

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

CHERI SMITH
Plaintiff

v.

WESLEY C. SMITH
Defendant

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Chancery No. 53360-00

NOTICE AND MOTION

PLEASE TAKE NOTICE that on Friday, February 3, 2006, at 10:00 a.m., or as soon thereafter as this matter may be heard, the Plaintiff by Counsel will move this Court to hear her MOTION which is attached,

MOTION

COMES NOW the Complainant, Ms. Smith, by counsel, and moves this Court pursuant to Va. Code Ann § 20-103, for entry of an Order setting a date for a final hearing on all the issues pertaining to the above styled case. In support of her MOTION the Complainant states as follows:

1. That this matter is ready to be set for a final hearing to resolve all matters pertaining to the grounds for divorce, child custody, visitation and support as well as equitable distribution.
2. That on or about August 17, 2004, this Court issued a verbal ruling waiving the Commissioner's hearing; however, this ruling was not put into a written order.

WHEREFORE the Complainant requests the following relief :

1. That the Court set a date for a two day final hearing to settle the above styled matter.
2. That the Court issue an order waiving the requirement for a Commissioner's hearing.
3. An order for such further relief as the nature of the case or the goals of equity require.

Respectfully submitted,

CHERI SMITH

By Counsel

Loretta Vardy

Loretta Vardy, Esquire
Virginia State Bar No. 26225
12388 Silent Wolf Drive
Manassas, Virginia 20112
(703) 791-6078
Counsel for Ms. Smith

CERTIFICATION OF NOTICE

This is to certify that on the 27th day of January 2006, a true copy of the foregoing Notice and Motion was mailed postage prepaid to the following:

Wesley Smith
5347 Landrum Rd APT 1
Dublin, VA 24084

This is to certify that on the 27th day of January 2006 a true copy of the foregoing Notice and Motion was hand delivered to the following:

Ronald Fahy, Esq.
9236 Mosby Street
Manassas, VA 20110

Loretta Vardy

Loretta Vardy