

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

BRINTON L. LIDDELL, et ux, : No. 1812
et al, :
Plaintiffs :
-vs- : March Term, 1954
THOMAS W. HOPPER, et al, :
Defendants : In Equity

DECREE NISI

AND NOW, December 9th, 1954, it is ordered and decreed
that:

1. The bill herein filed is dismissed as to the defendants,
Thomas W. Hopper, Birney K. Morse, Henry Wood, J. Roy Carroll,
Jr., Frank H. McCowan, Walter H. Nason and Amborse H. Van Allen,
Members of Council of the Borough of Swarthmore, Elliott Richard-
son, Secretary and Building Inspector of the Borough of Swarth-
more.

2. The bill herein filed is maintained as to the defendant,
Swarthmore Swim Club; the prayer for an injunction is refused;
the said Swarthmore Swim Club may erect, construct, maintain
and operate a swimming club, with pools, buildings, parking lot
and "play" or "sunning" area upon the tract of land situate on
the east side of Riverview Avenue, in the Borough of Swarthmore
aforesaid, adjacent to and adjoining the Pennsylvania Railroad
Company on the South and The Township of Springfield on the east,
under and subject to the following conditions, regulations and
requirements:

(a) Said property, with its appurtenances, shall not be
disposed of, sold, or otherwise alienated for any other recre-
ational or business purpose than a private swimming pool.

"EXHIBIT A"

X

(b) The membership of the Swarthmore Swim Club shall consist of no more than four hundred families; Swarthmore families shall be given preference in such memberships.

(c) The entire premises shall be enclosed with a cyclone fence, with appropriate safeguards, to prevent the entrance of persons, particularly children, when the pool is not in operation.

(d) In winter, when the pool is not in use, it shall be drained of all water.

(e) There shall be no parking on the public streets by users of said pool; adequate parking facilities for automobiles shall be provided by the Club upon its own property.

(f) A Public address system shall not be used upon the club premises; radios, television and other sound machinery shall be controlled in volume so that the sound thereof shall be confined to the Club property.

(g) Flood lights, if used, shall be so erected that the light therefrom shall not shine upon the properties of the neighbors.

(h) The Swim Club shall close each night not later than 10 o'clock P. M.

(i) When said premises is closed, all outside gates and doors shall be securely locked.

(3) The parties hereto shall each pay their own costs.

And the Prothonotary of Delaware County is directed to notify all parties hereto or their counsel of record of the filing of the foregoing findings of fact, conclusions of law and decree nisi, and, unless exceptions are filed thereto within twenty (20) days after receipt of such notice, the decree nisi shall be entered as the final decree in this case.

BY THE COURT:

Henry G. Sweney

President Judge