

06-1125-CD
NC Two LP. Vs Richard D. Allen et al

NC Two, LP et al vs Richard Allen et al
2006-1125-CD

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
PROTHONOTARY'S OFFICE
CLEARFIELD, PA 16830

06-1125-CD

CIVIL COVER SHEET

The information provided herein is for case flow and calendar management purposes only. It does not replace or supplement the filing and service of pleadings or other papers as required by law or rules of court. This sheet will not be used as a source for making docket entries except to note the type of action commenced. This is not a substitute for documents for commencement of actions.

PLAINTIFF

vs.

DEFENDANT

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet National Bank

RICHARD D. ALLEN, individually and d/b/a
RICHARD D. ALLEN POOL SALES

Case No.:

Phillip D. Berger, Esquire I.D. No. 58942
Attorney Name & ID#

Unknown
Attorney Name & ID#

NATURE OF SUIT

(Check one classification only.)

CONTRACT

- ☐ Declaratory Judgment 061
- ☐ Mechanics Lien 057
- ☐ Employment 525
- ☐ Insurance
- ☐ No-Fault Insurance 527
- ☒ Negotiable Instrument 528
- ☐ Warranty 530
- ☐ Mortgage Foreclosure 060
- ☐ DJ Appeal - Assumpsit 025
- ☐ Replevin 054
- ☐ Other

TORTS

- ☐ Motor Vehicle 047
- ☐ Non-Motor Vehicle 048
- ☐ Other Personal Injury 049
- ☐ Assault 532
- ☐ Libel/Slander 533
- ☐ Medical Malpractice 047
- ☐ Legal Malpractice 535
- ☐ Product Warranty Liability 536
- ☐ DJ Appeal - Trespass 337
- ☐ Other 537

EQUITY

- ☐ Ejectment 053
- ☐ Partition 309
- ☐ Quiet Title 062
- ☐ Labor Dispute 540
- ☐ Mandamus 055
- ☐ Other 539

APPEALS

- ☐ Award of Viewers 501
- ☐ Board of Assessment 301
- ☐ Pa. Labor Relations Board 369
- ☐ Board of Elections 319
- ☐ Local Agency 262
- ☐ Zoning Hearing Board 030
- ☐ Suspension of Operator's License 134
- ☐ Other 538

DEMAND

- ☐ Over \$20,000
- ☒ Under \$20,000
- ☐ Not applicable

JURY DEMAND:

- (Check only if demanded in Complaint.)
- ☐ Yes
 - ☒ No

FILED *Att'y pd.*
7/2/02/04 85.00
JUL 14 2006
cc Shff
William A. Shaw
Prothonotary/Clerk of Courts

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO.

NOTICE TO DEFEND

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 an 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 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 [OR CANNOT AFFORD ONE], GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW [TO FIND OUT WHERE YOU CAN GET LEGAL HELP]. 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.

David S. Meholock, Court Administrator
Clearfield County Courthouse
230 E. Market Street, Clearfield, PA 16830
(814) 765-2641, Ext. 5982

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By:



PHILLIP D. BERGER, ESQUIRE

Dated: 7/12/06

THIS IS AN ARBITRATION
MATTER. AN ASSESSMENT OF
DAMAGES HEARING IS NOT
REQUIRED.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

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Narberth, PA 19072

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National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO.

COMPLAINT

1. Plaintiff NC Two, L.P., successor by assignment from Bank of America, N.A., successor to Fleet National Bank (hereinafter "NC2") maintains a place of business at 4100 Greenbriar, Suite 180, Stafford, Texas.
2. Defendant Richard D. Allen, individually and d/b/a Richard D. Allen Pool Sales ("Allen") is upon information and belief an adult individual last known residing at 341 South Brady Street, Du Bois, Pennsylvania.

3. Defendant Allen applied for a line of credit from Fleet National Bank ("Fleet"), pursuant to that certain small business credit application attached hereto and made a part hereof as Exhibit "A".
4. Fleet provided the line of credit to defendant Allen as set forth in the approved small business credit offering ("Approved Credit Application"). A true and correct copy of the Approved Credit Application is attached hereto and made a part hereof as Exhibit "B".
5. All amounts and obligations due from the Defendant Allen to Fleet n/a Bank of America are now due and owing to NC2, as set forth in the Allonge attached hereto and made a part hereof as Exhibit "C".
6. Defendant Allen is in default of his obligations to NC2 by virtue of various events, including without limitation, his failure to make payments when due.
7. Due to Defendant's default, the sum of \$10,767.65 is immediately due and owing:

| | |
|-----------------------|-------------------|
| Principal | \$8,935.82 |
| Interest as of 7/6/06 | <u>\$1,831.83</u> |
| Total | \$10,767.65 |

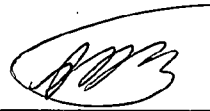
Interest continues to accrue on the unpaid principal balance at the rate of \$4.96 per day.

10. Demand has been made on the Defendant to cure his default, however the defendant has failed and refused to cure his default.

WHEREFORE, plaintiff NC Two, L.P. demands judgment in its favor and against defendant Richard D. Allen individually and doing business as Richard D. Allen Pool Sales, in the sum of \$10,767.65 together with costs of suit, attorneys' fees and interest which continues to accrue.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By:



PHILLIP D. BERGER, ESQUIRE

Dated: 7/18/06

EXHIBIT "A"



To: Alan M. Ellison
From: Richard Allen

108107

TR048432969 V250890P3 12004
Richard Allen
Allen Pool, Sales
341 S Brady St.
Du Bois, PA 15801-1901

Please provide correct street address below.

13753

SMALL BUSINESS CREDIT EXPRESS™

Express App

This application must be **completely** filled out or it will not be processed.

About your (company) business

Legal Business Name ("Applicant")
If partnership or corporation, use your legal business name. If sole proprietorship, use your individual name.
Richard D Allen Pool Sales
Allen Pool Sales
Trade Name (DBA). This will appear on your Express Checks and your credit card.
FIN 1371844 / FIN 371 6051
Business Telephone # 26-0037 004 Fax # 26-0037 004 E-mail Address (optional) ↑
Business Taxpayer Identification Number 318 000 22 Date Your Ownership Began (MM/YY) 1-2000
Business Sales/Revenue (per latest tax return) \$ 1 - 2000 Business Net Income (per latest tax return) 2000
Business Code Per Your Tax Return 1 161010
Nature of Business Pool - SPA Retail Store

Business Structure (must be US business)

☒ Sole Proprietorship ☐ LLC ☐ General Partnership
☐ Corporation ☐ Not for profit ☐ Other (please explain) 020

How much do you or your company owe in past-due taxes for prior years? \$ 0

How do you expect to use your line of credit? (please check one)

☐ Cash Flow ☒ Working Capital ☐ Purchase Equipment

☐ Other (please explain) 20

Please sign here. (If multiple owners, two or more owners with the largest ownership interest totaling 51% or greater must sign as Guarantors.)

By signing below, I acknowledge that I have read and agree to the terms and conditions of the Authorization Agreement, the Personal Guaranty, the Fair Credit Reporting Act Notice and the USA PATRIOT Act Notice on the reverse side of this Application and receipt of the accompanying Pricing Summary and Terms of Offer. Notwithstanding any title that I have included next to my signature, I also agree to be personally liable as a Guarantor under the Personal Guaranty.

Richard Allen owner 3 08 104
Authorized Signature of Applicant Title of Authorized Signer (and as Guarantor) Date

Richard Allen 1 1
Authorized Signature of Applicant Title of Authorized Signer (and as Guarantor) Date

Balance Transfer (only for lines of credit up to \$100,000 that require no additional paperwork):

☐ Transfer the following balance(s) from my high-rate accounts to this low-rate Small Business Credit Express Line. Full or partial payments (partial payment must be at least \$500) up to amount of credit line will be transferred in the order listed on the application.

Creditor to be paid Creditor's address City State ZIP
Creditor's Account # Amount of Transfer

Creditor to be paid Creditor's address City State ZIP
Creditor's Account # Amount of Transfer

Creditor to be paid Creditor's address City State ZIP
Creditor's Account # Amount of Transfer

02045PP3 Not in 3/31

Who are the owner(s) of the (company) business? All owners (principals) must be listed.

