

VIRGINIA:

IN THE CIRCUIT COURT THE COUNTY OF PRINCE WILLIAM

Cheri Smith
Complainant

v.

Wesley C. Smith
Defendant

Chancery No. 53360

NOTICE

PLEASE TAKE NOTICE that on Friday, July 7, at 10:00 a.m., or as soon thereafter as this matter may be heard, the Plaintiff by Counsel will move this Court to hear her MOTION FOR DISBURSEMENT of the escrowed marital funds which follows.

MOTION

THIS matter has come before this Court upon the Motion of the Complainant, Cheri Smith, who by counsel, moves this court to enter an Order directing John Whitbeck, Esq., Whitbeck and Associates, 116 Edwards Ferry Road, Suite E Leesburg, Virginia, 20176, to disburse the marital funds which he holds in escrow in accordance with the terms of the Final Divorce Order entered by this Court on June 9, 2006. In support of her motion, the Complainant states as follows:

1. that an Order entered by this Court on June 9, 2006, set forth the terms of the equitable distribution of the parties' marital property;
2. that as part of that Order the disbursement of funds which have been held in escrow by Mr. Smith's former counsel, John Whitbeck, Esq., Whitbeck and Associates, 116 Edwards Ferry Road, Suite E Leesburg, Virginia, 20176, was set forth;
3. that the parties have expressed a desire that the funds be disbursed;
4. that Mr. Whitbeck has requested assurances that he would be acting in compliance with the Court's order should he make that disbursement.

WHEREFORE, the Complainant requests that the Court enter an Order directing Mr. Whitbeck to disburse the funds which he holds in escrow as set forth in the Final Divorce Decree.

I ASK FOR THIS:

Cheri Smith
By Counsel

Loretta Vardy

Loretta Vardy, Esquire
VSB No. 26225
12388 Silent Wolf Drive
Manassas, VA 20112
Phone: 703-791-6078
Fax: 703-791-7957
Counsel for Cheri Smith

CERTIFICATE OF SERVICE

This is to certify that on the 30th day of June 2006, a true copy of the foregoing Notice and Motion was mailed postage prepaid and sent electronically to:

Wesley Smith
5347 Landrum Rd APT 1
Dublin, VA 24084

John Whitbeck, Esq.
Whitbeck and Associates
116 Edwards Ferry Road, Suite E
Leesburg, Virginia, 20176,

This is to certify that on the 30th day of June, 2006, a true copy of the foregoing Notice and Motion was hand delivered to the following:

Ronald Fahy, Esq.
9236 Mosby Street
Manassas, VA 20110

Loretta Vardy

Loretta Vardy, Esquire