

04-2022-CD
VERSITECH, INC. vs WHITAKER ROADS CORPORATION

**Versitech vs Whitake Roads Corporation
2004-2022-CD**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

VERSITECH, INC.,) CIVIL DIVISION
Claimant,) CASE NO.: 04-2022-CP
v.) TYPE OF PLEADING:
WHITAKER ROADS CORPORATION,) STATEMENT OF MECHANICS' LIEN
Owners or Reputed) FILED ON BEHALF OF:
Owners.) VersiTech, Inc., Claimant
) COUNSEL OF RECORD FOR
) THIS PARTY:
) Thomas E. Weiers, Jr.
) Pa. I.D. No.: 43715
) Richard W. Saxe, Jr.
) Pa. I.D. No.: 87311
) FLUKE WEIERS, P.C.
) 1400 The Bank Tower
) Pittsburgh, PA 15222
) (412) 261-3800
) Firm I.D. No.: 029

The undersigned certifies that the property to be liened by the within Mechanics'
Lien is located in Clearfield County, Pennsylvania.



Thomas E. Weiers, Jr.
Richard W. Saxe, Jr.
Attorneys for Claimant

FILED
m 10:32 2004 by Weiers
DEC 23 2004

William A. Shaw
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

VERSITECH, INC.,	)	CIVIL DIVISION
)	
Claimant,	)	CASE NO.:
)	
v.)	
)	
WHITAKER ROADS CORPORATION,)	
)	
Owners or Reputed)	
Owners.)	

STATEMENT OF MECHANICS' LIEN

AND NOW, comes VersiTech, Inc., by and through its undersigned counsel, and files the within Statement of Mechanics' Lien as a subcontractor pursuant to the Mechanic's Lien Laws of 1963, 49 P.S. §1101, et seq., against the premises herein described, any and all buildings erected thereupon and the curtilage appurtenant thereto for the payment of \$16,800.00, together with interest thereon. The following is a statement of the claim:

1. Name and Address of Claimant: VersiTech, Inc. ("Claimant"), a Pennsylvania corporation, filing as a subcontractor, 100 Alexander Drive, Monaca, PA 15061.
2. Name and Address of the Owners or Reputed Owners: Whitaker Roads Corporation, RR 322, Clearfield, PA 16830.
3. Last Day of Work: Claimant's last day of work on the Project was on August 27, 2004.
4. Name of Party with Whom Claimant Contracted: Claimant contracted with Graff Tank, 731 North Main Street, Hubbard, OH 44425.
5. Date of Formal Notice of Intention to File Mechanics' Lien: Formal Notice of Intention to File Mechanics' Lien was sent to Whitaker Roads Corporation and Graff Tank on

November 18, 2004. A copy of the Formal Notice is attached hereto and incorporated herein as

Exhibit "A."

6. Detailed Statement of the Kind and Character of the Work and Labor Done: A statement of work performed is contained in Claimant's Proposal to Graff Tank attached hereto and incorporated herein as Exhibit "B."

7. Amount or Sum Claimed to be Due is: Sixteen Thousand Eight Hundred Dollars and 00/100 (\$16,800.00) for materials and services furnished within four (4) months last past for erection, construction, alteration or repair and upon the credit of the buildings and curtilage described herein. A copy of Claimant's Invoice in the amount of \$16,800.00 is attached hereto and incorporated herein as Exhibit "C."

8. Lien is Claimed Against the Following Described Real Property and Structures
Thereon: All that property referenced in a Warranty Deed dated August 3, 2000 by and between IA Construction Corporation and Whitaker Roads Corporation filed at the office of the Recorder of Deeds of Clearfield County, Pennsylvania, referenced at Instrument Number 200014914. A copy of the Deed is attached hereto and incorporated herein under Exhibit "D."

Respectfully submitted,

FLUKE WEIERS, P.C.



Dated: 12-21-07

Thomas E. Weiers, Jr.
Richard W. Saxe, Jr.
1400 The Bank Tower
Pittsburgh, PA 15222
Attorneys for Claimant

FLUKE WEIERS, P.C.

ATTORNEYS-AT-LAW

Richard W. Saxe, Jr.
rws@flukeweiers.com

November 18, 2004

Whitaker Roads Corporation
RR 322
Clearfield, PA 16830

Graff Tank
731 North Main Street
Hubbard, OH 44425

VIA CERTIFIED MAIL
NO.: 7002-1000-0005-4240-2373
and FIRST CLASS, U.S. MAIL

VIA CERTIFIED MAIL
NO.: 7002-1000-0005-4240-3950
and FIRST CLASS, U.S. MAIL

Re: VersiTech, Inc.

To Whitaker Roads Corporation and Graff Tank:

Our firm represents VersiTech, Inc. (VersiTech"), a subcontractor of Graff Tank for work at property owned by Whitaker Roads Corporation ("Whitaker"). Enclosed is an invoice for work performed in August, 2004 which has not been paid. VersiTech requests that this invoice in the amount of \$16,800.00 be paid within seven (7) days of the date of this letter.

This letter also serves as VersiTech's Formal Notice of Intention to File a Mechanics' Lien claim pursuant to Pennsylvania's Mechanics' Lien Law of 1963 at 49 P.S. §1501. The following information is provided as required for Formal Notice of Intent to File a Mechanics' Lien.

Name and Address of Claimant:

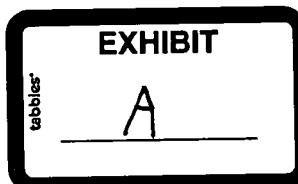
VersiTech, Inc.
100 Alexander Drive
Monaca, PA 15061

Owner of the Property:

Whitaker Roads Corporation
RR 322
Clearfield, PA 16830

General Contractor:

Graff Tank
731 North Main Street
Hubbard, OH 44425



Property Upon which Lien will be filed:

All that property referenced in a Warranty Deed dated August 3, 2000 by and between IA Construction Corporation and Whitaker Roads Corporation filed at the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, referenced at Instrument Number 200014914. A copy of the Deed is attached hereto and incorporated herein under Exhibit "A."

Last Day of Work:

August 27, 2004

Party with whom VersiTech contracted:

VersiTech entered into an agreement with Graff Tank to perform insulation and insulation related work. VersiTech's scope of work for Graff Tank is outlined in a proposal to Graff Tank attached hereto and incorporated herein under Exhibit "B."

General Nature and Character of Labor and Materials Furnished:

The general nature and character of VersiTech's work is outlined in the proposal attached as Exhibit "B."

Amount Due and Owing:

\$16,800.00. Invoice Number 10376 is attached hereto and incorporated herein under Exhibit "C."

As attorney for the Claimant, VersiTech, I verify that the facts contained in this Formal Notice of Intention to File Mechanics' Lien are true and correct upon information provided to me by representatives of VersiTech and that this statement is made pursuant to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

If timely payment is not made, VersiTech intends to file a Mechanics' Lien and pursue a civil action to secure payment for services and materials provided and accepted by you.

We hope you join VersiTech in wishing to avoid the filing of a Mechanics' Lien and/or a civil action and make timely payment.

Should you have any questions regarding this matter, please do not hesitate to contact us.

Very truly yours,

FLUKE WEIERS, P.C.



Richard W. Saxe, Jr.

