

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

CHERI SMITH)	
Plaintiff)	
)	
v.)	Chancery No. 53360-00
)	
WESLEY C. SMITH)	
Defendant)	

FINAL DIVORCE DECREE

THIS CAUSE CAME on this day to be heard upon Plaintiff's Bill of Complaint Defendant's Answer and Cross-Bill; Plaintiff's Answer to the Cross Bill; and Amended Cross Bills by both parties; Plaintiff's Motion to Proceed on the basis of a one year separation, and upon the testimony and evidence, as well as arguments by counsel presented at the hearing of this matter;

THE COURT MAKES the following findings of fact from the evidence, independently of the admissions of the parties in the pleadings or otherwise:

1. The Plaintiff and Defendant were married on November 23, 1988 in South Jordan, Utah.
2. The parties have each been domiciled in and a bona fide resident of the Commonwealth of Virginia for more than six months preceding the commencement of this suit.
3. The Plaintiff and Defendant are over the age of 18 years, are of sound mind, and neither of them is on active service in the military service of the United States.
4. The Plaintiff's social security number is (see privacy addendum).
5. The Defendant's social security number is (see privacy addendum) .

6. There was one child born of this marriage, namely, Liam Raleigh Smith, eight years of age, born on July 22, 1997, whose Social Security Number is (see privacy addendum)
7. The Plaintiff and Defendant last cohabited at 11411 Huntsman Drive, Manassas, VA, 20112.
8. The Plaintiff is employed by SAIC, Inc., 1710 SAIC Drive, McLean, VA.
9. The Defendant is employed by Quality Inn, 50 Hampton Blvd., Christiansburg, VA
10. The parties separated on December 31, 2002, intending to live separate and apart since that date and they have lived separate and apart without cohabitation and without interruption from that date, and there is no probability of a reconciliation between them.

IN CONSIDERATION of the foregoing, this Court concludes as a matter of law that it has jurisdiction to hear and determine this cause, and that the venue is proper

UPON CONSIDERATION of the totality of the circumstances in the law of the Commonwealth of Virginia, this Court finds that as a matter of law that the Plaintiff, Cheri Smith, is entitled to a divorce *a vinculo matrimonii* on the grounds that the parties have lived separate and apart without cohabitation and without interruption for a period of more than one (1) year since December 31, 2002, pursuant to §20-91 (9) (a) of the Code of Virginia, 1950, as amended.

In addition, given the facts of the case and the lack of any corroborating evidence or sufficient evidence on behalf of the Defendant to support the Defendant's cross-bill, the said cross-bill should be and is denied. It is therefore

ADJUDGED, ORDERED AND DECREED that the Plaintiff, Cheri Smith, be and hereby is granted a divorce *a vinculo matrimonii* from the Defendant, Wesley C. Smith, on her motion to proceed on the grounds that the parties have lived separate and apart without cohabitation and without interruption for a period of more than one (1) year

since December 31, 2002, pursuant to §20-91 (9) (a) of the Code of Virginia, 1950, as amended; and it is further

ADJUDGED, ORDERED AND DECREED that the Defendant's Cross-Bill of Complaint and Amended Cross-Bill of Complaint are denied.

I. SPOUSAL SUPPORT

IN CONSIDERATION of the evidence presented, the totality of the circumstances and the law of this Commonwealth, including but not limited to § 20-107.1 of the Code of Virginia, 1950, as amended, the Court finds that the Plaintiff, Cheri Smith, has not sought spousal support so none shall therefore be ordered for the Plaintiff.

AND it is further found by the Court that the Defendant's motion for spousal support is without sufficient foundation and therefore it is

ADJUDGED, ORDERED AND DECREED that the Defendant's Motion for Spousal Support is denied without reservation.

II. CUSTODY AND VISITATION

IN CONSIDERATION of the evidence presented to this Court and the totality of the circumstances and the law of this Commonwealth including, but not limited to factors and considerations contained in Virginia Code Section 20-107.2 and 20-124.3 *et seq.*, 1950, as amended, and upon the recommendation of the guardian *ad litem* and after argument of counsel, it is therefore:

ADJUDGED, ORDERED AND DECREED that the Plaintiff, Cheri Smith, be granted sole custody of the child, Liam Raleigh Smith, and that the Defendant, Wesley C. Smith, be granted certain visitation rights as ordered by this Court.

