENTS WITNESSETH: That in consideration of the grant of the Contract for the construction of said dwelling 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 said dwelling under his 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 said dwelling or any extra additions to be made to said Contract in and about said building or premises.

ATTEST

Richard W. Neeper, d/b/a
Richard W. Neeper Contracting
BY

J C B.M. III

Richard W. Neeper
Richard W. Neeper