

DOCKET NO. 173

NUMBER	TERM	YEAR
252	February	1961

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Jean Hadvabne

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VERSUS

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George Hadvabne

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IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNNA.:

No. 252 February Term, 1961

In Divorce

JEAN HADVABNE

VS

GEORGE HADVABNE

NOTICE OF INTENTION UNDER THE  
ACT OF MAY 25, 1939, P.L. 192,  
SECTION 1, et. seq.

**FILED**  
MAR 30 1962  
CARL E. WALKER  
PROTHONOTARY

SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

VS

GEORGE HADVABNE

:  
:  
:  
:  
:

No. 252 February Term, 1961

IN DIVORCE

NOTICE OF INTENTION UNDER THE  
ACT OF MAY 25, 1939, P.L. 192,  
SECTION I, ET. SEQ.

WHEREAS, Jean Hadvabne intermarried with George Hadvabne; and,

WHEREAS, said parties were divorced by a Final Decree of the Court of  
Common Pleas of Clearfield County entered to the above term and number; and,

WHEREAS, it is the intention of Jean Hadvabne to resume and use as her  
legal name the name of:

JEAN VOGLE

This document shall be considered a written election and notice of inten-  
tion under the above Act of Jean Hadvabne to assume and use for all purposes from this  
date the name Jean Vogle.

✓ Jean Hadvabne  
Jean Hadvabne

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

JEAN HADVABNE, being duly sworn according to law, deposes and says  
the facts set forth in the above are true and correct to the best of her knowledge, in-  
formation and belief.

✓ Jean Hadvabne  
Jean Hadvabne

Sworn and subscribed to

before me this 28<sup>th</sup> day

of March, 1962.

Kathryn L. Bellino

NOTARY PUBLIC

My Commission Expires March 9, 1963

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

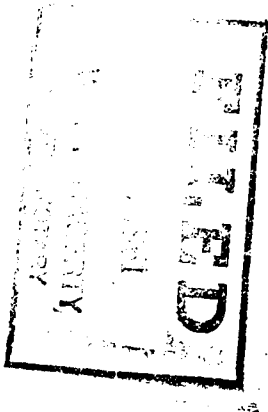
No. 252 Fyb. Term, 1961  
In Divorce

JEAN HADVABNE

VS

GEORGE HADVABNE

MOTION & ORDER



SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

Lap-over Margin

Clearfield County, ss:

The Commonwealth of Pennsylvania, to \_\_\_\_\_  
F. CORTEZ BELL, JR., 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

\_\_\_\_\_  
\_\_\_\_\_  
GEORGE HADVABNE \_\_\_\_\_ Plaintiff ,  
and \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
JEAN HADVABNE \_\_\_\_\_ 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 27th day of February, \_\_\_\_\_, in the year of our Lord one thousand nine hundred and sixty-one.

\_\_\_\_\_  
Prothonotary

To the Honorable, the Judge, &c.:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

VS

GEORGE HADVABNE

:  
:  
:  
:  
:

No. 252 February Term, 1961

IN DIVORCE

M O T I O N

A Complaint in Divorce having been filed and served upon counsel for the Defendant March 9, 1961, and no Answer having been filed thereto, comes now the Plaintiff by her Attorney, William U. Smith, and moves the Court to appoint a Master to take testimony in the above captioned matter and render an appropriate Decree, and further moves this Court to consolidate this action and the action in divorce filed by George Hadvabne against Jean Hadvabne, No. 366 February Term, 1960, into one proceeding.

SMITH, SMITH & WORK

BY

W. U. Smith  
Attys. for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

VS

GEORGE HADVABNE

:  
:  
:  
:  
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:

No. 252 February Term, 1961

In Divorce

O R D E R

AND NOW, the <sup>22<sup>nd</sup></sup> day of May, 1961, on consideration of the attached Motion, it is herewith ordered and decreed that *F. Cortez Bell Jr.*, Esq., is appointed Master in the above captioned matter to take testimony and recommend to this Court a form of decree; further, that these proceedings and the proceedings filed to No. 366 February Term, 1960, by George Hadvabne against Jean Hadvabne, ~~are~~ herewith consolidated into one action, and the Master's appointment in the action of George Hadvabne against Jean Hadvabne is herewith extended for a further period of thirty (30) days.

BY THE COURT

*John P. Bell*  
P.J.

*12, 1960*

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

No. 356 Feb. Term, 1960  
In Divorce

GEORGE HADVABNE  
VS  
JEAN HADVABNE

PETITION and ORDER

*3*  
**FILED**  
APR 22 1960  
WM. T. HAGERTY  
PROTHONOTARY

SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

*Now filed 25 1960 received by me by copy  
- answered then  
att by in family*



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE

VS

No. 366 February Term, 1960

JEAN HADVABNE

IN DIVORCE

*Overal*  
*8-7497*  
*West Mochum*  
*Box 30*  
*Holtz Dale*

P E T I T I O N

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

COMES now your Petitioner, Jean Hadvabne, who respectfully sets forth as follows:

- (1). Your Petitioner is the respondent in a certain divorce action filed to No. 366 February Term, 1960 by her husband, George Hadvabne.
- (2). Said action of divorce is without merit.
- (3). Your Petitioner is without funds or means to defend the same.
- (4). The Plaintiff in said action by reason of his ability to work can pay the Petitioner's resonable expenses for counsel fees in regard said divorce.
- (5). Your Petitioner has engaged the firm of Smith, Smith & Work to represent her in the above action, and has been advised their fees shall be \$300.00.

WHEREFORE, your Petitioner prays that a rule issue upon the Plaintiff to show cause why he should not deposit with the Court the sum of \$300.00 to meet counsel fees and expenses for defending said action.

Respectfully submitted,

*Jean Hadvabne*  
Petitioner

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

JEAN HADVABNE, being duly sworn according to law, deposes and says she is the Petitioner in the foregoing Petition, and the facts set forth therein are true and correct to the best of her knowledge, information and belief.

Jean Hadvabne  
(Jean Hadvabne)

Sworn and subscribed to  
before me this 20<sup>th</sup> day  
of April, 1960.

Mrs. Melba B. Ginter  
NOTARY PUBLIC  
My Commission Expires  
JANUARY 7, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE

VS

JEAN HADVABNE

:  
:  
:  
:  
:

No. 366 February Term, 1960

IN DIVORCE

O R D E R

NOW, this 21<sup>st</sup> day of April, 1960, on consideration of the foregoing Petition and on motion of Smith, Smith & Work, a rule is granted upon George Hadvabne to show cause why he should not pay into Court counsel fees as requested by said Petition. Rule returnable the 2<sup>nd</sup> day of May, 1960, at 10 o'clock, at Clearfield, Pennsylvania.

BY THE COURT

P.S. 

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE	:	
-vs-	:	No. 366 February Term, 1960
	:	
JEAN HADVABNE	:	IN DIVORCE
	:	
JEAN HADVABNE	:	
-vs-	:	No. 252 February Term, 1961
	:	
GEORGE HADVABNE	:	IN DIVORCE
	:	

MASTER'S REPORT

The Master appointed by your Honorable Court in the above proceeding in Divorce to take testimony of the witnesses in the case and make report thereon, together with form of Decree recommended, respectfully reports:

II. DOCKET ENTRIES AND SCHEDULE

No. 366 February Term, 1960

March 21, 1960	Complaint in Divorce filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 366 February Term, 1960. One copy certified to Sheriff.
March 24, 1960	Charles G. Ammerman, Sheriff of Clearfield County, makes return that on March 24, 1960, at 4:00 p.m., he served the Complaint in Divorce on Jean Hadvabne at her place of residence at Houtzdale R. D., Pennsylvania, by handing to her personally a true and attested copy of the original Complaint in Divorce and making known to her the contents thereof.
April 5, 1960	Smith, Smith & Work, Attorneys, enter their appearance for the Defendant, Jean Hadvabne, by praecipe.
April 5, 1960	On praecipe filed by Smith, Smith & Work, Attorneys, for Defendant, rule is entered on Plaintiff to file a Bill of Particulars within twenty days after service of the rule, or on failure thereof to suffer a judgment on non pros.

