

05-902-CD
Brian L. Frank vs S&A Custom Built et

**Brian Frank et al v. S&A Custom Built
2005-902-CD**

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Brian D. Frank
(Plaintiff)

195 5th St.

(Street Address)

Hautzdale PA. 16651
(City, State ZIP)

CIVIL ACTION

No. 05-902-CD

Type of Case: _____

Type of Pleading: _____

Filed on Behalf of:

VS.

S&A Custom Built Homes Inc.
(Plaintiff/Defendant)
(Defendant)

(Street Address)

State College Pa. 16801
(City, State ZIP)

Brian D. Frank
(Filed by)

195 5th St. Hautzdale PA.
16651
(Address)

(814) 378-5352
(Phone)

FILED
NO cc
06/23/05
JUN 23 2005 Piffpd.
2000
William A. Shaw
Prothonotary/Clerk of Courts

Brian D. Frank
(Signature)

S T I P U L A T I O N S A G A I N S T L I E N S

Brian L Frank +
Susan R Frank Owner

vs.

S&A CUSTOM BUILT HOMES, INC.

Contractor

) In the Court of Common Pleas,
)
County of Clearfield, Pennsylvania
)
Number _____ Term, 2005

Whereas, Brian L Frank + Susan R Frank, of POBox 293 Nantydale, PA
Clearfield County, Pennsylvania, is about to execute contemporaneously
herewith, a contract, with S&A CUSTOM BUILT HOMES, INC., of State College,
Centre County, Pennsylvania, for the erection of a dwelling upon a lot of
land situate in the Township of Woodward, Clearfield County,
Pennsylvania, more fully described as follows, to-wit:

SEE ATTACHED DESCRIPTION

Now, 5/31/05, at the time of and immediately before the
execution of the principal contract, and before any authority has been given
by the said Owner to the said Contractor to commence work on the said
building, or purchase materials for the same in consideration of the making
of the said contract with Owner and the further consideration of One Dollar,
to Contractor paid by Owner, it is agreed that no lien shall be filed against
the building by the contractor, or any sub-contractor, nor by any of the
material men or workmen or any other person for any labor, or materials
purchased, or extra labor or materials purchased for the erection of said
building, the right to file such liens being expressly waived.

Witness, our hands and seals the day and year aforesaid.

Signed and Sealed in the presence of

S&A CUSTOM BUILT HOMES, INC.

) BY: Christopher Schonemaker (Seal)
Christopher Schonemaker, Regional Manager
)
)
Owner Brian L Frank (Seal)
)
Owner Susan R Frank (Seal)

County Parcel No. M14-410-3

N.T.S.

THIS DEED,

MADE the 3 day of May, in the year two thousand five (2005).

BETWEEN MARCIA K. REESE, an single individual, presently residing at 4221 Winterburn Avenue, E102, Pittsburgh, Pennsylvania, 15207, party of the first part, hereinafter referred to as GRANTOR,

-and-

BRIAN L. FRANK and SUSAN R. FRANK, having a mailing address of P.O. Box 293, Houtzdale, Pennsylvania, 16651, parties of the second part, hereinafter referred to as the GRANTEES.

WITNESSETH, that in consideration of Five Thousand (\$5,000) Dollars, in hand paid, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as Tenants by the Entireties,

ALL that certain piece or parcel of land situate in Woodward Township, Clearfield County, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a pin located at the northwest corner of the parcel herein described; thence along a reserved fifty (50) foot access South eighty-nine (89) degrees forty-seven (47) minutes three (03) seconds East, a distance of one hundred fifty-five and no hundredths (155.00) feet to an iron pin; thence along the Residual Lot South zero (00) degrees two (02) minutes fifty-five (55) seconds East, a distance of one hundred seventy-nine and seventy-seven one-hundredths (179.77) feet to an iron pin; thence along the same, North eighty-nine (89) degrees forty-seven (47) minutes three (03) seconds West, a distance of one hundred sixty-five and no hundredths (165.00) feet to an iron pin; thence along the line of land of Reese North three (03) degrees eight (08) minutes eleven (11) seconds East, a distance of one hundred eighty and no hundredths (180.00) feet to an iron pin and the point of beginning.