1. Richard D Allen sole prop
Name and Title
1225 S Main ST
Street
DuBois PA 15801
City, State, ZIP
Home Telephone # (412) 371-6352 Date of Birth 6/22/54
Mother's Maiden Name (required for security) Smith % Ownership 100%
16425155 PA Driver's License # and State Social Security #
\$ 25,000 Total Annual Personal Income* Are you a US citizen? Yes ☒ No ☐

2. Name and Title

Street

City, State, ZIP

Home Telephone # Date of Birth

% Ownership

Driver's License # and State Social Security #

Total Annual Personal Income* Are you a US citizen? ☐ Yes ☐ No

* Income from alimony, child support, or separate maintenance payments need not be revealed if you do not wish to have it considered as a basis for repaying this obligation.

Notice to Fleet Rep.
PRIME - 1%
on balance transfers
for the first year

Authorization Agreement:

The person(s) signing on the front side for the credit applicant ("Applicant"), identified in this credit application (the "Application") certifies that he/she has full authority to act on behalf of Applicant and that all information in the Application is true and correct in all respects. Fleet National Bank ("Bank"), its agents, successors, affiliates, and assignees (i) are authorized to verify any information provided in connection with the Application, (ii) may obtain credit reports, including consumer credit reports on any of the Guarantors, in connection with the Application and also in the future in connection with periodic reviews, updates, renewals, extensions and collection activity for any credit granted as a result of the Application, or any other credit requested by or granted to Applicant by Bank, and may use the Application and credit report information to consider Applicant for additional credit products Bank believes appropriate for Applicant, and (iii) at Applicant's or any Guarantor's request, will advise the requesting party whether a credit report was obtained and, if so, the name and address of the reporting agency which provided it. Applicant agrees that Bank may obtain credit information from or share credit information with its agents, affiliates and assignees regarding the Guarantor(s) or Applicant's owner(s) in considering the Application. Applicant agrees that if Bank elects to include the credit requested in the Application in Bank's SBA (U.S. Small Business Administration) Loan Program, Bank may submit a SBA loan application on behalf of Applicant using the information contained in the Application and other information subsequently obtained from Applicant.

If approved, Applicant will receive an approval letter, the Fleet Small Business Credit Express Agreement (the "Line of Credit Agreement"), a Small Business Credit Express Visa Card and

Express Checks from Bank. The approval letter will specify Applicant's credit limit, the amount of the annual fee, the initial interest rate, and the margin to be added to the index value to determine periodic rate adjustments. The Line of Credit Agreement will specify other terms and conditions that govern the line of credit. BY SIGNING THE APPLICATION, APPLICANT AGREES TO BE BOUND BY THE TERMS OF THE LINE OF CREDIT AGREEMENT AND APPROVAL LETTER. NO FURTHER SIGNATURE IS REQUIRED. Use of the line of credit confirms Applicant's acceptance of the terms.

The first owner or principal listed on the Application will be the authorized representative ("Authorized Representative") for the account and will automatically receive Express Checks and a Small Business Credit Express Visa Card if the Application is approved. The Authorized Representative may call to add one additional Authorized Representative/cardholder after the account is opened. Applicant may appoint a new Authorized Representative or revoke the authority of an existing Authorized Representative by written notice to Bank.

Applicant agrees that Bank may rely on a facsimile of the Application and on any other signed documents received by Bank by facsimile transmission relating to the credit granted pursuant to the Application. Such facsimile or any copy of such facsimile shall be binding on Applicant and shall for all purposes be considered original documents.

By providing its e-mail address on the Application, Applicant agrees that Bank may communicate with Applicant by e-mail regarding the Application and information about Bank products, services and special offers. The e-mail address will be kept confidential, and Applicant will have the opportunity to opt out of receiving further e-mails at any time.

Personal Guaranty:

In consideration of Fleet National Bank or any affiliate thereof (collectively, "Bank") extending credit to Applicant, the person(s) signing on the front jointly and severally and unconditionally guarantees to Bank and its successors and assigns, payment and performance of all present and future obligations, liabilities and undertakings of Applicant to Bank of every kind ("Obligations"). Guarantor's liability hereunder shall be immediate and unlimited in amount. This Guaranty shall operate as a continuing and absolute guaranty until five business days after actual receipt by Bank of written notice of revocation by certified mail, return receipt requested sent to Bank at 1025 Main Street, MA DE 13601B, Waltham, MA 02451 (which notice shall not affect any obligation of Guarantor existing at or prior to the passage of the five business days). Guarantor waives all requirements of notice, demand, presentment or protest, all other defenses that may be available to a surety and any right Guarantor may have to require Bank first to proceed against Applicant or any other person or entity, or first to realize on any security held by Bank before proceeding against Guarantor hereunder. Guarantor waives all rights of setoff, or subrogation until the Obligations

shall have been paid in full. Guarantor agrees to pay the costs and expenses (including attorney's fees) of Bank in enforcing this Guaranty. Guarantor grants Bank the right of setoff for all matured and unmatured Obligations against all deposits and property of Guarantor now or hereafter in the possession or control of Bank or its affiliates without regard to the adequacy of collateral. This Guaranty shall be binding upon Guarantor's successors and assigns. This Guaranty may be modified only by a written agreement signed by Bank. THIS GUARANTY IS GOVERNED BY FEDERAL LAW AND THE LAWS OF RHODE ISLAND. HOWEVER, IF PERMITTED BY THE LAW OF THE STATE WHERE THE AUTHORIZATION AGREEMENT IS SIGNED, GUARANTOR WAIVES TRIAL BY JURY AND WAIVES ANY RIGHT TO NOTICE OR HEARING BEFORE BANK SEEKS A PREJUDGMENT REMEDY. GUARANTOR ACKNOWLEDGES THIS IS A COMMERCIAL TRANSACTION AND NOT A CONSUMER TRANSACTION. Guarantor agrees that Bank may rely on a facsimile of this Guaranty. This Guaranty is intended to take effect as an instrument under seal.

Fair Credit Reporting Act Notice

Under the Federal Fair Credit Reporting Act, FleetBoston Financial Corporation and its affiliates, which include Fleet National Bank, Fleet Credit Card Services, Fleet Insurance Services, LLC, Quick & Reilly, Inc., Columbia Management Group and other members of the Fleet family of companies ("Fleet"), may share with each other information about Applicant or a guarantor ("you" or "your") and your loan or other account relationship. FleetBoston Financial and its family may share with each other all information we have about you, including application information (such as your income or credit references), credit reports (such as your credit history), and other credit-related information from third parties (such as your employment history), as well as your account transactions and experiences with us (such as your payment history).

identification information (such as your name and address), and other non-credit related information.

If you prefer, you may prohibit the sharing of application and third-party credit-related information within Fleet's family. Simply mail a written request, with your name, address and account number, to Fleet Options, MA DE 12303A, P.O. Box 2197, Boston, MA 02106-2197. If you have a joint account, a request by one party will apply to the entire account.

We will honor your choice on restricting information-sharing within Fleet's family. However, this restriction does not extend to your account transactions and experiences with us, and identification and other non-credit related information.

USA PATRIOT Act Notice

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW BUSINESS ACCOUNT

To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each business customer opening an account.

What this means for you: When you open a business account, we will ask for the name, address, and other information that will allow us to identify the business. To verify this information, we may obtain reports from third parties, such as credit reporting agencies. We may also ask to see organization documents for your business.

