

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219
(804) 786-2259

Granted Appeal Summary

Case

THOBURN LIMITED PARTNERSHIP v. BRISA FUND, LLLP, ET AL.
(Record Number 181448)

From

From the Circuit Court of Fairfax County; P. Azcarate, Judge.

Counsel

J. Chapman Petersen and David L. Amos (Chap Petersen & Associates, PLC) for appellant.

James M. Towarnicky (James M. Towarnicky, P.L.L.C.) for appellees.

Assignment of Error

1. The Trial Court erred as a matter of law in setting a specific amount due and owing under the lien of Wilmington where there was no affirmative request for the relief, the relief was not necessary to the ruling, and there was an insufficient/incorrect factual basis for the relief granted.
2. The Trial Court erred as a matter of law in not requiring the secured parties to look to the land first for satisfaction of their liens.
3. The Trial Court erred as a matter of law in ruling that merger required the showing of intent on behalf of the merging party.
4. The Court erred as a matter of law by not subrogating TLP to the rights of Wilmington after deciding the ROW Proceeds should be distributed to Wilmington.