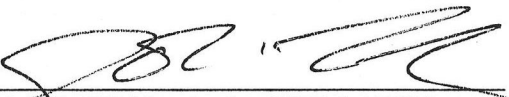


WHEREFORE, the Firm requests this Honorable Court enter an Order granting it leave to deposit funds with the Clerk of the Circuit Court, for an award of attorneys' fees and costs incurred herein, and further relief as the nature of the case may require and to equity may seem meet.

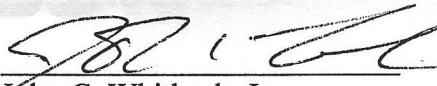
Respectfully submitted
WHITBECK & ASSOCIATES, P.C.
by Counsel



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Counsel for the Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of this Motion was served via first class mail this 9 day of November, 2006 to the Defendants, Wesley C. Smith, 5347 Landrum Road, Apartment 1, Dublin, Virginia 24084-5603 and Cheri Smith, 8350 Greensboro Drive, #111, McLean Virginia 22102. I further certify that I have attempted to resolve this Motion prior to filing.



John C. Whitbeck, Jr.