

05-1140-CD

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

DAVID E. MAGNUSON,  
Claimant,

v.

SEAN MALLOY and  
TRICIA MALLOY,  
husband and wife,  
Owners.

No. 05 - 1140 - CD

Type of Pleading:

**MECHANIC'S LIEN CLAIM**

Filed on behalf of:  
Plaintiff/Claimant

Counsel of Record for  
this party:  
JAMES A. NADDEO, ESQUIRE

Supreme Court ID#: 06820  
207 East Market Street  
P. O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

ICC  
013:48.00  
AUG 0 2005  
Att'y Naddeo  
Att'y pd. 20.00  
Statement  
to Att'y

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

DAVID E. MAGNUSON,  
Claimant,

v.

SEAN MALLOY and  
TRICIA MALLOY,  
husband and wife,  
Owners.

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No. 05 - - CD

MECHANIC'S LIEN CLAIM

Claimant, David E. Magnuson, through the undersigned counsel, files this claim against the improvements and property at Trey Brooke Estates, Pike Township, Clearfield County, Pennsylvania, for the payment of a debt due to claimant as a contractor for labor and materials furnished by claimant in the erection and construction of the improvements. In support of the claim the claimant makes the following statement:

1. The owner of the property is Sean Malloy and Tricia Malloy, Trey Brooke Estates, 90 Carr Hill Road, Clearfield, Pennsylvania 16830.

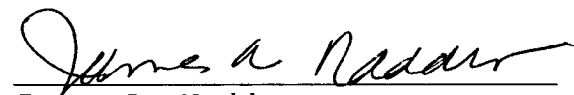
2. The improvement and the property which are subject to this claim are a log cabin dwelling with appurtenant land at Trey Brooke Estates, Carr Hill Road, Clearfield, Pike Township, Clearfield County, Pennsylvania, and more particularly described in Exhibit "A" attached hereto.

3. The labor and materials for which the debt is due were furnished for the agreed sum of Sixty Thousand (\$60,000.00) Dollars pursuant to written contract with the owner, a copy of which is attached hereto as Exhibit "B".

4. The labor and materials for which the debt is due consisted of block foundation, basement floor, excavation, footer, gravel waterproof foundation, French drains, plumbing, heating and air conditioning, electrical work, floor coverings, fireplace, kitchen cabinets and countertops installed.

5. The claimant completed his work at the property on May 25, 2005 which is less than four (4) months before the filing of this claim.

6. Claimant has been paid the sum of Twenty-Seven Thousand Seven Hundred (\$27,700.00) Dollars and there is due and owing a balance of Thirty-Two Thousand Three Hundred (\$32,300.00) Dollars.

  
James A. Naddeo  
Attorney for Claimant

# CLEARFIELD COUNTY RECORDER OF DEEDS

Karen L. Starck, Recorder  
Maurene Inlow - Chief Deputy

P.O. Box 361  
1 North Second Street, Suite 103  
Clearfield, Pennsylvania 16830

**\*RETURN DOCUMENT TO:**

DWIGHT KOERBER  
110 NORTH 2ND ST  
CLEARFIELD, PA 16830

Instrument Number - 200409700

Recorded On 6/16/2004 At 3:06:02 PM

\* Instrument Type - DEED

\* Total Pages - 7

Invoice Number - 112659

\* Grantor - MALLOY, MICHAEL P

\* Grantee - MALLOY, SEAN M

\* Customer - KOERBER, DWIGHT

**\* FEEs**

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$17.00
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL	\$32.50

I hereby CERTIFY that this document  
is recorded in the Recorder's Office of  
Clearfield County, Pennsylvania.



*Karen L. Starck*

Karen L. Starck  
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

## Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

\* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

EXHIBIT "A"

## THIS DEED

MADE the 27 day of May, in the year two thousand four (2004), is by and

BETWEEN MICHAEL P. MALLOY and DEBRA L. MALLOY, Husband and Wife, of Clearfield County, Pennsylvania, Parties of the First Part, hereinafter referred to as "GRANTORS",

A  
N  
D

SEAN M. MALLOY and TRICIA M. MALLOY, Husband and Wife as Joint Tenants by the Entireties, of Clearfield County, Pennsylvania, Party of the Second Part, hereinafter referred to as "GRANTEES".

