

07-929-CD

Robert Hanak et al vs Yates Excavation Inc

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Robert Hanak et al vs Yates Excavation

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

ROBERT M. HANAK and MATTHEW B.
TALADAY, Individuals and Partners,
trading as Hanak, Guido and Taladay,
Owners/Plaintiffs :

vs. :

YATES EXCAVATION, INC.,
Contractor/Defendant :

FILED Atty
03/23/2001 Mohney
JUN 11 2001 pd. of
William A. Shaw 20.00
Prothonotary/Clerk of Courts
ICC Hanak,
Guido & Taladay

No. 07-929-CD

WAIVER OF RIGHT TO FILE MECHANIC'S LIEN

It is understood and agreed that the above named Contractor/Defendant will not file any Mechanic's Lien Claim or similar encumbrance for labor, material, or services furnished pursuant to a contract for the construction, erection, alteration, or repair of any building or improvement on land of Robert M. Hanak and Matthew B. Taladay, Individuals and Partners trading as Hanak, Guido and Taladay, Owners, located in the City of DuBois, Clearfield County, Pennsylvania, described on the attached Exhibit "A".

It is further understood that the execution of this agreement shall bind the undersigned General Contractor, any subcontractors dealing through him, any materialmen, or any other person providing services through any contract or agreement with the said Contractor or the said Owners.

The Contractor does hereby verify that on this date no work or services have been performed pursuant to the Construction Agreement, and no deliveries have been made to the Owners' premises which have not been paid.

IN WITNESS WHEREOF, the parties have hereunto set
their hands and seals this 8 day of June, 2007.

OWNERS/PLAINTIFFS:

Robert M. Hanak (SEAL)
Robert M. Hanak

Matthew B. Taladay (SEAL)
Matthew B. Taladay

CONTRACTOR/DEFENDANT:

YATES EXCAVATION, INC.,

By: Michael C. Prez

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 and Tenant as both Plaintiff and Defendant

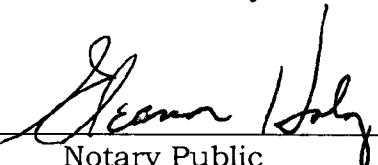
COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

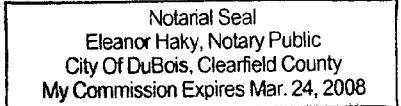
On this, the 7th day of June, 2007, before me, the undersigned officer, personally appeared Michael Detelice who acknowledged himself to be the President of **YATES EXCAVATION, INC.**, and that he, as such President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as President.

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



Notary Public

COMMONWEALTH OF PENNSYLVANIA



Member, Pennsylvania Association Of Notaries

EXHIBIT A

ALL of the Grantor's right, title and interest in and to all that certain lot of land situate in the City of DuBois, County of Clearfield, and State of Pennsylvania, bounded on the North by a proposed 70 foot street; on the East by a proposed 50 foot street; on the South by lands now or formerly of the School District of the City of DuBois; and on the West by Liberty Boulevard, and more particularly described as follows:

BEGINNING at a tack in plug on the Eastern boundary of Liberty Boulevard at the intersection of said Liberty Boulevard with a proposed or projected 70 foot street; thence South $71^{\circ} 22'$ East along the Southern boundary of the said proposed 70 foot street 226.63 Feet, more or less, to the Southwest intersection of the said proposed 70 foot street with a proposed 50 foot street; thence South $28^{\circ} 46'$ West along the Western boundary of the said proposed 50 foot street 174.6 Feet, more or less, to a point in the Northern boundary of lands now or formerly of the School District of the City of DuBois; thence along the Northern boundary of said lands North $61^{\circ} 14'$ West 223.1 Feet, more or less, to a tack in plug in the Eastern boundary of Liberty Boulevard; thence along the Eastern boundary of said Liberty Boulevard, North $28^{\circ} 46'$ East 134.85 Feet to the place of beginning. Said described premises being substantially in the location and position as shown outlined in red in the blue print map attached to and made a part of the Deed from L. A. Dixon, et al., to Schneider Motor Sales, Inc., recorded at Clearfield, Pennsylvania, in Deed Book No. 394, Page 148.

BEING the same premises conveyed to Cletas Heller and Frank Vitarelli, t/d/b/a St. Marys Television, by Deed of Schneider Motor Sales, Inc., dated the 24th day of April, 1964, and recorded in the Office of the Recorder of Deeds of Clearfield County, PA, in Deed Book Volume 507, Page 475.

EXCEPTING AND RESERVING those three (3) parcels as described in the Deed above mentioned.

ALSO EXCEPTING AND RESERVING, however, all the coal and other minerals in and under the hereinbefore described premises.

FURTHER EXCEPTING AND RESERVING, all the gas and oil and SUBJECT to Gas and Oil Lease between Schneider Motor Sales, Inc. and Lee E. Minter, dated June 28, 1960, and recorded at Clearfield, Pennsylvania, in Miscellaneous Book No. 122, Page 151.

TOGETHER with all the right, title and interest of the Grantor herein, in and to that certain Agreement with L. A. Dixon, et al., dated December 11, 1948, and not recorded.

UNDER AND SUBJECT to all other exceptions, reservations and restrictions which may appear in the recorded chain of title or which can be ascertained from an inspection of the premises.

The said Cletas Heller did become deceased on the 7th day of June, 2006, with his Last Will and Testament being duly admitted to probate by the Register of Wills of Clearfield County, PA, whereby First Commonwealth Bank - Trust Division was duly granted Letters Testamentary thereon with full power and authority to convey the premises herein described.