

DOCKET NO. 174

NUMBER	TERM	YEAR
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272	May	1961
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James Allen Hartzfeld

VERSUS

Diana Lee Hartzfeld

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

EDWARD V. CHERRY, 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

JAMES ALLEN HARTZFIELD

Plaintiff ,

and

DIANA LEE HARTZFIELD

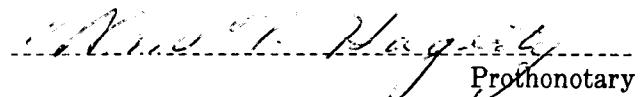
Defendant ,

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.

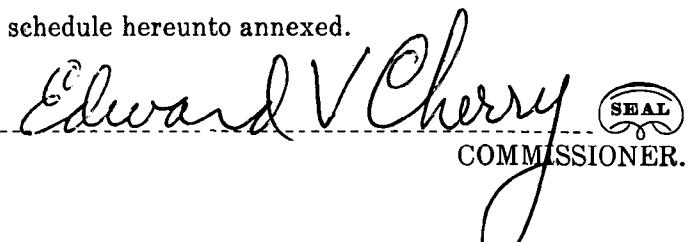
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 24th day of October, 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.


Edward V. Cherry
SEAL
COMMISSIONER.

No. 272 May Term. 19 61

James Allen Hartzfeld

VERSUS

Diana Lee Hartzfeld

COMMISSION

Ervin S. Fennell, Attorney.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES ALLEN HARTZFIELD, Plaintiff :
-vs- : No. 272 MAY TERM, 1961
DIANA LEE HARTZFIELD, Defendant. : IN DIVORCE

MASTER'S REPORT

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

The undersigned Commissioner appointed by your Honorable Court to taketestimony and report the same with form of decree in the above entitled action respectfully represents:

1. COMMISSION.

(hereunto attached).

II. DOCKET ENTRIES AND SCHEDULE.

1. Complaint in Divorce filed on June 1, 1961.
2. On June 10, 1961, the within Complaint was served on DIANA LEE HARTZFIELD, by Registered Mail, Receipt Return Requested, Delivered to Addressee only, at her residence, to wit: 4304 North Pershing Drive, Arlington, Virginia.

3. Master's Hearing was appointed for Friday, December 22, 1961, at 2:00 P.M., E.S.T., in the offices of Gleason, Cherry & Cherry, 109 North Brady Street, DuBois, Pennsylvania.

4. On October 24th, 1961, by Motion on the Watch Book, Edward V. Cherry, Esq., was appointed Master to take the Testimony and report the same with form of decree.

5. Notice of hearing was served on the above named Defendant, DIANA LEE HARTZFIELD, by Registered Mail, Return Receipt requested, delivered to addressee only, at her residence, to wit, 4304 North Pershing Drive, Arlington, Virginia.

6. That the time and place for hearing having arrived, their appeared before your Master, JAMES ALLEN HARTZ-FELD, Plaintiff and ERVIN S. FENNELL, JR., Plaintiff.

III. COMPLAINT AND FILED PAPERS.

(hereto attached).

IV. CAUSES OF DIVORCE. Indignities to the Person.

V. FINDINGS OF FACT.

1. Marriage - The said Plaintiff and Defendant were married on the 14th day of May, 1957, in DuBois, Pennsylvania.

2. Residence - The Plaintiff has resided continuously in the Commonwealth of Pennsylvania since birth; and the Defendant has resided continuously in the Commonwealth of Pennsylvania since 1949. The present residence of the Plaintiff being 8 North Highland Street, DuBois, Pa. The present residence of the Defendant being 4304 North Pershing Drive, Arlington, Virginia.

3. Citizenship - The Plaintiff and Defendant are both natural born citizens of the United States.

4. Age and Occupation - The Plaintiff is 30 years of age and at the present time is a Member of the U. S. Navy, being attached to the Fleet Sonar School in Key West, Florida. The present age of the Defendant is 26 and her present occupation is unknown.

