

06-1706-CD

Delbert Wisor et al vs D. Beveridge al

2006-1706-CD

Delbert Wisor et al vs Donald Beveridge

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

DELBERT J. WISOR and)
JUDY K. WISOR,)
Owner(s)) COUNTY OF CLEARFIELD
AND) STATE OF PENNSYLVANIA
DONALD BEVERIDGE GENERAL)
CONTRACTOR,) NO. 06-1706-C TERM, 2006
General Contractor)

MECHANIC'S LIEN WAIVER

THIS AGREEMENT, Made and entered into this the 18th day of October, 2006, by and between the Owner(s) of Lot No. 66, Hallelujah Estates, West Decatur, Pennsylvania 16878

And the Contractor(s) of P. O. Box 128, Hawk Run, Pennsylvania 16840.

WHEREAS, the Owner(s) have entered into a written contract with the Contractor(s) for the construction of a 3 bedroom, 3½ bath 2800 square feet ranch home with attached 3 car garage, in accordance with certain plans and specifications, and for the furnishing and providing of materials and labor necessary therefore upon a plot of ground being all that certain piece or parcel of land

SEE ATTACHED LEGAL DESCRIPTION

NOW, THEREFORE, it is hereby stipulated and agreed by and between the said parties as part of the said Contract and for the consideration therein set forth, before any of the above construction is commenced, that Contractor, for himself, herself, itself, themselves, his, her, its and their subcontractors, and all parties acting through or under him, it or them, covenants and agrees that no mechanic's claims or liens shall be filed or maintained by him, them, or any of them against the buildings and the lots of ground appurtenant thereto, or any of them, for or on account of any work done or materials furnished by him, them or any of them, under this contract or otherwise, for towards, in or about the erection and construction of the said buildings, or any of them, and Contractor, for himself, herself, itself, themselves, his, her, its and their subcontractors, and others under him, her, it or them, hereby expressly waives and relinquishes the right to have, file, or maintain any mechanics' lien or claim against the buildings or any of them, and that this agreement waiving the right of lien shall be an independent covenant and shall operate and be effective as well with respect to work and labor done and materials furnished under any supplemental contract, verbal or written, or contract for extra work in the erection and construction of the said building as to work and labor done and materials furnished under this contract.

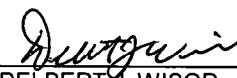
This Stipulation is made and intended to be filed with the CLEARFIELD County Prothonotary in accordance with the requirements of the Act of Assembly of this State in such cases made and provided.

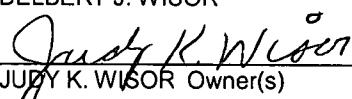
IN WITNESS WHEREOF, the said parties hereto have hereunto set their hands and seals the day and year first above written.

FILED NOCC

OCT 18 2006 Atty John Ayres
pd. 20.00

William A. Shaw
Prothonotary/Clerk of Courts


DELBERT J. WISOR L.S.


JUDY K. WISOR Owner(s) L.S.

DONALD BEVERIDGE GENERAL CONTRACTOR:

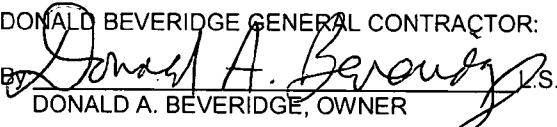

By DONALD A. BEVERIDGE, OWNER L.S.

EXHIBIT "A"

ALL those certain tracts of land situate in Boggs Township, Clearfield County, Pennsylvania, and more particularly bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post on public road, corner of land of Herbert Albert and J. Bumbarger's land; thence South along public road eighty-nine and one-half (89 $\frac{1}{2}$) degrees East, eighty-four and eight tenths (84.8) perches to post; thence by other lands of George W. Shimmel Estate, North seventeen (17) minutes West one hundred and forty-three (143) perches to post; thence by land of H. E. Shimmel, South eighty-nine (89) degrees thirty-four (34) minutes West, seven (7) perches to a post; thence by same North five (5) minutes East, thirty-four and one-tenth (34.1) perches to a post; thence by same, South eighty-nine (89) degrees thirty-four (34) minutes West seventy-eight (78) perches to post; thence by public road South seventeen (17) minutes East, one hundred and seventy-six and four tenths (176.4) perches to post and place of beginning.

CONTAINING ninety-two (92) acres and thirty-five and one-half (35 $\frac{1}{2}$) perches.

