

DOCKET NO. 173

NUMBER TERM YEAR

227 November 1960

Frederick J. Chuchek

VERSUS

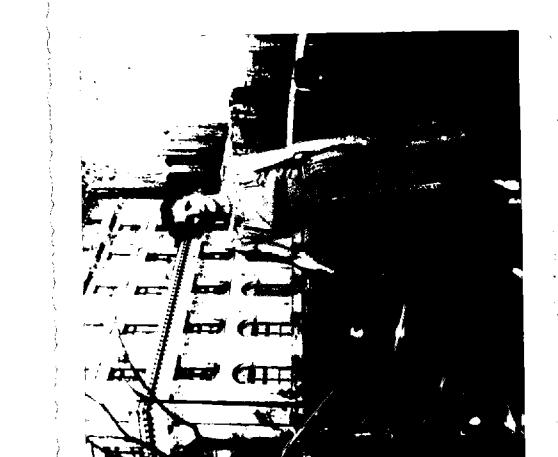
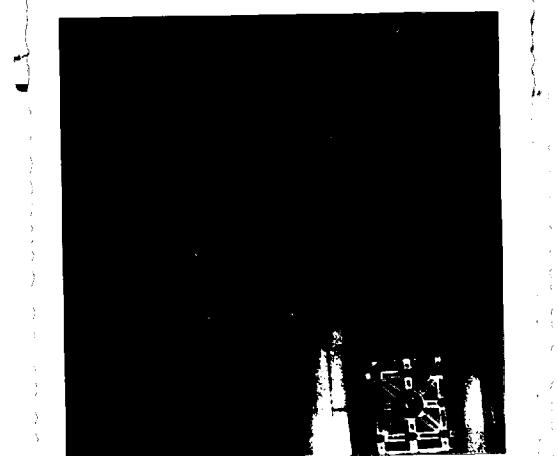
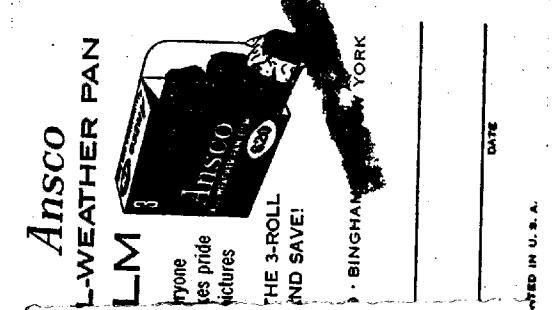
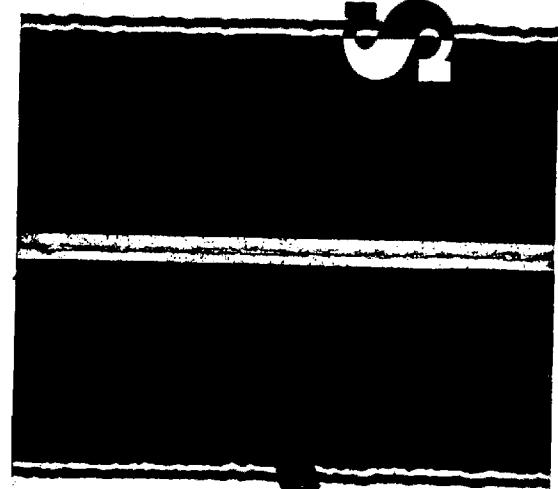
Caroline L. Chuchek

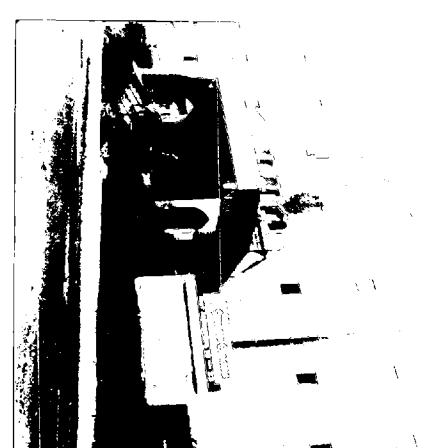
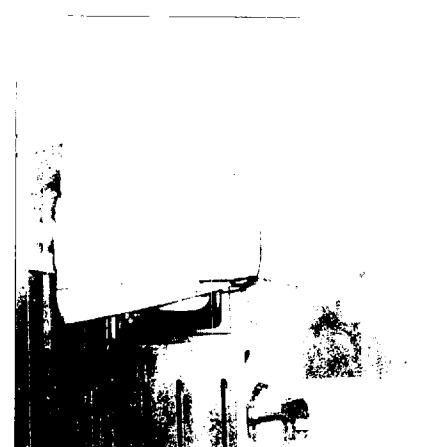
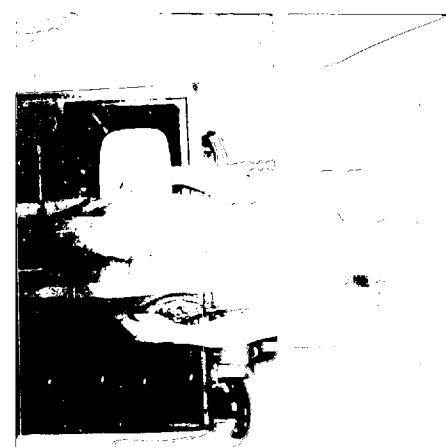
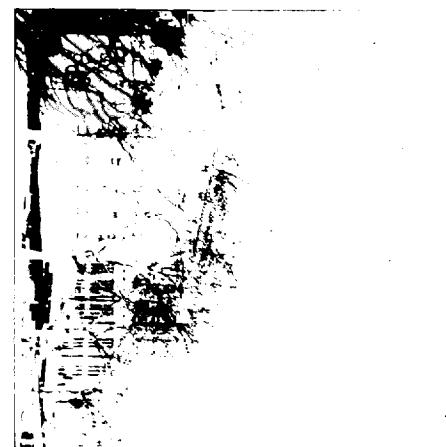
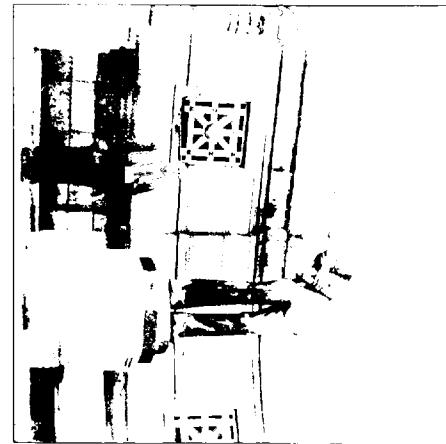
SMITH'S CAMERA SHOP
Clearfield County's Largest Photo Dealer
Clearfield, Pa.

Ch. C.

Snapfolio

Exhibit 5





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK

)

VS

)

No. 227 November Term, 1960

CAROLINE L. CHUCHECK

)

In Divorce

MOTION AND ORDER FOR HEARING

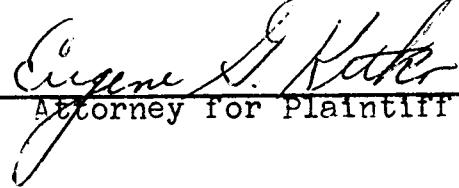
TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

1. The Plaintiff by the above entitled action commenced an action of divorce wherein one of the averments was a question of custody of two minor children, namely Rhonda Jean Chuchek and Silvia Winterfred Chuchek.

2. That your Honorable Court appointed Richard Bell Master and after hearing duly held the Master recommended a decree of divorce and referred to your Honorable Court the question of custody.

3. The question of custody has not yet been heard by your Honorable Court.

WHEREFORE, the Plaintiff asks your Honorable Court to set a date for hearing on said custody and have notice of the same served by the Sheriff of Clearfield County on the Defendant Caroline L. Chuchek.



Eugene J. Kotter
Attorney for Plaintiff

ORDER

NOW this 19th day of June, 1961, upon consideration of the foregoing petition the 6th day of July 1961 is hereby set as the time for hearing of the matter of custody of said Rhonda Jean Chuchek and Silvia Winterfred Chuchek, said hearing to be held on that date at 10 A.M. in the court room of the Clearfield County Court House. Defendant to be given 10 days notice of this hearing by personal serving of a copy of this petition and order by the Sheriff of Clearfield County.

BY THE COURT,

John F. Ruff
P.J.

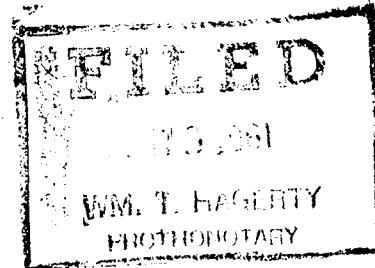
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 227 November Term, 1960

FREDERICK J. CHUCHECK

VS

CAROLINE L. CHUCHECK

MOTION AND ORDER FOR HEARING



EUGENE G. KITKO
ATTORNEY AT LAW
XXXXXX
CLEARFIELD, PA.

Now, June 19, 1961, notice accepted
and issuance of rule waived
by
Caroline L. Chuccheck
by
attcy for def't.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

FREDERICK J. CHUCHECK :
VS : No. 227 November Term 1960
: In Divorce.
CAROLINE L. CHUCHECK : In re: Custody of Children.

O R D E R

NOW, July 6, 1961, after giving this matter consideration, having heard the testimony, having observed the parties as they testified, keeping in mind the paramount purpose of any Court is the welfare of the children, and in view of the circumstances as presented, a temporary Order will be made; that the plaintiff, Frederick J. Chuchek, shall have custody of Rhonda Jean Chuchek and Sylvia Winifred Chuchek every Saturday from 10 A.M. until 8 P.M. In the event Frederick J. Chuchek shall have to work, or be unable to have the children in his custody during those hours, he shall return them to the home of their mother. In the meantime, they shall remain in the custody of Mrs. Chuchek.

It is further directed that the mother, Caroline L. Chuchek, shall not leave the children alone in the home after 10 P.M. in the evening, nor remain away from the home and leave the children, including the two who do not belong to Mr. Chuchek, alone over night or over the week end. Mrs. Chuchek shall further, make no effort or move to turn the two girls against their father, either naturally, or unnaturally, and shall permit Frederick J. Chuchek and the two girls to get acquainted and follow their own course and their mutual interests.

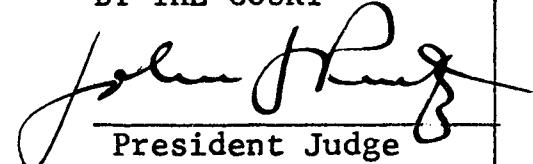
It is further directed that the Child Welfare Services of Clearfield County shall observe the conduct in the home, and the conduct of Mrs. Chuchek, and observe whether or not the money being paid for the support of these two children, is being spent on the two girls, and not by Caroline L. Chuchek upon herself or for her own pleasure, enjoyment, or any other way.

The Court considers the moral situation of the home and the mother, at least deplorable; and that the Sunday School, Church and Girl Scout attendance continue by Mrs. Chuchek and be sincere, and she discontinue her hypocrisy.

The plaintiff, Frederick J. Chuchek, shall have the two children this coming Saturday, and continue every Saturday until further Order.

Exception noted.

