

08-2337-CD
LHR Inc. vs Richard D. Allen

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

LTH, Inc.
(Plaintiff)
56 Main Street
(Street Address)
Hamburg NY 14075
(City, State ZIP)

CIVIL ACTION

No. 08-2337-CD

Type of Case: Civil

Type of Pleading: Complaint

VS.

Richard D. Allen
(Defendant)
662 Kupp Road
(Street Address)
Duthersburg PA 15848
(City, State ZIP)

Filed on Behalf of:

Plaintiff, LTH, Inc.
(Plaintiff/Defendant)

and
Allen Coal and Spa
825 San Spur Road
DuBois, PA 15801

Robert J. Saldutti, Esq.
(Filed by)

Saldutti, LLC
800 N. Kings Highway Suite 300
Cherry Hill NJ 08034
(Address)
856-779-0300.
(Phone)

5
FILED Atty pd. 95.00
C.P. 04/05/2008
DEC 05 2008 1CC Atty
m
William A. Shaw
Prothonotary/Clerk of Courts 1CC Sheriff

(Signature)

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA-63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

200 Locust Street
Unit 24E, North
Philadelphia, PA 19106

LHR, INC.
56 MAIN STREET
HAMBURG, NY 14075

Plaintiff,

v.

RICHARD D ALLEN
662 Kupp Rd
Luthersburg, PA 15848

ALLEN POOL AND SPA
825 San Spur Rd
Du Bois, PA, 15801,

Defendant(s).

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Case No.

CIVIL ACTION-LAW

NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

AVISO

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

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

PENNSYLVANIA BAR ASSOCIATION
Lawyer Referral Service
P.O. Box 186, Harrisburg, PA 17108
(717) 238-6807 or (800) 692-7375

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800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

200 Locust Street
Unit 24E, North
Philadelphia, PA 19106

<p>LHR, INC. 56 MAIN STREET HAMBURG, NY14075</p> <p>v.</p> <p>RICHARD D ALLEN 662 Kupp Rd Luthersburg, PA 15848</p> <p>ALLEN POOL AND SPA 825 San Spur Rd Du Bois, PA, 15801,</p>	<p>Plaintiff,</p> <p>Case No.</p> <p>CIVIL ACTION-LAW</p> <p>Defendant(s).</p>
---	--

COMPLAINT - CIVIL ACTION CONTRACT

1. Plaintiff is a corporation with a place of business located at 56 Main Street, Hamburg, NY 14075 and is authorized to conduct business in the Commonwealth of Pennsylvania.

2. The defendant, RICHARD D. ALLEN, is an adult individual residing at 662 KUPP RD, LUTHERSBURG, PA 15848.

3. The defendant Allen Pool and Spa is a business entity located at 825 San Spur Road, DuBois, PA 15801.

4. Defendants entered into an agreement with First Equity Card and/or one of its predecessor financial institutions under Account No. 4988820000406594 and made various credit purchases against this account and /or obtained a financial loan or other financial extensions of credit from plaintiff.

5. By the terms of said contract, defendants were obliged to make repayment

of monies loaned in monthly payments until the entire debt was repaid.

6. Defendants have now defaulted on their obligations under said contract by failing to pay monthly installments or repay the entire balance of the loan.

7. The agreement provides that upon default in the payments of the agreed installments, defendants will pay to plaintiff reasonable attorney's fees and any court costs incurred by plaintiff in the enforcement of this contract and agreement.

8. Plaintiff has employed the undersigned attorneys to represent them in the filing of this suit and has agreed to pay them a reasonable fee for their services.

9. There is currently due and owing from the defendant to the plaintiff the sum of \$7,313.48, together with attorney's fees, interest, and costs of suit.

10. Although plaintiff has demanded payment of the sum in question, defendant has refused to pay.

WHEREFORE, plaintiff requests judgment as follows:

1. Judgment to be entered in favor of plaintiff, LHR, Inc. and against defendants, RICHARD D. ALLEN AND ALLEN POOL AND SPA, for \$7,313.18;

2. Attorney's fees in a reasonable amount or 28% of the unpaid balance, or in the amount of \$2,047.69;

3. Plaintiff's costs of the suit incurred in this action; and

4. Such other and further relief as the court may deem just and proper.

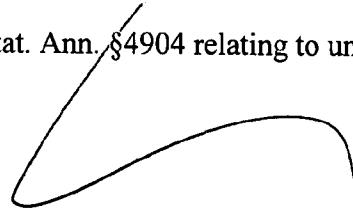
SALDUTTI, LLC

ROBERT L. SALDUTTI, ESQUIRE
Attorney for Plaintiff

Dated: 11/15/2008

VERIFICATION

I, Robert L. Saldutti, Esquire, state that I am authorized to make this verification on behalf of plaintiff, LHR, Inc. and that the facts set forth in the attached Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.



