

ONTARIO COURT GENERAL DIVISION

BETWEEN:

CATHERINE L. E. ROSS

Petitioner
(Wife)

-and-

WILLIAM THOMAS ROSS

Respondent
(Husband)

NOTICE OF MOTION

The Petitioner will make a motion to the Court, on *THURS* day, the 23rd day of June, 1994 at 10:00 a.m. or so soon after that time as the motion can be heard, at the Court House, 161 Elgin Street, Ottawa, Ontario.

THE MOTION IS FOR:

1. Interim custody of the children of the marriage, namely, Khierstyn Laurel Emily Ross, born November 16, 1986, and Hilary Lynne Victoria Ross, born January 27, 1989, or in the alternative, interim joint custody of the said children, together with a further Order providing that the primary residence of the children shall be in the home of the Petitioner;

2. An Order that an assessment be conducted by a qualified professional should the proposed arrangements for custody and/or access be disputed by the Respondent;
3. Interim child support in the amount of \$1000.00 per month per child (for a total of \$2000.00 per month) to be paid to the Petitioner (Wife), to be indexed to the cost of living, based on increases in the Consumer Price Index, as published by Statistics Canada;
4. Interim spousal support in the amount of \$800.00 per month to be paid to the Petitioner (Wife), to be indexed to the cost of living, based on increases in the Consumer Price Index, as published by Statistics Canada;
5. An interim order requiring the husband to designate the wife and the children of the marriage as irrevocable beneficiaries of his life insurance policy or policies;
6. An interim order for exclusive possession of the matrimonial home at 1077 Thomas A. Dolan Parkway, Dunrobin, Ontario, and the contents thereof, pursuant to ss. 19 and 24 of the Act;
7. An order that the Respondent be restrained from harassing, molesting or annoying the Petitioner, pursuant to s. 46;
8. An interim order that the Police of any jurisdiction in any municipality, province or in Canada will enforce the above order;
9. An interim Order restraining the Respondent from disposing of any property in his possession, power, or control;
10. An Order abridging the time for service of the within motion;

11. Costs of the within motion on a solicitor and client basis;
and
12. Such further and other relief as this Honourable Court may
deem necessary and just.

THE GROUNDS FOR THE MOTION ARE:

1. The parties were married on December 14, 1985 and separated on April 9, 1994, when the Petitioner advised the Respondent that she sought a formal separation. The parties have, however, continued to reside in the matrimonial home, known municipally as 1077 Thomas A. Dolan Parkway since that time.
2. The parties have two children of their marriage, namely, Khierstyn Laurel Emily Ross, born November 16, 1986, and Hilary Lynne Victoria Ross, born January 27, 1989. There are presently no arrangements in place with respect the custody of and access to the children.
3. The Petitioner states that her continued cohabitation in the matrimonial home is being rendered impossible due to the Respondent's actions. She therefore seeks an Order granting her exclusive possession of the home.
4. The Petitioner is employed and earns approximately \$28,000. The Respondent is employed and earns in excess of \$65,000.00. The Petitioner states that the Respondent has both the ability and the obligation to provide child and spousal support.
5. The Children's Law Reform Act;
6. The Family Law Act;
7. The Divorce Act; and
8. Rules 3.02 of the Rules of Court.

THE FOLLOWING DOCUMENTARY EVIDENCE TO BE USED AT THE HEARING OF THE MOTION:

1. The Affidavit of the Petitioner sworn May 16, 1994; and
2. The Financial Statement of the Petitioner sworn May 16, 1994; and
3. Such further and other materials as this Honourable Court may permit.

May 16, 1994

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Solicitor for the Petitioner

TO: WILLIAM THOMAS ROSS
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CATHERINE L. E. ROSS
Petitioner

- and -

WILLIAM THOMAS ROSS
Respondent

ONTARIO COURT (GENERAL DIVISION)

Proceeding commenced at Ottawa

NOTICE OF MOTION

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