

DOCKET NO. 173

NUMBER	TERM	YEAR
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316	February	1961
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Frances Burk

VERSUS

Arlan Burk

Clearfield County, ss:

The Commonwealth of Pennsylvania, to

F. Cortez Bell, Jr., Esquire

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

Frances Burk

Plaintiff ,

and

Arlan Burk

Defendant ,

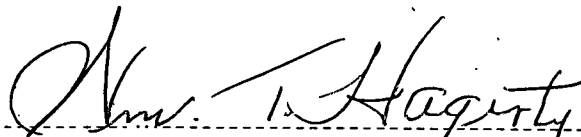
to call before you at a certain day and place by you for that purpose to be appointed, all and every person who may be named to you on the part of the parties

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 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.

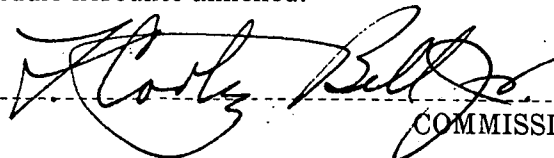
In Testimony Whereof, we have caused the seal of our said Court to be hereunto affixed.

WITNESS, the Hon. John J. Pentz, President of our said Court, at Clearfield, the 20th day of April, 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

FRANCES BURK

:

vs

: No. 316 February Term, 1961

ARLAN BURK

:

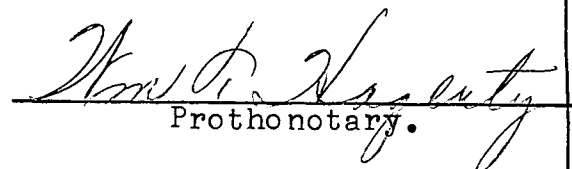
DOCKET ENTRIES

MARCH 16, 1961, COMPLAINT IN DIVORCE filed. One copy certified to the Attorney.

April 20, 1961, Affidavit of Service filed: WILLIAM U. SMITH, being duly sworn according to law, deposes and says as attorney for the above Plaintiff, Frances Burk, he did cause to be deposited in the United States Mails, postage prepaid, registered mail, return receipt requested, a certified copy of the Complaint in Divorce filed in the above entitled action, as evidenced by receipts attached hereto. /s/ W. U. Smith.

April 18, 1961, By motion on the Watch Book, F. Cortez Bell, Jr., Esquire, is appointed Master to take testimony and report same with form of decree.

Certified from the record this 20th day of April, A. D. 1961


Prothonotary.

Master's Hearing to Arlan Burk, New York State Prison, Attica, New York. Said Notice was returned undelivered with the notation "Unclaimed", "Cannot Deliver Inmates Mail in Person".

April 27, 1961

Master's hearing changed to Friday, May 19, 1961, at 1:30 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania.

April 28, 1961

Service of Notice of Master's Hearing accepted by Frances Burk, Plaintiff, and William U. Smith, attorney for Plaintiff.

May 5, 1961

Charles E. Green, Sheriff of Lycoming County, having been deputized by Charles G. Ammerman, Sheriff of Clearfield County, makes return that on May 4, 1961, at 3:45 p.m. e.d.s.t., he served the Notice of Master's Hearing on the Defendant, Arlan Burk, at 208 Campbell Street, Williamsport, Pennsylvania, by handing him personally a true and attested copy of the original Notice and making known to him the contents thereof.

May 19, 1961

Master's hearing held at 1:30 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time there appeared the Plaintiff, Frances Burk, and her counsel, William U. Smith, Esquire. The Defendant did not appear in person nor was he represented by counsel.

II. CAUSE OF DIVORCE

Conviction of forgery and sentence to imprisonment for a term exceeding two years.

III. FINDINGS OF FACT

1. Marriage.

From the evidence in the case, the Master finds that the Plaintiff and Defendant were married July 21, 1956, at Curwensville, Pennsylvania, by Claude Bloom, Justice of the Peace.

2. Residence.

The Master finds that the Plaintiff has been a resident of the Commonwealth of Pennsylvania all of her natural life, with the exception of three months during the year 1958, when both parties resided in the State of New York. From the evidence, the

Master finds that the Defendant lived in the Commonwealth of Pennsylvania from the time of his marriage on July 21, 1956, until the time the parties moved to the State of New York and the said Defendant remained in the State of New York, having been sentenced November 23, 1958, to a term in the Attica State Prison, and having been recently released therefrom has returned to Williamsport, Pennsylvania. The Master specifically finds that the Plaintiff has resided at Mineral Springs, Clearfield County, Pennsylvania, for the last three years, a period in excess of one year prior to the institution of divorce proceedings.

3. Citizenship.

The Master finds that the Plaintiff is a citizen of the United States of America and of the Commonwealth of Pennsylvania by birth, and the Defendant is a citizen and resident of the Commonwealth of Pennsylvania, the record not revealing the place of Defendant's birth.

4. Age and Occupation:

The Plaintiff is twenty-seven (27) years of age and is presently employed as a waitress; and the Defendant is thirty (30) years of age and his present employment is unknown.

