

## CIVIL WORKSHEET

DATE: 9/10/2003

COURT REPORTER: None

JUDGE: R B P

FILE # CH53360

### ATTORNEY:

PLAINTIFF: Cheri Smith *psd*

VARDY: Loretta *psd*

DEFENDANT: Wesley C. Smith *psd*

WHITBECK: John *psd*

*Wesley*  
**Wesley Clay Smith** – DOB: 5/26/65, 38 years of age, Bachelor of Science Degree, not employed, last employed at ATS in website applications programs, left this position in January 2002, while employed earned in 1999 - \$100,000.00, 2000 - \$107,000.00, 2001/2002 - \$119,000.00, good physical and mental health, takes medication for heartburn; resides at 11411 Huntsman Drive, Manassas, VA 20112, joint owned, purchased in January 1997, tax value ~ \$340,000.00, first trust payoff ~ \$175,000.00, he drive 1993 Saturn – paid for, jointly owned; has stocks, he is unsure of the value – if any value at all; checking ~ \$1,000.00; mortgage has not been paid since June 1, 2003, he has no income, using credit cards for his expenses; parties separated in June 2003, states the balance owed on the credit cards is \$35,000.00 to \$40,000.00; one child – Liam, born 7/22/97

**Cheri (NMN) Smith** – SSN \*\*\*-\*\*-\*\*\*\*, DOB \*\*/\*\*/, she has a master's degree, employed with Science Application International in project management for 2 years, \$5200.00 monthly; she has health insurance with MANSI that covers the child and husband; she resides at 10238 Manassas Mill, Apt N, Manassas since 6/13/2003 with Liam; she drives 1998 Saturn SW2, paid for, she is unsure of how this car is titled; checking account ~ \$2,500.00, Liam attends Round Elementary, has Downs Syndrome,

### EXHIBITS

1. Income and Expense - admitted
2. Joint expenses paid - admitted
3. Behrmann Report (NOT ADMITTED)

### WITNESSES

1. **Cheri Smith** 11:03 – 11:39  
Plaintiff  
  
11:39 Break  
11:54 Court in session
2. **Wesley Clay Smith** 11:54 – 12:37  
Defendant

### **COURT ORDERS:**

1. Temp. Spousal Support  
Plaintiff to maintain health insurance for the family.
2. Custody – plaintiff to have sole custody and defendant is to have visitation rights
3. Visitation
  1. Weekends, from 7PM on Friday until 7PM on Sundays, beginning 9/19/2003
  2. When the Monday following the weekend visitation is a holiday and the child is out of school, the weekend is to be extended until 7PM on the Monday holiday.
  - 2A. Weekday visits: the defendant is to have the child on Tuesday evenings and he is to return the child on Wednesday mornings to the child's school
  3. Springbreak, from 7PM on the last day of school until 7PM the day before school restarts, the defendant is to have 2004 and the plaintiff is to have 2005, alternating each year thereafter.
  4. Summer vacation, the parties are to have 4 weeks with the child in the summer, these visits are to be divided into 2-two week time periods, these are to be interrupted visits, no alternating weeks, parties are encouraged to plan their vacations with the children and spend this time with the children. The defendant is to have from 7PM on the second Friday in July until 7PM the fourth Friday in July and from 7PM the second Friday in August until 7PM on fourth Friday in August. The plaintiff is to have from 7PM on the third Friday in June until 7PM Friday two weeks thereafter and from 7PM on the fourth Friday in July until 7PM on the second Friday in August.
  5. Fall/Thanksgiving – from 7PM the last day of school until 7PM the day before school restarts, the plaintiff is to have 2003 and the defendant is to have 2004
  6. Winter/Christmas – to be divided into 2 parts: first part from 7PM the last day of school until 1PM on 12/25 and the second part is from 1PM on 12/25 until 1PM on New Year's Day. The plaintiff is to have the first part in 2003 and the defendant is to have the second, alternating each year thereafter.
  7. Father's Day/Mother's Day – the father is to have the weekend that includes Father's Day and the Mother is to have the weekend that includes Mother's Day
  8. Children's Birthdays – the defendant is to have visitation with the child, on the child's birthday, from 7PM to 9PM
  9. Telephone Calls – the children may call either parent at anytime, the defendant may call the child on Sundays between 7PM and 8PM, the child is to be available to receive the calls, the parties are not to listen in or interfere with these calls. Parties may phone one another, at reasonable hours, at their homes, parties are not to call one another's place of work unless it is an emergency situation.
  10. Transportation – the defendant is to pick the child up at the beginning of the visits and the plaintiff is to pick up the child at the end of the visit, prompt and peaceful, one hour late – visit canceled no automatic make up visitation.
  11. When visitation cannot be accomplished, there must be notice provided, 48 hours in advance. Not entitled to an automatic makeup visit.
  12. Visits at any other times as agreed to by the parties with the plaintiff having the final decision.
13. GENERAL PROVISIONS
  - A. Continue to cooperate to make sure the children's needs are met; the parties are to keep the children's best interest first.
  - B. Exchange of information – the party with primary custody is to provide copies of school newspapers and report cards to the other parent within 48 hours of receiving them. Party that maintains the health insurance is to provide copies of medical information to the other parent so they may utilize the insurance while the children are visiting. Party with primary custody must provide any medications the children may be taking while visiting. Neither parent is to be denied any access to medical, school or hospital records. Parties are to provide one another with their current address and phone numbers, any changes must give notification, 30 days in advance, by postage paid mail. Copy of notice is to be provided to the court.

- C. Efforts to limit the effects on the children. Parties are to keep the peace and not harass or interfere in one another's private lives. Parties are not to discuss the issues of child support, visitation or custody in the presence of the children. Parties are not to do anything that will demean the other party or diminish the respect the children may have for either parent.
- D. Parties are to attend a parenting class within 120 days of entry of the order.

**Child Support** – Defendant to pay \$823.00 to plaintiff. Impute income to the defendant of \$119,000.0 annually, plaintiff earns \$5,200.00 monthly. [Defendant 66%, Plaintiff 34%. Statutory amount \$1014.00 + 159.00 + 74.00 makes total \$1247.00.] , starting on 11/1/2003

**Termination** – follow language in the Code and "until further order of the court"

**Health Costs/Uncovered Expenses** – the plaintiff is to provide medical co-pays and cost of \$100.00 or less. Over \$100.00 are to be divided according to the child support calculations.

Defendant is to have exclusive use of the marital home. He is to maintain the interior and exterior and cooperate with listing the house for sale.

Plaintiff may list the house for sale at \$340,000.00 or an amount determined by a realtor.

Parties are to take steps to preserve the marital home from foreclosure and preserve the marital assets.

Motion for mental health evaluation – denied

Motion for attorney fees – denied, reserve this issue for final ED hearing.

**Continue to 9/26/2003 at 10:00 for entry of order**

*Matthew*  
*de*