

05-650-CD  
Allstate Insurance vs. K. Lucas, et al

Allstate Ins Co. et al v. Kathy Lucas et al  
2005-650-CD

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

ALLSTATE INSURANCE COMPANY,  
SUBROGEE OF ALFRED SMITH

vs.

KATHY LUCAS, ROY HURD  
and LINDA HURD

CIVIL DIVISION, ARBITRATION  
AND STATUTORY APPEALS ONLY

CASE NO. *05-650-cd*

TYPE OF PLEADING:  
Civil Action Complaint

CODE AND CLASSIFICATION:

FILED ON BEHALF OF :  
Plaintiff(s)

NAME, ADDRESS AND TELEPHONE OF:  
Counsel of Record

Robert E. Cherwony, Esquire  
KRAFT & KRAFT, P.C.  
1311 Spruce Street  
Philadelphia, PA 19107  
215-546-5100  
Attorney No. 17623

*1301m 13:12/2005 Atty pd. 85.00*

FILED *2ccShaw*  
MAY 09 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

KRAFT & KRAFT, P.C.  
BY: Robert E. Cherwony, Esquire  
Identification No. 17623  
1311 Spruce Street  
Philadelphia, PA 19107  
(215) 546-5100

---

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,  
SUBROGEE OF ALFRED SMITH  
3800 Electric Road  
Roanoke, VA 24018

vs.  
KATHY LUCAS  
3103 Morrisdale Allport Highway  
Morrisdale, PA 16858  
and  
ROY HURD and LINDA HURD  
350 German Road  
Snow Shoe, PA 16874

COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PA

CIVIL ACTION AT LAW

NO.

**CIVIL ACTION COMPLAINT**

**"NOTICE"**

"You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you."

"YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER."

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**"AVISO"**

"Le han demandado a usted en la corte. Si usted quiere defenderse de este demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demands y la notification. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notification. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted."

"LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL."

David Meholick  
Court Administrator  
1 N. 2nd Street  
Clearfield, PA 16830

KRAFT & KRAFT, P.C.  
BY: Robert E. Cherwony, Esquire  
Attorney No. 17623  
1311 Spruce Street  
Philadelphia PA 19107  
(215) 546-5100

Attorney for Plaintiff(s)

ALLSTATE INSURANCE COMPANY,  
SUBROGEE OF ALFRED SMITH  
3800 Electric Road  
Roanoke, VA 24018

: COMMON PLEAS COURT OF  
CLEARFIELD COUNTY, PA

v.

: CIVIL ACTION AT LAW

KATHY LUCAS  
3103 Morrisdale Allport Highway  
Morrisdale, PA 16858  
and  
ROY HURD and LINDA HURD  
350 German Road  
Snow Shoe, PA 16874

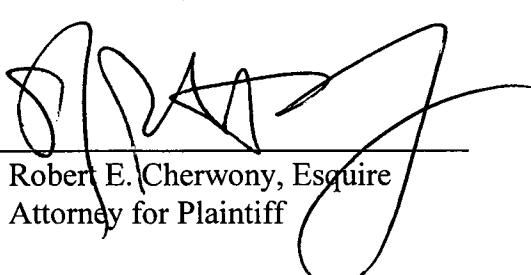
: No.

CIVIL ACTION

1. Plaintiff is a corporation with an address as set forth above.
2. Defendants are individuals who resides at the addresses set forth above.
3. On or about August 2, 2003, due to defendant's negligence and carelessness, plaintiff's insured sustained damages in the sum of \$6,002.74. Attached hereto, made a part hereof and marked Exhibit "A" is a true and correct copy of plaintiff's proof of liability.
4. Although demand has been made, defendant has failed and refused to compensate plaintiff.

WHEREFORE, plaintiff claims of the defendant(s) the sum of \$6,002.74 plus interest in the amount of \$597.18, for a total of \$6,599.92 plus court costs, all of which are justly due and owing from the defendant(s) to the plaintiff.

KRAFT & KRAFT, P.C.

BY: 

Robert E. Cherwony, Esquire  
Attorney for Plaintiff



October 2, 2003

ROY HURD  
P.O. BOX 234  
SNOWSHOE, PA 16874

Our Claim #: 5132307974  
Our Insured: ALFRED F. SMITH  
Total Claim Payout: \$3,126.37  
Loss Date: 12/18/03

Mr. Hurd:

After an investigation of the loss sustained by our insured, it is our opinion that you are legally responsible for the damages. We have made a settlement with our insured and our insured's claim against you has been forwarded to us.

Our insured sustained damages to their residence after you vandalized our insured's property. We are now seeking our legal subrogation rights against your this loss.

