

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

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

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

do-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 RICHARD D. ALLEN, individually and d/b/a  
Bank of America, N.A., successor to Fleet National Bank 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

FILED *Atty pd.*  
*7/12/02 04* 85.00  
*JUL 14 2002*

William A. Shaw  
Prothonotary/Clerk of Courts

DEMAND

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

JURY DEMAND:

(Check only if demanded in Complaint.)

- Yes
- No

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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO.

Plaintiff,

v.

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

Defendant.

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. Mehlock, 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

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.

***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/k/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"**

108107

To: Alan M. Ellison  
From: Richard Allen

TR048432969 V2S0996P3 MAR 3 1 2004  
Richard Allen  
Allen Pool, Sales  
341 S Brady St.  
Du Bois, PA 15801-1901

Please provide correct street address below.

1375 SMALL BUSINESS CREDIT EXPRESS™

## Express App

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

### About your (company) business

*Richard D Allen Pool Sales*

Legal Business Name (Applicant)

If partnership or corporation, use your legal business name. If sole proprietorship, use your individual name.

*Allen Pool Sales*

Trade Name (DBA). This will appear on your Express Checks and your credit card.

*Allen Pool Sales*

Business Telephone #

*724-371-6444*

Fax #

*724-371-6051*

E-mail Address (optional)

*26-0037004*

Business Taxpayer Identification Number

*\$ 31K 000*

Business Sales/Revenue (per latest tax return)

*Pool & SPA Retail Store*

Nature of Business

Business Structure (must be US business)

Sole Proprietorship

LLP

LLC

General Partnership

Corporation

Not for profit

Other

(please explain)

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)

*2*

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, 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 *3/08/04*  
Authorized Signature of Applicant Title of Authorized Signer (and as Guarantor) Date

*11*  
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 to be paid	Creditor's address	City	State	ZIP	\$

Creditor to be paid	Creditor's address	City	State	ZIP	\$

02045PP3 Note in 3/31

### 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”**

040645 ✓

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

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: 4091590000186538

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

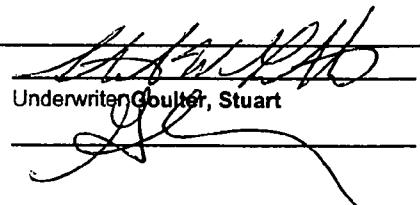
Branch Cost Center: 00006

Underwriter: Goultier, 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- <del>56</del>	New		10.25	6.25					
Grand Total: \$10,500					F51B6									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			

  
Underwriter: Goultier, 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

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

# **EXHIBIT "C"**

## ALLONGE

---

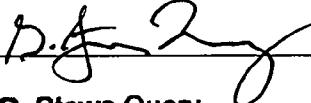
---

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.

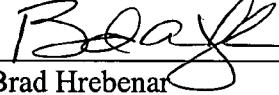
Effective as of the 15th day of November 2005.

**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  
07.30 AM  
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 Marilyn Harr*  
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

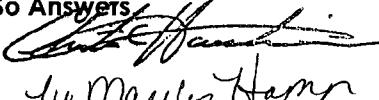
AMENDED  
SHERIFF'S RETURN

---

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

SWORN TO BEFORE ME THIS  
DAY OF September 2006

So Answers

  
by 

CHESTER A. HAWKINS  
SHERIFF

FILED

03:30 PM  
SEP 21 2006

  
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

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.  
3/11/07 \$20.00*  
JUN 11 2007 *CC*

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

*Statement to  
Atty  
(GK)*

**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

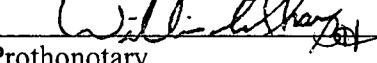
I CERTIFY THAT THE FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED AMOUNTS ALLEGED TO BE DUE IN THE COMPLAINT IS CALCULABLE AS A SUM CERTAIN FROM THE COMPLAINT. I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered 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 11<sup>th</sup> 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

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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

v.