BY THE COURT



President Judge

THE STATE OF PENNSYLVANIA
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
No. 227 November Term 1860

JOHN J. PENTZ, Plaintiff

vs

CHARLES W. COOPER, Defendant

ON BEHALF

JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

POST OFFICE DEPARTMENT <small>OFFICIAL BUSINESS</small>		<small>PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300.</small>	
			
3811 Jan. 1958			
<p>INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.</p>			
RETURN TO			
REGISTERED NO.	NAME OF SENDER		
	Bell, Silberblatt & Swoope <small>STREET AND NO. OR P. O. BOX</small>		
CERTIFIED NO.	<small>P. O. BOX 670</small>		
233518			
INSURED NO.	<small>CITY, ZONE AND STATE</small> CLEARFIELD, PA		
<small>POD Form 3811</small> <small>GS5-16-71548-4</small>			

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE



Deliver **ONLY** to
addressee

(Additional charges required for these services)



Show address where
delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*

Mrs. Dorothy Puchnick

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED	ADDRESS WHERE DELIVERED <i>(only if requested in item #1)</i>
FEB 11 1961	

C55-16-71548-4 GPO

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO	POSTMARK OR DATE	
Mrs. Caroline L. Chuchock		
STREET AND NO.	2/10/61	
316 West Front Street		
CITY AND STATE		
Clearfield, Pa.		
<i>If you want a return receipt, check which</i>		
<i>If you want re-</i>		
<i>stricted deliv-</i>		
<i>ery, check here</i>		
<input type="checkbox"/> 10¢ show	<input type="checkbox"/> 35¢ shows to whom,	<input type="checkbox"/> 50¢ fee
<input type="checkbox"/> to whom	<input type="checkbox"/> when, and address	
and when	delivered	
delivered		
FEES ADDITIONAL TO 20¢ FEE		
PDD Form 3800		
Jul 1957		
SEE OTHER SIDE		

No. 233548 N

1. Stick postage stamps to your article to pay:
20¢ certified mail fee Restricted delivery fee—50¢ (optional)
First-class or airmail postage Special-delivery fee (optional)
Either return receipt fee—10¢ or 35¢ (optional)
2. If you want this receipt postmarked, stick the gummed stub on the address side of the article, *leaving the receipt attached*, and present the article to a postal employee.
3. If you do not want this receipt postmarked, stick the gummed stub on the address side of the article, detach and retain the receipt, and mail the article.
4. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, POD Form 3811, and attach it to the back of the article. Endorse the front of article RETURN RECEIPT REQUESTED.
5. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card.
6. Save this receipt and present it if you make inquiry.

★ U. S. GOVERNMENT PRINTING OFFICE : 1937.

16-71547-4

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO	POSTMARK OR DATE
Preston J. Strunk, a/k/a STREET AND NO.	2/10/61
CITY AND STATE	
Kerrmoor, Pa.	
<i>If you want a return receipt, check which</i>	
<input type="checkbox"/> <i>10¢ shows</i>	<input type="checkbox"/> <i>5¢ shows to whom,</i>
<input type="checkbox"/> <i>when, and address</i>	<input checked="" type="checkbox"/> <i>air mail</i>
<input type="checkbox"/> <i>and when</i>	<input type="checkbox"/> <i>check here</i>
<input type="checkbox"/> <i>delivered</i>	<input type="checkbox"/> <i>50¢ fee</i>
FEES ADDITIONAL TO 20¢ FEE	
POD Form 3800 Jul 1957	SEE OTHER SIDE

NO 23355

1. Stick postage stamps to your article to pay: 20¢ certified mail fee First-class or airmail postage Either return receipt fee—10¢ or 35¢ (optional) Restricted delivery fee—50¢ (optional)
2. If you want this receipt postmarked, stick the gummed stub on the address side of the article, *leaving the receipt attached*, and present the article to a postal employee.
3. If you do not want this receipt postmarked, stick the gummed stub on the address side of the article, detach and retain the receipt, and mail the article.
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6. Save this receipt and present it if you make inquiry.

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to _____ Show address where
addressee _____ delivered
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Barney J. Stieren

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED | ADDRESS WHERE DELIVERED (only if requested in item #1)

2-13-61 Barney Stieren

C58-16-71548-4 GFJ

POST OFFICE DEPARTMENT <small>OFFICIAL BUSINESS</small>	
PENALTY FOR COUNTERFEIT MARKS OR STAMPS PAYABLE TO POSTMASTER, \$3000	
POST OFFICE <small>DELIVERY PLACE</small>	
WHAT'S IT	
RETURN TO	
DO YOU WANT IT?	
INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.	
REGISTERED NO.	NAME OF SENDER
CERTIFIED NO.	STREET AND NO. OR P. O. BOX
233553 INSURED NO.	P. O. BOX 670 CITY, ZONE AND STATE
Clearfield, Pa.	

Form 3811 Jan. 1958

Rec-16-71448-4

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

RICHARD A. BELL, ESQ., Greeting:

Know you, that in confidence of your prudence and fidelity we have appointed you, and by these presents do give unto you full power and authority, in pursuance of an order made in our County Court of Common Pleas, for the County of Clearfield, in a certain cause there depending, wherein

FREDERICK J. CHUCHECK

Plaintiff ,

CAROLINE L. CHUCHECK

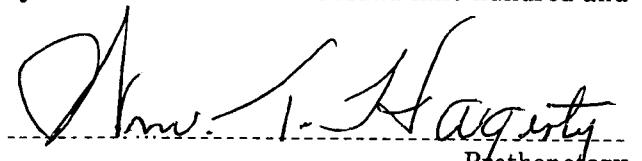
Defendant ,

to call before you at a certain day and place by you for that purpose to be appointed, all and every person who may be named to you on the part of the parties

as witnesses in the said cause, and then and there to examine each of the said witnesses upon their oath or solemn affirmation touching the premises and reduce their testimony to writing and report the same with form of Decree. and when you shall have done so, you are to send the name before our Judge at Clearfield, at our said Court, together with the interrogatories and this writ, and under your hand and seal.

In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 17th day of January, in the year of our Lord one thousand nine hundred and sixty-one.


John J. Pentz
Prothonotary

To the Honorable, the Judge, &c.:

The execution of this commission appears in a certain schedule hereunto annexed.


Richard A. Bell
SEAL
COMMISSIONER.

No. 227 November Term. 1960

FREDERICK J. CHUCHECK

VERSUS

CAROLINE L. CHUCHECK

COMMISSION

Eugene G. Kitko Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK :
VS. : No. 227 November Term, 1960
: :
CAROLINE L. CHECKECK : IN DIVORCE

D O C K E T E N T R I E S

December 9, 1960, COMPLAINT IN DIVORCE, filed: Two copies certified to the Sheriff.

January 17, 1961, Sheriff's Return, filed: Now, December 15, 1960, at 3:35 o'clock P.M. served the within Complaint In Divorce on Caroline Chuchek at 316 West Front Street, Clearfield, Pennsylvania, by handing to her personally a true and attested copy of the original Complaint in Divorce and made known to her the contents thereof. So answers, Charles G. Ammerman, Sheriff.

January 17, 1961, by Motion on the Watch-Book, Richard A. Bell, Esq., is appointed Master to take the testimony and report the same with form of Decree, John J. Pentz, President Judge.

Certified from the record this 17th day of January, A. D. 1961.

Wm. J. Haerty
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK : *227 W. 1st*
VS, : May Term, 1960.
CAROLINE L. CHUCHECK : In Divorce

C O M P L A I N T

Frederick J. Chuchek files this Complaint on an action of divorce against Caroline L. Chuchek, and for his cause of action states:

1. That the name of the Plaintiff is Frederick J. Chuchek who is fourty-five (45) years of age, and the name of the Defendant is Caroline L. Chuchek who is fourty-one (41) years of age.
2. That the Plaintiff is a citizen of the United States of America and lives at 522 Mt. Joy Road, Clearfield, Pennsylvania.
3. That the Defendant is a citizen of the United States of America and lives at 316 West Front Street, Clearfield, Pennsylvania.
4. That the Plaintiff and Defendant were married August 3, 1954 by Reverend Sharpe, Methodist Minister in Newton Hamilton, Pennsylvania.
5. That one (1) child, Silvia Winterfred Chuchek, was born to this marriage, prior to the marriage, on December 21, 1952. Also a second child Rhonda Jean Chuchek, born April 2, 1951 in Clearfield County, Pennsylvania, was adopted by Frederick J. Chuchek and Caroline L. Chuchek in 1956 or 1957.
6. That there has been no prior divorce commenced between these parties.
7. That the Defendant has offered such indignities to the Plaintiff to make his life burdensome and intolerable.
8. The Defendant did on or about May 21 and May 22 of 1960, at the Pittsburger Hotel, Pittsburg, Pennsylvania, and on several other occasions prior to said date commit adultery with Preston J. Strunk.

Th 9. That the said two children are in custody of the Defendant Caroline L. Chuchek and the Plaintiff Frederick H. Chuchek is asking for custody of said minor children.

10. That the Plaintiff and Defendant owns property in joint names in Clearfield Borough and in Huntingdon County and a settlement of property rights is requested.

WHEREFORE, the Plaintiff prays that he be granted an absolute divorce from the bonds of matrimony between he and the Defendant.

Eugene G. Kitter
Attorney for the Plaintiff

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD

Frederick J. Chuchek, being the Plaintiff herein and being sworn according to law, states that the facts herein are true and correct to the best of his knowledge, and that this complaint is not filed out of levity, but because he verily beleived that he has a true and just cause of action.

Frederick J. Chuchek

Sworn to and subscribed to
before me this 29th day
of July, 1960.

Tom J. Sager

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

327 Nov 1960

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHICK

VS.

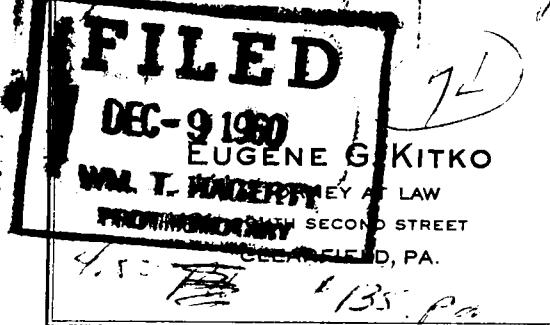
CAROLINE L. CHUCHICK

COMPLAINT

NOTICE TO PLEAD TO THE
WITHIN NAMED DEFENDANT

You are hereby notified to
plead to the within Complaint
within twenty (20) days from
date of service hereof.

Eugene G. Kitko
Attorney for the Plaintiff
Dec 9 1960



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

Frederick J. Checheck : No. ~~221~~ November Term, 1960

vs :

Caroline Chuchcek : Complaint In Divorce

NOW, December 13, 1960 at 3:35 o'clock P.M. served the within Complaint In Divorce on Caroline Chacheck at 316 W. Front Street, Clearfield, Pennsylvania by handing to her personally a true and attested copy of the original Complaint In Divorce and made known to her the contents thereof.

NOW, December 14, 1960 at 1:55 o'clock P.M. served the within Complaint In Divorce on Preston J. Strunk a/k/a Presley J. Strunk Correspondent, at place of residence, Kermoor, Pennsylvania by handing to him personally a true and attested copy of the original Complaint In Divorce and made known to him the contents thereof.

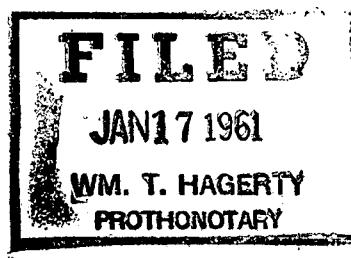
COSTS: Sheriff Ammerman \$8.50
(Paid by Atty Kitko)

So answers.

Charles G. Ammerman
CHARLES G. AMMERMAN
Sheriff

Sworn to before me this 15th
day of December A. D. 1960.

For the Property
Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK : No. 227 November Term, 1960
-vs- : In Divorce
CAROLINE L. CHUCHECK :

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

State of Pennsylvania : SS.
County of Clearfield :

SANDRA A. SCOTT, being duly sworn according to law, deposes and states that she is the secretary for Richard A. Bell, Esquire, Master in the above case, and that on the 10th day of February, 1961, she did place a true copy of the Notice of Continued Hearing in an envelope addressed to Mrs. Caroline Chuchcheck, at 316 West Front Street, Clearfield, Pennsylvania, and to Preston J. Strunk, also known as Presley J. Strunk, at Kerrmoor, Pennsylvania, both marked Certified Mail, Return Receipt Requested, Deliver to Addressee Only, and with the correct amount of postage affixed thereto and did deposit the same in the United States Mail. Receipts for Certified Mail are hereto attached as well as the Return Receipts showing delivery to Mrs. Caroline Chuchcheck and to Presley J. Strunk.

Sandra A. Scott
Sandra A. Scott

Sworn to and subscribed
before me this 7th day
of March, 1961.

John J. Wagnleitner

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK :
-vs- : No. 227 November Term, 1960
CAROLINE L. CHUCHECK : In Divorce

NOTICE OF MASTER'S HEARING

TO: Frederick J. Chuchek
522 Mt. Joy Road
Clearfield, Pennsylvania

Caroline L. Chuchek
316 West Front Street
Clearfield, Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Friday, February 10, 1961, at 1:30 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony, if you desire.