RWS/mjp
Enclosure

cc: Tim Griffeth
HRI, Inc. (w/encl.)
Thomas E. Weiers, Jr., Esquire

WARRANTY DEED

THIS INDENTURE, made the 3rd day of August, 2000, by and between IA CONSTRUCTION CORPORATION, a Pennsylvania corporation, having its principal place of business at Concordville, Delaware County, Pennsylvania, Grantor and party of the first part,

AND

WHITAKER ROADS CORPORATION, a Pennsylvania corporation, having its principal place of business at Johnston, Cambria County, Pennsylvania, Grantee and party of the second part.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Fifteen Thousand (\$15,000) Dollars to it in hand paid by the Grantee at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, conveyed and confirmed, and by these present, does grant, convey and confirm to the said Grantee, its successors and assigns forever,

ALL that certain tract or parcel of land and premises, situate, lying and being in the Township of Bradford, in the County of Clearfield, and Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the Southern right-of-way line of Legislative Route #17053, such point being sixty-six (66) feet East of the Eastern right-of-way line of State Highway #322; thence along the Southern right-of-way line of Legislative Route #17053 in an Easterly direction five hundred (500) feet to a point; thence in a Southerly direction five hundred and seventy-five (575) feet to a point on lands now or formerly of Ward L. Smith and Pauline W. Smith; thence in a Westerly direction five hundred and sixty-six (566) feet to the Eastern right-of-way line of State Highway #322; thence along Eastern right-of-way line of State Highway #322 in a northerly direction five hundred (500) feet to the Southern right-of-way line of Legislative Route #17053; thence along the Southern line of Legislative Route #17053 in a Northeasterly direction one hundred (100) feet, more or less, to the place of BEGINNING.

BEING the same premises which Interstate Amiesite Corporation a/k/a Interstate Amiesite Corporation, by its deed dated December 31, 1985 and recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania, on October 27, 1986 at Deeds and Records Book No. 1117, page 370, granted and conveyed to IA Construction Corporation, the Grantor herein.

EXHIBIT

A

EXCEPTING and RESERVING such rights-of-way and other conveyances as may appear in the chain of title hereto.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

AND ALSO, all of the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantor of, in, or to the above-described premises.

TO HAVE AND TO HOLD, all and singular, the above-mention and described premises, together with the appurtenances, unto the said Grantee, its successors and assigns, to their own property use, benefit and behoof forever.

AND the said Grantor, its successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, by these presents that it, the said Grantor, its successors and assigns, the above-mentioned and described premises hereby granted, or mentioned, or intended so to be, with the said appurtenances, under the said Grantee, its successors and assigns, against them, the said Grantor and its successors and assigns, and against all and every other person and persons whomsoever, lawfully claiming or to claim same or any part or parcel thereof, by, from or under them, or any of them, shall and will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor has caused this Indenture to be signed by its President, attested by its Secretary and its corporate seal affixed hereunto.

Attest:

Rita M. Marvel

Rita M. Marvel
Assistant Secretary

IA CONSTRUCTION CORPORATION

By: Geoff Searle

Geoff Searle, President

ACKNOWLEDGMENT

STATE OF PENNSYLVANIA }
COUNTY OF DELAWARE }
} SS

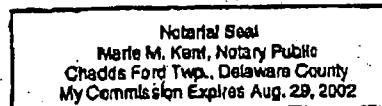
On this the 23rd day of August, 2000, before me, the undersigned officer, personally appeared Geoff Searle, who acknowledged himself to be the President of IA Construction Corporation, a Pennsylvania corporation, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing ~~the name of~~ the corporation by himself as President

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

Mary W. Kent
Notary Public

My commission expires:

CERTIFICATE OF RESIDENCE



I hereby certify that the precise residence of the Grantee herein is 270 Solomon Run
Road, Johnston, Pennsylvania 15904. Member, Pennsylvania Association of Notaries

Officer for Grantee John R. Kulka, President

COMMONWEALTH OF PENNSYLVANIA)

332

COUNTY OF CLEARFIELD

14

Recorded on this _____ day of _____, A.D. 2000, in the Recorder's Office
of the said County, in Deed Book _____, page _____.

Given under my hand and seal of the said office the day and year aforesaid.

Recorder

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania



CORPORATE OFFICE
100 Alexander Drive
Monaca, PA 15061

BRANCHES
Middletown, OH
Essex, IL

800-955-6144 Ph. 800-440-9371 Fax.
e-mail info@versitech.com
A Merit Shop Company

Proposal V-5380-04 Rev. B

August 23, 2004
Page 1 of 2

Bill Graff, President

Graff Tank

3116 State Route 208
Harrisville, PA 16038

RE: Tank Insulation Clearfield, Pa. **Graff PO# 425WR1**

Dear Mr. Graff:

The original scope included 2" thick insulation to be installed on tank. Walt Shimmel at the plant wants 4" thick insulation as did the existing tank. We are re-using existing materials as well as some additional materials, insulation and cladding. The following is revised pricing for the double layer application.

SCOPE OF WORK

- Insulation of one tank 22'od x 20'ht. Insulation to be 4" fiberglass on the sidewalls with the first 18" from grade at 4" foamglas. Insulation on the head to be 4" calcium silicate.
- The sidewalls to be finished with .020 corrugated aluminum panels secured by $\frac{3}{4}$ " stainless steel banding and screws. The head to be finished with .032 aluminum panels.

Removal Pricing of Existing Tank.....\$4,418.00 (Completed)

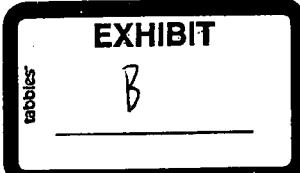
Pricing for New Tank 4" Thick.....\$16,800.00

EXCEPTIONS & CONDITIONS

1. We have not included any overtime, weekend or holiday time.
2. Others to supply rubbish disposal, laydown area, sanitation facility, hot permit and 110v electric.
3. Use taxes have not been included. An exemption certificate will need to be supplied to prevent any additional charges.
4. Terms: Progress Billing, 1 $\frac{1}{2}$ % 10 Days, Net 30

We hope the enclosed information meets with your approval and look forward to your response. You may reach us at (800) 955-6144 should you have any questions.

Sincerely,



Daniel J. Resavage
Vice President

VersiTech, Inc.
 100 Alexander Drive
 Monaca PA 15061
 (800) 955-6144
 (800) 440-9371
 FED ID# 25-1560865

INVOICE

Invoice Number **10376**
 Invoice Date 08/25/2004
 Due Date 09/24/2004

GRAFF TANK P. O. Box 336 Hubbard OH 44425	Customer	Job Description & Location	
		GRAFF TANK-WHITICKER RHOADS-TA	
		CLEARFIELD	PA
Original Contract Number	425WR1	Project #	2818-04-I
Reference			Taxable
Description	TANK	Application 2	NO
Terms: 2.00 % 15DY Net 30DY			

Original Contract	19,679.00
Net Change by Change Orders.....	1,539.00
Contract Sum to Date.....	21,218.00
Total Complete to Date.....	21,218.00
Total Retained.....	0.00
Total Earned Less Retained.....	21,218.00
Less Previous Billings.....	4,418.00
Current Payment Due.....	\$16,800.00
Balance on Contract.....	0.00

INVOICE AMOUNT

\$16,800.00

Description of Work / Control Number	Change Order Purchase Order #	Amount	Prior Invoicing	Current Invoicing	Complete To Date
ORIGINAL CONTRACT COMPLET		\$21,218.00	\$4,418.00	\$16,800.00	\$21,218.00
Totals:		\$21,218.00	\$4,418.00	\$16,800.00	\$21,218.00

NOTES

EXHIBIT

Progress Bill Record # 1974

A 2% per month finance charge will be added to all invoices not paid within terms.

Use tax has not been included please submit exempt certificate or pay direct.

