

Anthony M. O'Connell,  
Trustee u/w of H. A. O'Connell  
216 Governor's Lane Apt 12  
Harrisonburg, Virginia 22801  
June 12, 1999

Commissioner of Accounts Jesse B. Wilson III  
Deputy Commissioner of Accounts Peter A. Arntson  
Fair Oaks Plaza  
Suite 500  
11350 Random Hills Road  
Fairfax, Virginia 22030

MAILED JUNE 14,  
1999

Assistant Commissioner of Accounts Henry C. Mackall  
Mackall Mackall Walker & Gibb  
4031 Chain Bridge Road  
Fairfax, Virginia 22030

Clerk of the Court John T. Frey  
Fairfax Circuit Court  
4110 Chain Bridge Road  
Fairfax, Virginia 22030

Ref: Trust u/w of H. A. O'Connell,  
Fiduciary # 21840

As I understand it my Eleventh Court Account covering the period 1/1/95 – 12/31/95 has not been approved because there was no paperwork explaining why I was the only trustee (Enclosure 1).

I am going to assume that the issue I should address is the resignation of my co-trustee on July 21, 1988.

Herbert Anderson Higham and Anthony M. O'Connell qualified as trustees for the trust u/w of H. A. O'Connell on June 20, 1986 (Enclosure 2).

The Order allowing for the resignation of Herbert Anderson Higham was entered by Judge J. H. Brown on July 21, 1988 (Enclosure 3). If Judge Brown's Order was not recorded with a Book and Page number would you please have it recorded with a Book and Page number?

My letter to Commissioner Wilson dated August 22, 1988 in my Third Court Account stated: *Enclosed is a certified true copy of the court order signed by Judge Brown accepting the resignation of Herbert Anderson Higham as co-trustee, subject to the approval of this, the Third Account.* The Third Court Account was approved on January 25, 1989 (Enclosure 4).


My letter to Commissioner Wilson dated April 7, 1989 in my Fourth Court Account stated: *This Fourth Account readjusts my filing schedule back to my previous calender (sic) basis. The resignation of my co-trustee on 7/21/88 and the necessary special account of 1/1/88 – 7/21/88 caused the temporary interruption* (Enclosure 5).

On April 20, 1988 I was surprised to find myself in a position of having to choose between signing a deed stating that I could not qualify as trustee (...whereas Anthony M. O'Connell, Trustee, could not qualify and Herbert A. Higham, Trustee, was appointed to act in his place and stead.... Book 7005 Page 0634), or being accused of destroying the settlement of a \$1.41 million sale of family real estate I made. I am concerned that something similar might happen again in my sale of my family's remaining real estate (Enclosure 6).

If any of you have any reason to think that Anthony M. O'Connell is not the sole trustee for the trust u/w of H. A. O'Connell would you please tell me what it is now so that I can address it?

If my Eleventh Court Account is approved would you please let me know? I thank you in advance.

Sincerely,



Anthony M. O'Connell,  
Trustee u/w of H. A. O'Connell

Enclosures:

- (1) Commissioner's disapproval of my Eleventh Court Account
- (2) Certificates of Qualification dated June 20, 1986 and May 16, 1988
- (3) Order allowing the resignation of my co-trustee entered by Judge Brown
- (4) Copy of pages from my Third Court Account
- (5) Copy of page from my Fourth Court Account
- (6) Documents showing connection between trustee status and family real estate



Jesse B. Wilson, III  
Commissioner of Accounts

Commissioner of Accounts Office  
Circuit Court of Fairfax County  
Fair Oaks Plaza  
Suite 500  
11350 Random Hills Road  
Fairfax, Virginia 22030  
Telephone (703) 385-0268



Peter A. Arntson  
Deputy Commissioner of Accounts

Anthony M. O'Connell  
6541 Franconia Road  
Springfield, VA 22150

Date: November 7, 1996

Re: Harold O'Connell Trust

# 21840

Deceased (X) Incapacitated ( ) Minor ( )

The Eleventh Accounting for the above-referenced matter  
has been filed with this office but cannot be approved for the following reasons:

- \_\_\_ 1. It was unsigned/improperly signed and is being returned herewith for execution. All personal representatives must sign the Accounting in ink. Filings signed by an attorney or agent are not proper endorsements.
- \_\_\_ 2. It is written in pencil and is returned herewith. Filings must be typewritten or printed neatly and legibly in ink.
- \_\_\_ 3. Fee for stating and recording was not submitted/insufficient. Please submit your check made payable to "Commissioner of Accounts" in the amount of \$\_\_\_\_\_.
- \_\_\_ 4. Fee for delinquency action issued was not submitted/insufficient. Please submit your check payable to "Commissioner of Accounts" in the amount of \$\_\_\_\_\_.
- \_\_\_ 5. Supporting vouchers are not submitted in the same order in which they appear on the Accounting and are returned herewith. They need to be organized and resubmitted to coincide with the disbursements listed on the Accounting.
- \_\_\_ 6. Supporting vouchers are insufficient/incomplete. Please furnish the following:
- \_\_\_ 7. Tax Certificate needs to be submitted. If all taxes pertaining to said estate have been paid, please sign the enclosed form and return it to this office.
- \_\_\_ 8. An itemization of the assets on hand at the end of the accounting period is needed. Copies of bank and/or brokerage account statements showing the money on deposit and investments held for the estate must be submitted to support the assets on hand.
- \_\_\_ 9. It is not in proper form and is returned herewith. Please refer to your instruction packet given to you at time of qualification and the sample form enclosed. A revised Accounting should be submitted as soon as possible. Blank Accounting forms are enclosed for your use.
- \_\_\_ 10. Please see attached sheet for list of questions and/or items needed regarding this audit.
- XXX 11. Other: Please explain why you are the only Trustee. I have looked throughout the file and have not found any paperwork explaining this. If you are the only trustee then please send me some type documents supporting that fact.

A response to these requests should be made in writing within 30 days of the date of this letter and be mailed to the attention of the undersigned. If you have any questions, please call the office at 703-385-0268.

Thank you,

Veronica Pelouquin  
Accounts Analyst

Enclosure 1



COMMONWEALTH OF VIRGINIA

Circuit Court of Fairfax County



# CERTIFICATE OF QUALIFICATION

State of Virginia

County of Fairfax, to-wit:

Fiduciary No. 21840

I, WARREN E. BARRY, Clerk of the Circuit Court of the County of Fairfax, Virginia, the same being a Court of Probate and of Record and having a seal, do hereby certify that it appears of record in my office pursuant to law that ANTHONY M. O'CONNELL & HERBERT ANDERSON HIGH

have been duly appointed TRUSTEES under the Last Will and Testament of:  
HAROLD A. O'CONNELL

and that they have duly qualified as such by taking the oath prescribed by law and by entering into and acknowledging a bond in the penalty of EIGHT HUNDRED FORTY TWO THOUSAND Dollars, ~~with surety~~/without surety.

I further certify that the said appointment and qualification is still in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF I have hereunto set my hand, and affixed the seal of said Court hereto, at Fairfax, Virginia this 20th day of June 1986

WARREN E. BARRY, CLERK

By [Signature]  
Deputy Clerk

I CERTIFY THIS TO BE A TRUE AND CORRECT COPY.

Rose Mary Culhane  
NOTARY

MY COMM. EXPIRES 10/31/98

Enclosure 2

EXHIBIT A

COMMONWEALTH OF VIRGINIA

Circuit Court of Fairfax County



# CERTIFICATE OF QUALIFICATION

State of Virginia

County of Fairfax, to-wit:

Fiduciary No. 21840

I, WARREN E. BARRY, Clerk of the Circuit Court of the County of Fairfax, Virginia, the same being a Court of Probate and of Record and having a seal, do hereby certify that it appears of record in my office pursuant to law that ANTHONY M. O'CONNELL & HERBERT ANDERSON HIGHAM

have been duly appointed TRUSTEES of the Trust established under the will of:  
HAROLD A. O'CONNELL

and that they have duly qualified as such by taking the oath prescribed by law and by entering into and acknowledging a bond in the penalty of eight hundred forty two thousand Dollars, ~~with surety~~ dollars without surety.

I further certify that the said appointment and qualification is still in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF I have hereunto set my hand, and affixed the seal of said Court hereto, at Fairfax, Virginia this 16th day of May, 1988.

