



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

Fairfax County Courthouse
4110 Chain Bridge Road
Fairfax, Virginia 22030-4009

703-246-2221 • Fax: 703-246-5496 • TDD: 703-352-4139

DENNIS J. SMITH, CHIEF JUDGE
MARCUS D. WILLIAMS
JANE MARUM ROUSH
JONATHAN C. THACHER
R. TERRENCE NEY
RANDY I. BELLOWS
CHARLES J. MAXFIELD
BRUCE D. WHITE
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JUDGES

COUNTY OF FAIRFAX

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BARNARD F. JENNINGS
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MICHAEL P. McWEENEY
GAYLORD L. FINCH, JR.
STANLEY P. KLEIN
LESLIE M. ALDEN
RETIRED JUDGES

November 27, 2012

Anthony O'Connell, Trustee
439 South Vista Del Rio
Green Valley, AZ 85614

RE: *In Re: Harold A O'Connell*, CL-2012-13064

What is the issue in "Re: Harold A. O'Connell"?

Dear Mr. O'Connell:

I have received your letter regarding the Notice of Scheduling Conference you received in case CL 2012 -0013064. This is indeed a valid notice from our court provided so that you would be aware of a Scheduling Conference at which we will, if appropriate, set a trial date and enter a scheduling order in accordance with the Uniform Pretrial Scheduling Order adopted by the Supreme Court of Virginia. No evidence will be taken at that time as this is only a hearing to establish the schedule for the orderly processing of the case.

As for accountability for the notice, it clearly indicates that it is sent by the judges of the circuit court and provides you with a phone number at which you can contact our case management staff with regard to the Scheduling Conference. We would not send out a notice indicating that you can contact the judges directly as such contact is inappropriate.

Your letter also indicates that you do not know what issues are raised in the case but our records indicate that you have responded to the Complaint which sets out the Plaintiff's allegations and prayer for relief so I therefore assume that you are acquainted with the issues which have been raised. As to whether the Plaintiff's allegations are true or merit relief, these issues will not be dealt with at the December 4, 2012 Scheduling Conference but are instead decided in the course of later proceedings or after a trial at which each side has had an opportunity to present evidence in the form of documents or testimony and make arguments as to the proper disposition of the issues.

You also request that our court take certain actions, but please note that Judges take actions based upon pleadings which are properly filed, and even then, only after each interested party has had an opportunity to respond and be heard on the request. Sending a letter to a judge is not filing a pleading in a case as pleadings are properly filed with the Clerk of Court. Additionally, copies of anything sent to the Court for filing must be provided to all other interested parties. As your letter does not indicate copies were sent to the other parties I will provide them with a copy of your letter and this response.

Finally, with regard to your participation in the Scheduling Conference at 8:30 a.m. on December 4, 2012, this is a civil case and it is your choice as to whether you participate in this administrative hearing or any further hearings. If you do not appear, the Court will proceed to establish scheduling without your input. We will, however, send you a copy of any Order that is entered at that hearing.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Dennis J. Smith", written over a horizontal line.

Dennis J. Smith

Cc: Jean Mary O'Connell Nader
Anthony Miner O'Connell
Sheila A. O'Connell
Elizabeth Chichester Morrogh, Esquire

Why require me to travel from Arizona to Virginia for a scheduling conference when the issue is exposing bk467p191? I have no money to travel. I live on the poverty line and ran out of money paying the real estate taxes on the Trust property. Selling the Trust property was on hold because the Court did not recognize the Trust Deed at bk8307p1446 and would not say why,

"Would you please put everything on hold until all of the plaintiff's issues can be identified and their evidence for their evidence can be obtained? The known evidence I need before appearing in Court includes exposing the accounting trails in our Mothers estate Bk467p191"
(Trustee to Judge Smith, November 21, 2012)



COMMONWEALTH OF VIRGINIA

Fairfax Circuit Court

4110 Chain Bridge Road
Fairfax, Virginia 22030-4048

JOHN T. FREY
Clerk Of Circuit Court

703-246-2770 TDD 703-352-4139



BARBARA A. KENNEY
Chief Deputy

Wednesday, December 05, 2012

TO: ANTHONY MINER OCONNELL
439 S VISTA DEL RIO
GREEN VALLEY, AR 85614

Please tell me why the clause "Trustee Not Individually Liable" at bk8845p1453 in the Trust Agreement is not recognized?