5. Children.

One child, Kevin Leroy Burk, now three years of age, was born of this marriage and is presently residing with the Plaintiff in Mineral Springs, Clearfield County, Pennsylvania.

6. Military Service.

The Master finds from the evidence that neither the Plaintiff nor the Defendant is in the Armed Services of the United States at the time of this proceeding, the Plaintiff being a resident of Mineral Springs and the Defendant having been an inmate of the Attica State Prison at the time of the institution of this proceeding and a resident of Williamsport, Pennsylvania, at the

time of hearing.

7. Findings on the Merits.

The Master finds on the merits of the case that the Plaintiff and Defendant were married July 21, 1956, at Curwensville, Pennsylvania, and one child was born in 1958. Immediately following this marriage, the parties resided in Mineral Springs for a few weeks and then moved to Williamsport, Pennsylvania. From Williamsport, the parties moved to the State of New York and while there the Defendant, Arlan Burk, was convicted of the crime of forgery in the second degree in the County Court of Wyoming County, New York, and sentenced to a term of not less than three and one-half or more than seven years in the Attica State Prison in New York State. Following the conviction of the Defendant, the Plaintiff returned to Mineral Springs, Clearfield County, Pennsylvania, her residence at the present time, and the Defendant remained in New York from the time of his sentencing, November 3, 1958, to the time of his release in the spring of 1961. It is further found by the Master that there is no collusion between the parties and the evidence is sufficient to sustain the granting of a divorce on the grounds of conviction of the crime of forgery and the sentencing to imprisonment for a term in excess of two years, a certified copy of the record from the County Court of Wyoming County, New York, having been offered in evidence.

8. Discussion.

The cause for divorce set forth in the Complaint is the conviction in the State of New York of the crime of forgery of the Defendant and his sentencing to prison for a term of not less than three and one-half years, a certified copy of the record and conviction from the County Court of Wyoming County, New York, having been offered in evidence.

The Master is of the opinion that the conviction and sentencing of the Defendant are sufficient to sustain a divorce on the grounds of conviction of felony under the Divorce Law of the Commonwealth of Pennsylvania, May 2, 1929, P. L. 1237, Section 10, as amended, March 19, 1943, P. L. 21, Section 1 (23 P. S. 10).

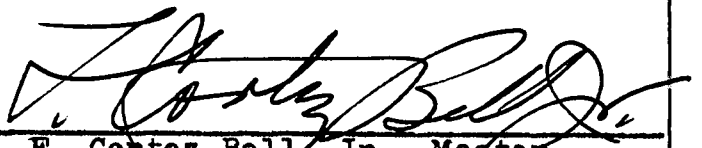
IV. CONCLUSIONS OF LAW

The legal conclusion reached by the Master in this case is that, under the evidence introduced, the prayer for divorce on the grounds of conviction of a crime and sentencing to imprisonment for a term in excess of two years may be granted and the Plaintiff is thus entitled to a divorce absolutely and a form of Decree is attached hereto divorcing the Plaintiff from the Defendant as recommended by the Master.

V. RECOMMENDATION

The Master recommends that a divorce a vinculo matrimonii be granted to the Plaintiff in this action in accordance with the conclusions found by the Master.

Respectfully submitted,


F. Cortez Bell, Jr., Master

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES BURK

vs

ARLAN BURK

:
:
: NO. 316 FEBRUARY TERM 1961
:
: IN DIVORCE

C O M P L A I N T

- (1). The plaintiff is Frances Burk, age 27, who resides at Mineral Springs, Clearfield County, Pennsylvania.
- (2). The defendant is Arlan Burk, 30 years of age, who resides at 210 Campbell Street, Williamsport, Pennsylvania, but since September of 1958, he has been a resident of the New York State Prison at Attica, New York.
- (3). Plaintiff has resided in the Commonwealth of Pennsylvania continuously for a period of twenty-seven years immediately preceding the filing of this Complaint.
- (4). The parties were lawfully joined in marriage on the 21st. day of July, 1956, in Curwensville, Pennsylvania, by a Justice of the Peace and both were at the time of the marriage citizens of Pennsylvania and the United States and domiciled in Clearfield County, Pennsylvania.
- (5). One child, Kevin, age 3, born September 29, 1958, was born to this marriage. He resides with the plaintiff at Mineral Springs, Clearfield County, Pennsylvania.
- (6). The grounds for divorce are that the defendant was on or about September 1, 1957, convicted by the proper Court in the State of New York of the crime of forgery, and was sentenced to prison for not less than two years. This, in violation of his marriage vows and the laws of this Commonwealth.
- (7). This action is not collusive.
- (8). There has been no prior divorce action between the parties.

-2-

WHEREFORE, Plaintiff prays that a decree be entered divorcing the Plaintiff from the bonds of matrimony heretofore existing between Plaintiff and Defendant.

SMITH, SMITH & WORK

BY William U. Smith
Attorneys for the Plaintiff

STATE OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD :

FRANCES BURK, 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.

Frances J. Burk

Sworn and subscribed to

before me this 15th day

of March, 1961.