I have spoken to Kathy Lucas in regards to this claim and she has agreed to make payments to cover half of this claim. I have transferred this file to an outside attorney in order for them to set up those payments. I have also informed them to contact you for the other half. If you would like to contact them in regards to this claim in order to set up payments for the remaining half of this claim you can do so by calling 1-888-222-1211. If you give them the claim number for this file, which is # 5132307974, they will be able to assist you.

I can be reached at 1-800-776-2615, ext. 306 from 8:00 AM to 4:45 PM EST. Thank you for your cooperation in this matter.

Sincerely,

*CoPY*

Ben Johnston, Claims Representative  
Allstate Insurance Company  
Roanoke National Subrogation Claims Center  
E-mail address: CLD4J@Allstate.com



September 26, 2003

KATHY LUCAS  
P.O. BOX 362  
MORRISDALE, PA 16858

Our Claim #: 5132307974  
Our Insured: ALFRED F. SMITH  
Total Claim Payout: \$6,252.74  
Loss Date: 12/18/03

Dear Ms. Lucas:

After an investigation of the loss sustained by our insured, it is our opinion that you are legally responsible for the damages. We have made a settlement with our insured and our insured's claim against you has been forwarded to us.

Our insured sustained damages to their residence after you vandalized our insured's property. We are now seeking our legal subrogation rights against your this loss.

Please forward full payment to us at this time or contact this office to discuss alternate payment arrangements. All payments should be sent to the Allstate Payment Processing Center P.O. Box 227257 Dallas, TX 75222-7257 Attn: SUBRO CASH.

I can be reached at 1-800-776-2615, ext. 306 from 8:00 AM to 4:45 PM EST. Thank you for your cooperation in this matter.

Sincerely,

*Copy*

Ben Johnston, Claims Representative  
Allstate Insurance Company  
Roanoke National Subrogation Claims Center  
E-mail address: CLD4J@Allstate.com

SMITH

SON - Glenn Hurd 13 yrs old

Father & Mother - Roy & Linda Hurd

P.O. Box 234

Snow Shoe, PA. 16874

DAUGHTER - CHRISTINA Hockenbury 14 yrs old

Mother - KATHY LUCAS

P.O. Box 362

Morrisdale, PA 16858

SEP - 4 2003

VERIFICATION

I, the undersigned, in my capacity as DPE  
of allstate, Plaintiff herein, certify that the  
facts set forth in the foregoing Complaint are true and correct to  
the best of my knowledge or information and belief. I make this  
Verification subject to the penalties of 18 Pa. C.S. Section 4904  
relating to unsworn falsification to authorities, which provides  
that if I knowingly make false statements, I may be subject to  
criminal penalties.

Doug Paff  
Signature

Doug Paff  
Print or Type Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100459  
NO: 05-650-CD  
SERVICE # 1 OF 3  
COMPLAINT

PLAINTIFF: ALLSTATE INSURANCE COMPANY, SUBROGEE OF ALFRED SMITH  
VS.  
DEFENDANT: KATHY LUCAS, ROY HURD and LINDA HURD

**SHERIFF RETURN**

---

NOW, May 11, 2005 AT 10:25 AM SERVED THE WITHIN COMPLAINT ON KATHY LUCAS DEFENDANT AT 3103 MORRISDALE ALLPORT HWY., MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KATHY LUCAS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

FILED  
01:58 PM  
MAY 24 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100459  
NO: 05-650-CD  
SERVICE # 2 OF 3  
COMPLAINT

PLAINTIFF: ALLSTATE INSURANCE COMPANY, SUBROGEE OF ALFRED SMITH  
VS.  
DEFENDANT: KATHY LUCAS, ROY HURD and LINDA HURD

**SHERIFF RETURN**

---

NOW, May 10, 2005, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON ROY HURD.

NOW, May 13, 2005 AT 9:30 AM SERVED THE WITHIN COMPLAINT ON ROY HURD, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100459  
NO: 05-650-CD  
SERVICE # 3 OF 3  
COMPLAINT

PLAINTIFF: ALLSTATE INSURANCE COMPANY, SUBROGEE OF ALFRED SMITH  
vs.  
DEFENDANT: KATHY LUCAS, ROY HURD and LINDA HURD

**SHERIFF RETURN**

---

NOW, May 10, 2005, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON LINDA HURD.

NOW, May 13, 2005 AT 9:30 AM SERVED THE WITHIN COMPLAINT ON LINDA HURD, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100459  
NO: 05-650-CD  
SERVICES 3  
COMPLAINT

PLAINTIFF: ALLSTATE INSURANCE COMPANY, SUBROGEE OF ALFRED SMITH  
vs.

DEFENDANT: KATHY LUCAS, ROY HURD and LINDA HURD

**SHERIFF RETURN**

---

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	KRAFT	5493	30.00
SHERIFF HAWKINS	KRAFT	5493	55.90
CENTRE CO.	KRAFT	5495	42.80

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2005



Chester A. Hawkins  
Sheriff

## SHERIFF'S OFFICE

CENTRE COUNTY

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE  
PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s)

2. Case Number

All State Insurance Co.

