

COURT OF APPEALS OF VIRGINIA

Present: Judges Bray, Annunziata and Overton

EUNICE PAULINE TODD

v. Record No. 2115-95-2

JAMES EDWARD TODD

MEMORANDUM OPINION*
PER CURIAM
JULY 30, 1996

FROM THE CIRCUIT COURT OF THE CITY OF PETERSBURG
James F. D'Alton, Jr., Judge

(Beverly D. Crawford; El-Amin & Crawford, on
brief), for appellant.

(James Edward Sheffield, on brief), for
appellee.

Eunice P. Todd (wife) appeals from the circuit court's qualified domestic relations order and final decree awarding a divorce to James E. Todd (husband). Upon reviewing the record and briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the trial court. Rule 5A:27.

Wife contends that the commissioner abused his discretion by refusing to allow her to submit additional evidence following a hearing of which she had notice but did not appear. Wife's counsel stated that wife told him why she was not going to appear, "but that is a matter of privileged information unless she authorizes me to release it, and in my opinion it is relevant and important." Wife's counsel stated at the conclusion of the

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

hearing that he expected to contact wife "and then make a motion to the Court over your ruling if she desires to." Wife filed no objections to the commissioner's report. Counsel for wife signed the final decree without exception.

"The established rule in Virginia is that parts of a commissioner's report not excepted to are 'considered as admitted to be correct,' as the party excepting '"must put his finger on the error" so that the court may see what it has to decide.'" McLaughlin v. McLaughlin, 2 Va. App. 463, 470, 346 S.E.2d 535, 539 (1986) (citation omitted). We will not consider on appeal rulings that were not excepted to in the trial court. Wife filed no exceptions to the commissioner's report or relevant motion with the trial court. Therefore, wife has failed to preserve any objections to the actions of the commissioner.

Accordingly, the decision of the circuit court is summarily affirmed.

Affirmed.