

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 Tuesday, March 13, 2007 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 disburse to her her portion of the remainder of the parties' marital funds, 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. An Order was entered by this Court on June 9, 2006, which set forth the terms of the equitable distribution of the parties' marital property (copy attached).
2. The marital funds formerly held by John Whitback, Esquire are now in the possession of the Clerk of the Prince William Circuit Court.
3. There is an Administrative Order to Withhold any monies which are owed to the Defendant has been entered by the Department of Child Support Enforcement and served upon the Clerk of the Circuit Court for Prince William County. (copy attached).
4. The Defendant has unsuccessfully appealed the above cited Order to Withhold within the Department of Child Support Enforcement and to the Juvenile and Domestic Relations for Pulaski County (copy of the order attached).
5. The Defendant has indicated to the Court, the attorney for Department Child

Support Enforcement as well as Plaintiff and Plaintiff's counsel that he intends to file an appeal of the Order entered Pulaski Juvenile and Domestic Relations denying his appeal.

WHEREFORE, the Complainant requests that

1. the Court enter an Order directing the Clerk of the Prince William Circuit Court disburse the funds as set forth in the Final Divorce Decree, that is the amount of one hundred and four thousand, five hundred dollars and forty-four cents (\$104, 500.44) be disbursed to the Plaintiff.

2. the Court enter an Order to the Clerk instructing him to retain possession The remainder of the marital funds, the amount of twenty-four thousand, two hundred and thirty-three dollars and forty-four cents (\$24,233.44) to be held by the Court pending the Defendant's appeal of the DCSE administrative Order to Withhold

3. That the Court order such further relief as the nature of the case or the goals of equity require

I ASK FOR THIS:

Cheri Smith
By Counsel

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 4th day of March a true copy of the foregoing Notice and Motion was e-mailed to the Defendant, Wesley Smith @Liamsdad.org

On the 5th day of March 2007, a true copy of the foregoing Notice and Motion was mailed postage prepaid to

Wesley Smith
5347 Landrum Rd APT 1
Dublin, VA 24084

On the 5th day of March 2007, I hand delivered a copy of the foregoing Notice and Motion to

The Department of Child Support Enforcement Office
9309 Center Street,
Manassas, VA 20110

Loretta Vardy, Esquire