

08-1336-CD

Robert Johnson al vs Corbet Homes Inc.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT G. JOHNSON and
KURT D. JOHNSON, partners
t/d/b/a JOHNSON DEVELOPMENT
COMPANY, a partnership
Owner/Plaintiff

VS.

CORBET HOMES, INC.
Contractor/Defendant

No. 08-1336-CD

Type of pleading:
WAIVER OF RIGHT TO
FILE MECHANIC'S LIEN

Filed on behalf of:
Owner/Plaintiff

Counsel of Record for This
Party:

Robert M. Hanak, Esquire
Supreme Court No. 05911
Hanak, Guido and Taladay
528 Liberty Boulevard
P. O. Box 487
DuBois, PA 15801
814-371-7768

Dated: 6-20-08

To the Prothonotary:

Kindly index this in the name of the Contractor as both the Plaintiff and Defendant, and in the name of the Owner as both Plaintiff and Defendant.

FILED No CC
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William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT G. JOHNSON and	:	No.
KURT D. JOHNSON, partners	:	
t/d/b/a JOHNSON DEVELOPMENT	:	
COMPANY, a partnership	:	
Owner/Plaintiff	:	
	:	
VS.	:	
	:	
	:	
CORBET HOMES, INC.	:	
Contractor/Defendant	:	

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

WHEREAS, Robert G. Johnson and Kurt D. Johnson, partners, t/d/b/a Johnson Development Company, a partnership, Owners, have entered into a contract with CORBET HOMES, INC., 60 Cardinal Drive, DuBois, PA 15801, Contractor, with regard to commercial construction at 1891 Blinker Parkway, DuBois (Sandy Township), Clearfield County, 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 20th day of June, 2008.

Witness:

Kenneth Mark Gander
Kenneth Mark Gander

Johnson Development Company

By:

Robert G. Johnson
Robert G. Johnson, partner

By:

Kurt D. Johnson
Kurt D. Johnson, partner

Witness:

Kenneth Mark Gander

Corbet Homes, Inc.

By:

Reinhold Roe
Contractor

EXHIBIT 'A'
1891 Blinker Parkway
DuBois, PA 15801

ALL that certain property or tract of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point in the centerline of State Route LR338 (Traffic Route U.S. 119) distant southwardly along said centerline from the southerly line of property now or formerly of Rose Frankoski, 727.3 feet, the said place of beginning being the southeasterly corner of the tract herein described and being on the northerly line of property conveyed by deed dated December 29, 1969, to Robert M. Johnson and Margaret R. Johnson, his wife; thence South $78^{\circ} 41'$ West along the northerly line of said Johnson property, 263 feet to an iron pin on the easterly line of property now or formerly of Albert Heberling; thence due North along the easterly line of said property now or formerly of Albert Heberling, 511.5 feet to an iron pin; thence South 71° East 373.6 feet, more or less, to a point on the centerline of State Route LR338; thence along the said centerline of said State Route LR338, South 19° West 169.4 feet to a point; thence continuing along the said centerline of said State Route LR338, by a curve to the left with a radius of 818.51 feet to a point at the place of beginning. CONTAINING 3 acres.

BEING the same premises which vested in Robert G. Johnson and Kurt D. Johnson, partners, trading and doing business as Johnson Development Company, a partnership by deed of Johnson Motors, Inc., a Pennsylvania corporation, dated November 27, 1987, recorded December 1, 1987, in Clearfield County Deeds & Records Book 1196, page 456.