

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

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 15th 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 Loundoun Street, S.W.
Leesburg, Va 20175
Phone: 703-777-1795
Fax: 703-777-9079
Counsel for Respondent/Cross-petitioner

Loretta Vardy
Loretta Vardy

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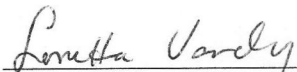
NOTICE AND MOTION

PLEASE TAKE NOTICE that on Friday, January 23, 2004, 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 TO AMEND THE BILL OF COMPLAINT which is attached,

Respectfully submitted,

CHERI SMITH

By Counsel

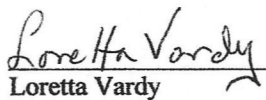


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