April 7, 1960	Clarence R. Kramer, Attorney for Plaintiff, accepts service of copy of praecipe and waives issuance of rule.
April 22, 1960	Petition of Jean Hadvabne filed for rule to be issued on Plaintiff to show cause why he should not deposit with the Court the sum of \$300 to meet counsel fees and expenses for defending said action.
April 21, 1960	Rule granted by the Court on Petition to show cause why he should not pay into Court counsel fees as requested by said Petition. Rule returnable the 2nd day of May, 1960 at 10:00 a.m.
April 25, 1960	Clarence R. Kramer, Attorney for Plaintiff, accepts service of Petition and Order by copy.
April 25, 1960	Clarence R. Kramer, Attorney for Plaintiff, accepts service of Rule by copy.
May 14, 1960	Rule for counsel fees and expenses in the sum of \$300 made absolute by the Court. Plaintiff to pay \$300 in to Prothonotary's office there to be held and not to be paid out to counsel for Defendant until completion of divorce proceedings to final recommendation of Master, and payment subject to Order of Court.
February 27, 1961	By motion on watch-book, F. Cortez Bell, Jr., Esq., is appointed Master to take testimony and report same with form of Decree.
March 14, 1961	Answer to Complaint in Divorce filed by Smith, Smith & Work, Attorneys for Defendant.
March 23, 1961	Petition of F. Cortez Bell, Jr., Esq., filed.
March 20, 1961	Upon Petition of F. Cortez Bell, Jr., Esq., Master in divorce action to No. 366 February Term, 1960, and a cross action having been filed to No. 252 February Term, 1961, and upon Petition to consolidate the two actions filed by counsel for Jean Hadvabne, and Petition of Master for extension of Commission and instructions, it is ordered by the Court that the Commission of the Master is continued to such time as the Petition for consolidation shall be disposed of by the Court and the action filed to No. 252 February Term, 1961 shall be at issue and for thirty days thereafter.

June 1, 1961-

Master's hearing set for Monday, June 19, 1961, at 1:30 p.m. e.d.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania.

June 1, 1961

Service of Notice of Master's Hearing accepted by Jean Hadvabne and by William U. Smith, attorney for Jean Hadvabne.

June 3, 1961

Service of Notice of Master's Hearing accepted by Clarence R. Kramer, attorney for George Hadvabne.

June 19, 1961

Master's hearing held at 1:30 p.m. e.d.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania. There appeared Jean Hadvabne, together with her counsel, William U. Smith, Esq., and Mrs. William Vogle, witness for Jean Hadvabne. George Hadvabne did not appear in person nor was he represented by counsel.

No. 252 February Term, 1961

March 8, 1961

Complaint in Divorce filed in the Court of Common Pleas of Clearfield County, Pennsylvania, to No. 252 February Term, 1961.

March 9, 1961

Clarence R. Kramer, Attorney for Defendant, accepts service of Complaint by copy.

March 14, 1961

Petition filed by Smith, Smith & Work, Attorneys for Plaintiff.

March 14, 1961

Clarence R. Kramer, Attorney for Defendant, accepts service of Petition by copy.

May 22, 1961

On consideration of Motion, the Court orders that F. Cortez Bell, Jr., Esq., appointed Master in said action to take testimony and recommend to Court a form of Decree; further that these proceedings and proceedings filed to No. 366 February Term, 1960, by George Hadvabne against Jean Hadvabne be consolidated into one action, and the Master's appointment in action of George Hadvabne against Jean Hadvabne extended for a further period of thirty days.

June 1, 1961

Master's hearing set for Monday, June 19, 1961, at 1:30 p.m. e.d.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania.

June 1, 1961

Service of Notice of Master's Hearing accepted by Jean Hadvabne and by William U. Smith, attorney for Jean Hadvabne.

June 3, 1961

Service of Notice of Master's Hearing accepted by Clarence R. Kramer, attorney for George Hadvabne.

June 19, 1961

Master's hearing held at 1:30 p.m. e.d.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania. There appeared Jean Hadvabne, together with her counsel, William U. Smith, Esq., and Mrs. William Vogle, witness for Jean Hadvabne. George Hadvabne did not appear in person nor was he represented by counsel.

June 26, 1961

Motion filed by Smith, Smith & Work, attorneys for Jean Hadvabne, to amend Complaint to allege as a ground for divorce the additional cause of desertion so that the pleadings will conform with the proof in the matter.

June 26, 1961

On consideration of Motion, the Court decrees that said action is amended to add therein the additional ground of desertion so that the pleadings conform with the proof in the cause.

### III.

That attached hereto are all the filed papers arranged in the order of filing.

### IV. CAUSE OF DIVORCE

No. 366 February Term, 1960

Indignities and desertion.

No. 252 February Term, 1961

Indignities and desertion.

## V. FINDINGS OF FACT

### 1. Marriage.

From the testimony in the case, the Master finds that Jean Hadvabne and George Hadvabne were married April 5, 1955, at Winchester, Virginia, by a Reverend Ginter.

### 2. Residence.

The Master finds that until the time of this marriage, Jean Hadvabne was a resident of Houtzdale, Clearfield County, Pennsylvania; and George Hadvabne was a resident of Grassflat, Clearfield County, Pennsylvania. Following the marriage, the parties resided in Houtzdale for a few weeks; then moved to Philadelphia for a couple months; next moving to Osceola Mills, Clearfield County, Pennsylvania for a few months; then returning to Houtzdale, Clearfield County, Pennsylvania. Jean Hadvabne has remained a resident of Houtzdale while George Hadvabne is a resident of Grassflat, Clearfield County, Pennsylvania, now apparently employed as a merchant seaman on the Great Lakes.

### 3. Citizenship.

From the testimony, the Master finds that Jean Hadvabne and George Hadvabne are both citizens of the United States and of the Commonwealth of Pennsylvania by birth.

### 4. Age and Occupation.

Jean Hadvabne is now thirty-two (32) years of age and employed by the Sylvania Company; while George Hadvabne is thirty-three (33) years of age and employed as a merchant seaman, supposedly on the Great Lakes.

### 5. Children.

There were no children born to this marriage.



6. Military Service.

From the testimony, the Master finds that neither Jean Hadvabne nor George Hadvabne are now in the military service of the United States.

7. Findings on the Merits.

The Master heard testimony in the actions for divorce filed by George Hadvabne to No. 366 February Term, 1960, and by Jean Hadvabne to No. 252 February Term, 1961. From this testimony, the Master finds that these parties were married by a Reverend Ginter at Winchester, Virginia, on April 5, 1955, and continued to reside together at various places until August or September of 1957, when George Hadvabne left the marital domicile, to which he has not returned. The testimony reveals that during the time these parties were living together, as husband and wife, difficulties arose from the fact that George Hadvabne was inclined to partake of various alcoholic beverages on numerous occasions and accused his wife of causing him to have a nervous breakdown. The testimony also reveals that George Hadvabne also informed his wife that he had been unfaithful to her although no details are given in the testimony. Jean Hadvabne has been subjected to migraine headaches, which increase in severity in times of emotional stress, since she was a student in high school, a fact of which George Hadvabne was aware. Shortly after this marriage, the Master finds that George Hadvabne advised Jean Hadvabne that he desired a divorce and advised the parents of Jean Hadvabne of the same desire. Your Master further finds that since the separation in August or September of 1957, Jean Hadvabne has at all times been willing to resume marital cohabitation with George Hadvabne but that a reconciliation has been refused by George Hadvabne on the grounds that he desired his freedom.

By Order of Court dated June 26, 1961, the Complaint in the action to No. 252 February Term, 1961 was amended to add desertion as a grounds for divorce. It is further found that there is no collusion between the parties and the evidence is sufficient to sustain the granting of a divorce to Jean Hadvabne in the action to No. 252 February Term, 1961 on the grounds of desertion. George Hadvabne not having appeared in person or by counsel and no testimony having been offered in the action for divorce to No. 366 February Term, 1960, your Master finds no evidence to sustain the granting of a divorce on any of the grounds alleged in such action.

By Order of Court dated May 22, 1961, and filed in the action to No. 252 February Term, 1961, such action was consolidated for hearing with the proceeding to No. 366 February Term, 1960.

8. Discussion.

On March 21, 1960, George Hadvabne filed a Complaint in Divorce against Jean Hadvabne to No. 366 February Term, 1960, alleging indignities and desertion as grounds for divorce. Counsel for Jean Hadvabne entered their appearance by praecipe filed April 5, 1960 and issued a rule as of course upon George Hadvabne to file a Bill of Particulars within twenty days or suffer a judgment of non pros. Counsel for Jean Hadvabne then filed a petition for counsel fees and by Order of Court dated April 21, 1960, rule was issued upon George Hadvabne to show cause why counsel fees should not be paid. This rule was made absolute by Order of May 14, 1960, and required George Hadvabne to pay the sum of \$300 into the Prothonotary's office to be held subject to further Order of Court. On February 27, 1961, Commission as Master was duly issued to the Master herein.