EXHIBIT "B"

Small Business Services Credit Offering RDYBK
on 4/5/2004 3:45:12 PM

04/06/05
✓

Mailing Key: TR048432969
Customer Name: RICHARD D ALLEN POOL SALES
Trade Name(DBA): ALLEN POOL & SPA SALES
Contact: RICHARD D ALLEN
Phone: 814-371-8461
Address: 341 S BRADY ST DU BOIS, PA 15801
DDA Number: 4091 5900 001 86538
Auto Debit?: N
Product Type: BCE 2001
Industry Code: 5999
Industry Desc: Miscellaneous Retail-Other Miscellaneous Retail

Application Date: 04/01/2004
Origination Date: 04/02/2004
Line Requested Amount: NaN
Term Requested Amount:
Relationship Manager: Jane Connolly
Phone Number: 800-563-0918 x3686
Bank: PA
Application Channel: RI - Direct Mail
Branch Cost Center: 00006
Underwriter: Goulter, Stuart
App ID: 108107

| Loan | Commit Type | Product | Term | Commit | RR | Status | COF | Rate | Spread |
|-----------------------|----------------|----------|--------|----------|-------|--------|-------------------|-------|--------|
| 1 | Line of Credit | BCE 2001 | Demand | \$10,500 | 05 | New | | 10.25 | 6.25 |
| Grand Total: \$10,500 | | | | | FS186 | | Prime Rate: 4.00% | | |

| | | | |
|---------------------------------------|----------|------------------------|-----------|
| Score Type: | | Commercial Only | |
| NRM: | | 288 | |
| Credit Bureau Score: | | 95.81 | |
| Probability of Bad / Risk Score: | | 0849.784 | |
| Scorecard Identifier: | | BCE013102 | |
| Collateral: | | No | |
| Existing Account # | | Convert | |
| Existing Commitment Amt. | | Increase | |
| Annual Fee: | \$100.00 | Sales: | \$318,000 |
| Application Fee: | \$0.00 | Sales per Tax Return: | |
| Total Business Income: | \$8,000 | Total Personal Income: | \$25,000 |
| Total Business Income per Tax Return: | | | |
| Business Age: | 51 | Current Exposure: | \$0 |
| Access Code: | N/A | Approved Amount: | \$10,500 |
| CAGI: | \$33,000 | Total Exposure: | \$10,500 |
| Debt Service Coverage: | | Bal % Exposure: | |
| Fleet Deposit Information | | Amount | Rate |
| MMA | | | |
| Savings | | | |
| Now | | | |

Underwritten Goulter, Stuart

Small Business Services Credit Offering

Total Loan: \$10,500
Customer Name: RICHARD D ALLEN POOL SALES
Trade Name(DBA): ALLEN POOL & SPA SALES
Loan Type: BCE 2001

Underwriter Notes:

MLD/KYC Compliance: Yes

Other Terms and Conditions:

Price Override Reasons (If Applicable):

| |
|-------------------------------------|
| AFS Loan Purpose By Facility |
| 020 |

CRA Portfolio

| | |
|---|---|
| CRA Loan Purpose by facility: | CRA Number of Employees by facility: |
| Non Community Development Loan | 1 |
| CRA Program Indicator by facility: | CRA GEO-Code Indicator by facility: |
| No Assoc with Govt program entity | LMI-Middle - No Govt assigned Geo. Ind |

EXHIBIT "C"

ALLONGE

This Allonge is attached and made a part of that certain promissory note dated **03/28/2004**, together with all renewals, extensions and modifications, if any, executed and given by **RICHARD D ALLEN POOL SALES DBA ALLEN POOL & SPA SALES** in the original amount of **\$10,500.00**. It is to be read together with and is hereby incorporated by reference in the attached instrument and constitutes an integral part thereof.

Pay to the order of **NC TWO, L.P.**, as is; where is; with all faults and without recourse and without any representations or warranties of any kind, whether express or implied, oral or written, except as provided in Article VII of that certain Loan Sale Agreement dated November 15, 2005.

Effective as of the 15th day of November 2005.

**BANK OF AMERICA, N.A. SUCCESSOR TO
FLEET NATIONAL BANK**

By: 

Name: **G. Stowe Query**

Title: **Vice President**

VERIFICATION

I, Brad Hrebenar, hereby certify that I am a Senior Vice President of NC Venture, Inc., the general partner of NC Two, L.P., and am authorized to make this verification on its behalf, and that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief; and I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsification to authorities.



Brad Hrebenar

Dated: 7/6/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101719
NO: 06-1125-CD
SERVICE # 1 OF 1
COMPLAINT

PLAINTIFF: NC TWO, L.P.

vs.

DEFENDANT: RICHARD D. ALLEN i/a/d/b/a RICHARD D. ALLEN POOL SALES

SHERIFF RETURN

NOW, July 18, 2006 AT 11:20 AM SERVED THE WITHIN COMPLAINT ON RICHARD D. ALLEN, i/a/d/b/a RICHARD D. ALLEN POOL SALES DEFENDANT AT 341 SOUTH BRADY ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KELSEY WILCOX, SALES ASSOC. A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

| PURPOSE | VENDOR | CHECK # | AMOUNT |
|-----------------|--------|---------|--------|
| SURCHARGE | LUNDY | 38697 | 10.00 |
| SHERIFF HAWKINS | LUNDY | 38697 | |

FILED
6/21/30 LM
JUL 21 2006 LM

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,

Chester A. Hawkins
by Maudy Harris

Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DKT PG. 101719

NC TWO, L.P.

NO. 06-1125-CD

-VS-

RICHARD D. ALLEN i/a/d/b/a RICHARD D.
ALLEN POOL SALES

COMPLAINT

AMENDED
SHERIFF'S RETURN

NOW SEPTEMBER 21, 2006 ADD SHERIFF HAWKINS COSTS OF \$34.91.

SWORN TO BEFORE ME THIS
____ DAY OF _____ 2006

So Answers

[Signature]
by Marilyn Hamer

CHESTER A. HAWKINS
SHERIFF

FILED

9/31/304m
SEP 21 2006

William A. Shaw
Prothonotary/Clerk of Courts

LUNDY, FLITTER, BELDECOS & BERGER, P.C.
By: PHILLIP D. BERGER, ESQUIRE
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Plaintiff,

v.

RICHARD D. ALLEN, individually and
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341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

FILED *Atty pd,*
3/11/07 *20.00*
JUN 11 2007 *1.00*

William A. Shaw *Notice to*
Prothonotary/Clerk of Courts *Def.*

Statement to
Atty
(6k)

PRAECIPE FOR JUDGMENT

TO THE PROTHONOTARY:

Enter judgment in favor of Plaintiff and against Defendant Richard D. Allen, individually and d/b/a Richard D. Allen Pool Sales for want of an answer.

() Assess Damages as follows:

| | |
|--------------------------------|-----------------|
| Principal | \$ 8,204.44 |
| Accrued interest as of 5/29/07 | 550.05 |
| Attorney's Fees | <u>1,250.00</u> |

REAL DEBT \$10,004.49

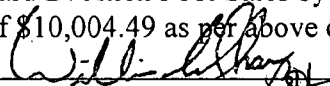
I CERTIFY THAT THE FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED AMOUNTS ALLEGED TO BE DUE IN THE COMPLAINT IS CALCULABLE AS A SUM CERTAIN FROM THE COMPLAINT. I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten (10) days prior to the date of the filing of this praecipe. A copy of this notice is attached R.C.P. 237.1

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By: 

PHILLIP D. BERGER, ESQUIRE

This 11th day of June, 2007, judgment is entered in favor of Plaintiff and against Defendant, Richard D. Allen, individually and d/b/a Richard D. Allen Pool Sales by default for want of an answer and damages are assessed at the sum of \$10,004.49 as per above certification.


Prothonotary

LUNDY, FLITTER, BELDECOS & BERGER, P.C.
By: PHILLIP D. BERGER, ESQUIRE
Identification No.: 58942
450 N. Narberth Avenue
Narberth, PA 19072
(610) 668-0774

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Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF TEXAS

:

SS

COUNTY OF FORT BEND

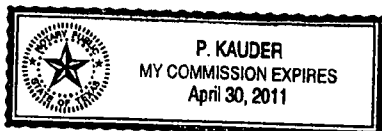
:

Danny Norton duly sworn according to law, deposes and says that he is an Asset Manager of NC Two, L.P., the Plaintiff herein, and is authorized and does take this Affidavit on behalf of Plaintiff and that to the best of his knowledge, information and belief, the above named Defendant Richard D. Allen, individually and d/b/a Richard D. Allen Pool Sales is over 21 years of age, and is not in the Military Service of the United States, nor any State or Territory thereof, or its allies as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 and the amendments thereto.

By: Danny Norton
Danny Norton

Sworn to and Subscribed
before me this 31st day
of May, 2007.

P. Kauder
Notary Public



C:\NC2\AllenPool\TENDAY.doc

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

IMPORTANT NOTICE

TO: Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales
341 South Brady Street
Du Bois, PA 15801

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO TAKE ACTION
REQUIRED OF YOU IN THIS CASE. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM
THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU
WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER
IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS NOTICE TO A 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.

