

00-1345-CD
GRESS-WOOD COMPANY, LLC et al -vs- FOUR COUNTIES CONTRACTING, INC.

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

CRESS-WOOD COMPANY, L.L.C. and
WOODLAND EQUIPMENT & SUPPLY CO.
Owners

vs.

FOUR COUNTIES CONTRACTING, INC.
Contractor

Ad
00-~~WML~~
00-1345-CD

FILED

NOV 01 2000

W. Shaw
Proclatary

WAIVER OF MECHANIC'S LIEN

THIS AGREEMENT, waiving the right to file Mechanic's Lien, is made this 26th day of October, 2000, between CRESS-WOOD COMPANY, L.L.C. and WOODLAND EQUIPMENT & SUPPLY CO., with mailing address of P.O. Box 153, Woodland, Pennsylvania, 16881, hereinafter called "Owners", and FOUR COUNTIES CONTRACTING, INC., with place of business at RR 1, Box 820, Coalport, Pennsylvania, 16627, hereinafter collectively referred to as "CONTRACTOR".

WHEREAS, CONTRACTOR has agreed to furnish certain materials and labor for the construction or improvement to or upon all that certain piece or parcel of land situate in Lawrence Township, Clearfield County, to which Cress-Wood Company, L.L.C. took title by deed in Clearfield County at Instrument Number 200008755 on June 22, 2000, and more particularly described as follows:

ALL that lot known as Lot 2 of the Joseph A. and Alberta W. Owens Subdivision dated December 19, 1999, lying off the intersection of Airport Road (T-600) with Pennsylvania State Route 879 in Lawrence Township, Clearfield County, Pennsylvania and being more particularly described as follows:

BEGINNING at a 3/4" rebar set at the northwest corner of Linglewood Lodge, Inc., as was conveyed by deed book 567 page 645, said rebar being on the eastern line of Linglewood Lodge, Inc., as was conveyed by deed book 732 page 322, said rebar being at the southwest corner of the land herein conveyed and running:

Thence North 16 degrees 25 minutes 00 seconds West a distance of 824.06 feet along Linglewood Lodge, Inc. to a 3/4" rebar set;

Thence North 02 degrees 20 minutes 00 seconds East a distance of 721.39 feet along the same to a point in the centerline of Airport Road, said line passing through a 3/4" rebar set back 25.03 feet from said centerline of Airport Road;

Thence along the centerline of Airport Road the following courses and distances:

1. North 89 degrees 21 minutes 03 seconds East 741.50 feet;
2. By a curve turning to the right with an arc length of 294.07 feet, with a radius of 319.81 feet with a chord bearing of South 64 degrees 18 minutes 25 seconds East a chord distance of 283.82 feet;
3. South 37 degrees 57 minutes 53 seconds East 178.54 feet;
4. By a curve turning to the left with an arc length of 294.17 feet, with a radius of 1,000.00 feet, with a chord bearing of South 46 degrees 23 minutes 31 seconds East a chord distance of 293.11 feet;
5. South 54 degrees 49 minutes 09 seconds 288.34 feet;
6. By a curve turning to the right with an arc length of 75.85 feet, with a radius of 286.48 feet with a chord bearing of South 47 degrees 14 minutes 01 seconds East a chord distance of 75.63 feet;
7. South 39 degrees 38 minutes 54 seconds East 203.23 feet;
8. By a curve turning to the right with an arc length of 62.43 feet, with a radius of 286.48 feet with a chord bearing of South 33 degrees 24 minutes 20 seconds East a chord distance of 62.30 feet;
9. South 27 degrees 09 minutes 47 seconds East 180.59 feet;
10. By a curve turning to the right with an arc length of 124.18 feet, with a radius of 132.31 feet with a chord bearing of South 00 degrees 16 minutes 29 seconds East a chord distance of 119.67 feet to a point in the centerline of Pennsylvania State Route 879;
11. By a curve turning to the left with an arc length of 1,461.89 feet with a radius of 813.47 feet, with a chord bearing of South 74 degrees 37 minutes 06 seconds West a chord distance of 1,300.02 feet;
12. Thence through the right-of-way of Pennsylvania State Route 879 and along the northern line of Linglewood Lodge, Inc., South 89 degrees 38 minutes 17 seconds West a distance of 400.50 feet to a 3/4" rebar set and place of beginning, said line passing through a 2" iron pipe found at 80.20 feet;

Together with all gas and oil rights.