On March 8, 1961, Jean Hadvabne filed an action for divorce against George Hadvabne to No. 252 February Term, 1961,

alleging indignities as the grounds for divorce. On March 14, 1961, counsel for Jean Hadvabne filed an Answer to the action brought by George Hadvabne to No. 366 February Term, 1960, and also filed in the action brought by Jean Hadvabne to No. 252 February Term, 1961, a Petition to consolidate the cross divorce actions. Your Master then filed a Petition for extension of his Commission and instructions in the proceeding to No. 366 February Term, 1960, and an Order was made extending your Master's Commission until disposal of the Petition for consolidation of the action.

Counsel for Jean Hadvabne then filed a Motion, May 22, 1961, for the appointment of a Master in the action to No. 252 February Term, 1961, and consolidation of that action with the action filed by George Hadvabne to No. 366 February Term, 1960. On this Petition the Court made the following Order:

"AND NOW, the 22nd day of May, 1961, on consideration of the attached Motion, it is herewith ordered and decreed that F. Cortez Bell, Jr., Esq., is appointed Master in the above captioned matter to take testimony and recommend to this Court a form of decree; further, that these proceedings and the proceedings filed to No. 366 February Term, 1960, by George Hadvabne against Jean Hadvabne, are herewith consolidated into one action, and the Master's appointment in the action of George Hadvabne against Jean Hadvabne is herewith extended for a further period of thirty (30) days."

Notice of Master's hearing was duly given to both terms and numbers and Master's hearing held June 19, 1961. At the Master's hearing Jean Hadvabne appeared with her counsel, William U. Smith, Esq., and Mrs. William Vogle, witness for Jean Hadvabne, while no appearance was made at the hearing by George Hadvabne or his counsel and no testimony was offered on behalf of George Hadvabne.

Because of the fact that cross actions were filed and the Court Order made for consolidation of the actions, the Master

will here discuss the status of the pleadings at the time of hearing in order to attempt to properly summarize the position of the parties and lessen the confusion resulting from these cross actions. In the action filed by George Hadvabne versus Jean Hadvabne to No. 366 February Term, 1960, the rule issued as of course by Jean Hadvabne upon George Hadvabne to file a Bill of Particulars within twenty days or suffer a judgment of non pros was never disposed of on the record, but your Master is of the opinion that by the filing of the Answer of Jean Hadvabne on March 14, 1961, the rule for Bill of Particulars was abandoned and George Hadvabne no longer subject to a judgment of non pros for failure to file a Bill of Particulars. This action of George Hadvabne versus Jean Hadvabne to No. 366 February Term, 1960, was thus at issue and ready for Master's hearing.

In the action filed by Jean Hadvabne versus George Hadvabne to No. 252 February Term, 1961, no Answer has been filed by George Hadvabne and the matter permitted by George Hadvabne to go to Master's hearing without any Answer upon the record or without any appearance, either individually or by counsel, at the Master's hearing.

The Master's hearing having been held June 19, 1961, counsel for Jean Hadvabne closed the hearing by an oral motion to dismiss the action filed by George Hadvabne to No. 366 February Term, 1960, and tax all counsel fees and costs in the action of Jean Hadvabne to the action filed by George Hadvabne filed to No. 366 February Term, 1960, basing such motion upon the Order of Court made May 22, 1961. After the Master's hearing, counsel for Jean Hadvabne, upon motion, secured an Order of Court dated June 26, 1961, amending the Complaint in the action by Jean Hadvabne to No. 252 February Term, 1961, to add desertion as a grounds for divorce so that the pleadings might conform to the evidence offered at Master's hearing.

The first matter for consideration is the effect of the Order of Court dated May 22, 1961, which has been quoted at the beginning of this discussion and the determination as to whether or not there was one action before the Master or whether your Master is to make a recommendation on two separate actions which were merely consolidated for hearing. The Order of May 22, 1961, states that the actions "are herewith consolidated into one action" and the Order continues by extending the Master's appointment in the action to No. 366 February Term, 1960 for an additional period of thirty days. Clearly, this would have been unnecessary had the cross suits been consolidated into one action as your Master was, by the initial portion of the same Order, appointed Master in the action to No. 252 February Term, 1961, and the Order has thus, in effect, commissioned your Master as Master in both actions. Counsel for Jean Hadvabne had clearly interpreted the Order of May 22, 1961, in this light as only by such interpretation would the oral motion at the closing of the Master's hearing to dismiss the action to No. 366 February Term, 1960, have been necessary. Your Master is, therefore, of the opinion that two separate actions exist, one action by George Hadvabne versus Jean Hadvabne to No. 366 February Term, 1960; and a second action by Jean Hadvabne versus George Hadvabne to No. 252 February Term, 1961, both actions having been consolidated only for the purpose of Master's hearing.

The testimony offered at Master's hearing was uncontradicted, and in view of the status of the record in the action filed by George Hadvabne to No. 366 February Term, 1960, there is no evidence to sustain the granting of a divorce to George Hadvabne in that action.

The only evidence before the Master being the uncontradicted testimony of Jean Hadvabne to the effect that she was

deserted by George Hadvabne in August or September of 1957 and that no action of Jean Hadvabne had given George Hadvabne any grounds for leaving the marital domicile, the case falls clearly within the rule set forth in the case of Zirpoli vs Zirpoli, Appellant, 185 Pa. Superior Ct. 378, page 381, and where the separation has existed since August or September of 1957, any claim by George Hadvabne to justify such desertion would place the burden upon George Hadvabne to prove consent by Jean Hadvabne or reasonable cause for such desertion, and no evidence having been offered by George Hadvabne, this burden has not been met. As the Court said in the above cited case, "Where a desertion appears and is without legal reasonable cause, it is presumed to be willful and malicious."

The Master is of the opinion that Jean Hadvabne, in her action filed to No. 252 February Term, 1961, has established statutory grounds for desertion under the Act of 1929, May 2, P. L. 1237, Section 10, as amended.

#### VI. CONCLUSIONS OF LAW

The legal conclusion reached by the Master is that no evidence having been offered by George Hadvabne in his action for divorce filed to No. 366 February Term, 1960, a divorce must be refused in that action; but that Jean Hadvabne, under the evidence given at Master's hearing, is entitled to a divorce absolutely in her action to No. 252 February Term, 1961, and a form of Decree is attached hereto divorcing Jean Hadvabne from George Hadvabne as recommended by the Master.

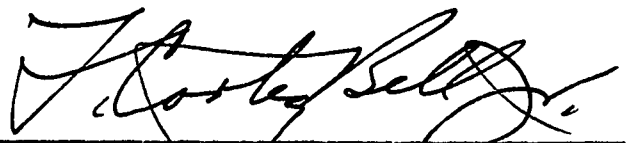
Zirpoli vs Zirpoli, Appellant, 185 Pa. Superior Ct. 378, page 381.  
Act of 1929, May 2, P. L. 1237, Section 10, as amended.

#### VII. RECOMMENDATION

The Master recommends that the action of George Hadvabne versus Jean Hadvabne to No. 366 February Term, 1960, be dismissed and that a divorce a vinculo matrimonii be granted to Jean Hadvabne

in her action against George Hadvabne filed to No. 252 February Term, 1961, in accordance with the conclusions found by the Master, and that the costs and counsel fees therein be taxed to the action filed to No. 366 February Term, 1960, on motion of counsel for Jean Hadvabne.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "F. Cortez Bell, Jr.", written over a horizontal line.

F. Cortez Bell, Jr., Master

IN THE COURT COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE :  
VS. : No. 366 February Term, 1960.  
JEAN HADVABNE : IN DIVORCE.

D O C K E T    E N T R I E S

MARCH 21, 1960, COMPLAINT IN DIVORCE filed. One copy certified to the Sheriff.

NOW, March 24, 1960, at 4:00 o'clock P.M. served the within Complaint In Divorce on Jean Hadvabne at place of residence, R. D., Houtzdale, Woodward Township, Clearfield County, 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.

April 5, 1960, On praecipe filed, Smith, Smith & Work, Attorneys, enter their appearance for the defendant.

WHEREFORE, your petitioner prays that a rule issue upon the Plaintiff to show cause why he should not deposit with the Court the sum of \$300.00 to meet counsel fees and expenses for defending said action.