Robert L. Saldutti, Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2337-CD

LHR, INC.

vs

RICHARD D. ALLEN AND ALLEN POOL AND SPA
COMPLAINT

SERVICE # 2 OF 2

SERVE BY: 01/04/2009

HEARING:

PAGE: 105023

DEFENDANT: ALLEN POOL AND SPA
ADDRESS: 825 SAN SPUR RD.
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

S FILED

0/3:40pm
DEC 18 2008

William A. Shaw
Prothonotary/Clerk of Courts
OCCUPIED

SHERIFF'S RETURN

NOW, 12-10-08 AT 2:40 AM/PM SERVED THE WITHIN

COMPLAINT ON ALLEN POOL AND SPA, DEFENDANT

BY HANDING TO PHILLIS ALLEN Former Owner

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 825 San Spur Rd. Dubois, PA 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR ALLEN POOL AND SPA

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO ALLEN POOL AND SPA

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS /SHERIFF

BY: Mark A. Conner
Deputy Signature

Mark A. Conner
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2337-CD

LHR, INC.

vs

RICHARD D. ALLEN AND ALLEN POOL AND SPA
COMPLAINT

SERVICE # 1 OF 2

SERVE BY: 01/04/2009

HEARING:

PAGE: 105023

DEFENDANT: RICHARD D. ALLEN
ADDRESS: 662 KUPP RD.
LUTHERSBURG, PA 15848

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 12-15-08 - 11:11 AM - N/H 12-16-08 - N/H 12-22-08 - 2:25 PM -
Business Closed 1/1 New
12-15 - Not at Business 01/02/09 N/H @ Home year.

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT ON RICHARD D. ALLEN, DEFENDANT

BY HANDING TO _____ / _____

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR RICHARD D. ALLEN

AT (ADDRESS) _____

NOW 1-16-09 AT 8:22 AM PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO RICHARD D. ALLEN

REASON UNABLE TO LOCATE NOT FOUND at Home or Business

SWORN TO BEFORE ME THIS

16th DAY OF January 2008

William A. Shaw

WILLIAM A. SHAW

Prothonotary

My Commission Expires

1st Monday in Jan. 2010

Clearfield Co., Clearfield, PA

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Nevin
Deputy Signature

JEROME M. NEVIN

Print Deputy Name

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA-63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

200 Locust Street
Unit 24E, North
Philadelphia, PA 19106

LHR, INC.
56 MAIN STREET
HAMBURG, NY 14075

Plaintiff,

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RICHARD D ALLEN
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COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Case No. 08-2337-CD

CIVIL ACTION-LAW

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PENNSYLVANIA BAR ASSOCIATION
Lawyer Referral Service
P.O. Box 186, Harrisburg, PA 17108
(717) 238-6807 or (800) 692-7375

I hereby certify this to be a true and attested copy of the original statement filed in this case.

DEC 05 2008

Attest.

William J. Schaeffer
Prothonotary/
Clerk of Courts

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA-63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

200 Locust Street
Unit 24E, North
Philadelphia, PA 19106

LHR, INC. 56 MAIN STREET HAMBURG, NY14075	Plaintiff, v. RICHARD D ALLEN 662 Kupp Rd Luthersburg, PA 15848	COURT OF COMMON PLEAS CLEARFIELD COUNTY, PA Case No. CIVIL ACTION-LAW
ALLEN POOL AND SPA 825 San Spur Rd Du Bois, PA, 15801,	Defendant(s).	

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4. Such other and further relief as the court may deem just and proper.

SALDUTTI, LLC

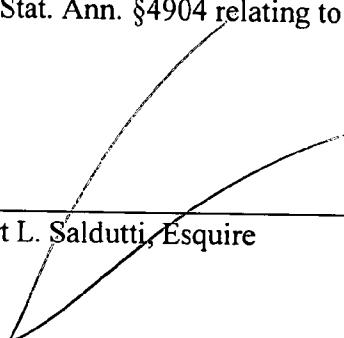
ROBERT L. SALDUTTI, ESQUIRE
Attorney for Plaintiff

Dated: 11/15/2008

VERIFICATION

I, Robert L. Saldutti, Esquire, state that I am authorized to make this verification on behalf of plaintiff, LHR, Inc. and that the facts set forth in the attached Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject of eh penalties of 18 Pa.Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.

