

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,

Complainant,

v.

WESLEY C. SMITH,

Defendant.

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Chancery No. 53360

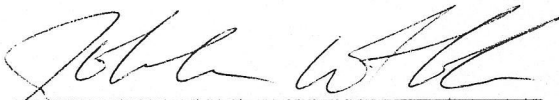
MOTION FOR PENDENTE LITE RELIEF

COMES NOW the Defendant, Wesley C. Smith ("the Defendant"), by counsel, and moves this Court pursuant to Va. Code Ann. § 20-103, for entry of an Order granting him *pendente lite* relief as requested in his Bill of Complaint, previous Motions filed herein, and for such further relief as follows:

1. A divorce *a mensa et thoro* on grounds of desertion and/or constructive desertion, with leave to merge into a Decree of Divorce *a vinculo matrimonii* at the end of one year from the date of said desertion and constructive desertion;
2. Exclusive use and possession of the marital home;
3. Spousal support from the Complainant;
4. An order enjoining and restraining the Complainant from physically or verbally assaulting, interfering with, molesting, annoying or in any manner threatening the Defendant;
5. An order requiring the Complainant to preserve the marital property and assets of the parties pending an equitable distribution hearing;
6. An order requiring the Complainant preserve the estate of both parties, so that it be forthcoming to meet any decree which may be made in this matter;

7. Sole legal and physical custody of the parties' minor child;
8. Child support from the Complainant and requiring her to maintain health insurance on the minor child;
9. An order awarding the Defendant a lump sum payment for attorneys' fees and costs to enable him to carry on this matter;
10. That the Complainant be ordered to submit to a mental health evaluation, and comply with all treatment recommendations appurtenant thereto;
11. An order awarding the Defendant attorneys' fees incurred herein.
12. Order such further relief as the nature of the case or the goals of equity require.

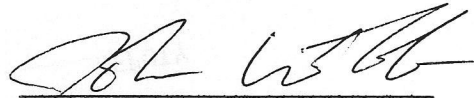
**Respectfully submitted,  
WESLEY C. SMITH  
by Counsel**



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Counsel for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of this pleading was sent via hand facsimile and first-class mail, this 8 day of September, 2003, to the Loretta Vardy, Esquire, 12388 Silent Wolf Drive, Manassas, Virginia 20112, Counsel for Complainant.



John C. Whitbeck, Jr.