

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 Friday, the 25th day of November, 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. An Order permitting the Petitioner to amend her Petition for Divorce to seek an Order requiring the sale of the matrimonial home, being real property municipally described as 1077 Thomas A. Dolan Parkway;
2. An Order citing the Respondent in contempt of the interim Order of Mr. Justice Sirois dated September 28, 1994, for his failure to:

- (a) Make the support payments due under paragraph 1 (c) of the Order in the amount of \$700.00 per month, for the months of September, October, and November, 1994;
 - (b) Pay all mortgage, insurance, utility, and his long distance charges relating to the matrimonial home, including the following payments:
3. An Interim Order for the return of personal property located at the residence of the Respondent, being 173 McClintock Way, Kanata, Ontario:
 - (a) Items removed from the matrimonial home by the Respondent that were either gifts to the Petitioner, or acquired by her prior to marriage, including:
 - * Her indian calendars from mom
 - * Cuisinart food processor and accessories
 - * Brown juice jug with white lid
 - * Tupperware measuring cups (4)
 - * Rolling pin (marble with rest pan)
 - * Measuring spoons
 - * Spaghetti tongs (metal)
 - * Brown hand mixer and mixing container that goes with it
 - * Nail clippers
 - * Large flat stainless pan with tray and cups to poach eggs
 - * Spatzel maker
 - * Small Corningware pot with lid (brown)
 - (b) Items belonging to the Petitioner's mother, previously stored at the matrimonial home, and removed by the Respondent, including:
 - * Royal Doulton china (11 place settings and a few extra pieces)
 - * Blue blanket
 - * 2 cup pyrex measuring cup
4. An Order abridging the time for service of the within motion;
5. Costs of the within motion on a solicitor and client basis; and

6. 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 continued to reside in the matrimonial home, known municipally as 1077 Thomas A. Dolan Parkway until June, 1994;
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 permanent arrangements in place with respect to the custody of and access to the children.
3. The Petitioner is presently without work, awaiting receipt of unemployment insurance benefits. The Respondent is employed and earns in excess of \$65,000.00. The Respondent nonetheless has failed to pay child support pursuant to the Order of Mr. Justice Sirosis dated November 28, 1994.
4. The matrimonial home is the only significant asset owned by the parties, and it may become necessary to sell the home.
5. The Respondent has removed the items listed above from the matrimonial home, without the consent of the Petitioner.
6. The Children's Law Reform Act;
7. The Family Law Act;
8. The Divorce Act; and
9. Rules 3.02 of the Rules of Court.
10. Such further or other grounds as Counsel may advise.

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

1. The Affidavits of the Petitioner sworn May 16, 1994, June 22, 1994 and November 21, 1994;
2. The Financial Statement of the Petitioner sworn November 21, 1994;
3. Such further and other materials as this Honourable Court may permit.

November 21, 1994

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Solicitor for the Petitioner

TO: WILLIAM THOMAS ROSS
173 McClintock Way
Kanata, Ontario

CATHERINE L. E. ROSS
Petitioner

- and -

WILLIAM THOMAS ROSS
Respondent

Court File No. 48783/94

ONTARIO COURT (GENERAL DIVISION)

Proceeding commenced at Ottawa

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