Robert L. Saldutti, Esquire



FILED

JAN 19 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105023
NO: 08-2337-CD
SERVICES 2
COMPLAINT

PLAINTIFF: LHR, INC.
vs.
DEFENDANT: RICHARD D. ALLEN AND ALLEN POOL AND SPA

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	SALDUTTI	4804	20.00
SHERIFF HAWKINS	SALDUTTI	4804	80.00

9
FILED
03/31/2009
MAR 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009

Chester A. Hawkins

Chester A. Hawkins
Sheriff

FILED

MAR 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

FILED *1cc*
M 1103 2009 Atty Saldutti
APR 29 2009
S William A. Shaw
Prothonotary/Clerk of Courts
(Gu)

LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s).	CLEARFIELD COUNTY COURT OF COMMON PLEAS Case No. <i>08-2337-CD</i>
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PETITION FOR ALTERNATIVE SERVICE

Plaintiff, LHR, INC., by and through its counsel, Robert L. Saldutti, Esquire, hereby prays this Honorable Court to grant its Petition for Alternative Service pursuant to Pa.R.C.P.

§430. In support hereof, Plaintiff avers the following:

1. On December 5, 2008, Plaintiff filed the instant Civil Action Complaint.
2. On January 16, 2009, we received an affidavit of service from Sheriff of Clearfield County, Pennsylvania indicating that defendant, Richard D. Allen was "Not found".

A true and correct copy of the affidavit of service is attached and marked as Exhibit A.

3. The affidavit indicates that five (5) attempts were made by the Sheriff to serve the Complaint upon defendant, Richard D. Allen.

4. On April 6, 2009, Plaintiff's counsel submitted a Freedom of Information Act request to the postmaster where the Defendant, Richard D. Allen is alleged to reside. The request was returned as on April 8, 2009 and marked "No change of address on file". *A copy of the Freedom of Information Act request is attached and marked as Exhibit B.*

5. On April 4, 2009, Plaintiff's counsel, performed a computer search which

indicated that Defendant still resides at the same address: 662 Kupp Road, Luthersburg, Pa

15848. *A copy of the address search is attached and marked as Exhibit C.*

6. On April 4, 2009, Plaintiff's counsel also performed a computer search which indicated that defendant's company, Allen Pool and Spa is now doing business as Allen Pool Sales with Richard D. Allen's name listed as the company's main contact. This company is now located at 341 S. Brady Street, DuBois, PA 15801-1991. *A copy of the computer search is attached and marked as Exhibit "D".*

7. The overwhelming evidence indicates that Defendant Richard D. Allen is residing at 662 Kupp Road, Luthersburg, PA 15848. The evidence also indicates that Richard D. Allen is working and/or conducting business at Allen Pool Sales located 341 S. Brady Street, DuBois, PA 15801-1991.

8. Plaintiff, LHR, Inc. will be unduly prejudiced if they are unable to make service of the Complaint until defendant, Richard D. Allen via certified and regular mail at both of the above mentioned addresses.

WHEREFORE, Plaintiff prays this Honorable Court to grant its Petition for Alternative Service and allow plaintiff to make service of the Complaint upon Richard D. Allen at the addresses located in Luthersburg, Pennsylvania and DuBois, Pennsylvania.

Respectfully Submitted,
SALDUTTI, LLC

ROBERT L. SALDUTTI, ESQUIRE
Attorney for Plaintiff

Date: April 25, 2009

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2337-CD

LHR, INC.

vs

RICHARD D. ALLEN AND ALLEN POOL AND SPA
COMPLAINT

SERVICE # 1 OF 2

SERVE BY: 01/04/2009

HEARING:

PAGE: 105023

COPY

DEFENDANT: RICHARD D. ALLEN
ADDRESS: 662 KUPP RD.
LUTHERSBURG, PA 15848

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 12-15-08 - 11:11 AM - N/H 12-16-08 - N/H 12-22-08 - 2:25 PM -
Business Closed T/T New
12-15 - Not at Business 0 1/2 /09 N/H @ Home year.
SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT ON RICHARD D. ALLEN, DEFENDANT

BY HANDING TO _____ / _____

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR RICHARD D. ALLEN

AT (ADDRESS) _____

NOW 1-16-09 AT 8:22 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO RICHARD D. ALLEN

REASON UNABLE TO LOCATE NOT FOUND at Home or Business

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Jerome M. Nevin
Deputy Signature