Richard A. Bell
Richard A. Bell, Master

Served the within Notice of Master's Hearing on Caroline L. Chuchek at 1:45 o'clock on the 20th day of January, 1961, at 316 W. Front St. Clearfield, Pennsylvania by handing to her personally a true and correct copy of said Notice and making known the contents thereof to her.

Sworn to and subscribed
before me this 20th day
of January, 1961.

R.P. Nall
Justice of the Peace

fee:
\$3.00
J.B. Walker
constable

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK

No. 227 November Term, 1960

-vs-

CAROLINE L. CHUCHECK

In Divorce

NOTICE OF MASTER'S HEARING

TO: Frederick J. Chuchcheck

522 Mt. Joy Road
Clearfield, Pennsylvania

Caroline L. Chuchcheck
316 West Front Street
Clearfield, Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Friday, February 10, 1961, at 1:30 p.m. e.s.t. at the offices of Bell. St. Bartholat. &

Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony, if you desire.

Richard A. Bell
Richard A. Bell, Master

Service accepted this _____ day of _____, 1961.

Plaintiff

Eugene J. Miller
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK : No. 227 November Term, 1960
vs :
CAROLINE L. CHUCHECK : In Divorce

NOTICE OF CONTINUED HEARING

To: Frederick J. Chuchek
522 Mt. Joy Road
Clearfield, Pennsylvania

Caroline L. Chuchek
316 West Front Street
Clearfield, Pennsylvania

Preston J. Strunk,
a/k/a Presley J. Strunk
Kerrmoor, Pennsylvania

Notice is hereby given that the Master's Hearing in the above entitled action, scheduled for Friday, February 10, 1961, at 1:30 p.m. e.s.t., has been continued to Friday, February 17, 1961, at 1:30 p.m. e.s.t., at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony, if you desire.

Richard A. Bell
Richard A. Bell, Master

Service accepted this 13 day of Feb. , 1961.

Frederick J. Chuchek
Plaintiff

Eugene J. Kitter
Attorney for Plaintiff

No 233794

RECEIPT FOR CERTIFIED MAIL—20¢	
SENT TO	POSTMARK OR DATE
Mr. Preston J. Strunk a/k/a	
STREET AND NO.	
Mr. Presley J. Strunk	
CITY AND STATE	
Kermoor, Pennsylvania	
<i>If you want a return receipt, check which box shows to whom, when, and address delivered</i>	
<input type="checkbox"/> 10¢ shows to whom	<input type="checkbox"/> 35¢ shows to whom, when, and address delivered
<input type="checkbox"/> 50¢ fee	<input type="checkbox"/> 50¢ fee
FEES ADDITIONAL TO 20¢ FEE	
POD Form 3800 Jul 1957	SEE OTHER SIDE

1. Stick postage stamps to your article to pay:
20¢ certified-mail fee Restricted delivery fee—50¢ (optional)
First-class or airmail postage Special-delivery fee (optional)
Either return receipt fee—10¢ or 35¢ (optional)
2. If you want this receipt postmarked, stick the gummed stub on the address side of the article, *leaving the receipt attached*, and present the article to a postal employee.
3. If you do not want this receipt postmarked, stick the gummed stub on the address side of the article, detach and retain the receipt, and mail the article.
4. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, POD Form 3811, and attach it to the back of the article. Endorse front of article RETURN RECEIPT REQUESTED.
5. If you want the article delivered only to the addressee, endorse it on the front DELIVER TO ADDRESSEE ONLY. Place the same endorsement in line 2 of the return receipt card.
6. Save this receipt and present it if you make inquiry.

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to
addressee
(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

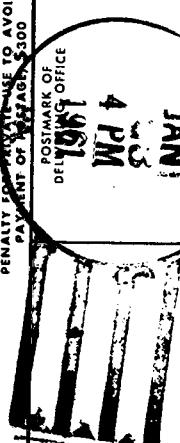

John J. Steinkamp
Signature of Addressee's Agent, if any

DATE DELIVERED ADDRESS WHERE DELIVERED (only if requested in item #1)

1-23-61 
John J. Steinkamp
Signature of Addressee's Agent, if any

C55-16-71546-4

GPO

POST OFFICE DEPARTMENT OFFICIAL BUSINESS	
<small>PENALTY FOR FAILURE TO AVOID PAYMENT OF MESSAGE \$300</small>	
<small>POSTMARK OF DELIVERING OFFICE</small>	
	
<small>INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.</small>	
REGISTERED NO.	NAME OF SENDER
CERTIFIED NO. 233791	STREET AND NO. OR P. O. BOX P. O. BOX 670
INSURED NO.	CITY, ZONE AND STATE Clearfield, Pa.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK : No. 227 November Term, 1960
vs : In Divorce
CAROLINE L. CHUCHECK :

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

STATE OF PENNSYLVANIA : : SS.
COUNTY OF CLEARFIELD :

SANDRA A. SCOTT, being duly sworn according to law, deposes and states that she is the secretary for Richard A. Bell, Esquire, Master in the above case, and that on the 23rd day of January, 1961, she did place a true copy of the Notice of Master's Hearing in an envelope addressed to Preston J. Strunk, also known as Presley J. Strunk, Co-Respondent in the above action, at Kerrmoor, Pennsylvania, marked Certified Mail, Return Receipt Requested, Deliver to Addressee Only, and with the correct amount of postage affixed thereto and did deposit the same in the United States Mail. Receipt for Certified Mail is hereto attached as well as the Return Receipt, showing the delivery to P. J. Strunk.

Sandra A. Scott
Sandra A. Scott

Sworn to and subscribed
before me this 26th day
of January, 1961.

John T. Wagner

PROTHONOTARY
My Commission Expires
1st Monday Jan. 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK :
-vs- : No. 227 November Term 1960
CAROLINE L. CHUCHECK : IN DIVORCE

MASTER'S REPORT

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The undersigned Master, appointed by your Honorable Court to take testimony and report the same with form of decree in the above entitled case, respectfully reports as follows:

I. DOCKET ENTRIES AND SCHEDULE

December 9, 1960	Complaint in Divorce filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 227 November Term 1960. Two copies certified to Sheriff.
December 13, 1960	Charles G. Ammerman, Sheriff of Clearfield County, makes return that service of the Complaint in Divorce was made upon the Defendant, Caroline L. Chuchek, at 316 West Front Street, Clearfield, Pennsylvania, by handing to her personally a true and attested copy of the original Complaint in Divorce and made known to her the contents thereof.
December 14, 1960	Charles G. Ammerman, Sheriff of Clearfield County, makes return that service of the Complaint in Divorce was made upon the Co-Respondent, Preston J. Strunk, also known as Presley J. Strunk, at Kerrmoor, Pennsylvania, by handing to him personally a true and attested copy of the original Complaint in Divorce and made known to him the contents thereof.
January 17, 1961	By motion on the Watch Book, Richard A. Bell, Esquire, was appointed Master to take testimony and report the same with form of decree.
	Notice of Master's Hearing accepted by the Plaintiff.
January 20, 1961	Copy of Notice of Master's Hearing was served on the Defendant, Caroline L. Chuchek, at 316 West Front Street, Clearfield, Pennsylvania, by J. B. Walker, Constable, by handing to her personally a true and correct copy of said Notice and making known to her the contents thereof.

January 23, 1961

Copy of Notice of Master's Hearing was served on the Co-Respondent, Preston J. Strunk, also known as Presley J. Strunk, by Sandra A. Scott, secretary of the Master, by sending same by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, addressed to Mr. Preston J. Strunk, also known as Mr. Presley J. Strunk, Kerrmoor, Pennsylvania. Receipt for Certified Mail and Return Receipt for same, signed by P. J. Strunk, are attached to the Affidavit of Service by Certified Mail.

February 11, 1961

Copy of Notice of Continued Hearing was served on the Defendant, Caroline L. Chuchek, by Sandra A. Scott, secretary of the Master, by sending same by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, addressed to Mrs. Caroline L. Chuchek, 316 West Front Street, Clearfield, Pa. Receipt for Certified Mail and Return Receipt for same, signed by Mrs. Caroline Chuchek, are attached to the Affidavit of Service by Certified Mail.

February 13, 1961

Copy of Notice of Continued Hearing was served on the Co-Respondent, Preston J. Strunk, also known as Presley J. Strunk, by Sandra A. Scott, secretary of the Master, by sending same by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, addressed to Preston J. Strunk, also known as Presley J. Strunk, at Kerrmoor, Pa. Receipt for Certified Mail and Return Receipt for same, signed by Presley J. Strunk, are attached to the Affidavit of Service by Certified Mail.

February 13, 1961

Notice of Continued Hearing accepted by the Plaintiff.

February 17, 1961

Master's Hearing held at 1:30 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, in accordance with the Notice of Continued Hearing. The Plaintiff, Frederick J. Chuchek, was present together with his counsel, Eugene G. Kitko, Esquire. There were no other witnesses present on behalf of the Plaintiff. Neither the Defendant nor the Co-Respondent were present in person. The Defendant, Caroline L. Chuchek, was represented by Joseph S. Ammerman, Esquire. There were no witnesses present on behalf of the Defendant or the Co-Respondent.

II. SERVICE OF PROCESS

Copy of the original Complaint in Divorce and Notice of Master's Hearing were served upon the Defendant personally, and copy of the original Notice of Continued Hearing was served by Certified Mail, as set forth in the Docket Entries and Schedule.

Copy of the original Complaint in Divorce was served upon the Co-Respondent personally, and copy of the Notice of Master's Hearing and Notice of Continued Hearing were served by Certified Mail, as set forth in the Docket Entries and Schedule.

III. CAUSE OF DIVORCE

Indignities and adultery.

IV. FINDINGS OF FACT

1. Marriage.

The parties were married on August 3, 1954, by Reverend Sharp at Newton Hamilton, Pennsylvania.

2. Residence.

At the time of their marriage, both parties were living in Kerr Addition, Lawrence Township, Clearfield County, Pennsylvania, and continued to live there for about three months. They then moved to 316 West Front Street, Clearfield Borough, Clearfield County, Pennsylvania, where the Defendant is still living. The Plaintiff continued to reside there until June 29, 1960, when he separated from the Defendant, living for a time at 522 Mt. Joy Road, Clearfield, Pennsylvania, and now residing at 430 River Street, Clearfield, Pennsylvania.

3. Citizenship.

Both the Plaintiff and Defendant are residents of Clearfield County, Pennsylvania, and citizens of the United States and the Commonwealth of Pennsylvania.

4. Age and Occupation.

The Plaintiff is forty-six (46) years of age and a machinist by trade. The Defendant is forty-one (41) years of age

and a housewife.

5. Children.

The Plaintiff and Defendant have two children, Sylvia Winifred Chuchek, born December 21, 1952, and Rhonda Jean Chuchek, born April 2, 1951, and adopted by the Plaintiff about three and one-half years ago. In addition, there are two other children of the Defendant by a previous marriage living with the parties when they were together, namely, Brenda Joan Beckwith, age fifteen (15), and Barry Duane Beckwith, age twelve (12).

6. Armed Forces.

Neither the Plaintiff nor the Defendant is in the Armed Forces of the United States or any foreign country.

7. Findings on the Merits.

The Plaintiff was the only witness who testified and his testimony plus four Exhibits offered constitute the only evidence before the Master. The Master states at the outset that the Plaintiff, in giving his testimony, appeared to be truthful and the Master has no reason to doubt the credibility of the Plaintiff. The Master, therefore, accepts the truth of the facts stated by the Plaintiff except where based on hearsay or where the statements of the Plaintiff were merely assumptions.

The Plaintiff and the Defendant were married on August 3, 1954, and lived together from that time until June 29, 1960, when the Plaintiff withdrew from the common home. Their entire married life was spent together in Clearfield County, Pennsylvania. The parties got along together for the first year or two of their marriage.

About four or five years ago, the wife began attending bingo games and staying out until three or four a.m. This took place on the average of three times a week. Much of the time the husband stayed home with the children. The wife began frequenting bars and when she would return to the home she had been

drinking. The husband offered to escort his wife to the bingo games and the barrooms if she wanted to go and did in fact do so until September of 1959 at which time the wife refused to have him accompany her any longer.

On various occasions the husband found the car which the wife was driving parked at drinking places. On one occasion he went in the establishment known as the Windmill and found her drinking and she was the only woman present.