WARREN E. BARRY, CLERK

By Kathy [Signature]  
Deputy Clerk

LAW OFFICES IN ALEXANDRIA,  
CHARLOTTESVILLE, FAIRFAX,  
NORFOLK, RICHMOND,  
TYSONS CORNER, WILLIAMSBURG  
AND WASHINGTON, D.C.

McGUIRE WOODS  
BATTLE & BOOTHE

8280 GREENSBORO DRIVE  
SUITE 900, TYSONS CORNER  
P.O. BOX 9346  
MCLEAN, VIRGINIA 22102  
TELEPHONE: (703) 356-2200  
TELECOPIER: (703) 356-3660  
TELEX: 62021320 MWBB TYS

EDGAR ALLEN PRICHARD  
VIRGINIA AND DISTRICT  
OF COLUMBIA BARS

July 22, 1988

Mr. Anthony M. O'Connell;  
2337 South 13th Street  
St. Louis, Missouri 63104

Dear Tony:

Enclosed herewith you will find a plain copy and a certified copy of the Order which was entered by Judge Brown allowing the resignation of your co-trustee. Also enclosed you will find a copy of our petition. The certified copy of the Order can now be presented with an account to the date of Mr. Higham's resignation.

Sincerely yours,

*E. A. Prichard*  
E. A. Prichard

EAP:in

Enclosures a/s

11  
V I R G I N I A :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

HERBERT ANDERSON HIGHAM, Co-Trustee  
Harold A. O'Connell Trust U/W,

Petitioner

v.

ANTHONY M. O'CONNELL,  
Defendant

)  
)  
)  
) IN CHANCERY  
) NO. \_\_\_\_\_  
)  
)  
)  
)

ORDER

This cause came on to be heard upon Petitioner's motion seeking the Court's acceptance of the resignation of Herbert Anderson Higham, as co-trustee;

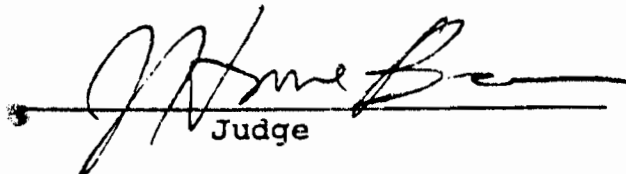
And the Court being satisfied that Anthony M. O'Connell (formerly a nonresident) was named as trustee of the trust created under the will of Harold A. O'Connell and qualified as such before the Clerk of the Circuit Court of Fairfax County, and to comply with the residency requirements of Section 26-59 of the Code of Virginia, Herbert Anderson Higham (a Virginia resident) also qualified to serve as co-trustee thereunder, and Anthony M. O'Connell is now a resident of the Commonwealth of Virginia; it is therefore

ADJUDGED, ORDERED and DECREED:

that the resignation of Herbert Anderson Higham as co-trustee of the trust under the will of Harold A. O'Connell

is hereby accepted subject to his filing a final account with the Commissioner of Accounts for Fairfax County and approval of said account.

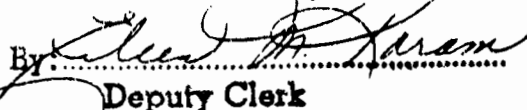
Entered into this 21 day of July, 1988.

  
Judge

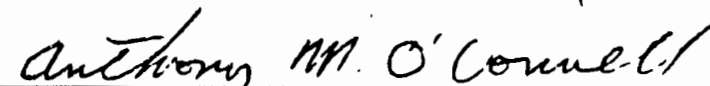
McGUIRE, WOODS, BATTLE & BOOTHE  
8280 Greensboro Drive, Suite 900  
McLean, Virginia 22102  
(703) 356-2200

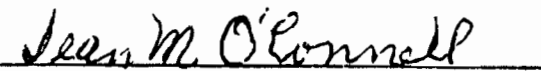
By:   
E.A. Prichard  
Counsel for Petitioner

A COPY TESTE:  
WARREN E. BARRY, CLERK

By:   
Deputy Clerk

SEEN AND AGREED:

  
Anthony M. O'Connell,  
individually and as trustee  
of the Harold A. O'Connell  
Trust U/W