ORDER: NOW, this 21st day of April, 1960, on consideration of the foregoing Petition and on motion of Smith, Smith & Work, a rule is granted upon George Hadvabne to show cause why he should not pay into court counsel fees as requested by said Petition. Rule returnable the 2nd day of May, 1960, at 10 o'clock at Clearfield, Pennsylvania. By the Court, John J. Pentz, President Judge.

NOW, April 25, 1960, served on me by copy, Clarence R. Kramer, Attorney for Plaintiff.

April 5, 1960, On Praecipe filed by Smith, Smith & Work, Attys., for Defendant, rule is entered on Plaintiff to file a Bill of Particulars within twenty (20) days after service of the rule, on on failure thereof to suffer a judgment on non pros.



(2)

NOW, April 7, 1960, served on me by copy and issuance of rule waived. Clarence R. Kramer, Attorney for Plaintiff.

ORDER: NOW, May 14, 1960, rule for counsel fees and expenses on the sum of \$300.00 made absolute. Plaintiff husband to pay the said \$300.00 in to the Prothonotary 's Office; there to be held and kept and not to be paid out to counsel for defendant until completion of divorce proceedings to final recommendation of the Master, and payments subject to Order of Court. By the Court, John J. Pentz, President Judge.

February 27, 1961, by motion on the Watch-Book, F. Cortez Bell, Jr., 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 6th day of March, A. D. 1961.

Wm. L. Hagerty  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE	:	No. 366 February Term, 1960
	:	
VS	:	IN DIVORCE
	:	
JEAN HADVABNE	:	
	:	

DOCKET ENTRIES

MARCH 21, 1960, COMPLAINT IN DIVORCE filed. One copy certified to the Sheriff.

NOW, March 24, 1960, at 4:00 o'clock P.M. served the within Complaint In Divorce on Jean Hadvabne at place of residence, R.D., Houtzdale, Woodward Township, Clearfield County, 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.

APRIL 5, 1960, On praecipe filed, Smith, Smith & Work, Attorneys, enter their appearance for the defendant.

APRIL 22, 1960, Petition of Jean Hadvabne, filed.

WHEREFORE, your Petitioner prays that a rule issue upon the Plaintiff to show cause why he should not deposit with the Court the sum of \$300.00 to meet counsel fees and expenses for defending said action.

ORDER: NOW, this 21st day of April, 1960, on consideration of the foregoing Petition and on motion of Smith, Smith, & Work, a rule is granted upon George Hadvabne to show cause why he should not pay into Court counsel fees as requested by said Petition. Rule returnable the 2nd day of May, 1960 at 10:00 o'clock at Clearfield, Pennsylvania. By the Court, John J. Pentz, P. J.

NOW, April 25, 1960, Served on my by copy, Clarence R. Kramer, Attorney for Plaintiff.

Rule issued. NOW, April 25, 1960, served on me by copy, Clarence R. Kramer, Attorney for Plaintiff.

APRIL 5, 1960, On praecipe filed by Smith, Smith & Work, Attorneys for Defendant, rule is entered on Plaintiff to file a Bill pf Particulars within twenty (20) days after service of the rule, on on failure thereof to suffer a judgment on non pros.

1  
NOW, April 7, 1960, served on me by copy and issuance of rule waived.  
Clarence R. Kramer, Attorney for plaintiff.

ORDER: NOW, May 14, 1960, rule for counsel fees and expenses in the sum of \$300.00 made absolute, Plaintiff husband to pay the said \$300.00 in to the Prothonotary's Office; there to be held and kept and not to be paid out to counsel for defendant until completion of divorce proceedings to final recommendation of the Master, and payment subject to Order of Court. By the Court, John J. Pentz, President Judge.

FEBRUARY 27, 1961, by motion on the watch-book, F. Cortez Bell, Jr., Esq., is appointed Master to take the testimony and report the same with form of Decree. John J. Pentz, President Judge.

MARCH 14, 1961, Answer filed. by Smith, Smith & Work, Attorneys.

MARCH 23, 1961, Petition of F. Cortez Bell, Jr., Master, filed.

ORDER OF COURT: NOW, this 20th day of March, 1961, the within Petition having been read and considered, and it appearing that F. Cortez Bell, Jr. was appointed Master in the divorce action to No. 366 February Term, 1960, and that cross action has now been filed to No. 252 February Term, 1961, and Petition to consolidate the 2 actions filed by counsel for Jean Hadvabne. NOW, THEREFORE, upon the Master's Petition for extension of Commission and instructions, it is hereby ORDERED AND DECREED that the Commission of F. Cortez Bell, Jr., Master, shall be and is hereby continued to such time as the Petition for consolidation shall be disposed of by the Court and the action filed to No. 252 February Term, 1961 shall be at issue and for 30 days thereafter. By the Court, John J. Pentz, President Judge.

Certified from the record this 23rd day of May, A. D., 1961

Wm T. Hagerty  
Prothonotary

GEORGE HADVABNE

Plaintiff

vs.

JEAN HADVABNE

Defendant

In the Court of Common Pleas,

of Clearfield County, Pennsylvania,No. 366 February Term 19 60.

## Complaint in Divorce

- 1 (a) The name of the plaintiff is George Hadvabne, and is 32 years of age
- (b) The name of the defendant is Jean Hadvabne and is 30 years of age.
- 2 The plaintiff resides at Grassflat, Clearfield County, Pennsylvania
- 3 (a) The defendant is a citizen of Clearfield County, Pennsylvania  
and was last known to reside at Houtzdale, Pa. (CORREX)
- (b) The plaintiff has no knowledge as to the whereabouts and last known address of said defendant.
- 4 The plaintiff has resided in the Commonwealth of Pennsylvania for 32 years, and has been a bona fide resident of Clearfield County, Pennsylvania for at least 30 days last past.
- 5 The plaintiff and defendant were married on April 5, 1955 at Winchester, Virginia.
- 6 The defendant has:
  - (a) ~~-By cruel and barbarous treatment, endangered the life of the plaintiff who is the injured and innocent spouse-~~
  - (b) Offered such indignities to the person of the plaintiff who is the injured and innocent spouse, as to render his condition intolerable and his life burdensome.
  - (c) Committed wilful and malicious desertion, and absence from the habitation of the plaintiff who is the injured and innocent spouse, without reasonable cause, for and during the term and space of two years,
  - (d) ~~-Committed adultery~~
- 7 That the plaintiff and defendant have entered into no collusive arrangement regarding this action.
- 8 That neither of the parties, plaintiff or defendant, has ever applied in this or any other court for a divorce from the other party to the action, or for annulment of marriage. (If so, state when and in what court and place, and to what number and term the action was brought, and the result of such action.)
9. That no children were born to this marriage.

WHEREFORE, plaintiff respectfully prays that a decree of this Honorable Court may be made for the divorcing and separating of the said Jean Hadvabne, defendant, from plaintiff's society, fellowship and company for all time to come, and the said plaintiff from the marriage bond aforesaid, as if they had never been married, or as if the said defendant were naturally dead.

Commonwealth of Pennsylvania,  
County of Clearfield } ss.

George Hadvabne

Personally appeared before me, a Notary Public, in and for said county, the above named plaintiff, who being duly sworn, according to law, deposes and says that the facts contained in the above complaint are true and correct, to the best of his/her knowledge and belief, and that said complaint is not made out of levity, nor for the mere purpose of being freed and separated from each other, but in sincerity and truth, for the causes mentioned in said complaint.

Sworn and subscribed before me this

18<sup>th</sup> day of February, A.D. 1960.

Dorothy M. Rusnak (SEAL)

George Hadvabne (SEAL)  
DOROTHY M. RUSNAK, Notary Public  
CLEARFIELD, CLEARFIELD CO., PA.  
My Commission expires Oct. 2, 1961

In the Court of Common Pleas of  
Clearfield County, Pennsylvania  
No. 366, February Term, 1960

GEORGE HADVABNE

versus

JEAN HADVABNE

## Complaint in Divorce

To JEAN HADVABNE

Defendant

237

*copy left*  
You are hereby notified to plead within  
20 days from service of this Complaint.

MAR 21 1960

WM. T. HAGEN

PROTHONOTARY

Plaintiff's Attorney

Address 217 Market Street

Clearfield, Pa.

\$ 135.00 By *Atty*

# Affidavit of Service

George Hadvabne

vs.

