

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

WHITBECK & ASSOCIATES, P.C.,)	
)	
Plaintiff,)	Case No. CL71003
)	
v.)	
)	
WESLEY C. SMITH,)	
)	
and)	
)	
CHERI SMITH,)	
)	
Defendants.)	

MOTION FOR LEAVE TO AMEND COMPLAINT

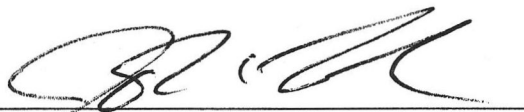
COMES NOW the Plaintiff, Whitbeck & Associates, P.C., by counsel, and requests this Honorable Court enter an Order granting it leave to amend its Complaint of Interpleader, and states as follows:

1. The Plaintiff, Whitbeck & Associates, P.C. (“the Firm”) is a Virginia Professional Corporation, in good standing, organized in and licensed to conduct business in the Commonwealth of Virginia.
2. The Defendants, Wesley C. Smith and Cheri Smith (“the Defendants”) are natural persons who reside in the Commonwealth of Virginia.
3. The Firm has filed a Complaint of Interpleader with regard to funds it currently maintains, which are the property of the Defendants.
4. Because the Circuit Court Clerk’s Office refused to deposit the funds referenced in the Complaint, the Firm must seek leave from this Court for such a deposit.

5. As a result thereof, the Firm's Complaint must be amended to request the appropriate relief and to correct errors in the prior Complaint with respect to the deposit of the aforesaid funds.

WHEREFORE, the Firm requests this Honorable Court enter an Order granting it leave to amend its Complaint, 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.

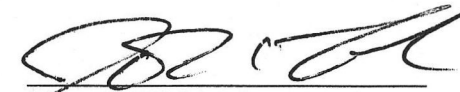
Respectfully submitted
WHITBECK & ASSOCIATES, P.C.
by Counsel



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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.