JEROME M. NEVIN
Print Deputy Name

SWORN TO BEFORE ME THIS

16th DAY OF January 2008

William A. Shaw

Prothonotary

My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

EXHIBIT "B"

8906

LARIO & SALDUTTI ATTORNEYS AT LAW
Attorneys at Law
200 Locust Street Unit 24E, North, Phila, PA 19106 (856) 795-4345

Date April 4, 2009

Postmaster
 Luthersburg, Pa 15848

**Request for Change of Address or Boxholder
 Information Needed for Service of Legal Process**

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: **RICHARD D. ALLEN**

Address: **662 Kupp Rd , Luthersburg, Pa 15848,**

NOTE: The name and last known address are required for change of address information. The name, if known and post office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(d)(6)(11). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester (e.g. process server, attorney, party representing himself): **ATTORNEY**
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting pro se - except a corporation acting pro se must cite statute):
3. The names of all known parties to the litigation: **LHR, INC. v. Richard D. Allen and Allen Pool And Spa**
4. The court in which the case has been or will be heard:
CLEARFIELD COUNTY COURT OF COMMON PLEAS, 230 EAST MARKET ST. CLEARFIELD, PA 16830
5. The docket or other identifying number if one has been issued: **08-2337-CD**
6. The capacity in which this individual is to be served (e.g. defendant or witness): **DEFENDANT**

WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

Signature

Address: **SALDUTTI, LLC
 800 Kings Highway, Suite 300
 Cherry Hill, NJ 08034**

ROBERT L. SALDUTTI, ESQUIRE

Printed Name

FOR POST OFFICE USE ONLY

No Change of Address order on file: **NEW ADDRESS or BOXHOLDER'S POSTMARK**

Not known at address given **NAME AND STREET ADDRESS**

Moved, left no forwarding address

No such address



EXHIBIT "C"

People Businesses Assets Licenses Phones Courts



Last Name

First Name

Middle Name

SSN

ALLEN

RICHARD

Street Address

City

State

Zip

County

Radius

Reference

Phone

DOB

Age Range

Search for other possible name spellings Include Bankruptcies

Output Type: Formatted HTML Cut and Paste / Printer Friendly Text (No Reports)

Important: The Public Records and commercially available data sources used in this system have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State.

Search completed

Records: 1 to 9 of 9

SEARCH: Last Name: ALLEN First Name: RICHARD SSN: [REDACTED]

[Edit Search](#)

Click Icons Below To Run a Report

Click Below for Next Steps



All

Full Name
RICHARD D ALLEN
Gender: Male
DOB:
06/22/1965 (43)

SSN

Address

[REDACTED]
341 S BRADY ST STE 1
DU BOIS PA 15801-1991
Nov 00 - Mar 09

Phone Information

814-371-8461 - EDT
ALLEN POOL SALES & SE

We Also Found: Property Records Purchase Results



RICHARD D ALLEN
Gender: Male
DOB:
06/22/1965 (43)

[REDACTED]
662 KUPP RD
LUTHERSBURG PA 15848-1026
Feb 06 - Jan 09

814-583-5108 - EDT

ALLEN RICHARD D



RICHARD D ALLEN
Gender: Male
DOB:
06/22/1965 (43)

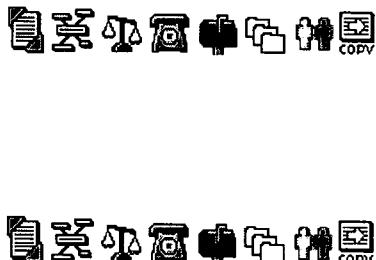
[REDACTED]
1228 S MAIN ST
DU BOIS PA 15801-1130
Apr 85 - Aug 06

RICHARD ALLEN POOLS [REDACTED]

1228 S MAIN ST



Gender: Male

DU BOIS PA 15801-1130
Feb 00 - Aug 06RICHARD D ALLEN
DOB:
06/1954 (54)1228 S MAIN ST
DU BOIS PA 15801-1130
Jul 85 - May 06RICHARD D ALLEN
Gender: Male
DOB:
06/22/1965 (43)12285 MAIN ST
DU BOIS PA 15801
Apr 97RICHARD D ALLEN
DOB:
06/1954 (54)1228 MARTIN RD
INDIANA PA 15701-7434
Sep 92 - Dec 92 [Export to Excel](#)

Records: 1 to 9 of 9

SEARCH: Last Name: ALLEN First Name: RICHARD SSN:

[Edit Search](#)Your DPPA Permissible Use: Civil, Criminal, Administrative or Arbitral Proceedings
Your GLBA Permissible Use: Legal Compliance

EXHIBIT "D"

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Allen Pool Sales (Allen Pool Sales & Service)

341 S Brady St, Du Bois, PA 15801-1991

Contact Phone: (814) 371-8461

URL (web address):

Business Category: Amusement/Recreation Services Ret Misc Merchandise in Du Bois, PA

Industry (SIC): Amusement and Recreation Services, NEC

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[Viking Fiberglass Pools](#) The Most Popular Pools In Numerous Styles & Designs. N.J. & East PA.

