

**LORETTA VARDY**  
**ATTORNEY AT LAW**  
12388 Silent Wolf Drive  
MANASSAS, VA 20112

August 29, 2003

John Whitbeck, Jr.  
Kazam, Whitbeck, Seck & Kazem, P.L.C.  
15-D Loudoun Street, S.W.  
Leesburg, VA 20175

Dear John:

Enclosed you will find a copy of my Motion for *Pendente Lite* Relief. The hearing for these motions is scheduled for September 10, 2003 at 10:00 A.M. It is scheduled for two hours.

If you have any questions, please e-mail me at [Lorvardy@aol.com](mailto:Lorvardy@aol.com) or call me at 703-919-1417.

Very truly yours,

  
Loretta Vardy

CC: Clerk's Office  
Circuit Court of Prince William County

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

CHERI SMITH	)	
Complainant	)	
	)	
v.	)	Chancery No. 53360-00
	)	
WESLEY C. SMITH	)	
Defendant	)	

**MOTION FOR PENDENTE LITE RELIEF**

**COMES NOW** the Complainant, Ms. Smith, by counsel, and moves this Court pursuant to Va. Code Ann § 20-103, for entry of an Order granting her *pendente lite* relief as requested below. In support of her MOTION the Complainant states as follows:

1. That the Defendant has been guilty of constructive desertion and cruelty toward the Complainant, in that the Defendant has abused, threatened, humiliated, and degraded the Complainant and subjected her to his acts of cruelty ; and
2. That the Defendant has attempted to force the Complainant out of the marital home; and
3. That Defendant has made untrue allegations that the Complainant is mentally ill; and
4. That the Defendant has issued ultimatums to the Complainant that she either get treatment, prove to his satisfaction that she is not mentally ill or leave the house; and
5. That the Defendant by his actions and harassment has caused the Complainant to remove herself from their shared bedroom in the marital home in June 2002; and
6. That on September 16, 2002, after an argument with the Defendant, the Complainant did leave the marital home and seek refuge with a neighbor. While the Complainant was at the neighbor's house, the Defendant did place the Complainant's clothing and other possessions in the driveway of the marital home at 11411 Huntsman Drive. The police were called and

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CIRCUIT COURT, CHANCERY OFFICE  
PRINCE WILLIAM COUNTY, VA.  
BY \_\_\_\_\_

the Complainant returned to the marital home to retrieve some things for herself and her child; and

7. That as a result of Defendant's harassment and cruelty, the Complainant did remove herself and her child from the marital home itself in June 2003; and
8. That an Order granting the Complainant sole legal and physical custody of the parties' minor child was entered by the Juvenile and Domestic Relations Court on August 5, 2003; and
9. That since leaving the marital home, the Complainant has had the financial burden of providing for herself and their minor child with no financial assistance from the Defendant; and
10. That the Defendant has been voluntarily unemployed; and
11. That the Defendant has limited his search for employment to a specific field of employment; and
12. That the Defendant has not found employment in over one year; and
13. That the Defendant has financial assets; and
14. That the Complainant has requested and the Defendant has refused to put the marital home up for sale; and
15. That since July 2003, the Defendant has not paid the mortgage on the marital home; and
16. That as a direct result of Defendant's refusal to either put the house up for sale or pay the mortgage, the marital residence is no subject to the initial stages foreclosure proceedings; and
17. That the Defendant is wasting a marital asset; and

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

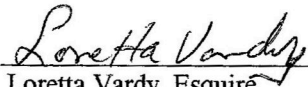
1. An prohibiting the Defendant from wasting any marital property;
2. An order requiring the Defendant to preserve the marital property and to maintain the *status quo* thereof, pending an equitable distribution hearing;

3. An order requiring the Defendant to 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 Defendant maintain the mortgage on the marital residence and pay the other expenses related to the marital residence ; or in the alternative,
5. An order directing the Defendant to join with the Complainant in putting the marital residence on the market and preserving the assets obtained from the sale of the marital property pending an equitable distribution hearing;
6. An order awarding the Complainant's attorneys' fees incurred herein;
7. An order for such further relief as the nature of the case or the goals of equity require.

Respectfully submitted,

**CHERI SMITH**

By Counsel

  
Loretta Vardy, Esquire  
Virginia State Bar No. 26225  
12388 Silent Wolf Drive  
Manassas, Virginia 20112  
(703) 791-6078  
Counsel for Ms. Smith

CERTIFICATION OF NOTICE

This is to certify that on the 20 day of June 2003, a true copy of the foregoing MOTION FOR *PENDENTE LITE* RELIEF was sent via fax transmittal and mailed, postage prepaid, to the following:

John C. Whitbeck, Jr., Esquire  
Kazem, Whitbeck, Seck & Kazem, PLC  
15-D Loudoun Street, SW  
Leesburg, VA 20175

Phone: 703-777-1795  
Fax: 703-777-9079  
Counsel for Defendant

Loretta Vardy  
Loretta Vardy

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