THE SECOND THEREOF: BEGINNING at a post corner of the Wallaceton Fire Brick Company and H. J. Shimmel's land; thence North twenty-five (25) degrees East, forty (40) perches to a post corner of land of I. H. and H. M. Shimmel's land; thence North eighty-nine (89) degrees twenty-six (26) minutes West, four hundred sixty-two (462) feet to a stone; thence North five (5) degrees ten (10) minutes East, forty-three and four tenths (43.4) perches to a post corner of H. M. Shimmel and Nancy and Matilda Shimmel's land; thence along line of Nancy and Matilda Shimmel's land, South eighty-nine (89) degrees thirty-four (34) minutes West, one hundred nineteen and one-tenth (119.1) perches to post; thence North one (1) degree five (5) minutes East, twenty-two (22) perches to post corner of land of H. E. Shimmel; thence West along line of same thirty-four and six tenths (34.6) perches to a post; thence South seventeen (17) degrees East one hundred and forty-three (143) perches to a post on public road; thence North along line of same eighty-eight (88) degrees forty (40) minutes East thirty-one and three tenths (31.3) perches to a post on line of land of Wallaceton Fire Brick Company; thence along the line of same North one (1) degree five (5) minutes East, thirty and nine tenths (30.9) perches to a post; thence along line of said Wallaceton Fire Brick Company, North eighty-nine degrees forty (40) minutes East, one hundred and sixty-three (163) perches to a post and place of beginning.

CONTAINING one hundred and seven (107) acres and fourteen (14) perches.

HAVING ERECTED THEREON a farm house, barn and three car garage, a four-room dwelling house; a two-room dwelling house; out building; and a helicopter hanger.

EXCEPTING AND RESERVING, NEVERTHELESS, out of Purpart No. 2 that certain piece or parcel of land bounded and described as follows:

BEGINNING at a point on line of lands of J. H. Shaw; thence by line of land of J. H. Shaw, North eighty-six (86) degrees fourteen (14) minutes West, ten hundred fifty-seven (1057) feet to a post; thence by land of H. M. Shimmel Estate, South one (1) degree nineteen (19) minutes West, seven hundred eighty-two and five tenths (782.5) feet to a post; thence by same, South eighty-three (83) degrees two (2) minutes East, seventy-seven and four tenths (77.4) feet to a post; thence still by same South two (2) degrees one (1) minute West, six hundred ninety five and five tenths (695.5) feet to a post; thence by line of land of Owens tract, South eighty-six (86) degrees forty-two (42) minutes East, sixteen hundred twenty five (1625) feet to a post; thence by line of land of Lloyd Gilman, North three (3) degrees, twenty-six (26) minutes East, seven hundred thirty nine (739) feet to a post; thence North eighty-five (85) degrees twenty nine (29) minutes West, seven hundred forty-nine and six-tenths (749.6) feet to a post; thence North eight (8) degrees ten (10) minutes East, seven hundred nineteen (719) feet to a post and place of beginning.

CONTAINING forty-eight and one half (48 $\frac{1}{2}$) acres.

ALSO EXCEPTING AND RESERVING, thereout and therefrom, the following three tracts:

The first one being the tract conveyed by Iola M. Shimmel, widow, to the Clearfield Gas and Fuel Company, by Deed dated the 27th day of October, 1955, and recorded in Clearfield County in Deed Book Volume 447, page 208.

The second one being the tract conveyed by Iola M. Shimmel, widow, to Iola M. Shimmel and Helen Shimmel Hipps, as Joint Tenants with the Right of Survivorship and not as Tenants in Common, by Deed dated the 4th day of August, 1959, and recorded in Deed Book Volume 476 at page 513.

The third being tract conveyed by Harold R. Carper, et ux., to Larry D. Allen and Dorothy M. Allen, his wife, by Deed dated the 4th day of April, 1973, and recorded in Deed Book Volume 631 at page 57.

BEING a portion of the same premises as vested in Beatrice H. Avery by deed of Bronia Corporation, dated the 23rd day of October, 1980, and recorded on the 10th day of November, 1980, in Deed Book Volume 804 at page 445.

FURTHER BEING the subject of an Action to Quiet Title filed to Number 99-954-CD.

EXCEPTING AND RESERVING NEVERTHELESS, thereout and therefrom that parcel of land sold to the Central Intermediate Unit 10 containing 10.70 acres.