Jean Hadvabne

No. 366 February Term, 19 60

Complaint In Divorce

Returnable within \_\_\_\_\_ days  
from date of service hereof.

NOW March 24, 19 60 at 4:00 o'clock P.M.

served the within Complaint In Divorce

on Jean Hadvabne

at place of residence, R. D. Houtzdale, Woodward Township, Clearfield  
County, 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.

Costs. Sheriff Ammerman \$13.00  
(Paid by Pro)

Sworn to before me this 25th

day of March A. D. 19 60

Wm T. Nagarty  
Prothonotary

So answers,

Charles G. Ammerman  
CHARLES G. AMMERMAN  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE

VS

JEAN HADVABNE

:  
:  
:  
:  
:

No. 366 February Term, 1960

In divorce

PRAECIPE FOR APPEARANCE

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Please enter our appearance in the above entitled matter  
on behalf of the Defendant, Jean Hadvabne.

SMITH, SMITH & WORK

BY



Attys. for Defendant

IN THE COURT OF COMMON PLEAS OF CLATSOP COUNTY, WASHINGTON

GEORGE J. ...

vs. ...

in divorce

JOHN ...

... for ...

TO ... T. ...

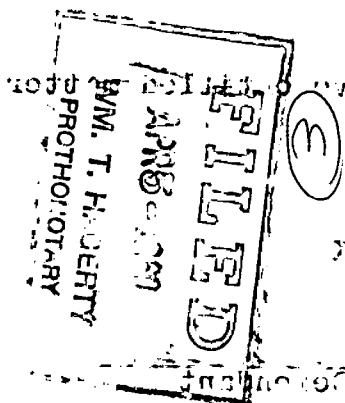
FILE

on behalf of the defendant, John ...

... ..

...

... for ...





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE

VS

JEAN HADVABNE

:  
:  
:  
:  
:

No. 366 February Term, 1960

IN DIVORCE

P R A E C I P E

TO WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Enter a rule on the above Plaintiff to file a Bill of Particulars within twenty (20) days after service of the rule, or on failure thereof to suffer a judgment of non pros.

SMITH, SMITH & WORK

BY

  
Attys. for Defendant

Now April 7 1960 served on master copy  
and issuance of rule waived  
Clarence R. Kramer  
attorney for plaintiff

BY ~~SMITH, SMITH & MOBK~~ ~~APPEARS FOR DEFENDANT~~

SMITH, SMITH & MOBK

on this the 7th day of April 1960 to enter a judgment of non pro  
default within twenty (20) days after service of this writ  
Enter a rule on the above defendant for failure to appear

SUB:

JO WILLIAM L. HAGERLY, PROTHONOTARY

P R E S E N T

JOHN HADABINE

:

IN DISCOURSE

AS

:

NO. 300 VERMONT JURY, 1960

GEORGE HADABINE

:

IN THE COURT OF COMMON PLEAS OF STEARNS COUNTY, VERMONT

George Hadvabne

versus

Jean Hadvabne

In the Court of Common Pleas  
of Clearfield County, Pa.

No. 366 February Term, 19 60

Fi. Fa., No. 19

And now, April 21, A. D. 19 60, petition read and  
considered and a rule is granted on George Hadvabne to show cause why he should  
not pay into Court counsel fees as requested by said Petition.

Returnable May 2nd, 1960 at 10:00 A.M.

By the Court,

HON. JOHN J. PENTZ, P. J.

Certified from the record this 23rd

day of April, 19 60

*John J. Hagerthy*  
Prothonotary

Now April 25/1960 served on me by copy  
Clarence P. James  
attly for plff

No. 366 February Term, 19 60

George Hadvabne

vs

Jean Hadvabne

Rule On

George Hadvabne

Attorney for Claimant

Attorney for Plaintiff

Smith, Smith & Work  
Attorney for Defendant

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. IN DIVORCE <del>No. 366 February Term 1960</del>	
GEORGE HADVABNE VS JEAN HADVABNE	
ORDER	
<div>FILED MAY 16 1960 WM. T. HAGERTY, PROTHONOTARY</div> <div>JOHN J. PENTZ PRESIDENT JUDGE CLEARFIELD, PENNSYLVANIA</div>	

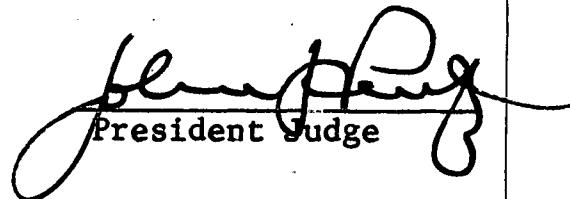
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

GEORGE HADVABNE	:	
	:	No. 366 February Term 1960
VS	:	
	:	IN DIVORCE
JEAN HADVABNE	:	

O R D E R

NOW, May 14, 1960, rule for counsel fees and expenses in the sum of \$300.00 made absolute. Plaintiff husband to pay the said \$300.00 in to the Prothonotary's office; there to be held and kept and not to be paid out to counsel for defendant until completion of divorce proceedings to final recommendation of the Master, and payment subject to Order of Court.

BY THE COURT

  
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA. No. 366 February Term, 1960 <u>In Divorce</u>	
GEORGE HADVABNE, Plaintiff	
vs.	
JEAN HADVABNE, Defendant	
PETITION	
BELL, SILBERBLATT & SWOPE ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA.	
COMMERCIAL PRINTING CO., CLEARFIELD, PA	

Lap over margin

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

GEORGE HADVABNE, Plaintiff :

vs.

: No. 366 February Term, 1960

JEAN HADVABNE, Defendant : In Divorce

PETITION

The Petition of F. Cortez Bell, Jr., Master, respectfully represents:

- (1). That the above action was filed March 21, 1960, in the Court of Common Pleas of Clearfield County, Pennsylvania.
- (2). That by Order of your Honorable Court, your Petitioner was duly appointed Master by Order dated February 27, 1961.
- (3). That on March 8, 1961, Jean Hadvabne, the Defendant herein, filed a cross action for divorce against George Hadvabne, Plaintiff herein, to No. 252 February Term, 1961.
- (4). That on March 14, 1961, counsel for Jean Hadvabne, filed a Petition in the subsequent action filed to No. 252, February Term, 1961, requesting the Court that, that action should be consolidated for hearing with this action filed to No. 366, February Term, 1960, and both proceedings be heard by your Petitioner.
- (5). That answer to said Petition has not been filed by counsel for George Hadvabne at the present time, and the Petition has not been disposed of by your Honorable Court.

WHEREFORE, your Petitioner prays the Court that his Commission as Master in the action to No. 366 February Term, 1960 be continued in force until the disposal of the Petition for Consolidation by the Court, or that your Petitioner be instructed to immediately schedule the divorce action filed to No. 366 February Term, 1960, for hearing, and your Petitioner's Commission be extended for a period of 30 days to permit adequate time for notice of hearing to be given, as required by Rules of Court.

And he will ever pray.

  
F. Cortez Bell, Jr., Master

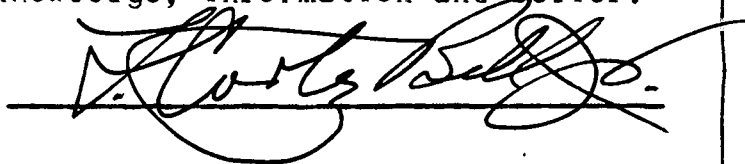


STATE OF PENNSYLVANIA :

SS:

COUNTY OF CLEARFIELD :

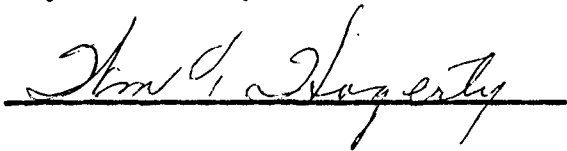
Before me, the undersigned officer, came, F. CORTEZ BELL, JR., who, being duly sworn according to law, deposes and says, that the facts set forth in the foregoing Petition, are true and correct, to the best of his knowledge, information and belief.



Sworn and subscribed to

before me this 20th

day of March, 1961.



PROTHONOTARY  
My Commission Expires  
1st Monday Jan. 1962

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

GEORGE HADVABNE, Plaintiff :

vs.

