

c/c

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO. 464-227

DIVISION "F"

DOCKET 5

MRS. JULIA GARZA, wife of
Rafael B. CRUZ

vs.

RAFAEL B. CRUZ

FILED: *Aug. 5, 1968*

[Signature]
Deputy Clerk

PETITION FOR AN ABSOLUTE DIVORCE

The petition of Mrs. Julia Garza, wife of Rafael B. Cruz, of age and a resident of the Parish of Orleans, State of Louisiana, with respect represents:

1.

That there has been a final judgment herein, dated June 29th, 1967, decreeing a separation from bed and board between the parties.

2.

That more than one year and thirty-three days have elapsed since this judgment became final; that there has been no reconciliation between the parties and plaintiff desires an absolute divorce.

3.

That two children were born of this marriage, Miriam Gefarina Cruz and Roxana Lourdes Cruz, both presently in the care, custody and control of petitioner and that she desires the permanent care, custody and control of the said minor children.

4.

That petitioner and the minor children are in necessitous circumstances; that defendant is gainfully employed and should contribute alimony in the sum of \$ 400.00 per month for the support of his ----- minor children, payable \$200.00 on the 1st. and \$200.00 on the 15th of each month.

WHEREFORE, premises considered, petitioner prays that the

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defendant, Rafael B. Cruz, be duly cited to appear and answer this petition and that after due proceedings had, there be judgment herein, in favor of plaintiff, Mrs. Julia Garza, wife of Rafael B. Cruz, and against the defendant, Rafael B. Cruz, decreeing an absolute divorce between the parties and forever dissolving the bonds of matrimony heretofore existing between them.

Petitioner further prays that she be granted the permanent care, custody and control of the two minor children, Miriam Cefarina Cruz and Roxana Lourdes Cruz, and that defendant be condemned to contribute alimony in the sum of \$ 400.00 per month payable \$200.00 on the 1st. and \$200.00 on the 15th of each month, for the support of the minor children and that he be granted reasonable visitation with the said minor children.



SYDNEY J. PARLONGUE
Attorney for Petitioner
516 Nat. Bank of Commerce Bldg.
New Orleans, La. 70112

PLEASE SERVE DEFENDANT:

RAFAEL B. CRUZ at

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

NO. 464-227

DIVISION

DOCKET 5

MRS. JULIA GARZA, wife of Rafael B. Cruz

VS

RAFAEL B. CRUZ

CITATION

TO: RAFAEL B. CRUZ
(Hold.... Defendant will accept service in Sheriff's office)

YOU ARE HEREBY CITED to either comply with the demand contained in the petition of which certified copy accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in The Civil District Court for the Parish of Orleans, State of Louisiana, the address of which is The Civil Courts Building, 421 Loyola Avenue, New Orleans, Louisiana, within fifteen days after the service hereof under penalty of default.

(Petition for final Divorce)

Witness the Honorables ALEXANDER E. RAINOLD, OLIVER P. CARRIERE, CLARENCE DOWLING, HOWARD J. TAYLOR, DAVID GERTLER, PAUL P. GAROFALO, S. SANFORD LEVY, RICHARD J. GARVEY and WALTER F. MARCUS, JR., Judges of the said Court.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of The Civil District Court for the Parish of Orleans, State of Louisiana, this 5th. day of August, in the year of our Lord 19 68.

THOMAS S. BUCKLEY, Sr., Clerk of
The Civil District Court for the
Parish of Orleans, State of Louisiana

by *Hal...*
Deputy Clerk.

Clerk's Office, Room 402, Civil Courts Building
421 Loyola Avenue, New Orleans, Louisiana

SHERIFF'S RETURN:

On the 9 day of Aug 19 68 served a copy of the within
CITATION AND ACCOMPANYING PETITION
On Rafael B. Cruz
in person.
served in sheriff's office
Returned same day
Deputy Sheriff of Orleans Parish

464-227
SEP 19 1968
J. C. Quinn

45

SEP 19 1968 11 00 AM

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

MRS. JULIA GARZA,
WIFE OF RAFAEL B. CRUZ

NUMBER 464-227

VS.

DIVISION "F"

RAFAEL B. CRUZ

DOCKET 5

TESTIMONY AND NOTES OF EVIDENCE in the above entitled
and numbered cause, heard in open Court, WEDNESDAY, SEPTEMBER
18, 1968, before the Honorable WALTER F. MARCUS, JR., JUDGE,
Presiding.

