

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

Cheri Smith
Complainant

v.
Wesley C. Smith
Defendant

Chancery No. 53360
CL No. 71003

ORDER

THESE matters have come before this Court upon the several motions of the Complainant, Cheri Smith, and the Defendant, Wesley C. Smith. The Motions presented are as follows:

1. The Complainant, Cheri Smith, by counsel, requests this court to enter an Order directing the Clerk of the Circuit Court to disburse the marital funds which he holds in escrow in accordance with the terms of the Final Divorce Order entered by this Court on June 9, 2006.
2. The Complainant, Cheri Smith, by counsel, made the verbal motion to retain Mr. Fahy as the *Guardian ad Litem* for the minor child, Liam Raleigh Smith.
3. The Defendant, Wesley C. Smith, *pro se*, moves the Court to allow for an independent court reporter (*pro bono*).
4. The Defendant, Wesley C. Smith, *pro se*, moves the Court to modify visitation.
5. The Defendant, Wesley C. Smith, *pro se*, moves the Court in CL71003, to impose sanctions upon Loretta Vardy, counsel for the Complainant, Cheri Smith.
6. The Defendant, Wesley C. Smith, *pro se*, moves the Court for a jury trial.
7. The Defendant, Wesley C. Smith, *pro se*, moves the Court for Judge Richard B. Potter to recuse himself from this case.

UPON CONSIDERATION of the evidence presented and the argument of counsel, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

1. Plaintiff's Motions in CH53360 and CL71003 to disburse funds which the Clerk of the Circuit Court for Prince William County holds in the amount of one hundred and twenty-eight thousand, seven hundred and thirty-three dollars and seventy-eight cents, (\$128,733.78), are granted the Clerk of the Circuit Court for Prince William County is hereby ordered and directed to disburse these funds as follows:

- A. A check in the amount of one hundred and four thousand, five hundred dollars and forty-four cents (\$104,500.44)), shall be issued to the Complainant, Ms. Cheri Smith. This amount which represents the combined amount of the marital debt which the court has ordered Ms. Cheri Smith to pay from the marital assets which amount to thirty thousand, two hundred and sixty-seven dollars (\$30,267.00) and her portion of the distribution of the marital assets which is seventy-four thousand, two hundred and thirty-three dollars and forty-four cents. (\$74, 233.44)

- B. The Clerk of the Circuit Court for Prince William County is hereby ordered and directed pursuant to the Order from the Department of Child Support Enforcement to withhold for child support debt and pay over to the Department of Child Support Enforcement, the amount of

twenty-three thousand, two hundred and forty and thirty-six cents
(\$23,240.36).

C. A check in the amount of nine hundred, ninety –three dollars and eight cents (\$993.08) which represents the balance of the proceeds escrowed, is to be issued to the Defendant, Wesley C. Smith.

1. Plaintiff's Motion to retain Mr. Fahy as the *Guardian ad litem* for Liam Raleigh Smith is granted.
2. Defendant's Motion to allow for independent court reporter (*pro bono*) is granted.
3. Defendant's Motion to modify visitation is granted as follows:

The visitation provisions of the Final Divorce Decree entered by this Court on June 9, 2006, shall be amended as follows:

- A. Page 4, paragraph 2, Monday Holidays, is amended to include visitation on the weekend Father's Day Sunday falls on, that is, the third weekend in June, beginning on Friday at 10:00 pm and ending on Sunday at 5:00pm.
- B. Page 4, paragraph 1, Weekend Visitation, is amended to add that the Defendant shall have visitation on the third (3Rd) weekend of each month from 1:00 pm on Saturday until 5:00 pm on Sunday. This visitation is to take place in Northern Virginia and the Defendant is to provide transportation for these visitations by picking up the child and returning the child.

