

04-1529-CD
CLEON B. MULLINS, JR. ETAL. VS. COSSICK CONSTRUCTION

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

CLEON B. MULLINS, JR. and
CATHERINE A. MULLINS,
A/K/A CATHY A. MULLINS,
Owners

No. 04-1529-CO

A

N
D

COSSICK CONSTRUCTION
Contractor

FILED NO
cc
11/05/04 Anty R. Bell
OCT 01 2004
pd-2000

William A. Shaw
Prothonotary Clerk of Courts

WAIVER OF MECHANIC'S LIEN

WHEREAS, the undersigned being contractors or materialmen, have agreed to supply services and material to CLEON B. MULLINS, JR., and CATHERINE A. MULLINS, a/k/a CATHY A. MULLINS for the construction of a garage on premises situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

ALL those certain pieces or parcels of land situate in the Township of Penn, County of Clearfield and State of Pennsylvania, bounded and described as follows:

THE FIRST THEREOF:

BEGINNING at an iron pipe on the north right-of-way line of Route 969, said iron pipe being on the east bank of a small stream, and said iron pipe being on the southwest corner of the land herein described; thence along the right-of-way of Route 969 North 61 degrees 18 minutes 18 seconds East 47.00 feet to an iron pipe; thence by same North 29 degrees 16 minutes 11 seconds East 149.07 feet to an iron pipe; thence through residue of land of the grantors North 45 degrees 44 minutes 49 seconds West 203.40 feet to an iron pipe; thence by same South 41 degrees 25 minutes 11 seconds West 228.50 feet to an iron pipe on the east bank of a small stream; thence along the east bank of said small stream to the place of beginning being south 56 degrees 00 minutes 46 seconds East 220.39 feet. Containing 1,057 acres.

BEING the same premises which Dennis C. Mullins and Brenda J. Mullins, his wife, conveyed to Cleon B. Mullins, Jr., and Cathy A. Mullins, his wife by Deed dated the

2nd day of July 1980, said Deed being recorded in the Register and Recorder's Office of Clearfield County, Pennsylvania in Deeds and Records Volume 798 at Page 595.

THE SECOND THEREOF:

BEGINNING at an iron rail found at the southeast corner of Marie O. McFadden, at the southerly most corner of Joseph Panek, et al, at the northeast corner of Willard J. and Harriet Jean McCracken, said iron rail being the westerly most corner of the lands herein conveyed and running:

THENCE North 33 degrees 55 minutes 26 seconds East for a distance of 545.32 feet along Joseph Panek, et al to an iron rail found;

THENCE South 53 degrees 27 minutes 00 seconds East for a distance of 269.47 feet along same to an iron rail found witnessed;

THENCE North 34 degrees 05 minutes 29 seconds East for a distance of 1302.22 feet along same to an iron rail found witnessed;

THENCE North 53 degrees 34 minutes 42 seconds West for a distance of 401.88 feet along same, being Joseph Panek, et al to an iron rail found witnessed at the southeast corner of the Rogers Family Trust;

THENCE North 35 degrees 21 minutes 19 seconds East for a distance of 481.28 feet along Rogers Family Trust to an iron rail found witnessed on the westerly line of Dennis C. Mullins, et al;

THENCE South 40 degrees 29 minutes 39 seconds East for a distance of 601.60 feet along the westerly line of Dennis C. Mullins, et al to a point at the corners of Tracts No. 406 and 407 of the United States of America;

THENCE South 25 degrees 46 minutes 33 seconds West for a distance of 289.50 feet along Tract No. 407 of the United States of America to a point at the corner of Tracts No. 407 and 407-2;

THENCE South 22 degrees 34 minutes 15 seconds West for a distance of 177.39 feet along Tract No. 407-2 of the United States of America to a point;

THENCE South 06 degrees 47 minutes 03 seconds East for a distance of 337.92 feet along same to a point;

THENCE South 22 degrees 43 minutes, 21 seconds East for a distance of 1187.90 feet along same to a point at the corner of Tracts No. 407-2 and 407 of the United States of America;

THENCE South 68 degrees 08 minutes 33 seconds West for a distance of 935.22 feet along Tract No. 407 of the United States of America to a point;

THENCE South 73 degrees 08 minutes 26 seconds West for a distance of 484.20 feet along same to a 3/4 inch rebar set at the corner of Tracts No. 407 and 500 of the United States of America, said rebar being at the southeast corner of Wendy C. Russel;

THENCE North 35 degrees 27 minutes 30 seconds West for a distance of 982.48 feet along Wendy D. Russel and Willard J. and Harriet Jean McCracken to an iron rail found and place of beginning.