Mr. Mildred B. Gingles

NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1966

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

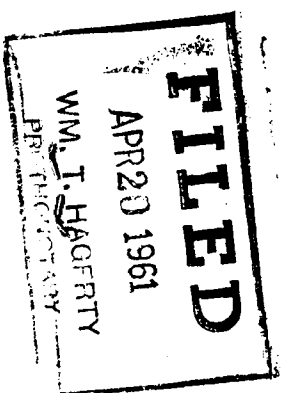
No. 316
Feb. Term, 1961
In Divorce

FRANCES BURK

VS

ARLAN BURK

AFFIDAVIT OF SERVICE



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


Lap-over Margin


#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

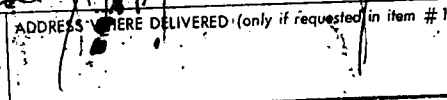
☐ Deliver *ONLY* to addressee ☐ Show address where delivered
(Additional charges required for these services)

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


DATE DELIVERED 3/22/61 ADDRESS WHERE DELIVERED (only if requested in item #1)


CS5-16-71548-4 GPO

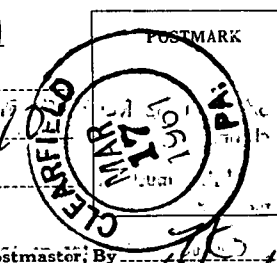
REGISTERED NO. 1489

Value \$ 50 Spec. del'y fee \$
 Fee \$ 50 Ret. receipt fee \$
 Surcharge \$ Rest. del'y fee \$

Postage \$ 1.08 ☐ Airmail
 Postmaster, By Smith, Smith, & Work

From Smith, Smith, & Work

To Arlan Burk
New York State Prison
Attica, N.Y.

POSTMARK


POD Form 3406 Dec. 1959 c48-16-70493-4

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES BURK

VS

ARLAN BURK

No. 316 February Term, 1961

In Divorce

AFFIDAVIT OF SERVICE

STATE OF PENNSYLVANIA:

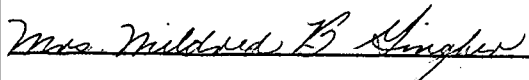
SS

COUNTY OF CLEARFIELD :

WILLIAM U. SMITH, being duly sworn according to law, deposes and says as attorney for the above Plaintiff, Frances Burk, he did cause to be deposited in the United States Mails, postage prepaid, registered mail, return receipt requested, a certified copy of the Complaint in Divorce filed in the above entitled action, as evidenced by receipts attached hereto.


(William U. Smith)

Sworn and subscribed to
before me this 5th day
of April, 1961.



NOTARY PUBLIC
My Commission Expires
JANUARY 7, 1963

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

No. 316 February Term, 1961

FRANCES BURK

VS.

ARLEEN BURK

C O M P L A I N T

TO THE WITHIN DEFENDANT:

You are hereby notified to
file defensive pleadings to
the within Complaint within
twenty (20) days from service
hereof.

SMITH, SMITH & WORK
BY W. G. Smith
Attys. for Plaintiff

FILED
JAN 11 1961
CLERK OF COURT
SMITH, SMITH & WORK
ATTORNEYS AT LAW
CLEARFIELD, PA.

635-2229

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES BURK

-vs-

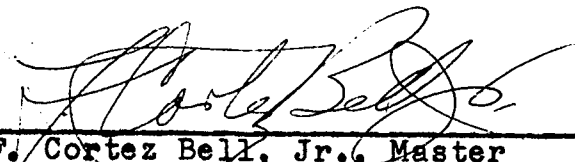
ARLAN BURK

:
: No. 316 February Term, 1961
:
: IN DIVORCE
:


NOTICE OF MASTER'S HEARING


To: Frances Burk
Mineral Springs,
Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Tuesday, May 16, 1961, at 1:30 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony if you desire.


F. Cortez Bell, Jr., Master

Service of within Notice of Master's Hearing accepted
this 25 day of April, 1961.


Frances Burk, Plaintiff


William U. Smith,
Attorney for Plaintiff

INMATES MAIL CAN ONLY BE DELIVERED TO AGENT

Form 3858
(4-54)

NOTICE TO SENDER OF UNDELIVERED OR ABANDONED MAIL *NOT ADDRESSEE ONLY*

Registered Article No. *1691* Insured Article No. _____

Addressed to: *ARLAN BURK ATTICA STATE PRISON*
cannot be delivered for the reason indicated:

☐ Addressee removed. ☒ Delivery restricted. ☐ Incorrectly addressed.