In December of 1958, when their daughter, Sylvia Winifred, had a birthday, the wife failed to return at dinner time for the family birthday party. On that occasion the husband finally located her at the Sons of Italy in Clearfield where he saw her leave at one o'clock in the morning with another man. On that occasion the wife got very angry at the husband for checking on her and did not come home with him; in fact, she stayed out another two hours. When she did come in, she began beating him and otherwise physically abusing him.

In May of 1960, he discovered his automobile parked at the Moose home and about 7:30 discovered his wife in the station wagon with Presley Strunk, Co-Respondent. The wife did not come home on that occasion with the husband, and about 9:30 called him and told him she was not coming back. The husband told her to come back as he did not want to put her out in the middle of the night.

The husband also had to prepare dinner for the children because his wife was not there to do so. Starting in 1960, the wife began staying out all night. The husband had to leave for work at 6:30 in the morning and the wife would not be in yet.

On Saturday, April 23, 1960, the wife was not home when the husband returned from work and she did not return until one or two o'clock Monday morning. On that occasion she stated that she had been in a hotel in Pittsburgh. She was gone every weekend thereafter.

About the first of May, the oldest girl, who was fourteen at the time, stayed out over night and was found by the police at a trailer court. The husband wanted the persons involved punished but he was not the father of this girl and the wife had the matter dropped.

The weekend of June 25, 1960, the wife was gone for three days, leaving on Friday and not returning until Monday.

The parties have not lived together as man and wife since September of 1959.

Following the weekend excursions when the wife was gone, she would bring home souvenirs from Pittsburgh consisting of letterheads and little cakes of soap as are found in hotels.

In May of 1960 the husband found a sheet of the letter paper from the Hotel Pittsburgher in the wife's suitcase, which had the date April 23, 1960, written on it and which has been offered and admitted as Plaintiff's Exhibit A. The husband identified the date as being in his wife's handwriting.

On June 27 the husband found Exhibit B in the wife's suitcase, consisting of a receipted statement from the Hotel Pittsburgher for Room 1418 rented to Mr. and Mrs. P. J. Strunk for May 21, 1960.

Some time about the middle of May the husband found a series of pictures in his wife's suitcase, which he had duplicated and the duplicate photos have been offered and admitted as Plaintiff's Exhibit C. The husband stated that the wife had written on the original pictures that they were taken April 23 and 24. He identified the parties in the pictures as his wife and Presley J. Strunk. He was unable to identify the place where the pictures were taken.

On June 27, 1960 the husband found an envelope addressed to his wife containing a letter which is marked Exhibit D, offered and admitted.

There is nothing to indicate any collusion in this case,

and the Plaintiff is the injured and innocent spouse.

Within the past five years, the wife has not packed the husband's lunch bucket; in addition, she has not done his laundry. On several occasions she has called him a son-of-a-bitch.

There has been no collusion between the wife and the husband.

The parties own a house and lot in Clearfield Borough located at 316 West Front Street. The only evidence as to value is the husband's statement that the house is worth \$6,000 with a mortgage amounting to about \$2,500 to the County National Bank at Clearfield against it. They also own a plot of lots in Crown Crest Cemetery in Clearfield of the approximate value of \$350. They also have a cottage and approximately twenty acres in Brady Township, Huntingdon County, Pennsylvania, which the husband valued at \$2,000 with no liens against it.

The real estate is in the joint names of the husband and wife.

They own personal property consisting of household furniture, apparently owned jointly; a 1954 Chevrolet station wagon, owned jointly; and a 1950 Chevrolet, owned by the husband. Neither automobile has much value.

Apparently the husband's money has purchased all of the items of real estate and personal property which they own. There has been no agreement between them as to division of the property and the wife is still living at the home at 316 West Front Street, and the wife has the 1950 Chevrolet automobile while the husband has the station wagon.

8. Discussion.

A. Indignities

The Plaintiff's case rested solely on his own testimony, together with the Exhibits. Nevertheless, a decree may be sustained by the Plaintiff alone. Arnold vs Arnold, 167 Pa. Superior Ct. 211 (1950).

An indignity is said to be an affront to the personality of another, a lack of reverence for the personality of one's spouse. Trimbur vs Trimbur, 171 Pa. Superior Ct. 541 (1952).

Indignities have also been said to consist of vulgarity, habitual contumely, studied neglect, intentional incivility, manifest disdain, abusive language, malignant ridicule, and every other plain manifestation of settled hate and estrangement.

Edelman vs Edelman, 165 Pa. Superior Ct. 185 (1949).

The Plaintiff is clearly entitled to a divorce on the grounds of indignities. For a period of well over a year the wife has neglected her household duties. She has stayed out until the small hours of the morning drinking. She has been found in the company of other men and for a period of three months prior to the separation she was gone over each weekend. She has failed to always prepare meals, do the husband's laundry or stay home with the children when she should have been home. The charge of indignities has been easily proved without any consideration of the Exhibits or her specific relations with Presley Strunk. The actions of the wife could not help but embarrass, humiliate and otherwise affect the husband, and the Master is of the opinion that the evidence is more than sufficient to justify a divorce on the grounds of indignities.

B. Adultery

Whether the proofs presented are sufficient to prove the charge of adultery is a very close question. A decree of divorce on the grounds of adultery can have serious consequences. "The charge of adultery is a serious one, and the proofs must be clear and satisfactory, established by 'clear proofs and imperious reasons', and 'must be of such a clear and convincing character as to leave no other conclusion in the mind of a reasonable person'". Newman vs Newman, 170 Pa. Superior Ct. 238 (1952).

Unquestionably, there is no direct proof that the Defendant committed adultery with Preston J. Strunk, also known as Presley J. Strunk. However, direct proof of the direct fact of adultery is not necessary. "It is a fundamental rule, . . . that it is not necessary to prove the direct fact of adultery; for, being committed in secret, it is seldom susceptible of proof except by circumstances which, however, are sufficient whenever they would lead the guarded discretion of a reasonable and just man to a conclusion of guilt". Asher vs Asher, 161 Pa. Superior Ct. 609 (1948).

What it is necessary to prove has been stated thus: "Proof of an adulterous inclination or disposition at the time of the act charged, and of an opportunity to satisfy such inclination, is relevant evidence in such cases, and if occurring under circumstances that would lead the 'guarded discretion of a reasonable and just man to a conclusion of guilt,' is sufficient to justify a decree in divorce. . . ." Asher vs Asher, supra.

Certainly the conduct of the wife would lead any person to entertain grave suspicions as to her conduct. The Master is of the opinion that the evidence submitted go beyond mere suspicion and the reasonable inferences therefrom will justify a finding that the Defendant had both inclination and opportunity to commit adultery and that the Plaintiff is, therefore, entitled to a decree on that ground.

C. Inclination

On the question of inclination, the facts which we accept as true are that over a period of time the wife stayed away over night and for three months she stayed away over the entire weekends. We know by her own admission to her husband that she had been staying at a hotel in Pittsburgh at least on some of these weekends. We also know that she apparently had no scruples about keeping

company in bars and automobiles with other men and she had been seen in her automobile with the Co-Respondent in this action, Presley J. Strunk. The mere fact that she stayed away so long over night and over weekends would certainly raise a suspicion of an adulterous disposition. In addition, however, we have Exhibit D, consisting of the letter. It is true that the letter found in the envelope is not addressed to any person directly nor is it completely signed. However, it was found in an envelope addressed to the Defendant and found in her possession. These circumstances permit a reasonable inference that the letter was meant for her. Further, there is a reference to some other person, probably the husband of the addressee, who is referred to as "F-". The Plaintiff's name is Frederick and this could be a reference to him. The letter is signed "P-", which could be a reference to Presley J. Strunk. If we accept the fact that the letter was written to the Defendant, the contents certainly prove an adulterous inclination. In fact, by innuendo, it indicates that the adultery has probably already taken place.

D. Opportunity

On the question of opportunity, the fact that the wife was away over night certainly indicates that she had an opportunity to commit adultery with someone. Exhibit C, the photographs, certainly establish that she was present in a room someplace with Presley J. Strunk. Although the two of them appear in separate photographs, the background is obviously the same. There, of course, is nothing in the pictures to establish that this is a hotel room or even a bedroom but her presence in the same room with Presley Strunk in a state of partial undress is a grave circumstance. Of course, it is not impossible that the pictures were taken at separate times but since we accept the Plaintiff's statement that he found the originals attached in one strip of

pictures, such a conclusion would be unreasonable and, to the Master, unwarranted.

Exhibit B, the received statement for a room in the Hotel Pittsburgher, establishes that Presley J. Strunk was there on May 21, 1960, with some woman. It is difficult to conceive why the Defendant would have had this statement in her possession if she was not the woman in question. Her possession of the letter-head, Exhibit A, from the Hotel Pittsburgher is an indication that she had been there at some time and by her own admission she had been staying at a hotel in Pittsburgh. Furthermore, as stated before, the letter, Exhibit D, indicates that the adultery may have been an accomplished fact with some person whose name begins with "P".

It is true that all of these circumstances taken singly would not be enough. It is also true that each one of them is susceptible to another explanation but the other explanation is not the most logical one, and taking all of these circumstances together as part of the whole picture, they support a reasonable inference that the Defendant had the inclination and opportunity and did commit adultery with Presley J. Strunk on the date of the received statement, May 21, 1960, and probably on other occasions.

Added to the testimony and the Exhibits is the fact that the Defendant contested this divorce and sent her attorney to the hearing. Since there was no explanation of her failure to appear or request for a further hearing, it is safe to assume that she could have been present and that she did not care to testify. Her failure to deny the allegation of adultery as set forth in the Complaint and as testified to by her husband is some corroboration. A failure to testify entitles the finders of fact to entertain the presumption that the testimony would have been adverse to the person who so failed to testify. See Edmondson vs McMullen, 381 Pa. 102 (1955); Pore vs Pore, 189 Pa. Superior Ct. 615 (1959).

There is nothing to indicate any collusion in this case,

and the Plaintiff is the injured and innocent spouse.

Therefore, the Master is of the opinion that the evidence is sufficient to justify a divorce on the grounds of adultery with Preston J. Strunk, also known as Presley J. Strunk.

E. Property Rights

The listing of the property and the estimated values are set forth in the Findings of Fact. There is apparently no further discussion necessary since the divorce is recommended and the Complaint requested a settlement of property rights. The Master would recommend that the property in the husband's name be turned over to him and the joint property be partitioned according to law.

V. CONCLUSIONS OF LAW

1. The proceedings are in accordance with the requirements of the Divorce Code and the Rules of Court applicable thereto.

2. The Court has jurisdiction of the parties and subject matter of this action.

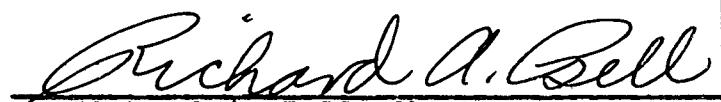
3. The legal domicile of the Plaintiff and the Defendant is Clearfield, Clearfield County, Pennsylvania.

4. The facts establish a cause of action for a divorce on the grounds of indignities and adultery with Preston J. Strunk, also known as Presley J. Strunk.

VI. RECOMMENDATIONS

The Master, therefore, recommends that a decree of absolute divorce be granted to Frederick J. Chuchek from Caroline L. Chuchek on the grounds of indignities and on the grounds of adultery, and the form of decree is hereto attached.

Respectfully submitted,


Richard A. Bell, Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXX

FREDERICK J. CHUCHECK } Of November Term, 1960

No. 227
VERSUS
CAROLINE L. CHUCHECK }

DIVORCE

And Now, the 26th day of April 1961, the
report of the Master is acknowledged. We approve his findings and recommendations; except
as to _____

We, therefore, DECREE that Frederick J. Chuchock be
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between himself and Caroline L. Chuchock.
Thereupon all the rights, duties or claims accruing to either of said parties in pursuance of
said marriage, shall cease and determine, and each of them shall be at liberty to marry again as
though they had never been heretofore married, except that _____

The Prothonotary is directed to pay the Court costs, including Master's fees, as noted herein, out of the deposits received and then remit the balance to the libellant. No Decree to issue until the costs be fully paid. We do further award to the said _____

Frederick J. Chuchock his costs expended in this action.
her

ATTEST

Wm. J. Hagan
Prothonotary

BY THE COURT

John F. Bent
President Judge

In The Court of Common Pleas
Of Clearfield County, Penna.