Tim



CORPORATE OFFICE
100 Alexander Drive
Monaca, PA 15061

BRANCHES
Middletown, OH
Essex, IL

800-955-6144 Ph. 800-440-9371 Fax.
e-mail info@versitech.com
A Merit Shop Company

Proposal V-5380-04 Rev. B

August 23, 2004
Page 1 of 2

Bill Graff, President

Graff Tank

3116 State Route 208
Harrisville, PA 16038

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Sincerely,

EXHIBIT

B

tables

Daniel J. Resavage
Vice President

VersiTech, Inc.
100 Alexander Drive
Monaca PA 15061
(800) 955-6144
(800) 440-9371
FED ID# 25-1560865

INVOICE

Invoice Number **10376**
Invoice Date 08/25/2004
Due Date 09/24/2004

GRAFF TANK P. O. Box 336 Hubbard OH 44425	Customer	Job Description & Location	
		GRAFF TANK-WHITICKER RHOADS-TA	CLEARFIELD PA
Original Contract Number Reference Description Terms: 2.00 % 15DY Net 30DY	425WR1 TANK	Project # 2818-04-I Application 2	Taxable NO

Original Contract	19,679.00
Net Change by Change Orders.....	1,539.00
Contract Sum to Date.....	21,218.00
Total Complete to Date.....	21,218.00
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Balance on Contract.....	0.00

INVOICE AMOUNT
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Progress Bill Record # 1974

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Use tax has not been included please submit exempt certificate or pay direct.

Tim

WARRANTY DEED

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AND

WHITAKER ROADS CORPORATION, a Pennsylvania corporation, having its principal place of business at Johnston, Cambria County, Pennsylvania, Grantee and party of the second part.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Fifteen Thousand (\$15,000) Dollars to it in hand paid by the Grantee at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, conveyed and confirmed, and by these present, does grant, convey and confirm to the said Grantee, its successors and assigns forever,

ALL that certain tract or parcel of land and premises, situate, lying and being in the Township of Bradford, in the County of Clearfield, and Commonwealth of Pennsylvania, more particularly described as follows:

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AND ALSO, all of the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantor of, in, or to the above-described premises.

TO HAVE AND TO HOLD, all and singular, the above-mention and described premises, together with the appurtenances, unto the said Grantee, its successors and assigns, to their own property use, benefit and behoof forever.

AND the said Grantor, its successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, by these presents that it, the said Grantor, its successors and assigns, the above-mentioned and described premises hereby granted, or mentioned, or intended so to be, with the said appurtenances, under the said Grantee, its successors and assigns, against them, the said Grantor and its successors and assigns, and against all and every other person and persons whomsoever, lawfully claiming or to claim same or any part or parcel thereof, by, from or under them, or any of them, shall and will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor has caused this Indenture to be signed by its President, attested by its Secretary and its corporate seal affixed hereunto.

Attest:

Rita M. Marvel

Rita M. Marvel
Assistant Secretary

IA CONSTRUCTION CORPORATION

By: Geoff Searle
Geoff Searle, President

VERIFICATION

I, Richard W. Saxe, Jr., hereby verify that the statements made in the foregoing Statement of Mechanics' Lien are true and correct to the best of my knowledge, information and belief as indicated to me by VersiTech, Inc. These statements are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



Richard W. Saxe, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100114
NO: 04-2022-CD
SERVICE # 1 OF 1
NOTICE OF FILING OF MECHANIC'S LIEN

PLAINTIFF: VERSITECH, INC.
VS.
DEFENDANT: WHITAKER ROADS CORPORATION

SHERIFF RETURN

NOW, January 24, 2005 AT 2:50 PM POSTED THE WITHIN NOTICE OF FILING OF MECHANIC'S LIEN AT RR 322, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA.

SERVED BY: NEVLING / HUNTER

FILED
01/30/2005
FEB 01 2005
B
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100114
NO: 04-2022-CD
SERVICES 1
NOTICE OF FILING OF MECHANIC'S LIEN

PLAINTIFF: VERSITECH, INC.
vs.
DEFENDANT: WHITAKER ROADS CORPORATION

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	FLUKE WEIERS	1285	10.00
SHERIFF HAWKINS	FLUKE WEIERS	1285	24.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2005



Chester A. Hawkins
Sheriff

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

VERSITECH, INC.,) CIVIL DIVISION
)
) Claimant,) CASE NO.: 04-2022-CD
)
) v.) TYPE OF PLEADING:
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) WHITAKER ROADS CORPORATION,)
)
) Owners or Reputed)
) Owners.) AFFIDAVIT OF SERVICE
)
)
) FILED ON BEHALF OF:
) VersiTech, Inc., Claimant
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) COUNSEL OF RECORD FOR
) THIS PARTY:
)
) Thomas E. Weiers, Jr.
) Pa. I.D. No.: 43715
)
) Richard W. Saxe, Jr.
) Pa. I.D. No.: 87311
)
) FLUKE WEIERS, P.C.
) 1400 The Bank Tower
) Pittsburgh, PA 15222
) (412) 261-3800
)
) Firm I.D. No.: 029

FILED

FEB 09 2005 6/

0/11:00/05

William A. Shaw

Prothonotary/Clerk of Courts

2 cases to MTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

VERSITECH, INC.,) CIVIL DIVISION
)
 Claimant,) CASE NO.: 04-2022-CD
)
 v.)
)
 WHITAKER ROADS CORPORATION,)
)
 Owners or Reputed)
 Owners.)

AFFIDAVIT OF SERVICE OF MECHANIC'S LIEN

COMMONWEALTH OF PENNSYLVANIA)
) SS:
 COUNTY OF ALLEGHENY)

Before me, the undersigned authority, personally appeared, Richard W. Saxe, Jr., who deposes and says that on or about the 4th day of January, 2005, he delivered a true and correct copy of the Notice of Mechanics' Lien in the above-referenced matter to the Sheriff of Clearfield County, along with Sheriff Instructions and the appropriate fees for the Clearfield County Sheriff's Office. On January 24, 2005, at 2:50 p.m., the Clearfield County Sheriff's Office posted the Notice of Filing of Mechanic's Lien at RR 322, Clearfield County, Clearfield, Pennsylvania, as indicated by the Sheriff Return, a copy of which is attached hereto and incorporated herein under Exhibit "A."

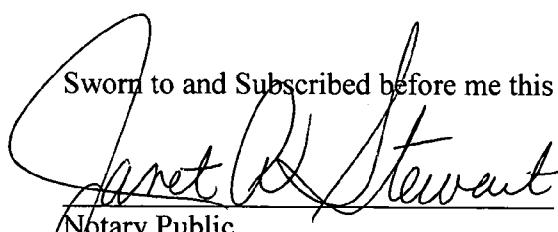
Respectfully submitted,



Richard W. Saxe, Jr.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Janet A Stewart, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires June 24, 2008
Member, Pennsylvania Association Of Notaries

Sworn to and Subscribed before me this 7th day of February, 2005.


Janet A. Stewart
Notary Public

My Commission Expires: 6-24-2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100114
NO: 04-2022-CD
SERVICE # 1 OF 1
NOTICE OF FILING OF MECHANIC'S LIEN

PLAINTIFF: VERSITECH, INC.
vs.
DEFENDANT: WHITAKER ROADS CORPORATION

RECEIVED
1/24/05

SHERIFF RETURN

NOW, January 24, 2005 AT 2:50 PM POSTED THE WITHIN NOTICE OF FILING OF MECHANIC'S LIEN AT RR 322, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA.

SERVED BY: NEVLING / HUNTER

EXHIBIT

A

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Affidavit of Service of Mechanics' Lien was sent this 7th day of February, 2005 via First Class, U.S. Mail, postage prepaid upon the following:

Whitaker Roads Corporation
RR 322
Clearfield, PA 16830



Richard W. Saxe, Jr.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

VERSITECH, INC.,) CIVIL DIVISION
)
 Plaintiff,) CASE NO.: 04-2022-CD
)
 v.) TYPE OF PLEADING:
)
 WHITAKER ROADS CORPORATION,) **COMPLAINT TO OBTAIN
 JUDGMENT ON A MECHANICS'
 LIEN**
)
 Defendant.)
)
) FILED ON BEHALF OF:
) VersiTech, Inc., Plaintiff
)
) COUNSEL OF RECORD FOR
 THIS PARTY:
)
) Thomas E. Weiers, Jr.
 Pa. I.D. No.: 43715
)
) Richard W. Saxe, Jr.
 Pa. I.D. No.: 87311
)
) FLUKE WEIERS, P.C.
 1400 The Bank Tower
 Pittsburgh, PA 15222
 (412) 261-3800
)
) Firm I.D. No.: 029

The undersigned certifies that the property affected by the within Complaint is located in Clearfield County, Pennsylvania.