David S. Meholock, Court Administrator
Clearfield County Courthouse
230 E. Market Street, Clearfield, PA 16830
(814) 765-2641, Ext. 5982

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By: 

PHILLIP D. BERGER, ESQUIRE

Dated: August 9, 2006

LUNDY, FLITTER, BELDECOS & BERGER, P.C.
By: PHILLIP D. BERGER, ESQUIRE
Identification No.: 58942
450 N. Narberth Avenue
Narberth, PA 19072
(610) 668-0774

ATTORNEYS FOR PLAINTIFF

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

CERTIFICATE OF SERVICE

PHILLIP D. BERGER, ESQUIRE, hereby certifies that he is the counsel for Plaintiff in the within matter, and that on the date indicated below he served the foregoing documents on Defendant, Richard D. Allen, individually and d/b/a Richard D. Allen Pool Sales by mailing a copy of the same via regular first class mail, postage prepaid and addressed as follows:

Richard D. Allen
d/b/a Richard D. Allen Pool Sales
341 South Brady Street
DuBois, PA 15801

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By:



PHILLIP D. BERGER, ESQUIRE

Dated: 6/7/07

FILED

JUN 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

LUNDY, FLITTER, BELDECOS & BERGER, P.C.
By: PHILLIP D. BERGER, ESQUIRE
Identification No.: 58942
450 N. Narberth Avenue
Narberth, PA 19072
(610) 668-0774

ATTORNEYS FOR PLAINTIFF

COPY

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

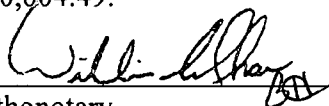
Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

ORDER

AND NOW, to wit, this 11th day of June, 2007 judgment is entered in favor
of the above-named Plaintiff, NC Two, L.P., successor by assignment from Bank of America,
N.A., successor to Fleet National Bank, and against the above named Defendant, Richard D.
Allen, individually and d/b/a Richard D. Allen Pool Sales for failure to file an Answer and
plaintiff's damages are assessed in the sum of \$10,004.49.


Prothonotary

Dated: 6/11/07

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

COPY

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank

4100 Greenbriar, Suite 180

Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES

341 South Brady Street

Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a JUDGMENT BY DEFAULT has been entered against you in the above proceeding and that enclosed herewith is a copy of all the (record) documents filed in support of the said judgment.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE CALL:

ATTORNEY(S): Phillip D. Berger, Esquire at this telephone number: (610) 668-0770.


Prothonotary 6/11/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY ,
PENNSYLVANIA
STATEMENT OF JUDGMENT

COPY

NC Two, L.P.
Bank of America, N.A.
Fleet National Bank
Plaintiff(s)

No.: 2006-01125-CD

Real Debt: \$10,004.49

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Richard D. Allen
Richard D. Allen Pool Sales
Defendant(s)

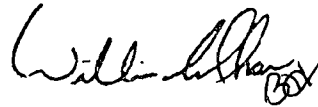
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: June 11, 2007

Expires: June 11, 2012

Certified from the record this 11th day of June, 2007.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

FILED *Atty. pd.*
m/30/07 *20.00*
OCT 19 2007
William A. Shaw
Prothonotary/Clerk of Courts
3ccs to total
writs to
Sheriff
@

PRAECIPE FOR WRIT OF EXECUTION


TO THE OFFICE OF THE PROTHONOTARY:

Issue Writ of Execution in the above matter,
directed to the Sheriff of Clearfield County:

- | | | | |
|-----|---------|--|-----------|
| (1) | against | RICHARD D. ALLEN, individually and d/b/a RICHARD D. ALLEN POOL SALES 341 South Brady Street Du Bois, PA 15801 | defendant |
| (2) | against | S & T Bank 614 Liberty Blvd. Du Bois, PA 15801 | garnishee |

| | | | |
|-----|--------------------------------|---------------|--------------------|
| (3) | AMOUNT DUE | \$10,004.49 | |
| | INTEREST from 6/11/07-10/16/07 | 208.75 | |
| | Payment | (1,500.00) | |
| | (Costs to be added) | 270.00 | |
| | TOTAL DUE: | \$ 8,983.24 | Prothonotary costs |
| | | <i>125.00</i> | |

Lundy, Flitter, Beldecos & Berger, P.C.


Phillip D. Berger, Esquire
Attorneys for Plaintiff

LUNDY, FLITTER, BELDECOS & BERGER, P.C.
By: PHILLIP D. BERGER, ESQUIRE
Identification No.: 58942
450 N. Narberth Avenue
Narberth, PA 19072
(610) 668-0774

ATTORNEYS FOR PLAINTIFF

COPY

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

COMMONWEALTH OF PENNSYLVANIA :

:

SS.

COUNTY OF CLEARFIELD :

:

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

RICHARD D. ALLEN, individually and d/b/a RICHARD D. ALLEN POOL SALES

(1) You are directed to levy upon the property of defendant and to sell defendant's interest therein:

Levy all personal property of the defendant **found at 341 South Brady Street, Du Bois, PA 15801 as more particularly described in Schedule "A" attached hereto.**

(2) You are also directed to attach the property of the defendant not levied upon the possession of: **S & T Bank, 614 Liberty Blvd., Du Bois, PA 15801** as garnishee

(specifically describe property):

and to notify the garnishee(s) that:

(a) an attachment has been issued:

- (b) the garnishee(s) is (are) enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee(s) you are directed to notify them that they have been added as garnishee(s) and are enjoined as above stated.

| | |
|--------------------------------|---------------------------|
| AMOUNT DUE | \$10,004.49 |
| INTEREST from 6/11/07-10/16/07 | 208.75 |
| Payment | (1,500.00) |
| (Costs to be added) | <u>270.00</u> |
| TOTAL DUE: | \$ 8,983.24 |
| | 125.00 Prothonotary costs |

Date: 10/19/07
(Seal)

By: William L. Hagan
Clerk

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

SCHEDULE "A"

Levy all personal property of defendant which is found at:

341 South Brady Street
Du Bois, PA 15801

and which includes but is not limited to all artwork (paintings, prints, sculptures, etc.) furniture, appliances, tapestries, rugs, china, stereos, televisions, VCRs, cameras, video cameras, computers, clocks and all other personal property of defendant not aforementioned.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

INTERROGATORIES TO GARNISHEE, S & T BANK

TO: S & T Bank
614 Liberty Blvd.
Du Bois, PA 15801

You are required to file answers to the following interrogatories within sixty (60) days after service upon you. Failure to do so may result in judgment against you:

1. At the time you were served or at any subsequent time did you owe the defendant Richard D. Allen d/b/a Richard D. Allen Pool Sales (hereinafter "Defendant") any money (including but not limited to account number 3001140049) or were you liable to Defendant on any negotiable or other written instrument, or did he claim that you owed him any money or were liable to him for any reason?
2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature

owned solely or in part by the Defendant?

3. At the time you were served or any subsequent time did you hold legal title to any property of any nature owned solely or in part by the Defendant or in which Defendant held or claimed any interest?
4. At the time you were served or any subsequent time did you hold as fiduciary any property in which the Defendant had an interest?
5. At any time before or after you were served did the Defendant transfer or delivery any property to you or to any person or place pursuant to your direction or consent and if so, what was the consideration thereof?
6. At any time after you were served did you pay, transfer or deliver any money or property to the Defendant or to any person or place pursuant to his direction or otherwise discharge any claim of the Defendant against you?
7. If your answer to any of the above questions is "yes" set forth the nature of the property, the amount, how held, and the location of same.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By: 

PHILLIP D. BERGER, ESQUIRE

Dated: 10/17/07

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

NC TWO, L.P., successor by assignment :
From Bank of America, N.A., successor :
To Fleet National Bank :
Plaintiff :

No. 06-1125-CD

vs. :

Richard D. Allen, individually and :
d/b/a Richard D. Allen Pool Sales :
Defendant :

S&T BANK, :
Garnishee :

FILED

01:20 P.M. GK
DEC 10 2007

NO CL

William A. Shaw
Prothonotary/Clerk of Courts

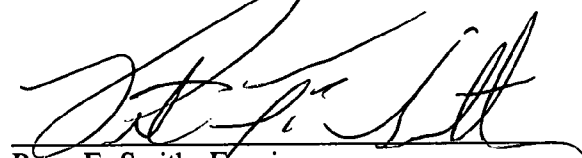
CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for S & T Bank in the above-captioned matter, hereby certify that I served the original Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U.S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendant by U.S. Certified Mail as follows:

Phillip D. Berger, Esquire
Lundy, Flitter, Beldecos & Berger, P.C.
450 N. Narberth Avenue
Narberth, PA 19072

CERTIFIED MAIL
Richard D. Allen, individually and
a/k/a Richard D. Allen Pool Sales
341 South Brady Street
Dubois, PA 15801

Date: December 6, 2007



Peter F. Smith, Esquire
Attorney for S & T Bank
30 South Second Street, P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

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

NC TWO, L.P., successor by assignment
from Bank of America, N.A., successor to
Fleet National Bank

Plaintiff

No. 06-1125-CD

vs.

Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales

Defendant

vs.

S & T Bank,

Garnishee

GARNISHEE'S ANSWERS TO INTERROGATORIES

COMES NOW, S & T Bank, by its attorney, Peter F. Smith, who answers the
Interrogatories to Garnishee as follows:

1. Yes. Business checking account # 3001140049.
The balance in this account on the date the writ was served was One Thousand
Forty Three Dollars and Fifty Three Cents (\$1043.53).
2. No.
3. No.
4. No.
5. No.
6. No.
7. N. A.

Date: December 6, 2007



Peter F. Smith, Esquire
Attorney for the Garnishee
Attorney I.D. #34291
P.O. Box 130, 30 South Second Street
Clearfield, PA 16830

VERIFICATION

I verify that the statements made in the foregoing Answers to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

S & T BANK

Dated: 12-3-07

By: Wendy Pinchock
Wendy Pinchock
O.R.E.O Specialist

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES

Defendant,

and

S & T BANK

Garnishee.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

PRAECIPE TO ENTER JUDGMENT AGAINST GARNISHEE S & T BANK

TO THE PROTHONOTARY:

Please enter judgment in favor of Plaintiff, NC Two, L.P. and against Garnishee, S & T Bank in the amount of \$1,043.53 pursuant to the attached Garnishee's Answers to Interrogatories dated December 6, 2007.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By:



PHILLIP D. BERGER, ESQUIRE

Dated: 12/14/07

FILED *Atty pd. 20.00*
m 11:35/51
DEC 17 2007 *2 CC. Atty Berger*
William A. Shaw
Prothonotary/Clerk of Courts *(GR)*

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

NC TWO, L.P., successor by assignment
from Bank of America, N.A., successor to
Fleet National Bank

Plaintiff

vs.

Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales

Defendant

vs.

S & T Bank,

Garnishee

No. 06-1125-CD

GARNISHEE'S ANSWERS TO INTERROGATORIES

COMES NOW, S & T Bank, by its attorney, Peter F. Smith, who answers the
Interrogatories to Garnishee as follows:

1. Yes. Business checking account # 3001140049.
The balance in this account on the date the writ was served was One Thousand
Forty Three Dollars and Fifty Three Cents (\$1043.53).
2. No.
3. No.
4. No.
5. No.
6. No.
7. N. A.

Date: December 6, 2007



Peter F. Smith, Esquire
Attorney for the Garnishee
Attorney I.D. #34291
P.O. Box 130, 30 South Second Street
Clearfield, PA 16830

VERIFICATION

I verify that the statements made in the foregoing Answers to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

S & T BANK

Dated: 12-3-07

By: Wendy Pinchock
Wendy Pinchock
O.R.E.O Specialist

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES

Defendant,

and

S & T BANK

Garnishee.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

CERTIFICATE OF SERVICE

PHILLIP D. BERGER, ESQUIRE, hereby certifies that he is the counsel for Plaintiff in the within matter, and that on the date indicated below he served the foregoing Praecipe to Enter Judgment Against Garnishee S & T Bank on the following party via regular first class mail, postage prepaid and addressed as follows:

Peter F. Smith, Esq.
P.O. Box 130, 30 South Second Street
Clearfield, PA 16830

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By:



PHILLIP D. BERGER, ESQUIRE

Dated: 12/14/07

FILED

DEC 17 2007

William A. Shaw
Prothonotary/Clerk of Courts

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to
Fleet National Bank

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES

Defendant,

S&T BANK

Garnishee.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

ORDER TO SATISFY JUDGMENT AGAINST GARNISHEE, S&T BANK ONLY

TO THE PROTHONOTARY:

Please satisfy the judgment against the garnishee, S&T Bank only in the above-captioned matter.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By:



PHILLIP D. BERGER, ESQUIRE

Dated: 1/16/07

FILED Pd \$7.00 Att
m/11:40am 2 cc to Att
JAN 16 2008 Berger

William A. Shaw
Prothonotary/Clerk of Courts

06-1125-CD

ASSIGNMENT OF JUDGMENT

NC TWO, L.P. ("Assignor"), in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, assign, transfer and convey unto Brown Bark II, L.P. ("Assignee"), whose address is 4100 Greenbriar Drive, Suite 120, Stafford, TX 77477, all right, title and interest in, if any, that certain;

Judgment No. 06-1125-CD entered June 11, 2007 against Richard D. Allen, individually and d/b/a Richard D. Allen Pool Sales in favor of NC TWO, L.P., successor by assignment from Bank of America, N.A., successor to Fleet National Bank, in the amount of \$10,004.49 in the Court of Common Pleas Clearfield County, Pennsylvania.

TO HAVE AND TO HOLD unto Assignee, its successors and assigns forever.

This assignment is made by Assignor without recourse and without representation or warranty.

IN WITNESS WHEREOF, Assignor has caused this instrument to be effective as of December 31, 2007.

NC TWO, L.P.

By: _____

Tracy Weakley
Authorized Signatory

STATE OF TEXAS)
) ss:
COUNTY OF FORT BEND)

FILED *no cc*
5/13/2009
MAY 11 2009 *6/11*

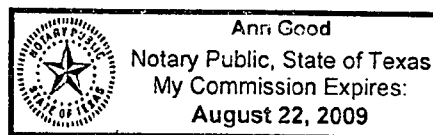
William A. Shaw
Prothonotary/Clerk of Courts

The foregoing instrument was acknowledged before me this the 5th day of May, 2009, by Tracy Weakley, an Authorized Signatory of and on behalf of NC TWO, L.P.

Anni Good

Notary Public

My Commission Expires: 8-22-2009



LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

PRAECIPE FOR WRIT OF EXECUTION

TO THE OFFICE OF THE PROTHONOTARY:

Issue Writ of Execution in the above matter, directed to the Sheriff of Clearfield County:

- (1) against Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales
341 South Brady Street
Du Bois, PA 15801 defendant
- (2) against S & T Bank
614 Liberty Blvd.
Du Bois, PA 15801 garnishee

| | | |
|-----|-------------------------------|-------------|
| (3) | AMOUNT DUE | \$10,004.49 |
| | INTEREST from 6/11/07-5/18/09 | 1,160.47 |
| | Payment | (1,500.00) |
| | (Costs to be added) | 270.00 |
| | TOTAL DUE: | \$ 9,934.96 |

172.00 Prothonotary costs

Lundy, Flitter, Beldecos & Berger, P.C.

Phillip D. Berger, Esquire
Attorneys for Plaintiff

FILED

MAY 21 2009

William A. Shaw
Prothonotary/Clerk of Courts

Any pd.
20.00

3CCobwrits
to Sheriff

(64)

LUNDY, FLITTER, BELDECOS & BERGER, P.C.
By: PHILLIP D. BERGER, ESQUIRE
Identification No.: 58942
450 N. Narberth Avenue
Narberth, PA 19072
(610) 668-0774

ATTORNEYS FOR PLAINTIFF

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

WRIT OF EXECUTION NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of \$300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing, (2) Deliver the form or mail it to the Sheriff's office located at the address noted.

You should come to the court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

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.

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

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341 South Brady Street
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Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

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Plaintiff,

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RICHARD D. ALLEN, individually and
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341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

CLAIM FOR EXEMPTION

TO THE SHERIFF:

I, the above named defendant, claim exemption of property from levy or attachment:

1. From my personal property in my possession which has been levied upon,
 - (a) I desire that my \$300 statutory exemption be
☐ (I) set aside in kind (specify property to be set aside in kind):

☐ (II) paid in cash following the sale of personal property levied upon; or
 - (b) I claim the following exemption (specify property and basis of exemption):
2. From my property which is in the possession of a third party, I claim the following exemptions:
 - (a) my \$300 statutory exemption: ☐ in cash; ☐ in kind (specify property):
_____;
 - (b) Social Security benefits on deposit in the amount of \$ _____;
 - (c) other (specify amount and basis of exemption):

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at:

Address: _____

Telephone: _____.

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.P.S. §4904 relating to unsworn falsification to authorities.