FROM: The Circuit Court Judges

RE: IN RE: Harold A OConnell
At Law No. CL-2012-0013064

Please tell me what the issue is in "In re: Harold A OConnell"

A Scheduling Conference was held in the above-styled case on 12/04/2012. In your absence a trial date was set and a Scheduling Conference Order was entered.

Enclosed is your copy of that order along with a statement of the procedures for submitting trial exhibits and exhibit list form.

Any further questions regarding the Scheduling Order should be directed to the Differentiated Case Tracking Program Staff.

Ciania Botchway
Enclosure

I don't understand why the accounting trails of the CPA Joanne Barnes and the Attorney Edward White at bk467p191 cannot be exposed., I tried for twenty years. After resorting to my web site <http://www.canweconnectthedots.com> on March 31, 2012, I received a summons, an injunction, a notice to appear in Court, and an Order to appear in Court, but the evidence needed before appearing in Court, the accounting trails at bk467p191, remain unavailable. The evidence is in exposing the accounting trails at bk467p191. Judgements made without looking at these accounting trails are judgements made without looking at the evidence. Would the Judges please use their power to expose bk467p191?

VIRGINIA:

Please tell me what the issue is in "In re: Harold A OConnell"

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

In re: Harold A OConnell

Plaintiff(s)

Please tell me why there is no name in the Plaintiff(s) line.

This is the number on the summons and the injunction

2012 13064

versus

Case # CL-

Please tell me why the Defendant(s) line is blank.

Defendant(s)

... a motion for default judgement ...

ORDER

A SCHEDULING CONFERENCE was held in this matter on Dec. 4, 2012 and it appearing to the court that a dispositive pre-trial motion is pending; it is

ORDERED that the be set for Friday Jan 25, 2013 without a judge / with a judge at 10 a.m. on the Motions Docket; and it is

ORDERED that counsel file any such related pleadings pursuant to Rule 4:15 of the Supreme Court of Virginia; and it is

Further ORDERED that the Scheduling Conference be continued to N/A at 8:30 a.m. unless a final order is entered prior to that date or in the event that a trial date has already been set.

Please tell me why the date line is blank.

ENTERED this day of , 20.

Circuit Court Judge

nyc

Please tell me which Judge signed this order.

SEEN:

Counsel for Plaintiff(s)

Counsel for Defendant(s)



Anthony OConnell <anthonymineroconnell@gmail.com>

RE: Lien for \$27,699 for back taxes on a property in Fairfax County that was sent to Highland County and then it's trail disappeared; tax map # 090-4-01-0017

1 message

Greenlief, Kevin C. <Kevin.Greenlief@fairfaxcounty.gov>

Thu, Jan 9, 2014 at 4:32 PM

To: Anthony OConnell <anthonymineroconnell@gmail.com>

Cc: Elizabeth Chichester Morrogh <bvmorrogh@bklawva.com>, John Rife <john@taxva.com>

Dear Mr. O'Connell,

On a daily basis you continue to send these emails. As you know, we have repeatedly answered your inquiries numerous times. One such response from our collection attorney, John Rife, dated August 23, 2012 is attached for reference. Since that time this matter has come under the jurisdiction of the Fairfax County Circuit Court (see attached order dated October 5, 2012) and all delinquent real estate taxes on the 15 acres located in Fairfax County at tax map # 090-4-01-0017 have since then been paid.

Accordingly, and with all due respect, at this point we are treating your continuing emails as spam and no further response will be forthcoming.

Sincerely,

Kevin C. Greenlief, Director

Department of Tax Administration

Fairfax County, Virginia

- (1) What property was the lien placed against?
- (2) How was the lien amount of \$27,669.42 calculated?
- (3) Why are the Blue Grass 24413 and Monterey 24465 addresses not recognized as being in Highland County?
- (4) Why is the clause in the Trust Agreement "Trustee Not Individually Liable" not recognized?

From: Anthony OConnell [mailto:anthonymineroconnell@gmail.com]**Sent:** Thursday, January 09, 2014 9:27 AM**To:** Greenlief, Kevin C.; darlene.crummett@highlandcounty.gov; Commonwealth Attorney Melissa Ann Dowd; Sheriff Timothy J. Duff; Vernon D. Wooddell, CEO**Subject:** Lien for \$27,699 for back taxes on a property in Fairfax County that was sent to Highland County and then it's trail disappeared.