Said to contain 53.819 acres as shown on Map of Retracement Survey prepared by Curry and Associates dated December 31, 1994.

RESERVING unto Grantor, its successors and assigns, all gas, oil and associated hydrocarbons, and the right to extract, mine or remove said gas, oil and associated hydrocarbons at such time and in such manner as the Grantor, its successors, assigns or lessees may determine as necessary.

UNDER AND SUBJECT TO an Oil and Gas Lease between Harbison-Walker Refractories U.S. Division of Dresser Industries, Inc. (now assigned to Grantor herein) to C.E. Beck, dated June 1, 1972, recorded at Misc. Book Vol. 171, page 83, Clearfield County, Pennsylvania. Grantor RESERVES unto Grantor, its successors and assigns, all interest in said lease, as amended and assigned.

UNDER AND SUBJECT TO all reservations, exceptions, covenants, easements, rights-of-way, limitations, restrictions, and encroachments previously imposed, appearing of record, observable by an inspection of the premises or known to the Grantee.

Grantee specifically acknowledges and accepts this Conveyance SUBJECT TO a possible encroachment by Wendy D. Russel (at the west south west boundary of the property), for which encroachment Grantor shall have no liability nor obligation to remedy or correct.

Neither the boundary nor the acreage, nor freedom from encroachment, is warranted by Grantor herein.

BEING the same premises which INDRESCO, INC., conveyed to the Grantors herein by Deed dated the 15th day of March, 1995, and recorded in the Office Of The Recorder Of Deeds Of Clearfield County, Pennsylvania in Deeds and Records Book Volume 1664 at Page 47.

THE THIRD THEREOF:

ALL that certain tract or tracts of land situated in Penn Township, Clearfield County, Pennsylvania bounded and described as follows:

PARCEL I

ALL that tract adjoining the lands formerly of E. Bellman Spencer and Melik Spencer,

beginning at a post; thence north sixty-three and three-fourths (63 3/4°) degrees east seventy-eight (78) perches to a post; thence north six and three fourth (6 3/4°) degrees west two hundred and twenty-seven (227) perches to a post; thence south seventy-eight and one-fourth (78 1/4°) degrees west seventy-eight (78) perches to a post; thence south six and three-fourth (6 3/4°) degrees east two hundred and forty-three (243) perches to a post and place of beginning. Containing one hundred and eleven (111) acres, more or less

PARCEL II

ALL the surface of that parcel of land beginning at a chestnut corner, formerly known as the Mill Tract; thence north forty (40°) degrees west one hundred and thirty-eight (138) perches at an iron wood; thence north fifty (50°) degrees east twenty-two (22) perches to a hickory; thence south forty (40°) degrees east one hundred and thirty-six (136) perches to a beech; thence south forty-two (42°) degrees west twenty-two (22) perches to a chestnut and place of beginning. Containing seventeen (17) acres, more or less.

BEING the same premises conveyed to Spencer Land Co., et al, herein by Deed from Lula M. Spencer, Widow, et al dated May 20, 1985 and recorded in Deeds and Records Book 1014 at Page 103.

EXCEPTING AND RESERVING from both of the above tracts all the coal, minerals, gas and oil rights to the Spencer Land Co. et al, its successors and assigns, and further excepting and reserving the further described tracts:

1. ALL that certain tract of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on Township Road T-467, said point being on the southern line of land now or formerly of Ernest Anderson; thence by said Township Road T-467 South eighteen (18) degrees nine (9) minutes East three hundred thirteen and five tenths (313.5) feet to a point in the intersection of said Township Road T-467 and Township Road T-468; thence by Township Road T-468 and line of land now or formerly of Joe Haley South three (3) degrees eight (8) minutes West seven hundred Ninety-six and nine tenths (796.9) feet to a point; thence still by said line of land now or formerly of Joe Haley South twenty-seven (27) degrees two (2) minutes West fifty-four and three tenths (54.3) feet to a point; thence by line of other land of the Grantors herein, of which this parcel is a part, North sixty-six (66) degrees three (3) minutes West four hundred twelve and five tenths (412.5) feet to a point; thence by the same North three (3) degrees eight (8) minutes East seven hundred eighty-four and five tenths (784.5) feet to a point on the southern line of land now or formerly of Ernest Anderson; thence by said southern line of land of Ernest Anderson North fifty-seven (57) degrees twenty-nine (29) minutes East three hundred sixty-two and zero tenths (362.0) feet to a point on Township Road T-467 and place of beginning. Containing a frame dwelling house and 8.5 acres of land.