No. 227 November Term 1960

FREDERICK J. CHUCHECK
Libellant

VERSUS

CAROLINE L. CHUCHECK
Respondent

DECREE

Attorney

8 STRUNK MANSRS P J 11 00-44-11 Guest Statement
 ARMED PA 5-21-60 The Pittsburgher
 PITTSBURGH, PA.
 N° S21611

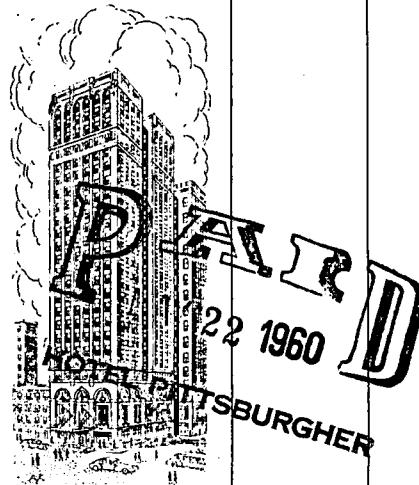
Memo	Date	Explanation	Charges	Credits	Bal Due
1	MAY 21 60	ROOM	* 11.00		
2	MAY 21 60	RHTAX	* 0.44		* 11.44
3					
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<u>Exhibit B</u>	24				

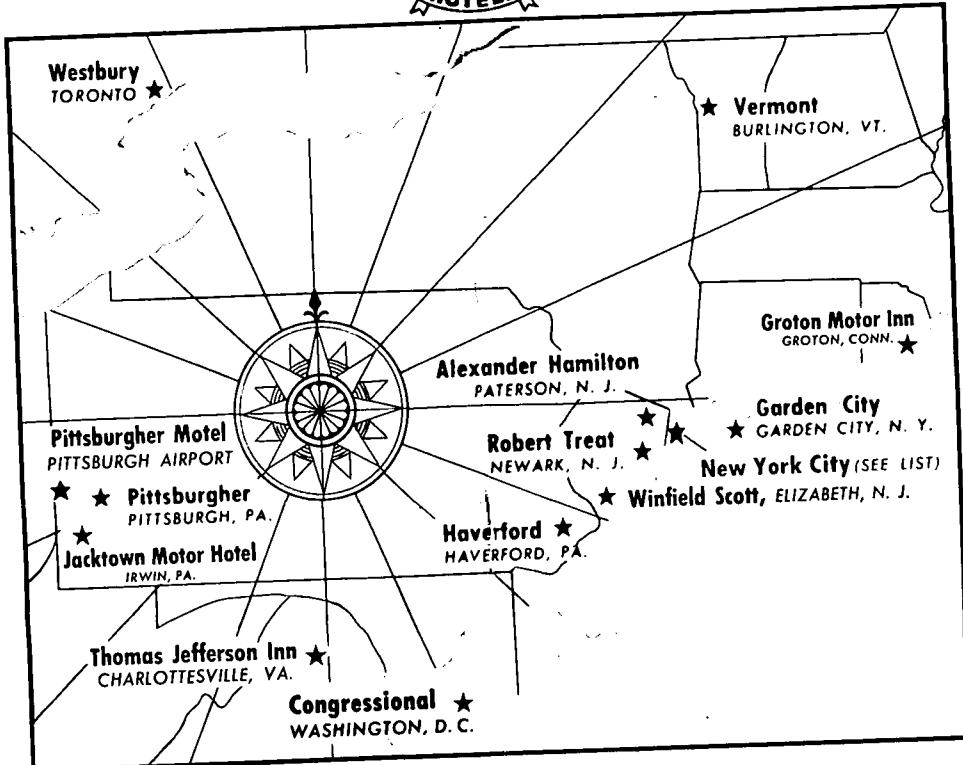
WE APPRECIATE YOUR PATRONAGE AND TRUST THAT THE SERVICE AND
 ACCOMMODATIONS FURNISHED DURING YOUR STAY WITH US, HAVE BEEN
 WHOLLY SATISFACTORY. WE HOPE YOU WILL COME TO REGARD
 PITTSBURGER AS YOUR PITTSBURGH HOME.

Last balance is amount due
 unless otherwise indicated

Bills are payable when presented

Retain this receipt





LET US MAKE YOUR RESERVATIONS

Immediate confirmation by teletype

In England: The Westbury, London

Ask the clerk for a descriptive folder of our other hotels in New York City.

Mr. Joseph L. Hinchey
316 West Main St.
Clayfield, Pa.

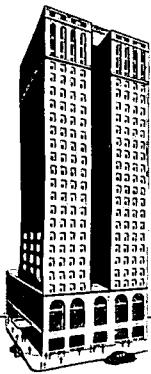


Exhibit D

NEW YORK CENTRAL SYSTEM

My Dearest Little Sweetheart. June 13, 60
Surprised? I told you I
would get a letter by and by. I don't know what
to write about, except to tell you again how
I love you. I get chilly thrills just thinking
about telling you the news, and I begin
to get sweet licks, Oh, Honey! that is just
heaven on earth, isn't it? Come! think on
that if the parrot, isn't it Honey?
Honey, you just took so much paper out of the letter and

part of the paradise, isn't it Honey?
If only you just took so nice when you
step out, it mappes my heart pump faster and
faster just to watch you walk. I couldn't wish
for a nicer little Darling than you.
Honey if you only knew I have tried to
steal you a better little girl instead of a
worse one, but I guess the better, and this is to
be to people the less credit they get, cause the
less credit you get, the more I have to
resent it. When two people love each other
nothing can stop them. Cause really I have
no right to love you, but you can't change
a person's feelings, and that's it. I love you
Honey and you love me and I don't need a
woman who knows it by you? I will have to
close my heart for now, with love and kisses the
paper wouldn't hold



Hotel PITTSBURGER

FORBES AVENUE AND CHERRY WAY



Pittsburgh 30, Pa.

April 23rd 1960

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FREDERICK J. CHUCHECK : No. 227 November Term, 1960
-vs- :
CAROLINE L. CHUCHECK : In Divorce

MASTER'S HEARING

Master's Hearing held February 17, 1961, at 1:30 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, in accordance with the Notice of Master's Hearing continuing the original hearing set for February 10, 1961. Present at the hearing was the Plaintiff, Frederick J. Chuchek, together with his counsel, Eugene G. Kitko, Esquire. There were no other witnesses present on behalf of the Plaintiff. Neither the Defendant nor the Co-Respondent were present in person. The Defendant, Caroline L. Chuchek, was represented by Joseph S. Ammerman, Esquire. There were no witnesses present on behalf of the Defendant nor the Co-Respondent.

FREDERICK J. CHUCHECK, being duly sworn testified as follows:

By Mr. Kitko:

Q. Your name please?
A. Frederick J. Chuchek.

Q. And where do you live, Fred?
A. 430 River Street, Clearfield, Pa.

Q. The Complaint in Divorce gives your address as 522 Mt. Joy Road. Have you moved?
A. Yes.

Q. You now live at 430 River Street, Clearfield, Pa.?
A. Yes.

Q. Will you tell us where and when you were born?
A. Johnstown - December 31, 1914.

Q. You were married to Caroline L. Chuchek?
A. Yes.

Q. Where is she residing at the present time?
A. 316 West Front Street, Clearfield, Pa.

Q. Will you give us her birth place and date?
A. Mt. Union - April 23, 1919.

Q. What is your occupation, Mr. Chuchek?
A. I am a machinist for Pennsylvania Electric Co.

Q. Do you work at Shawville?
A. At Shawville.

Q. Does your wife have an occupation?
A. No.

Q. Where and when and by whom were you married?
A. August 3, 1954 at Newton Hamilton by Reverend Sharp.

Q. Was that a Methodist minister?
A. I think he was.

Q. Mr. Chuchek, are there any children to this marriage?
A. There is one child and one child I adopted.

Q. Will you give their names?
A. Sylvia Winifred, she is my daughter, she is eight years old now.

Q. She was born December 21, 1952?
A. Yes, at Mt. Union.

Q. And the other?
A. Rhonda Jean Chuchek, my adopted daughter. I adopted her about three and a half years ago.

Q. Was that adoption in the Clearfield County Court?
A. Clearfield County Court.

Q. When was Rhonda Jean born?
A. April 2, 1951.

Q. Mr. Chuchek, your daughter, Sylvia, was she born before you and Mrs. Chuchek were married?
A. Yes.

Q. But she is your child?
A. Yes.

Q. And the birth certificate so reads?
A. Yes.

Q. Have either you or your wife ever started a divorce action prior to this time.
A. No.

Q. Now, where were you living Mr. Chuchek at the time of your marriage?
A. Kerr Addition, Clearfield County.

Q. You were living at Kerr Addition, Clearfield County?
A. Yes, Lawrence Township.

Q. Where was your wife living at the time you were married?
A. She was living there, too.

Q. She was originally from Huntingdon County, you say?
A. Yes, Mt. Union.

Q. After you were married, you lived in Lawrence Township at Kerr Addition?
A. Yes.

Q. And how long did you live there?
A. About three months.

Q. And where from there?
A. 316 West Front Street.

Q. Is that where your wife is living presently?
A. Yes.

Q. Is that home owned by you and your wife?
A. Yes.

Q. You bought the home?
A. We are buying it.

Q. Did you and your wife live at 316 West Front Street up until the time that you left the home?
A. Yes.

Q. When did you leave the home?
A. June 29, 1960.

Q. June 29, 1960?
A. Yes.

Q. Now, Mr. Chuchek, how did your marriage get along? After you were married, did you get along okay?
A. Fine.

Q. Until when?
A. Well, until she started keeping late hours.

Q. When did this start?
A. Well, she started keeping late hours in barrooms about four or five years ago.

Q. That is when the trouble first started?
A. That was the start of the troubles.

Q. Will you tell us what that was? What did she do?
A. She started staying out late. She was going to bingo and getting home at three or four in the morning.

Q. What would be her condition when she came in?
A. Well, she usually had quite a bit to drink.

Q. How often did she do this?
A. About three nights a week.

Q. At first it was three nights a week?
A. Yes. Actually now at first, well we had the children and she wanted to go to bingo and I approved of the idea because there are hundreds of women going to bingo and at first she came home at 11:30 but after she got acquainted it would be three or four in the morning.

Q. Did you go to bingo?
A. No, not at that time, because the children didn't want to stay with a babysitter.

Q. You would stay with the children?
A. Yes.

Q. And you say you were working at Shawville?
A. Yes.

Q. What time did you get up to go to work?
A. 5:30 or 5:45 in the morning.

Q. You were agreed that she would go to bingo?
A. Yes.

Q. Then what happened?
A. She started keeping late hours. I tried to explain to her that it would cause trouble and she told me that it was just her and the girls and they would talk and the time would go pretty fast. In 1958, one night I got up at 1:00 in the morning and rode out the way here and saw where she was parked.

Q. Where was she parked?
A. Up here at the Windmill. I went in and she was the only woman in the place.

Q. Did you ask her to come home?
A. No.

Q. What did you say?
A. I joined her and didn't start any fuss or anything.

Q. Did you get into difficulty with your wife because of her going out and staying out?
A. Yes.

Q. Explain what happened.
A. At that time, it was November of 1958, she didn't come home until around a quarter after four in the morning. The fact is I started getting up and would go to the window and could see the Second Street Bridge down here, and on different mornings I would see a truck coming over the bridge shortly after four in the morning and then it would be a matter of a few minutes until her car would come across.

Q. You say you saw a truck and her car?
A. Yes.

Q. Would that happen more than one time?
A. Yes, I followed that up for a while.

Q. And that happened consistently?
A. Yes.

Q. Same truck?
A. Same truck.

Q. Did you know the truck?
A. Yes, I knew the truck.

Q. You knew who it belonged to?
A. Yes, Earl Maines.

Q. Do you know where he lives?
A. I think Plymtonville. After watching this truck come across the bridge, then one night I went out and saw our car parked across from the Moose. I didn't belong to the Moose but I went in and she wasn't there. I was told that she left with Earl Maines so then I pretty well covered all the barrooms in the area and didn't locate his truck. So then I parked down by the Post Office on Pine Street and Officer Edmiston came by different times and saw I was parked there and he wanted to know what I was doing there, and I said I wanted to know who was going to bring my wife back, that that was my car down by the Moose. So about four o'clock, Earl Maines' truck came down Pine Street and, of course, they spotted me in the station wagon.