5. Children - There were no children born as a result of the said marriage.

6. Armed Forces - The said Plaintiff is presently a member of the Armed Forces serving with the U. S. Navy. The Defendant is not a member of the Armed Forces.

7. Findings on the Merits and Discussions - It ap-

pears from the evidence that the Defendant was guilty of Indignities to the Person, such to form the grounds for divorce under the law. The Plaintiff testified that the Defendant had been running around with another man. This was common knowledge to his friends and relatives. In fact the Plaintiff saw the Defendant with this other man several times.

The actions of the Defendant proved to be very embarrassing and humiliating to the Plaintiff. Conduct by a wife with respect to other men, although not sufficient to support a charge of adultery, may be considered as a form of personal indignity to her husband, rendering his condition intolerable and life burdensome. See 148 Pa. Super. 439, at page 442.

VI. CONCLUSIONS OF LAW.

1. Your Commissioner finds that the proceedings in this action are in accordance with the requirements of law and rules of court.

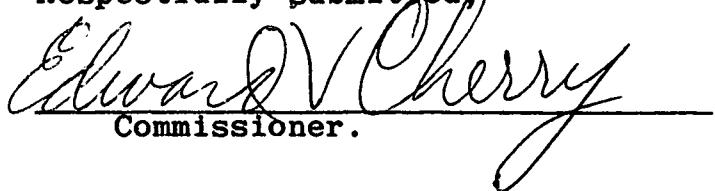
2. The Court has jurisdiction of the action and the parties.

3. Good and sufficient grounds for divorce has been established by the evidence.

VII. RECOMMENDATIONS

Your Master recommends that a divorce be granted to the plaintiff and against the defendant on the grounds of Indignities to the Person of the Plaintiff.

Respectfully submitted,


Edward V. Cherry
Commissioner.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES ALLEN HARTZFIELD, :
Plaintiff :
: :
v. : No. 272 May Term, 1961
DIANA LEE HARTZFIELD, :
Defendant :
: :
F

COMPLAINT

The plaintiff, James Allen Hartzfeld, brings this action in divorce against the defendant, Diana Lee Hartzfeld, his wife, upon a cause of action whereof the following is a statement.

1. The plaintiff, James Allen Hartzfeld, is an individual who resides at 8 North Highland Street, DuBois, Clearfield County, Pennsylvania.
2. The defendant, Diana Lee Hartzfeld, is an individual who resides at 4304 North Pershing Drive, Arlington, Virginia.
3. The plaintiff and defendant were married May 14, 1957 in the First Methodist Church of DuBois, Clearfield County, Pennsylvania.
4. The age of the plaintiff is 30.
5. The age of the defendant is 26.
6. The plaintiff, a member of the United States Navy, is a natural-born resident of the Commonwealth of Pennsylvania and has maintained his residence in DuBois, Clearfield County, Pennsylvania, all of his life.
7. Commencing on or about March, 1960, the defendant, in violation of her marriage vows and the laws of this Commonwealth, has offered such indignities to the person of the plaintiff as to render his condition intolerable and life burdensome.
8. The plaintiff is an injured and innocent spouse.
9. The defendant is not a member of the Armed Forces of the United States.
10. This action is not collusive between the parties.

11. No action is now pending by or against either of the parties hereto for divorce or annulment of marriage, other than this action, in this or any other jurisdiction.

WHEREFORE, plaintiff prays that a decree of divorce a vinculo matrimonii be entered divorcing the plaintiff from the bonds of matrimony heretofore existing between him and the defendant.

James Allen Hartzfeld
Plaintiff
Eun S. Farnell Jr.
Attorney for Plaintiff

STATE OF PENNSYLVANIA:
: SS
COUNTY OF CLEARFIELD :

Before me, the undersigned official, personally appeared JAMES ALLEN HARTZFELD, the plaintiff, who, being duly sworn, deposes and says that the statements contained in the foregoing complaint are based upon his own knowledge and are true and correct; that the complaint is not made out of levity or collusion between him and the defendant for the mere purpose of being freed from each other, but in sincerity and truth for the causes mentioned in the said complaint.

