

04-08-CD
KEN WELLS EXCAVATING, vs. FIRST COMMONWEALTH INSURANCE AGENCY

Ken Wells Excav. vs. First Comm. Insurance
2004-8-CD

04-08-03

AFFIDAVIT AND AGREEMENT

COMMONWEALTH OF PENNSYLVANIA

JEFFERSON

COUNTY OF CLEARFIELD

:
:
:

SS.

On this, the 31 day of DEC, 2003, before me, personally appeared **Ken Wells Excavating**, Sub-Contractor, to me, personally known, who, being duly sworn, did say that all of the persons, firms, and corporations, including the General Contractor and all sub-contractors, who have furnished services, labor, or materials, according to plans and specifications, or extra items, used in the construction or repair of buildings and improvements on the real estate hereinafter described have been paid in full and that such work has been fully completed, through the date hereof.

Affiant further says that no claims have been made, nor is any suit now pending on behalf of, any contractor, sub-contractor, laborer, or materialsman, and further that no chattel mortgages or conditional bills of sale have been given or are now outstanding as to any materials, appliances, fixtures, or furnishings placed upon or installed in the aforesaid premises.

Affiant, hereby requests **First Commonwealth Insurance Agency**, to issue its policy or policies of title insurance upon said real estate without exception therein as to any possible unfiled mechanics' or materialsmen's liens, and in consideration thereof, and as an inducement therefore, said affiant hereby, jointly and severally, agrees to indemnify and hold **First Commonwealth Insurance Agency** harmless of and from any and all loss, cost, damage and expenses of every kind, including attorneys' fees, which said **First Commonwealth Insurance Agency** shall or may suffer or incur or become liable for under its said policy or policies now to be issued, or any re-issue, renewal or extension thereof, or new policy at any time issued upon said real estate, part thereof or interest therein, arising, directly or indirectly, out of or on account of any such mechanics' or materialsman's liens or claim or claims or in connection with its enforcement of its rights under this agreement.

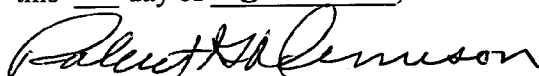
The real estate and improvements referred to herein are situated in the County of Clearfield, Commonwealth of Pennsylvania, and described as follows:

SEE ATTACHMENT

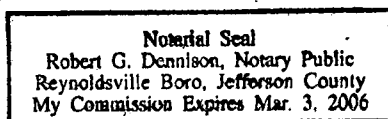


Ken Wells Excavating

Subscribed and sworn to before me,
this 31 day of DEC, 2003.



Notary



Member, Pennsylvania Association of Notaries

FILED

JAN 02 2004

William A. Shaw
Prothonotary/Clerk of Courts

EXHIBIT "A"

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

BEGINNING at a point on center line of Township Road T-402, also being a common corner of lands of Anthony Noker and Elizabeth Bolam;

THENCE South 84 degrees 31 minutes East along lands now or formerly of A. Noker, 416 feet to an iron pin;

THENCE North 05 degrees 45 minutes East along lands now or formerly of A. Noker, 416 feet to an iron pin;

THENCE South 84 degrees 31 minutes East along the lands now or formerly of J. E. DuBois, 904 feet to a 20-inch Oak;

THENCE South 05 degrees 45 minutes West, along lands now or formerly of J. E. DuBois and R. L. and R. E. Allen, 990 feet to a point in center line of Township Road T-400;

THENCE North 84 degrees 31 minutes West along center line of Township Road T-400, 1320 feet to a point in center line of Township Road T-402;

THENCE North 05 degrees 45 minutes East, along center line of Township Road T-402, 574 feet to a point, the place of beginning.

CONTAINING 26.028 acres

EXCEPTING and RESERVING ALL That certain piece of parcel of land situated in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a R. R spike set by survey of Lionel Alexander, Registered Surveyor, dated July 1, 1983, said spike being in Township Road No. 400 and being South 84 degrees 31 minutes East a distance of 633 feet from the Southwest corner of a larger parcel of which this parcel was a part;

THENCE North 5 degrees 29 minutes East through the lands of which this was a part, and through the Northern right-of-way for said Township Road a distance of 361.50 feet to an iron pipe set by this survey, said iron pipe being the Northwest corner of the herein described parcel;

THENCE South 84 degrees 31 minutes East through the lands of which this was a part a distance of 361.50 feet to an iron pipe set by this survey, said iron pipe being the Northeast corner of the herein described parcel;

THENCE South 5 degrees 29 minutes West through the lands of which this was a part and through the Northern right of way for said Township Road a distance of 361.50 feet to a R. R. Spike set by this survey, said spike being in said Township Road and being the Southeast corner of the herein described parcel;

THENCE North 84 degrees 31 minutes West along the lands now or formerly of Jack Hanes, et ux, and lands now or formerly of Robert Kness and Township Road No. 400 a distance of 361.50 feet to a spike, the place of beginning.

CONTAINING 3.00 acres.

UNDER AND SUBJECT to the Northern right-of-way for Township Road No. 400.

EXCEPTING AND RESERVING all of the coal, oils, gas and other minerals beneath the surface of said lands, only as the same have been excepted and reserved in prior deeds.

BEING the same premises which was conveyed to Edward L. Gulvas and Sueann Gulvas, husband and wife, by deed of James L. Bolam, et al, dated June 25, 2002 and recorded in the Office of the Recorder of Deeds for Clearfield County as Instrument #200213357

EXHIBIT "B"

ALL That certain piece of parcel of land situated in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a R. R spike set by survey of Lional Alexander, Registered Surveyor, dated July 1, 1983, said spike being in Township Road No. 400 and being South 84 degrees 31 minutes East a distance of 633 feet from the Southwest corner of a larger parcel of which this parcel was a part;

THENCE North 5 degrees 29 minutes East through the lands of which this was a part, and through the Northern right-of-way for said Township Road a distance of 361.50 feet to an iron pipe set by this survey, said iron pipe being the Northwest corner of the herein described parcel;

THENCE South 84 degrees 31 minutes East through the lands of which this was a part a distance of 361.50 feet to an iron pipe set by this survey, said iron pipe being the Northeast corner of the herein described parcel;

THENCE South 5 degrees 29 minutes West through the lands of which this was a part and through the Northern right of way for said Township Road a distance of 361.50 feet to a R. R. Spike set by this survey, said spike being in said Township Road and being the Southeast corner of the herein described parcel;

THENCE North 84 degrees 31 minutes West along the lands now or formerly of Jack Hanes, et ux, and lands now or formerly of Robert Kness and Township Road No. 400 a distance of 361.50 feet to a spike, the place of beginning.

CONTAINING 3.00 acres.

UNDER AND SUBJECT to the Northern right-of-way for Township Road No. 400.

EXCEPING AND RESERVING all of the coal, oils, gas and other minerals beneath the surface of said lands, only as the same have been excepted and reserved in prior deeds.

BEING the same premises which was conveyed to Edward L. Gulvas and Sueann Gulvas, husband and wife, by deed of James L. Bolam, et al, dated June 25, 2002 and recorded in the Office of the Recorder of Deeds for Clearfield County as Instrument #200213356