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

Defendant.

**AFFIDAVIT OF NON-MILITARY SERVICE**

STATE OF TEXAS

: SS

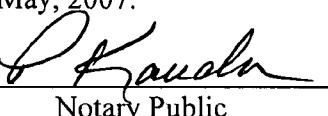
COUNTY OF FORT BEND

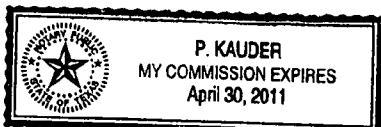
Danny Norton duly sworn according to law, deposes and says that he is an Asset Manager of NC Two, L.P., the Plaintiff herein, and is authorized and does take this Affidavit on behalf of Plaintiff and that to the best of his knowledge, information and belief, the above named Defendant Richard D. Allen, 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

Sworn to and Subscribed  
before me this 31<sup>st</sup> day  
of May, 2007.

  
\_\_\_\_\_  
Notary Public



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

**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. Mehlock, 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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

v.

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

Defendant.

***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

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.

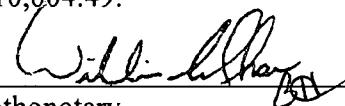
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

COPY

***ORDER***

AND NOW, to wit, this 11<sup>th</sup> 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.  
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.

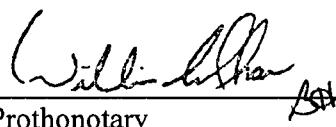
COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

**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.  
 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

**FILED** Atty pd.  
 m/30/07 20.00  
 OCT 19 2007  
 3CCs 6 total  
 William A. Shaw  
 Prothonotary/Clerk of Courts  
 Writs to  
 Sheriff

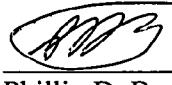
**PRAECIPE FOR WRIT OF EXECUTION**

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 <del>125.00</del>

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 :  
COUNTY OF CLEARFIELD :  
ss.

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. Baker  
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.  
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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

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

Defendant.

*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  
O 1:20 P.M. GK  
DEC 10 2007  
GR  
NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

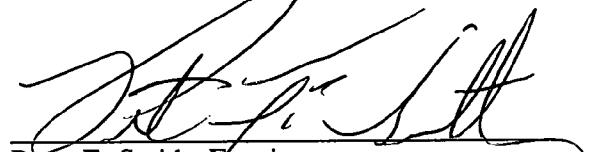
**CERTIFICATE OF SERVICE**

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.  
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

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 AM  
DEC 17 2007 2 C.C. Atty Berger  
(GK)

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

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 Pincock  
Wendy Pincock  
O.R.E.O Specialist

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

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 Praeclipe 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.  
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

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

pd \$7.00 AMY  
**FILED** 2 cc to AMY  
m 11:40 am Beiger  
JAN 16 2007  


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

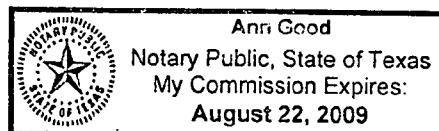
FILED  
MAY 11 2009  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

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

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

Ann Good  
Notary Public

My Commission Expires: 8-22-2009



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

COURT OF COMMON PLEAS  
 CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

v.

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

Defendant.

**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

Atty pd.  
20.00  
3CColewrits  
to Sheriff  
(610)

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

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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

v.

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

Defendant.

***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.  
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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

v.

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

Defendant.

***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.  
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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

v.

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

Defendant.

