

01-1930-CD  
JOHN M. TKACIK etux -vs- HOLDEN BUILDERS

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

JOHN M. TKACIK and HOLLY M.  
TKACIK, husband and wife,  
Owners

vs.

HOLDEN BUILDERS  
Contractor

1430-CD  
2001- ~~W-2~~

**FILED**

NOV 29 2001

William A. Shaw  
Prothonotary

*WAIVER OF MECHANIC'S LIEN*

THIS AGREEMENT, waiving the right to file Mechanic's Lien, is made this 28<sup>TH</sup> day of November, 2001, between JOHN M. TKACIK and HOLLY M. TKACIK, husband and wife, with mailing address of 547 State Street, Curwensville, Pennsylvania, 16833, hereinafter called "OWNERS", and HOLDEN BUILDERS CONTRACTING with place of business at 308 Walton Street Philipsburg, Pennsylvania, 16866, hereinafter referred to as "CONTRACTOR".

WHEREAS, CONTRACTOR has agreed to furnish certain materials and labor for the construction of a home on all that certain piece or parcel of land situate in Curwensville Borough, Clearfield County, to which OWNERS took title by deed at Clearfield County Instrument Number 200116835, and more particularly described as follows:

**PARCEL ONE:**

**ALL that certain piece or parcel of land situated in the Borough of Curwensville, County of Clearfield, state of Pennsylvania, bounded and described as follows:**

**BEGINNING at a 3/4" rebar at the southwest corner of lands of Robert R. Shafer JR. as recorded in Deed Book 843 page 1, said rebar being on the southeastern right of way line of Township Road T-869, said rebar being the northwest corner of the parcel herein conveyed and running;**

**1. Thence along the southern line of lands of Robert R. Shafer Jr. south 43**

degrees 42 minutes 10 seconds east a distance of 183.15 feet to a ¾" rebar (set), said rebar being the southeast corner of lands of Robert R. Shafer Jr. as described in Deed Book 843 page 1;

2. Thence through lands of the Grantor for a new subdivision line south 69 degrees 59 minutes 23 seconds east a distance of 764.99 feet to a ¾" rebar (set);
3. Thence still through lands of the Grantor for new subdivision line south 28 degrees 59 minutes 18 seconds west a distance of 533.24 feet to a ¾" rebar (set), said rebar being on the center line of an old storm water drainage ditch;
4. Thence still north 77 degrees 35 minutes 08 seconds west a distance of 305.10 feet to a ¾" rebar (set);
5. Thence still through lands of the Grantor for a new subdivision line and still along the center line of an old storm water drainage ditch south 86 degrees 49 minutes 30 seconds west a distance of 249.50 feet to a ¾" rebar (set);
6. Thence still through lands of the Grantor for a new subdivision line north 01 degrees 47 minutes 57 seconds west a distance of 510.19 feet to a ¾" rebar (set); said rebar being the northeast corner of lands of George S. and Sandra L. Tkacik as recorded in Deed Book 1084 page 325;
7. Thence along the northern line of lands of George S. and Sandra L. Tkacik as recorded in Deed Book 1084 page 325 north 27 degrees 23 minutes 48 seconds west a distance of 249.60 feet to a ¾" rebar (set), said rebar being on the southeastern right of way of Township Road T-869;
8. Thence along the southeastern right of way line of Township Road T-869 the following courses and distances:

north 51 degrees 36 minutes 32 seconds east a distance of 59.78 feet to point;  
north 47 degrees 43 minutes 20 seconds east a distance of 59.72 feet to a ¾" rebar (set) and place of beginning;

Containing an area of 10.05 acres, and being more fully described and depicted on a plan prepared by Curry & Associates dated June 29, 2001.

Granting and conveying unto the Grantee's, their heirs and assigns in common with the Grantor's, their heirs and assigns, who shall also have the right to use this right-of-way, here above a 33 foot wide access road for the right of egress, ingress, regress over, through and upon the said access road for the

purpose of gaining access and to place any utilities necessary over-head or underground to the parcel here above described. It is understood by the parties that the grantors do not have the right to use the portions of this particular road on the premises conveyed by this deed. The said center line of said access road being described as follows:

Beginning at a point in the center line of Township Road T-869, said point being South 66 Degrees 54 Minutes 27 Seconds West a distance of 316.12 feet from the southwest corner of lands of George S. and Sandra L. Tkacik as described in Deed Book 1084 page 325;

south 38 degrees 03 minutes 55 seconds east a  
distance of 38.13 feet to a point;  
south 09 degrees 43 minutes 03 seconds west a  
distance of 71.10 feet to a point;  
south 13 degrees 20 minutes 37 seconds west a  
distance of 103.74 feet to a point;  
south 00 degrees 12 minutes 20 seconds west a  
distance of 133.63 feet to a point;  
south 03 degrees 10 minutes 50 seconds west a  
distance of 114.20 feet to a point;  
south 08 degrees 09 minutes 45 seconds west a  
distance of 74.83 feet to a point;  
south 39 degrees 53 minutes 29 seconds east a  
distance of 21.12 feet to a point;  
north 89 degrees 20 minutes 21 seconds east a  
distance of 19.56 feet to a point;  
north 61 degrees 30 minutes 07 seconds east a  
distance of 19.66 feet to a point;  
north 52 degrees 30 minutes 14 seconds east a  
distance of 58.82 feet to a point;  
north 43 degrees 51 minutes 04 seconds east a  
distance of 59.73 feet to a point;  
north 18 degrees 43 minutes 02 seconds east a  
distance of 65.16 feet to a point;  
north 03 degrees 07 minutes 33 seconds east a  
distance of 92.03 feet to a point;  
north 47 degrees 18 minutes 26 seconds east a  
distance of 89.33 feet to a point;  
north 85 degrees 42 minutes 05 seconds east a  
distance of 96.94 feet to a point;  
south 88 degrees 39 minutes 34 seconds east a  
distance of 154.59 feet to a point;  
north 76 degrees 53 minutes 56 seconds east a  
distance of 123.04 feet to a point;