Sworn and subscribed to before me
this 2 day of June, 1961.

Mrs. Jean M. Weimer
1961
My Commission Expires June 1964

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

272 May In Divorce 1961

JAMES ALLEN HARTZFIELD,
Plaintiff

v.

DIANA LEE HARTZFIELD,
Defendant

COMPLAINT

To the above Defendant:

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

John S. Schenck
Attorney for Plaintiff
Left out to Atty.

135.00 Det.

ROBERT V. MAINE
ATTORNEY-AT-LAW
DUBOIS, PA.

1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver *ONLY* to addressee 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)



SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

 Deliver to Addressee Only 

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

JUN 10 1961

C55-16-71548-4 GPO

INSURED NO.		CITY, ZONE AND STATE	
228 1000 2020 2nd & 3rd		DU BOIS, PA	
CERTIFIED NO.		STREET AND NO. OR P. O. BOX	
2445		Dufour Avenue	
REGISTERED NO.		NAME OF SENDER	
<p>INSTRUCTIONS: Fill in items below and complete address to return to sender.</p> <p>piece #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIVED REQUESTED.</p> <p>on front of article RETURN RECEIVED REQUESTED.</p>			
			
<p>POST OFFICE DEPARTMENT OFFICIAL BUSINESS PENALTY FOR PRIVATE USE TO AVOID DETERMINATION OF POSTAGE, \$100</p>			
<p>POSTMASTER TO DETERMINATION OF POSTAGE, \$100</p>			
<p>530PM 1001 A JUN 10 1958</p>			

2445

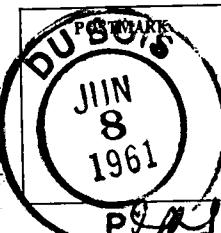
REGISTERED NO. _____

Value \$10 Spec. del'y fee \$

Fee \$.50 Ret. receipt fee \$.10

Surcharge \$ Rest. del'y fee \$.50

Postage \$.04 Airmail



From R. V. Mano City

Mrs. Dease Ge Hartfield
4304 N. Pershing Drive
C. Arlington, Virginia

POD Form 3806 Oct. 1960

648-16-70493-5

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES ALLEN HARTZFIELD,
Plaintiff

v.

No. 272, May Term, 1961

DIANA LEE HARTZFIELD,
Defendant

AFFIDAVIT OF SERVICE

STATE OF PENNSYLVANIA:

: SS

COUNTY OF CLEARFIELD :

ERVIN S. FENNELL, JR., being duly sworn according to law, deposes and says that on the 8th day of June, 1961, at the United States Post Office, DuBois, Pennsylvania, he mailed by prepaid registered mail marked "Deliver to Addressee Only" a certified true copy of the Complaint in the above action, enclosed in a sealed envelope and addressed to:

Mrs. Diana Lee Hartzfeld
4304 North Pershing Drive
Arlington, Virginia

and that attached hereto is the Return Receipt of the United States Post Office Department bearing the signature of the addressee, the defendant in the above action, showing delivery to her on June 10, 1961.

Ervin S. Fennell Jr.

Subscribed and sworn to

before me the 12th day of

June, 1961.

Jean M. Weaver

JEAN M. WEAVER, Notary Public
CLEARFIELD COUNTY, PENNSYLVANIA
My Commission Expires Sept. 18, 1963

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

JAMES ALLEN HARTZFIELD : NO. 272 MAY TERM, 1961
VS. :
DIANA LEE HARTZFIELD : IN DIVORCE

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

June 7, 1961, Complaint In Divorce filed. One copy certified to Attorney.

Affidavit of Service filed June 13, 1961.

