

**Robert Fye et al vs PASE Excavating et al
2006-1030-CD**

**06-1030-CD
Robert Fye al vs PASE Excavating al**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

CIVIL COURT - DIVISION

ROBERT A. FYE AND THERESA A. FYE, *
his wife, *

vs. *

PASE EXCAVATING & HAULING AND *
FINE LINE HOMES, INC., *

06-1030-CD

FILED
JUN 29 2006

Att'y pd.
20.00

ICC

Any Thompson

William A. Shaw
Prothonotary/Clerk of Courts

WAIVER OF LIENS

KNOW ALL MEN BY THESE PRESENT, THAT WE, the undersigned, Contractors, Mechanics and Material Men, for value received, have remised, released and waived, and by these presents do, for ourselves and heirs, executors and administrators, remise, release, and waive, to and in favor of **ROBERT A. FYE AND THERESA A. FYE**, his wife, their successors and assigns, our right under Act of Assembly, entitled "Mechanics' Lien Law of 1963, effective January 1, 1964," to file or enter on record any Mechanic's Lien or Liens against:

SEE ATTACHED EXHIBIT "A"

for any and all work done upon and material furnished for **ROBERT A. FYE AND THERESA A. FYE**, his wife, or other building on said lot or lots, by us in the erection, building and completion thereof, or that may hereafter be done or furnished on the same, so that a first Mortgage from **ROBERT A. FYE AND THERESA A. FYE**, his wife, to said, **M & T MORTGAGE CORPORATION**, shall be the first lien on said property, so far as are claims are concerned.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the day and the date written opposite our respective signatures.

DATE

IN THE PRESENCE OF

CONTRACTOR

PASE EXCAVATING & HAULING

By: [Signature] (SEAL)
Excavation

FINE LINE HOMES, INC.

By: [Signature] (SEAL)
Construction of Home

EXHIBIT "A"

ALL that certain tract of land being Lot 1 of the Rob and Theresa Fye Subdivision and being situate in the Township of Graham, County of Clearfield and State of Pennsylvania said tract being a part of a tract of land as shown on a deed recorded as Instrument Number 200410494 in the Office of Records, Clearfield County, Pennsylvania, said Lot-1 being more particularly described as follows:

BEGINNING at an iron pin in the centerline of Pennsylvania Route 2033 said iron pin being S 37° 05' 04" W a distance of one hundred seventy six and 61/100 feet (176.61 feet) from the northwest corner aforesaid tract of land as shown on a deed recorded as Instrument Number 200410494; thence through the lands of now or formerly, Robert and Theresa Fye, S 57° 41' 47" E a distance of six hundred ninety three and 69/100 feet (693.69 feet) to an iron pin; thence along same S 00° 30' 27" W a distance of four hundred eighty six and 44/100 feet (486.44 feet) to an iron pin on the line of land of now or formerly Jonathan Emigh Heirs; thence along the line of land of said Jonathan Emigh Heirs, N 89° 29' 33" W a distance of six hundred forty and 32/100 feet (640.32 feet) to an iron pin; thence along same N 00° 30' 31" E a distance of seven hundred sixty five and 78/100 feet (765.78 feet) to a point at the centerline of aforesaid Pennsylvania Route 2033; thence along said centerline the following two courses and distances, N 30° 46' 36" E a distance of seventy one and 76/100 feet (71.76 feet) to a point; thence along same along a curve to the right having a radius of one thousand fifty nine and 55/100 feet (1059.55 feet), a delta angle of 01° 31' 38", a chord bearing of N 31° 32' 24" E, a chord distance of twenty eight and 24/100 feet (28.24 feet) a arc distance of twenty eight and 24/100 feet (28.24 feet) to the point of beginning.

CONTAINING 435,600.00 square feet or 10.00 acres and being designated as Lot-1 of the Rob and Theresa Fye Subdivision on a map prepared by GeoTech Engineering, Inc., dated May 1, 2006, and recorded May 18, 2006, in the Clearfield County Recorder's Office at Instrument No. 200607659.

BEING further identified as Clearfield County Tax Parcel No. 116-P10-14 as shown on the assessment map in the records of Clearfield County, PA.

BEING the same premises as vested unto the Borrowers herein by deed recorded at Instrument #200607819.