Date: _____

(Defendant)

THIS CLAIM TO BE FILED WITH THE OFFICE OF THE
SHERIFF OF CLEARFIELD COUNTY:

230 E. Market Street
Clearfield, PA 16830

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

INTERROGATORIES TO GARNISHEE, S & T BANK

TO: S & T Bank
614 Liberty Blvd.
Du Bois, PA 15801

You are required to file answers to the following interrogatories within twenty (20) days after service upon you. Failure to do so may result in judgment against you:

1. At the time you were served or at any subsequent time did you owe the defendant Richard Allen d/b/a Richard D. Allen Pool Sales any money (including, but not limited to account number 3001140049) or were you liable to the defendant on any negotiable or other written instrument, or did the defendant claim that you owed the defendant any money or were liable to the defendant for any reasons?

2. At the time you were served or at any subsequent time was there in your possession, custody or control or in the joint possession, custody or control or in the joint possession, custody or control of yourself and one or more other persons any property of any nature owned solely or in part by the defendant(s)?
3. At the time you were served or at any subsequent time did you hold legal title to any property of any nature owned solely or in part by the defendant or in which defendant held or claimed any interest?
4. At the time you were served or at any subsequent time did you hold as fiduciary any property in which the defendant had an interest?
5. At any time before or after you were served did the defendant(s) transfer or delivery any property to you or to any person or place pursuant to your direction or consent and if so, what was the consideration thereof?
6. At any time after you were served did you pay, transfer or deliver any money or property to the defendant or to any person or place pursuant to the defendant's direction or otherwise discharge any claim of the defendant against you?
7. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in any account in which funds are deposited electronically on a recurring basis and which are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law? If so, identify each account and state the reason for the exemption, the amount being withheld under each exemption and the entity electronically depositing those funds on a recurring basis.

8. If you are a bank or other financial institution, at the time you were served or at any subsequent time did the defendant have funds on deposit in an account in which the funds on deposit, not including any otherwise exempt funds, did not exceed the amount of the general monetary exemption under 42 Pa. C.S. § 8123? If so, identify each account.
9. If your answer to any of the above questions is "yes" set forth the nature of the property, the amount, how held, and the location of same.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By: 

PHILLIP D. BERGER, ESQUIRE
Attorney for Plaintiff

Dated: 5/18/09

FILED

MAY 21 2009

William A. Shaw
Prothonotary/Clerk of Courts

COPY

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA

:

:

SS.

COUNTY OF CLEARFIELD

:

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

Richard D. Allen, individually and d/b/a Richard D. Allen Pool Sales

(1) You are directed to levy upon the property of defendant and to sell defendant's interest therein:

Levy all personal property of the defendant **found at 341 South Brady Street, Du Bois, PA 15801 as more particularly described in Schedule "A" attached hereto.**

(2) You are also directed to attach the property of the defendant not levied upon the possession of: **S & T Bank, 614 Liberty Blvd., Du Bois, PA 15801** as garnishee

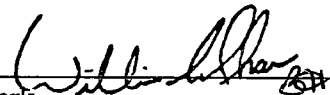
(specifically describe property):

and to notify the garnishee(s) that:

- (a) an attachment has been issued:
- (b) the garnishee(s) is (are) enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee(s) you are directed to notify them that they have been added as garnishee(s) and are enjoined as above stated.

| | | |
|-------------------------------|---------------|--------------------|
| AMOUNT DUE | \$10,004.49 | |
| INTEREST from 6/11/07-5/18/09 | 1,160.47 | |
| Payment | (1,500.00) | |
| (Costs to be added) | <u>270.00</u> | |
| TOTAL DUE: | \$ 9,934.96 | |
| | 172.00 | Prothonotary costs |

Date: 5/21/09
(Seal)

By: 
Clerk

SCHEDULE "A"

Levy all personal property of defendant which is found at:

341 South Brady Street
Du Bois, PA 15801

and which includes but is not limited to all artwork (paintings, prints, sculptures, etc.) furniture, appliances, tapestries, rugs, china, stereos, televisions, VCRs, cameras, video cameras, computers, clocks and all other personal property of defendant not aforementioned.

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

NC TWO, L.P., successor by assignment :
From Bank of America, N.A., successor :
To Fleet National Bank :
Plaintiff :

No. 06-1125-CD

vs. :

Richard D. Allen, individually and :
d/b/a Richard D. Allen Pool Sales :
Defendant :

S&T BANK, :
Garnishee :

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for S & T Bank in the above-captioned matter, hereby certify that I served the original Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U.S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendant by U.S. Certified Mail as follows:

Phillip D. Berger, Esquire
Lundy, Flitter, Beldecos & Berger, P.C.
450 N. Narberth Avenue
Narberth, PA 19072

CERTIFIED MAIL

Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales
341 South Brady Street
DuBois, PA 15801

Date:

6/29/09



Peter F. Smith, Esquire
Attorney for S & T Bank
30 South Second Street, P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

FILED *no cc*
01014201
JUN 30 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

NC TWO, L.P., successor by assignment
from Bank of America, N.A., successor to
Fleet National Bank

Plaintiff

vs.

Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales

Defendant

vs.

S & T Bank,

Garnishee

No. 06-1125-CD

GARNISHEE'S ANSWERS TO INTERROGATORIES

COMES NOW, S & T Bank, by its attorney, Peter F. Smith, who answers the
Interrogatories to Garnishee as follows:

1. Yes.
2. No.
3. No.
4. No.
5. No.
6. No.
7. No.
8. Yes. Defendant Richard D. Allen, d/b/a Richard D. Allen Pool Sales maintains one account with S&T Bank Garnishee. It is identified by #3001781420. It had a balance of \$179.56 on the date and at the time the Writ of Execution in this matter was served on S&T Bank. The balance is below the \$300 statutory exemption.
9. See answer to Interrogatory 8 above.

Date:

6/24/09




Peter F. Smith, Esquire
Attorney for the Garnishee
Attorney I.D. #34291
P.O. Box 130, 30 South Second Street
Clearfield, PA 16830
(814) 765-5595

VERIFICATION

I verify that the statements made in the foregoing Answers to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

S & T BANK

Dated: 6-26-09

By: 
Wendy Pinchock
O.R.E.O Specialist

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to
Fleet National Bank

Plaintiff,

v.

RICHARD D. ALLEN, individually and d/b/a
Richard D. Allen Pool Sales

Defendant,

and

S & T BANK

Garnishee.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

⁵ FILED pd \$7.00 Att
m/1:33 am acc Att
JUL 13 2009 Berger

William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE TO RELEASE BANK GARNISHMENT

TO THE PROTHONOTARY:

Kindly release the garnishment entered in this matter against Garnishee, S & T Bank.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By:



PHILLIP D. BERGER, ESQUIRE
Attorney for Plaintiff

Dated: 7/9/09

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

NC TWO, L.P., successor by assignment
from Bank of America, N.A., successor to
Fleet National Bank

Plaintiff

vs.

Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales

Defendant

vs.

S & T Bank,

Garnishee

No. 06-1125-CD

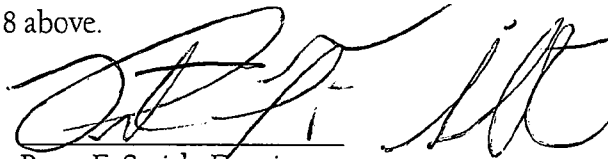
GARNISHEE'S ANSWERS TO INTERROGATORIES

COMES NOW, S & T Bank, by its attorney, Peter F. Smith, who answers the
Interrogatories to Garnishee as follows:

1. Yes.
2. No.
3. No.
4. No.
5. No.
6. No.
7. No.
8. Yes. Defendant Richard D. Allen, d/b/a Richard D. Allen Pool Sales maintains one account with S&T Bank Garnishee. It is identified by #3001781420. It had a balance of \$179.56 on the date and at the time the Writ of Execution in this matter was served on S&T Bank. The balance is below the \$300 statutory exemption.
9. See answer to Interrogatory 8 above.

Date:

6/24/09



Peter F. Smith, Esquire

Attorney for the Garnishee

Attorney I.D. #34291

P.O. Box 130, 30 South Second Street

Clearfield, PA 16830

(814) 765-5595

VERIFICATION

I verify that the statements made in the foregoing Answers to Interrogatories are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

S & T BANK

Dated: 6-26-09

By: Wendy Pinchock
Wendy Pinchock
O.R.E.O Specialist

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

NC TWO, L.P., successor by assignment
From Bank of America, N.A., successor
To Fleet National Bank

Plaintiff

No. 06-1125-CD

vs.

Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales

Defendant

S&T BANK,

Garnishee

CERTIFICATE OF SERVICE

I, Peter F. Smith, attorney for S & T Bank in the above-captioned matter, hereby certify that I served the original Answers to Interrogatories filed in this matter on the Attorney for the Plaintiff by U.S. First Class Mail and a true and correct copy of the Answers to Interrogatories on the Defendant by U.S. Certified Mail as follows:

Phillip D. Berger, Esquire
Lundy, Flitter, Beldecos & Berger, P.C.
450 N. Narberth Avenue
Narberth, PA 19072

CERTIFIED MAIL

Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales
341 South Brady Street
DuBois, PA 15801

Date:

6/29/08



Peter F. Smith, Esquire
Attorney for S & T Bank
30 South Second Street, P. O. Box 130
Clearfield, PA 16830
(814) 765-5595

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

450 N. Narberth Avenue

Narberth, PA 19072

(610) 668-0774

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to
Fleet National Bank

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES

Defendant

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

ORDER TO SATISFY JUDGMENT

TO THE PROTHONOTARY:

Please satisfy the judgment against the Defendant Richard D. Allen, individually and
d/b/a Richard D. Allen Pool Sales in the above-captioned matter.

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

By:



PHILLIP D. BERGER, ESQUIRE

Dated: 9/10/09

FILED
in 11:40 a.m. GK
SEP 21 2009
William A. Shaw
Prothonotary/Clerk of Courts
Attg paid 7.00
2CC Attg
(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20684

NO: 06-1125-CD

PLAINTIFF: NC TWO, L.P., SUCCESSOR BY ASSIGNMENT FROM BANK OF AMERICA, N. A., SUCCESSOR TO FLEET NATIONAL BANK

vs.

DEFENDANT: RICHARD D. ALLEN, INDIVIDUALLY AND D/B/A RICHARD D. ALLEN POOL SALES

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

DATE RECEIVED WRIT: 10/22/2007

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/26/2012

5
FILED
01/31/2012
JAN 26 2012
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

1/11/2008 @ 1:17 PM SERVED RICHARD D. ALLEN, INDIV. AND D/B/A POOL SALES

SERVED, RICHARD D. ALLEN INDIV AND D/B/A POOL SALES, DEFENDANTM AT HIS PLACE OF EMPLOYMENT 341 SOUTH BRADY STREET, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RICHARD ALLEN, OWNER

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

11/19/2007 @ 10:49 PM SERVED S & T BANK

SERVED S & T BANK, GARNISHEE, BY HANDING TO DANIEL M. BARONICH, VICE PRESIDENT, OF S & T BANK, AT HIS PLACE OF EMPLOYMENT 614 LIBERTY BLVD., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES ATO GARNISHEE.

@ SERVED

NOW, JANUARY 29, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE PERSONAL PROPERTY SALE UNTIL FURTHER NOTICE.

@ SERVED

NOW, JANUARY 26, 2012 RETURN WRIT AS TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20684

NO: 06-1125-CD

PLAINTIFF: NC TWO, L.P., SUCCESSOR BY ASSIGNMENT FROM BANK OF AMERICA, N. A., SUCCESSOR TO
FLEET NATIONAL BANK

VS.

DEFENDANT: RICHARD D. ALLEN, INDIVIDUALLY AND D/B/A RICHARD D. ALLEN POOL SALES

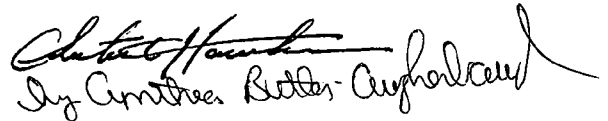
Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

SHERIFF HAWKINS \$86.94

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,



Chester A. Hawkins
Sheriff

LUNDY, FLITTER, BELDECOS & BERGER, P.C.

ATTORNEYS FOR PLAINTIFF

By: PHILLIP D. BERGER, ESQUIRE

Identification No.: 58942

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National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

COMMONWEALTH OF PENNSYLVANIA

:

:

SS.

COUNTY OF CLEARFIELD

:

WRIT OF EXECUTION

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

RICHARD D. ALLEN, individually and d/b/a RICHARD D. ALLEN POOL SALES

(1) You are directed to levy upon the property of defendant and to sell defendant's interest therein:

Levy all personal property of the defendant found at 341 South Brady Street, Du Bois, PA 15801 as more particularly described in Schedule "A" attached hereto.

(2) You are also directed to attach the property of the defendant not levied upon the possession of: S & T Bank, 614 Liberty Blvd., Du Bois, PA 15801 as garnishee

(specifically describe property):

and to notify the garnishee(s) that:

(a) an attachment has been issued:

- (b) the garnishee(s) is (are) enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee(s) you are directed to notify them that they have been added as garnishee(s) and are enjoined as above stated.

| | |
|--------------------------------|---------------------------|
| AMOUNT DUE | \$10,004.49 |
| INTEREST from 6/11/07-10/16/07 | 208.75 |
| Payment | (1,500.00) |
| (Costs to be added) | <u>270.00</u> |
| TOTAL DUE: | \$ 8,983.24 |
| | 125.00 Prothonotary costs |

Date: 10/19/07
(Seal)

By: *William L. Hester*
Clerk

IF SOCIAL SECURITY OR SUPPLEMENTAL SECURITY INCOME FUNDS ARE DIRECTLY DEPOSITED INTO AN ACCOUNT OF THE DEFENDANT, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE ANY FUNDS THAT MAY BE TRACED TO SUCH DIRECT DEPOSITS. IN ADDITION, THE LEVY AND ATTACHMENT SHALL NOT INCLUDE \$300.00 IN THE ACCOUNT OF THE DEFENDANT.

Received this writ this 22nd day
of October A.D. 2007
At 3.00 A.M./P.M.

Charles A. Hawkins
Sheriff *By Cynthia Butler-Depledge*

SCHEDULE "A"

Levy all personal property of defendant which is found at:

341 South Brady Street
Du Bois, PA 15801

and which includes but is not limited to all artwork (paintings, prints, sculptures, etc.) furniture, appliances, tapestries, rugs, china, stereos, televisions, VCRs, cameras, video cameras, computers, clocks and all other personal property of defendant not aforementioned.

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME RICHARD D. ALLEN, INDIV. AND D/B/A POOL SALES

NO. 06-1125-CD

NOW, January 26, 2012, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Richard D. Allen, Individually And D/B/A Richard D. Allen Pool Sales to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

| | |
|----------------------------|----------------|
| RDR | 9.00 |
| SERVICE | 9.00 |
| MILEAGE | 18.43 |
| LEVY | |
| MILEAGE | |
| POSTING | |
| HANDBILLS | |
| COMMISSION | 0.00 |
| POSTAGE | 3.08 |
| HANDBILLS | |
| DISTRIBUTION | |
| ADVERTISING | |
| ADD'L SERVICE | 9.00 |
| ADD'L POSTING | |
| ADD'L MILEAGE | 18.43 |
| ADD'L LEVY | |
| BID/ SETTLEMENT AMOUNT | |
| RETURNS/DEPUTIZE | |
| COPIES | 15.00 |
| BILLING/PHONE/FAX | 5.00 |
| CONTINUED SALES | |
| MISCELLANEOUS | |
| TOTAL SHERIFF COSTS | \$86.94 |

PLAINTIFF COSTS, DEBT AND INTEREST:

| | |
|--------------------------------|-------------------|
| DEBT-AMOUNT DUE | 10,004.49 |
| INTEREST @ % | 0.00 |
| FROM TO | |
| PROTH SATISFACTION | |
| LATE CHARGES AND FEES | |
| COST OF SUIT-TO BE ADDED | 270.00 |
| FORECLOSURE FEES | |
| ATTORNEY COMMISSION | |
| REFUND OF ADVANCE | |
| REFUND OF SURCHARGE | 30.00 |
| SATISFACTION FEE | |
| ESCROW DEFICIENCY | |
| PROPERTY INSPECTIONS | |
| INTEREST | 208.75 |
| MISCELLANEOUS | (1,500.00) |
| TOTAL DEBT AND INTEREST | \$9,225.18 |