Q. Did you see your wife in the truck?
A. No, I didn't see her in the truck.

Q. Go ahead and tell us what happened.
A. So I saw they weren't stopping at the car so I took out after them and then Edmiston in one cruiser took out after me and I think they had another cruiser which followed me. I came on down in front of 316 West Front Street.

Q. Is that your home?
A. Yes. I turned in the alley and saw her up in the alley. We had a garage and she got behind the garage and was getting out of the way and hid there.

Q. You saw her hiding?
A. She was out in the open when I saw her. I didn't want to make any commotion. I knew the cruiser was behind me so I went on around Clearfield Street. I thought it would give her a chance to get in the house. When I went in the house, I couldn't locate her. Then I asked Edmiston if he would take me over and I would pick up the car on North Second Street. When I went home again and took the car, Edmiston told me who was driving the truck, so when I went home again I knew. I called up Earl Maines about 4:30 in the morning.

Q. Did you confront him with it?
A. Yes.

Q. Did he admit or deny it?
A. He admitted it but said he was transporting her for some other guys.

Q. But he admitted she was with him?
A. Yes. He said he would give the me lowdown on it. He was just transporting her for some other fellows in the vicinity of Curwensville.

Q. Did you ever catch her with men any other time?
A. Yes. On December 21, 1958, our little girl.....

Q. Which little girl?
A. Sylvia Winifred Chuchek. She had a birthday, her sixth, on December 21. The Eagles threw a Christmas party at the theatre that year and the Moose had a party. Caroline Chuchek took the children over to the Moose and up to the theatre.

Q. What time was this?
A. In the afternoon. Then the children came home on their own. The little girl was waiting for her mother to come home to

have a birthday party, to cut the cake, and all that. She didn't show up that night. I didn't know why the mother would stay away from the birthday party. I went out and rode around and found she had the station wagon and I located it out at the S.O.I. at East End, so I parked there and I would say about one in the morning she came out.

Q. You stayed until one in the morning?
A. Yes. Then she came out with Johnnie Weimer. They were just getting in the station wagon when I came down so then I brought him on in.

Q. You went up to them? Tell us what happened.
A. I told him he could get in with me and I would bring him in. Then we came down and right at the turn there before you go down to the light at the top there, she stalled and she said she was going to smash me up.

Q. Did she tell you that in front of Johnnie Weimer?
A. Yes.

Q. She was angry?
A. She was pretty angry.

Q. Did she say why she was angry at you?
A. Because I went out and checked on her. I brought Johnnie Weimer down to the Moose and I presume she went to the Moose, too. I didn't bother any more and went on home.

Q. What time did she get home?
A. 2:30 or 3:00.

Q. And she was supposed to be home for the little girl's birthday party in the early evening?
A. Yes. She came in and started to hound me then and beat me up. Of course, I didn't lay a hand on her.

Q. Did you question her?
A. No.

Q. Did she physically abuse you?
A. Yes, she did.

Q. Why was she doing this?
A. Because I went out and did a little checking on her.

Q. Had she ever done anything like that before, physically abuse you?
A. No.

Q. That was the only time?
A. Only time.

Q. In December of 1958?
A. Yes.

Q. Did you ever catch her with anyone else or the same people?
A. Well, on Declaration Day this year....

Q. Declaration Day of what year?
A. 1960.

Q. What day would that be?
A. May 30. She was parked out in front of the Moose in the afternoon and I took the children out for a ride and I noticed that she was parked across the street from the Moose and when I came back she was still parked there. I took the children home and waited a while and went back and she was still parked and when I came back again she was still parked there. Then I went over again and she was still parked there and I came around the other way.

Q. What time was this?
A. The first time it was late afternoon, around five. This last time was around 7:00 or 7:30. I went over again to see if she was still there and the station wagon wasn't across the street from the Moose so I came up and went down and around and came up Front Street and saw the station wagon.

Q. What time?
A. Around 7:30. There was a man in with her in the station wagon.

Q. A man in the station wagon at that time?
A. Yes.

Q. Do you know the man?
A. Presley Strunk.

Q. Did they see you?
A. Yes, I went over.

Q. You went over?
A. Yes.

Q. Did they see you when you drove up?
A. Yes, they saw me when I drove up and I wanted to know what she was doing there and she said she thought they were going to have bingo and that was just a friend who stopped to talk to her.

Q. That was in May of 1960?
A. Yes.

Q. Did Mr. Strunk say anything to you?
A. No. I wanted to know whether he was causing any trouble or why she was parked out there so long. It was a rainy day.

Q. What time did she get home that night?
A. About 9:30 she called and told me that the station wagon was out at ChaRu and I could go out and pick it up if I wanted to, she wasn't coming back.

Q. Did she come back?
A. I told her to come back. If I was going to put her out, it would be in the daytime. So then she came back about four in the morning.

Q. At the time she called you around 9:30 and said she wasn't coming back, did she say anything about the children?
A. It was up to me to take care of the four children.

Q. Four of them?
A. Four.

Q. Two of them yours and two not yours?
A. Two to my wife to a previous marriage.

Q. What are their names and ages?
A. Brenda Joan Beckwith - 15; Barry Duane Beckwith - 12.

Q. She was going to leave that night and leave you with four children?
A. Yes.

Q. But you asked her to come back?
A. Yes. I approached her about staying out until four in the morning and got the remark that I had kept her out until four, too.

Q. That was her comeback?
A. Yes.

Q. Now, Fred, was there a time when you attempted to accompany your wife out on bingo excursions to barrooms?
A. Yes.

Q. When was that and why?
A. After the 1958 incident, starting in January of 1959 I told her that any time she wanted to go to a barroom I would take her.

Q. Was she complaining that you weren't taking her any place?
A. No, she wasn't complaining. In 1959, I started taking her to bingo.

Q. What happened?
A. We would go to bingo and take the children and leave at 7:30. We didn't go more than a couple hours and went home right after bingo around 10:00 or 10:30. I would take her to bingo approximately three nights a week and then I would take her Sunday evening. On other evenings we would go to some club, too. That went on like that until the end of 1959.

Q. What happened during this period? Why did it quit?
A. Well, around the first of September. We spent the summer at the cottage.

Q. You have a cottage where?
A. Huntingdon County. Everybody got along fine down there. Then whenever summer vacation was over, we got back up here and she started going out in the afternoons to the barrooms.

Q. Where would you be when she would go out?
A. Work.

Q. What time would you get home?
A. Four in the afternoon.

Q. Did you ever get home later than that?
A. Yes, sometimes later than that.

Q. Why later than that?
A. It is the utilities I work for and if something happens any day at all I have to stay over and work.

Q. Do you get quite a bit of overtime?
A. Quite a bit.

Q. Do you know what time in the afternoon she went out?
A. No, I don't know.

Q. How did you know she was going out in the afternoon?
A. Well, she wasn't home when I got home.

Q. When did she come home?
A. At first she was getting home around 6:30 or 7:00. I was supposed to take her to bingo and she was getting home at the time I was to take her.

Q. She would get home in time for bingo?
A. Yes.

Q. That was in 1959?
A. Yes.

Q. Your youngest child at that time would be about six?
A. Six.

Q. When you came home, who was there to take care of the children?
A. No one.

Q. Who was there to prepare dinner?
A. - No one.

Q. How would they get their dinner?
A. Well, I would usually prepare them something when I saw she wasn't showing up.

Q. What would happen if you had to work overtime and didn't get home on these occasions?
A. I wasn't working overtime at those times.

Q. Now, you mean, Fred, that she came home and your meal would be over when she got home?
A. Yes.

Q. Now, you would take her back out again to bingo?
A. In 1959, around September, she would get in around 6:30 and for a while she got home in time to prepare the children's meal. One day I got home at four and about five thirty I took the little girls out for a ride and saw the station wagon at ChaRu and went on out and that evening the little girls and I got something to eat on the mountain and when we got back she was there. She got pretty mad because she had the meal ready.

Q. You said you took her back out?
A. Yes.

Q. Did she come home with you?
A. Yes, when I took her out.

Q. Did she go back out?
A. No, not at that time.

Q. Not at that time?
A. When I took her out to bingo, she stayed home then.

Q. You never went out where you went home and she remained?
A. There were Saturday nights that after bingo I would go home if they had a dance and check on the children and let her there and see that everything was allright at home and go back and join her.

Q. When did you stop taking her out?
A. In September of 1959. One night she wasn't at home when I got there. Later in the evening I rode out and she was at the Windmill again, she and another woman she was going out in the afternoon with. So I went in and asked the other woman where Caroline was and she said she was back in the restroom and I said this was going to lead to trouble. This woman started bawling and Caroline came out of the restroom and she jumped on me for making her girlfriend cry. Of course, I saw this woman cry in barrooms lots of times.

Q. Who was this woman?
A. Violet Wilson. She wouldn't go out with me from then on.

Q. Because you had come up to the Windmill and found her there?
A. Yes.

Q. All through this period, Fred, until the time you left, would there be any times when she was gone when you got home from work and wouldn't be back until you went to work the next morning?
A. Yes.

Q. How often?
A. She started in 1960. Up until 1960 she would get in usually before five.

Q. In other words, starting in 1960 it got to the place where she wasn't home in the afternoon and still wasn't home when you left the next morning?
A. At the start, she would be home when I got home and would leave around 6:30 or 7:00 and would have the meal prepared and leave and wouldn't be home in the morning. I would leave at 6:30 in the morning and she wouldn't be in yet.

Q. What about the children?
A. Apparently she made it in by the time it was time for them to go to school. I would usually call them around eight and they would say their mother was in at that time.

Q. Fred, was there any time when she stayed out over a period of days?
A. Yes.

Q. When was this?
A. Starting April 23, Saturday, 1960. That evening when I came home from work she wasn't there. The children said she left in the morning around eight. She didn't get back until Monday morning at 1:00 or 2:00 in the morning.

Q. Did you ask her where she had been?
A. No, the children questioned her and she said she was in a hotel in Pittsburgh.

Q. That was April 23, 1960?
A. Yes. She was bragging about having television in the room and all that.

Q. Did she do this any other time?
A. Yes, she did it the next weekend. At that time I had to work over. We started on what they call mileage time and we started working Saturdays and Sundays ten hours a day. It was around May 1, 1960. She left Saturday that weekend and I

had to work Sunday so I went to work Sunday morning and called the children in the morning and asked them to go to Sunday School. In the afternoon I called again and told the oldest girl to stay there and take care of the children until I got back. I got home around seven, we eat over town here, and after I got home the little girl came home and said the oldest girl had taken her over town as far as Buckie's and told her to go home. She figured I would be home. That was Sylvia Winifred. She said she was supposed to tell me that Brenda was walking to her girlfriend's home and she said Brenda was talking to some boys in a car.

Q. When this happened, the mother was not home and had not been home since the day before?

A. Yes. That evening the girl didn't come home. She was fourteen. So then around eleven o'clock a man from East End called me. His daughter was the one Brenda was with and he asked me if Brenda was home yet and I said she wasn't. He said he was going to look for them. Then my wife came home about 1:00 Monday morning.

Q. Was Brenda in yet?

A. No, she wasn't in yet. Then it was 1:30 or 2:00 when this man from East End called again and wanted to know if Brenda was in and I told him no. He said he had covered everywhere and couldn't locate them. I went to my wife's bed and told her Brenda wasn't in yet. She came in and didn't check on her. At six in the morning she wasn't home yet. My wife got up and I went to work and my wife started checking and the little girl gave her information about the make of the car. It was a compact car that the boys had. I think she called the school at one time to see if Brenda might have gone there and then in the afternoon I think she contacted the police. Then they found Brenda down in East End at a trailer court in a trailer. Of course, the girl told the police when they asked why she didn't go home that she was afraid to come home because of her daddy.

Q. Have you ever abused her?

A. No. Well, it depends on what you call abusing. When they were younger I would smack them.

Q. Have you since they have been older?

A. No. That morning I called my wife from work and, of course, I was cross and I asked her why she couldn't stay away from bars and she said why couldn't I stay away from work?

Q. She thought you should give up work and stay home with the children?

A. Yes. She contacted Mrs. Nicodemus and she told my wife that they were having trouble over the incident over at school. The boys involved were older and they wanted someone to push this so they could do something about it. They wanted to press charges. I told her to go ahead and go through with it but my wife wanted the matter dropped.

