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FAX NUMBER:
865-342-0180

TOTAL NO. OF PAGES INCLUDING COVER: *6*

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COMMENTS:

IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA

CIVIL DIVISION -LAW

CHAD ZACHARY HOWER	Plaintiff	:	
		:	
vs.		:	CIV. No. 1751-2004
		:	
NANCY SUE OBERLANDER,	Defendant	:	

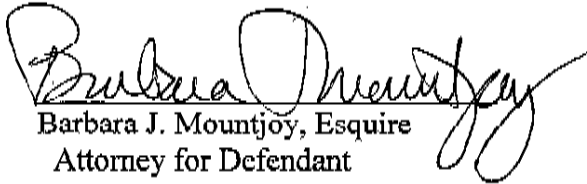
MOTION FOR CONTINUANCE

AND NOW, this 18th day of August, 2006, comes counsel for the Plaintiff, CHAD ZACHARY HOWER and asks this Court to reschedule the custody hearing now set for August 28, 2006 at 2 p.m., and would show:

1. Counsel for petitioner received this petition and order on August 17, 2006. As the petition indicates, the Plaintiff father has a job working overseas, and is scheduled to be at a meeting in Tunisia on the 28th of August. Because of the short notice for this hearing, tickets for him to travel to the United States would cost in excess of \$4,000.00, and he would risk losing a lucrative job to leave his scheduled work site.
2. There are no exigent circumstances which require this hearing to take place before September 1, 2006 other than regular compliance with the court order, which requires the child to return to his father's custody at that time. The child has been here since June 10. The only "emergency" is that the mother waited until the last week to create it.
3. Counsel will be filing preliminary objections, the most pertinent of which is that the child has not lived in the commonwealth for six months prior to the request for custody. It is our position that this court deferred jurisdiction to the state of Tennessee, which issued an order which must be followed. If we are to have a hearing, all these issues must be addressed, including factual issues raised in the mother's petition, and the father has a right to be here to address them. The child is scheduled to begin his private school in Cyprus (which is an island miles away from Lebanon and NOT in danger of war-related incidents) on September 6, 2006, and should be returned home for that purpose.

WHEREFORE, counsel for Plaintiff asks that the Court continue this matter to the next available date to be set by the Court, allowing at least three weeks for the father to obtain reasonably priced airline tickets and to arrange his schedule so he may attend, and that the current custody order be followed until that time.

Respectfully submitted,



Barbara J. Mountjoy, Esquire
Attorney for Defendant



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