

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
100 NORTH NINTH STREET
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Granted Appeal Summary

Case

CHERYL H. WOOD, ET AL. v. TRACEY L. MARTIN
(Record Number 190738)

From

The Circuit Court of Fairfax County; R. Gardiner, Judge.

Counsel

Yama A. Shansab (Ferguson Walton & Shansab, PLLC) for appellants.

Thomas W. Repczynski and Alyssa Davies (Offit Kurman, P.C.) for appellee.

Assignments of Error

1. The trial court committed substantial and reversible error by ruling that Wood's change of beneficiary designation was "null and void" by reason of Martin's Amended PSA and divorce decree, thus granting Martin's declaratory judgment in contravention of Code § 38.2-3122, which bars "other legal process" from reaching the Proceeds, a protected insurance item, "in any case whatsoever."
2. The trial court committed substantial and reversible error by ruling sua sponte, "as a matter of law," that Code § 38.2-3122 did not apply to Martin because Martin was not a "creditor" within the meaning of Code § 6.2-500, part of Virginia's Equal Credit Opportunity Act, so as to prevent Code § 38.2-3122 from barring Martin's declaratory judgment.
3. The trial court committed substantial and reversible error in implicitly rewriting and expanding the terms of the Amended PSA's exclusive remedy, which only gave Martin a contract claim against Wood's estate for noncompliance with its insurance provisions, not a right to reach the protected insurance item, namely, the Proceeds.