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[Inground Swimming Pools](#) Free Quotes & Design Gallery. Fiberglass • Gunite • Cement + More

The ads are not affiliated with Allen Pool Sales

Business Information

This company profile is for the private company Allen Pool Sales, located in Du Bois, PA. Allen Pool Sales & Service's line of business is amusement/recreation services ret misc merchandise.

Company Name: [Allen Pool Sales](#) Is This Your Company?

Address: 341 S Brady St, Du Bois, PA 15801-1991 ([Map](#))

Alt Business Name: Allen Pool Sales & Service

Location Type: Single Location

Est. Annual Sales: \$400,000

Est. # of Employees: 6

Est. Empl. at Loc.: 6

Year Started: 1977

State of Incorp:

SIC #Code: 7999

Contact's Name: [Richard D Allen](#)

Contact's Title: Owner

NAICS: Fitness and Recreational Sports Centers

[Viking Fiberglass Pools](#)

The Most Popular Pools In Numerous Styles & Designs. N.J. & East PA.
[www.pooldesignsinc.com](#)

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Viking Fiberglass pools direct Serving the Tri State Area
[www.purequalitypools.com](#)

[Inground Swimming Pools](#)

Free Quotes & Design Gallery. Fiberglass • Gunite • Cement + More
[QuickPoolQuotes.com](#)



Ads by Google

Data above provided by D&B.

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s).	CLEARFIELD COUNTY COURT OF COMMON PLEAS Case No.
---	--

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S PETITION FOR ALTERNATIVE SERVICE**

The Pennsylvania Rules of Civil Procedure mandate service of original process generally by the Sheriff, or in some cases a qualified process server. See, *Pa.R.C.P. §400* as well as *Philadelphia Local Rule 400.1*.

However, when service cannot be completed in accordance with the requirements of *Rule 400*, the rules provide for a petition for alternative service. Alternative service may be accomplished by certified and first class mail, by publication, by posting or by any means directed by the Court upon petition. ***Pa.R.C.P. §430: Service pursuant to Special Order of the Court*** states:

- (a) If service cannot be made under the applicable rule, the Plaintiff may move the Court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.
- (b)(1) If service of process by publication has been authorized by rule of civil procedure or order of court, the publication shall be by advertising a notice of the action once in the legal publication, if any, designated by

the Court for the publication of legal notices and in one newspaper of general circulation within the county. The publication shall contain the caption of the action and the names of the parties, state the nature of the action and conclude with a notice substantially in the following form: ...

In cases where the Defendant's whereabouts are known, but the Defendant has successfully evaded service by the Sheriff, use of a Court order as described in Pa. R. C. P. §430 is the only way in which service can be effected.

Therefore, Plaintiff prays this Honorable Court to enter an Order for Alternate Service.

Respectfully Submitted,
SALDUTTI, LLC

ROBERT L. SALDUTTI, ESQUIRE
Attorney for Plaintiff

Date: April 25, 2009

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s).	CLEARFIELD COUNTY COURT OF COMMON PLEAS Case No.
---	--

AFFIDAVIT

1. I, Robert L. Saldutti, Esquire, am attorney for the Plaintiff, LHR, Inc.
2. I am over 18 years of age and am duly qualified to make this affidavit.
3. On December 5, 2008, Plaintiff filed the instant Civil Action Complaint.
4. On January 16, 2009, we received an affidavit of service from Sheriff of Clearfield County, Pennsylvania indicating that defendant, Richard D. Allen was "Not found".

A true and correct copy of the affidavit of service is attached and marked as Exhibit A.

5. The affidavit indicates that five (5) attempts were made by the Sheriff to serve the Complaint upon defendant, Richard D. Allen.