C. O. D. Article No. _____ treated as abandoned per your instructions.

Return this card indicating disposition to be made of article, in an envelope bearing first-class postage, addressed to the postmaster at

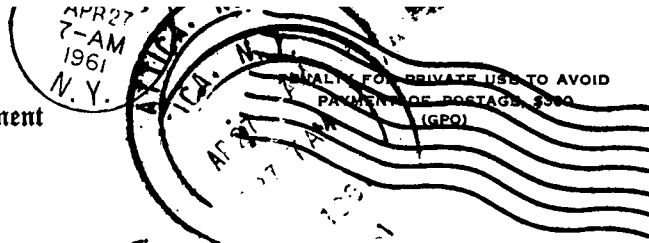
(Post office) (State)
☐ Return to sender. ☐ Restriction lifted—Deliver to addressee's agent.
☐ Try at }
☐ Forward to } (New address of addressee)
☐ _____

(Date) GPO 16-64135-2 (Signature of sender or authorized agent)

Form 3858

Post Office Department

OFFICIAL BUSINESS



BELL, SILBERBLATT & SWOOPF
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

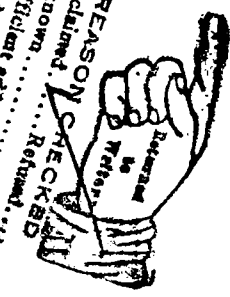
LAW OFFICES
BELL, SILBERBLATT & SWOOPE
CLEARFIELD TRUST COMPANY BLDG.
CLEARFIELD, PENNA.

385861 - NO
A-276-1 Reply

REGISTERED

1391

REASON CHECKED
Undelivered.....
Unknown.....
Moved, left no address.....
No such office in state.....
Do not return in this envelope



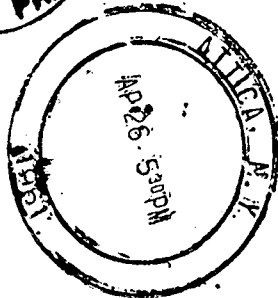
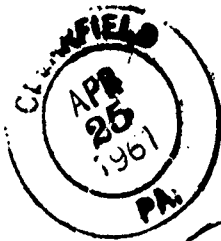
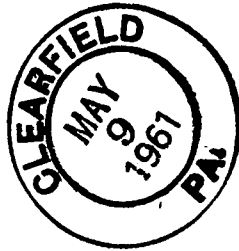
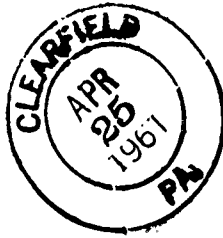
Mr. A. J. [unclear] Park
New York State Prison
Attica, New York

REGISTERED MAIL
RETURN RECEIPT REQUESTED
DELIVER TO ADDRESSEE ONLY

RETURN RECEIPT REQUESTED

Return to Addressee Only

CANNOT DELIVER
INMATES MAIL IN
PERSON



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES BURK

-vs-

ARLAN BURK

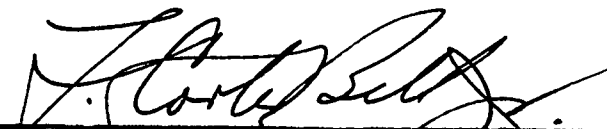
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: No. 316 February Term, 1961
:
: IN DIVORCE
:

NOTICE OF MASTER'S HEARING

To: Frances Burk
Mineral Springs,
Pennsylvania

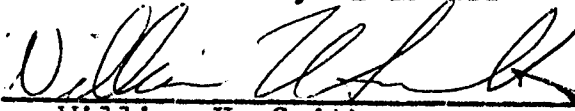
Arlan Burk
c/o Mrs. Jennie Burk
208 Campbell Street
Williamsport, Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Friday, May 19, 1961, at 1:30 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony if you desire.


F. Cortez Bell, Jr., Master

Service of within Notice of Master's Hearing accepted
this 22 day of April, 1961.


Frances Burk, Plaintiff


William U. Smith,
Attorney for Plaintiff

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

Francis Burk

No 316 Feb Term 1961

vs

Arlen Burk

Notice In Masters Hearing

)* * * * *
(Sheriff, s Return)

Now, April 27, 1961 deputized the Sheriff of Lycoming County
to serve the within Notice In Masters Hearing upon Arlen Burk.

Now, May 4, 1961 served the within Notice In Masters Hearing
on Arlen Burk by deputizing the Sheriff Of Lycoming County
The return of service of Charles E. Green, Sheriff Of Lycoming
County is hereto attached and made part of this return of service

Costs Sheriff Ammerman \$6.00
Sheriff Of Lycoming County \$8.00
(Paid By Pro)

So Answers

Charles E. Ammerman
Charles E. Ammerman
Sheriff

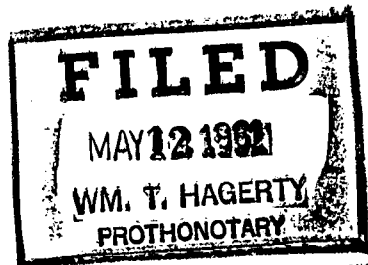
Sworn to before me this 12th
day of May, 1961 A.D.

Wm. T. Hagerty
Prothonotary.

PROTHONOTARY

My Commission Expires

1st Monday Jan. 1962



Know all men by these presents, That I, Charles G. Ammerman
High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of
Lycoming Co, Charles E. Green to execute this writ; this deputation being made at the
request and risk of the Plaintiff.

Given under my hand and seal this 27th day of April
A. D. 1961.