WITNESSETH, That in consideration of mutual love and affection, the said Grantors do hereby grant and convey to the said Grantees, their heirs, successors and assigns, forever,

ALL that certain tract or piece of land situate in the Township of Pike, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a set 3/4" iron rebar in the southern right of way line of S.R. 2041, said rebar being the northwestern corner of the property described herein; thence along the southern right of way line of S.R. 2041 the following courses and distances: N 43° 55' 17" E, 40.33 feet to a point; N 55° 11' 30" E, 99.06 feet to a point; N 66° 09' 52" E, 89.88 feet to a point; N 69° 34' 21" E, 151.32 feet to a point; N 70° 31' 28" E, 120.23 feet to a point; N 74° 37' 26" E, 94.69 feet to a point; S 37° 03' 50" E, 38.55 feet to a point; S 0° 48' 49" E, 25.27 feet to a point; S 1° 02' 42" E, 74.06 feet to a point; S 11° 46' 39" W, 29.95 feet to a point; S 16° 45' 37" W, 23.72 feet to a point; S 26° 34' 58" W, 25.17 feet to a point; S 32° 01' 30" W, 52.47 feet to a point; S 34° 22' 28" W, 169.50 feet to a point; S 33° 53' 34" W, 165.99 feet to a set 3/4" iron rebar corner; thence along Lot No. 2, N 48° 21' 32" W, a distance of 431.70 feet to a set 3/4" iron rebar corner, the place of beginning.

CONTAINING 3.56 acres and being shown as Lot No. 1 on a plan titled "Final Plan, Consolidation and Subdivision of Land of Michael P. Malloy, Pike Township, Clearfield County", as prepared by Hess & Fisher Engineers, Inc., dated April 3, 1999, Clearfield County Map File No. 1777, recorded May 4, 1999.

FURTHER IDENTIFIED and known as Lot 1 of Trey/Brooke Estates Subdivision. Attached hereto and made a part hereof is a survey map prepared by Hess & Fisher Engineers, Inc., dated 05/03/04, which depicts Lot 1 of the Michael P. Malloy Subdivision.

SUBJECT, HOWEVER, to the following:

Addendum to Revised Declaration of Protective Covenants, Conditions, Restrictions & Reservations Affecting Certain Lots Owned by Michael P. Malloy in Pike Township, Clearfield County, Pennsylvania, dated November 6, 2000 with the Clearfield County Recorder of Deeds at Instrument No. 200016647.

Revised Declaration of Protective Covenants, Conditions, Restrictions & Reservations Affecting Certain lots Owned by Michael P. Malloy in Pike Township, Clearfield County, Pennsylvania, dated and recorded on November 2, 1999, with the Clearfield County Recorder of Deeds at Instrument No. 199918196.

Declaration of Protective Covenants, Conditions, Restrictions & Reservations Affecting Certain Lots Owned by Michael P. Malloy in Pike Township, Clearfield County, Pennsylvania, dated August 19, 1999 and recorded on August 24, 1999 with the Clearfield County Recorder of Deeds at Instrument No. 199914005.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, claim and demand whatsoever, both in

law and equity, of the said parties of the first part, of, in, to or out of the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances, unto the said parties of the second part, their heirs, successors and assigns, to and for the only proper use and behoof of the said parties of the second part, their heirs, successors and assigns forever.

BEING FURTHER SUBJECT TO all restrictions, reservations, conditions and encumbrances of record.

BEING a portion of the same premises as were granted and conveyed unto Michael P. Malloy by Deed of Francis E. and Nina E. Reed, dated March 30, 1990, and recorded at Clearfield County Deed Book Volume 1660, page 40.

THIS TRANSFER is made from parents to son and daughter-in-law, and is therefore exempt from realty transfer tax pursuant to the provisions of 72 P.S. §8102-C.3(6).

