

05-928-CD

Stoltz Realty v. Micala Construction

Stoltz Realty v. Micala Construction
2005-928-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

Kelly Kelly Patterson
(Plaintiff)

CIVIL ACTION

(Street Address)

Quincy, Pa. 15801
(City, State ZIP)

No. 05-928-CD

Type of Case: _____

Type of Pleading: _____

vs.

Mecale Construction
(Defendant)
Services
Inc.

Filed on Behalf of:

(Plaintiff/Defendant)

(Street Address)

St. Marys, Pa.
(City, State ZIP)
15857

Theresa L. Lingo and Associates
(Filed by)

P.O. Box 487 Quincy, Pa.
(Address)

(814) 371-7768
(Phone)

Kelly Myers
(Signature)

FILED

JUN 27 2005

William A. Shaw
Prothonotary/Clerk of Courts

rec Kathy Myers
Att'y pd. 2000

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

STOLTZ REALTY PARTNERSHIP,
Owner/Plaintiff

vs.

MICALE CONSTRUCTION SERVICES, INC.
Contractor/Defendant

No.

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

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

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

The Contractor does hereby verify that on this date no work or services have been performed pursuant to the Construction Agreement, and no deliveries have been made to the Owner's premises.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 27th day of June, 2005.

STOLTZ REALTY PARTNERSHIP

By: [Signature]
(Owner)

MICALE CONSTRUCTION SERVICES, INC.

By: [Signature]
(Contractor)

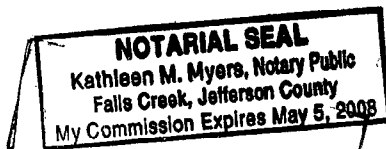
To the Prothonotary:

Kindly index this in the name of the Contractor as both the Plaintiff and Defendant, and in the name of the Owner as both Plaintiff and Defendant.

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS
:

On this, the 27th day of June, 2005, before me,
the undersigned officer, personally appeared R.D. Allison
who acknowledged himself to be the CONSTRUCTION MGR of **MICALE**
CONSTRUCTION SERVICES, INC., and that he, as such
CONSTRUCTION MGR being authorized so to do, executed the foregoing
instrument for the purposes therein contained, by signing the name of
the corporation by himself as CONSTRUCTION MGR.

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



Kathleen M. Myers
Notary Public

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

BEGINNING at a 1" pipe (found) on the southern right of way line of Beaver Drive, said pipe being the northwest corner of lands of Ralph T. Rosselli, Jr. and Yvonne A. Rosselli as described in Instrument Number 200212355, said rebar being the northeast corner of the parcel herein conveyed and running; thence along the western line of lands of Ralph T. Rosselli, Jr. and Yvonne A. Rosselli South 07° 52' 14" West a distance of 175.57 feet to a ¾" rebar (found), said rebar being the southwest corner of the lands of Ralph T. Rosselli, Jr. and Yvonne A. Rosselli and being on the northern line of the Mitigation Area 1 of the lands of the City of DuBois; thence along the northern line of the Mitigation Area 1 of the lands of the City of DuBois the following courses and distances: North 74° 01' 10" West a distance of 32.50 feet to a ¾" rebar (set); South 30° 29' 18" West a distance of 384.47 feet to a ¾" rebar (set), said rebar being the northeast corner of lands being reserved by the City of DuBois for wetland construction; thence along the line of lands being reserved by the City of DuBois for wetland construction North 75° 07' 56" West a distance of 900.93 feet to a ¾" rebar (set); thence along through lands of the Grantor for a new subdivision line North 07° 27' 54" East a distance of 417.28 feet to a ¾" rebar (set), said rebar being on the southern right of way line of Beaver Drive; thence along the southern right of way line of Beaver Drive South 82° 04' 08" East a distance of 1077.20 feet to a 1" pipe (found) and place of beginning. CONTAINING 11.008 acres, more or less, as indicated on the City of DuBois subdivision map dated November 4, 2004, and shown on map prepared by Curry & Associates.