

SUPREME COURT OF VIRGINIA



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

**Granted Appeal Summary**

**Case**

REAL ESTATE III, INC., D/B/A BETTER HOMES  
AND GARDENS REAL ESTATE III v. WILLIAM CHASE KURTZ, ET AL.  
(Record Number 190404)

**From**

The Circuit Court of Albemarle County; C. Higgins, Judge.

**Counsel**

Joseph R. Pope (Williams Mullen, P.C.) for appellant.

Jonathan S. Jacobs (Zobrist Law Group, PLLC) for appellees.

**Assignments of Error**

2. The trial court erred in awarding Plaintiffs attorneys' fees based on the fee provision in the Purchase Contract because Plaintiffs' breach of contract claim arose solely from the Brokerage Agreement, which did not provide for an award of attorneys' fees.
3. The trial court erred in awarding Plaintiffs attorneys' fees because Plaintiffs did not state in the Amended Complaint the basis on which it relied in requesting fees as required by Supreme Court of Virginia Rule 3:25.