

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

CHERI SMITH )  
Plaintiff )

v. )

WESLEY C. SMITH )  
Defendant )

Chancery No. 53360-00

MOTION TO AMEND THE BILL OF COMPLAINT

COMES NOW the Plaintiff, Ms. Smith, by counsel, and in support of her MOTION TO AMEND HER BILL OF COMPLAINT, states as follows:

1. That on or about June 10, 2003, the Plaintiff filed a Bill of Complaint with this court;
2. That her Bill of Complaint alleged fault grounds of cruelty and constructive desertion;
3. That on or about September 18, 2002, the parties started to live separately while in the same household;
4. That it was the Plaintiff's intent that the separation be permanent;
5. That more than one year has passed since the parties began living separately;
6. That the Plaintiff now wishes to proceed with the divorce on the basis of a separation of one year;
7. That the Plaintiff wishes to reserve her right to present fault grounds with respect to any equitable distribution hearing;

WHEREFORE the premises considered, Plaintiff, prays as follows:

- A. That the Court will grant her leave to amend her Bill of Complaint to include the grounds of separation as a grounds for the divorce;
- B. That the Court will grant her the reservation of the right to present fault grounds with respect to any equitable distribution hearing;
- C. Any other relief which this Court deems proper.

Respectfully submitted,

CHERI SMITH

By Counsel

FILED

2004 JAN 15 PM 2:46

CIRCUIT COURT CLERK'S OFFICE  
PRINCE WILLIAM COUNTY, VA.  
DAVID C. MABIE

BY DEPUTY

*Loretta Vardy*

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Loretta Vardy, Esquire  
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Manassas, Virginia 20112  
(703) 791-6078  
Counsel for Ms. Smith

CERTIFICATION OF NOTICE

This is to certify that on the 15<sup>th</sup> day of January 2004, a true copy of the foregoing Notice and Motion to Amend The Bill of Complaint was sent via fax transmittal and mailed, postage prepaid, to the following:

John Whitbeck, Jr. Esquire  
Kasem, Whitbeck, Seck & Kazem, P.L. C.  
15-D Loudoun Street, S.W.  
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Counsel for Respondent/Cross-petitioner

*Loretta Vardy*  

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Loretta Vardy