  
Jean M. O'Connell, primary  
beneficiary of the Harold A.  
O'Connell Trust U/W



ANTHONY M. O'CONNELL  
CONSERVATOR  
2337 SOUTH THIRTEENTH STREET  
ST. LOUIS, MISSOURI 63104

(314) 778-4928

August 22, 1988

Mr. Jesse B. Wilson, III  
Commissioner of Accounts  
Fair Oaks Plaza  
Suite 500  
11350 Random Hills Road  
Fairfax, Virginia 22030

Reference: Trust created by the will of H.A. O'Connell  
Fiduciary Number 21840

Dear Mr. Wilson:

Enclosed is a certified true copy of the court order signed by Judge Brown accepting the resignation of Herbert Anderson Higham as co-trustee, subject to the approval of this, the Third Account.

A check for \$30.00 is enclosed for the filing fee.

Sincerely,

*Anthony M. O'Connell*

Anthony M. O'Connell

TRUST U/W HAROLD A. O'CONNELL ANTHONY M. O'CONNELL, TRUSTEE		107
<i>August 23, 1988</i>		4-3/810
PAY TO THE ORDER OF	<i>Commissioner of Accounts</i>	\$ 30.00
<i>Thirty dollars &amp; no cents</i>		DOLLARS
THE BOATMEN'S NATIONAL BANK OF ST. LOUIS ST. LOUIS, MISSOURI		
MEMO	<i>3rd Account</i>	
<i>Anthony M. O'Connell</i>		
⑆08⑆000032⑆ 0⑆190⑆507597⑆ 0⑆07		

Enclosure 4



JESSE B. WILSON, III.  
COMMISSIONER OF ACCOUNTS

COMMISSIONER OF ACCOUNTS OFFICE  
CIRCUIT COURT OF FAIRFAX COUNTY

FAIR OAKS PLAZA, SUITE 500  
11350 RANDOM HILLS ROAD FAIRFAX, VIRGINIA 22030  
TELEPHONE: (703) 385-0268



ROBERT J. McCANDLISH, JR.  
DEPUTY COMMISSIONER OF ACCOUNTS

1-26-88

Anthony M. O'Connell  
2237 South Thirteenth Street  
St. Louis, MO 63104

RE: Harold O'Connell Trust  
FIDUCIARY NO: 21840

Please be advised that the 3rd Accounting, filed with this  
office on 8/30/88, and posted for 9/6/88, was approved on  
1-25-89, and was, or is being, sent to the Clerk of  
the Circuit Court of Fairfax County, for filing therein,  
on 1-26-89.

Jesse B. Wilson, III  
Commissioner of Accounts

Robert J. McCandlish, Jr.  
Deputy Commissioner of Accounts

Supporting vouchers  
previously returned \_\_\_\_\_

Supporting vouchers  
returned herewith \_\_\_\_\_

Your next Accounting is due in this office by 10-20-90

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
(703) 971-2855  
April 7, 1989

Mr. Jesse B. Wilson III  
Commissioner of Accounts  
Fair Oaks Plaza  
Suite 500

11350 Random Hills Road  
Fairfax, Virginia 22030

Ref:  
Trust u/w H.A. O'Connell  
Fiduciary Number 21840  
Fourth Account, 7/22/88-12/31/88

Dear Mr. Wilson:

This Fourth Account readjusts my filing schedule back to my previous calendar basis. The resignation of my co-trustee on 7/21/88 and the necessary special account of 1/1/88- 7/21/88 caused the temporary interruption.

A check for \$30.00 is enclosed for the filing fee.

Yours truly,

*Anthony O'Connell*  
Anthony O'Connell, trustee

Copies to: (less receipts)

Mrs. Jean O'Connell, primary beneficiary  
Mrs. Jean Nader, secondary beneficiary  
Mrs. Sheila Tierney/Shedvenell, secondary beneficiary  
Mrs. Joanne Barnes, CPA for Jean O'Connell  
Mr. Ed White, attorney and power of attorney for Jean O'Connell

Enclosure 5

## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, all of the beneficial owners of that certain real property located in Fairfax County, Virginia, and more particularly described on the attached and incorporated Exhibit A ("Property"), do hereby nominate, constitute and appoint Anthony Miner/O'Connell of Fairfax County, Virginia, our true and lawful agent and attorney-in-fact to do, execute and perform all and every act necessary to be done in and about the Property. And the execution or performance of any act or thing pursuant to these presents shall be as binding upon the undersigned, as fully and amply, to all intents and purposes, as if they have been duly executed and acknowledged or performed by the undersigned.

