

VIRGINIA:

**IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE
WILLIAM**

CHERI SMITH
PLAINTIFF

v.

WESLEY SMITH
DEFENDANT

)
)
) IN CHANCERY NO. 53360
)
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)
)

NOTICE

PLEASE TAKE NOTICE that on Friday October 8, 2004, at 10:00 a.m., or as soon thereafter as this matter may be heard by Judge Alston, the Plaintiff by Counsel will move this Court to hear the following Motion.

MOTION

COMES NOW the Plaintiff, Ms. Smith by counsel, and moves this Court pursuant to § 20-103 of the VA. Code 1950 as amended, for entry of an Order which dispenses with a Commissioner's Hearing and sets a date for a Final Divorce Hearing on all issues pertaining to the above styled case. In support of her MOTION the Complainant states as follows:

1. That on March 3, 2004, George De Pollo was named by this court to be the commissioner in this case;
2. That on April 16, 2004, an Order was entered by this Court to set a Commissioner's hearing within ninety days;
3. That on April 16, 2004, the Defendant was *Pro Se*.
4. That in mid-May 2004, Mr. Boge was retained as counsel for the Defendant;
5. That in discussions with Mr. Boge and Mr. Fahy, the Guardian *ad litem* for the minor child Liam Smith, it had become apparent that a Commissioner's hearing was not the best manner to proceed in this case;