Richard W. Saxe, Jr.

FILED
M 11/34 *mc*
FEB 25 2005 

William A. Shaw
Prothonotary

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

VERSITECH, INC.,) CIVIL DIVISION
Plaintiff,)
v.) CASE NO.: 04-2022-CD
WHITAKER ROADS CORPORATION,)
Defendant.)

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) DAYS after this Complaint and Notice are served upon you, by entering a written appearance personally or by attorneys and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you. **YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

David S. Meholick, Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641, Ext. 1300 and 1301

Richard W. Saxe, Jr.

NOTICE: YOU MUST RESPOND TO THIS COMPLAINT WITHIN TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

VERSITECH, INC.,	)	CIVIL DIVISION
)	
Plaintiff,	)	CASE NO.: 04-2022-CD
)	
v.)	
)	
WHITAKER ROADS CORPORATION,)	
)	
Defendant.)	
)	

**COMPLAINT TO OBTAIN JUDGMENT ON A
MECHANICS' LIEN**

AND NOW, comes the Plaintiff, VersiTech, Inc., by and through its undersigned counsel, and files the within Complaint to Obtain Judgment on a Mechanics' Lien and in support thereof, avers as follows:

1. Plaintiff, VersiTech, Inc. ("VersiTech"), is a Pennsylvania corporation with an address at 100 Alexander Drive, Monaca, PA 15061.
2. Defendant, Whitaker Roads Corporation ("Whitaker"), is a corporation with its place of business at RR 322, Clearfield, PA 16830.
3. Graff Tank is, upon information and belief, an Ohio corporation with its place of business at 731 North Main Street, Hubbard, OH 44425.
4. VersiTech contracted with Graff Tank to supply labor and materials for insulation services and insulation related work at property owned by Whitaker in Clearfield, PA (the "Project"). The Project is located on all that real property and structures thereon in Clearfield County described in a deed recorded in the Recorder's Office of Clearfield County, Pennsylvania dated August 3, 2000 by and between IA Construction Corporation and Whitaker Roads Corporation. That certain tract or parcel of land is bounded and described as follows:

ALL that certain tract or parcel of land and premises, situate, lying and being in the Township of Bradford, in the County of Clearfield, and Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the Southern right-of-way line of Legislative Route #17053, such point being sixty-six (66) feet East of the Eastern right-of-way line of State Highway #322; thence along the Southern right-of-way line of Legislative Route #17053 in an Easterly direction five hundred (500) feet to a point; thence in a Southerly direction five hundred and seventy-five (575) feet to a point on lands now or formerly of Ward L. Smith and Pauline W. Smith; thence in a Westerly direction five hundred and sixty-six (566) feet to the Eastern right-of-way line of State Highway #322; thence along Eastern right-of-way line of State Highway #322 in a northerly direction five hundred (500) feet to the Southern right-of-way line of Legislative Route #17053; thence along the Southern line of Legislative Route #17053 in a Northeasterly direction one hundred (100) feet, more or less, to the place of BEGINNING.

5. VersiTech completed all of its work at the Project in a good and workmanlike manner and properly transmitted all invoicing to Graff Tank for the requested labor and materials.

6. Neither Graff Tank nor Whitaker ever never informed VersiTech that any of its work or invoicing at the Project was in any manner defective or deficient.

7. Despite VersiTech's proper completion of the work and repeated demands for payment, VersiTech is still owed a balance of \$16,800.00 for its work at the Project.

8. Pursuant to the Mechanics' Lien Law of 1963, 49 P.S. §1101, et seq., VersiTech timely filed a Mechanics' Lien Claim on December 23, 2004 in the Court of Common Pleas of Clearfield County at Docket Number 04-2022-CD in the amount of \$16,800.00. A true and correct copy of the Statement of Mechanics' Lien is attached hereto and incorporated herein by reference under Exhibit "A."

9. VersiTech caused timely and proper service of the filing of said Mechanics' Lien Claim to be made upon Defendant, Whitaker, as set forth in the Affidavit of Service of Mechanics' Lien filed with the Clearfield County Prothonotary on February 9, 2005. A true and correct copy of the Affidavit of Service of Mechanics' Lien is attached hereto and incorporated herein by reference under Exhibit "B."

10. The amount of VersiTech's claim that remains unpaid is \$16,800.00.

WHEREFORE, VersiTech, Inc. demands judgment in its favor and against Whitaker Roads Corporation in the principal amount of \$16,800.00, plus interest and costs, and pursuant to the Mechanics' Lien Law of 1963.

Respectfully submitted,

FLUKE WEIERS, P.C.



Thomas E. Weiers, Jr.
Richard W. Saxe, Jr.
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

VERSITECH, INC.,) CIVIL DIVISION
)
) Claimant,) CASE NO.: 04-2022-C
)
) v.) TYPE OF PLEADING:
)
) WHITAKER ROADS CORPORATION,) STATEMENT OF MECHANICS' LIEN
)
) Owners or Reputed) FILED ON BEHALF OF:
 Owners.) VersiTech, Inc., Claimant
)
)
) COUNSEL OF RECORD FOR)
) THIS PARTY:
)
) Thomas E. Weiers, Jr.
) Pa. I.D. No.: 43715
)
) Richard W. Saxe, Jr.
) Pa. I.D. No.: 87311
)
) FLUKE WEIERS, P.C.
) 1400 The Bank Tower
) Pittsburgh, PA 15222
) (412) 261-3800
)
) Firm I.D. No.: 029

The undersigned certifies that the property to be liened by the within Mechanics'
Lien is located in Clearfield County, Pennsylvania.

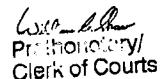


Thomas E. Weiers, Jr.
Richard W. Saxe, Jr.
Attorneys for Claimant

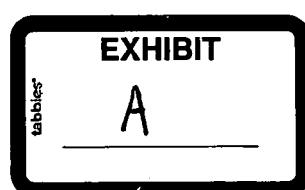
I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

DEC 23 2004

Attest.



W.C. Brown
Prothonotary/
Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

VERSITECH, INC.,	)	CIVIL DIVISION
)	
Claimant,	)	CASE NO.:
)	
v.)	
)	
WHITAKER ROADS CORPORATION,)	
)	
Owners or Reputed)	
Owners.)	

STATEMENT OF MECHANICS' LIEN

AND NOW, comes VersiTech, Inc., by and through its undersigned counsel, and files the within Statement of Mechanics' Lien as a subcontractor pursuant to the Mechanic's Lien Laws of 1963, 49 P.S. §1101, et seq., against the premises herein described, any and all buildings erected thereupon and the curtilage appurtenant thereto for the payment of \$16,800.00, together with interest thereon. The following is a statement of the claim:

1. Name and Address of Claimant: VersiTech, Inc. ("Claimant"), a Pennsylvania corporation, filing as a subcontractor, 100 Alexander Drive, Monaca, PA 15061.
2. Name and Address of the Owners or Reputed Owners: Whitaker Roads Corporation, RR 322, Clearfield, PA 16830.
3. Last Day of Work: Claimant's last day of work on the Project was on August 27, 2004.
4. Name of Party with Whom Claimant Contracted: Claimant contracted with Graff Tank, 731 North Main Street, Hubbard, OH 44425.
5. Date of Formal Notice of Intention to File Mechanics' Lien: Formal Notice of Intention to File Mechanics' Lien was sent to Whitaker Roads Corporation and Graff Tank on

November 18, 2004. A copy of the Formal Notice is attached hereto and incorporated herein as Exhibit "A."

