

06-1806-CD
Stoltz Realty vs Dave Roman Excavating

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Stoltz Realty vs Dave Roman Excavat.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

STOLTZ REALTY PARTNERSHIP : No. 2006-1806-CV
Owner/Plaintiff

VS. : Type of pleading:
DAVE ROMAN EXCAVATING, INC. : WAIVER OF RIGHT TO
Contractor/Defendant : FILE MECHANIC'S LIEN

Filed on behalf of:

Stoltz Realty Partnership

Counsel of Record for This
Party:

Robert M. Hanak, Esquire
Supreme Court No. 05911
Hanak, Guido and Taladay
P. O. Box 487
DuBois, PA 15801

814-371-7768

Dated: 10-30-06

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.

FILED *EN*
NOV 03 2006
08:45 *PS*
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

STOLTZ REALTY PARTNERSHIP : No.
Owner/Plaintiff :
VS. :
DAVE ROMAN EXCAVATING, INC. :
Contractor/Defendant :

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

WHEREAS, STOLTZ REALTY PARTNERSHIP, Owners, have entered into a contract with Dave Roman Excavating, Inc., Contractor, with regard to excavation and commercial construction on property located on Beaver Drive, DuBois, Clearfield County, 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.

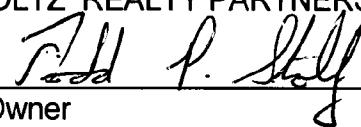
THIS stipulation is specifically made with the purpose and intent that it be filed in the Prothonotary's Office of Clearfield County, Pennsylvania, in accordance with and under and by virtue of an Act titled Mechanic's Lien Law of 1963, P.L. 1175, No. 497, as amended, in order to operate as a complete 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 30th day of October, 2006.

Witness:



STOLTZ REALTY PARTNERSHIP

By  (SEAL)
Owner

Witness:



DAVE ROMAN EXCAVATING, INC.

By  (SEAL)
(Contractor)

**Stoltz Realty Partnership
City of DuBois, Clearfield County, PA**

Tax I. D. #007.3-030-000-10503

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 inch pipe (found) on the southern right of way line of Beaver Drive, said pipe being the northwest corner of lands now or formerly 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 now or formerly of Ralph T. Rosselli, Jr., and Yvonne A. Rosselli South 07 degrees 52 minutes 14 seconds West a distance of 175.57 feet to a $\frac{3}{4}$ inch rebar (found), said rebar being the southwest corner of the lands now or formerly of Ralph T. Rosselli, Jr. and Yvonne A. Rosselli, and being on the northern line of the Mitigation Area 1 of the lands now or formerly of the City of DuBois; thence along the northern line of the Mitigation Area 1 of the lands now or formerly of the City of DuBois the following courses and distances: North 74 degrees 01 minutes 10 seconds West a distance of 32.50 feet to a $\frac{3}{4}$ inch rebar (set); South 30 degrees 29 minutes 18 seconds West a distance of 384.47 feet to a $\frac{3}{4}$ inch 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 degrees 07 minutes 56 seconds West a distance of 900.93 feet to a $\frac{3}{4}$ inch rebar (set); thence along through lands now or formerly of the City of DuBois for a new subdivision line North 07 degrees 27 minutes 54 seconds East a distance of 417.28 feet to a $\frac{3}{4}$ inch 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 degrees 04 minutes 08 seconds East a distance of 1077.20 feet to a 1 inch 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.

Being the same premises conveyed by deed of the City of DuBois, a Municipal Corporation of the Third Class, to Stoltz Realty Partnership, a Pennsylvania Partnership, dated June 20, 2005, and recorded in the Office of the Recorder of Clearfield County as Instrument #200509567