

VIRGINIA:

IN THE CIRCUIT COURT THE COUNTY OF PRINCE WILLIAM

Cheri Smith
Complainant

v.

Wesley C. Smith
Defendant

Chancery No. 53360

NOTICE

PLEASE TAKE NOTICE that on Friday, August 18, 2006 at 10:00 a.m., or as soon thereafter as this matter may be heard, the Plaintiff by Counsel will move this Court to hear her MOTION FOR DISBURSEMENT of the escrowed marital funds which follows.

MOTION

THIS matter has come before this Court upon the Motion of the Complainant, Cheri Smith, who by counsel, moves this court to disburse in accordance with the terms of the Final Divorce Order entered by this Court on June 9, 2006. In support of her motion, the Complainant states as follows:

1. that an Order entered by this Court on June 9, 2006, set forth the terms of the equitable distribution of the parties' marital property;
2. that marital funds are now in the possession of the Clerk of the Prince William Circuit Court.

WHEREFORE, the Complainant requests that

1. the Court enter an Order directing the Clerk of the Prince William Circuit Court disburse the funds as set forth in the Final Divorce Decree, that is the amount of one hundred and four thousand, five hundred dollars and forty-four cents (\$104, 500.44) be disbursed to the Plaintiff from which she will pay the amount of thirty thousand, two hundred and sixty seven dollars (\$30,267.00) towards the marital debts as order by this Court in the Final Divorce Decree. The remainder of the marital funds, the amount of twenty-four thousand, two hundred and thirty-three dollars and forty-four cents (\$24,233.44) to be

disbursed to the Defendant as per the Final Divorce Decree.

Or, in the event the Court is persuaded not to release all the funds, the Court Order:

2. disbursement of those funds which it directed Ms. Smith to apply towards the payment of the marital debts as set forth in the Final Divorce Decree, that is, the amount of thirty thousand, two hundred and sixty seven dollars, (\$30,267.00), which is to be paid to the following creditors:

First USA Bank One (joint) balance \$4068.00
Wachovia Bank Joint account, balance: 4,156.00
Capital One Master Card, balance: \$1,206.00
Citibank educational loan, balance: \$9,509.00
Chase Xprise balance: \$11,328.00.

And a disbursement in the amount of twenty-four thousand, two hundred and thirty-three dollars and forty-four cents (\$24,233.44) to each of the parties.

Or, in the event the Court is persuaded not to release any of the funds, that the Court order:

3. that any interest which accrues on the marital debt from the date of the Entry of the Final Divorce Decree until the release of the Marital funds be deducted from the portion of the Marital funds awarded to Mr. Smith which is twenty-four thousand, two hundred and thirty-three dollars and forty-four cents (\$24,233.44).
4. That the Court order such further relief as the nature of the case or the goals of equity require

I ASK FOR THIS:

Cheri Smith
By Counsel

Loretta Vardy

Loretta Vardy, Esquire
VSB No. 26225
12388 Silent Wolf Drive
Manassas, VA 20112
Phone: 703-791-6078
Fax: 703-791-7957
Counsel for Cheri Smith

CERTIFICATE OF SERVICE

This is to certify that on the 11th day of August 2006, a true copy of the foregoing Notice and Motion was mailed postage prepaid

Wesley Smith
5347 Landrum Rd APT 1
Dublin, VA 24084

John Whitbeck, Esq.
Whitbeck and Associates
116 Edwards Ferry Road, Suite E
Leesburg, Virginia, 20176,

Ronald Fahy, Esq.
9236 Mosby Street
Manassas, VA 20110

Loretta Vardy
Loretta Vardy, Esquire