Q. Now, Mr. Chuchek, after this account of May 1, did your wife stay out any other times after that? When was the next time?

A. I think it was the following week but she didn't leave Saturday morning. She waited until I was working Saturday and would wait until I got home from work Saturday evening and about a half hour after I got home she would take off and be gone until Monday morning.

Q. In other words, she made a practice after April 23 of going out every weekend and staying out?

A. Yes, and in the meantime she was going out during the week and staying overnight.

Q. Mr. Chuchek, was she gone over the weekend of May 21 and 22?

A. Yes. She left early Saturday morning.

Q. After that weekend of May 21 and 22, did you find anything to indicate her going?

A. She was bringing home souvenirs from Pittsburgh - letterheads and little cakes of soap, souvenirs for the children.

Q. I show you what is marked Exhibit A and ask whether you can identify it and tell where you found it?

A. She had this in her suitcase.

Q. Did you find it in her suitcase?

A. Yes.

Q. When did you find it?

A. In May sometime. I couldn't say the date.

Q. I see a date up here - April 23.

A. Yes.

Q. Who wrote that, do you know?

A. I would say she did.

Q. Does that look like her handwriting?

A. Yes.

Q. You found this in her suitcase sometime in May?

A. Yes.

Q. That is a letterhead of the Hotel Pittsburgher?

A. Yes.

Q. I show you what is marked Exhibit B and ask if you can identify that?

A. Yes.

Q. Where did you get a hold of that?

A. I got a hold of this in her suitcase. It was a small bag, like a weekend bag.

Q. You found this in her bag?

A. Yes.

Q. When did you find it, do you know?

A. I found this the morning of June 27. I presume that is a Monday.

Q. Some time around the latter part of June?

A. Yes, on a Monday morning. She was gone for three days when I found that. She quit going two days. That weekend she left Friday morning, the June 27th weekend.

Q. You found it in her suitcase when she came back?

A. Yes.

Q. Do you know what that is?

A. Yes, it is a statement from the Pittsburgher Hotel in Pittsburgh.

Q. Exhibit B is a statement of a hotel bill receipt for Room 1418 by Mr. and Mrs. P. J. Strunk for the night of May 21, 1960, and you found this in your wife's suitcase?

A. Yes.

Q. I show you a folder containing photographs, marked Exhibit C, which is a folder of Smith's Camera Shop containing photographs. Can you tell me what that is?

A. Yes.

Q. What it is?

A. These are pictures that she had taken.

Q. Did you find these or did you find duplicates?

A. These are duplicates of the originals.

Q. Where did you find the originals?

A. In her dresser drawer.

Q. When did you find that?

A. The exact date I don't know, some time in May.

Q. Do you know when in May?

A. The middle of May.

Q. On these photographs, is there anyone you recognize?

A. Yes, I recognize my wife.

Q. Anyone else you recognize?

A. Presley J. Strunk.

Q. Are there more than two people shown on the pictures?

A. Not on any picture themselves but in the same scene there are more than two people.

Q. Is there just your wife and Mr. Strunk on these pictures?

A. Yes.

Q. So the man you identify as Presley Strunk and the woman as your wife?

A. Yes.

By the Master: Exhibit C consists of nine pictures attached in a series and enclosed in a folder of Smith's Camera Shop.

By Mr. Kitko:

Q. Fred, I show you what is marked Exhibit D. Can you identify that?

A. Yes.

Q. What is it?

A. A letter I found in her suitcase.

Q. That is an envelope first of all. Will you take what is in the envelope out please? Can you identify that?

A. Yes, it is a letter I found in her suitcase.

Q. You found it inside this envelope?

A. Yes.

Q. Where did you find the envelope and letter?
A. Well, I found them in her suitcase around June 27.

Q. You found them the same time you found the other things?
A. The same time I found the statement from Pittsburgh.

Q. In other words, your wife had this in her possession in an envelope with her name and address on it?
A. Yes.

Q. Fred, during this time this all happened that you testified your wife was going out afternoons and evenings and staying all night, were you and your wife living together as man and wife?
A. No.

Q. When did you stop?
A. September, 1959.

Q. That was after you caught her with men?
A. I caught her with men in 1958.

Q. That is what I meant.
A. Yes.

Q. What about your meals and bucket and so forth? Did your wife do those things for you?
A. My wife took sick five years ago. Up until then she would get up and pack my lunch and get breakfast. After she took sick, I would pack it in the evening and get up on my own in the morning.

Q. After your troubles started I am asking about.
A. After our troubles, I packed my own lunch.

Q. How about your meals? Did she get them for you after the troubles started?
A. Not always.

Q. How about your laundry and things like that?
A. There were times she didn't do my laundry, too.

Q. Fred, did you do everything you could in your opinion to try and straighten matters out and make a home?
A. Yes.

Q. Did you ever abuse her or give her cause to act this way?
A. No. In September of 1959, the oldest girl and her mother had a spat about something and then her mother started on me and I told her they were just two people with brains alike. A couple of weeks later I approached her and she said, "Well, you son-of-a-bitch, I'll never forgive you for making that remark". I asked her what remark and she said that I had said she was like a Beckwith.

Q. Beckwith, that was her first husband?
A. Yes. I said she and Brenda had minds alike and she said she would never forgive me for it and I guess she hasn't.

Q. In your arguments with your wife, what kind of language would be used generally?
A. In 1958, when she was with Earl Maines, I used pretty rough language towards her. She didn't have too much to say. I was on her about the principles when we got married.

Q. What tone did your wife use?
A. Well, she denied doing any wrong at that time.

Q. Did she use foul language or didn't she?
A. At that time, no.

Q. Did it change any later on?
A. When I caught her out with Johnnie Weimer at the S.O.I. that night she was pretty rough.

Q. Fred, is there any collusion between you and your wife about securing this divorce? Is there any agreement about making up grounds and no contest?
A. No.

Q. Is there any agreement about securing this divorce?
A. No. When I got evidence on her and Strunk, I asked her to take the two older children and move to Kerrmoor and get out and she said she wouldn't so I left.

Q. You and your wife in joint names own real estate in Clearfield Borough?
A. Yes.

Q. 316 West Front Street?
A. Yes.

Q. In your opinion, what is the value of that property?
A. I would say \$6,000.00.

Q. That is what you think a fair value would be?
A. I am going by what we paid for it in 1954.

Q. Is there anything owing against the property, any judgments or mortgages?
A. Yes, about \$2,500.00.

Q. Is that a mortgage?
A. A mortgage.

Q. Who holds the mortgage?
A. County National Bank.

Q. About \$2,500.00 owed on it yet?
A. Yes.

Q. Do you own any other property in Clearfield County?
A. Cemetery lots in Crown Crest.

Q. Any other property in Clearfield County?
A. No.

Q. Do you own real estate anywhere else?
A. Yes, in Huntingdon County. A cottage and approximately twenty acres of land.

Q. What township is that in?
A. Brady.

Q. What value do you think that has?
A. Approximately \$2,000.00.

Q. Is there anything owing on that property?
A. No.

Q. That is clear?
A. It is clear.

By the Master:

Q. How many cemetery lots?
A. It is a plot. The value is \$350.00.

By Mr. Kitko:

Q. I think you said something about a car. Do you own any automobiles in joint names?
A. One - the station wagon. It is a 1954 Chevrolet.

Q. Who has that at the present time?
A. I have it at the present time.

Q. In your testimony you testified about two cars. Is there another one?
A. Yes.

Q. In whose name?
A. Mine alone.

Q. Who has it?
A. My wife.

Q. What it is?
A. 1950 Chevrolet.

Q. Any other personal property? Household furniture?
A. Yes.

Q. Are they all owned together? Were they bought after your marriage?
A. Yes.

Q. What would the value of the personal furnishings be?
A. I couldn't give you a figure on that.

Q. You wouldn't care to give an estimate?
A. No.

Q. Anything else you own jointly?
A. No.

By Mr. Kitko: We offer Exhibits A, B, C. and D into evidence.

By Mr. Ammerman:

Q. Mr. Chuchek, have you purchased another home here in Clearfield now?
A. No.

Q. Where is it that you live now?
A. 430 River Street.

Q. Is that an apartment or a house?
A. House.

Q. How many rooms?
A. About eight.

Q. And you occupy the entire house yourself?
A. Yes.

Q. Does anybody live there with you?
A. No.

Q. Is it completely furnished?
A. Yes.

Q. Who keeps house?
A. Nobody.

Q. You do your own housework?
A. Yes.

Q. Apparently you have had experience previously in this according to the testimony. Now, these children; you say the two oldest children who live with your wife at the present time are her children by a previous marriage and their last name is Beckwith?
A. - Yes.

Q. Then there is a third child who was adopted by you?
A. Yes.

Q. And that child was born to your wife?
A. Yes.

Q. She is the natural mother of that child?
A. Yes.

Q. But you are not the father of that child?
A. No.

Q. You and your wife together went through a proceeding and adopted the child and gave it your name?
A. Yes.

Q. Now, the fourth child is your child and hers? It was born to you two?
A. Yes.

Q. That child was born before you were married?
A. Yes.

Q. At that time were you or your wife married?
A. No.

Q. Mr. Chuchek, during this period of time could I say that the difficulty started after you adopted this child? I mean all this testimony you give here is subsequent to 1957, is that right?
A. Yes. Before 1957 she started keeping late hours but I thought she was with these women.

Q. You weren't making an issue of it?
A. No.

Q. Now you say that on one occasion she didn't come back for your daughter's birthday party and you finally located her at the S.O.I. in Clearfield?
A. Yes.

Q. Now when you saw her, where was she?
A. Well, they came out of the S.O.I.

Q. The front door?
A. No, the one at the side.

Q. I mean a public entrance.
A. I didn't see them coming out that door but when I saw them going to the station wagon I presumed they were coming out of the S.O.I.

Q. What time?
A. Approximately one o'clock in the morning.

Q. You testified that you had seen Earl Maines' truck come across the bridge and then your wife come across in an automobile. Did you ever see your wife in Earl Maines' truck?
A. No, I didn't see her in the truck.

Q. How do you know that it was Earl Maines' truck?
A. The Officer that stopped me told me it was. I presumed it was and he told me it was.

Q. Did you ever see Earl Maines in this truck driving it?
A. Well, I saw him that night.

Q. Do you know Earl Maines when you see him?
A. Yes.

Q. But you never saw your wife in the truck with him?
A. No.

Q. Did you ever see your wife in any automobile with Presley Strunk?
A. He was in the station wagon with her.

Q. Where?
A. Back of the Moose.

Q. The Clearfield Moose?
A. Yes.

Q. In the parking lot?
A. Yes.

Q. When?
A. May 30, 1960.

Q. At what time?
A. Approximately 7:30.

Q. It was daylight?
A. Yes.

Q. What were they doing there?
A. When I came up they were talking.

Q. Were they sitting in the car?
A. Yes, in the front seat.

Q. Were they fully clothed?
A. Yes.

Q. During this time of difficulty and your wife's running around, didn't her mother live there with you folks?
A. Yes.

Q. How long did she live there?
A. October til April.

Q. October of what year?
A. 1959.

Q. Until April of 1960?
A. Yes.

Q. Then she died?
A. No.

Q. Where did she go?
A. Huntingdon County.

Q. Did she subsequently die?
A. Yes.

Q. When did she die?
A. The early part of June.

Q. Did she help take care of the children?
A. No, she was an invalid.

Q. Who took care of the children?
A. My wife took care of them mostly.

Q. Now you say you found this Exhibit A, which is a letterhead from the Hotel Pittsburgher, in your wife's suitcase?
A. Yes.

Q. Do you know how it got there?
A. I presume she put it there.

Q. Did you ever see your wife in Pittsburgh?
A. No.

Q. You have introduced as Exhibit B, a statement of the Pittsburgher Hotel of Mr. and Mrs. P. J. Strunk?
A. Yes.

Q. Did you see your wife at the Pittsburgher Hotel on that date with Mr. Strunk?
A. No.

Q. Did you ever see your wife at the Pittsburgher Hotel with Mr. Strunk?
A. No.

Q. How do you know that your wife stayed at the Pittsburgher Hotel with Mr. Strunk?
A. Well, I don't know that she did other than this evidence.