**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.  
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

*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: 5/16/09

**FILED**

**MAY 21 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

**COPY**

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: Willie L. Gray  
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**  
01/04/2011  
JUN 30 2009  
S  
JUN 30 2009  
LS  
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

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.
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:

6/26/09



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

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

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

s, FILED pd \$7.00 Atty  
m/ 1:33 pm 2cc Atty  
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 : 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.
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:

6/12/09



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 Pinchuck  
Wendy Pinchuck  
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: 6/29/09



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.  
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

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  
S  
Atty paid 7.00  
William A. Shaw  
Prothonotary/Clerk of Courts  
2cc Atty  
610

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**  
01300821  
JAN 26 2012

William A. Shaw  
Prothonotary/Clerk of Court

**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

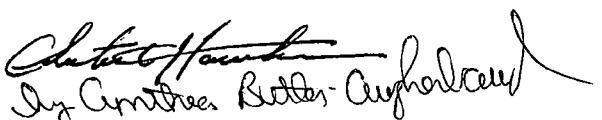
**SHERIFF RETURN**

---

SHERIFF HAWKINS \$86.94

SURCHARGE \$30.00 PAID BY ATTORNEY

So Answers,

  
In Compliance  
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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

v.

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

Defendant.

COMMONWEALTH OF PENNSYLVANIA :  
: :  
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)	270.00
TOTAL DUE:	\$ 8,983.24
	125.00 Prothonotary costs

Date: 10/19/07  
(Seal)

By: Willie H. Hines  
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.

Constance A. Hawkins  
Sheriff by Constance Butcher-Angelusky

***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	
<b>TOTAL SHERIFF COSTS</b>	<b>\$86.94</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

	DEBT-AMOUNT DUE	
	INTEREST @ %	
	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)
<b>TOTAL DEBT AND INTEREST</b>		<b>\$9,225.18</b>
<b>COSTS:</b>		
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		
<b>TOTAL COSTS</b>		<b>\$211.94</b>
<b>TOTAL COSTS</b>		<b>\$9,225.18</b>

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: NC TWO, L.P. V. RICHARD ALLEN POOL et.al. - NO. 06-06-1125-CJ

---

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

S FILED  
03/16/2012  
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 Hawkins*  
By Cynthia Butler - Clerk  
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

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

NO. 06-1125-CD

Plaintiff,

v.

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

Defendant.

***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: Willie L. Brown Jr.  
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:**

**PLAINTIFF COSTS, DEBT AND INTEREST:**

RDR SERVICE	9.00	DEBT-AMOUNT DUE	10,004.49
MILEAGE LEVY		INTEREST @ %	0.00
MILEAGE POSTING		FROM TO	
HANDBILLS		PROTH SATISFACTION	
COMMISSION	0.00	LATE CHARGES AND FEES	
POSTAGE	1.76	COST OF SUIT-TO BE ADDED	270.00
HANDBILLS		FORECLOSURE FEES	
DISTRIBUTION		ATTORNEY COMMISSION	
ADVERTISING		REFUND OF ADVANCE	
ADD'L SERVICE	9.00	REFUND OF SURCHARGE	30.00
ADD'L POSTING		SATISFACTION FEE	
ADD'L MILEAGE	20.50	ESCROW DEFICIENCY	
ADD'L LEVY		PROPERTY INSPECTIONS	
BID/ SETTLEMENT AMOUNT		INTEREST	1,160.47
RETURNS/DEPUTIZE		MISCELLANEOUS	
COPIES	15.00	<b>TOTAL DEBT AND INTEREST</b>	<b>\$11,697.22</b>
BILLING/PHONE/FAX	5.00	<b>COSTS:</b>	
CONTINUED SALES		ADVERTISING	0.00
MISCELLANEOUS		TAXES - COLLECTOR	
<b>TOTAL SHERIFF COSTS</b>	<b>\$60.26</b>	TAXES - TAX CLAIM	
		DUE	
		LIEN SEARCH	
		ACKNOWLEDGEMENT	
		SHERIFF COSTS	60.26
		LEGAL JOURNAL COSTS	0.00
		PROTHONOTARY	172.00
		MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		<b>TOTAL COSTS</b>	<b>\$232.26</b>
		<b>TOTAL COSTS</b>	<b>\$11,697.22</b>

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