

SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING
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Granted Appeal Summary

Case

RUBY KAREN HELPHREY, ET AL. v. GLENN RAY BASS, JR.
(Record Number 201148)

From

The Circuit Court of Accomack County; A.J. Canada, Jr., Judge.

Counsel

Kevin E. Martingayle (Bischoff Martingayle, P.C.) for appellant.

Douglas E. Kahle (Basnight, Kinser, Leftwich & Nuckolls, P.C.) for appellee.

Assignments of Error

1. The trial court erred in granting summary judgment because this matter involved more than a mere “contract” claim, and there were material facts genuinely in dispute, including facts relating to the source(s) of the subject funds, Senior’s and Junior’s intent when the Joint Account was established, and Senior’s subsequent efforts to withdraw his funds.
2. The trial court erred in granting summary judgment because Junior followed improper procedures and impermissibly relied upon deposition testimony in pursuing summary judgment.

Assignment of Cross-Error

1. In its Judgment Order, the trial court did not comply with Virginia Code Section 8.01-676.1.C, the statute governing the suspension of execution on appeal, as it ordered the Clerk of Court simply to retain the funds he held following interpleader during the pendency of the Siblings’ appeal. Over Bass Jr.’s objection, the Judgment Order did not require the Siblings to post a suspending bond. This constitutes reversible error.