ERVIN S. FENNELL, JR., being duly sworn according to law, deposes and says that on the 8th day of June, 1961, at the United States Post Office, DuBois, Pennsylvania, he mailed by prepaid registered mail marked "Beliver to Addressee Only" a certified true copy of the Complaint in the above action, enclosed in a sealed envelope and addressed to Mrs. Diana Lee Hartzfeld, 4304 North Pershing Drive, Arlington, Virginia, and that attached hereto is the Return Receipt of the United States Post Office Department bearing the signature of the addressee, the defendant in the above action, showing delivery to her on June 10, 1961.
s/ Ervin S. Fennell, Jr.

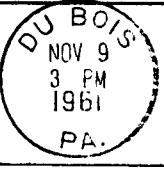
October 23, 1961, By motion on the Watch Book, Ed. V. Cherry, Esq., is appointed Master to take the testimony and report the same with form of Decree. John J. Pentz, President Judge.

Certified from the record this 24th day of October, A. D., 1961.

Wm T. Hagerty
Prothonotary

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

		 POSTMARK OF DELIVERING OFFICE SUPPORT YOUR TB ASSOCIATION
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. POD Form 3811 Jan. 1958	NAME OF SENDER 925 Gleason Cherry & Cherry P.O. Box 118	
CERTIFIED NO.	STREET AND NO. OR P. O. BOX DU BOIS, PA	
INSURED NO.	CITY, ZONE AND STATE	

RETURN
TO

C55-16-71548-4

CGS-16-71126-4 GPO

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

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

RECEIVED the number of article described on other side.

RETURN RECEIPT

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

Signature of ADDRESSEE'S AGENT, IF ANY

Delivery to Addressee Only

DATE DELIVERED NOV 9 - 1961

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

MASTER'S NOTICE

To: MRS. DIANA LEE HARTZFIELD
4304 North Pershing Drive
Arlington, Virginia

You are hereby notified that I have been appointed Master in the divorce action of James Allen Hartzfeld vs. Diana Lee Hartzfeld at No. 272 May Term, 1961 in the Court of Common Pleas of Clearfield County, Pennsylvania, and that I will hold a hearing for the purpose of taking testimony in the said case at the Law Offices of Gleason, Cherry & Cherry, 109 North Brady Street, DuBois, Pennsylvania, on Friday, December 22, 1961 at 2:00 o'clock P.M., E.S.T., when and where you may attend with witnesses if you so desire.

Edward V. Cherry
Edward V. Cherry
Master

In the Court of Common Pleas of Clearfield County, Pennsylvania

JAMES ALLEN HARTZFIELD } *Of* MAY *Term, 19* 61

VERSUS
DIANA LEE HARTZFIELD } *No.* 272

DIVORCE

And Now, the 29th day of June 1961, the

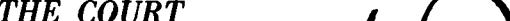
We, therefore, DECREE that JAMES ALLEN HARTZFELD *be*
divorced and forever separated from the nuptial ties and bonds of matrimony heretofore con-
tracted between himself *and* DIANA LEE HARTZFELD.

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. XXXXXXXXXXXXXXXXXXXXXXX

ATTEST

Rev. J. Hagerly
Prothonotary

BY THE COURT

John H. Peter
President Judge

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

No. _____ Term 19 _____

Libellant

VERSUS

Respondent

DECREE

Attorney

JAMES ALLEN HARTZFIELD, being produced and sworn, testifies as follows:

BY MR. FENNEL:

