

07-1313-CD
James Mehok vs Coulter Construc.

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

JAMES MEHOK and :
JOYCE MEHOK, :
Owners : 2007-1313-WML
vs. :
COULTER CONSTRUCTION, : Type of Case:
Contractor : Mechanic's Lien Waiver
: Counsel of Record:
: Peter F. Smith, for the Owner
: PA. ID. No. 34921
: 30 South Second Street
: P.O. Box 130
: Clearfield, PA 16830
: (814) 765-5595
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:
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Wm A. Shaw
Prothonotary/Clerk of Courts

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

JAMES MEHOK and	:	
JOYCE MEHOK,	:	
Owners	:	2007- -WML
	:	
vs.	:	
	:	
COULTER CONSTRUCTION,	:	
Contractor	:	

WAIVER OF MECHANIC'S LIEN

THIS AGREEMENT, waiving the right to file Mechanic's Lien, is made this 14th day of August, 2007, between JAMES MEHOK & JOYCE MEHOK, with mailing address of P.O. BOX 55, Force, Pennsylvania 15841, hereinafter called "OWNERS", and HERB COULTER d/b/a COULTER CONSTRUCTION, with place of business at 299 Good Street, Clearfield, Pennsylvania 16830, hereinafter referred to as "CONTRACTOR".

WHEREAS, CONTRACTOR has agreed to furnish certain materials and labor for the construction of a home on all that parcel of land located in Union Township, Clearfield County, Pennsylvania, and being more particularly described as follows:

All that certain piece, parcel or tract of land lying and being situate in Union Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at a p.k. nail (set) on the centerline of Township Road T-361, said nail being on the northwest corner of lands of Irwin and Shelia Kaufman, as described in Instrument Number 200619612, said place of beginning also lying along lands of Emory P. and Arveda L. Miller, as was described in Deed Book 534, Page 332, said place of beginning also being the southwest corner of the parcel herein conveyed and running:

North 23 degrees 43' 55" East a distance of 135.95 feet to a point; North 23 degrees 11' 02" East a distance of 65.74 feet to a point; North 19 degrees 29' 32" East a distance of 96.32 feet to a point; North 11 degrees 13' 20" East a distance of 59.99 feet to a p.k. nail (set) in the centerline of said

township road, said p.k. nail being the southeast corner of Orner Farms, Inc. as described in Instrument Number 200617745;

North 04 degrees 39' 00" East a distance of 55.54 feet to a point; North 01 degrees 52' 24" East a distance of 49.33 feet to a point; North 00 degrees 54' 31" East a distance of 136.51 feet, along to a point, said point being the southwest corner of the grantor; Thence North 89 degrees 05' 23" East a distance of 2035.93 feet, through lands of the grantor and passing through a 3/4 inch rebar at 30.00 feet to a 3/4 inch rebar set, said rebar lying along the western boundary of Duane B. Kirk, as described as in Deed Book 725, page 269; Thence South 00 degrees 35' 32" East a distance of 429.42 feet, along Duane B. Kirk to a 3/4 inch rebar set, said rebar lying along the northern line of Larry P. and Kathy Orcutt, as described in Deed Book 728, page 446;

Thence North 89 degrees 48' 46" West a distance of 978.56 feet, along Larry P. and Kathy Orcutt to a 3/4 inch rebar set; Thence South 00 degrees 16' 26" West a distance of 160.08 feet, along the same to a 3/4 inch rebar set, said rebar being the northeast corner of Irwin and Shelia Kaufman; Thence South 89 degrees 15' 46" West a distance of 1193.58 feet, along Irwin and Shelia Kaufman and passing through a 3/4 inch rebar set at 1163.58 feet to a p.k. nail (set) and place of beginning.

CONTAINING 1,045.811 sq. ft. 24.009 acres and known as Parcel 2 of the Raymond E. and Helen Bloom Subdivision dated March 5, 2007, and shown on map prepared by Curry and Associates, a copy of which was filed in the mapping records of the Office of the Register and Recorder of Clearfield County, Pennsylvania, as Instrument No. 200710060, on June 15, 2007. Bearings above are based on true North.

The above description was prepared by Curry & Associates in accordance with a survey performed by them as reference above.

EXCEPTING AND RESERVING a parcel of land previously conveyed to Kevin Miller by Deed of Susan Mehok and Jeanne McMinn, Co-Executrices of the Estate of Helen Bloom, a/k/a Helen Z. Bloom, deceased; and Kevin Miller, dated December 28, 2005, and recorded in the Office of the Register and Recorder of Clearfield County, Pennsylvania, as Instrument No. 200522361, on December 30, 2005, which premises is bounded and described as follows:

BEGINNING at a rebar and cap the Southeast corner of the parcel herein described;

Thence North 69 degrees 36' 49" West, a distance of 82.65 feet along the south line of the parcel herein described to a rebar and cap; Thence North 20 degrees 23' 11" East, a distance of 93.61 feet along the west line of the parcel herein described to a rebar and cap; Thence South 69 degrees 36' 49" East, a distance of 82.65 feet along the north line of the parcel herein described to a rebar and cap; Thence South 20 degrees 23' 11" West, a distance of 93.61 feet along the east line of the parcel herein described to a rebar and cap;

The above-described parcel contains or is said to contain 7,736 square feet or 0.18 acres of land, more or less, and is shown as Parcel A on survey map prepared by Land and Mapping Services, entitled, "Plan of Subdivision for Raymond & Helen Bloom Estate", dated February 18, 2005, a copy of which is filed in the mapping records of the Office of the Register and Recorder of Clearfield County, Pennsylvania, as Instrument No. 200507305, on May 17, 2005.

