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**CHERI SMITH,**

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**Chancery No. 53360**

**Defendant.**

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marital assets and has wasted the entire value of a marital car and has been wasting the money received from the sale of the house by holding it in an account receiving no interest while other debts with claims on the money is accumulating debt at rates as high as 27%.

5. In December 2003 at the Plaintiff's insistence, with her threatening a rule to show cause if the Defendant did not agree to sell the house for \$20,000 less than the signed contract stated, the house was sold for a profit of about \$182,000. Note the value would be \$172,000 if the Defendant had just given in to the Plaintiff's demands instead of negotiation with the agent.

6. The Plaintiff refused to share the proceeds 50/50 until equitable distribution, so the money was placed in an escrow account.

7. The Plaintiff has refused numerous requests by the Defendant to use a portion of the money, resulting in the Defendant having to pay interests on debts instead of paying them off. Some of the debts are at 27% interests.

8. The escrow account does not earn any interest at all, thus on an inflation adjusted basis its actually losing value.

9. The increase in the homes value during the almost one year the money has been in escrow is significant. From 2003 to 2003 the value of the house, as determined by Prince William County, increased \$41,000, 2003-2002 was \$30,000.

10. Even before she threatened divorce the Plaintiff refused to take advantage of low interest rates to refinance the house, had she done so the house payments would have been several hundred dollars a month less. Even at the higher rate house payments for the entire year would have been substantially less than the amount the house appreciated, so selling it to let the cash lose value is wasting our largest marital asset. Given that we both have apartments and the rent payments are not individually much less than the house payment, the Plaintiff has

effectively thrown away \$40,000 in appreciation of the house when it would have only taken about \$4,000 to make house payments for the entire year above the rent of the Defendant. We easily could have gotten a home equity loan to cover that and been much better off.


11. Given the Plaintiffs refusal to actually use the money from the sale of the house it appears her motivation for selling was more to get the Defendant out of the house to take away any perceived advantage of his being able to raise our child in the child's own home instead of an apartment.

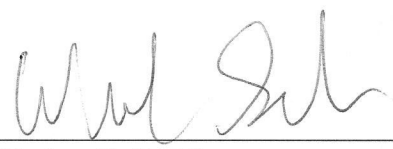
12. The Defendant in need of money to pay child support and in anticipation of getting his share of the house funds has entered into several short term loans at low rates. The Plaintiff's refusal to share the house funds has forced the Defendant to default on these loans, impairing his credit rating and ability to keep a security clearance and his job. The Plaintiff refused to allow the Defendant any access to the escrow funds in spite of being advised of the impact that could have on the Defendants job.

13. On February 23, 2004 the Plaintiff advised the Defendant that the family car she has claimed as her "personal property" was not licensed and might be towed soon. The very same day the Defendant informed her that he would sign any paperwork needed for her to get the license current to avoid having it towed. The Plaintiffs response was to say the car had already been towed. In spite of the Defendants offer to sign any papers necessary the Plaintiff refused to take any effort to retrieve the vehicle and let it be sold with no funds paid to either of us. Thus the Plaintiff wasted the entire value of the vehicle.

**WHEREFORE** Mr. Smith requests this Court issue a Rule against the Plaintiff, Cheri Smith, requiring her to appear and show cause why she should not be held in contempt of the Order that the court impose an appropriate sanction pursuant to Va. Code Ann. 20-115 and other

applicable authorities for an award of fees incurred herein and such further relief as the nature of the case or the goals of equity require.

  
**WESLEY C. SMITH**  
Defendant

  
Wesley C. Smith  
3215 Ridge View Ct. Ap 104  
Woodbridge, VA 22192  
(703) 220-2637  
Defendant, pro se

**COMMONWEALTH OF VIRGINIA**  
**COUNTY OF PRINCE WILLIAM, to wit:**

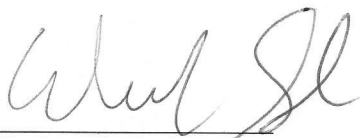
This day personally appeared before me, \_\_\_\_\_, a Notary Public in and for the Commonwealth of Virginia at large, Wesley C. Smith, who being first duly sworn, states that the allegations contained in the foregoing Petition are true and correct.

Subscribed and sworn before me this \_\_\_\_ of September, 2004

My Commission Expires:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of this pleading was served via first-class mail, this 29 day of October, 2004, to the Loretta Vardy, Esquire, 12388 Silent Wolf Drive, Manassas, Virginia 20112.

  
Wesley C. Smith.

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,

Plaintiff,

v.

WESLEY C. SMITH,

Defendant.

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Chancery No. 53360

**ORDER FOR RULE TO SHOW CAUSE**

**THIS MATTER** came to be heard upon the Defendant's Petition for a rule to show cause why Cheri Smith should not be held in contempt of this Court for her failure to comply with the Pendente Lite Order and

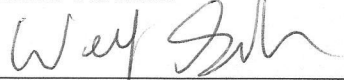
**IT APPEARING TO THE COURT** that sufficient cause exists for the issuance of a rule; it is therefore

**ORDERED** that Cheri Smith appear personally before this Court on \_\_\_\_\_ at \_\_\_\_:\_\_\_\_ am/pm to show cause, if any there be, why she should not be held in contempt of this Court for her failure to comply fully with the order.

**ENTERED:** this \_\_\_\_ day of \_\_\_\_\_, 2004

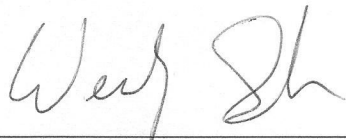
\_\_\_\_\_  
**Circuit Court Judge**

**I ASK FOR THIS**

  
\_\_\_\_\_  
Wesley C. Smith – Defendant, pro se  
3215 Ridge View Ct. Ap 104  
Woodbridge, VA 22192  
(703) 220-2637

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of this pleading was served to Loretta Vardy and Ronald Fahy (GAL) via first-class mail and/or hand delivered, this 29 day of October, 2004.

A handwritten signature in cursive script, appearing to read "Wesley C. Smith", written over a horizontal line.

Wesley C. Smith.

**VIRGINIA:**

**IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY**

**CHERI SMITH,**

**Complainant,**

**v.**

**WESLEY C. SMITH,**


**Defendant.**

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**Chancery No. 53360**

**PRAECIPE**

**THE CLERK** will kindly place the Defendant's Petition For Rule to Show Cause Against Cheri Smith on this Court's docket for Wednesday, November 3, 2004 at 10:00 a.m. for hearing or as soon thereafter as this matter may be heard.

  
\_\_\_\_\_  
Wesley C. Smith  
3215 Ridge View Ct. Ap 104  
Woodbridge, VA 22192  
(703) 220-2637  
Defendant, pro se