6. On April 6, 2009, Plaintiff's counsel submitted a Freedom of Information Act request to the postmaster where the Defendant, Richard D. Allen is alleged to reside. The request was returned as on April 8, 2009 and marked "No change of address on file". *A copy of the Freedom of Information Act request is attached and marked as Exhibit B.*

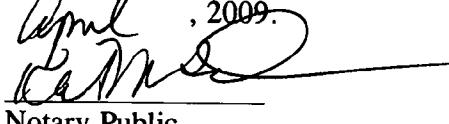
7. On April 4, 2009, Plaintiff's counsel, performed a computer search which indicated that Defendant still resides at the same address: 662 Kupp Road, Luthersburg, Pa 15848. *A copy of the address search is attached and marked as Exhibit C.*

8. On April 4, 2009, Plaintiff's counsel also performed a computer search which indicated that defendant's company, Allen Pool and Spa is now doing business as Allen Pool Sales with Richard D. Allen's name listed as the company's main contact. This company is now located at 341 S. Brady Street, DuBois, PA 15801-1991. *A copy of the computer search is attached and marked as Exhibit "D".*

9. The overwhelming evidence indicates that Defendant Richard D. Allen is residing at 662 Kupp Road, Luthersburg, PA 15848. The evidence also indicates that Richard D. Allen is working and/or conducting business at Allen Pool Sales located 341 S. Brady Street, DuBois, PA 15801-1991.

ROBERT L. SALDUTTI, ESQUIRE

Sworn and subscribed before
me this 25 day of
April, 2009.



Notary Public

KATHLEEN M. SHEEHAN
A Notary Public of New Jersey
My Commission Expires 9/25/2009

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s).	CLEARFIELD COUNTY COURT OF COMMON PLEAS Case No.
---	--

CERTIFICATE OF SERVICE

I, Robert L. Saldutti, Esquire, hereby certifies that on this date I caused a true and correct copy of Plaintiff's Petition for Alternate Service to be served by United States First Class mail upon the following:

RICHARD D ALLEN
662 Kupp Rd
Luthersburg, Pa 15848

ALLEN POOL AND SPA
c/o Richard D. Allen
341 S. Brady Street
Du Bois, Pa, 15801

ROBERT L. SALDUTTI, ESQUIRE
Attorney for Plaintiff

Date: April 25, 2009

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

LHR, INC.,
Plaintiff

2337

NO. 08-237-CD

vs.

RICHARD D. ALLEN and ALLEN
POOL and SPA,
Defendants

ORDER

AND NOW, this 4th day of May, 2009, upon review of the Plaintiff's Petition for Alternative Service, the Court notes as follows:

1. The Court caused the business Allen Pool and Spa to be contacted and verified that the business is open and that Defendant Richard D. Allen is physically present; and
2. It is the ORDER of this Court that the Plaintiff direct the Clearfield County Sheriff to again attempt service of the Civil Action Complaint on the Defendants at the business address during normal business hours.

BY THE COURT


FREDRIC J. AMMERMAN
President Judge

FILED 4cc
01/25/2009 Atty Saldeoti
MAY 04 2009

William A. Shaw
Prothonotary/Clerk of Courts

(60)

FILED

MAY 04 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 24/09

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:
 Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney
 Special Instructions:

SALDUTTI, LLC
By: ROBERT L. SALDUTTI, ESQUIRE
Identification No. 63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
Telephone: (856) 779-0300

Attorney for Plaintiff
200 Locust Street Unit 24E, North
Philadelphia, PA 19106

LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s)	CLEARFIELD COUNTY COURT OF COMMON PLEAS CASE NO. 08-2337-CD
--	---

PRAECIPE TO ENTER DEFAULT JUDGMENT

TO THE PROTHONOTARY:

Enter judgment in favor of plaintiff and against defendant Allen Pool and Spa
for failure to answer or otherwise respond to the complaint filed in the above-captioned
action.

The Complaint was served upon defendant, Allen Pool and Spa on December
10, 2008 by personal service effected by the Sheriff of Clearfield County,
Pennsylvania. A copy of the proof of service is attached hereto as Exhibit "A".

A Notice Praecipe to Enter Default Judgment was served on the defendant,
Allen Pool and Spa on April 4, 2009 by first class mail. A copy of the Notice is
attached hereto as Exhibit "B".

Pursuant to the Notice, defendant, Allen Pool and Spa had an additional ten (10)
days in which to answer the Complaint. The ten day period expired on April 20, 2009.

5/11/2009
MAY 06 2009
FILED Atty pd. 20.00
Served 100s Notice
to Def.
William A. Shan
Prothonotary/Clerk of Courts
100s to Atty

Assess damages in the amount of \$9,555.87, being the contract sum of \$7,313.18 together with attorney's fees and costs in the amount of \$2,242.69, being the amounts demanded in the Complaint.