FURTHER EXCEPTING AND RESERVING unto Kevin Miller, his heirs and assigns forever, the use of a private right-of-way in ingress, egress and regress to and from the above-set forth conveyed property and Township Road T-361, formerly known as Township Road 360, which right-of-way shall be used in common with Raymond E. and Helen Bloom, their heirs and assigns forever, as described in said Deed recorded in Instrument Number 200522361. The centerline of said right-of-way being described as follows:

BEGINNING at the centerline of Township Road 361 (formerly known as Township Road 360) and the centerline of the right-of-way as herein described,

Thence South 89 degrees 31' 27" East, a distance of 449.97 feet to a point; Thence North 71 degrees 29' 04" East, a distance of 60.01 feet to a point; Thence North 37 degrees 40' 26" East, a distance of 86.29 feet to a point; Thence North 27 degrees 52' 47" East a distance of 220.00 feet to a point; Thence North 19 degrees 19' 45" West a distance of 46.68 feet to a point; said point being the end of the right-of-way herein described, said point also being located North 69 degrees 36' 49" West a distance of 41.32 feet from a rebar and cap at the southeast corner of the parcel herein described.

The above descriptions were prepared by Land and Mapping Services, Professional Land Surveyors, in accordance with a survey preformed by them and is more particularly set forth on survey map prepared by Land and Mapping Services, entitled, "Plan of subdivision for Raymond and Helen Bloom Estate," dated February 18, 2005, a copy of which is filed in the mapping records of the Office of the Register and Recorder of Clearfield County, Pennsylvania, as Instrument No. 200507305, on May 17, 2005.

ALSO EXCEPTING AND RESERVING unto Kevin Miller, his heirs and assigns forever, a right-of-way for access to the second story garage door located on the westerly side of the garage situate on the above-set forth premises via use of that portion of an old lane which connects from the second story garage door to the private right-of-way above described. Said use by the said Kevin Miller, his heirs and assigns forever, shall be for the purpose of ingress, egress and regress to and from the second story garage door and the private right-of-way above described. Said portion of the old lane to be used in common with the Grantees herein, their heirs and assigns forever.

UNDER AND SUBJECT to all other exceptions, reservations rights-of-way and restrictions which may appear in the recorded chain of title.

FURTHER EXCEPTING AND RESERVING unto Susan Mehok ad Jeanne McMinn, their heirs and assigns forever, all of the gas, oil, coal and other minerals located in, on or under the above-set forth premises, together with the right to remove the same and receive all royalties under any current leases to be executed in the future.

BEING the same premises conveyed to James Mehok and Joyce Mehok by deed dated June 11, 2007 and recorded at Clearfield County Instrument Number 200710061.

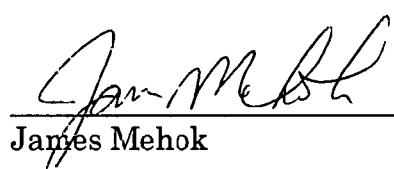
NOW, THEREFORE, it is hereby stipulated by and between the said parties as part of the said Contract and for the consideration set forth, that before any of the above construction is commenced, neither the undersigned CONTRACTOR, any subcontractor or materialman, nor any other person furnishing labor or materials to the said CONTRACTOR under the contract above referred to, shall file a lien commonly known as a Mechanic's Lien, for work done or materials furnished to the said building or any part thereof.

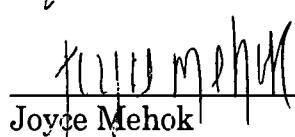
This stipulation is made and intended to be filed with the Clearfield County Prothonotary in accordance with the requirements of the Act of Assembly of Pennsylvania in such cases made and provided.

CONTRACTOR acknowledges that he, it or they have inspected the land in question and that no part of it has been disturbed by the CONTRACTOR or anyone claiming by or through him prior to the execution of this Agreement.

IN WITNESS WHEREOF, the parties have properly executed this Agreement the day and year first above written.

OWNERS:


James Mehok


Joyce Mehok

CONTRACTOR:

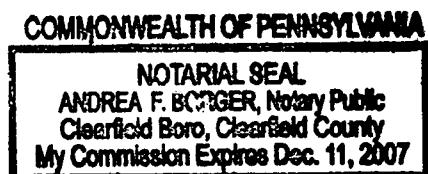

Herb Coulter d/b/a
Coulter Construction

AFFIDAVIT

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared JAMES MEHOK and JOYCE MEHOK, who being duly sworn according to law deposes and says that they are the Owners in the foregoing Waiver of Mechanic's Lien, and further that they executed the foregoing Waiver of Mechanic's Lien for the purposes contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14th day of August, 2007.



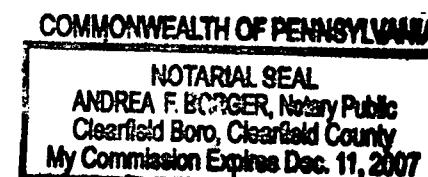
Andrea F. Borg
Notary Public

AFFIDAVIT

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Before me, the undersigned officer, personally appeared HERB COULTER, d/b/a COULTER CONSTRUCTION, who being duly sworn according to law deposes and says that he is the contractor in the foregoing Waiver of Mechanic's Lien, and further that he executed the foregoing Waiver of Mechanic's Lien for the purposes contained therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 14TH day of August, 2007.



Andrea F. Borg
Notary Public