05-650

3. Defendant(s)

4. Type of Writ or Complaint:

Linda &amp; Roy Hurd

Complaint

SERVE

→ AT

5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold.  
Linda & Roy Hurd

6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)

350 German Rd, Snow Shoe, Pa

7. Indicate unusual service:  Reg Mail  Certified Mail  Deputize  Post  Other

Now, 20\_\_\_\_\_. I SHERIFF OF CENTRE COUNTY, PA., do hereby deputize the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. \_\_\_\_\_ Sheriff of Centre County

## 8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator

10. Telephone Number

11. Date

12. Signature

## SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above. } SIGNATURE of Authorized CCSD Deputy of Clerk and Title 14. Date Filed 15. Expiration/Hearing Date

## TO BE COMPLETED BY SHERIFF

16. Served and made known to Linda Hurd (2 copies), on the 13<sup>th</sup> day of May, 2005, at 9:30 o'clock, A m., at 350 German Rd, Snow Shoe, County of Centre

Commonwealth of Pennsylvania, in the manner described below:

 Defendant(s) personally served. Adult family member with whom said Defendant(s) resides(s). Relationship is wife of Roy Adult in charge of Defendant's residence. Manager/Clerk of place of lodging in which Defendant(s) resides(s). Agent or person in charge of Defendant's office or usual place of business. \_\_\_\_\_ and officer of said Defendant company. Other \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

Defendant not found because:

 Moved  Unknown  No Answer  Vacant  Other \_\_\_\_\_

Remarks:

Advance Costs	Docket	Service	Sur Charge	Affidavit	Mileage	Postage	Misc.	Total Costs	Costs Due or Refund
75.00	9.00	15.00	—	3.50	13.80	.50	1.00	42.80	32.20

17. AFFIRMED and subscribed to before me this 18

So Answer.

20. day of May 2005

18. Signature of Dep. Sheriff

23. Corinne Peters, Notary Public

21. Signature of Sheriff

19. Date

5-16-05

My Commission is issued and expires Sept. 5, 2005

SHERIFF OF CENTRE COUNTY

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE  
OF AUTHORIZED AUTHORITY AND TITLE.

Amount Pd. Page

25. Date Received



CHESTER A. HAWKINS  
SHERIFF

**Sheriff's Office  
Clearfield County**

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

535  
OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

**DEPUTATION**

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**

PAGE 100459

TERM & NO. 05-650-CD

ALLSTATE INSURANCE COMPANY, SUBROGEE OF ALFRED SMITH  
COMPLAINT

vs.

KATHY LUCAS, ROY HURD and LINDA HURD

**SERVE BY: 06/08/05**

**MAKE REFUND PAYABLE TO KRAFT & KRAFT**

**SERVE:** LINDA HURD

**ADDRESS:** 350 GERMAN ROAD, SNOW SHOE, PA 16874

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 10, 2005.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

Pg 3090-xx  
PL 153



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
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ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
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OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

## DEPUTATION

### IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 100459

TERM & NO. .. 05-650-CD

ALLSTATE INSURANCE COMPANY, SUBROGEE OF ALFRED SMITH  
COMPLAINT

vs.

KATHY LUCAS, ROY HURD and LINDA HURD

**SERVE BY: 06/08/05**

## MAKE REFUND PAYABLE TO KRAFT & KRAFT

**SERVE:** ROY HURD

**ADDRESS:** 350 GERMAN ROD, SNOW SHOE, PA 16874

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, May 10, 2005.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

## Notice of Proposed Termination of Court Case

February 1, 2012

RE: 2005-00650-CD

Allstate Insurance Company  
Alfred Smith

Vs.

Kathy Lucas  
Roy Hurd  
Linda Hurd

**FILED**  
FEB 01 2012  
William A. Shaw  
Prothonotary/Clerk of Courts

To All Parties and Counsel:

Please be advised that the Court intends to terminate the above captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before April 2, 2012.

**If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.**

By the Court,

*F. Cortez Bell III*  
F. Cortez Bell, III, Esq.  
Court Administrator

Court of Common Pleas of Clearfield County, Pennsylvania  
Civil Division

Allstate Insurance Company  
Alfred Smith

Vs.

2005-00650-CD

Kathy Lucas  
Roy Hurd  
Linda Hurd

**FILED**

*BS* JUL 27 2012

*BS* William A. Shaw  
Prothonotary/Clerk of Courts

*CK*

**Termination of Inactive Case**

This case is hereby terminated with prejudice this July 27, 2012, as per Rule 230.2

*William A. Shaw*  
*BS*

\_\_\_\_\_  
William A. Shaw  
Prothonotary