EXCEPTING AND RESERVING therefrom a 30 foot right of way for the purpose of ingress, egress and regress and for the transporting of coal and other minerals by the Spencer Land Co. et al, or their assigns from the original tract of land or other property.

BEING the same premises conveyed by Don M. Spencer, et al by Deed dated July 27, 1968 and recorded in the office of the Register and Recorder of Clearfield County, Pennsylvania in Deed Book 539 at Page 600.

2. ALL that certain tract of land situate in the township of Penn, County of Clearfield and State of Pennsylvania bounded and described as follows:

BEGINNING at an existing two-inch iron pipe, said iron pipe being the northwest corner of an 8.5 acre tract of land, being other lands of Andrew C. and Margaretta L. Anderson, Grantees herein, and said pipe being South fifty-seven (57) degrees forty-eight (48) minutes West three hundred sixty-two and nine-tenths (362.9) feet from the centerline of Township Road T-467 and said iron pipe also being on the southern line of lands of Joe M. Snyder and being 56.23 feet in a northeasterly direction from an existing two-inch iron pipe, being the southern corner of Joe M. Snyder; thence from said beginning point along lands heretofore conveyed to Andrew C. and Margaretta L. Anderson South three (3) degrees eight (8) minutes West seven hundred eighty-four and thirty-five (784.35) feet to an existing two-inch iron pipe, said pipe being the southwest corner of said 8.5 acre tract; thence along line of other lands of Grantors herein, North sixty-five (65) degrees fifty-eight (58) minutes West seven hundred sixty-nine and eighty-two hundredths (769.82) feet to a two-inch iron pipe set, said pipe being on the line of lands of Vernon Spencer; thence along the line of lands of Vernon Spencer, Ernest Anderson and Joe M. Snyder North fifty (57) degrees forty-eight (48) minutes East eight hundred eighty-one and fifty-three hundredths (881.53) feet to the two-inch iron pipe and place of beginning. Containing 6.475 acres

BEING the same premises conveyed by Lula M. Spencer, Widow, et al by Deed dated April 22nd, 1985 and recorded in the office of the Register and Recorder of Clearfield County, Pennsylvania to Deed Book 1009 at Page 103.

3. ALL that certain parcel or tract of land situate in Penn Township, Clearfield County, Pennsylvania bounded and described as follows:

BEGINNING at an iron pin on the western side of a 30 foot right-of-way, said point also being the northeastern corner of 0.17 acre tract previously conveyed from Spencer Land Company to Darrell and Amelia Anderson; thence by Darrell Anderson and Spencer Land Company and said 30 foot right-of-way, South twenty-seven degrees two minutes west (S27-02W) one hundred seventy-five feet (175.00') to a point; thence through Spencer Land Company, Grantor herein, north sixty-six degrees three minutes west (N66-03W) three hundred eighty-two and fifty-four hundredths

feet (382.54') to a point; thence by same, north twenty-seven degrees two minutes east (N27-02E) one hundred seventy-five feet (175') to a point; thence by Spencer Land Company and Darrell Anderson south sixty-six degrees three minutes east (S66-03E) three hundred eighty-two and fifty-four hundredths feet (382.54') to an iron pin and place of beginning. CONTAINING 1.5 acres.

BEING the same premises conveyed from Darrell G. Spencer, et al to Darrell Glenn Anderson and Amelia Lee Anderson, husband and wife by Deed dated December 1st, 1999 and recorded in the office of the Register and Recorder of Clearfield County, Pennsylvania to Instrument No. 200002103.

