

05-1008-CD  
Joseph Bosak Jr. vs Kenneth . Rogers MD  
et

Joseph Bosak Jr. vs Kenneth . Rogers  
2005-1008-CD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

JOSEPH BOSAK, JR.,  
CONSTRUCTION CO.  
388 Palestine Road  
Morrisdale, PA 16858  
General Contractor

vs.

KENNETH J. ROGERS, M.D., and  
DIANE R. ROGERS, a/k/a DIANE  
RYNEE ROGERS,  
1769 Treasure Lake  
DuBois, PA 15801  
Owners

: CIVIL ACTION  
:  
:  
: No. 2005-1008-CD  
:  
: Type of Case: \_\_\_\_\_  
:  
: WAIVER OF RIGHT TO FILE  
: MECHANICS' LIENS  
:  
: Filed on behalf of : Owner  
:  
:  
: Counsel of Record for Party:  
: ERVIN S. FENNELL, JR.  
: Supreme Ct. No. 05873  
: P.O. Box 606  
: DuBois, PA 15801  
: (814) 371-6900

Ervin S. Fennell, Jr.  
Ervin S. Fennell, Jr.

**FILED**  
M 11:00 A.M. 6K  
JUL 12 2005 No CC  
Arry PAID 20.00  
William A. Shaw  
Prothonotary

## WAIVER OF RIGHT TO FILE MECHANICS' LIENS

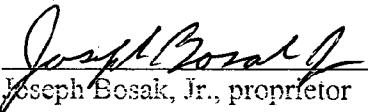
KNOW ALL MEN BY THESE PRESENTS that **JOSEPH BOSAK JR., CONSTRUCTION CO.**, with its principal place of business at 388 Palestine Road, Morrisdale, Pennsylvania, General Contractor, has contracted with **KENNETH J. ROGERS, M.D., and a/k/a DIANE RYNEE ROGERS**, husband and wife, of 1769 Treasure Lake, DuBois, Pennsylvania, Owners, to provide the labor, materials and equipment for the construction/improvements to a dwelling house upon premises known as Lots 19, 20, 21, Section 7 in the Treasure Lake Subdivision of Sandy Township, Clearfield County, Pennsylvania, more particularly described on Exhibit "A", attached hereto and made a part hereof.

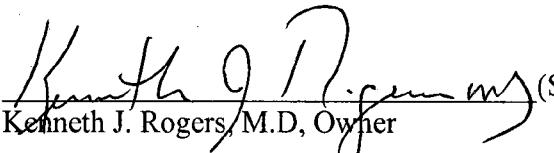
NOW, THEREFORE, it is hereby stipulated and agreed by and between the parties hereto as part of said contract and for the consideration therein set forth, that neither the undersigned General Contractor, any subcontractor or materialman nor any other person furnishing labor and materials to the said Contractor under the said contract shall file a lien, commonly called a mechanics' lien, for work done or materials furnished in and about the construction of the said structure.

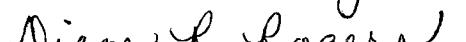
This stipulation is made and intended to be filed with the Prothonotary for the County of Clearfield, Commonwealth of Pennsylvania in accordance with the requirements of Section 402 of the Mechanics' Lien Law of 1963, codified at 49 P.S. §1402, of the Commonwealth of Pennsylvania in such case provided.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound hereby, have executed this agreement of waiver the 20<sup>th</sup> day of May, 2005.

JOSEPH BOSAK, JR., CONSTRUCTION CO.  
General Contractor

  
\_\_\_\_\_  
Joseph Bosak, Jr., proprietor

  
\_\_\_\_\_  
(SEAL)  
Kenneth J. Rogers, M.D., Owner

  
\_\_\_\_\_  
(SEAL)  
Diane R. Rogers, Owner

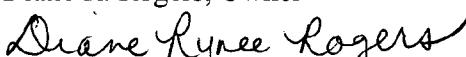
  
\_\_\_\_\_  
(SEAL)  
Diane Rynee Rogers, Owner

Exhibit "A"

ALL those three certain lots of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows:

**FIRST:** ALL that certain tract of land designated as Lot No. 20, Section No. 7, New Providence, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING from Lot 20 and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, p. 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

**SECOND:** ALL that certain tract of land designated as Lot No. 19, Section No. 7, New Providence, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office of Clearfield County, Pennsylvania, in Misc. Docket Map File No. 25.

**THIRD:** ALL that certain tract of land designated as Lot No. 21, Section No. 7, New Providence, in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 24.

EXCEPTING AND RESERVING from Lots 19 and 21 and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, p. 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.
5. The right of the owner and/or operator of any recreational facilities within the said Treasure Lake Subdivision to assess fees and charges against Grantees, their heirs, administrators, executors, successors and assigns for the use and/or maintenance of any such facilities which if unpaid, shall become a lien upon the land and be an encumbrance against it.

Grantors' request for modification of the Official Development Plan for the Treasure Lake Planned Residential Development for consolidation of Lots 19, 20 and 21 in Section 7 was approved by the Sandy Township Planning

Commission, the Clearfield County Planning Commission, and the Sandy Township Board of Supervisors on June 20, 2005, In accordance therewith, the said Lots 19, 20, and 21, Section 7, are consolidated and described as follows:

BEGINNING at an iron pin located on the southerly edge of the right-of-way of Treasure Lake Road, said pin being the common corner of this lot and lands now or formerly of William J. and Dolores R. Lewis; thence from said point of beginning along said lands, South 70° 59' 30" East a distance of 150.00 feet to a point on the common property corner of this lot and lands now or formerly of William J. and Dolores R. Lewis and Treasure Lake; thence along said Treasure Lake, South 19° 00' 30" West a distance of 225.00 feet to a point on the common property corner of lands now or formerly of Richard Sepko; thence along lands now or formerly of Richard Sepko, North 70° 59' 30" West a distance of 150.00 feet to a point on the common property corner of this lot and lands now or formerly of Richard Sepko and the southerly edge of the right-of-way of Treasure Lake Road; thence along said right-of-way, North 19° 00' 30" East a distance of 225.00 feet to a point and the place of beginning.

CONTAINING 0.775 acres or 33759 square feet, more or less.

UNDER AND SUBJECT, NEVERTHELESS, to all existing easements, covenants, conditions and restrictions of record.

Said premises are portrayed as being Lot 20R of the Lot Consolidation Plan for Rogers Property prepared by Evanko-Renwick Engineering dated May 2, 2005, Project No. 299-001 and recorded June 30, 2005, as Clearfield County Instrument No. 200509844. Being known as Clearfield County Uniform Tax Parcel Number \_\_\_\_\_.

BEING the same premises which were conveyed to Kenneth J. Rogers M.D. and Diane R. Rogers, husband and wife, by deed of Ruth A. Brandt and Robert I. Brandt, M.D., wife and husband, dated and recorded July 14, 2003, as Clearfield County Instrument No. 200312274. ALSO BEING the same premises which were consolidated by deed from Kenneth J. Rogers M.D. and Diane R. Rogers, to Kenneth J. Rogers M.D. and Diane Rynee Rogers dated June 30, 2005, recorded June 30, 2005, as Clearfield County Instrument No. 200509843.