APPEARANCE:

F. JOSEPH DROLLA, JR., ESQ.
Attorney for Plaintiff

REPORTED BY:

Howard E. Stumpf,
Official Court Reporter

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FOR THE PLAINTIFF:

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Mr. Donald Nelson 2

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Mr. Donald Nelson, 2208 Townes Lane, Austin, Texas, having been called to the witness stand by counsel for plaintiff, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION:

BY MR. DROLLA:

Q Mr. Nelson, do you know Mrs. Julia Garza, wife of Rafael B. Cruz, and Rafael B. Cruz?

A Yes.

Q You're aware of the fact that Mrs. Cruz sued her husband for separation from bed and board and obtained a judgment on June 24, 1967?

A Yes.

Q Are you also aware of the fact that Mrs. Cruz subsequently thereto on August 5, 1968 filed suit for divorce from her husband, Rafael B. Cruz?

A Yes.

Q And since the time of the separation judgment, which was June 24, 1967, that they have lived separate and apart . . .

A Yes, sir.

Q . . . under separate roof?

A They have lived under separate roof.

Q There has been no reconciliation between Mr. and Mrs. Cruz?

A There has been none.

Q Are you in a position to have known if there had been
a reconciliation between Mr. and Mrs. Cruz?

A Yes, sir.

Q Do you see Mrs. Cruz regularly?

A Yes.

Q I understand your family. . .

A Their children are the same age as my children. They
play frequently together.

Q They associate frequently?

A Frequently.

Q And you see her often?

A Right.

Q And you know that Mr. Cruz is not a member of the
military service of the United States or any
of its Allies?

A He is not a member of the military service.

BY THE COURT:

No questions. Thank you very much.

BY MR. DROLLA:

Thank you very much, Judge. It's certainly
appreciated.

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I certify that the foregoing is a transcript made by me from my original stenograph notes adduced in the matter entitled, MRS. JULIA GARZA, WIFE OF RAFAEL B. CRUZ VS. RAFAEL B. CRUZ, NO. 464-227, DOCKET 5, CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS, STATE OF LOUISIANA, on WEDNESDAY, SEPTEMBER 18, 1968.

Howard E. Stumpf
Howard E. Stumpf,
Official Court Reporter

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Civil District Court for the Parish of Orleans

STATE OF LOUISIANA

No. 454-227

DIVISION "F"

DOCKET No. 5

FILED Sept. 20, 1968

A. Pat Brennan
Deputy Clerk

MRS. JULIA GARZA, WIFE OF RAFAEL B. CRUZ

VS.

RAFAEL B. CRUZ

PERSONALLY came and appeared before me, the undersigned authority:

MRS. JULIA GARZA CRUZ

the

PLAINTIFF

in the above

numbered and entitled cause, who, being first duly sworn, did depose and say:

THAT RAFAEL B. CRUZ

the defendant

herein, is not in the military services of the United States of America nor in that of any of its allies.

Julia Garza Cruz
Affiant

Sworn to and subscribed

before me this 3 day of

September 19 68
[Signature]
Notary Public

MRS. JULIA GAREA, WIFE OF *
RAFAEL B. CRUZ *
VS. *
RAFAEL B. CRUZ *

NO. 464-227
CIVIL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA
DIVISION "F"
DOCKET NO. 5

JUDGMENT OF DIVORCE

On motion of F. Joseph Drolla, Jr. and Sydney J. Parlongue, attorneys for petitioner, and on producing to the court due proof in support of petitioner's demands, the court considering the law and the evidence to be in favor of petitioner, for the reasons orally assigned,

IT IS ORDERED, ADJUDGED AND DECREED that the default herein entered on August 27th, 1968, be now confirmed and made final and accordingly, let there be judgment herein in favor of petitioner, Mrs. Julia Garza Cruz, and against defendant, Rafael B. Cruz, decreeing a divorce a vinculo matrimonii between them, and forever dissolving the bonds of matrimony heretofore existing between them, costs to be paid by plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that petitioner, Mrs. Julia Garza Cruz, be granted the permanent custody of the minor children, Miriam Ceferina Cruz and Roxana Lourdes Cruz.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Rafael B. Cruz, be condemned to pay child support in the sum of FOUR HUNDRED AND NO/100 (\$400.00) DOLLARS per month, payable TWO HUNDRED AND NO/100 (\$200.00) on the first (1st) and fifteenth (15th) of each month.

Judgment read, rendered and signed in open court on the 20th day of September, 1968.

R. J. Drolla, Jr.
J U D G E

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