

4840

DIVORCE DECREE

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, Baldwin County

CIRCUIT COURT, IN EQUITY

MARILYN TECZA

Complainant

vs.

HENRY TECZA

Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, Decree Pro Confesso on Answer & 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 MARILYN TECZA

HENRY TECZA is forever divorced from the said

for and on account of ADULTERY; The parties hereto have entered into an agreement, which has been filed and is on record in writing and on file in this cause; the Court approves said agreement, and orders and decrees as follows:

That the Complainant, be and hereby is, awarded the custody and control of Marilyn Cecila Tecza, Kathleen Estelle Tecza, and Henry Clark Tecza, the children born of the marriage between the Complainant and the Defendant, with the right of the Defendant to see and visit with said minor children at all reasonable and seasonable times.

The Defendant is ordered to pay to the Complainant the sum of \$50.00 per week as support and maintenance for said minor children.

The Complainant having waived her claims as to alimony no order is made. It is further 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 marry except to each other during the pendency of said appeal.

It is further 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 further ordered that MARILYN TECZA the Complainant, pay the cost herein to be taxed, for which executed may issue.

This 25 day of February 19 60

Hubert W. Steele

Judge Circuit Court, In Equity

I, ALICE J. DUCK,

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 February, 1960

Register of Circuit Court, In Equity.

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

In Circuit Court, In Equity

MARILYN TECZA

Complainant

vs.

HENRY TECZA

Respondent

DIVORCE DECREE

FILED

FEB 25 1960

ALICE J. THICK, CLERK
REGISTER

REGISTERED

STATE OF ALABAMA

MARILYN TECZA

Complainant

IN THE CIRCUIT COURT OF

No. _____

vs.

BALDWIN

~~MOBILE~~ COUNTY, ALABAMA

HENRY TECZA

Defendant

IN EQUITY

ANSWER AND WAIVER,
AGREEMENT

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

I understand ^{and agree} that the testimony in this cause will be taken ^{by deposition} ~~in open~~ court on oral examination, and waive notice of the time of the taking such testimony and agree that this cause may be submitted for final decree at any time. I waive all notices to which I may be entitled by law in this cause.

* - * - *

Henry Tecza Defendant

NOTE: The space below is intended for "Agreements Between the Parties"

Complainant and Defendant agree that Mrs. Peggy Preston, may take the testimony in this cause, without the issuance of a commission.

Defendant agrees that the Complainant should be granted the custody and control of their three minor children, Marilyn Cecila Tecza, Kathleen Estelle Tecza and Henry Clark Tecza, subject to his right to see and visit with said children at all seasonable and reasonable times.

Defendant agrees to pay to the Complainant the sum of ~~\$40.00~~ ^{\$50.00 (FIFTY)} per ~~week~~ ^{month} as support and maintenance for said minor children, ~~plus a sum of \$10.00~~ * ~~per~~ ^{month}

The Complainant releases the Defendant from all claims of alimony and support which she may have against him as to herself alone, both temporary and permanent.

ATTEST:

1. Francis A. Kelly
2. Mollie Watson

Henry Tecza DEFENDANT.

Marilyn E. Tecza COMPLAINANT.

* Ten (\$10.00) Dollars per week as alimony to the complainant until such time as she remarries or either party should die.

STATE OF NEW JERSEY
COUNTY OF BERGEN

I, _____, a NOTARY PUBLIC in and for said State and County, do hereby certify that Henry Tecza, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me this day, that being informed of the contents of the instrument, he executed the same voluntarily on the day same bears date.

Witness my hand and seal this 18th day of February, 1960.

Francis A. Kelly
NOTARY PUBLIC
An attorney at law of the State of New Jersey

FILED

FILED

FEB 24-60

STATE OF NEW JERSEY

, Register COUNTY OF BERGEN

ALICE L. DUCK, CLERK REGISTER

TESTIMONY OF MARILYN TECZA, WITNESS ON HER OWN BEHALF:

My name is Marilyn Tecza and I am the wife of the Respondent. We were married to each other on January 23, 1952 in Halifax, North Carolina. Both myself and the Respondent were both each over the age of twenty-one years at the time of the filing of the bill of complaint herein. I am a bona-fide resident citizen of the State of Alabama and the Respondent is a resident of the State of New Jersey. There are three minor children as issue of our marriage, Marilyn Cecila Tecza, age seven years, Kathleen Estelle Tecza, age five years and Henry Clark Tecza, age one year. These children are in my custody and control. I am a white lady of good moral character and I am a fit and proper person to be granted their custody and control. The Respondent has agreed that I should be granted the custody and control of said minor children, subject to his right to see and visit with said children at all seasonable and reasonable times, and he has agreed to pay me the sum of \$50.00 per week as support and maintenance for said minor children. I am agreeable to such amount as support and maintenance for the said children in the event that I am granted a divorce herein. Said agreement is contained in an Answer & Waiver filed by the Respondent which has been signed both by myself and the Respondent. The Respondent is an able-bodied man and earns money with which he can pay support and maintenance for the said minor children. The Respondent has committed adultery with one or more females since his marriage to myself. One of the women with whom he has had sexual relations has been arrested on charges of committing adultery with my husband. I have seen them in each other's company on many occasions. I have seen them kissing and hugging each other. I have even caught them in bed together on two occasions. One one of the two occasions on which I apprehended them in bed together neither one of them had their clothes on. Respondent has repeatedly told me that he did not love me anymore and that he thought more of this other woman than he did of me. I have not condoned my husband's acts of adultery by living with him as husband and wife since I first had positive proof of his having had committed adultery

by catching him in bed with this woman. My husband has been going out openly with this woman for several months. I have seen the Respondent with another woman, known to me by the name of Carmen Willett, he has admitted to me that he has had sexual relations with her and she has also confessed to the same.


Marilyn Tecza
Marilyn Tecza

TESTIMONY OF S. F. LUCAS, WITNESS ON BEHALF OF THE COMPLAINANT.

I have known both the Complainant and the Respondent in this cause for approximately six months. The Complainant is the wife of the Respondent. They have three minor children, Marilyn Cecila Tecza, age seven years, Kathleen Tecza, age five years and Henry Clark Tecza, age one year. I have seen the Complainant with her children and I know that she is an attentive and loving mother. I am of the opinion that she is a fit and proper person to be granted the custody of said children. The Complainant is a resident of the State of Alabama. The Respondent is gainfully employed and earns money with which he can contribute support and maintenance for the said minor children. Both the Complainant and the Respondent are each over the age of twenty-one years and were such at the time of the filing of the bill of complaint herein. The Respondent lives and resides in the State of New Jersey. The Respondent has a reputation for being a "lady's man". I have heard from many reliable sources that he has been stepping out on his wife, the Complainant since their marriage to each other. In fact I have seen him in the company of a woman with whom has been arrested on charges of committing adultery with him. I have seen them together on several occasions and I have seen them making love to each other by kissing and hugging.

S. F. Lucas

CERTIFICATE

I, Peggy Preston, the Commissioner appointed by the Court and named in the attached commission, or named by agreement of the parties, in that certain cause now pending in

the Honorable Circuit Court of ~~MOBILE~~ ^{BALDWIN} County, Alabama, Sitting in Equity, No. _____, wherein

MARILYN TECZA is Complainant, and HENRY TECZA

is Respondent, under and by virtue of the power conferred upon me by said Commission or agreement as such commissioner, caused MARILYN TECZA and S. F. LUCAS

who were made known to me, to come before me at 2:00 o'clock P M., on February 24, 1960, at 56 S. Conception St. 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,

~~XXXXXXXXXXXXXXXXXXXX~~

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

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~~

~~waxed 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 24th day of February, 19 60.



Commissioner

MARILYN TECZA

No. _____ VS. _____

HENRY TECZA

Entered on _____

Min. Book No. _____ Entry _____

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~, Register
ALICE J. DUCK,

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 Marilyn Tecza and of S. F. Lucas, witness on behalf of the Complainant in this cause.

William J. Pagon
Solicitor—For Complainant

FOR RESPONDENT

FILED, 2-25-60

Alice J. Duck Register

Solicitor—For Respondent

No. _____

MARILYN TECZA

Vs.

HENRY TECZA

ORDER OF SUBMISSION
NOTE OF EVIDENCE

Filed 2-25-60

W. J. Knecht
Register

Ent. Min. No. _____ Entry _____

m

MARILYN TECZA,
Complainant,

-vs-

HENRY TECZA,
Respondent.

X IN THE CIRCUIT COURT OF
I BALDWIN COUNTY, ALABAMA

I IN EQUITY:

I

NO. _____

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

Comes the Complainant and shows unto Your Honors and unto
this Honorable Court as follows:

ONE

Complainant is the wife of the Respondent and they were
married to each other on January 23, 1952 in Hailfax, North
Carolina. Both the Complainant and the Respondent are each
over the age of twenty-one years. The Complainant is a bona-fide
resident citizen of the State of Alabama and the Respondent is a
resident of the State of New Jersey. There are three minor
children as issue of their marriage, Marilyn Cecila Tecza, age
seven years, Kathleen Estelle TECza, age five years, and
Henry Clark Tecza, age oneyear. Said children live and reside
with the Complainant and she is a fit and proper person to be
granted their custody and control.

