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AUG 18 2022

**STATE OF NEW HAMPSHIRE**

STRAFFORD COUNTY

7th Circuit Court  
Rochester Family - Dover Probate  
7<sup>th</sup> CIRCUIT COURT

FAMILY DIVISION - ROCHESTER

In the Matter of Alli Morris and Dustin Morris  
Docket #619-2017-DM-00143

**RESPONDENT'S NOTICE TO COURT  
OF COMMISSIONER AND PETITIONER'S  
NON-COMPLIANCE WITH COURT ORDER OF JULY 27, 2022**

**NOW COMES** the Respondent, Dustin Morris, by and through his attorneys, Wyskiel, Boc, Tillinghast & Bolduc, P.A. and respectfully states as follows:

1. Following a Review Hearing on July 22, 2022, this Court issued an Order with regards to the sale of the former marital home and the Chevrolet Suburban by Clerk's Notice dated July 22, 2022. The Court's Order specifically states:

"... The court therefore orders the parties to list the former marital home for sale with an agreed-to realtor within 7 days of the Clerk's Notice of Decision. . . If they cannot agree to a realtor within 7 days, upon receipt of notification from either party, the court will appoint father's proposed commissioner (father will need to provide the name and contact information)."

"... The parties shall also, within 7 days, sell the Chevy Suburban at an agreed-to price or list it for sale with an agreed-to third party. If they do not, the commissioner will also be appointed to handle this transaction, too."

2. The Respondent immediately reached out to the Petitioner to immediately list the former marital home and Chevrolet Suburban for sale. The Respondent provided the Petitioner with the names of three realtors in the area and to date, the Petitioner has failed to comply with the terms of the Court's Order.

3. Counsel for the Respondent wrote to counsel for the Petitioner on August 10, 2022 asking whether the Petitioner would be following the Court's Order(s) and to date the only response we received was a returned call/voice message from Respondent's counsel on August 17, 2022 stating that he had forwarded the August 10<sup>th</sup> correspondence to the Petitioner and would get back to us. Again, the Respondent has received no response.

224

4. Additionally, the Respondent was contacted by the mortgage lender that the home will be going into foreclosure and it is imperative that the Commissioner be appointed immediately.

5. As outlined in the Court's Order of July 29, 2022, the Respondent hereby submits the name of Francis X. Bruton, Esquire of Bruton & Berube, PLLC, 601 Central Avenue, Dover, NH 03820 – (603) 749-4529 to be appointed as Commissioner to sell the former marital home located at 376 Portland Street, Rochester, New Hampshire and the 2016 Chevrolet Suburban motor vehicle.

6. Further, the Court's Order of July 27, 2022 provides that the Respondent be awarded 7 consecutive days of parenting time during the month of August 2022. The Respondent provided the Petitioner with the dates and copies of flight information for the children for the period of August 25, 2022 – September 2, 2022 and to date, the Petitioner has failed to respond to the Respondent's request.

**WHEREFORE**, the Respondent respectfully requests this Honorable Court:

A. Immediately appoint Francis X. Bruton, Esquire as Commissioner to immediately sell the parties' former marital home located at 376 Portland Street, Rochester, New Hampshire and the parties' 2016 Chevrolet Suburban motor vehicle;


B. Order the Petitioner to immediately make arrangements for the parties' children to visit with the Respondent in the State of Washington for the period of August 25, 2022 – September 2, 2022; and

C. Grant such other and further relief as may be just and proper.

Respectfully submitted,  
DUSTIN MORRIS

By his attorneys,  
Wyskiel, Boc, Tillinghast & Bolduc, P.A.

Dated: August 18, 2022

By   
William R. Phipps  
NH Bar ID#15161  
561 Central Avenue  
Dover, NH 03820  
(603) 742-5222

CERTIFICATE OF SERVICE

STATE OF NEW HAMPSHIRE  
County of Strafford

August 18, 2022

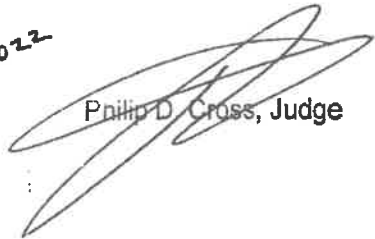
I hereby certify that a copy of the within Notice has been forwarded this date to the other attorney, Kevin P. Chisholm, Esquire, by first class mail, postage prepaid and email (attychisholm@gmail.com).

  
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William R. Phipps

DJD-bill - dmorris.noticetocourt

PARAGRAPH A. IS GRANTED.  
THE MOTION WAS NOT SEEN BY THE UNDERSIGNED  
UNTIL 9/7/2022, SO THE RELIEF REQUESTED  
IN PARAGRAPH B. IS NOW MOOT.

9/7/2022

  
Philip D. Cross, Judge