EXCEPTING AND RESERVING NEVERTHELESS, thereout and therefrom that parcel of land conveyed to the Central Intermediate Unit No. 10, consisting of 1.939 acres, by Deed dated February 26, 2003, and recorded in the Office of the Recorder of Deeds of Clearfield County, to Instrument Number 200307498.

ALSO INCLUDED in this mortgage is all that certain tract of land situate in Boggs Township, Clearfield County, Pennsylvania conveyed by Central Intermediate Unit No. 10, to Delbert J. Wisor and Judy K. Wisor, consisting of 1.939 acres, by Deed dated April 24, 2003, and recorded in the Office of the Recorder of Deeds of Clearfield County, to Instrument Number 200308150.

TOGETHER with all and singular the buildings and improvements, ways, streets, alleys, passages, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances, whatsoever unto the hereby granted premises belonging, or in any wise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title and interest, property, claim and demand whatsoever of the said Grantor, her heirs and assigns, in law, equity, or otherwise, howsoever, in and to the same, and every part thereof.

TO HAVE AND TO HOLD the said lot or piece of ground above described, with the messuage or tenement thereon erected, hereditaments and premises hereby granted, or mentioned and intended so to be, with the appurtenances, unto the Grantees, their heirs and assigns, to and for the only proper use and behoof of the said Grantees, their heirs and assigns, forever.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as contained in prior Deeds in the chain of title.

The mortgage premises are also described based on a current survey described on Exhibit "B", attached hereto.

EXHIBIT "B"

