

02-749-CD  
TRI-COUNTY CHURCH OF GOD -vs- ALAN GROVES etal

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - AT LAW

TRI-COUNTY CHURCH OF GOD,  
Owner/Plaintiff

vs.

ALAN GROVES, trading as  
GROVES EXCAVATING  
Contractor/Defendant

No. 2002-749-CN

**CONTRACTOR'S WAIVER OF LIEN**

It is understood and agreed that the above named Contractor/Defendant will not file any Mechanic's Lien Claim or similar encumbrance for labor, material, or services furnished pursuant to a contract for the construction, erection, alteration, or repair of any building or improvement on land of Tri-County Church of God, Owner, located in Sandy Township, Clearfield County, Pennsylvania, described on the attached Exhibit "A".

It is further understood that the execution of this agreement shall bind the undersigned Contractor, any Subcontractors dealing through him, any materialmen, or any other person providing services through any contract or agreement with the said Contractor or the said Owner.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 2 day of MAY, 2002.

**OWNER:**

TRI-COUNTY CHURCH OF GOD

By: Scott E. Vincent

**CONTRACTOR:**

Alan C. Groves

Alan Groves

**FILED**

MAY 10 2002 Eln  
0 12:00 PM  
William A. Shaw  
Prothonotary  
20-

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.

The following premises were conveyed to the Tri-County Church of God by deed of Gary J. Hennen, dated November 17, 2000, and recorded in Clearfield County on December 8, 2000 as Instrument No. 200018166.

**ALL** that certain piece, parcel or tract of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

**BEGINNING** at an existing iron pin, said pin being the northwest corner of lands now or formerly of James Calvin and Norma Lee Dixon (Deed Book 728, page 69) and also being referenced to as Corner Number 2 on the hereto attached survey map;

**THENCE**, South 02 degrees 17 minutes 25 seconds West along the lands now or formerly of James Calvin and Norma Lee Dixon (Deed Book 728, page 69) a distance of 463.03 feet to an existing iron pin, said pin being the southwest corner of lands now or formerly of James Calvin and Norma Lee Dixon (Deed Book 728, page 69) and also being referenced as Corner Number 3 on the hereto attached survey map;

**THENCE**, South 10 degrees 40 minutes 10 seconds West along the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) a distance of 369.54 feet to an iron pin, set with survey cap, said pin being located on the northern Right of Way of proposed 50-foot roadway, and also being referenced as Corner Number 4 on the hereto attached survey map;

THENCE, South 56 degrees 03 minutes 15 seconds West along the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) a distance of 109.26 feet to an iron pin, set with survey cap, said pin being located on the northern Right of Way of proposed 50-foot roadway, and also being referenced as Corner Number 5 on the hereto attached survey map;

THENCE, along the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) by a curve to the right, said curve having a radius of 175.00 feet and an arc length of 374.24 feet said arc having a chord bearing of North 62 degrees 40 minutes 55 seconds West and a chord length of 306.90 feet and being located on the northern Right of Way of proposed 50-foot roadway, to an iron pin set with survey cap said pin also being referenced as Corner Number 6 on the hereto attached survey map;

THENCE, South 88 degrees 35 minutes 00 seconds West along the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) a distance of 50 feet, through the proposed 50-foot Right of Way to an iron pin set with survey cap, said pin being referenced as Corner Number 7 on the hereto attached survey map;

THENCE, North 01 degree 25 minutes 00 seconds West along the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) a distance of 778.03 feet to an iron pin set with survey cap, said pin being the northeast corner of lands now or formerly of Gary J. Hennen (Instrument No. 20001673) and also being the northwest corner of the herein described parcel and also being referenced as Corner Number 8 on the hereto attached survey map;

THENCE, North 86 degrees 44 minutes 00 seconds East along the lands now or formerly Open Flow Gas Supply Corporation (Deed Book 1941, page 599) a distance of 500.00 feet to an existing iron pin said pin being the northeast corner of the herein described parcel and further being referenced as Corner Number 1 on the hereto attached survey map;

THENCE, South 18 degrees 56 minutes East along the lands now or formerly of Open Flow Gas Supply Corporation (Deed Book 1941, page 599) a distance of 62.44 feet to an existing iron pin, said pin being the northwest corner of lands now or formerly of James Calvin and Norma Lee Dixon and being referenced as Corner Number 2, the PLACE OF BEGINNING.

CONTAINING 435,000 square feet, or 10.00 acres.

