

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

WHITBECK & ASSOCIATES, P.C.

Plaintiff.

v.

Case No. CL71003

WESLEY C. SMITH,

and

CHERI SMITH,

Defendants,

NOTICE AND MOTION

PLEASE TAKE NOTICE that on Friday, January ¹⁹12, 2007, at 10:00 a.m. or as soon as possible thereafter, the Co-defendant, Cheri Smith shall present the following Motion to the Court.

MOTION

COMES now the Co-Defendant, Cheri Smith, by counsel, and moves this Court to order the Clerk of the Court to disburse the portion of the marital funds to her which are now held by him and were formerly held in escrow by John Whitbeck, Esquire, in accordance with the terms of the Final Divorce Order (copy attached) (pp. 14-18 and attached chart) for Chancery Case No. 53360, entered by this Court on June 9, 2006.

In support of her motion for the distribution of the funds, Ms. Smith states:

1. As a result of an Order entered by this Court on November 17, 2006, the above mentioned funds were deposited by Mr. Whitbeck with the Clerk of the Circuit Court for the County of Prince William.
2. The money escrowed with the Clerk of the Court represents the balance of the Smiths' marital funds which had been held by John Whitbeck, Esquire, in his trust account.
3. The distribution of all marital property was decided by this Court during the Smith's divorce case and set forth in the Final Divorce Order, Chancery Case Number 53360, entered by this court on June 9, 2006.