TWO

The Respondent has committed adultery with one or more
females since his marriage to the Complainant.

THREE

In the alternative, 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 Henry Tecza, 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, that she will be granted the custody and control of their three minor children, and Complainant further prays for such other, further or different relief as in equity she may be due, and as in duty bound she will ever pray, etc.

FILED

FEB 8 1960

ALICE J. DUCK, CLERK
REGISTER

William D. Taylor
SOLICITOR FOR COMPLAINANT.

C E R T I F I C A T E

I, Carole Ann Weir, the Commissioner named by agreement of the parties in that certain cause now pending in the Honorable Circuit Court of Baldwin County, Alabama, Sitting in Equity, Number 4841, wherein DANYA JONES DAVISON is Complainant and HOWARD MORRIS DAVISON is Respondent, under and by virtue of the power conferred on me by said agreement as such commissioner, caused DANYA JONES DAVISON and FRANCES WAITE who are known to me, to come before me at 4:00 o'clock P.M. on February 11, 1960, at 1009 Van Antwerp Building, Mobile, Alabama; that said witnesses were first duly sworn by me as stated; that they were then examined by William L. Green, Solicitor for the Complainant and they testified in response thereto as is hereinbefore written; and the testimony was by me reduced to writing as given by said witnesses in narrative form, and as near as 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 in my presence and in the presence of said Solicitor for Complainant.

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 11th day of February, 1960.



CAROLE ANN WEIR, Commissioner

Testimony
of
DANYA JONES DAVISON

My name is Danya Jones Davison. I am a married woman nineteen (19) years of age and I am a bona fide resident of the State of Alabama and have been such for more than one (1) year next immediately preceeding the filing of my Bill of Complaint for divorce from my husband which case is now pending in the Circuit Court of Baldwin County, Alabama. My husband, Howard Morris Davison, is twenty (20) years of age and he is a bona fide resident of the State of Alabama. Both of us have lived in Alabama all of our lives.

My husband and I were married in Chickasaw, Alabama, on the 24th day of December, 1958. There have been no children born of our marriage. My husband and I were separated on the 1st day of September, 1959, and have not lived together since as man and wife. Both of us now live with our parents.

A very few months after our marriage, my husband began to complain and argue about any and every little thing he could think of or imagine. He could not become adjusted to being married and still wanted to act as if he was single. Even though he worked for his father, he would not work steadily nor work regular hours. He would come home from work in a temper and rage at me without reason. He accused me of dating other men. I could not persuade him that he was wrong. When he would get into a rage, he would call me names and threaten me and throw kitchen utensils and household articles at me. I was unable to go to work on one occasion for several days due to bruises and a black eye he had given me. He would scream at me on the telephone and threaten me until I felt that I could stand it no longer. My father and mother; his father and

mother; and our minister, all tried to help him to straighten himself out but he refused to try. He just seemed to get more determined to wreck our marriage. And, after we separated, his conduct got worse instead of better. He began to stay out all night in the company of men and women of bad reputation and his drinking became heavier and heavier. He continued to threaten me and I became more and more afraid of him. Now, I believe that if I returned to live with him that he would certainly do me serious bodily harm and might, in a fit of temper, even kill me. I am sure that I can never overcome my fear of him enough to live with him as his wife again.

I am asking the Court to grant me a divorce from my husband and to grant me the right to resume the use of my maiden name of Danya Jones and to grant me the right to remarry if I should so desire.

Danya Jones Davison
DANYA JONES DAVISON

Testimony of

FRANCES WAITE

My name is Frances Waite. I am nineteen (19) years of age and I am a resident of Mobile County, Alabama, and have been such all my life.

I am well acquainted with Danya Jones Davison and Howard Morris Davison and have known both of them since long before their marriage. I know that Danya Jones Davison is the Complainant in a divorce action wherein she seeks a divorce from her husband on the grounds of cruelty and I know that the case is now pending in the Circuit Court of Baldwin County, Alabama.

I know that Danya and her husband had a number of violent disagreements during their marriage. I know that Howard has a violent temper and that he drinks a lot and that he would abuse Danya when drinking. On one occasion he blacked her eye and she could not go to work for several days because of this. I know that he runs around with girls who have bad reputations and that he is out nearly every night. I know that Danya has talked with him and tried to make a go of their marriage and that she is afraid to live with him again because of his violent temper and afraid that he would fly into a temper and do her serious bodily harm. I know that Danya will never live with Howard again as his wife and I believe that it would be best for both of them if they were divorced.

Frances Waite
FRANCES WAITE