Q. Well, there isn't anything on this paper to tie your wife in with this registration.
A. No, but the pictures do.

Q. When were the pictures taken?
A. April 23 and 24.

Q. How do you know?
A. She had it written on the originals taken on April 23 and 24 at Pittsburgh.

Q. She wrote on the originals that they were taken April 23 and 24. Well now this statement isn't for April 23 and 24; this is for May 21 and 22.

A. Yes.

Q. You don't say these pictures were taken on May 21 and 22?

A. No.

Q. Do you know when?

A. No.

Q. Did you see them taken?

A. No.

Q. How do you know she wrote it?

A. It looked like her handwriting.

Q. How can you tell these pictures were taken in Pittsburgh?

A. The children questioned her on it.

Q. In your presence?

A. Yes, and she bragged to the children about this hotel room with this television set in it.

Q. Did she identify these pictures as being the pictures taken in any hotel room she was in?

A. No.

Q. Could these pictures have been taken someplace other than Pittsburgh?

A. I would say most of them, no.

Q. How do you know?

A. Different ones picked out scenes in Pittsburgh.

Q. Can you pick out scenes in Pittsburgh?

A. I am not acquainted with Pittsburgh.

Q. Then you don't know?

A. I am just presuming.

Q. But you can't swear to it?

A. I can't, no.

Q. When you found this envelope, which is addressed to Mrs. Caroline Chuchek, where did you find it?

A. In her suitcase.

Q. Was this letter in it?

A. Yes.

Q. Who wrote this letter?

A. I just assumed it was Presley Strunk.

Q. How do you know?

A. Well.....

Q. His name isn't signed to it, is it?

A. No, his name isn't signed.

Q. According to the letter itself, if it weren't in this particular envelope you wouldn't even know from reading it whether or not it was addressed to your wife, would you?

A. No, if it wasn't addressed to her.

Q. This letter could be written to your wife or anyone else without them being receptive to it or asking to have it. There was no indication that she was a party to this correspondence.

A. If it was written to someone else, I don't know why she would have it.

Q. But you can't swear to it?

A. No, but I assume.

By Mr. Ammerman: We object to all these Exhibits because as far as the first three are concerned, they are immaterial. I mean, what does this prove? She might have been at the Pittsburgher Hotel any time or a friend of hers might have given her this stationery. This is evidence of nothing in my opinion and as far as the hotel bill is concerned, there is nothing to link her to the registration in the hotel. The fact that Mr. Chuchek said he found it in her possession I don't think is sufficient to establish a proof of value. As far as the pictures are concerned, they could have been taken any place. There is no proper support for them. As far as this letter is concerned, there is no indication as to who it is from nor any indication of any misconduct in the letter that would prove any charge of adultery, so we object to the admission of all four of these items.

By the Master: As far as Exhibits A, B, and C are concerned, I don't think they show too much and I doubt whether Exhibit D is admissible, but I will admit all the Exhibits and then after the testimony we will see what weight is to be given them.

By Mr. Ammerman:

Q. This property at 316 West Front Street, you say you bought it in what year?

A. 1954.

Q. What price did you pay for it in 1954?
A. \$5,500.00.

Q. What have you done to it in the way of improvements?
A. Remodeled the kitchen, bathroom, made a bathroom downstairs. We took it out of the upstairs. We remodeled the livingroom.

Q. Did your wife help with any of this work?
A. She helped with the work, yes.

Q. And you say you would value it at \$6,000.00?
A. I said \$6,000.00.

Q. Where is it located?
A. Front Street.

Q. On the other side of the river?
A. Yes.

Q. You say that there is about a \$2,500.00 mortgage remaining on this property?
A. Yes.

Q. Are you paying this off or is she?
A. I am.

Q. How much per month?
A. \$45.00.

Q. And the cemetery lot in Crown Crest, you paid \$350.00 for that?
A. Yes.

Q. You mentioned a cottage and 20 acres in Brady Township, Huntingdon County. When did you buy that?
A. I would say 1957.

Q. How much did you pay for it?
A. Well, we bought the cottage and one acre of ground and paid about \$1,200.00 for that and then we bought approximately 20 acres of ground and paid \$550.00 for that.

Q. Did you make any improvements to it?
A. Yes.

Q. What did you do?
A. We put a floor down in the one room, it didn't have flooring.

Q. Is there a bathroom in it?
A. No.

Q. Outside toilet?
A. Outside.

Q. Is it near a lake or river or anything like that?
A. No, we have a creek.

Q. Is this hunting and fishing territory?
A. Yes.

Q. What do you value this 1950 Chevrolet at?
A. I don't think there is much value.

Q. In whose name is it?
A. Mine.

Q. And that is the car your wife has now?
A. Yes.

Q. The 1954 automobile is in both names? You bought that since you were married?
A. Yes.

Q. What valuation do you place on that?
A. I don't think there is too much value on that.

Q. Did you buy it new?
A. No.

Q. Do you own any Bonds?
A. No.

Q. Did you at any time during your marriage own any Bonds?
A. I owned Bonds when we were first married but cashed them in and bought the house. They were in my name only.

Q. Do you have any bank accounts together?
A. We had.

Q. Where was that?
A. County National Bank.

Q. Here in Clearfield?
A. Yes.

Q. In whose name?
A. In joint.

Q. How much money was in that account?
A. I don't know what was in that, she kept the book.

Q. Has that money been drawn out?
A. Yes.

Q. Did you draw it out?
A. She did.

Q. Do you have any other bank account?
A. No.

Q. Did you have any savings account or any other account in Huntingdon?
A. No.

Q. Harrisburg?
A. No.

Q. No place else?
A. No.

By the Master:

Q. Mr. Chuchek, neither you nor your wife are in the Armed Forces?
A. Not now.

Q. Both of you are citizens of Pennsylvania and the United States?
A. Yes.

Q. Over a period of several years, it seemed you were fighting, your wife keeping late hours or being seen in company with other men, and in the last few months you had reason to believe she was staying with some man in Pittsburgh, but yet outside a few arguments there seemed to be nothing drastic take place. What caused you to leave in 1960?
A. That is when I found the statement and the letter and my attorney told me that in order to proceed one of us would have to leave and she wouldn't so I left.

Q. At that time you had already found the pictures?
A. Yes.

Q. Did you have these duplicate prints made?
A. Yes.

Q. When you found the original prints, you found the negatives, also?
A. No, I didn't find them.

Q. Did you have duplicates made as copies from the originals?
A. Yes.

Q. Did your wife know you had that done?
A. No.

Q. These duplicate prints are the same that you found the originals of?
A. Yes.

Q. Were they in Smith's Camera Shop folder?
A. Yes.

Q. In other words, this duplicate set is in all respects the same as the original set with the exception of the notation which somebody had written on it about having been taken on April 23.
A. Yes. Of course, they were probably placed in the folder different.

Q. And this copy work was done at Smith's Camera Shop?
A. Yes.

Q. Do you know who took the pictures?
A. No.

Q. Does your wife own a camera?
A. Yes.

Q. What kind does she own?
A. A Brownie box camera.

Q. Now you testified that in the incident with Johnnie Weimer she used rough language. What do you mean by rough language?
A. Cussing.

Q. What kind of words did she use? Tell us what she said.
A. You son-of-a-bitch.

Q. Did she use foul language towards you on other occasions?
A. Not too much. We never had too many arguments.

Q. Just this one instance that she used this abusive language?
A. She used it more but I can't pinpoint it down to one time.

Q. Did she call you names on other occasions?
A. Yes.

Q. Did she call you names other than son-of-a-bitch?
A. No.

Q. Would this happen in arguments over the troubles you testified to?
A. Yes, there was that incident with Johnnie Weimer.

Q. When did you decide that your marriage was going to have to be broken up?
A. The fall of 1959. That is when things started getting seriously wrong. I gave her my paycheck up until then and in the fall of 1959 she was going out to bingo and I told her if she couldn't be back by 10:30 or 11:00 she could turn the bills over to me. If she was going to stay out all night she wasn't fit to handle the money. Up until then I gave her my paycheck and she handled the bills.

Q. Well, had you determined then that your marriage was going to break up?

A. I told her I wouldn't live under those conditions, that she was starting to stay out late at night. I had this previously and thought I had things well in hand.

Q. But you did stay for another nine months. What I am trying to get at is why did you stay those nine months?

A. Well, she brought her mother up in October of 1959 and I thought that might change things with her.

Q. You still had hopes that your marriage would survive?

A. Yes.

Q. When was it that you determined definitely to take some action?

A. When she started taking weekend trips.

Q. In the spring of 1960?

A. Yes. Up until then, I had hopes.

Q. After that was it just a question of who was going to leave?

A. After that it was just a question of getting evidence.

Q. Are all these four children with her now?

A. Yes.

Q. As far as the properties are concerned, you have identified them and given your estimate of value. Are you making any specific claim to them other than your one-half share.

A. Well, I was going to claim all I could under the circumstances. After the way she has been acting, I don't know whether she is entitled to half.

Q. Who has paid the original downpayments and mortgage payments on the properties? Whose money was used to pay for them?

A. I am the only one who is employed.

Q. She didn't have any money of her own?

A. No.

Q. And you and your wife have not worked out any property settlement of any kind?

A. No.

Q. Do you rent the property at 430 River Street?

A. Yes.

By Mr. Ammerman:

Q. Mr. Chuchek, when did you leave the common home? What date?

A. June 29.

Q. Of 1960?

A. Yes.

Q. Have you ever been back since?

A. No.

Q. Have you ever seen the children since?

A. I saw the little girl once.

Q. Which child?
A. Sylvia Winifred.

Q. Is that the child born to you and your wife?
A. Yes.

Q. Where did you see her?
A. She was on her way home from school on Nichols Street.

Q. And how long did that visit last?
A. A matter of a few minutes.

Q. Have you made any attempt to visit the children in this period of time?
A. No. At first Attorney Kitko was going to make arrangements for me to visit the children.

Q. But it didn't work out?
A. That didn't work out.

By Mr. Ammerman: We take the position that the testimony does not substantiate the burden of proof to grant a divorce on the grounds of adultery.

By Mr. Kitko: Plaintiff takes the position that this testimony, the verbal testimony together with the Exhibits filed as a whole, is certainly sufficient to show opportunity and inclination for adultery, which is what is always needed to prove adultery. It is not necessary to prove adultery by showing eyewitnesses to adultery. The photographs, I don't care where they were taken, certainly show common scenes of her in the room and him in the room and him in various states of undress even to the point of having his fly zipper open, which I certainly think shows inclination and opportunity, and I think the Exhibit of the hotel receipt certainly shows a hook-up with Presley Strunk and Mrs. Chuchek and I don't know why Mrs. Chuchek should have the Exhibit in her possession unless she was there, too. I think it is evidence to show opportunity and inclination.

By Mr. Ammerman: Since Mr. Kitko has elaborated an argument on the grounds of adultery, I want to point out to the Master that these fragments of evidence, no matter what they may prove, do not prove that at any one specific time or at any one specific place there was an opportunity and inclination to commit adultery. None of the dates of any of the four Exhibits or the specific dates mentioned in the testimony jive.

- End of Testimony -

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing on the above case, and that this is a correct transcript of the same.

Sandra A. Scott
Stenographer

February 24, 1961

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENN-
SYLVANIA, No. 227 November
Term, 1960 - In Divorce

FREDERICK J. CHUCHECK

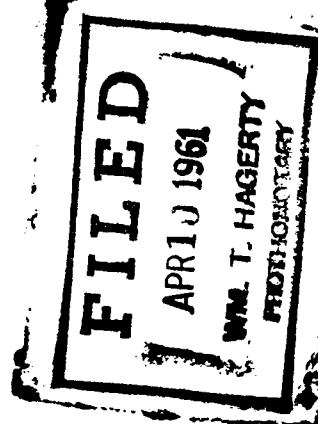
-VS-

CAROLINE L. CHUCHECK

Contested

MASTER'S REPORT

Master's fee	\$100.00
Postage for	2.40
Certified Mail	
Constable's fee	3.00
	\$105.40



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COMMERCIAL PRINTING CO., CLEARFIELD, PA

Notice of filing and time for filing of the within Master's Report is hereby waived.

Eugene G. Kitter
Attorney for Plaintiff

Joseph J. Amiseman
Attorney for Defendant