

06-1620-CD
N. American Lan vs Alder Run Eng.

North American vs Alder Run
2006-1620-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

North American Land Corporation CIVIL ACTION
(Plaintiff)

(Street Address)

(City, State ZIP)

VS.

Alder Run Engineering
(Defendant)

(Street Address)

(City, State ZIP)

No. 2006-1620-CD

Type of Case: _____

Type of Pleading: _____

Filed on Behalf of:

PLAINTIFF
(Plaintiff/Defendant)

Robert M. HANAK
(Filed by)

PO Box 487, DuBois, PA 15801
(Address)

(814) 371-7768
(Phone)

Robert M. Hanak
(Signature)

FILED

9/9:00am
OCT 05 2006

pd \$20.00 Att
No cl.

William A. Shaw
Prothonotary/Clerk of Courts

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

WHEREAS, North American Land Corporation, t/d/b/a Atlantic Land Corporation, Owner, has entered into a contract with Alder Run Engineering of 107 Coal Street, Osceola Mills, PA 16666, Contractor, with regard to development of vacant land in the Township of Goshen, County of Clearfield and Commonwealth of Pennsylvania, on premises described on the attached Exhibit "A".

NOW, THEREFORE, it is hereby stipulated and agreed by and between the parties hereto, as part of the said contract and for the consideration therein set forth, that neither the undersigned Contractor, any subcontractor, materialmen, or mechanic, nor any other person furnishing labor or materials to the said Contractor under this contract shall file any mechanic's or other lien or claim for work done or material furnished in or about the performance of said contract against the ground upon which the structure or work herein provided for is erected or done or against any structure thereon erected or to be erected, or against any structure or property whatsoever covered by said contract.

THIS stipulation is specifically made with the purpose and intent that it be filed in the Prothonotary's Office of Clearfield County, Pennsylvania, in accordance with and under and by virtue of an Act titled Mechanic's Lien Law of 1963, P.L. 1175, No. 497, as amended, in order to operate as a complete waiver by the Contractor and all subcontractors of the right to file any mechanic's lien of any nature and in any manner.

IN WITNESS WHEREOF, the said parties have caused this waiver to be
duly executed the 2nd day of October, 2006.

Witness:

Jannie M. Monroe

North American Land Corporation,
t/d/b/a Atlantic Land Corporation, Owner

[Signature] (SEAL)

Witness:

[Signature]

Alder Run Engineering

Michelle M. Morrow (SEAL)
Contractor PRESIDENT

Exhibit A

**North American Land Corporation, a Virginia Corporation,
d/b/a Atlantic Land Corporation
Goshen Township, Clearfield County, PA**

Tax I. D. #115.0-M02-000-00002

All that certain piece or parcel of real estate located in Goshen Township, Clearfield County, Pennsylvania, bounded and described as follows:

Being all of Warrant No. 5326, which contains 1,100 acres, together with allowances. The property is identified as Clearfield County Tax Map Parcel No. 115.0-M02-00002 (simplified Map Parcel No. 115-M-2). The said parcel is bounded on the North by the Pennsylvania State Forest Lands; bounded on the West by Pennsylvania State Forest Lands; bounded on the South by Pennsylvania State Forest Lands, lands now or formerly of Ralph W. Maines and small tracts, and bounded on the East by lands of the Pennsylvania Game Commission.

For reference a scale down of the said map is attached hereto and incorporated by reference.

Being the same premises conveyed to The Orchard Club, (then a corporation), by deed of F. M. Sweeney, Dorsey Wilson and Harry Demott, Trustees of the Orchard Club dated October 15, 1920, and recorded on October 25, 1920, in Clearfield County Deed Book 246, page 233.

And Being the same premises conveyed by The Orchard Club, a non-incorporated association, by its individual members, George A. Glagolich, a single person; Janice L. Lavelly, an individual with the joinder of her husband, Donald P. Lavelly; Dorsey B. Wilson, an individual with the joinder of his wife, Dorothy L. Wilson; Margaret W. Richards a single person and widow; Ronald C. Richards, a single person; and Mary B. McCluskey, a single person, all individuals and as members of The Orchard Club to North American Land Corporation, a Virginia Corporation, d/b/a Atlantic Land Corporation, by deed dated September 15, 2005, and recoded in the Office of the Recorder of Clearfield County as Instrument #200515565.

Pursuant to a Petition filed in the Court of common Pleas of Clearfield County for the dissolution of The Orchard Club at Docket No. 98-1269-CD, the Court ordered that The Orchard Club is a non-incorporated association comprised of the individuals who are the Grantors above. Such holding is in the Court Order dated January 25, 2000, and such Order declared that Margaret Richards was a tenant in common owner of an undivided 12-½ % interest in the above described real estate, Ronald C. Richards was an owner of an undivided 12-½ % interest in the above described real estate, Janice L. Lavelly was an owner of an undivided 12-½ % interest in the above real estate, George A. Glagolich was an owner of an undivided 25% interest in the above described real estate, Mary McCluskey was an owner of an undivided 12-½ % interest in the above described real estate, and Dorsey Wilson was an owner of an undivided 25% interest in the above described real estate.

Exhibit 'A'

ALL that certain piece or parcel of land situate in Goshen Township, Clearfield County, Pennsylvania, being more particularly described as follows:

BEGINNING at a 5/8" rebar w/cap on the North side of Caledonia Pike; thence South 71° 38' 42" East along the North side of the same, a distance of 2062.60' to 5/8" rebar w/cap to be set; thence North 00° 44' 13" East a distance of 270.00' to a 5/8" rebar w/cap to be set; a distance of 270.00' to a 5/8" rebar w/cap to be set; thence South 71° 56' 04" East, a distance of 66.26' to a 5/8" rebar w/cap to be set; thence North 00° 46' 59" East a distance of 2006.33' to a 5/8" rebar w/cap to be set; thence North 89° 13' 43" West along the lands of "The Orchard Club", a distance of 2029.43' to an existing 5/8" rebar w/cap; thence South 00° 46' 55" West along the land of the State Forest, a distance of 1363.25' to a 5/8" rebar w/cap to be set, also the point of beginning. Containing 78.10 acres or 3402093.36 square feet more or less and as otherwise depicted in a Survey Map prepared by James E. Pahel, PLS and dated September 21, 2006.

BEING the same premises conveyed to North American Land Company d/b/a Atlantic Land Corporation by deed of Ralph W. Maines and Nellie Lorraine Maines, husband and wife, dated September _____, 2006, and intended to be recorded concurrently herewith.