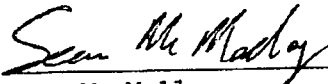


For the purpose of complying with the Act of July 17, 1957, P.L. 984; 52 P.S. Supp. 1551, as amended, of the General Assembly of Pennsylvania, and for no other purpose, there is incorporated herein the following notice:

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.)

## NOTICE

Grantee (hereinafter, whether one or more, called "Grantee") hereby states that he knows that he 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 interests in the coal. (THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1996.)



Sean M. Malloy



Tricia M. Malloy

AND the said Grantors will SPECIALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said Grantors have hereunto set their hands and seals, the day and year first above written.

Sealed in the presence of

\_\_\_\_\_  
\_\_\_\_\_

Michael P. Malloy  
Michael P. Malloy  
Debra L. Malloy  
Debra L. Malloy

Certificate of Residence

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

Dwight L. Koerber, Jr.  
Dwight L. Koerber, Jr., Esquire  
Attorney for Grantees

5764 Glen Hope Boulevard  
Glen Hope, PA 16645

COMMONWEALTH OF PENNSYLVANIA:

:SS:

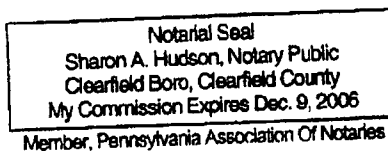
COUNTY OF CLEARFIELD :

On this, the 27 day of May, 2004, before me, a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared **MICHAEL P. MALLOY** and **DEBRA L. MALLOY**, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the above Indenture, and acknowledged that they executed the same for the purposes therein contained.

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

My Commission Expires:

Sharon A. Hudson  
Notary Public



BEARING TABLE		
NUMBER	DIRECTION	DISTANCE
L1	N 43°55'17" E	40.33
L2	N 65°11'30" E	99.06'
L3	N 66°09'52" E	89.88'
L4	N 69°34'21" E	151.32'
L5	N 70°31'28" E	120.23'
L6	N 74°37'26" E	94.69'
L7	S 37°03'50" E	38.55'
L8	S 00°48'49" E	25.27'
L9	S 01°02'42" E	74.06'
L10	S 11°48'39" W	29.85'
L11	S 16°45'37" W	23.72'
L12	S 26°34'58" W	25.17'
L13	S 32°01'30" W	52.47'
L14	S 34°22'28" W	169.50'
L15	S 33°53'34" W	165.99'
L16	N 48°21'32" W	431.70'

