

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,

Complainant,

v.

WESLEY C. SMITH,

Defendant.

Chancery No. 53360

MOTION FOR PENDENTE LITE RELIEF

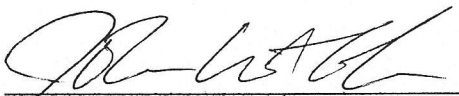
COMES NOW the Defendant, Wesley C. Smith ("the Husband"), by counsel, and moves this Court pursuant to Va. Code Ann. § 20-103, for entry of an Order granting him *pendente lite* relief as requested below:

1. On or about May 31, 2003, the Complainant, Cheri Smith ("the Wife") deserted and abandoned the Husband and the marital residence.
2. Prior thereto, the Wife was the primary income earner of the family as the Husband was involuntarily unemployed.
3. Since the Wife's vacating the marital residence, the Wife has refused to contribute to the expenses of the marital residence.
4. As a direct result thereof, the Husband is unable to pay the mortgage payment and other expenses related to the marital residence and the Parties' everyday life.
5. As a direct result thereof, the marital residence is now subject to the initial stages of foreclosure proceedings.
6. The Husband has diligently pursued employment for the past few months to no avail.

WHEREFORE the Husband requests the following relief *pendente lite*:

1. Exclusive use and possession of the marital residence;
2. An order requiring the Wife to preserve the marital property and to maintain the *status quo* thereof, pending an equitable distribution hearing;
3. An order requiring the Wife preserve the estate of both parties, so that it be forthcoming to meet any decree which may be made in this matter;
4. An order requiring the Wife maintain the mortgage on the marital residence, or, in the alternative, contribute a reasonable amount each month thereto;
5. An order awarding the Husband's attorneys' fees incurred herein;
6. An order such further relief as the nature of the case or the goals of equity require.

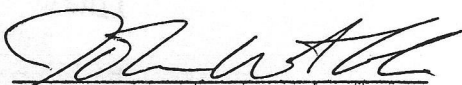
**Respectfully submitted,
WESLEY C. SMITH
by Counsel**



John C. Whitbeck, Jr., Esquire
Kazem, Whitbeck, Seck & Kazem, PLC
15-D Loudoun Street, SW
Leesburg, VA 20175
(703) 777-1795
(703) 777-9079 facsimile
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this pleading was served via facsimile and first-class mail, this 29 day of August, 2003, to the Loretta Vardy, Esquire, 12388 Silent Wolf Drive, Manassas, Virginia 20112.



John C. Whitbeck, Jr.