Q. Will you state your full name, please?

A. My name is James Allen Hartzfeld.

Q. Are you married, Mr. Hartzfeld?

A. Yes, I am.

Q. To whom?

A. Diana Lee Hartzfeld.

Q. When and where were you married?

A. We were married May 14, 1957 in the First Methodist Church here in DuBois.

Q. What is your age?

A. I am 30.

Q. What is the age of your wife?

A. She is 26.

Q. Mr. Hartzfeld, where did you and your wife live after you were married?

A. We had an apartment over Nelson Furs the first year, then we moved over to 129 East DuBois Avenue.

Q. Are both you and your wife competent parties?

A. We are.

Q. Have either of you instituted any prior action for divorce?

A. No, we haven't.

Q. How long have you lived in Pennsylvania, Mr. Hartzfeld?

A. All my life.

Q. How long has your wife lived in Pennsylvania?

A. Since 1949, with the possible exception of when she was a baby.

Q. But for sure since 1949?

A. Yes.

Q. Are you both natural born citizens of the United States?

A. We are.

Q. Were any children born as a result of your marriage?

A. No, there were none.

Q. What is your wife's residence and occupation?

A. Her last known residence was in Arlington, Virginia, at the time this suit was filed. However, since that time I understand that she is living in DuBois. She has returned to DuBois and is living with her mother.

Q. What is your residence and occupation?

A. It is 8 North Highland Street in DuBois. I am in the United States Navy at the present time, attached to the Fleet Sonar School in Key West, Florida.

Q. Is your wife in the Armed Forces of the United States?

A. No, she isn't.

Q. Will you state, Mr. Hartzfeld, approximately when you began having difficulties with your wife and the nature of those difficulties?

A. Well, in about March of 1960 I became aware of the fact that she was very dissatisfied with the life she was living. At that time I was stationed aboard a ship in the Panama Canal Zone. She had said when I went down there that she would come down but later on she stated that she would not. Of course, then in March she said that she was dissatisfied. I came home in February to try and straighten things out. At this time I found out that she had been running around with another man. This was brought to my attention by various friends and relatives. I found out that he was even driving a car that I was paying for and they had been seen in various places such as Twin Oaks and the Lounge out at the Airport and even in the Snack Shop up at the Maple Avenue Hospital.

Q. Did you ever personally see your wife and this other man together?

A. Yes, I did. I came down Scribner Avenue this time, when I was on leave in May, and I saw them either getting in or out of the car together. Then another time I was coming North on Brady Street and I saw the car waiting at the stop

sign at Weber Avenue and she averted her face when she saw me. He was driving.

Q. Mr. Hartzfeld, then it was common knowledge among your friends and relatives that your wife was running around with another man?

A. Yes.

Q. What was the name of the other man?

A. Ed Bader.

Q. To the best of your knowledge, Mr. Hartzfeld, is your wife still being seen in the presence and in the company of Mr. Bader?

A. Yes.

Q. How long did you and your wife live together, Mr. Hartzfeld, before you reenlisted in the Navy?

A. Approximately two years.

Q. At the time you went back into the Navy did you request your wife to accompany you?

A. Yes, I did.

Q. And what did she say?

A. She didn't have too much to say about it. I gathered that she would be there - be with me.

Q. Did she, as a matter of fact, accompany you to any of your stations?

A. No. The only thing even resembling it - she came to Philadelphia one week end while I was there waiting for orders - the last week end that I was there. That's it.

Q. When did you take your first leave?

A. I took it at the end of February in 1960 after she had written and said that she couldn't take this any more. I thought I would go home and try to straighten things out.

Q. When you got home did you see your wife?

A. Yes, I saw her three or four times, ~~but~~ only for short periods. As a matter of fact, I even had trouble getting her to agree to see me.

Q. While you were home on leave was your wife being seen in the company of this other man?

A. Yes.

Q. Mr. Hartzfeld, when you finally did get to see your wife, when you were home on your first leave, did you discuss with your wife her conduct?

A. Yes, I did, after a while. I thought I would wait for a little while to see if she mentioned it and then when I saw that she wasn't going to mention it I asked her about this thing and she admitted it. She said "Yes, I knew you were going to get around to that some time or another" or words to that effect. And I said "Why didn't you tell me about this before? It wouldn't have been half as bad if you had said something." And she said "Well, I didn't think it was important." She claimed that he was just a friend.