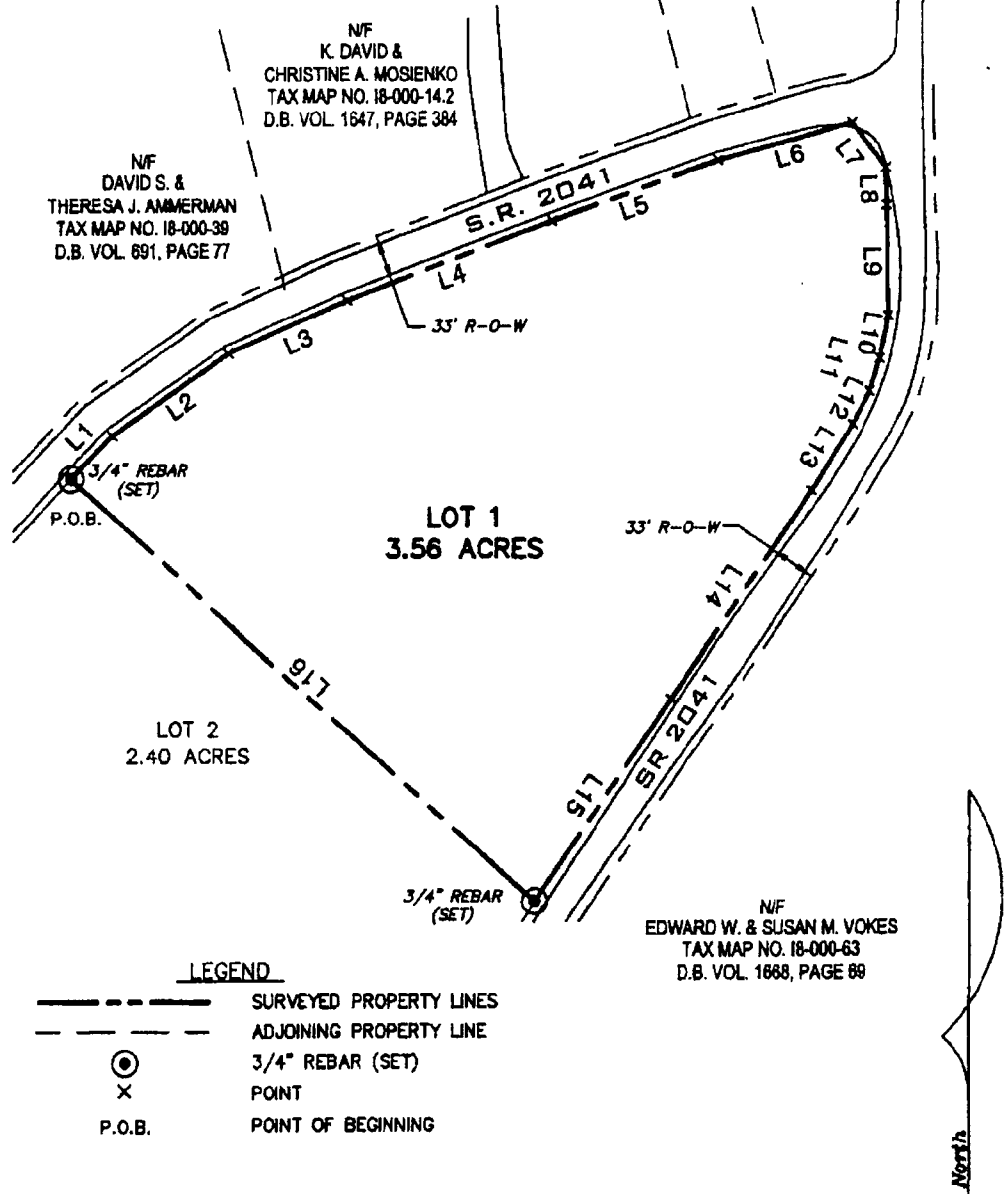
NF  
KIMBERLY A. & JAMES C.  
HOLOCHWOST  
TAX MAP NO. 18-000-14  
D.B. VOL. 1664, PAGE 320

NF  
JACQUELINE L. SCHRAGE  
TAX MAP NO. 18-000-23  
D.B. VOL. 1427, PAGE 335

NF  
K. DAVID &  
CHRISTINE A. MOSIENKO  
TAX MAP NO. 18-000-14.2  
D.B. VOL. 1647, PAGE 384

NF  
DAVID S. &  
THERESA J. AMMERMAN  
TAX MAP NO. 18-000-39  
D.B. VOL. 691, PAGE 77

NF  
EDWARD W. & SUSAN M. VOKES  
TAX MAP NO. 18-000-63  
D.B. VOL. 1668, PAGE 69



DRAWN BY: RL	FILE NO.:	MICHAEL P. MALLOY SUBDIVISION LOT 1 PIKE TOWNSHIP, CLEARFIELD COUNTY	
CHECKED BY: WF	JOB NO.:		
DATE: 5/3/04	FB NO.:	HESS & FISHER ENGINEERS, INC. CONSULTING ENGINEERS & GEOLOGISTS 36 NORTH SECOND STREET CLEARFIELD, PENNSYLVANIA 16830 814-765-7541	
SCALE: 1"=100'	REVISION		
cadserver/malloy/lot1plat.dwg		BY	

Dave Magnuson  
2187 Montgomery Run Road  
CIFI PA 16830

## PROPOSAL

No.

Date

Sheet No.

### Proposal Submitted To:

Name

Malloy

Street

City

State

Phone

### Work To Be Performed At:

Street

City

State

Date of Plans

Architect

We hereby propose to furnish the materials and perform the labor necessary for the completion of Malloy's  
Block Foundation - \$5,000, Basement Floor & Wall  
Extension - \$2,000, Sooter - \$1,600  
Basement - \$500, Water proof Foundation - \$300  
French drains - \$300, Plumbing, Heating & AC - \$10,000  
Electrical work - \$5,000  
Floor Coverings - \$6,000  
Fireplace - \$5,000  
Kitchen cabinets & counter tops installed - \$7,000  
Carpentry work - \$15,000  
Warranty will be guaranteed for one year.