north 67 degrees 04 minutes 59 seconds east a distance of 181.12 feet to a point;  
north 70 degrees 11 minutes 50 seconds east a distance of 57.20 feet to a point;  
north 72 degrees 46 minutes 33 seconds east a distance of 121.52 feet to a point;  
north 78 degrees 26 minutes 16 seconds east a distance of 190.15 feet to a point;  
north 81 degrees 40 minutes 58 seconds east a distance of 117.90 feet to a point;  
north 85 degrees 52 minutes 46 seconds east a distance of 62.72 feet to a point;  
south 80 degrees 54 minutes 06 seconds east a distance of 72.79 feet to a point;  
south 70 degrees 26 minutes 00 seconds east a distance of 58.74 feet to a point;  
south 64 degrees 51 minutes 25 seconds east a distance of 72.79 feet to a point;

Also granting and conveying unto the Grantee's, their heirs and assigns in common with the Grantor's, their heirs and assigns, who shall also have the right to use this right-of-way, here above a 33 foot wide access road for the right of egress, ingress, regress over, through and upon the said access road for the purpose of gaining access and to place any utilities necessary over-head or underground to the parcel here above described. The said center line of said access road being described as follows:

Beginning at a point on the northern line of lands herein conveyed, said point being South 69 Degrees 59 Minutes 23 Seconds East a distance of 159.03 feet from the southeast corner of lands of Robert R. Shafer as described in Deed Book 843 page 1, said place of beginning being the northern most corner of said access road and running;

thence along the center line of said designed access road the following courses and distances:

south 62 Degrees 36 Minutes 29 Seconds west a distance of 236.72 feet to a point;  
Along the arc of a circle 45.00 feet in radius an arc distance of 50.59 feet, curving to the left, the chord of said arc running south 30 degrees 24 minutes 16 seconds west a distance of 47.96 feet to a point;  
south 01 degrees 47 minutes 57 seconds east a distance of 166.77 feet to a point, said point being on the center line of the above described access road and end of said access road.

**BEING a portion of the same premises conveyed to John M. and Holly M. Tkacik by deed dated October 22, 2001 and recorded at Clearfield County Instrument Number 200116835.**

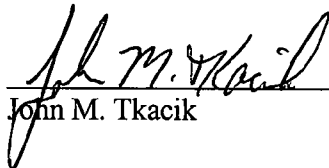
NOW, THEREFORE, it is hereby stipulated by and between the said parties as part of the said Contract and for the consideration set forth, that before any of the above construction is commenced, neither the undersigned CONTRACTOR, any sub-contractor or Materialman, nor any other person furnishing labor 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.

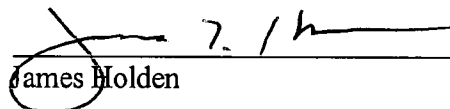
**OWNERS:**

  
\_\_\_\_\_  
John M. Tkacik

  
\_\_\_\_\_  
Holly M. Tkacik

**CONTRACTOR:**

HOLDEN BUILDERS

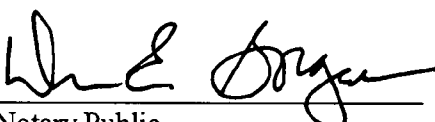
  
\_\_\_\_\_  
James Holden

AFFIDAVIT

STATE OF PENNSYLVANIA :  
:SS  
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared JOHN M. TKACIK and HOLLY M. TKACIK, husband and wife, who being duly sworn according to law deposes and says that they are the Owners in the foregoing Waiver of Mechanic's Lien, and further that they 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 28<sup>TH</sup> day of November, 2001.

  
Notary Public

Notarial Seal  
Dennis E. Borger, Notary Public  
Curwensville Boro, Clearfield County  
My Commission Expires Apr. 10, 2005  
Member, Pennsylvania Association of Notaries

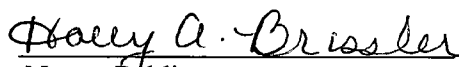
AFFIDAVIT

STATE OF PENNSYLVANIA :  
:SS  
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared James Holden, who being duly sworn according to law deposes and says that he is the Contractor of Holden Builders 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 28<sup>TH</sup> day of November, 2001.

NOTARIAL SEAL  
HOLLY A. BRESSLER, Notary Public  
Clearfield Boro, Clearfield Co., PA  
My Commission Expires Sept. 12, 2002

  
Notary Public

FILED

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William A. Shaw  
Prothonotary

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BY RFE