Charles G. Ammerman Sheriff.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES BURK

-vs-

ARLAN BURK

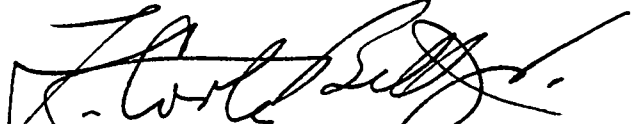
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: No. 316 February Term, 1961
:
: IN DIVORCE
:

NOTICE OF MASTER'S HEARING

To: Frances Burk
Mineral Springs,
Pennsylvania

Arlan Burk
c/o Mrs. Jennie Burk
208 Campbell Street
Williamsport, Pennsylvania

You are hereby notified that the undersigned has been appointed Master to take testimony in the above case and report the same to the Court. In furtherance of that purpose, the undersigned will hold a Master's Hearing on Friday, May 19, 1961, at 1:30 p.m. e.s.t. at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, at which time you may attend together with your witnesses and give testimony if you desire.


F. Cortez Bell, Jr., Master

SHERIFF'S RETURN

FRANCES BURK,

PLAINTIFF

vs.

ARLAN BURK,

DEFENDANT

IN THE COURT OF COMMON PLEAS
OF LYCOMING COUNTY

No. 316 FEBRUARY Term, 1961

NOTICE OF MASTER'S HEARING

Issued

Returnable May 19, 1961

May 4, 1961 at 3:45 P.M. EDST., served the within Notice of Master's Hearing upon the defendant, Arlan Burk, by handing to him personally a true and attested copy at 208 Campbell Street, Williamsport, Pennsylvania and by making known to him the contents thereof. The person so served is the within named defendant.

So Answers,

Charles E. Green
Charles E. Green,
Sheriff.

Sworn to and subscribed
before me this 5th day
of May 1961.

By *William L. Hall III*
William L. Hall, III,
Deputy Sheriff.

Charles E. Mahaffie
Prothonotary of Lycoming County

My Commission Expires Jan. 6, 1964.

~~FILED
LYCOMING COUNTY
MAY 5 8 13 AM '61
CHARLES E. MAHAFFIE
PROTH. & CLERK~~

~~13 AM '61~~

IN THE COURT OF
COMMON PLEAS
OF LYCOMING COUNTY
SHERIFF'S RETURN

No. 316 FEBRUARY Term, 19 61

FRANCES BURK,
PLAINTIFF

VS.

ARLAN BURK,
DEFENDANT

NOTICE OF MASTER'S
HEARING

M-543

CLEARFIELD COUNTY
ATTORNEY

B-5/5/61

In the Court of Common Pleas of Clearfield County, Pennsylvania

XXXXXXXXXXXXXXXXXXXX

FRANCES BURK	}	Of February Term, 19 61
		No. 316
VERSUS		
ARLAN BURK		

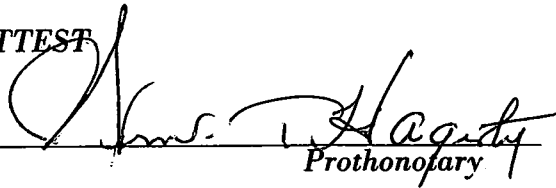
DIVORCE


And Now, the 29th day of June 1961, the report of the Master is acknowledged. We approve his findings and recommendations; except as to _____

We, therefore, DECREE that Frances Burk be divorced and forever separated from the nuptial ties and bonds of matrimony heretofore contracted between ~~herself~~ and Arlan Burk. Thereupon all the rights, duties or claims accruing to either of said parties in pursuance of said marriage, shall cease and determine, and each of them shall be at liberty to marry again as though they had never been heretofore married, except that _____

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

Frances Burk ~~his~~ her costs expended in this action.

ATTEST

Prothonotary

BY THE COURT

President Judge

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

No. 316 February Term 1961

FRANCES BURK
Libellant

VERSUS

ARLAN BURK
Respondent

DECREE

Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

FRANCES BURK

-vs-

ARLAN BURK

:
: No. 316 February Term, 1961
:
: In Divorce
:

MASTER'S HEARING

Master's Hearing in the above entitled divorce action held at the offices of Bell, Silberblatt & Swoope, Fifth Floor, Clearfield Trust Company Building, Clearfield, Pennsylvania, on Friday, May 19, 1961, at 1:30 a.m. e.d.s.t., before F. Cortez Bell, Jr., Esquire, Master. There appeared at the hearing Frances Burk, Plaintiff, together with her counsel, William U. Smith, Esq. The Defendant did not appear in person nor was he represented by counsel.

FRANCES BURK, being duly sworn, testified as follows:

By William U. Smith, Esq.

Q. Your name is Frances Burk and you are the Plaintiff in this action, is that correct?

A. Yes.

Q. How old are you, Mrs. Burk?

A. Twenty-seven (27).

Q. And where do you live?

A. Mineral Springs.

Q. And how long have you lived in Mineral Springs?

A. All my life except for three years in Williamsport and three months in New York.

Q. When were you in Williamsport?

A. Right before I married Arlan Burk and for a short period afterwards until we moved back.

Q. From early 1956 until when?

A. Until approximately 1957.

Q. And you said you spent three months in New York?

A. Yes.

Q. During what year was that?

A. 1958.

Q. And since that time you have resided in Mineral Springs, Clearfield County, Pennsylvania?

A. Yes.

Q. Are you married?
A. Yes.

Q. What is the name of your husband?
A. Arlan Mayer Burk.

Q. What is his age?
A. Thirty (30).

Q. And where does he live at present?
A. Williamsport.

Q. And prior to that where was he?
A. In Attica prison.

Q. In a New York State jail?
A. It is a prison.

Q. When were you married?
A. July 21, 1956.

Q. Where were you married?
A. In Curwensville.

Q. By whom?
A. Claude Bloom.

Q. And after that, you established a home where?
A. In Mineral Springs for a couple weeks and then we moved to Williamsport.

Q. And then from Williamsport you said you moved back to Mineral Springs?
A. Yes.

Q. Were any children born to this marriage?
A. Yes, one.

Q. What is the child's name?
A. Kevin Leroy Burk.

Q. How old is he?
A. Three (3).

Q. With whom is he residing?
A. With me.

Q. What is your occupation?
A. Waitress.

Q. What is the occupation of your husband?
A. I don't know if he has any right now.

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

Q. Has there been any prior divorce action between you?
A. No.

Q. Are you and your husband both citizens of the United States?
A. Yes.

Q. Are you and your husband in the Armed Forces of the United States?

A. No.

Q. You have lived in Mineral Springs for the past three years, is that correct?

A. Yes.

Q. On or about November 3, 1958, was your husband convicted of the crime of forgery by the County Court of Wyoming County in the State of New York?

A. Yes.

Q. And sentenced to three and one-half years minimum and seven years maximum for said offense?

A. Yes.

Q. I now offer certified copy of his conviction of this felony.

By the Master

The certified copy of the Court record is admitted.

By William U. Smith, Esq.

Q. And while you were married to your husband, did you perform all functions that a wife should perform?

A. Yes, I did.

Q. Did you give him reason to commit this crime?

A. No, I was working and had been ever since we were married.

Q. Did he ever make any effort to support you?

A. No.

By the Master

Q. Do you know whether your husband is still in prison?

A. He isn't.

Q. Do you know whether he is in Pennsylvania now?

A. He is in Williamsport.

Q. Have you seen your husband since he has been released from prison?

A. No.

Q. You say you haven't seen your husband; has he written to you?

A. Yes.

Q. Has he ever suggested that you should resume married life together?


A. No.

Q. What has been the content of your husband's letters?

A. He wanted to know if I wanted support for the child and that he didn't love me when he married me, he only did it out of pity.

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

May 23, 1961

STATE OF NEW YORK
Wyoming County Clerk's Office } ss.

I, JOSEPH W. NAYLOR, Clerk of the County of Wyoming, of the County Court of said County, and of the Supreme Court, both Courts being Courts of Record, having a common seal, do hereby certify that I have compared the annexed copy of ~~Order~~ Certificate of Conviction with the original entered November 3, 1958 in this office, and that the same is a correct transcript thereof and of the whole of said original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County and Courts, at Warsaw, N. Y., this 31st day of March, A.D., 1961.

Joseph W. Naylor
Clerk.

At a Term of the COUNTY Court

held at the Court House in the Village of Warsaw, in and for the County of Wyoming, on the **3rd**
day of **November**, 19 **58**

PRESENT, HON. **JOHN S. CONABLE**

THE PEOPLE

against

ARLAN BURK

Indicted for **Forgery 2nd degree**

Convicted of **Forgery 2nd degree**

The Defendant, **ARLAN BURK**, having been indicted
for the crime of **FORGERY SECOND DEGREE**

and having on the **20th** day of **October**, 19 **58**, been convicted of the crime of
Forgery in the 2nd degree

is this **3rd** day of **November**, 19 **58**, sentenced to be imprisoned in the
Attica State Prison, at hard labor, for the term of
not less than 3½ years nor more than 7 years

It appears by the oath of the defendant, that he is **thirty**
years of age, was born **Naston, Pa.** and is by occupation a
Laborer

STATE OF NEW YORK }
Wyoming County Clerk's Office }

I certify the foregoing to be a true abstract from the minutes of
said Court, kept by me as Clerk thereof.

Witness my hand and the Seal of said Court, at Warsaw, this

3rd day of **November**, 19 **58**

Joseph W. Taylor Clerk.

COUNTY COURT: WYOMING COUNTY

The People of the State of New York,

vs

ARLAN BURK, Defendant.

10/17/58

Arraignment upon indictment.

Appearances: Arlan Burk in person.
Julian Hanley, District Attorney.

The Court: I wish to inform you that the Grand Jury of this County have accused you of the crime of forgery, second degree, contrary to §§880, 881, 887, in that you on the 2nd of October 1958 (reads indictment to Mr. Burk). It was transferred from Supreme Court to County Court for trial by order signed by Judge Noonan dated today. The allegation against you is a serious crime. If a first offender, it carries with it possible punishment of 10 years in state prison; if second or third offender, twenty years in state prison; if fourth offender, mandatory term of 15 years to life, provided you did time on each of the three prior felony convictions. You have a right to a jury trial to determine the truth of the allegation against you. You have a right to be represented by an attorney at all stages of this proceeding and to an adjournment for the purpose of obtaining an attorney. Do you have a lawyer?

Mr. Burk: No, sir, I do not. I am not sure.

Mr. Hanley: He doesn't have one.

The Court: Do you have funds to hire one?

Mr. Burk: My wife said Mr. Brady from LeRoy--

Mr. Hanley: He has been over, said he was not going to take his case.

Mr. Burk: All right then, I will have an appointed lawyer. My wife was going to see--

Mr. Hanley: If you find he is going to represent you, the appointed lawyer will withdraw and you can have your own attorney.

Mr. Burk: All right.

The Court: I will assign Harry L. Brown to represent you. Adjourned to 1:30 Monday afternoon.

OCTOBER 20, 1958. Appearances: Mr. Hanley, District Attorney
Defendant in person and by Harry L. Brown, assigned counsel.

The Court: As I informed you the other day you have been indicted by the Grand Jury, accused of the crime of forgery, second degree. You have a right to a jury trial to determine the truth of the allegation contained in the complaint. You have a right to be represented by an attorney at all stages of this proceeding. I assigned Harry L. Brown. Mr. Brown has talked to you about this matter, is that correct?

Defendant: Yes, sir.

The Court: As I told you this is a felony. I believe punishment it carries is 10 years in the state prison. At this time I will read the indictment to you and ask you how you plead to the indictment. (court reads indictment to defendant). How do you plead?

Defendant: Guilty.

The Court: You realize that by that plea you subject yourself to possible punishment in state prison for up to ten years if you are a first offender; 20 years if 2nd or 3rd offender; and that this court

has no choice but must sentence you to 15 years to life if you have been three times before convicted of felonies and done time on each of the convictions. This is your own free and voluntary act, is that correct?

Defendant:

Yes, sir.

The Court:

No promise has been made--no person has made any promise to you as to what punishment, if any, will be imposed upon you by this court?

Defendant:

No, sir. I did wrong and I will take my medicine.

The Court:

The plea is accepted.

DEFENDANT SWORN, RECORD TAKEN BY CLERK:

Q.

Your name?

A.

Arlan M. Burk.

Q.

Age?

A.

30.

Q.

Place of birth?

A.

Masten, Pennsylvania.

Q.

Citizen of the United States?

A.

Yes.

Q.

Residence now?

A.

Last residence was Perry.

Q.

Occupation?

A.

Laborer.

Q.

Are you married?

A.

Yes.

Q.

Degree of education, how far did you get in school?

A.

Finished 9th.

Q.

Religious instruction?

A.

Protestant.

Q.

Parents living or dead?

A.

Both living.

Q.

Are your habits temperate or intemperate as to alcoholic beverages?

A.

I drink quite a bit.

The Court: When is last time you were drunk?

Defendant: The night they picked me up. Nobody there to book me on forgery so they held me on forgery.

Q.

When before that?

A.

I was on that for two weeks.

Q.

Intemperate.

Q.

Have you previously been convicted of crime?

A.

Yes.

Q.

What was that and where?

A.

Forgery, Pennsylvania.

Q.

The date?

A.

February 3, 1958. I couldn't tell you the date of the trial.

Mr. Hanley: Weren't you convicted in Williamsport, Pennsylvania, February 1, 1954 of the crime of burglary?

Defendant: No. I was in. It was thrown out of court. There is a record. I will admit that.

The Court: You were arrested for it?

Defendant: Yes. Ralph _____ robbed 36 places. I was with him when they picked us up. There was no charge against me.

Mr. Hanley: The record shows a fine.

Defendant: There was a fine. There was no conviction.

Mr. Hanley: Did you pay a fine?

Defendant: Yes, I did. I didn't. My boss did.

Mr. Hanley: If there was a fine, there must have been a conviction.

The Court: We will adjourn this to the 21st for sentence, with the understanding there will be a further adjournment at that time, if necessary. Is that satisfactory to everybody? Defendant: Yes.

Mr. Brown: Yes.

October 24, 1958. Appearances: Defendant in person and by
H.L.Brown, assigned counsel.
Mr.Hanley, District Attorney

The Court: Mr. Burk, the District Attorney informs me that he has not as yet received the records from Pennsylvania. Therefore, it will be necessary to adjourn your sentence to Monday, November 3, 1958, at 9:45 A.M.

NOVEMBER 3, 1958. Appearances: Defendant in person and by
H.L.Brown, assigned counsel.
Mr.Hanley, District Attorney.

The Court: Mr.Brown, if you have anything you wish to say at this time, I will be glad to hear you.

Mr.Brown: If the Court please, I have talked with Mr. Burk. He informs me apparently the reason for this, he admits this, was result of apparently been drinking and run into financial problems along the line. I think the court has been advised by the District Attorney of his background and situation. I respectfully request whatever leniency the court sees fit to extend in the situation before it.

Mr.Hanley: I think I should explain and have it in the record my reasons for not charging him as second felony offender. It is possible he is a second felony offender. He was convicted in Pennsylvania apparently of forgery. There is some doubt in my mind. The indictment doesn't charge him with crime as such. Since it sets forth facts of the crime, doesn't charge him specifically with any crime, it might possibly be larceny. If larceny, might not be felony. Those are my reasons for not asking that he be charged as second offender.

The Court: Did he plead guilty to a particular crime?

Mr.Hanley: He pleaded guilty to indictment. The minutes indicate he pleaded guilty to forgery. Endorsement on indictment says pleaded guilty to the charge in the indictment. There is no question.

The Court: There is question in your mind as to whether or not there was a conviction of forgery or whether a larceny.

Mr.Hanley: Yes, Your Honor. I think the prisoner should know, however, there is a possibility the State may require him to be brought back as second felony offender. Certainly if he gets out on this sentence, he might possibly be a third or fourth felony offender here if he committed another crime.

The Court: You understand, Mr.Burk?

Defendant: Yes, sir.

The Court: The District Attorney is doubtful whether or not it would be a felony. Possibly the Warden may, when he looks at your record, send you back for resentence as second offender, in which event we will have to litigate it and determine whether you are a second offender or not. The District Attorney has taken the position he doesn't want to file an information at this time against you. You understand that?

Defendant: Yes.

The Court: It isn't binding on him or on the People in any way. Furthermore, if you become a fourth felony offender in this State, that issue will have to be resolved then because it would be mandatory, if you were a fourth felony offender, to sentence you 15 to life. You understand that?

Defendant: Yes.

Clerk: Do you have any legal cause to show why judgment should not be pronounced upon you?

STATE OF NEW YORK
Wyoming County Clerk's Office } ss.

I, JOSEPH W. NAYLOR, Clerk of the County of Wyoming, of the County Court of said County, and of the Supreme Court, both Courts being Courts of Record, having a common seal, do hereby certify that I have compared the annexed copy of ~~MARK~~ Arraignment, Plea, Sentence with the original entered November 20, 1958 in this office, and that the same is a correct transcript thereof and of the whole of said original.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said County and Courts, at Warsaw, N. Y., this 31st day of March, A.D., 1961

Joseph W. Naylor
Clerk.

Defendant: No, I haven't.

The Court: Mr. Burk, it is the sentence of this court that you be sentenced at hard labor to Attica State Prison for a term of not less than 3½ nor more than 7 years. I am not sure about you, Mr. Burk. I am not sure about your wife. It may be that you are both vicious criminals. It may simply be you are a man who drinks too much and who hasn't learned to say no to himself. On the other hand, on your record I think it is time you done a substantial length of time in jail because if you keep going, you are going to spend the rest of your life there. While you are there, I hope you will think about what alcohol has done to you, if it is alcohol. If you have the mental attitude what you can get away with is all right, I hope you -- I hope this will teach you that is not so. I hope you will find out is that you should only do those things you know are right. When you defraud a sucker, you only hurt yourself. Think these things over.

Defendant: Yes. I want to thank you for what you did for my wife.

The Court: Yes, I let her out. I have grave doubts. I am taking a chance on her. I am quite sure if she is the brains behind this, if she is the forger, that she will be back before some other court. I hope you will urge her to always go straight. I have given her the benefit of the doubt, although, Mr. Burk, speaking frankly, I was pretty suspicious of her. This is the second time within nine months this sort of thing has happened, she has been involved in. That is once too often. One mistake I can understand. When you go right back and do it again, I am worried. So if you have any influence over her, urge her to go straight too. Your baby needs a mother at this stage. He is going to need a father in 3½ years.

Defendant: Yes, sir.

The Court: So behave yourself in prison and when you come out, come out with a new set of moral standards. Resolve never to do anything wrong again and good luck in accomplishing that result.

Defendant: Thank you, sir.

CERTIFICATE

I, Mahala Gilmore, Wyoming County Court stenographer, do hereby certify I took foregoing hearing and foregoing is true and accurate transcript thereof and of the whole thereof.

Dated: November 20, 1958.

Mahala Gilmore

Served accepted this 10th day of June 1961
and waiting period is hereby waived
Joseph M. Work

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENN- SYLVANIA, No. 316 February Term, 1961 - In Divorce	
FRANCES BURK	
-vs-	
ARLAN BURK	
<u>Uncontested</u>	
<u>MASTER'S REPORT</u>	
Costs: Registered mail Return receipt req. Del. to addressee only \$ 1.14	
Master's fee	85.00
<div>FILED JUN - 9 1961 WM. T. HAGERITY PROTHONOTARY</div>	
BELL, SILBERBLATT & SWOPE ATTORNEYS AT LAW CLEARFIELD TRUST CO. BLDG. CLEARFIELD, PENNA.	
COMMERCIAL PRINTING CO., CLEARFIELD, PA	