A TRACT OF LAND SITUATE IN BOGGS TOWNSHIP, CLEARFIELD COUNTY, STATE OF PENNSYLVANIA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD BEING THE NORTHWEST CORNER OF THE TRACT OF LAND TO BE DESCRIBED, SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF THE LAND OF NOW OR FORMERLY C. ALAN WALKER AND JUDITH W. WALKER AS SHOWN IN RECORD BOOK 1143 AT PAGE 33 IN SAID OFFICE OF THE RECORDER OF DEEDS; THENCE ALONG THE LINE OF LINE OF SAID C. ALAN WALKER AND JUDITH W. WALKER, ALSO BEING THE CENTERLINE OF TOWNSHIP ROAD 612 THE FOLLOWING SIX (6) COURSES AND DISTANCES: (1) SOUTH 88° 15' 08" EAST A DISTANCE OF ONE HUNDRED ELEVEN AND 78/100 FEET (111.78 FEET) TO AN IRON PIN, (2) SOUTH 89° 54' 52" EAST A DISTANCE OF THREE HUNDRED SEVEN AND 01/100 FEET (307.01/100 FEET) TO AN IRON PIN, (3) NORTH 89° 59' 45" EAST A DISTANCE OF TWO HUNDRED NINETY FOUR AND 75/100 FEET (294.75 FEET) TO AN IRON PIN, (4) SOUTH 89° 54' 20" EAST A DISTANCE OF TWO HUNDRED NINETY AND 19/100 FEET (290.19 FEET) TO AN IRON PIN, (5) SOUTH 89° 00' 26" EAST A DISTANCE OF ONE HUNDRED NINETY SEVEN AND 27/100 FEET (197.27 FEET) TO AN IRON PIN, (6) SOUTH 81° 17' 49" EAST A DISTANCE OF SEVENTY AND 52/100 FEET (70.52 FEET) TO AN IRON PIN; THENCE, DEPARTING THE CENTERLINE OF TOWNSHIP ROAD 612 BUT CONTINUING ALONG THE LINE OF LAND OF SAID C. ALAN WALKER AND JUDITH W. WALKER, SOUTH 00° 02' 50" EAST A DISTANCE OF THREE HUNDRED SIXTY ONE AND 94/100 FEET (361.94 FEET) TO AN IRON PIN; THENCE, ALONG THE LINE OF LAND OF NOW OR FORMERLY LEROY L. FAHR AS SHOWN IN RECORD BOOK 411 AT PAGE 386 IN SAID OFFICE OF THE RECORDER OF DEEDS, SOUTH 00° 03' 16" EAST A DISTANCE OF TWO HUNDRED SEVEN AND 81/100 FEET (207.81 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 89° 25' 44" EAST A DISTANCE OF SIX HUNDRED FORTY NINE AND 05/100 FEET (649.05 FEET) TO AN IRON PIN; THENCE, ALONG THE LINE OF LAND OF AFORESAID C. ALAN WALKER AND JUDITH W. WALKER, SOUTH 01° 06' 46" WEST A DISTANCE OF THREE HUNDRED SIXTY THREE AND 26/100 FEET (363.26 FEET) TO AN IRON PIN; THENCE, ALONG SAME AND THE LINE OF LAND OF NOW OR FORMERLY BEATRICE H. AVERY AS SHOWN IN RECORD BOOK 691 AT PAGE 169 IN SAID OFFICE OF THE RECORDER OF DEEDS, NORTH 89° 34' 24" EAST A DISTANCE OF NINE HUNDRED NINETEEN AND 92/100 FEET (919.92 FEET) TO AN IRON PIN; THENCE, ALONG THE LINE OF LAND OF NOW OR FORMERLY LESLIE V. WILLIAMS, M. JANE WILLIAMS, AND BARBARA L. WILLIAMS AS SHOWN IN RECORD BOOK 926 AT PAGE 13 IN SAID OFFICE OF THE RECORDER OF DEEDS, SOUTH 01° 21' 01" EAST A DISTANCE OF SEVEN HUNDRED EIGHTY THREE AND 60/100 FEET (783.60 FEET) TO AN IRON PIN; THENCE, ALONG SAME, NORTH 87° 57' 10" EAST A DISTANCE OF SEVENTY EIGHT AND 07/100 FEET (78.07 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 01° 28' 58" EAST A DISTANCE OF SIX HUNDRED NINETY FIVE AND 22/100 FEET (695.22 FEET) TO AN IRON PIN; THENCE, ALONG THE LINE OF LAND OF NOW OR FORMERLY THOMAS J. DANVER AND PAMELA S. DANVER AS SHOWN IN RECORD BOOK 1543 AT PAGE 238 IN SAID OFFICE OF THE RECORDER OF DEEDS, SOUTH 89° 43' 44" WEST A DISTANCE OF SEVEN HUNDRED THIRTY ONE AND 62/100 FEET (731.62 FEET) TO AN IRON PIN; THENCE, ALONG THE LINE OF LAND OF NOW OR FORMERLY THE CENTRAL INTERMEDIATE UNIT 10 AS SHOWN IN RECORD BOOK 1889 AT PAGE 5 IN SAID OFFICE OF THE RECORDER OF DEEDS, NORTH 24° 39' 47" EAST A DISTANCE OF FIVE HUNDRED NINETY FIVE AND 79/100 FEET (595.79 FEET) TO AN IRON PIN; THENCE, ALONG SAME, NORTH 65° 15' 24" WEST A DISTANCE OF FIVE HUNDRED FIFTY SIX AND 33/100 FEET (556.33 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 24° 44' 22" WEST A DISTANCE OF TWO HUNDRED FORTY SIX AND 43/100 FEET (246.43 FEET) TO AN IRON PIN; THENCE, ALONG SAME, NORTH 65° 15' 51" WEST A DISTANCE OF SEVENTY NINE AND 97/100 FEET (79.97 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 24° 43' 35" WEST A DISTANCE OF EIGHTY NINE AND 94/100 FEET (89.94 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 07° 44' 05" WEST A DISTANCE OF FOUR HUNDRED TWELVE AND 87/100 FEET (412.87 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 51° 34' 08" EAST