Dear Fairfax County Director of Tax Administration Kevin Greenlief, Highland County Commissioner of Revenue Darlene Crummett, Highland County Commonwealth Attorney Melissa Ann Dowd, Highland County Sheriff Timothy

Duff, and CEO of First and Citizen Bank Vernon D. Wooddell:

Please tell me what property this \$27,699 lien is against. Please see the attachment "where4p".

This lien is for back taxes for a Trust property in Fairfax County (parcel 0904 01 0017) but it was sent to Highland County and then it's trail disappeared.

Thank you.

Anthony M. O'Connell, Trustee

3 attachments

 **where4p.pdf**
354K

 **Scan.pdf** ←
56K

I had not hear of or seen this Order of
October 5, 2012, until this email of
January 9, 2014.

 **noname.eml**
8K

②

copy to Land Records
10/11/12

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JEAN MARY O'CONNELL NADER,)
)
 Plaintiff,)
)
 v.) Case No. 2012-13064
)
 ANTHONY MINER O'CONNELL,)
 Individually and in his capacity as)
 Trustee under a Land Trust Agreement)
 Dated October 16, 1992 and as)
 Trustee under the Last Will and)
 Testament of Harold A. O'Connell, *et al.*)
)
 Defendants.)

I had not hear of or seen this Order dated
 October 5, 2012, until it was attached to
 DTA's email of January 9, 2014.

ORDER

THIS CAUSE came on to be heard upon the motion of Plaintiff Jean Mary O'Connell Nader, by counsel, for a temporary injunction pursuant to Ya. Code § 8.01-620, et seq.; after notice to the parties; and upon the appearance and argument of counsel for the Plaintiff; and

IT APPEARING TO THE COURT that termination of the Land Trust created by the parties under an agreement dated October 16, 1992 (the "Land Trust") during the pendency of this action would cause irreparable harm to Plaintiff; that the likelihood of success by Plaintiff on the merits and the balance of equities favor of granting the injunction as requested; and, because the harm to the parties that may result from the granting of the injunction is minimal, the relief sought by Plaintiff in her motion is reasonable and appropriate; it is therefore

ORDERED that the term of the Land Trust shall not expire on October 16, 2012, but will continue until further Order of this Court; and it is further

ORDERED that Anthony M. O'Connell, as the current trustee under the Land Trust, is hereby enjoined from transferring or selling the real property held by the Land Trust until further Order of this Court; and it is further

ORDERED that, under the circumstances, it is unnecessary to require an injunction bond of the Plaintiff.

ENTERED this 5 day of October, 2012.



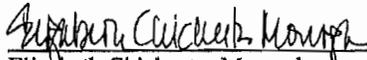
JUDGE

As a working hypothesis I'll assume this is the signature of Chief Judge Smith.

I ASK FOR THIS:

BLANKINSHIP & KEITH, P. C.
4020 University Drive
Suite 300
Fairfax, VA 22030
(703) 691-1235
FAX: (703) 691-3913

By:


Elizabeth Chichester Morrogh
VSB No. 25112
Counsel for Plaintiff



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LORRAINE NORDLUND

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MICHAEL F. DEVINE

JUDGES

COUNTY OF FAIRFAX

CITY OF FAIRFAX

May 9, 2014

BARNARD F. JENNINGS

THOMAS J. MIDDLETON

THOMAS A. FORTKORT

RICHARD J. JAMBORSKY

JACK B. STEVENS

J. HOWE BROWN

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ROBERT W. WOOLDRIDGE, JR.

MICHAEL P. McWEENEY

GAYLORD L. FINCH, JR.

STANLEY P. KLEIN

RETIRED JUDGES

Anthony O'Connell
439 South Vista De Rio
Green Valley, AZ 85614

Re: *In Re: Harold A. O'Connell*, CL-2012-13064

Mr. O'Connell,

I am in receipt of your multiple letters, the latest dated April 18, 2014, regarding the above referenced case. Please note that no action is initiated by sending correspondence to a judge as all pleadings must be filed with the Clerk of Court. In fact, your communication is considered to be an *ex parte* communication to the court which is prohibited. Pursuant to Canon 3B7 of Canons of the Judicial Conduct for the State of Virginia, judges can only permit or consider *ex parte* communications if the judge makes provision promptly to notify all other parties of the substance of the *ex parte* communication and allows an opportunity to respond.

A hearing was held in the above-referenced case on January 25, 2013. A final order was entered on January 28, 2013, a copy of which is enclosed. You will receive no further correspondence from this Court regarding this matter.