I certify that the foregoing assessment of damages is for specified amounts alleged to be due in the Complaint and is calculable as a sum certain from the Complaint. I certify that written notice of the intention to file this Praeclipe was mailed or delivered to the party against whom judgment is to be entered and/or 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 the notice is attached pursuant to Pa.R.C.P.

237.1

Dated: April 27, 2009

Robert L. Saldutti, Esquire
Attorney for Plaintiff
Attorney ID #63867

This 10th day of May, 2009
Judgment is entered in favor of plaintiff
And against defendant, ALLEN POOL AND SPA
by default for want of an answer and damages
Assessed at the sum of \$9,555.87 as per the above
Certification



PRO PROTHONOTARY

EXHIBIT “A”

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2337-CD

LHR, INC.

SERVICE # 2 OF 2

VS
RICHARD D. ALLEN AND ALLEN POOL AND SPA
COMPLAINT

SERVE BY: 01/04/2009 HEARING: PAGE: 105023

DEFENDANT: ALLEN POOL AND SPA
ADDRESS: 825 SAN SPUR RD.
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/PIC

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW, 12-10-08 AT 2:45 AM/PM SERVED THE WITHIN

COMPLAINT ON ALLEN POOL AND SPA, DEFENDANT

BY HANDING TO PHILLIS ALLEN, Former Owner

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 825 San Spur Rd. Dubois, PA. 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT FOR ALLEN POOL AND SPA

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK.

I MAKE RETURN OF NOT FOUND AS TO ALLEN POOL AND SPA

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF January 2008

So Answers: CHESTER A. HAWKINS SHERIFF

BY: Chester A. Hawkins

Deputy Signature

Mark A. Conroy

Print Deputy Name

EXHIBIT “B”

SALDUTTI, LLC

ATTORNEYS AT LAW

800 N. KINGS HIGHWAY
SUITE 300
CHERRY HILL, NJ 08034
TEL: 856-779-0300
FAX: 856-779-0355
WWW.SALDUTTICOLLECT.COM

Q-Law No. 8906

April 4, 2009

ALLEN POOL AND SPA
825 San Spur Road
DuBois, PA 15801

RE: LHR, Inc. v. Richard D. Allen And Allen Pool And Spa
CCP Clearfield County, Docket No. 08-2337-CD

Dear Sir or Madam:

Enclosed please find a ten (10) day notice of default which is self-explanatory. This is being served upon you due to your failure to respond to Plaintiff's Complaint serviced upon on December 10, 2008. Unless an answer to Plaintiff's Complaint is filed with the Court within ten (10) days from the date of this notice, a default judgment may be entered against you.

If you would like to discuss an amicable resolution to this matter, please contact the undersigned at 856-779-0300.

Thank you for your prompt attention to this matter.

Very truly yours,
SALDUTTI, LLC

ROBERT L. SALDUTTI, ESQUIRE

RLS/das
Enclosure

SALDUTTI, LLC
By: ROBERT L. SALDUTTI, ESQUIRE
Identification No. 63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
Telephone: (856) 779-0300
Attorney for Plaintiff

Attorney for Plaintiff
200 Locust Street Unit 24E. North
Philadelphia. PA 19106

LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s)	CLEARFIELD COUNTY COURT OF COMMON PLEAS CASE NO.
--	--

IMPORTANT NOTICE

TO: ALLEN POOL AND SPA
825 San Spur Road
DuBois, PA 15801

DATE: April 6, 2009

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO FILE AN ANSWER IN THIS CASE. UNLESS YOU TAKE ACTION 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 RIGHTS TO DEFEND AND THEREBY LOSE PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS NOTICE TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

PENNSYLVANIA BAR ASSOCIATION
LAWYER REFERRAL SERVICE
P.O. Box 186, Harrisburg, PA 17108
(717) 238-6807 or (800) 692-7375

SALDUTTI, LLC

ROBERT L. SALDUTTI, ESQUIRE

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA-63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

200 Locust Street
Unit 24E, North
Philadelphia, PA 19106

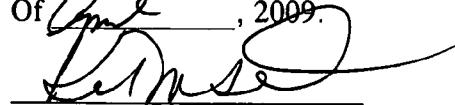
LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s)	CLEARFIELD COUNTY COURT OF COMMON PLEAS CASE NO. 08-2337-CD
--	---

AFFIDAVIT OF NON-MILITARY SERVICE

The undersigned, being duly sworn according to law, deposes and states that the Defendant, Allen Pool and Spa is a company authorized to do business in the Commonwealth of Pennsylvania and is therefore not governed by the Soldiers' and Sailors' Relief Act of Congress of 1940 as amended. See attached Military Status Report.

