

TWENTY-EIGHTH JUDICIAL CIRCUIT  
OF VIRGINIA

C. RANDALL LOWE, JUDGE

LARRY B. KIRKSEY, JUDGE

ISAAC ST. C. FREEMAN, JUDGE

CHARLES H. SMITH, JR., RETIRED

CHARLES B. FLANNAGAN, II, RETIRED



COMMONWEALTH OF VIRGINIA  
PLEASE REPLY TO THE ABINGDON OFFICE

WASHINGTON COUNTY  
P.O. Box 289  
ABINGDON, VIRGINIA 24212  
(276) 676-6260

CITY OF BRISTOL  
497 CUMBERLAND STREET  
BRISTOL, VIRGINIA 24201  
(276) 645-7351

SMYTH COUNTY  
109 W. MAIN STREET  
MARION, VIRGINIA 24354  
(276) 782-4050

January 7, 2011

Rebecca K. Glenberg, Esq.  
ACLU of Virginia  
530 E. Main Street, Suite 310  
Richmond, VA 23219

Re: In Re: Leigh Anne Ruth Hunter  
Case No.: CL10-1060

Dear Ms. Glenberg:

This matter is before the Court on the applicant's request for change of name pursuant to §8.01-217 of the Code of Virginia, 1950, as amended. The Court heard this matter and issued a letter opinion dated October 9, 2010, denying the request for change of name and said opinion was memorialized in an order entered on October 20, 2010. Thereafter, counsel requested that this matter be reheard and an order was entered on November 3, 2010 vacating the order entered October 20, 2010 and granting the motion for reconsideration.

Pursuant to §8.01-217, "the Court shall, unless the evidence shows the change of name is sought for a fraudulent purpose, or would infringe upon the rights of others... order a change of name." The Court made a factual determination, as set forth in the letter opinion dated October 9, 2010, that Ms. Hunter testified candidly, under oath, that she would be sharing her name with her partner in order for the entire family to have the same last name. The Court found that the purpose for the name change requested by the petitioner was to hold herself out as married to her partner, in contravention to the statutes of the Commonwealth of Virginia.

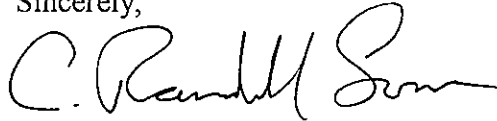
The Court, after reviewing the memorandum filed by counsel and hearing oral argument, finds that Ms. Hunter's intent in having the same last name as her partner is for all members of the household to have the same last name, including the child who has been adopted by Ms. Hunter and her partner. Further, the Court finds that Ms. Hunter acknowledges that in the Commonwealth of Virginia, parties of the same sex are prohibited from marrying, pursuant to statute.

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The Court accepts the petitioner's contention that having the same last name as her partner conveys no legal benefits of marriage in the Commonwealth of Virginia, as said unions are prohibited and not recognized by law. Therefore, the Court finds the name change would not be for a fraudulent purpose and reverses the prior findings of the Court. The petitioner's name change petition will be granted.

The Court directs Ms. Glenberg to prepare an order reflecting the ruling of the Court in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Randall Lowe". The signature is fluid and cursive, with the first name "C." and last name "Lowe" clearly visible.

C. Randall Lowe, Judge

CRL/lg