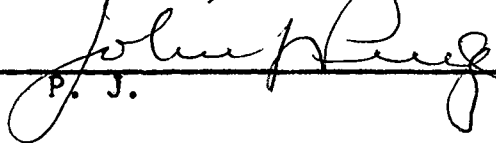
No. 366 February Term, 1960

JEAN HADVABNE, Defendant : In Divorce

ORDER OF COURT

NOW, this 20th day of March, 1961, the within Petition having been read and considered, and it appearing that F. Cortez Bell, Jr., was appointed Master in the divorce action to No. 366 February Term, 1960, and that cross action has now been filed to No. 252 February Term, 1961, and Petition to Consolidate the 2 actions filed by counsel for Jean Hadvabne, NOW THEREFORE, upon the Master's petition for extension of Commission and instructions it is hereby Ordered and Decreed, that the Commission of F. Cortez Bell, Jr., Master, shall be and is hereby continued to such time as the Petition for Consolidation shall be disposed of by this Court and the action filed to No. 252 February Term, 1961 shall be at issue and for 30 days thereafter.

BY THE COURT,

  
P. J.

*Answer*

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

No. *253* Feb. Term, 1961  
In Divorce

JEAN HADYABNE

VS

GEORGE HADYABNE

COMPLAINT

TO THE WITHIN DEFENDANT:

You are hereby required to  
plead to the within Complaint  
within twenty days from ser-  
vice hereof.

SMITH, SMITH & WORK  
BY *W. A. Smith*  
Attys. for Plaintiff

**FILED**

Mar 4 1961

W. A. HADLEY  
PROthonotary

SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

*# 400*

Lap-over Margin

*March 4 1961 served on me by copy  
Lawrence P. Hanner  
Atty for George Hadyabne*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

:

VS

:

No. 252 February Term, 1961

:

GEORGE HADVABNE

:

DOCKET ENTRIES

March 8, 1961, COMPLAINT IN DIVORCE filed.

March 9, 1961, served on me by copy. Clarence R. Kramer,  
Attorney for George Hadvabne.

March 14, 1961, Petition filed by Smith, Smith & Work,  
Attorneys.

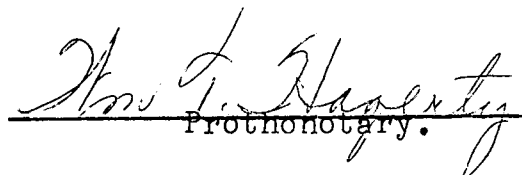
Now, March 14, 1961, served on me by copy. Clarence R.  
Kramer, Attorney for Defendant.

May 22, 1961, Motion and Order filed:

ORDER: AND NOW, the 22nd day of May, 1961, on consideration  
of the attached Motion, it is herewith ordered and decreed that F.  
Cortez Bell, Jr., Esq., is appointed Master in the above captioned  
matter to take testimony and recommend to this Court a form of  
Decree; further, that these proceedings, and the proceedings filed  
to No. 366 February Term, 1960, by George Hadvabne against Jean Had-  
vabne, are herewith consolidated into one action, and the Master's  
appointment in the action of George Hadvabne against Jean Hadvabne  
is herewith extended for a further period of Thirty (30) days.

By the Court, John J. Pentz, P.J.

Certified from the record this 22nd day of May, A. D. 1961.

  
Prothonotary.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

VS

GEORGE HADVABNE

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:

No. 252 February Term, 1961

IN DIVORCE

C O M P L A I N T

(1). The names of the parties to this Complaint are Jean Hadvabne, Plaintiff, whose resident is Houtzdale, Clearfield County, Pennsylvania; and George Hadvabne, Defendant, whose residence is Grassflat, Clearfield County, Pennsylvania.

(2). The parties to this Complaint are husband and wife, having been married on April 5, 1955, at Winchester, Virginia.

(3). The Defendant is a citizen of the United States of America, and presently resides at Grassflat, Clearfield County, Pennsylvania.

(4). The Plaintiff has resided within the Commonwealth of Pennsylvania for a period exceeding ten years immediately preceding the filing of this Complaint.

(5). No children were born of this marriage.

(6). The said Plaintiff avers that in violation of his marriage vows and the Laws of this Commonwealth, the Defendant did offer such indignities to the person of the Plaintiff as to render her condition intolerable and her life burdensome.


(7). Plaintiff avers that the present action is not brought by reason of collusion between the parties.

(8). Plaintiff avers a prior divorce action between the parties has been filed to No. 366 February Term, 1960, wherein George Hadvabne is the Plaintiff and Jean Hadvabne is the Defendant.

WHEREFORE, Plaintiff prays that a Decree of Divorce a vinculo matrimonii be made by your Honorable Court divorcing the said Plaintiff from bonds of marriage between the Plaintiff and Defendant.

SMITH, SMITH & WORK

BY

  
Attys. for Plaintiff

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

JEAN HADVABNE, being duly sworn according to law, deposes and says the facts set forth in the foregoing Complaint are true and correct to the best of her knowledge, information and belief.

Jean Hadvabne  
(Jean Hadvabne)

Sworn and subscribed to

before me this 24<sup>th</sup> day

of February, 1961.

Kathryn L. Scellins

NOTARY PUBLIC

My Commission Expires March 9, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA.	
No. 252 Feb. Term, 1961 IN DIVORCE	
JEAN HADVABNE VS GEORGE HADVABNE	
PETITION	
<div>FILED MAR 14 1961 CLEARFIELD COUNTY PA. 16800-001</div> <div>SMITH, SMITH &amp; WORK ATTORNEYS-AT-LAW CLEARFIELD, PA.</div>	

Lap-over Margin

Now March 14 1961 served on me by copy  
- to Lawrence P. Thamer  
a copy for defendant



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

VS

GEORGE HADVABNE

:  
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No. 252 February Term, 1961

In Divorce

P E T I T I O N

(1). The name of your Petitioner is Jean Hadvabne, a resident of Houtzdale, Clearfield County, Pennsylvania.

(2). The name of the Defendant is George Hadvabne, a resident of Grassflat, Clearfield County, Pennsylvania.

(3). The Defendant has filed an action for divorce to No. 366 February Term, 1960, and said action has been referred by your Honorable Court to F. Cortez Bell, Jr., sitting as Master.

(4). Plaintiff has filed a Cross Complaint in Divorce to No. 252 February Term, 1961.

(5). Plaintiff avers she has grounds for divorce on her own behalf and a complete defense to the Complaint of the Defendant.

(6). Your Honorable Court heretofore in the action filed to No. 366 February Term, 1960, entered an Order in favor of the Petitioner granting to her costs and counsel fees.

(7). Petitioner avers that it has been necessary for her to employ counsel and incur certain costs in the action filed to No. 252 February Term, 1961, and it would be expeditious and convenient to make the same taxable and under the Order for counsel fees and costs entered by your Honorable Court to No. 366 February Term, 1960.

WHEREFORE, Petitioner prays your Honorable Court issue an order consolidating these two causes of divorce and taxing her counsel fees to No. 366 February Term, 1960.

SMITH, SMITH & WORK

BY

*William J. Smith*  
Attys. for Petitioner

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

JEAN HADVABNE, being duly sworn according to law, deposes  
and says the facts set forth in the foregoing Petition are true  
and correct to the best of her knowledge, information and belief.

Jean Hadvabne  
(Jean Hadvabne)

Sworn and subscribed to  
before me this 13<sup>th</sup> day  
of March, 1961.

Ms Mildred B. Gingles

NOTARY PUBLIC  
My Commission Expires  
JANUARY 7, 1963

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

VS

GEORGE HADVABNE

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:

No. 252 February Term, 1961

In Divorce

O R D E R

NOW, the        day of March, 1961, on motion of Smith, Smith & Work, and on consideration of the foregoing Petition, the action in divorce filed to No. 366 February Term, 1960 by George Hadvabne and the action in divorce filed to No. 252 February Term, 1961 on behalf of Jean Hadvabne, are herewith consolidated and referred to F. Cortez Bell, Jr. as Master for decision, with costs and counsel fees in the action filed to No. 252 February Term, 1961 to be taxed to the Order of this Court filed to No. 366 February Term, 1960.

BY THE COURT

\_\_\_\_\_  
P.J.

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

No. 252 Feb. Term, 1961  
In Divorce

JEAN HADVABNE  
VS  
GEORGE HADVABNE

MOTION & ORDER

SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

VS

GEORGE HADVABNE

:  
:  
:  
:  
:

No. 252 February Term, 1961

In Divorce

M O T I O N

COME NOW SMITH, SMITH & WORK, and respectfully move your Honorable Court to permit amendment of Complaint filed in the above action to allege as a ground for divorce the additional cause of desertion so that the pleadings will conform with the proof in the matter.