6. Detailed Statement of the Kind and Character of the Work and Labor Done: A statement of work performed is contained in Claimant's Proposal to Graff Tank attached hereto and incorporated herein as Exhibit "B."

7. Amount or Sum Claimed to be Due is: Sixteen Thousand Eight Hundred Dollars and 00/100 (\$16,800.00) for materials and services furnished within four (4) months last past for erection, construction, alteration or repair and upon the credit of the buildings and curtilage described herein. A copy of Claimant's Invoice in the amount of \$16,800.00 is attached hereto and incorporated herein as Exhibit "C."

8. Lien is Claimed Against the Following Described Real Property and Structures Thereon: All that property referenced in a Warranty Deed dated August 3, 2000 by and between IA Construction Corporation and Whitaker Roads Corporation filed at the office of the Recorder of Deeds of Clearfield County, Pennsylvania, referenced at Instrument Number 200014914. A copy of the Deed is attached hereto and incorporated herein under Exhibit "D."

Respectfully submitted,

FLUKE WEIERS, P.C.



Dated: 12-21-07

Thomas E. Weiers, Jr.
Richard W. Saxe, Jr.
1400 The Bank Tower
Pittsburgh, PA 15222
Attorneys for Claimant

FLUKE WEIERS, P.C.
ATTORNEYS-AT-LAW

Richard W. Saxe, Jr.
rws@flukeweiers.com

November 18, 2004

Whitaker Roads Corporation
RR 322
Clearfield, PA 16830

Graff Tank
731 North Main Street
Hubbard, OH 44425

VIA CERTIFIED MAIL
NO.: 7002-1000-0005-4240-2373
and FIRST CLASS, U.S. MAIL

VIA CERTIFIED MAIL
NO.: 7002-1000-0005-4240-3950
and FIRST CLASS, U.S. MAIL

Re: VersiTech, Inc.

To Whitaker Roads Corporation and Graff Tank:

Our firm represents VersiTech, Inc. (VersiTech"), a subcontractor of Graff Tank for work at property owned by Whitaker Roads Corporation ("Whitaker"). Enclosed is an invoice for work performed in August, 2004 which has not been paid. VersiTech requests that this invoice in the amount of \$16,800.00 be paid within seven (7) days of the date of this letter.

This letter also serves as VersiTech's Formal Notice of Intention to File a Mechanics' Lien claim pursuant to Pennsylvania's Mechanics' Lien Law of 1963 at 49 P.S. §1501. The following information is provided as required for Formal Notice of Intent to File a Mechanics' Lien.

Name and Address of Claimant:

VersiTech, Inc.
100 Alexander Drive
Monaca, PA 15061

Owner of the Property:

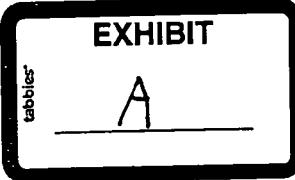
Whitaker Roads Corporation
RR 322
Clearfield, PA 16830

General Contractor:

Graff Tank
731 North Main Street
Hubbard, OH 44425

EXHIBIT

A



Property Upon which Lien will be filed:

All that property referenced in a Warranty Deed dated August 3, 2000 by and between IA Construction Corporation and Whitaker Roads Corporation filed at the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, referenced at Instrument Number 200014914. A copy of the Deed is attached hereto and incorporated herein under Exhibit "A."

Last Day of Work:

August 27, 2004

Party with whom VersiTech contracted:

VersiTech entered into an agreement with Graff Tank to perform insulation and insulation related work. VersiTech's scope of work for Graff Tank is outlined in a proposal to Graff Tank attached hereto and incorporated herein under Exhibit "B."

General Nature and Character of Labor and Materials Furnished:

The general nature and character of VersiTech's work is outlined in the proposal attached as Exhibit "B."

Amount Due and Owing:

\$16,800.00. Invoice Number 10376 is attached hereto and incorporated herein under Exhibit "C."

As attorney for the Claimant, VersiTech, I verify that the facts contained in this Formal Notice of Intention to File Mechanics' Lien are true and correct upon information provided to me by representatives of VersiTech and that this statement is made pursuant to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

If timely payment is not made, VersiTech intends to file a Mechanics' Lien and pursue a civil action to secure payment for services and materials provided and accepted by you.

We hope you join VersiTech in wishing to avoid the filing of a Mechanics' Lien and/or a civil action and make timely payment.

Should you have any questions regarding this matter, please do not hesitate to contact us.

Very truly yours,

FLUKE WEIERS, P.C.



Richard W. Saxe, Jr.

RWS/mjp
Enclosure

cc: Tim Griffeth
HRI, Inc. (w/encl.)
Thomas E. Weiers, Jr., Esquire

WARRANTY DEED

THIS INDENTURE, made the 3rd day of August, 2000, by and between IA CONSTRUCTION CORPORATION, a Pennsylvania corporation, having its principal place of business at Concordville, Delaware County, Pennsylvania, Grantor and party of the first part,

AND

WHITAKER ROADS CORPORATION, a Pennsylvania corporation, having its principal place of business at Johnston, Cambria County, Pennsylvania, Grantee and party of the second part.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Fifteen Thousand (\$15,000) Dollars to it in hand paid by the Grantee at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, conveyed and confirmed, and by these present, does grant, convey and confirm to the said Grantee, its successors and assigns forever,

ALL that certain tract or parcel of land and premises, situate, lying and being in the Township of Bradford, in the County of Clearfield; and Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the Southern right-of-way line of Legislative Route #17053, such point being sixty-six (66) feet East of the Eastern right-of-way line of State Highway #322; thence along the Southern right-of-way line of Legislative Route #17053 in an Easterly direction five hundred (500) feet to a point; thence in a Southerly direction five hundred and seventy-five (575) feet to a point on lands now or formerly of Ward L. Smith and Pauline W. Smith; thence in a Westerly direction five hundred and sixty-six (566) feet to the Eastern right-of-way line of State Highway #322; thence along Eastern right-of-way line of State Highway #322 in a northerly direction five hundred (500) feet to the Southern right-of-way line of Legislative Route #17053; thence along the Southern line of Legislative Route #17053 in a Northeasterly direction one hundred (100) feet, more or less, to the place of BEGINNING.

BEING the same premises which Interstate Amiesite Corporation a/k/a Interstate Amiesite Corporation, by its deed dated December 31, 1985 and recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania, on October 27, 1986 at Deeds and Records Book No. 1117, page 370, granted and conveyed to IA Construction Corporation, the Grantor herein.

EXHIBIT

A

EXCEPTING and RESERVING such rights-of-way and other conveyances as may appear in the chain of title hereto.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

AND ALSO, all of the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantor of, in, or to the above-described premises.

TO HAVE AND TO HOLD, all and singular, the above-mention and described premises, together with the appurtenances, unto the said Grantee, its successors and assigns, to their own property use, benefit and behoof forever.

AND the said Grantor, its successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, by these presents that it, the said Grantor, its successors and assigns, the above-mentioned and described premises hereby granted, or mentioned, or intended so to be, with the said appurtenances, under the said Grantee, its successors and assigns, against them, the said Grantor and its successors and assigns, and against all and every other person and persons whomsoever, lawfully claiming or to claim same or any part or parcel thereof, by, from or under them, or any of them, shall and will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor has caused this Indenture to be signed by its President, attested by its Secretary and its corporate seal affixed hereunto.