Water & Sewer hook-ups not included.

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications. Should the above work be completed in a substantial workmanlike manner for the sum of  
Sixty thousand & one hundred Dollars \$60,100  
with payments to be made as follows:

Any alteration or deviation from above specifications involving extra charges will be charged to the owner and will be made in advance. Respectfully Submitted,  
Dave Magnuson  
I, the undersigned, hereby agree to the above terms and conditions of the contract. I will keep good time or delays beyond our control. I will not be held responsible for any delay or delay beyond our control. I will not be held responsible for any delay or delay beyond our control. I will not be held responsible for any delay or delay beyond our control.

Per

Note: This proposal may be withdrawn by us if not accepted

within days

### ACCEPTANCE OF PROPOSAL

The above set of specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature


Date

Signature

EXHIBIT B

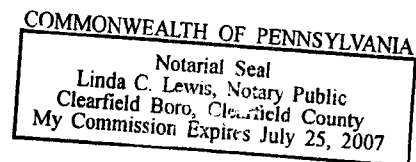
COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared DAVID E. MAGNUSON, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Mechanic's Lien Claim are true and correct to the best of his knowledge, information and belief.

  
David E. Magnuson

SWORN and SUBSCRIBED before me this 4<sup>th</sup> day of August, 2005.

Sandra C Lewis



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

David E. Magnuson  
Plaintiff(s)

No.: 2005-01140-CD

Real Debt: \$32,300.00

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Sean Malloy  
Tricia Malloy  
Defendant(s)

Entry: \$20.00

Instrument: Mechanic's Lien Claim

Date of Entry: August 4, 2005

Expires: August 4, 2025

Certified from the record this 4th day of August, 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

 COPY

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

DAVID E. MAGNUSON,  
Claimant,

v.

SEAN MALLOY and  
TRICIA MALLOY,  
husband and wife,  
Owners.

No. 05 - 1140 - CD

Type of Pleading:

**PRAECIPE TO DISCONTINUE**

Filed on behalf of:  
Plaintiff/Claimant

Counsel of Record for  
this party:  
JAMES A. NADDEO, ESQUIRE

Supreme Court ID#: 06820  
207 East Market Street  
P. O. Box 552  
Clearfield, PA 16830  
(814) 765-1601

**FILED** *Noce*  
*013:32611* *Cert. of Disc.*  
**AUG 17 2005** *to Ally*  
William A. Shaefer *copy to CIA*  
Prothonotary/Clerk of Courts

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

DAVID E. MAGNUSON,  
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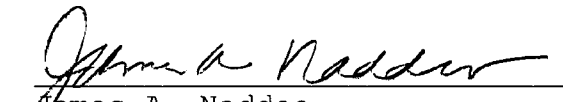
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No. 05 - 1140 - CD

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above-captioned action discontinued.

  
James A. Naddeo  
Attorney for Plaintiff/  
Claimant



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

DAVID E. MAGNUSON,  
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SEAN MALLOY and  
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No. 05 - 1140 - CD

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a  
certified copy of the Praecipe to Discontinue filed in the above-  
captioned case was served on the following and in the following  
manner on the            day of August, 2005:

First-Class Mail, Postage Prepaid


Sea and Tricia Malloy  
Trey Brooke Estate  
90 Carr Hill Road  
Clearfield, PA 16830

---

James A. Naddeo  
Attorney for Plaintiff

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

**CIVIL DIVISION**

 **COPY**

**David E. Magnuson**

**Vs.**

**No. 2005-01140-CD**

**Sean Malloy**

**Tricia Malloy**

**CERTIFICATE OF DISCONTINUATION**

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 17, 2005, marked:

Discontinued

Record costs in the sum of \$20.00 have been paid in full by James A. Naddeo, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 17th day of August A.D. 2005.

---

William A. Shaw, Prothonotary