A DISTANCE OF SIXTY FIVE AND 20/100 FEET (65.20 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 01° 31' 33" WEST A DISTANCE OF FIVE HUNDRED THIRTY ONE AND 86/100 FEET (531.86 FEET) TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 2034; THENCE, ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING TEN (10) COURSES AND DISTANCES: (1) SOUTH 87° 41' 37" WEST A DISTANCE OF ONE HUNDRED SIXTY THREE AND 32/100 FEET (163.32 FEET) TO AN IRON PIN, (2) SOUTH 88° 46' 16" WEST A DISTANCE OF ONE HUNDRED FIFTY AND NO/100 FEET (150.00 FEET) TO AN IRON PIN, (3) SOUTH 88° 50' 49" WEST A DISTANCE OF ONE HUNDRED FIFTY AND NO/100 (150.00 FEET) TO AN IRON PIN, (4) SOUTH 88° 46' 35" WEST A DISTANCE OF ONE HUNDRED FIFTY AND NO/100 FEET (150.00 FEET) TO AN IRON PIN, (5) SOUTH 89° 18'32" WEST A DISTANCE OF ONE HUNDRED FIFTY AND NO/100 (150.00 FEET) TO AN IRON PIN, (6) NORTH 89° 16' 51" WEST A DISTANCE OF ONE HUNDRED FIFTY AND NO/100 (150.00 FEET) TO AN IRON PIN, (7) NORTH 88° 51' 24" WEST A DISTANCE OF ONE HUNDRED FIFTY AND NO/100 (150.00 FEET) TO AN IRON PIN, (8) NORTH 88° 49' 47" WEST A DISTANCE OF ONE HUNDRED FIFTY AND NO/100 (150.00 FEET) TO AN IRON PIN, (9) NORTH 88° 09' 36" WEST A DISTANCE OF ONE HUNDRED FIFTY AND NO/100 (150.00 FEET) TO AN IRON PIN, (10) NORTH 88° 13' 41" WEST A DISTANCE OF ONE HUNDRED FORTY NINE AND 92/100 FEET (149.92 FEET) TO AN IRON PIN; THENCE, ALONG THE LINE OF LAND OF NOW OR FORMERLY JAMES M. BENTON AND RHONDA J. BENTON AS SHOWN IN RECORD BOOK 1097 AT PAGE 44 IN SAID OFFICE OF THE RECORDER OF DEEDS, NORTH 00° 32" 37" WEST A DISTANCE OF TWO HUNDRED NINE AND 55/100 FEET (209.55 FEET) TO AN IRON PIN; THENCE, ALONG SAME, NORTH 88° 59' 37" WEST A DISTANCE OF TWO HUNDRED EIGHT AND 75/100 FEET (208.75 FEET) TO AN IRON PIN ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 970; THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) NORTH 00° 31' 19" WEST A DISTANCE OF THREE HUNDRED FOURTEEN AND 47/100 FEET (314.47 FEET) TO AN IRON PIN, (2) NORTH 00° 20' 54" WEST A DISTANCE OF FOUR HUNDRED SIXTY TWO AND 97/100 FEET (462.97 FEET) TO AN IRON PIN; THENCE, ALONG THE LINE OF LAND OF NOW OR FORMERLY CLEARFILED GAS AND FUEL COMPANY AS SHOWN IN RECORD BOOK 447 AT PAGE 208 IN SAID OFFICE OF THE RECORDER OF DEEDS, NORTH 81° 10' 33" EAST A DISTANCE OF ONE HUNDRED AND 01/100 FEET (100.01 FEET) TO AN IRON PIN; THENCE, ALONG SAME, NORTH 00° 20' 54" WEST A DISTANCE OF ONE HUNDRED AND NO/100 FEET (100.00 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 81° 10' 33" WEST A DISTANCE OF ONE HUNDRED AND 01/100 FEET (100.01 FEET) TO AN IRON PIN ON AFORESAID EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 970; THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) NORTH 00° 20' 54" WEST A DISTANCE OF THREE HUNDRED TWENTY ONE AND 43/100 FEET (321.43 FEET) TO AN IRON PIN, (2) NORTH 00° 05' 14" WEST A DISTANCE OF FIVE HUNDRED EIGHTY AND 35/100 FEET (580.35 FEET) TO AN IRON PIN; THENCE, ALONG THE LINE OF LAND OF NOW OR FORMERLY JAMES A. HERR AND MARY E. HERR AS SHOWN IN RECORD BOOK 1748 AT PAGE 8 IN SAID OFFICE OF THE RECORDER OF DEEDS, NORTH 88° 21' 16" EAST A DISTANCE OF TWO HUNDRED FIFTEEN AND 41/100 FEET (215.41 FEET) TO AN IRON PIN; THENCE, ALONG SAME, NORTH 00° 07' 00" WEST A DISTANCE OF FOUR HUNDRED SIXTEEN AND NO/100 FEET (416.00 FEET) TO AN IRON PIN; THENCE, ALONG SAME, SOUTH 88° 25' 35" WEST A DISTANCE OF TWO HUNDRED THIRTEEN AND 56/100 FEET (213.56 FEET) TO AN IRON PIN ON AFORESAID EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 970; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00° 30' 30" EAST A DISTANCE OF FIVE HUNDRED AND 79/100 FEET (500.79 FEET) TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAING 6,003,084.86 SQUARE FEET OR 137.81 ACRES.

SAID TRACT DESCRIPTION HAVING A MATHEMATICAL CLOSURE OF 1' IN 705,535'