Attest:

IA CONSTRUCTION CORPORATION

Rita M. Marvel

By: G. Searle
G. Searle, President

Rita M. Marvel
Assistant Secretary



CORPORATE OFFICE
100 Alexander Drive
Monaca, PA 15061

BRANCHES
Middletown, OH
Essex, IL

800-955-6144 Ph. 800-440-9371 Fax.
e-mail info@versitech.com
A Merit Shop Company

Proposal V-5380-04 Rev. B

August 23, 2004
Page 1 of 2

Bill Graff, President

Graff Tank

3116 State Route 208
Harrisville, PA 16038

RE: Tank Insulation Clearfield, Pa. **Graff PO# 425WR1**

Dear Mr. Graff:

The original scope included 2" thick insulation to be installed on tank. Walt Shimmel at the plant wants 4" thick insulation as did the existing tank. We are re-using existing materials as well as some additional materials, insulation and cladding. The following is revised pricing for the double layer application.

SCOPE OF WORK

- Insulation of one tank 22'od x 20'ht. Insulation to be 4" fiberglass on the sidewalls with the first 18" from grade at 4" foampglas. Insulation on the head to be 4" calcium silicate.
- The sidewalls to be finished with .020 corrugated aluminum panels secured by 3/4" stainless steel banding and screws. The head to be finished with .032 aluminum panels.

Removal Pricing of Existing Tank.....\$4,418.00 (Completed)

Pricing for New Tank 4" Thick.....\$16,800.00

EXCEPTIONS & CONDITIONS

1. We have not included any overtime, weekend or holiday time.
2. Others to supply rubbish disposal, laydown area, sanitation facility, hot permit and 110v electric.
3. Use taxes have not been included. An exemption certificate will need to be supplied to prevent any additional charges.
4. Terms: Progress Billing, 1 1/2% 10 Days, Net 30

We hope the enclosed information meets with your approval and look forward to your response. You may reach us at (800) 955-6144 should you have any questions.

Sincerely,

EXHIBIT

B

tables

Daniel J. Resavage
Vice President

VersiTech, Inc.
 100 Alexander Drive
 Monaca PA 15061
 (800) 955-6144
 (800) 440-9371
 FED ID# 25-1560865

INVOICE

Invoice Number **10376**
 Invoice Date 08/25/2004
 Due Date 09/24/2004

GRAFF TANK P. O. Box 336 Hubbard OH 44425	Customer	Job Description & Location	
		GRAFF TANK-WHITICKER RHOADS-TA	
		CLEARFIELD	PA

Original Contract Number	425WR1	Project #	2818-04-I
Reference			Taxable
Description	TANK	Application	2
Terms:	2.00 % 15DY Net 30DY		NO

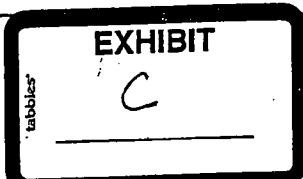
Original Contract	19,679.00
Net Change by Change Orders.....	1,539.00
Contract Sum to Date.....	21,218.00
Total Complete to Date.....	<u>21,218.00</u>
Total Retained.....	0.00
Total Earned Less Retained.....	21,218.00
Less Previous Billings.....	4,418.00
Current Payment Due.....	\$16,800.00
Balance on Contract.....	0.00

INVOICE AMOUNT

\$16,800.00

Description of Work / Control Number	Change Order Purchase Order #	Amount	Prior Invoicing	Current Invoicing	Complete To Date
ORIGINAL CONTRACT COMPLET		\$21,218.00	\$4,418.00	\$16,800.00	\$21,218.00
Totals:		\$21,218.00	\$4,418.00	\$16,800.00	\$21,218.00

NOTES



Progress Bill Record # 1974

A 2% per month finance charge will be added to all invoices not paid within terms.

Use tax has not been included please submit exempt certificate or pay direct.

Tim



CORPORATE OFFICE
100 Alexander Drive
Monaca, PA 15061

BRANCHES
Middletown, OH
Essex, IL

800-955-6144 Ph. 800-440-9371 Fax.
e-mail info@versitech.com
A Merit Shop Company

Proposal V-5380-04 Rev. B

August 23, 2004
Page 1 of 2

Bill Graff, President

Graff Tank

3116 State Route 208
Harrisville, PA 16038

RE: Tank Insulation Clearfield, Pa. **Graff PO# 425WR1**

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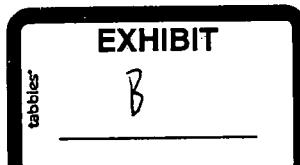
Pricing for New Tank 4" Thick.....\$16,800.00

EXCEPTIONS & CONDITIONS

1. We have not included any overtime, weekend or holiday time.
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Sincerely,



Daniel J. Resavage
Vice President

VersiTech, Inc.
100 Alexander Drive
Monaca PA 15061
(800) 955-6144
(800) 440-9371
FED ID# 25-1560865

INVOICE

Invoice Number **10376**
Invoice Date **08/25/2004**
Due Date **09/24/2004**

GRAFF TANK P. O. Box 336 Hubbard OH 44425	Customer	Job Description & Location GRAFF TANK-WHITICKER RHOADS-TA CLEARFIELD PA	
Original Contract Number Reference Description Terms: 2.00 % 15DY Net 30DY	425WR1 TANK	Project # 2818-04-I Application 2	Taxable NO

Original Contract	19,679.00
Net Change by Change Orders.....	1,539.00
Contract Sum to Date.....	21,218.00
Total Complete to Date.....	21,218.00
Total Retained.....	0.00
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Balance on Contract.....	0.00

INVOICE AMOUNT

\$16,800.00

Description of Work / Control Number	Change Order Purchase Order #	Amount	Prior Invoicing	Current Invoicing	Complete To Date
ORIGINAL CONTRACT COMPLET		\$21,218.00	\$4,418.00	\$16,800.00	\$21,218.00
Totals:		\$21,218.00	\$4,418.00	\$16,800.00	\$21,218.00

NOTES

EXHIBIT

Progress Bill Record # 1974

C

A 2% per month finance charge will be added to all invoices not paid within terms.

Use tax has not been included please submit exempt certificate or pay direct.

Tim

WARRANTY DEED

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AND

WHITAKER ROADS CORPORATION, a Pennsylvania corporation, having its principal place of business at Johnston, Cambria County, Pennsylvania, Grantee and party of the second part.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Fifteen Thousand (\$15,000) Dollars to it in hand paid by the Grantee at or before the sealing and delivery hereof, the receipt whereof is hereby acknowledged, has granted, conveyed and confirmed, and by these present, does grant, convey and confirm to the said Grantee, its successors and assigns forever,

ALL that certain tract or parcel of land and premises, situate, lying and being in the Township of Bradford, in the County of Clearfield, and Commonwealth of Pennsylvania, more particularly described as follows:

BEGINNING at a point in the Southern right-of-way line of Legislative Route #17053, such point being sixty-six (66) feet East of the Eastern right-of-way line of State Highway #322; thence along the Southern right-of-way line of Legislative Route #17053 in an Easterly direction five hundred (500) feet to a point; thence in a Southerly direction five hundred and seventy-five (575) feet to a point on lands now or formerly of Ward L. Smith and Pauline W. Smith; thence in a Westerly direction five hundred and sixty-six (566) feet to the Eastern right-of-way line of State Highway #322; thence along Eastern right-of-way line of State Highway #322 in a northerly direction five hundred (500) feet to the Southern right-of-way line of Legislative Route #17053; thence along the Southern line of Legislative Route #17053 in a Northeasterly direction one hundred (100) feet, more or less, to the place of BEGINNING.

BEING the same premises which Interstate Amiesite Corporation a/k/a Interstate Amiesite Corporation, by its deed dated December 31, 1985 and recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania, on October 27, 1986 at Deeds and Records Book No. 1117, page 370, granted and conveyed to IA Construction Corporation, the Grantor herein.

