

COURT OF APPEALS OF VIRGINIA

Present: Judges Willis and Annunziata and Senior Judge Cole
Argued at Richmond, Virginia

LINDA F. WHITE, a/k/a
LINDA F. DISE

v. Record No. 0026-95-2 MEMORANDUM OPINION* BY
JUDGE JERE M. H. WILLIS, JR.
WILLIAM H. WHITE, JR.

FROM THE CIRCUIT COURT OF CHESTERFIELD COUNTY
Timothy J. Hauler, Judge

(Michael Morchower; Sharon Gregory Jacobs;
Morchower, Luxton and Whaley, on briefs), for
appellant.

(Charles E. Ayers, Jr.; Cynthia A. Muncie;
Robert H. Smallenberg; Ayers & Stolte, P.C.,
on brief), for appellee.

Linda F. White appeals from a final order denying her request for attorney's fees and ordering her to pay \$14,000 in attorney's fees to William H. White, Jr. Ms. White contends that the trial court abused its discretion in making this award. We disagree and affirm the judgment of the trial court.

Pursuant to Code §§ 20-79(b) and 20-99(5), a trial court may award attorney's fees as equity and justice require. "An award of attorney's fees is a matter submitted to the trial court's sound discretion and is reviewable on appeal only for an abuse of discretion." Graves v. Graves, 4 Va. App. 326, 333, 357 S.E.2d 554, 558 (1987).

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

The trial court found that although the divorce had been granted on no fault grounds, Ms. White was "principally responsible for the breakup of the marital relationship." The court further found that "because of the conduct of the defendant [Ms. White], the plaintiff [Mr. White] . . . was put to an untold expense in the litigation of the matter. The record supports these findings and discloses that Mr. White incurred attorney's fees and costs substantially exceeding \$14,000 in his defense of the litigation. We find no abuse of discretion in the award.

The judgment of the trial court is affirmed.

Affirmed.

MEMORANDUM

TO: Cindi McCoy, Clerk

FROM: Judge Willis

DATE: January 29, 1996

***RE: Linda F. White v. William H. White, Jr.
Record No. 0026-95-2
01/96 Richmond Panel***

Dear Cindi:

Attached is a memorandum opinion in the above captioned case that has been approved by the panel. The record and Exhibit Box #1293 are being returned to your office by UPS.

Very truly yours,

JMHW, Jr.

JMHW, Jr. /phb

Enclosure

cc: Full Court

(PROFS #J0026952.MEM)