TOGETHER with the proposed 50-foot Right of Way for access, to be used by Grantor and Grantee, their heirs, successors and assigns, with the obligation of improvement, maintenance and repair to be shared by the parties commensurate to their respective use. The initial obligation to improve and install the roadway shall be the Grantees, recognizing that the Grantor is not presently using the roadway. The initial improvement costs of the roadway shall not be charged or apportioned to Grantor. Grantor shall only be charged or

apportioned for maintenance or repairs based on his or his assigns usage after the initial installation. The 50-foot Right of Way, which will contain the roadway is described as follows:

BEGINNING at an iron pin set with survey cap, said pin being on the northern Right of Way of T-854 (Old Route 255) and being referenced as Corner Number 13 on the hereto attached survey map;

THENCE, North 76 degrees 38 minutes 50 seconds West through the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) a distance of 350.61 feet to an iron pin set with survey cap, said pin being referenced as Corner Number 14 on the hereto attached survey map;

THENCE, through the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) by a curve to the left, said curve having a radius of 225.00 feet and an arc length of 185.74 feet, said arc having a chord bearing of South 79 degrees 42 minutes 10 seconds West and a chord length of 180.51 feet to an iron pin said pin being referenced as Corner Number 15 on the hereto attached survey map;

THENCE, South 56 degrees 03 minutes 15 seconds West through the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) a distance of 224.03 feet to an iron pin set with survey cap, said pin being referenced as Corner Number 16 on the hereto attached survey map;

THENCE, through the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) by a curve to the right, said curve having a radius of 225.00 feet and an arc length of 481.17 feet, said arc having a chord bearing of North 62 degrees 40 minutes 55 seconds West a chord length of 394.58 feet to an iron pin set with survey cap, said pin being referenced as Corner Number 7 on the hereto attached survey map;

THENCE, North 88 degrees 35 minutes 00 seconds East through the proposed Right of Way a distance of 50 feet to an iron pin set with survey cap, said pin being referenced as Corner Number 6 on the hereto attached survey map;

THENCE, along the proposed conveyance of land to the Tri-County Church of God, by a curve to the left, said curve having a radius of 175.00 feet and an arc length of 374.24 feet, said arc having a chord bearing of South 62 degrees 40 minutes 55 seconds East and a chord length of 306.90 feet to an iron pin set with survey cap, said pin being referenced as Corner Number 5 on the hereto attached survey map;

THENCE, North 56 degrees 03 minutes 15 seconds East along the proposed conveyance of land to the Tri-County Church of God, and through the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) a distance of 224.03 feet to an iron pin set with survey cap, said pin being referenced as Corner Number 9 on the hereto attached survey map;

THENCE, through the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) by a curve to the right, said curve having a radius of 275.00 feet and an arc length of 227.02 feet, said arc having a chord bearing of North 79 degrees 42 minutes 10 seconds East and a chord length of 220.62 feet to an iron pin set with survey cap, said pin being referenced as Corner Number 10 on the hereto attached survey map;

THENCE, South 76 degrees 38 minutes 50 seconds East through the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) a distance of 406.36 feet to an iron pin set with survey cap, said pin being located on the northern Right of Way of T-854 (Old Route 255) and being referenced as Corner Number 11 on the hereto attached survey map;

THENCE, along the northern Right of Way of T-854 (Old Route 255) (33 foot Right of Way) by a curve to the right, said curve having a radius of 1133.50 feet and an arc length of 64.48 feet, said arc having a chord bearing of South 61 degrees 14 minutes 00 seconds West and a chord length of 64.47 feet to a P.K. nail, said nail being located on the northern Right of Way of T-854 (Old Route 255) (33 foot Right of Way) and being referenced as Corner Number 12 on the hereto attached survey map;

THENCE, South 62 degrees 30 minutes 05 seconds West along the lands now or formerly of Gary J. Hennen (Instrument No. 20001673) and northern Right of Way of T-854 (Old Route 255) (33 foot Right of Way) a distance of 10.41 feet to an iron pin set with survey cap, said pin being referenced as Corner Number 13, the PLACE OF BEGINNING.

SUBJECT to any utility easements which may be of record. FURTHER SUBJECT to an overhead electrical line.

BEING the same premises as surveyed by Alexander & Associates, Inc., of Falls Creek, Pennsylvania, Lionel Alexander, PLS, SU-22887-E. Said survey plat is under the date of September 25, 2000, referenced as JN2096-00, and recorded at the Clearfield County Recorder of Deeds Office on October 23, 2000, as Instrument No. 200015806.

BEING a portion of the same premises (known as "Fourth Parcel") conveyed to Grantor herein by deed of Gary J. Hennen and Sarah J. Hennen, dated February 1, 2000, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 20001673.

UNDER AND SUBJECT TO all exceptions, reservations, conditions, restrictions, rights of way and easements as fully and to the same extent as the same are contained in all prior deeds or instruments, or writings, or in any other manner affecting the premises hereby conveyed.