COSTS:

| | |
|---------------------|--------|
| ADVERTISING | 0.00 |
| TAXES - COLLECTOR | |
| TAXES - TAX CLAIM | |
| DUE | |
| LIEN SEARCH | |
| ACKNOWLEDGEMENT | |
| SHERIFF COSTS | 86.94 |
| LEGAL JOURNAL COSTS | 0.00 |
| PROTHONOTARY | 125.00 |
| MORTGAGE SEARCH | |
| MUNICIPAL LIEN | |

TOTAL COSTS \$211.94

TOTAL COSTS \$9,225.18

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

LUNDY, FLITTER, BELDECOS & BERGER, P.C.
450 N. Narberth Avenue
Narberth, PA 19072
610-668-0770
610-667-0552 (fax)

TO: CINDY - CLEARFIELD COUNTY SHERIFF'S OFFICE
FAX NO.: (814) 765-5915
FROM: PHILLIP D. BERGER
DATE: 1/29/08
RE: NCTWO, L.P. V. RICHARD ALLEN POOL ET AL. - NO. 06-1125-CD

MESSAGE:

THIS WILL SERVE TO CONFIRM THAT THE PERSONAL PROPERTY
SALE IN THE ABOVE MATTER SHOULD BE STAYED UNTIL
FURTHER NOTICE.

No. of Pages, including cover sheet: 1

If you do not receive all pages, call 610-668-0774

IMPORTANT - The information contained in this Fax is confidential and may also be attorney privileged. This information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee/agent responsible to deliver this fax to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this Fax in error, please immediately notify us by telephone and return the original message to us at the address above. Thank you.

FILED

JAN 26 2012

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20981

NO: 06-1125-CD

PLAINTIFF: NC TWO, L.P., SUCCESSOR BY ASSIGNMENT FROM BANK OF AMERICA, N.A., SUCCESSOR TO
FLEET NATIONAL BANK

vs.

DEFENDANT: RICHARD D. ALLEN, INDIVIDUALLY AND D/B/A RICHARD D. ALLEN POOL SALES

Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

DATE RECEIVED WRIT: 5/21/2009

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 3/26/2012

FILED
03/16/12
MAR 26 2012
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED RICHARD D. ALLEN, INDIVIDUALLY AND D/B/A

NOW, 8/6/09 ATTORNEY OFFICE CALLED AND STATED THEY DID NOT WANT TO LEVY UNLESS THE PAYMENT
IS NOT MADE. THEY WILL CALL US.

6/15/2009 @ 9:48 AM SERVED S & T BANK

SERVED S&T BANK, GARNISHEE BY HANDING TO JESSICA RUNYON, RSS FOR S&T BANK, AT HER PLACE OF
EMPLOYMENT S&T BANK AT 614 LIBERTY BLVD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND INTERROGATORIES TO GARNISHEE.

@ SERVED

NOW, MARCH 26, 2012 RETURN WRIT AS TIME EXPIRED.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20981

NO: 06-1125-CD

PLAINTIFF: NC TWO, L.P., SUCCESSOR BY ASSIGNMENT FROM BANK OF AMERICA, N.A., SUCCESSOR TO
FLEET NATIONAL BANK

vs.

DEFENDANT: RICHARD D. ALLEN, INDIVIDUALLY AND D/B/A RICHARD D. ALLEN POOL SALES

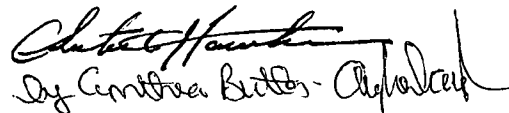
Execution PERSONAL PROPERTY / INTERROGATORIES

SHERIFF RETURN

SHERIFF HAWKINS \$60.26

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,



Chester A. Hawkins
Sheriff

LUNDY, FLITTER, BELDECOS & BERGER, P.C.
By: PHILLIP D. BERGER, ESQUIRE
Identification No.: 58942
450 N. Narberth Avenue
Narberth, PA 19072
(610) 668-0774

ATTORNEYS FOR PLAINTIFF

NC TWO, L.P., successor by assignment from
Bank of America, N.A., successor to Fleet
National Bank
4100 Greenbriar, Suite 180
Stafford, TX 77477

Plaintiff,

v.

RICHARD D. ALLEN, individually and
d/b/a RICHARD D. ALLEN POOL SALES
341 South Brady Street
Du Bois, PA 15801

Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

NO. 06-1125-CD

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA :

ss.

COUNTY OF CLEARFIELD :

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs against:

Richard D. Allen, individually and d/b/a Richard D. Allen Pool Sales

(1) You are directed to levy upon the property of defendant and to sell defendant's interest therein:

Levy all personal property of the defendant found at 341 South Brady Street, Du Bois, PA 15801 as more particularly described in Schedule "A" attached hereto.

(2) You are also directed to attach the property of the defendant not levied upon the possession of: S & T Bank, 614 Liberty Blvd., Du Bois, PA 15801 as garnishee

(specifically describe property):

and to notify the garnishee(s) that:

- (a) an attachment has been issued:
- (b) the garnishee(s) is (are) enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof.
- (3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee(s) you are directed to notify them that they have been added as garnishee(s) and are enjoined as above stated.

| | |
|-------------------------------|---------------------------|
| AMOUNT DUE | \$10,004.49 |
| INTEREST from 6/11/07-5/18/09 | 1,160.47 |
| Payment | (1,500.00) |
| (Costs to be added) | <u>270.00</u> |
| TOTAL DUE: | \$ 9,934.96 |
| | 172.00 Prothonotary costs |

Date: 5/21/09
(Seal)

By: William L. Hagan
Clerk

**PERSONAL PROPERTY SALE
SCHEDULE OF DISTRIBUTION**

NAME RICHARD D. ALLEN, INDIVIDUALLY AND D/B/A

NO. 06-1125-CD

NOW, March 26, 2012, by virtue of the Writ hereunto attached, after having given due and legal notice of time and place of sale by handbills posted on the premises setting forth the date, time and place of sale, I exposed the within described real estate of Richard D. Allen, Individually And D/B/A Richard D. Allen Pool Sales to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

| | |
|----------------------------|----------------|
| RDR SERVICE | 9.00 |
| MILEAGE LEVY | |
| MILEAGE POSTING | |
| HANDBILLS | |
| COMMISSION | 0.00 |
| POSTAGE | 1.76 |
| HANDBILLS DISTRIBUTION | |
| ADVERTISING | |
| ADD'L SERVICE | 9.00 |
| ADD'L POSTING | |
| ADD'L MILEAGE | 20.50 |
| ADD'L LEVY | |
| BID/ SETTLEMENT AMOUNT | |
| RETURNS/DEPUTIZE | |
| COPIES | 15.00 |
| BILLING/PHONE/FAX | 5.00 |
| CONTINUED SALES | |
| MISCELLANEOUS | |
| TOTAL SHERIFF COSTS | \$60.26 |

PLAINTIFF COSTS, DEBT AND INTEREST:

| | |
|--------------------------------|--------------------|
| DEBT-AMOUNT DUE | 10,004.49 |
| INTEREST @ % | 0.00 |
| FROM TO | |
| PROTH SATISFACTION | |
| LATE CHARGES AND FEES | |
| COST OF SUIT-TO BE ADDED | 270.00 |
| FORECLOSURE FEES | |
| ATTORNEY COMMISSION | |
| REFUND OF ADVANCE | |
| REFUND OF SURCHARGE | 30.00 |
| SATISFACTION FEE | |
| ESCROW DEFICIENCY | |
| PROPERTY INSPECTIONS | |
| INTEREST | 1,160.47 |
| MISCELLANEOUS | |
| TOTAL DEBT AND INTEREST | \$11,697.22 |
| COSTS: | |
| ADVERTISING | 0.00 |
| TAXES - COLLECTOR | |
| TAXES - TAX CLAIM | |
| DUE | |
| LIEN SEARCH | |
| ACKNOWLEDGEMENT | |
| SHERIFF COSTS | 60.26 |
| LEGAL JOURNAL COSTS | 0.00 |
| PROTHONOTARY | 172.00 |
| MORTGAGE SEARCH | |
| MUNICIPAL LIEN | |
| TOTAL COSTS | \$232.26 |
| TOTAL COSTS | \$11,697.22 |

COMMISSION 2% ON THE FIRST \$ 100,000 AND 1/2% ON ALL OVER THAT. DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff