

4379

SYLVIA ANN MARSCHKE,
Complainant,

Vs.

BRUCE ALLEN MARSCHKE
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN
~~MOBILE~~ COUNTY, ALABAMA

IN EQUITY

NO. _____

ANSWER AND WAIVER

Comes the Respondent in the above entitled cause and for answer to the Bill of Complaint herein admits the allegations as to the ages, residences and marriage and denies the other allegations of said Bill of Complaint and demands strict proof thereof.

Respondent agrees that the testimony in this cause may be taken by deposition on oral examination, and waives notice of the time and place of the taking of such testimony and agrees that this cause may be submitted for final decree at any time. Respondent waives all notices to which he or she may be entitled by law in this cause. Respondent agrees that Peggy Preston may take the testimony in this cause as commissioner, without the issuance of a commission.

ATTEST:

1. _____
2. _____

Bruce Allen Marschke
RESPONDENT

Complainant agrees that Peggy Preston may take the testimony in this cause as commissioner, without issuance of a commission.

William D. Simpson
SOLICITOR FOR COMPLAINANT.

Note: The Space below is intended for "Agreements Between the Parties"

Complainant releases the Respondent from all claims of alimony and support, both temporary and permanent. Respondent agrees that the Complainant should be granted the custody and control of Melanie Diane Marshke, the minor child born to his marriage with the Complainant, and subject to his right to see and visit with said minor child.

Bruce Allen Marschke
Respondent

Sylvia Ann Marschke
Complainant

STATE OF NEW YORK
COUNTY OF LIVINGSTON

Before me, the undersigned authority, in and for said State and County personally appeared the above named Respondent, whose name is signed to the foregoing instrument, and who was made known to me, acknowledged before me this day, that being informed of the contents of the instrument, said Respondent executed the same voluntarily on the day same bears date.

Witness my hand and seal this 15 day of September 1958.

Filed in Registers Office
1958
W.ELSWORTH HAUGHTON, REGISTER

Mary P. O'Brien
NOTARY PUBLIC
(Please affix official seal)
Comm expires 3/30/60

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 4379

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Bruce Allen Marschke

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against-----

Bruce Allen Marschke-----, Defendant---

by Sylvia Ann Marschke-----

-----, Plaintiff---

Witness my hand this 11 day of Sept 19 58

Alice J. Luck, Clerk

SYEVIA ANN MARSCHKE,
Complainant,
-vs-
BRUCE ALLEN MARSCHKE,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY:
NO. _____

TO THE HONORABLE JUDGES OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Comes the Complainant in the above styled cause and shows unto this Honorable Court and the Honorable Judges thereof as follows:

ONE

Complainant is the wife of the Respondent and they were married to each other on October 5, 1957 in Pascagoula, Mississippi. The Complainant is nineteen years of age and the Respondent is over the age of twenty-one years. The Complainant is a bona-fide resident citizen of Mobile County, Alabama, the State of Alabama and has been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident Geneseo, New York and his place of residence and post office address is Box 33, Geneseo, New York. There is one minor child as issue of their marriage, Melanie Diane Marschke, age two weeks. Said child lives and resides with the Complainant and she is a fit and proper person to be granted its custody and control.

TWO

The Respondent has committed actual violence upon the person of the Complainant, attended with danger to her life or health, or from his conduct there is reasonable apprehension of such violence.

PRAYER FOR PROCESS

Complainant prays that Your Honors will take jurisdiction of this cause, will make the said Bruce Allen Marschke, party-respondent hereto, and will cause him to appear, plead, answer or demur hereto within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Complainant further prays that Your Honors will see fit to grant her an absolute divorce from the bonds of matrimony with the Respondent and Complainant prays that she be granted the custody and control of the minor child born to her marriage to the Respondent and Complainant further prays for such other, further and different relief as in equity she may be due, and as in duty bound she will ever pray, etc.


SOLICITOR FOR COMPLAINANT.

SYLVIA ANN MARSCHKE

No. _____ VS

BRUCE ALLEN MARSCHKE

Entered on _____

Min. Book No. _____ Entry _____

~~W. Elsworth-Haughton, Register~~

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken to wit:

FOR COMPLAINANT

1. Bill of Complaint
2. Answer, Waiver and Agreement
3. Testimony of Sylvia Ann Marshhke and of Mrs. Diane Evans, witness on behalf of the Complainant in this cause.

FILED, 10-20-54
Beisfrenck Register

William Ferguson
Solicitor—for Complainant

FOR RESPONDENT

Solicitor—For Respondent

CERTIFICATE

I, Peggy Preston, the Commissioner appointed by the Court and named in the ~~attached commission~~ named by agreement of the parties, in that certain cause now pending in Baldwin the Honorable Circuit Court of ~~Mobile~~ Mobile County, Alabama, Sitting in Equity, No. _____, wherein

Sylvia Ann Marschke is Complainant, and Bruce Allen Marschke is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused Sylvia Ann Marschke, and Mrs. Diane Evans

who ^{are} were made known to me, to come before me at 3:00 o'clock P. M., on September 18th 1958, at 58 65 St. Emmanule Street, Mobile, Alabama; that said witnesses were first duly sworn

by me as stated; that they were then examined by WILLIAM GRAYSON, Solicitor for the COMPLAINANT, and ~~cross-examined by~~

~~Solicitor for~~ ~~Guardian Ad Litem &~~ ~~Attorney Ad Litem for~~ _____, and they testified in

response thereto as is hereinabove written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near might be the identical language of said witnesses, and that, after said testimony had been so reduced to writing, it was by me read over to said witnesses; who assented to and signed same, ~~who refused to sign same, who was physically unable to sign same, or who waived the reading and signing of same,~~ in my presence and in the presence of said Solicitor for

COMPLAINANT
~~Solicitor for~~
~~and Guardian Ad Litem &~~
~~Attorney Ad Litem for~~

I further certify that I am not of counsel or kin to any of the parties to the said cause, and am not in anywise interested in the result thereof, and that the depositions are true and correct as given by the witnesses.

Witness my hand this 18th day of September, 1958.


Commissioner

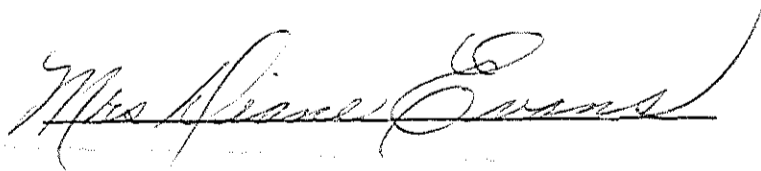
TESTIMONY OF SYLVIA ANN MARSCHKE, WITNESS ON HER OWN BEHALF:

My name is Sylvia Ann Marschke and I am the Complainant in this cause. I am the wife of the Respondent and we were married to each other on October 5, 1957 in Pascagoula, Mississippi. I am nineteen years of age and the Respondent is over the age of twenty-one years. I am a bona-fide resident citizen of Mobile County, Alabama and have been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident of New York. There is one minor child as issue of our marriage, Melanie Diane Marshhke, age two weeks. Said child lives and resides with me and I think that I am a fit and proper person to be granted her custody and control. I am not asking for support for her because the Respondent has told me on numerous occasions that he would not support me or the child and he proved that while I was living with him. I feel that I can probably get more out of him if I do not try to force him to anything. If he fails to support the child I will file a reciprocal act and attempt to get support from him since he lives out of the State. The Respondent has committed actual violence upon my person attended with danger to my life and health, and from his conduct THERE IS reasonable apprehension of such violence. The Respondent is a very quick and violent tempered person. He has lost his temper with me on more than one occasion and has hit me with his hands and his fists leaving me bruised up and sore for several days. He has on several other occasions crused and abused me with nasty and vulgar names. I have had to wear bruises for days after the Respondent has lost his temper and has beat me.

Sylvia Ann Marschke

TESTIMONY OF MRS. DIANE EVANS, WITNESS ON BEHALF OF THE COMPLAINANT.

My name is Diane Evans and I am the mother of the Complainant. The Complainant is the wife of the Respondent and they were married to each other on October 5, 1957 in Pascagoula, Mississippi. Both the Complainant and the Respondent are over the age of eighteen years and the Respondent is over the age of twenty-one years. The Complainant is a bona-fide resident citizen of Mobile County, Alabama and has been such for more than one year next preceding the filing of the bill of complaint herein. The Respondent is a resident of New York. There is one minor child as issue of their marriage, Melanie Diane Marsehke, age two weeks. Said child lives and resides with the Complainant and she is a fit and proper person to be granted her custody and control. The Respondent has committed actual violence upon the person of the Complainant attended with danger to her life and health and from his conduct there is reasonable apprehension of such violence being inflicted upon her person if she were to ever live with the Respondent again as husband and wife. The Respondent is a very quick and mean tempered person which causes him to be very violent at times. I have been present when the Respondent has lost his temper with the Complainant and has struck her with his hand across the face. I have also seen bruises on and about the body of the Complainant on more than one occasion which were the result of the Respondent's beating her up. I have also heard the Respondent curse and abuse the Complainant with nasty and vulgar names.


Mrs. Diane Evans

SYLVIA ANN MARSCHKE	‡	IN THE CIRCUIT COURT OF
Complainant,	:	BALDWIN
	:	MOBILE COUNTY, ALABAMA.
-vs-	‡	IN EQUITY.
BRUCE A, LLEN MARSCHKE	:	NO. _____
	:	
Respondent.	‡	

NON-RESIDENCY AFFIDAVIT

STATE OF ALABAMA ‡

COUNTY OF MOBILE ‡

Before me, the undersigned authority in and for said State and County, personally appeared Sylvia Ann Marschke who was made known to me, and who by me first being duly sworn on oath deposes and says as follows:

That I am the wife of the Respondent herein and I am the Complainant in the above styled cause. The Respondent is over the age of twenty-one years and he is a non-resident of the State of Alabama. He is a resident of the State of New York and his place of residence and post office address is, Box 33, Geneseo, New York,

Sylvia Ann Marschke
AFFIANT.

Sworn and subscribed to before me on
this the 10th day of September 1958.

William Grayson
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

SYLVIA ANN MARSCHKE, Complainant

vs.

BRUCE ALLEN MARSCHKE, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso, and Answer and Waiver and Testimony as noted by the Register, and upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and that the said SYLVIA ANN MARSCHKE is forever divorced from the said BRUCE ALLEN MARSCHKE for and on account of Cruelty.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the child, ~~Melania Diane Marschke~~, Sylvia Ann Marschke, the Complainant be awarded the care, custody and control of the minor child, ~~Melania Diane Marschke~~

It is futher ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

It is futher ordered that the Complainant and Respondent be, and they are hereby permitted to again contract marriage upon payment of the cost of this suit.

It is futher ordered that SYLVIA ANN MARSCHKE the Complainant pay the cost herein to be taxed, for which executed may issue.

This 22 day of October 1958

[Signature]

Judge Circuit Court, In Equity.

I, _____, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree, rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this the _____ day of _____, 19____

Register of Circuit Court, In Equity.

4379

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

Complainant

vs.

Respondent

DIVORCE DECREE

FILED

OCT 22 1913

ALICE J. DUCK, CLERK
REGISTER