

35324

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: THE FORMER MARRIAGE/CHILD OF:

BEVERLY J. MULLINS,
k/n/a BEVERLY J. HEMMINGS, Plaintiff (Respondent herein),

and

Civil Action No. 99-D-816
JUDGE JAMES C. STUCKY

RICHARD R. MULLINS, Defendant (Petitioner herein).

KANAWHA COUNTY CIRCUIT COURT
2008 DEC 10
11:01 AM
[Signature]

ORDER

On the 10th day of October, 2008, came the petitioner, Beverly J. Hemmings (formerly Beverly J. Mullins), by counsel James T. Cooper, Esq., and filed with the Circuit Clerk of Kanawha County, petitioner's written petition for appeal from Family Court Order entered on September 12, 2008 in the above-styled civil action.

Whereupon, the Court, after giving due and mature consideration to said written petition for appeal and after reviewing the official court file, is of the opinion that a hearing is not necessary in order for the Court to make a decision in this matter and finds that challenged rulings of the Family Court Judge were not an abuse of discretion, contrary to constitutional or statutory authority, and they were supported by substantial evidence and facts, and not arbitrary, or capricious.

Therefore, the Court is of the opinion to and does hereby **ORDER** that

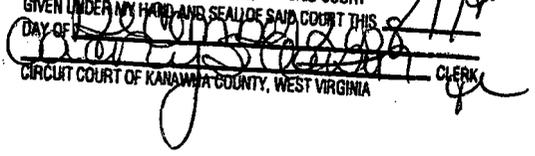
petitioner's petition for appeal is **DENIED**.

The Court hereby notes the objection and exception of the petitioner to this ruling and ORDERS that the Clerk forward a certified copy of this Order to James T. Cooper, Esq., 108 Hills Plaza, Charleston, West Virginia 25312, Andrew S. Nason, Esq., 8 Hale Street, Charleston, West Virginia 25301, and Robert Montgomery, Family Court Judge.

Enter this 10 day of December, 2008.



JAMES C. STUCKY, Circuit Judge
Thirteenth Judicial Circuit

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF _____

CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA CLERK