

12/14/73

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,
PENNSYLVANIA

BRINTON L. LIDDELL and ELEANOR : NO. 1812
 L. LIDDELL, his wife, WESLEY J.
 SIMON and PATRICIA A. SIMON, :
 his wife, ROBERT M. LACHMAN and :
 LEATHA R. LACHMAN, his wife, :
 WILBUR NORMAN ANDERSON and MARIAN :
 ORR ANDERSON, his wife, DONALD A. :
 HICKEY and DOROTHY E. HICKEY, his :
 wife, VINCENT P. CARROLL and :
 ELEANOR K. CARROLL, his wife, :
 and S. HERMAN COOPER and BESSIE :
 S. COOPER, his wife, :
 Plaintiffs :
 vs. : MARCH TERM, 1954

THOMAS W. HOPPER, BIRNEY K. MORSE, :
 HENRY WOOD, J. ROY CARROLL, JR., :
 FRANK H. McCOWAN, WALTON N. NASON :
 and AMBROSE H. VAN ALLEN, MEMBERS :
 OF COUNCIL OF THE BOROUGH OF :
 SWARTHMORE: ELLIOTT RICHARDSON, :
 SECRETARY AND BUILDING INSPECTOR :
 OF THE BOROUGH OF SWARTHMORE; AND :
 THE SWARTHMORE SWIM CLUB, A :
 CORPORATION. , :
 Defendants : IN EQUITY

PETITION TO MODIFY DECREE NISI

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of Swarthmore Swim Club, by its President, Mary Rhodes, through its attorney, Richard L. Raymond, Esquire, respectfully submits:

1. The Petitioner is a non-profit corporation organized and existing under the laws of the Commonwealth of Pennsylvania.

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2. This action is brought ex parte because the prayer has no immediate or deleterious effect upon the Plaintiffs above named since they are for the most part, no longer resident in the Borough of Swarthmore, or if so resident, have not contacted Petitioner within the last ten years in any way pertaining to the use and operation of the Petitioner swim club.

3. As of December 9, 1954, a decree nisi was entered, a copy of which is attached hereto.

4. Said decree nisi provides, inter alia, as follow:

"(b) The Membership of the Swarthmore Swim Club shall consist of no more than four hundred families, ..."

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

5. In order to economically preserve the facilities of Petitioner, to wit, the swimming pools, of which there are two, a reasonable amount of water should be permitted to remain in each pool to prevent buckling and heaving due to freezing.

6. Said pool area is completely enclosed in a cyclone fence which, during the off season, is secured and gates locked.

7. Adequate insurance coverage for liability is maintained by said Petitioner.

8. In order to economically operate said swim club it is necessary to have a membership in excess of 400 families.

9. The facilities available at said swim club can accommodate in excess of 400 families and in fact can accommodate 650 families.

WHEREFORE, Petitioner prays your Honorable Court Order that said Decree Nisi be modified to provide

(1) That the Swarthmore Swim Club be permitted to maintain a reasonable amount of water in its said swimming pools during the off season to prevent the occurrence of heaving and buckling of said pool floors during the off season.

(2) That the Swarthmore Swim Club be permitted to enlarge its membership to 650 families.

RICHARD L. RAYMOND, ESQUIRE
Attorney for Petitioner

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF DELAWARE :

MARY RHODES, being duly sworn according to law, deposes and says that she is the President of the within Swarthmore Swim Club, and in that capacity is authorized to make this affidavit, and that the facts set forth herein are true to the best of her knowledge, information, and belief.

Mary Rhodes
MARY RHODES

Sworn to and subscribed
before me this 14th day
of December, 1973.

William H. Jones
Notary Public - Swarthmore, Del. Co., Pa.
My Comm. Expires Jan. 31, 1974