



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

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

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RETIRED JUDGES

May 9, 2014

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

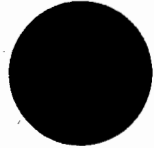
CC: Elizabeth Morrogh, Esq.
Blankingship & Keith, P.C.
4020 University Drive, Suite 300
Fairfax, VA 22030
Encl: Order from 1/28/13

① 4P

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

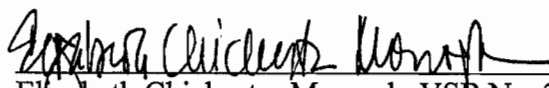
D. That Plaintiff is hereby awarded her reasonable attorney's fees and costs in this action in the amount of \$ 17,504.12<sup>DOE</sup>, to be paid from the Land Trust at such time as funds become available.

ENTERED this 25<sup>th</sup> day of January, 2013.

  
\_\_\_\_\_  
JUDGE

I ASK FOR THIS:

BLANKINGSHIP & 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](mailto:BVMorrogh@bklawva.com)  
Jennifer L. McCammon, VSB No. 77034  
[JMcCammon@bklawva.com](mailto:JMcCammon@bklawva.com)  
*Counsel for Plaintiff*