Containing 0.660 acre, more or less, and being Lot 1 as shown on the Reese/Frank Subdivision dated February 11, 2005 prepared by George A. Cree, Registered Surveyor, 2417 Skyline Drive, Fallentimber, Pennsylvania, 16639, said subdivision map having been recorded at Clearfield County Instrument Number 200506153.

BEING part of the same premises conveyed to Marcia K. Reese, a/k/a Marsha K. Reese, from Marcia K. Reese, a/k/a Marsha K. Reese, and Lillian M. Reese by Marcia Kay Reese, her Attorney in Fact, by Deed dated January 27, 2000, recorded at Clearfield County as Instrument Number 200001633.

ALSO granting to said Grantees the free and interrupted use, liberty and privilege, of a 50 foot wide access road, together with free ingress, egress and regress, to and for the said Grantees, their heirs and assigns, their tenants and under tenants, occupiers or possessors of the said Grantees, including without limitation, the right to construct, install, maintain, operate and or repair underground utility lines, underground water lines and or sewage lines, cable television lines, electric lines, natural gas lines and/or telephone lines in, under and/or upon aforesaid premises, more fully described as follows:

BEGINNING at an exiting iron pin located along the western side of Fifth Street, said pin being the northeast corner of the access easement described herein; thence along Fifth Street South nineteen (19) degrees fifty-four (54) minutes fifty-nine (59) seconds East, a distance of fifty-three and ninety-two one-hundredths (53.92) feet to an existing iron pin; thence along the Residual Lot North eighty-nine (89) degrees forty-seven (47) minutes three (03) seconds West, a distance of one hundred ninety-four and thirty-five one-hundredths (194.35) feet to an iron pin; thence along Lot 1 North eighty-nine (89) degrees forty-seven (47) minutes three (03) seconds West, a distance of one hundred fifty-five and no hundredths (155.00) feet to an iron pin; thence along the line of land of Reese North three (03) degrees eight (08) minutes eleven (11) seconds East, a distance of fifty and seven one-hundredths (50.07) feet to an existing square rail; thence along the line of land of Carl E. Rattay South eighty-nine (89) degrees fifty-three (53) minutes thirty-five (35) seconds East, a distance of three hundred twenty-eight and twenty-four one-hundredths (328.25) feet to an existing iron pin and the point of beginning.

Containing 0.391 acre, more or less, and being the fifty (50) foot easement as shown on the Reese/Frank Subdivision as prepared by George A. Cree, Registered Surveyor, 2417 Skyline Drive, Fallentimber, Pennsylvania, 16639.

UNDER AND SUBJECT to the reservation of all coal, gas, oil and other minerals of every kind and description unto the Grantor, her heirs, successors and assigns.

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", we, the undersigned Grantees, hereby certify that we know and understand that we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. We further certify that this certification is in a color contrasting with that in the Deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Brian L. Frank

Susan R. Frank

This _____ day of _____, 2005.

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE, OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING, OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT, OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED, OR RESERVED BY THIS INSTRUMENT. (This Notice is set forth pursuant to Act NO. 255, approved September 10, 1965, as amended.)

AND the said Grantor will **SPECIALLY WARRANT** the property hereby conveyed.

IN WITNESS WHEREOF, said Grantor has hereunto set her hand and seal the day and year first above written.

Sealed and delivered in
the presence of

Betty Russell

Marcia K. Reese (SEAL)
MARCIA K. REESE

CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantees herein are as follows:

P.O. Box 293, Houtzdale, PA 16651


JOSEPH COLAVECCHI, ESQUIRE
Attorney for Grantees

Florida

COMMONWEALTH OF ~~PENNSYLVANIA~~

COUNTY OF ~~CLEARFIELD~~ Palmer : ss.

On this, the 3 day of ~~May~~, 2005, before me, the undersigned authority, personally appeared MARCIA K. REESE known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purpose therein contained.

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



BETTY RUSSOTTI
MY COMMISSION # DD 107553
EXPIRES: May 17, 2006
Bonded Thru Budget Notary Services

Betty Russotti
Notary Public

NOTE:

2005 County and Township Real Estate Taxes are paid for 2005.

You should receive a tax statement for the 2006 County and Township Taxes in March, 2006.

2004-2005 School Taxes are paid through June 30, 2005.

You should receive a tax statement for the 2005-2006 School Taxes in August, 2005.