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

Said property being subject to the Deed in confirmation of Road Easement and Aviation Easement from Grantors to the Clearfield-Lawrence Joint Airport Authority dated April 15, 1993, and recorded in deed book 1256 at page 212.

Said property known as Lot 2 of the Joseph A. and Alberta W. Owens Subdivision and containing 41.328 acres, minus 4.799 acres for the right-of-way of Airport Road and Pennsylvania State Route 879, leaving 36.529 acres net, as shown on map prepared by Curry and Associates dated December 29, 1999.

Said property having been approved as part of a subdivision in Lawrence Township, Clearfield County, Pennsylvania and recorded in Clearfield County on April 27, 2000 as Instrument Number 100005735 to Map File No. 02012 with a duplicate map recorded as Instrument Number 200005817 to Map File No. 2014 and being subject to any restrictions appearing thereon.

BEING the same premises conveyed unto Cress-Wood Company, LLC by deed dated June 20, 2000, recorded at Clearfield County Instrument Number 200008755.


NOW, THEREFORE, it is hereby stipulated by and between the said parties as part of the said Contract and for the consideration set forth, that before any of the above construction is commenced, neither the undersigned CONTRACTOR, any sub-contractor or Materialman, nor any other person furnishing labor or materials to the said CONTRACTOR under the contract above referred to, shall file a lien commonly known as a Mechanic's Lien, for work done or materials furnished to the said building or any part thereof.

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 Pennsylvania in such cases made and provided.

CONTRACTOR acknowledges that he, it or they have inspected the land in question and that no part of it has been disturbed by the CONTRACTOR or any one claiming by or through him prior to the execution of this Agreement.

IN WITNESS WHEREOF, the parties has properly executed this Agreement the day and year first above written.

OWNERS:
CRESS-WOOD COMPANY, L.L.C.


Samuel J. Lansberry, Sr., Mgr.

WOODLAND EQUIPMENT & SUPPLY, CO.


Sandra L. Lansberry, President

CONTRACTOR:
FOUR COUNTIES CONTRACTING, INC.


Donald Gabrielson, President

AFFIDAVIT

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared who SAMUEL J. LANSBERRY, SR., being duly sworn according to law deposes and says that he is the Manager of Cress-Wood Company, L.L.C. in the foregoing Waiver of Mechanic's Lien, and further that he executed the foregoing Waiver of Mechanic's Lien for the purposes contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 26th day of October, 2000.

Earl E. Butler
Notary Public

Notarial Seal
Earl E. Butler, Notary Public
Lawrence Twp., Clearfield County
My Commission Expires Nov. 19, 2003
Member, Pennsylvania Association of Notaries

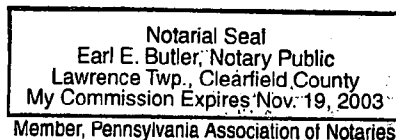
AFFIDAVIT

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared who SANDRA L. LANSBERRY, being duly sworn according to law deposes and says that she is the President of Woodland Equipment & Supply Co. in the foregoing Waiver of Mechanic's Lien, and further that she executed the foregoing Waiver of Mechanic's Lien for the purposes contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 26th day of October, 2000.

Earl E. Butler
Notary Public



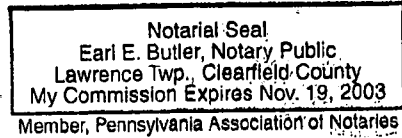
AFFIDAVIT

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared who DONALD GABRIELSON, being duly sworn according to law deposes and says that he is the President of Four Counties Contracting, Inc. in the foregoing Waiver of Mechanic's Lien, and further that he executed the foregoing Waiver of Mechanic's Lien for the purposes contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 26th day of October, 2000.

Earl E. Butler
Notary Public



FILED

Atty Smith

pd. 20.00

No CC

NOV 1 2000

William A. Shaw
Prothonotary