ROBERT L. SALDUTTI, ESQUIRE
Attorney for Plaintiff,

Sworn to and subscribed
Before me this 27 day
Of June, 2009.


Notary Public

KATHLEEN M. SHEEHAN
A Notary Public in the State of New Jersey
My Commission Expires 9/25/2009

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA-63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

200 Locust Street
Unit 24E, North
Philadelphia, PA 19106

LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s)	CLEARFIELD COUNTY COURT OF COMMON PLEAS CASE NO. 08-2337-CD
--	---

CERTIFICATION OF ADDRESSES

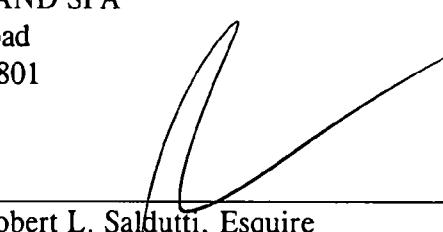
It is hereby certified that the parties have the following addresses:

Plaintiff: LHR, INC.
56 MAIN STREET
HAMBURG NY 14075

Defendant: ALLEN POOL AND SPA
825 San Spur Road
Dubois, PA 15801

Dated: April 27, 2009

Robert L. Saldutti, Esquire
Attorney for Plaintiff
Attorney ID #63867



SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA-63867
800 N. Kings Highway, Suite 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

200 Locust Street
Unit 24E, North
Philadelphia, PA 19106

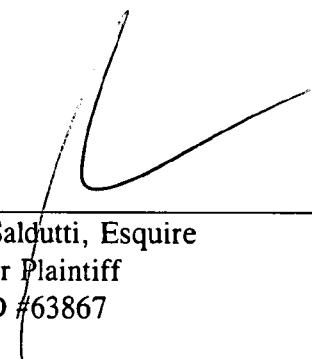
LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s)	CLEARFIELD COUNTY COURT OF COMMON PLEAS CASE NO. 08-2337-CD
--	---

CERTIFICATE OF IMPORTANT NOTICE

I, Robert L. Saldutti, do hereby certify that a Notice Praecepce to Enter Default
Judgment was served upon the defendant, Allen Pool and Spa on or about April 4, 2009
by United States mail, first class, postage pre-paid.

Dated: April 27, 2009

Robert L. Saldutti, Esquire
Attorney for Plaintiff
Attorney ID #63867



OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS

COPY

LHR, INC. Plaintiff v. RICHARD D. ALLEN AND ALLEN POOL AND SPA Defendant(s)	CLEARFIELD COUNTY COURT OF COMMON PLEAS CASE NO. 08-2337-CD
--	---

NOTICE

Pursuant to Pa.R.C.P. 236 of the Supreme Court of Pennsylvania, you are hereby notified that a judgment has been entered against you in the above proceeding as indicated below:

Judgment by Default: **\$9,555.87**

Money Judgment

Judgment on Award of Arbitrators

Money Judgment Transferred by Other Jurisdiction

Other:

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

Robert L. Saldutti, Esquire at this telephone number: (856) 779-0300.

PROTHONOTARY:

Willie L. Shan
5/6/09

SALDUTTI, LLC
BY: Robert L. Saldutti, Esquire
Identification No. PA-63867
800 N. Kings Highway, Ste 300
Cherry Hill, NJ 08034
(856) 779-0300
Attorney for Plaintiff

200 Locust Street
Unit 24E, North
Philadelphia, PA 19106

LHR, INC. v. RICHARD D ALLEN AND ALLEN POOL AND SPA	Plaintiff, Defendant(s).	CLEARFIELD COUNTY COURT OF COMMON PLEAS Case No. 2008-02337 CIVIL ACTION-LAW
---	---------------------------------	---

PRAECIPE TO SETTLE, DISCONTINUE, AND END

TO THE PROTHONOTARY:

Kindly mark matter Settled, Discontinued and Ended.

SALDUTTI, LLC

ROBERT L. SALDUTTI, ESQUIRE

Date: December 11, 2009

5 **FILED** *2ca + 1 Cents of
m 11:33 am disc issued to
DEC 14 2009 Atty Saldutti*

William A. Shaw *Copy to CJA*
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

LHR, Inc.

Vs.

No. 2008-02337-CD

Richard D. Allen
Allen Pool and Spa

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 14, 2009, marked:

Settled, discontinued and ended

Record costs in the sum of \$115.00 have been paid in full by Robert L. Saldutti Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 14th day of December A.D. 2009.



William A. Shaw, Prothonotary