EXHIBIT

D

EXCEPTING and RESERVING such rights-of-way and other conveyances as may appear in the chain of title hereto.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

AND ALSO, all of the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said Grantor of, in, or to the above-described premises.

TO HAVE AND TO HOLD, all and singular, the above-mention and described premises, together with the appurtenances, unto the said Grantee, its successors and assigns, to their own property use, benefit and behoof forever.

AND the said Grantor, its successors and assigns, does covenant, promise and agree to and with the said Grantee, its successors and assigns, by these presents that it, the said Grantor, its successors and assigns, the above-mentioned and described premises hereby granted, or mentioned, or intended so to be, with the said appurtenances, under the said Grantee, its successors and assigns, against them, the said Grantor and its successors and assigns, and against all and every other person and persons whomsoever, lawfully claiming or to claim same or any part or parcel thereof, by, from or under them, or any of them, shall and will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor has caused this Indenture to be signed by its President, attested by its Secretary and its corporate seal affixed hereunto.

Attest:

Rita M. Marvel

Rita M. Marvel
Assistant Secretary

IA CONSTRUCTION CORPORATION

By: Geoff Schrie
Geoff Schrie, President

ACKNOWLEDGMENT

STATE OF PENNSYLVANIA }
 COUNTY OF DELAWARE } ss:
)

On this the 23rd day of August, 2000, before me, the undersigned officer, personally appeared Geoff Searle, who acknowledged himself to be the President of IA Construction Corporation, a Pennsylvania corporation, and that he as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President

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

Maria M. Kent
 Notary Public

My commission expires:

CERTIFICATE OF RESIDENCE

Notarial Seal
 Maria M. Kent, Notary Public
 Chadds Ford Twp., Delaware County
 My Commission Expires Aug. 29, 2002

I hereby certify that the precise residence of the Grantee herein is 270 Solomon Run Road, Johnston, Pennsylvania 15904.

John R. Kulka
 Officer for Grantee John R. Kulka, President

COMMONWEALTH OF PENNSYLVANIA)

) ss:
 COUNTY OF CLEARFIELD)

Recorded on this _____ day of _____, A.D. 2000, in the Recorder's Office of the said County, in Deed Book _____, page _____.

Given under my hand and seal of the said office the day and year aforesaid.

Recorder

KAREN L. STARCK
 REGISTER AND RECORDER
 CLEARFIELD COUNTY
 Pennsylvania

INSTRUMENT NUMBER 200014914
 RECORDED ON Oct 05, 2000
 10:42:43 AM

RECORDING FEES	\$13.00
RECORDER	\$1.00
COUNTY IMPROVEMENT FUND	\$1.00
STATE TRANSFER TAX	\$150.00
STATE WRIT TAX	\$0.50
BRADFORD TOWNSHIP TAX	\$75.00
CLEARFIELD AREA SCHOOLS	\$75.00
TOTAL	\$315.50
CUSTOMER CSC THE UNITED STATES CORPORATION CO	

VERIFICATION

I, Richard W. Saxe, Jr., hereby verify that the statements made in the foregoing Statement of Mechanics' Lien are true and correct to the best of my knowledge, information and belief as indicated to me by VersiTech, Inc. These statements are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



Richard W. Saxe, Jr.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

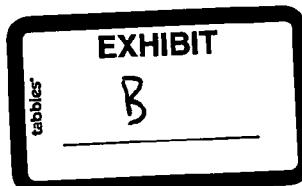
VERSITECH, INC.,	)	CIVIL DIVISION
)	
Claimant,	)	CASE NO.: 04-2022-CD
)	
v.	)	TYPE OF PLEADING:
)	
WHITAKER ROADS CORPORATION,	)	AFFIDAVIT OF SERVICE
	)	OF MECHANICS' LIEN
)	
Owners or Reputed)	
Owners.	)	FILED ON BEHALF OF:
	)	VersiTech, Inc., Claimant
)	
	)	COUNSEL OF RECORD FOR
	)	THIS PARTY:
)	
	)	Thomas E. Weiers, Jr.
	)	Pa. I.D. No.: 43715
)	
	)	Richard W. Saxe, Jr.
	)	Pa. I.D. No.: 87311
)	
	)	FLUKE WEIERS, P.C.
	)	1400 The Bank Tower
	)	Pittsburgh, PA 15222
	)	(412) 261-3800
)	
	)	Firm I.D. No.: 029

I hereby certify this to be a true and attested copy of the original statement filed in this case.

FFB 09 2005

Attest

William L. Gray
Prothonotary/
Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

VERSITECH, INC.,) CIVIL DIVISION
)
 Claimant,) CASE NO.: 04-2022-CD
)
 v.)
)
 WHITAKER ROADS CORPORATION,)
)
 Owners or Reputed)
 Owners.)

AFFIDAVIT OF SERVICE OF MECHANIC'S LIEN

COMMONWEALTH OF PENNSYLVANIA)
) SS:
 COUNTY OF ALLEGHENY)

Before me, the undersigned authority, personally appeared, Richard W. Saxe, Jr., who deposes and says that on or about the 4th day of January, 2005, he delivered a true and correct copy of the Notice of Mechanics' Lien in the above-referenced matter to the Sheriff of Clearfield County, along with Sheriff Instructions and the appropriate fees for the Clearfield County Sheriff's Office. On January 24, 2005, at 2:50 p.m., the Clearfield County Sheriff's Office posted the Notice of Filing of Mechanic's Lien at RR 322, Clearfield County, Clearfield, Pennsylvania, as indicated by the Sheriff Return, a copy of which is attached hereto and incorporated herein under Exhibit "A."

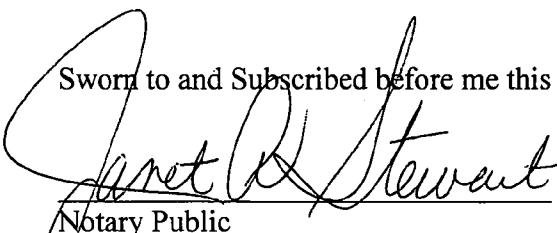
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Janet A Stewart, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires June 24, 2008
Member, Pennsylvania Association Of Notaries

Respectfully submitted,



Richard W. Saxe, Jr.

Sworn to and Subscribed before me this 5th day of February, 2005.


Janet A. Stewart
Notary Public

My Commission Expires: 6-24-2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100114
NO: 04-2022-CD
SERVICE # 1 OF 1
NOTICE OF FILING OF MECHANIC'S LIEN

PLAINTIFF: VERSITECH, INC.

vs.

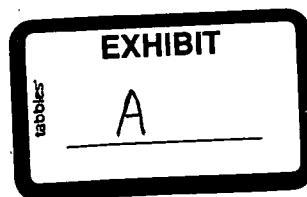
DEFENDANT: WHITAKER ROADS CORPORATION

TOP

SHERIFF RETURN

NOW, January 24, 2005 AT 2:50 PM POSTED THE WITHIN NOTICE OF FILING OF MECHANIC'S LIEN AT RR 322, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA.

SERVED BY: NEVLING / HUNTER



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Affidavit of Service of Mechanics' Lien was sent this 7th day of February, 2005 via First Class, U.S. Mail, postage prepaid upon the following:

Whitaker Roads Corporation
RR 322
Clearfield, PA 16830



Richard W. Saxe, Jr.

VERIFICATION

I, Richard W. Saxe, Jr., verify that the statements made in the foregoing Complaint to Obtain Judgment on a Mechanics' Lien are true and correct to the best of my knowledge, information and belief obtained through discussions with VersiTech, Inc. These statements are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Date: 2.23.05

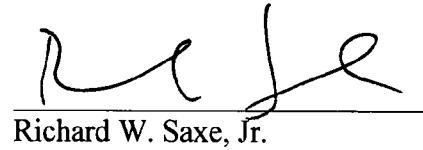


Richard W. Saxe, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Complaint to Obtain Judgment on a Mechanics' Lien was served via First Class, U.S. Mail, postage prepaid this 23 day of February, 2005 upon the following:

Whitaker Roads Corporation
RR 322
Clearfield, PA 16830



Richard W. Saxe, Jr.