And we hereby ratify and confirm all lawful acts and things heretofore done by the said attorney-in-fact on our behalf.

This power shall not terminate upon the disability of the principals.

Any person, firm or corporation shall be fully protected in relying upon this power of attorney unless and until such person, firm or corporation has received actual written notice of its revocation or a notice of its revocation has been recorded among the land records of Fairfax County, Virginia.

WITNESS the following signatures and seals, this 16<sup>TH</sup> day of OCTOBER, 1992.

Jean Mary O'Connell Nader (SEAL)  
Jean Mary O'Connell/Nader

Sheila O'Connell (SEAL)  
Sheila Ann O'Connell

Anthony Miner O'Connell (SEAL)  
Anthony Miner O'Connell

Anthony Miner O'Connell (SEAL)  
Anthony Miner/O'Connell, Trustee,  
Under the Last Will and Testament of  
Harold A. O'Connell


Enclosure 6

AN. ONY O'CONNELL  
6541 FRANCONIA ROAD  
SPRING FIELD, VIRGINIA 22150  
CODE OF VIRGINIA 55-17.1

BK 8845 1444

STATE OF VIRGINIA  
COUNTY OF FAIRFAX

This is to certify that this document presented to me Janet S. Cover, Notary Public, on this the 11th day of March 1993, is a "TRUE COPY" of the original.

  
Janet S. Cover  
Notary Public  
Comm. Exp. 11-30-97

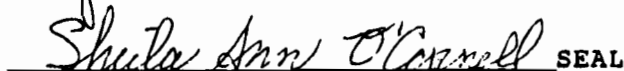
ASSIGNMENT AND RECEIPT

I, Anthony Miner O'Connell, Trustee under the last will and testament of Harold A. O'Connell, of Fairfax County, Virginia, do hereby assign, set over, and transfer unto Anthony Miner O'Connell, Trustee under a DEED IN TRUST UNDER LAND TRUST AGREEMENT dated October 16, 1992, and recorded in Deed Book 8307 at Page 1446 of the Land Records of Fairfax County, Virginia, attached hereto and made a part hereof, a 46.0994% interest in a certain tract or parcel of land containing, be the same more or less, 15.0 acres of ground, located in Fairfax County, Virginia, more particularly described in Exhibit A attached to the said DEED IN TRUST UNDER LAND TRUST AGREEMENT.

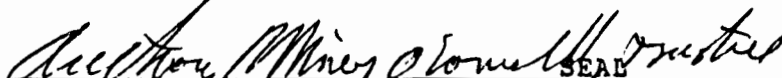
I, Anthony Miner O'Connell, Trustee under a DEED IN TRUST UNDER LAND TRUST AGREEMENT dated October 16, 1992, recorded as aforesaid in Deed Book 8307 at Page 1446 hereby acknowledge receipt of a 46.0994% interest in the certain tract or parcel of land containing 15.0 acres of land, more or less, described in Exhibit A attached to the said DEED IN TRUST UNDER LAND TRUST AGREEMENT attached hereto, which I agree to hold in trust for Jean Mary O'Connell Nader, Sheila Ann O'Connell and myself, Anthony Miner O'Connell.

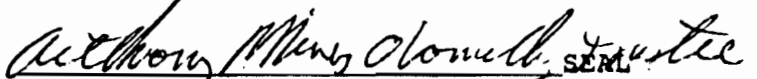
Witness the following signatures and seals the 11<sup>th</sup> day of ~~February~~ MARCH, 1993.

  
Jean Mary O'Connell Nader SEAL

  
Sheila Ann O'Connell SEAL

  
Anthony Miner O'Connell SEAL

  
Anthony Miner O'Connell,  
Trustee under the last will  
and testament of Harold A. O'Connell

  
Anthony Miner O'Connell,  
Trustee under DEED IN TRUST UNDER  
LAND TRUST AGREEMENT recorded in Deed Book  
8307 at page 1446