Q. So then could you say, Mr. Hartzfeld, that apparently your wife and this other man, this Edward Bader, were not trying to keep this matter a secret?

A. Very definitely not. They were seen riding around through town in broad daylight, sitting very close together - you know, like young dating couples do.

Q. How did all this conduct affect you?

A. Well, everywhere I would go I would hear little things. People would ask me questions here and there and some of them would clam up, but of course, whenever I would mention anything they would come out and tell me what they had heard and if they had seen anything - things of that nature. It was very humiliating.

Q. It embarrassed and humiliated you?

A. Yes, it did.

Q. Mr. Hartzfeld, prior to your reenlisting in the Navy, what type of an apartment did you maintain with your wife?

A. I think it was a very nice apartment. We had quite a bit of fairly expensive furniture, which, incidentally, was paid for, and I don't recall ever wanting for any food. I didn't make a lot of money but the fact that I had had some to start with sort of helped out.

Q. So your wife had no cause for complaint with regard to the manner in which you kept her?

A. I don't believe so.

Q. Is there any agreement between you and the Defendant for the purpose of obtaining a divorce?

A. No, sir.

James Allen Hartfeld

Service of the within accepted this 28th day of December, 1961
From 8 Ference &
Atty for Petf.

Conrad J. Henrich
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 272 MAY TERM, 1961
IN DIVORCE

JAMES ALLEN HARTZFIELD

-vs-

DIANA LEE HARTZFIELD

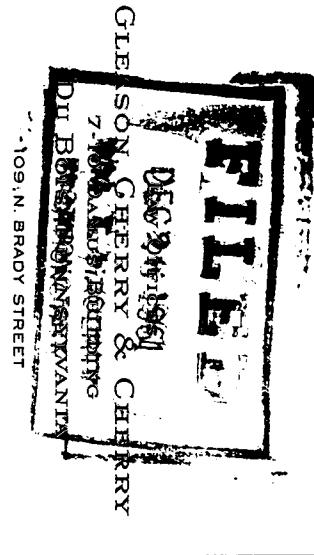
MASTER'S REPORT

(UNCONTENDED)

EDWARD V. CHERRY, Esq.
Master's Fee \$ 85.00

Registered Mail
Return Receipt
Requested,
Delivered to
Addressee only 1.24

Total \$ 86.24



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JAMES ALLEN HARTZFELT :
VS. : NO. 272, May Term, 1961
DIANA LEE HARTZFIELD :
:

DECLARATION OF INTENTION TO USE MAIDEN NAME

TO WHOM IT MAY CONCERN:

Take notice that a Decree of Divorce from the bonds of matrimony having been entered in the above entitled divorce action on December 29, 1961, it is my intention to retake and hereafter use my maiden name which is Diana Lee Thomas.

Dated: April 19, 1962

Diana Lee Hartzfeld
Diana Lee Hartzfeld

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :
:

On the 19 day of April, A. D., 1962, before me, a Notary Public in and for said county and state, personally appeared DIANA LEE HARTZFIELD and in due form of law, acknowledged the above notice to be her act and deed and desired the same to be recorded as such.

Mrs. Frances U. Spangler
Notary Public

NOTARY PUBLIC
Clearfield, Clearfield County, Pa.
My Commission Expires Jan. 6, 1963

—Lap-over Margin—

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 272, May Term, 1961

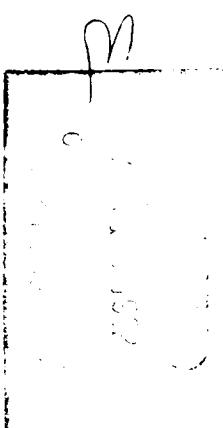
(IN DIVORCE)

JAMES ALLEN HARTZFIELD

VS.

DIANA LEE HARTZFIELD

DECLARATION OF INTENTION
TO USE MALDEN NAME



NEVLING & DAVIS
ATTORNEYS-AT-LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PA.