

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

**CHERI SMITH,
Plaintiff,**

v.

**WESLEY C. SMITH,
Defendant**

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Chancery No. 53360

#45 – MOTION FOR USE OF ESCROW FUNDS FOR A COURT REPORTER

A pdf copy of this motion is available at: http://www.liamsdad.org/court_case/

COMES NOW the Defendant, Wesley C. Smith, and moves this Court pursuant to Va. Code Ann. § 20-103, for entry of an Order to release funds from the parties escrow account to pay for the services of a court reporter. In support of his MOTION the Defendant states as follows:

1. The Defendant incorporates the statements from previous two motions filed for access to funds in the escrow account. It should be noted the first motion was denied due to demonstrated financial need and the second one “because the first judge did” without considering the presented evidence of financial need.
2. In December 2002, as a result of order of this court the parties’ home was sold and the proceeds placed in an escrow account.
3. Since that time the Plaintiff has refused to work out any reasonable division of the funds, while at the same time the Plaintiff and her attorney have engaged in an apparent attempt to ruin the Defendant financially in attempt to force him to give up fighting for custody and visitation with our son. The efforts of the Plaintiff have been successful in ending the Defendants employment and ruining him financially.
4. This Court has recognized the financial status of the Defendant with an order to proceed without fees or costs entered 9/24/2004.
5. An accurate transcript would be beneficial to all parties for purposes of appeal. Without a court reporter and transcripts the Defendant will be forced to compile extremely lengthy statement of facts which will consume numerous hours of work by the Plaintiff, GAL, and the Court.
6. This case could end up in resulting in a re-trial if the Court is unable to accurately certify the

statement of facts in sufficient detail for appeal.

WHEREFORE the Defendant requests an order requiring the holder of the escrow account to release funds to be used to pay for a court reporter for all future hearings in this case and for transcripts from any hearing recorded in this case.

**Respectfully Submitted,
Wesley C. Smith**

Wesley C. Smith, Defendant
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no phone

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing motion was served to Loretta Vardy and Ronald Fahy (GAL) via e-mail and/or fax and/or website, this 13th day of February 2006.

Wesley C. Smith