

01-710-CD
MICHAEL P. MALLOY -vs- BASTIAN HOMES, INC.

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

MICHAEL P. MALLOY,
Owner

*

-vs-

Docket No. 01-710-CJ

BASTIAN HOMES, INC.,
Contractor

*

Type of Pleading:
WAIVER OF MECHANICS LIEN

Filed on behalf of:
OWNER: Michael P. Malloy

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

MAY 11 2001

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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MICHAEL P. MALLOY,
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-vs-

BASTIAN HOMES, INC.,
Contractor

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WAIVER OF MECHANICS LIEN

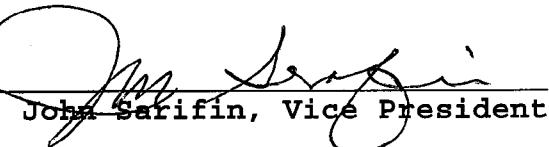
WHEREAS, MICHAEL P. MALLOY, (hereinafter "OWNER") of R. D. 3, Box 162-A, Clearfield, PA 16830, has entered into a contract with BASTIAN HOMES, INC., of 155 Lovell Avenue, Ebensburg, PA 15931 (hereinafter "CONTRACTOR"), to perform the labor and materials necessary for building construction or repair and improvement to that certain property in Pike Township, Clearfield County, and being more particularly described as Lot 9 on plan titled "Final Plan Consolidation and Subdivision of Land of Michael P. Malloy, Pike Township, Clearfield County, as prepared by Hess & Fisher Engineers, Inc., dated April 3, 1999, recorded May 4, 1999 and recorded at Clearfield County Map File No. 1777, which premises are more fully described in Appendix A, attached hereto and made a part hereof.

NOW THEREFORE, at the time of and immediately before the execution of the contract between OWNER and CONTRACTOR, and before any authority has been given by OWNER to the said CONTRACTOR to provide the labor and material necessary for building construction or repairs and improvements, or to purchase materials for said project, in consideration of the making of the contract for the project between the OWNER and CONTRACTOR, it is agreed that neither the undersigned CONTRACTOR, and any sub-contractor, or material man, or any workman, or any other person, for labor furnished or materials purchased, shall file a lien, commonly called a Mechanic's Lien, for work done or materials furnished to the said building under the contract between the OWNER and CONTRACTOR for the building and construction or repair and improvements to the building, the right to file, maintain or have such liens being expressly waived.

WITNESS, my hand and seal this 9th day of May, 2001.

BASTIAN HOMES, INC.

By:


John Sarifin, Vice President

ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA:

:SS:

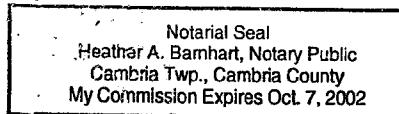
COUNTY OF CLEARFIELD :

On this, the 10 day of May, 2001, before me, a notary public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared John Sarifin, who acknowledged himself to be the Vice President of Bastian Homes, Inc., the foregoing corporation, and that as such, he, being authorized by such corporation to do so, executed the foregoing deed for the purpose contained by signing his name thereon as such.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

My Commission Expires:

Heather A. Barnhart
NOTARY PUBLIC



Member, Pennsylvania Association of Notaries

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

BEGINNING at a set 3/4" iron rebar in the northern right-of-way line of Township Road No. T-504 (now: T-209, Schoolhouse Hill Road), said rebar being the southwestern corner of the property described herein; thence along Lot 8, N 1° 25' 34" W, a distance of 235.95 feet to a set 3/4" iron rebar; thence still along Lot 8, N 50° 54' 49" E, a distance of 395.13 feet to a set 3/4" iron rebar; thence along Lot 7, S 52° 19' 33" E, a distance of 139.29 feet to a set 3/4" iron rebar on the aforementioned northern right-of-way line of Township Road No. T-504 (now: T-209, Schoolhouse Hill Road); thence along said right-of-way line the following courses and distances: S 29° 16' 30" W, 223.16 feet to a point; S 34° 02' 01" W, 146.59 feet to a point; S 44° 45' 46" W, 46.97 feet to a point; S 56° 04' 17" W, 49.39 feet to a point; S 62° 32' 47" W, 49.53 feet to a point; S 72° 58' 08" W, 44.04 feet to a point; N 87° 19' 33" W, 38.51 feet to a point; N 62° 27' 26" W, 24.05 feet to a set 3/4" iron rebar, the place of beginning.

CONTAINING 2.53 acres and being shown as Lot 9 on a plan titled, "Final Plan, Consolidation and Subdivision of Land of Michael P. Malloy, Pike Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated April 3, 1999, Clearfield County Map File No. 1777, recorded May 4, 1999.

FURTHER IDENTIFIED and known as Lot 9 of Trey/Brooke Estates subdivision.

SUBJECT HOWEVER to the following:

Addendum to Revised Declaration of Protective Covenants, Conditions, Restrictions & Reservations Affecting Certain Lots Owned By Michael P. Malloy in Pike Township, Clearfield County, Pennsylvania, dated November 6, 2000 and recorded on November 7, 2000 with the Clearfield County Recorder of Deeds at Instrument No. 200016647.

Revised Declaration of Protective Covenants, Conditions, Restrictions & Reservations Affecting Certain Lots Owned By Michael P. Malloy in Pike Township, Clearfield County, Pennsylvania, dated and recorded on November 2, 1999 with the Clearfield County Recorder of Deeds at Instrument No. 199918196.

Declaration of Protective Covenants, Conditions, Restrictions & Reservations Affecting Certain Lots Owned By Michael P. Malloy in Pike Township, Clearfield County, Pennsylvania, dated August 19, 1999 and recorded on August 24, 1999 with the Clearfield County Recorder of Deeds at Instrument No. 199914005.

FURTHER SUBJECT to all restrictions, exceptions, reservations, easements, and conditions as contained in prior deeds of conveyance.

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Contractor

WAIVER OF MECHANICS LIEN
Docket No.

012-57-81
3 CC
Dwight L. Koerber
Att'y pd.
Prof.
20.00

Law Office

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