4. ALL that land known as Lot 3 of the Spencer Land Company and Andrew C. and Margaretta L. Anderson Subdivision dated November 20, 2000, lying off the end of Township Road T-468, also known as Anderson Road, in Penn Township, Clearfield County, Pennsylvania and being more particularly described as follows:

BEGINNING at a 3/4 inch rebar set on the eastern line of Laverna Jean and George F. London, as was conveyed by instrument number 199903467, said rebar being at the western corner of Lot 1 of the above referenced subdivision, said rebar being the northern most corner of the land herein conveyed and running:

thence South 66 degrees 03 minutes 00 seconds East a distance of 266.18 feet, along Lot 1 to a point and corner of Lot 4 of the above referenced subdivision;

thence South 27 degrees 03 minutes 03 seconds West a distance of 175.00 feet, along Lot 4 to a point and corner of Lot 4;

thence North 66 degrees 03 minutes 00 seconds West a distance of 372.72 feet through land of the Grantor to a 3/4 inch rebar set on the eastern line of Laverna Jean and George F. London;

thence North 57 degrees 30 minutes 54 seconds East a distance of 200.71 feet, along Laverna Jean and George F. London to a 3/4 inch rebar set and place of beginning.

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

Said property containing 1.282 acre and known as Lot 3 of the Spencer Land Company and Andrew C. and Margaretta L. Anderson Subdivision, dated November 20, 2000, and shown on map prepared by Curry and Associates. Being a portion of land conveyed to Spencer Land Company by Deed Book 1014 Page 103.

5. ALL that land known as Lot 4 of the Spencer Land Company and Andrew C. and Margaretta L. Anderson Subdivision dated November 20, 2000, lying off the end of Township Road T-468, also known as Anderson Road, in Penn Township, Clearfield County, Pennsylvania and being more particularly described as follows:

BEGINNING at a 2 inch iron pipe found in concrete at the southwest corner of land

conveyed to Andrew C. and Margaretta L. Anderson by deed book 539 , page 600, said pipe being at the southeast corner of other lands conveyed to Andrew C. and Margaretta L. Anderson by deed book 1009, page 103, said pipe being the northern most corner of Darrell Glenn and Amelia Lee Anderson, as was conveyed to them by instrument number 200002103, said pipe being also the eastern most corner of the land herein conveyed and running:

thence South 27 degrees 02 minutes 02 seconds West a distance of 175.00 feet along Darrel Glenn and Amelia Lee Anderson to an existing 3/4 inch rebar;

thence North 66 degrees 03 minutes 00 seconds West a distance of 498.55 feet through lands of the Grantor to a point at the southern most corner of Lot 3 of the above referenced subdivision;

thence North 27 degrees 02 minutes 02 seconds East a distance of 175.00 feet along Lot 3 to a point on the southern line of Lot 1 of the above referenced subdivision;

thence South 66 degrees 03 minutes 00 seconds East a distance of 498.55 feet along Lot 1 and along Andrew C. and Margaretta L. Anderson to a 2 inch iron pipe found in concrete and place of beginning.

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

Said property containing 2.000 acres and known as Lot 4 of the Spencer Land Company and Andrew C. and Margaretta L. Anderson Subdivision,. Dated November 20, 2000, and shown on map prepared by Curry and Associates. Being a portion of land conveyed to Spencer Land Company by Deed Book 1014, Page 103.

The above described parcel includes the use of a 30 foot private right-of-way for access extending from the end of Township Road T-468, also known as Anderson Road, running along the Harry N. Haley property, as conveyed by deed book 1683, page 19, also running along the southeast and southwest property line of Darrell Glenn and Amelia Lee Anderson as conveyed by instrument number 200002103, to a point 30 feet, measured along the southwest boundary line of Lot 4, from the southern most corner of Lot 4 and being also the western most corner of Darrell Glenn and Amelia Lee Anderson.

BEING the same premises which Spencer Land Company, a Partnership by Darrell G. Spencer, Ray L. Spencer and Robert G. Spencer, by his Agent County National Bank, Partners conveyed to Cleon B. Mullins, Jr., and Catherine A. Mullins, a/k/a Cathy A. Mullins by Deed dated the 19th day of October, 2001, not yet but intended to be recorded concurrently herewith.