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

VERSITECH, INC.,) CIVIL DIVISION
Plaintiff,) CASE NO.: 04-2022-CD
v.)
WHITAKER ROADS CORPORATION,) PLAINTIFF'S PRAECIPE FOR
Defendant.) DEFAULT JUDGMENT AGAINST
) WHITAKER ROADS CORPORATION
)
) FILED ON BEHALF OF:
) VersiTech, Inc., Plaintiff
)
) COUNSEL OF RECORD FOR
) THIS PARTY:
) Thomas E. Weiers, Jr.
) Pa. I.D. No.: 43715
)
) Richard W. Saxe, Jr.
) Pa. I.D. No.: 87311
)
) THORP REED & ARMSTRONG, LLP
) One Oxford Centre
) 301 Grant Street, 14th Floor
) Pittsburgh, PA 15219-1425
) (412) 394-7711
)
) Firm I.D. No.: 282

FILED

SEP 06 2005

m / 9:15 (u)

William A. Shaw

monotary/Clerk of

Prothonotary/Clerk of Courts

618 *Am. J. Phys.*

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WEFT-

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

VERSITECH, INC.,) CIVIL DIVISION
Plaintiff,) CASE NO.: 04-2022-CD
v.)
WHITAKER ROADS CORPORATION,)
Defendant.)

PLAINTIFF'S PRAECIPE FOR DEFAULT JUDGMENT
PURSUANT TO Pa. R.C.P. 1037(b)

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff, VersiTech, Inc., and against the Defendant, Whitaker Roads Corporation, for failure to file an Answer or otherwise respond in the above-captioned action within twenty (20) days from the date of service of the Complaint and assess Plaintiff's damages against Defendant as follows:

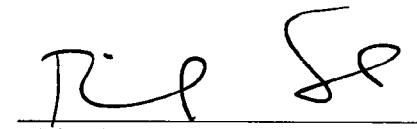
A.	Principal Balance:	\$16,800.00
B.	Interest on principal balance at 6% per annum from 9/24/04 through 9/1/05:	\$ 945.00
C.	Costs:	<u>\$ 139.00</u>
		\$17,884.00

TOTAL: \$17,884.00

Total: \$17,884.00, plus continuing interest and costs.

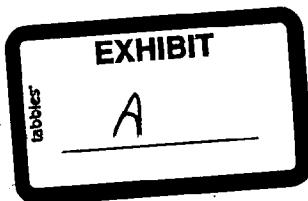
I certify that a written notice of intention to file this Praeclipe was mailed to Defendant at its last known address, RR 322, Clearfield, PA 16830, after the Default has occurred and at least ten (10) days before the date of filing this Praeclipe. A copy of the notice is attached hereto under Exhibit "A." I further certify that the Defendant is not in active military service. The undersigned verifies that the statements of fact in this Praeclipe are true and correct and are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Dated: September 1, 2005



Richard W. Saxe, Jr.
Pa. I.D. No.: 87311

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

VERSITECH, INC.,) CIVIL DIVISION
)
Plaintiff,) CASE NO.: 04-2022-CD
)
v.)
)
WHITAKER ROADS CORPORATION,)
)
Defendant.)

NOTICE OF INTENT TO FILE A PRAECIPE TO ENTER JUDGMENT BY DEFAULT

To: Whitaker Roads Corporation
RR 322
Clearfield, PA 16830

Date of Notice: **March 18, 2005**

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830
(814) 765-2641, Ext. 1300



Richard W. Saxe, Jr.
FLUKE WEIERS, P.C.
1400 The Bank Tower
Pittsburgh, PA 15222
Attorneys for Plaintiff

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA**

VERSITECH, INC.,) CIVIL DIVISION
Plaintiff,) CASE NO.: 04-2022-CD
v.)
WHITAKER ROADS CORPORATION,)
Defendant.)

NOTICE OF ORDER, DECREE OF JUDGMENT

To: Plaintiff Defendant Garnishee Additional Defendant

You are hereby notified that the following Order, Decree, or Judgment has been entered against you on _____.

() Decree Nisi in Equity
() Final Decree in Equity

Judgment of Confession Verdict
 Default Non-suit
 Non-pros Arbitration Award

(X) Judgment is in the amount of \$17,884.00, plus continuing interest and costs.

District Justice Transcript of Judgment in (Assumpsit/Trespass) in the amount of
\$ _____, Plus Costs.

() If not satisfied within sixty (60) days, your motor vehicle operator's license will be suspended by the Pennsylvania Department of Transportation.

PROTHONOTARY
By:  Deputy

If you have any questions concerning the above, please contact:

Name of Attorney/Filing Party: Richard W. Saxe, Jr.
Address: Thorp Reed & Armstrong, LLP
One Oxford Centre, 14th Floor
Pittsburgh, PA 15219
Telephone: 412-394-7753

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Versitech, Inc.
Plaintiff(s)

No.: 2004-02022-CD

Real Debt: \$17,884.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Whitaker Roads Corporation
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: September 6, 2005

Expires: September 6, 2010

Certified from the record this September 6, 2005

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

VERSITECH, INC.,) CIVIL DIVISION
)
Plaintiff,) CASE NO.: 04-2022-CD
)
v.)
)
PRAECLPTE TO MARK CASE
WHITAKER ROADS CORPORATION,) SATISFIED
)
)
Defendant.)
)
FILED ON BEHALF OF:
VersiTech, Inc., Plaintiff
)
COUNSEL OF RECORD FOR
THIS PARTY:
)
Thomas E. Weiers, Jr.
Pa. I.D. No.: 43715
)
Richard W. Saxe, Jr.
Pa. I.D. No.: 87311
)
THORP REED & ARMSTRONG, LLP
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, PA 15219-1425
(412) 394-7711
)
Firm I.D. No.: 282

pd \$7.00 Atty.
FILED 2cc & 1 cea
m/11/2007 of sat issued
JUN 13 2007 to Atty. Weiers
WM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

VERSITECH, INC.,	)	CIVIL DIVISION
)	
Plaintiff,	)	CASE NO.: 04-2022-CD
)	
v.)	
)	
WHITAKER ROADS CORPORATION,)	
)	
Defendant.)	

PRAECIPE TO MARK SATISFIED

TO THE PROTHONOTARY:

Kindly mark the judgment in favor of Plaintiff, VersiTech, Inc. against Defendant, Whitaker Roads Corporation satisfied.

Respectfully submitted,

THORP REED & ARMSTRONG, LLP

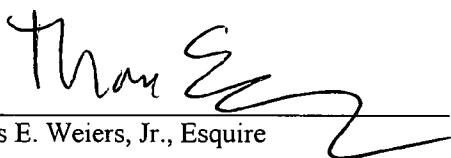


Thomas E. Weiers, Jr., Esquire
Pa. I.D. No. 43715
One Oxford Centre, 14th Floor
301 Grant Street
Pittsburgh, PA 15219
Attorneys for Plaintiff, VersiTech, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via First Class, U.S. Mail, postage prepaid this 6th day of June, 2007 upon the following:

Dan LaFrance
Colas, Inc.
10 Madison Avenue, Suite 4
Morristown, NJ 07960



Thomas E. Weiers, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2004-02022-CD

Versitech, Inc.

Debt: \$17,884.00

Vs.

Atty's Comm.:

Whitaker Roads Corporation

Interest From:

Cost: \$7.00

NOW, Wednesday, June 13, 2007 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 13th day of June, A.D. 2007.

Willie L. Sharman

Prothonotary