SMITH, SMITH & WORK

BY



Attys. for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JEAN HADVABNE

VS

GEORGE HADVABNE

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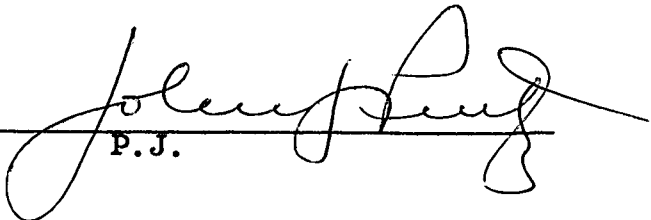
No. 252 February Term, 1961

In Divorce

O R D E R

NOW, the *26<sup>th</sup>* day of June, 1961, on consideration of the foregoing Motion, it is herewith ordered and decreed that the Complaint in said action is amended to add therein the additional ground of desertion so that the pleadings conform with the proof in the cause.

BY THE COURT

  
P.J.

Service accepted and notice of present  
Waived

W. H. L. H.  
Attorney for Jean Hadvabne

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.	
IN DIVORCE	
No. 366 February Term, 1960 GEORGE HADVABNE -vs- JEAN HADVABNE	
Uncontested	
No. 252 February Term, 1961 JEAN HADVABNE -vs- GEORGE HADVABNE	
Uncontested	
MASTER'S REPORT	
Master's fee - No. 366 \$85 Feb. Term, 1960 Master's fee - No. 252 \$85 Feb. Term, 1961	
Total \$170	
<div>FILED JUL 14 1961 W. H. L. HADVABNE PROCTER &amp; KENT</div>	
BELL, SILBERBLATT & SWOOP ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA.	
COMMERCIAL PRINTING CO., CLEARFIELD, PA.	

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE

-vs-

JEAN HADVABNE

:  
: No. 366 February Term, 1960  
:  
: IN DIVORCE  
:

JEAN HADVABNE

-vs-

GEORGE HADVABNE

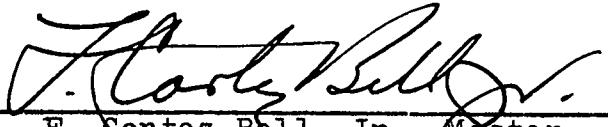
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: No. 252 February Term, 1961  
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: IN DIVORCE  
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NOTICE OF MASTER'S HEARING

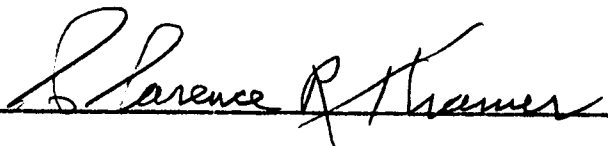
To: George Hadvabne  
Grassflat,  
Pennsylvania

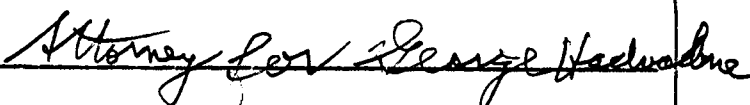
Jean Hadvabne  
Houtzdale,  
Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above cases and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Monday, June 19, 1961, at 1:30 p.m. e.d.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.

  
F. Cortez Bell, Jr., Master

Service of the within Notice of Master's Hearing  
accepted this 3rd day of June, 1961.

  
Clarence R. Kramer

  
Attorney for George Hadvabne



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE

-vs-

JEAN HADVABNE

:  
: No. 366 February Term, 1960  
:  
: IN DIVORCE  
:

JEAN HADVABNE

-vs-

GEORGE HADVABNE

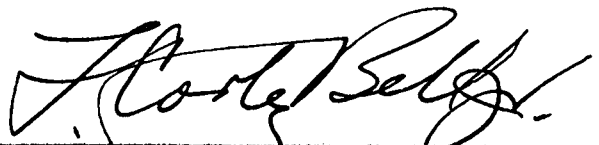
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: IN DIVORCE  
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NOTICE OF MASTER'S HEARING

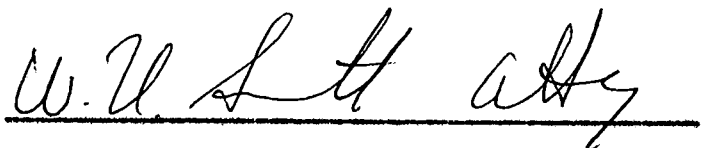
To: George Hadvabne  
Grassflat,  
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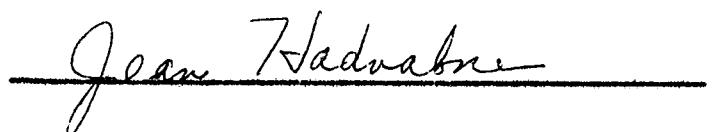
Jean Hadvabne  
Houtzdale,  
Pennsylvania

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F. Cortez Bell, Jr., Master

Service of the within Notice of Master's Hearing  
accepted this 1 day of June, 1961.





In the Court of Common Pleas of Clearfield County, Pennsylvania

GEORGE HADVABNE

XXXXXXXXXXXXXXXXXXXX

-vs-

No. 366 February Term, 1960

JEAN HADVABNE

JEAN HADVABNE

Of February Term, 19 61

No. 252

VERSUS

GEORGE HADVABNE

DIVORCE

And Now, the 1<sup>st</sup> day of July 19 61, the report of the Master is acknowledged. We approve his findings and recommendations; except as to \_\_\_\_\_

We, therefore, DECREE that Jean Hadvabne be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between ~~himself~~ herself and George Hadvabne. 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 action of George Hadvabne to No. 366 February Term, 1960, to be dismissed, and the funds deposited with the Court therein to pay, in both actions, the Court costs, Master's fees, and attorney's fees of Jean Hadvabne.

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 \_\_\_\_\_

Jean Hadvabne ~~his~~ her costs expended in this action.

ATTEST

Wm. T. Hagerty  
Prothonotary

BY THE COURT

John R. Reed  
President Judge

George Hadvabne vs  
Jean Hadvabne  
No. 366 February Term, 1960

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

No. 252 February Term 1961

JEAN HADVAENE  
Libellant

VERSUS

GEORGE HADVAENE  
Respondent

DECREE

Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE :  
 : No. 366 February Term, 1960  
 -vs- :  
 : IN DIVORCE  
 JEAN HADVABNE :

JEAN HADVABNE :  
 : No. 252 February Term, 1961  
 -vs- :  
 : IN DIVORCE  
 GEORGE HADVABNE :

MASTER'S HEARING

Hearing in the above divorce action held at the offices of F. Cortez Bell, Jr., Esquire, the Master, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, on Monday, June 19, 1961, at 1:30 p.m. e.d.s.t. There appeared at the hearing Jean Hadvabne, Plaintiff, together with her counsel, William U. Smith, Esquire, and Mrs. William Vogle, witness for the Plaintiff. The Defendant, George Hadvabne, did not appear in person nor was he represented by counsel.

JEAN HADVABNE, being duly sworn according to law, testified as follows:

By Mr. Smith:

- Q. Your name is Jean Hadvabne and you are the Plaintiff in a divorce action filed to No. 252 February Term, 1960. Is that correct?  
A. Yes.
- Q. And where do you reside Mrs. Hadvabne?  
A. Houtzdale.
- Q. And for how long have you resided at Houtzdale, Clearfield County, Pennsylvania?  
A. All my life.
- Q. And have you been a resident there for more than one year prior to this date?  
A. Yes.
- Q. Are you married Mrs. Hadvabne?  
A. Yes.

Q. To whom are you married?  
A. George Hadvabne.

Q. And where does George Hadvabne reside?  
A. Grassflat, Pennsylvania.

Q. And how long has he resided at Grassflat, Clearfield County, Pennsylvania?  
A. All his life.

Q. When, where and by whom were you married?  
A. Winchester, Virginia, Reverend Ginter on April 5, 1955.

Q. And at the time you were married, where did you reside?  
A. We stayed at my parents' home for a couple of weeks and then moved to Philadelphia for a couple months, to Osceola Mills for a couple months and back to Houtzdale.