FURTHER EXCEPTING AND RESERVING from the above described premises the following parcel of land known as Lot No. 1 of the Cleon B. Mullins, Jr. and Cathy A. Mullins Subdivision dated July 30, 2002 , lying 400 feet South of Township Road T-464 in Penn Township, Clearfield County, Pennsylvania, being more particularly

described as follows:

BEGINNING at a 3/4 inch rebar set on the Southern line of Carol M. Spencer, as was conveyed by Deed Book Volume 548, Page 535 said rebar being North 50 degrees 48 minutes 44 seconds East 232.35 feet from a 3/4 inch iron pipe found at the Western most corner of the land of which this is a part, said rebar being the Western most corner of the land herein conveyed and running: thence North 50 degrees 48 minutes 44 seconds East a distance of 115.85 feet, along Carol M. Spencer to a point at the Southern corner of Laverna Jean London and George F. London, as was conveyed to them by Instrument No. 199903467, said line passing through a 3/4 rebar set at 40.32 feet; thence North 49 degrees 30 minutes 41 seconds East a distance of 108.03 feet, along Laverna Jean London and George F. London to a 3/4 inch rebar set, said line passing through a 3/4 inch rebar set 60.59 feet back; thence South 47 degrees 59 minutes 46 seconds East a distance of 61.74 feet, through lands of the Grantor to a 3/4 inch rebar set; thence South 40 degrees 22 minutes 14 seconds West a distance of 191.66 feet, through lands of the same to a 3/4 inch rebar set; thence North 64 degrees 50 minutes 56 seconds West a distance of 103.50 feet, through lands of the same to a 3/4 inch rebar set and place of BEGINNING.

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

CONTAINING 0.373 acres, and known as Lot No. 1 of the Cleon B. Mullins, Jr., and Cathy A. Mullins Subdivision dated July 30, 2002, as shown on Map prepared by Curry and Associates.

BEING the same premises which Cleon B. Mullins, Jr. and Catherine A. Mullins, a/k/a Cathy A. Mullins, husband and wife, conveyed to Carol M. Spencer, Single by Deed dated the 30th day of September 2002, said Deed being recorded in the office of the Register and Recorder of Clearfield County, Pennsylvania to Instrument No. 200216127.

NOW, THEREFORE, BY THESE PRESENTS WITNESSETH: That in consideration of the grant of agreements for services and materials to complete construction of a garage on said premises, and for the performance of said work and supplying of said materials and the sum of \$1.00 in hand paid at or before the signing and delivery hereof, the undersigned, covenant and agree that no Mechanic's Lien or Materialman's Lien or claims shall be maintained or filed by the undersigned, or by any contractor, sub-contractor, person, firm or corporation, or any of them against the above described premises or lot or other appurtenances thereto, for or on account of any work done or

materials furnished by them in the construction of said dwelling under their Contract to furnish the labor and materials in and about the aforesaid work; and for the undersigneds, themselves, their heirs and assigns, and all others acting through or under them, hereby expressly waive and relinquishes the right to have filed and maintained any Mechanic's Lien or Materialman's Lien or claim against said building on the above described premises or any part thereof, and the undersigneds further agree that this agreement waiving the right to file a lien is an individual covenant and shall operate and be effective with respect to materials furnished and labor performed under the said agreements for the construction of said dwelling or any extra additions to be made to said agreements in and about said building or premises.

Cleon B. Mullins, Jr.
CLEON B. MULLINS, JR.

(Print your name) Cleon B. Mullins, Jr.

Catherine A. Mullins
CATHERINE A. MULLINS

Cathy A. Mullins
A/K/A CATHY A. MULLINS,
Owners

(Print your name) Catherine A. Mullins

Cathy A. Mullins

ATTEST

COSSICK CONSTRUCTION

By:

Michael S. Ryan

Todd Cassick
Signature Contractor

(Print your name) TODD COSSICK

COMMONWEALTH OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD :

On this the 29th day of September, 2004, before me, the undersigned officer, CLEON B. MULLINS, JR., and CATHERINE A. MULLINS, a/k/a CATHY A. MULLINS, owners, personally appeared, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within WAIVER OF MECHANIC'S LIEN, and acknowledged that they have executed the same for the purposes therein contained.

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

NOTARIAL SEAL
MICHAEL T. RYAN, Notary Public
Clearfield, Clearfield County, PA
My Commission Expires December 5, 2006

Michael T. Ryan
(Notary Public)

COMMONWEALTH OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD :

On this the 29th day of September, 2004, before me, the undersigned officer, TODD COSSICK, personally appeared, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within WAIVER OF MECHANIC'S LIEN, and acknowledged that he has executed the same for the purposes therein contained.

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

NOTARIAL SEAL
MICHAEL T. RYAN, Notary Public
Clearfield, Clearfield County, PA
My Commission Expires December 5, 2006

Michael T. Ryan
(Notary Public)