

Serve

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

WHITBECK & ASSOCIATES, P.C.,

Plaintiff,

v.

WESLEY C. SMITH,

and

CHERI SMITH,

Defendants.

Case No. CL71003

ORDER

**THIS DAY** came the Plaintiff, Whitbeck & Associates, P.C., by counsel, on its Complaint for Interpleader; and

**IT APPEARING TO THE COURT** that the Plaintiff has moved this Court for leave to deposit the sum of \$128,733.88 with the Clerk of the Court, the sum representing the Plaintiff's entire liability under and by virtue of the Escrow Agreement of the Defendants dated December 12, 2003 and subsequent Orders of this Court; it is therefore

**ADJUDGED, ORDERED and DECREED** that:

1. The Plaintiff is granted leave to deposit the sum of \$128,733.88 with the Clerk of the Court;
2. Whitbeck & Associates, P.C. is forever discharged from any and all liability to Wesley C. Smith and Cheri Smith, or to any of them or to any person or persons claiming by, through or under them, upon, on or by virtue of that certain Escrow Agreement of the Defendants dated December 12, 2003 and subsequent Orders of this Court;

BK0012PG2379

3. The Defendants, Wesley C. Smith and Cheri Smith are perpetually restrained and enjoined from instituting any suit, action or proceeding whatsoever against Whitbeck & Associates, P.C. by arising out of or relating to the Escrow Agreement of the Defendants dated December 12, 2003 and subsequent Orders of this Court;

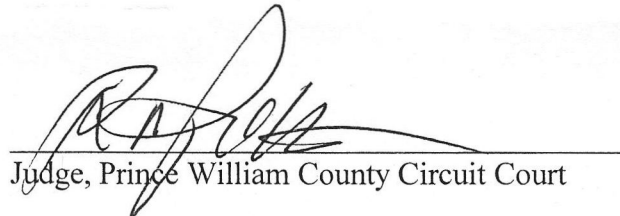
4. Whitbeck & Associates, P.C. is dismissed from this suit, and counsel for the Plaintiff is granted leave to withdraw as counsel of record in this matter;

5. The claims of the Defendants shall be now transferred to the fund on deposit to the credit of this Court and that the Defendants shall file with this Court a written statement as to their position on the disposition of the aforesaid funds;

6. The Prince William County Sherrieff's Office shall serve the Defendant, Wesley C. Smith at his address: 5347 Landrum Road, Apartment 1, Dublin, Virginia 24084, and the Defendant, Cheri Smith at her address: 8350 Greensboro Drive, #111, McLean, Virginia 22102 with an attested copy of this Order.

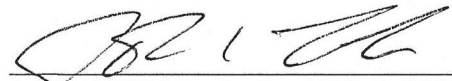
This cause is continued.

ENTERED: 11/17/06

  
\_\_\_\_\_  
Judge, Prince William County Circuit Court

BK0012PG2380

**WE ASK FOR THIS:**



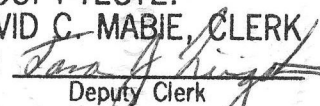
John C. Whitbeck, Jr., VSB# 47525  
Whitbeck & Associates, P.C.  
116-E Edwards Ferry Road  
Leesburg, Virginia 20176  
(703) 777-1795  
(703) 777-9079 facsimile  
Counsel for the Plaintiff

**SEEN AND \_\_\_\_\_:**

\_\_\_\_\_  
Wesley C. Smith  
5347 Landrum Road  
Apartment 1  
Dublin, Virginia 24084-5603

**SEEN AND \_\_\_\_\_:**

\_\_\_\_\_  
Cheri Smith  
8350 Greensboro Drive, #111  
McLean, Virginia 22102

A COPY-TESTE:  
DAVID C. MABIE, CLERK  
BY:   
Deputy Clerk

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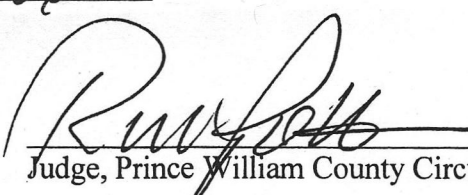
**ORDER FOR LEAVE TO AMEND COMPLAINT**

**IT APPEARING TO THE COURT** that for the reasons stated in the Plaintiff's Motion for Leave to Amend Complaint, the Motion should be granted; it is therefore

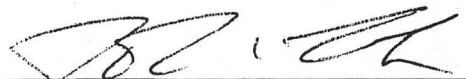
**ORDERED** that the Plaintiff is granted leave to amend its Complaint for Interpleader, and the Defendant's responsive pleadings thereto shall be filed no later than twenty one days from the date of the filing of the Amended Complaint.

This cause is continued.

**ENTERED:** 11/17/06

  
\_\_\_\_\_  
Judge, Prince William County Circuit Court

**WE ASK FOR THIS:**



John C. Whitbeck, Jr., VSB# 47525  
Whitbeck & Associates, P.C.  
116-E Edwards Ferry Road  
Leesburg, Virginia 20176  
(703) 777-1795  
(703) 777-9079 facsimile  
Counsel for the Plaintiff

**SEEN AND \_\_\_\_\_:**

\_\_\_\_\_  
Wesley C. Smith  
5347 Landrum Road  
Apartment 1  
Dublin, Virginia 24084-5603

**SEEN AND \_\_\_\_\_:**

\_\_\_\_\_  
Cheri Smith  
8350 Greensboro Drive, #111  
McLean, Virginia 22102