

Citizens Bank & Trust v. Crewe Factory Sales  
254 Va. 355 (1997)

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**VIRGINIA:**

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond, on Friday, the 3rd day of October, 1997.

Citizens Bank & Trust Company,	Appellant,
against	Record No. 970223
	Circuit Court No. CL96-7
Crewe Factory Sales Corp.,	Appellee.

Upon an appeal from a judgment rendered by the Circuit Court of Nottoway County on the 5th day of November, 1996.

Upon consideration of the record, briefs, oral argument of counsel on the merits of the appeal, and written responses of counsel to the Court's query raising a procedural issue, the Court is of opinion that the appeal was improvidently awarded.

Three days after entry of the judgment appealed from, appellant's counsel forwarded to appellee's counsel a check in the full amount of the judgment. This check was sent voluntarily before any proceedings were instituted to execute on the judgment. It was forwarded, according to appellant's opening brief, "in satisfaction of the trial court's judgment."

Voluntary payment of a judgment deprives the payor of the right of appeal. Carlucci v. Duck's Real Estate, Inc., 220 Va. 164, 166, 257 S.E.2d 763, 765 (1979).

Accordingly, the appeal is dismissed.

This order shall be certified to the said circuit court and

shall be published in the Virginia Reports.

A Copy,

Teste:

David B. Beach,  
Clerk