Q. So except for a brief period, you have always resided at Houtzdale?  
A. Yes.

Q. How old are you?  
A. Thirty-two (32).

Q. What is your occupation?  
A. I work at the Sylvania Company.

Q. How old is your husband?  
A. Thirty-three (33).

Q. What is his occupation?  
A. Merchant seaman.

Q. Were there any children born to this marriage?  
A. No.

Q. Did you from the date of your marriage until some time in 1957 live together as man and wife?  
A. Yes.

Q. Do you have any agreement with your husband regarding this divorce action?  
A. No.

Q. Are either of you now in the military service of the United States?  
A. No.

Q. Is there any other divorce action between you and your husband?  
A. Yes, my husband.

Q. Is that the action filed by your husband to No. 366 February Term, 1960?  
A. Yes.

Q. Were you and your husband living together in August and September of 1957?  
A. That is when he left.

Q. In other words, your answer is yes?  
A. Yes.

Q. Did anything unusual occur in August or September of 1957?  
A. Yes, I came home from work and prepared the meal and he didn't come home.

Q. When was the next time you learned of his whereabouts?  
A. The next day I went to his parents' home to see if he was there and they said he had gone to the lakes to work.

Q. When was the first time after he left that he made any effort to contact you?  
A. In November he called me.

Q. Did he at that time suggest that he would come back to live with you?  
A. No.

Q. Did you during this three-year period make any effort to rejoin him?  
A. Yes.

Q. What was his disposition toward this?  
A. He wanted to be free.

Q. During this three and one-half year period had he made any effort to secure a home or have you join him?  
A. No.

Q. Have you and he discussed this action?  
A. Yes.

Q. What has been the context of this discussion?  
A. He just had divorce on his mind. He just wants to be free.

Q. He doesn't want to live together as man and wife?  
A. No.

Q. Have you made any effort to join him or reconcile?  
A. Yes.

Q. Has this been successful or unsuccessful?  
A. Unsuccessful.

Q. Has he provided for your support during this period of time?  
A. No.

Q. As a result of his failure to provide for your support, where did you go to live?  
A. At my parents.

Q. During the time you lived together as man and wife, did you give him any reason to leave?  
A. No.

Q. Did you do the cooking and ironing and perform other wifely chores?  
A. Yes.

Q. Do you have any idea why he left?  
A. No, it's just that after a few months of marriage he found he wasn't the type of man to be married and wanted to be on the move.

Q. After a few months of marriage, what occurred?  
A. He left two times without my knowing where he was going. When I got home from work he would be gone, clothes and all.

Q. In February of 1956, did you have a certain discussion?  
A. He said he was going to leave and wanted to sell the trailer and wanted me to go live with my parents and get a divorce.

Q. Did he frequently repeat this discussion?  
A. Yes.

Q. How often?  
A. In every conversation. It was always on his mind.

Q. In other words, daily?  
A. Yes.

Q. Did he furnish you with lawyer's cards and suggest you get a divorce?  
A. Just one time.

Q. Did he during the period you were living together imbibe in intoxicating beverages occasionally?  
A. Yes.

Q. Did this occur once a week, three times or how often?  
A. Possibly more than that. Whenever he was out he would come back drinking.

Q. Every time he went out, he had something to drink?  
A. Yes.

Q. Did he make certain accusations against you when you were living together?  
A. Yes, he accused me of causing him to have a nervous breakdown.

Q. Did he always accuse you of driving him to drink?  
A. Yes.

Q. Frequently?  
A. Yes.

Q. Did he say the same thing to your mother?  
A. Yes.

Q. Did he discuss with your mother that all he wanted was his freedom?  
A. Yes.

Q. Did he at any time admit he had been unfaithful?  
A. Yes.

Q. What was the effect of this conduct upon you?  
A. It made me nervous.

Q. Did it make you unhappy?

A. Yes, it made me unhappy and it was embarrassing to me and my family.

Q. From his conduct is it your opinion that he no longer loved you?

A. Yes.

Q. Did he ever state this to you?

A. No.

Q. Did you at any time give him reason to make comments to you or act in this fashion?

A. No.

By the Master:

Q. Mrs. Hadvabne, you have testified that your husband's actions caused you to become very nervous. Did that effect your normal eating and sleeping habits?

A. Yes.

Q. Did it cause you to lose weight?

A. Yes.

Q. Mrs. Hadvabne, have you had any health problems?

A. Yes, migraine headaches.

Q. How long have you had them?

A. Since high school.

Q. Are those headaches made worse or more frequent when you are excited or upset?

A. Yes.

Q. Was your husband aware of that?

A. Yes.

Q. During the times your husband discussed the fact that he wanted a divorce and be free, did your headaches increase?

A. Yes.

Q. Has it become necessary for you to go to a doctor for care?

A. Yes.

Q. Are you under doctor's care now?

A. Yes.

MRS. WILLIAM:VOGLE, being duly sworn according to law, testified as follows:

By Mr. Smith:

Q. What is your full name?

A. Mrs. William Vogle.

Q. Where do you live?

A. Houtzdale.



Q. Are you the Plaintiff's mother?

A. Yes.

Q. You have heard her testimony with reference to her husband's separation from her in the fall of 1957. To your knowledge is that true?

A. Yes.

Q. Of your own knowledge, do you know that your daughter made an effort to resume housekeeping with her husband?

A. Yes.

Q. What was the result?

A. He just wanted to be free. That is all he talked about.

Q. Did he make any effort to provide a home for her?

A. No.

Q. Did he ever state to you that he had no intention of providing a home?

A. He didn't even mention a home. All he wanted was his freedom.

Q. Did you while your daughter was living with her husband visit their home?

A. Quite frequently.

Q. What was the condition of the home?

A. It was beautiful.

Q. Did your daughter give her husband any reason to leave?

A. No.

Q. Did she give him any reason to continually ask for his freedom?

A. No, he just wanted to be on the go. He didn't want to be married. He just wanted his freedom.

Q. Did he make those repeated statements for freedom to you?

A. All the time. Always on the phone he would ask me, "When is she getting a divorce?"

Q. Were you in a position to observe the effect of these statements on your daughter?

A. He had the family all nervous and worked up.

Q. What effect did this have on your daughter?


A. She was nervous and couldn't eat her meals.

By Mr. Smith:

I move to dismiss the action filed to No. 366 February Term, 1960 for failure of the Plaintiff to appear in person or by counsel, and to tax as costs, including therein counsel fees and the costs and counsel fees to No. 252 February Term, 1961, to the action filed to No. 366 February Term, 1960 wherein there is an Order to that effect.

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.

  
\_\_\_\_\_  
Stenographer

July 3, 1961

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

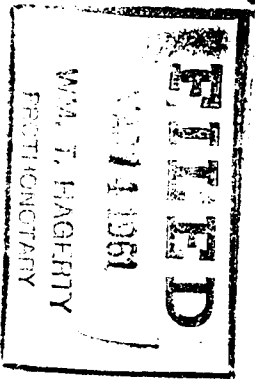
No. 366 February Term, 1960  
In Divorce

GEORGE HADVABNE

VS

JEAN HADVABNE

ANSWER



SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

*For Mark 14/1961 received on me by copy  
to Ernest P. Harris  
copy for Harris*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

GEORGE HADVABNE

VS

JEAN HADVABNE

:  
:  
:  
:  
:

No. 366 February Term, 1960

In Divorce

A N S W E R

(1). The averments of Paragraph 1 are admitted.

(2). The averments of Paragraph 2 are admitted.

(3). The averments of Paragraph 3 are admitted.

(4). The averments of Paragraph 4 are admitted.

(5). The averments of Paragraph 5 are admitted.

(6). Defendant denies that she has offered indignities to the person of the Plaintiff, or has wilfully and maliciously deserted him.

(7). The averments of Paragraph 7 are admitted.

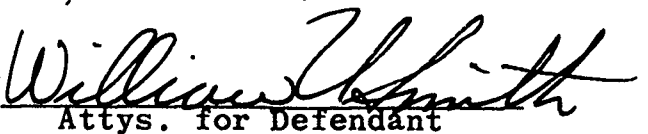
(8). The averments of Paragraph 8 are admitted.

(9). The averments of Paragraph 9 are admitted.

WHEREFORE, Defendant denies said Plaintiff has just grounds for divorce.

SMITH, SMITH & WORK

BY

  
Attys. for Defendant

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

JEAN HADVABNE, being duly sworn according to law, deposes and says the facts set forth in the foregoing Answer are true and correct to the best of her knowledge, information and belief.

Jean Hadvabne  
(Jean Hadvabne)

Sworn and subscribed to

before me this 13<sup>th</sup> day

of March, 1961.

Mr. Michael B. Knight

NOTARY PUBLIC  
My Commission Expires  
JANUARY 7, 1963