

**Brian Wisneski et al vs Beish & Miller
2006-994-CD**

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Brian F. Wisneski and
Kathryn L. Wisneski

(Plaintiff)

CIVIL ACTION

54 Betsy Road
(Street Address)

No. 06-994-C

Reynoldsville, PA 15851
(City, State ZIP)

Type of Case: WML

Type of Pleading: _____

VS.

Filed on Behalf of:

Beish and Miller Construction (Plaintiff)
(Defendant) WISNESKI (Defendant)

362 Stronack Road
(Street Address)

Grampian, PA 16838
(City, State ZIP)

Hanak, Guido and TAladay
(Filed by)

P. O. Box 487
DuBois, PA 15801
(Address)

(814) 371-7768
(Phone)

J. Casey Boreck
(Signature)

FILED No CC
JUN 11 2006 Atty pd. 20.00
SUN 22 2006

William A. Shaw
Prothonotary/Clerk of Courts

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

WHEREAS, Brian F. Wisneski and Kathryn L. Wisneski, Owners, have entered into a contract with Beish and Miller Construction, of 362 Stronack Road, Grampian, PA 16838, Contractor, with regard to commercial construction at 640 S. Brady Street, DuBois, 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 Contractor, 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 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 Contractor 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 3rd day of June, 2006.

Witness:

Karen M. Myers

 (SEAL)
Brian E. Wisniewski, Owner

Brian F. Wisneski, Owner

Witness:

11. *Leucania* *luteola* (Hufnagel) *luteola* (Hufnagel) *luteola* (Hufnagel)

Kathryn Wesneker (SEAL)

Kathryn L. Wisneski, Owner

Witness:

Kathleen M. Myers

Beish and Miller Construction

By: John Miller Jr. (SEAL)
Contractor

Exhibit A

**Brian F. Wisneski and Kathryn L. Wisneski
Sandy Township, Clearfield County, PA**

Tax I. D. #128.0-B04-430-0018

All that certain piece or parcel of land lying and being in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

Beginning at an iron pipe at the corner of Brady Street and Dixon Avenue; thence North 39 degrees 10 minutes West 113.5 feet to an axle; thence North 35 degrees 45 minutes West 100 feet to an iron pipe; thence North 54 degrees 13 minutes East 150 feet to an iron pipe at Burkey Alley; thence South 35 degrees 45 minutes East along Burkey Alley 146.95 feet to an iron pipe at the right-of-way of South Brady Street; thence South 27 degrees 33 minutes West 158 feet along right-of-way of South Brady Street to an iron pipe and place of beginning.

Being Lots Nos. 1, 2, 3 and 4 of the George Schwem Addition to DuBois.

Subject to all exceptions, reservations, conditions, restrictions, easements and rights-of-way as fully as the same are contained in all prior deeds, instruments or writings or in any other manner touching or affecting the premises hereby conveyed.

Excepting therefrom any portion of the said premises taken by the Commonwealth of Pennsylvania for the widening of South Brady Street and/or Dixon Avenue as set forth in documents recorded.

Being the same premises conveyed to Thomas R. McConnell and Frances F. McConnell, husband and wife, by deed of James C. Biddle and L. Irene Biddle, husband and wife, dated April 4, 1997, and recorded in the Office of the Recorder of Clearfield County in volume 1831, page 222.

And Being the same premises conveyed to Brian F. Wisneski and Kathryn L. Wisneski, husband and wife, by deed of Thomas R. McConnell and Frances F. McConnell, husband and wife, by deed dated June 20, 2006, and intended to be recorded herewith.