

06-575-CD  
Dean Harman et al vs McCloskey Homes

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA  
(CIVIL DIVISION)

Dean N. Harman  
Ann V. Harman

vs.

McCloskey Homes, Inc.

No. *A6-575-CD*

Type of Pleading: Contractor's Waiver  
of Liens

Filed on behalf of: Owners

Counsel of Record for this party:

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**FILED** *1CC Atty Hopkins*  
*04/13/06* *APR 13 2006 Atty pd. 20.00*  
William A. Shaw  
Prothonotary/Clerk of Courts

## **CONTRACTOR'S WAIVER OF LIENS**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of April, 2006, by and between Dean N. Harman and Ann V. Harman, husband and wife, of 1574 Treasure Lake, DuBois, Pennsylvania, 15801, hereinafter "Owner" and McCLOSKEY HOMES, INC., a Pennsylvania Corporation, of 241 Treasure Lake, 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 tract of land designated as Lot # 9 in the Dalyri LLC. Subdivision, Greenville Pike, Bloom Township, Clearfield County, Pennsylvania, recorded in the Office of the Recorder of Clearfield County.

See Attached Exhibit "A"

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.

Witness:

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 (Seal)  
Dean N. Harman, Owner

Witness:

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 (Seal)  
Ann V. Harman, Owner

Witness:

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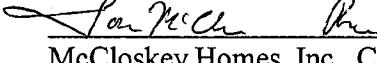
 (Seal)  
McCloskey Homes, Inc., Contractor

EXHIBIT "A"  
Dean N. and Ann V. Harman  
Lot #9 Dalyri LLC Subdivision  
Greenville Pike, Grampian, PA 16838

ALL that parcel of land situate in Bloom Township, Clearfield County, Pennsylvania, and being more particularly described as follows:

BEGINNING at an iron fence stake found at the northeast corner of David E. and Ingrid E. Korb, as was conveyed to them by instrument number 199915760, said stake being on the southern line of Allen T. and Victoria L. Blake, as was conveyed to them by deed book 1876 page 572, said stake being the northwest corner of the Lot herein described and running; thence south 89 degrees 54 minutes 23 seconds east a distance of 977.79 feet, along Allen T. and Victoria L. Blake and along John E. and Virgie E. Luce, as was conveyed to them by deed book 1413 page 559 to a point in the centerline of Luce Road, also known as Township Road T-406, said line passing through a  $\frac{1}{4}$  inch rebar set 30.00 feet back from said centerline of Luce Road; thence along the centerline of Luce Road by the following courses and distances:

1. 56.93 feet along an arc of a circle, curving to the left with a 90.03 foot radius, the long chord of which bears south 74 degrees 09 minutes 07 seconds east a distance of 55.99 feet,
2. north 87 degrees 43 minutes 51 seconds east a distance of 278.81 feet,
3. 128.56 feet along an arc of a circle, curving to the right with a 73.31 foot radius, the long chord of which bears south 42 degrees 01 minutes 39 seconds east a distance of 112.71 feet,
4. south 08 degrees 12 minutes 50 seconds west a distance of 386.16 feet,
5. south 08 degrees 28 minutes 15 seconds west a distance of 227.74 feet, to a point in the centerline of Pennsylvania State Route 4005;

thence north 76 degrees 07 minutes 40 seconds west a distance of 1331.48 feet, along the centerline of Pennsylvania State Route 4005 to a point on the eastern line of David E. and Ingrid E. Korb; thence north 00 degrees 39 minutes 23 seconds west a distance of 377.82 feet, along David E. and Ingrid E. Korb to an iron fence stake found and place of beginning, said line passing through a  $\frac{1}{4}$  inch rebar set at 27.45 feet.

TOGETHER with and subject to covenants, easements and restrictions of record.

CONTAINING 16.631 acres total minus 1.316 acre for the right-of-way's of Pennsylvania State Route 4005 and Luce Road, leaving 15.315 acres net.

KNOWN as Lot 9 of the DALYRI, LLC Subdivision, as shown on map prepared by Curry and Associates dated March 3, 2005 and recorded in the Office of the Register and Recorder for Clearfield County as Instrument No. 200520116.