Respectfully yours,

Chief Judge Dennis J. Smith
Fairfax County Circuit Court

CC: Elizabeth Morrogh, Esq.
Blankingship & Keith, P.C.
4020 University Drive, Suite 300
Fairfax, VA 22030

Encl: Order from 1/28/13

① 4F

no env. 1/31/13

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

JEAN MARY O'CONNELL NADER,)
)
 Plaintiff,)
)
 v.)
)
 ANTHONY MINER O'CONNELL,)
 Individually and in his capacity as)
 Trustee under a Land Trust Agreement)
 Dated October 16, 1992 and as)
 Trustee under the Last Will and)
 Testament of Harold A. O'Connell, *et al.*)
)
 Defendants.)

Case No. 2012-13064

ORDER

THIS CAUSE came on to be heard upon the motion of the Plaintiff, Jean Mary O'Connell Nader, by counsel, for summary judgment pursuant to Va. Sup. Ct. Rule 3:20; upon the reply to the motion filed by Sheila Ann O'Connell, *pro se*; and upon the argument of counsel; and

IT APPEARING TO THE COURT as follows:

1. The material facts set forth in the Complaint filed by Plaintiff in this action are deemed to be admitted by Defendant Anthony M. O'Connell pursuant to Va. Sup. Ct. Rule 1:4(e), based on the failure of Defendant Anthony M. O'Connell to deny such facts in the responsive pleading filed by him, entitled "Response to Summons Served on September 8, 2012."

2. In her Answer to the Complaint and Reply to Motion for Summary Judgment, the remaining party-in-interest, Defendant Sheila Ann O'Connell, agrees with the facts set forth in the Complaint and the relief requested by Plaintiff.

3. Because there are no material facts in dispute in this action and the facts alleged in the Complaint support the relief requested therein, summary judgment pursuant to Va. Sup. Ct. Rule 3:20 on all counts alleged in Plaintiff's Complaint is appropriate.

IT IS THEREFORE ORDERED:

A. That judgment in favor of Plaintiff Jean Mary O'Connell Nader as to Count I of the Complaint be, and hereby is, granted; that Anthony Miner O'Connell is hereby removed as trustee under the Land Trust Agreement dated October 16, 1992, pursuant to Va. Code § 64.2-1405 (formerly Va. Code § 26-48), effective immediately; and that all fees payable to Anthony Minor O'Connell under the terms of the Land Trust Agreement, including but not limited to, the trustee's compensation under paragraph 9.01, and all interest on advancements by the trustee to the trust for payment of real estate taxes pursuant to paragraph 9.03, are hereby disallowed and deemed forfeited;

B. That judgment in favor of Plaintiff Jean Mary O'Connell Nader as to Count II of the Complaint be, and hereby is, granted; that Anthony Minor O'Connell is hereby removed as trustee of the trust created under the Last Will and Testament of Harold A. O'Connell, pursuant to Va. Code § 64.2-759 (formerly Va. Code § 55-547.06), effective immediately;

C. That judgment in favor of Plaintiff as to Count III of the Complaint be, and hereby is, granted; that Plaintiff Jean Mary O'Connell Nader is hereby appointed as successor trustee under the Land Trust Agreement and as trustee of the trust under the Last Will and Testament of Harold A. O'Connell; that the term of the Land Trust Agreement is hereby

continued until further Order of this Court or until the real property held under the Land Trust is sold and final distribution of the net proceeds is made to the trust's beneficiaries, whichever occurs first; and that Plaintiff, as successor trustee under the Land Trust Agreement, shall proceed forthwith to sell the real property held by such trust as soon as reasonably practicable upon such terms and conditions as she deems appropriate and consistent with her fiduciary duties; and

D. That Plaintiff is hereby awarded her reasonable attorney's fees and costs in this action in the amount of \$ 17,504.12^{DOE}, to be paid from the Land Trust at such time as funds become available.

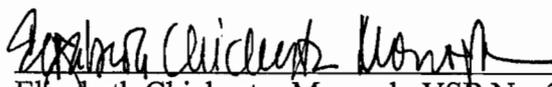
ENTERED this 25th day of January, 2013.



JUDGE

I ASK FOR THIS:

BLANKINSHIP & KEITH, P. C.
4020 University Drive
Suite 300
Fairfax, VA 22030
703-691-1235
FAX: 703-691-3913

By: 
Elizabeth Chichester Morrogh, VSB No. 25112
BVMorrogh@bklawva.com
Jennifer L. McCammon, VSB No. 77034
JMcCammon@bklawva.com
Counsel for Plaintiff