

Debts and Demands

Missing

\$545,820

April 21, 1992

The accountants do not mention the cash payment of \$545,820 to the Estate from the payoff of Lynch Note 1 on April 21, 1992, and the payment does not show in the accountings or tax returns.

When the accountants told the beneficiaries that the Lynch note would not produce any capital gain, I told them that it would and the taxes were paid. At that time I did not know that they were not reporting the \$545,820 payment. So strangely, the payment was not reported but the taxes on the payment were paid.

Can we expose the accounting trails of the \$545,820 payment?

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314

TELEPHONE 836-5444

May 19, 1992

Mr. Anthony M. O'Connell
c/o Edgar A. Prichard, Esq.
8280 Greensboro Dr.
#900
McLean, Va. 22102

Re: Estate of Jean M. O'Connell

Dear Mr. O'Connell,

In your letter of May 6 to Jean you asked that I communicate with you with regard to the Harold O'Connell Trust.

I am trying to prepare the estate tax, and as usual in these cases, there are problems trying to understand the flow of debts and income.

I do have a few questions which are put forward simply so that the figures on the Trust's tax returns and accounting will agree with the estate's.

1. The K-1 filed by the Trust for 1991 showed income to your mother of \$41,446.00. The Seventh Accounting appears to show a disbursement to her of \$40,000.00 plus first half realty taxes paid by the trust for her and thus a disbursement to her of \$1794.89. If these two disbursements are added the sum is \$41,794.89. This leaves \$348.89 which I cannot figure out. It could well be a disbursement of principal and not taxable.

2. The K-1 filed by the Trust showed a payment of \$816.00 in interest to the estate. You sent a check in the amount of \$1475.97 to the estate. What was the remaining \$659.97? Do I have this confused with the tax debt/credit situation which ran from the Third Accounting?

3. On the Seventh Accounting "Income per 7th Account" is shown as \$5181.71, but I cannot figure that one out either.

I am of the opinion that the estate owes the trust for the second half real estate taxes from September 15, 1991 through December 31, 1991 in the amount of \$1052.35. This is shown on your accounting as disbursed to the heirs. Should this be paid back to the heirs or to the Trust?

I believe that the income received from the savings accounts

Page 2
Ltr to Mr. Anthony M. O'Connell
May 19, 1992

from September 15 to the date the various banks made their next payment to the Trust (9/30 and 9/21) should be split on a per diem basis, since the Trust terminated on her death. This will be a small amount of course.

Are there any other debts which your Mother owed the Trust?

I realize that Jo Ann Barnes prepared this and if you authorize it I can ask her to help me out.

Please understand that I have no problem with the Accounting, I m just trying to match things up. In the long run, since the beneficiaries are the same, the matter is academic.

Please send the bill for the appraisal whenever you receive it. Jean is filing the Fairfax form for re-assessment in her capacity as a co-owner in order to give us a better basis to get this assessment changed and to meet the county's deadline. It will state that the appraisal you have ordered will follow. I think this will be to all of your benefit in the long run.

Sincerely,



Edward J. White

EJW/e
Copy to: Jean M. Nader

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314

TELEPHONE 836-5444

December 14, 1992

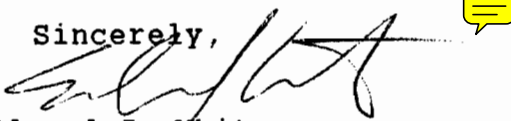
The Hon. Jesse B. Wilson
Commissioner of Accounts
Fair Oaks Plaza, Ste. 500
11350 Random Hills Rd.
Fairfax, Va. 22030

Re: Estate of Jean M. O'Connell
Fiduciary #49160
Debts and Demands

Dear Mr. Wilson,

The undersigned hereby certifies that to the best of the fiduciaries' knowledge that there are no outstanding debts nor demands against this estate of any sort.

Sincerely,



Edward J. White
Co-Executor

Jean M. Nader
Co-Executor



Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150
(703) 971-2855
December 14, 1992

Mr. Edward J. White
118 South Royal Street
Alexandria, Virginia 22314

Re: Your letter of December 11, 1992.

Dear Mr. White:

Thank you for your letter of December 11, 1992.

I personally do not think pursuing the minority interest point is a good idea. I vote "no".

All three beneficiaries own and operate their own business. For us, there are now two weeks left to make tax deductible disbursements. It would be quite helpful to me in my tax strategy to know my approximate taxable income. Would you please tell the beneficiaries your best estimate of our 1992 individual taxable income from the estate? Please use \$300,000.00 as the evaluation of Accotink.

Again, I ask that you please send the beneficiaries, with all deliberate haste, your close out schedule for my mother's estate. Please be as specific in dollars and dates as you possible can.

I thank you in advance.

Sincerely,



Anthony O'Connell

Copy:
Ms. Jean O'Connell
Ms. Sheila O'Connell

COPY

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 836-8444

December 16, 1992

Edgar A. Prichard, Esq.
8280 Greensboro Dr.
#900
McLean, Va. 22102

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

Enclosed is a copy of a letter I received today from your client, Anthony M. O'Connell.

The fiduciary tax return including the K-1's were sent by express mail to Mrs. Nader, the other Co-Executor yesterday (the same day I received them from the accountant). I asked her to distribute them to the heirs.

Your client seeks my "best estimate" of taxable income from the estate, and a schedule of events with his usual request for specificity.

Thus far your client has received \$108,230.14 in discretionary, preliminary distributions. No further disbursements will be made until the Final Order of Distribution is entered.

The remainder of the information he seeks can more appropriately be produced to Mr. O'Connell either by you or his accountant, or is otherwise unavailable.

Sincerely,


Edward J. White

EJW/e
Encl.

Copy to: Jean M. Nader, Co-Executor

Is this the letter that
you thought Mr. Prichard
sent me?

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 836-5444

February 2, 1993

*I sent
this to you
before*

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Estate events

Dear Jean,

At present the status of the estate is as follows:

Debts and Demands: A hearing following publication, for any creditors of the estate to come forward and press their claims was held on December 30, 1992 by the Commissioner of Accounts. No one appeared.

First Accounting: is still awaiting approval. I spoke to the Commissioner's office on January 29, and they said they are just beginning to review accounts filed in October. The account must be reviewed and any questions answered. (I have never known of a Commissioner who did not have some questions.) The account is then approved or disapproved, and the Commissioner files his report with the court. No time prediction can be made here as this is solely in the hands of the Commissioner.

Estate Tax Closing Letter or communication in lieu of a closing letter. No time prediction can be made here as this is solely in the hands of the IRS. In estate's of this size an audit of some or all of the return is not at all unusual.

Motion for an Order to Show Cause why the estate should not be distributed. Filed by the estate after the report of the accounting has been filed with the Court by the Commissioner.

Order to Show Cause why the estate should not be distributed. This is entered by the Court upon the request (and appearance) of the estate, following two weeks publication.

Order of Distribution. Presented to the Court following the Show Cause proceeding. The Show Cause - Order of Distribution statutory scheme is the protection for the executors.

Distribution in accordance with the Order.

Second (and Final) Accounting Filed after distribution

showing all transactions since the First Accounting.

Second Fiduciary Income Tax Return Filed after distribution for the period following the first return (9/1/92 - ?)

The unknown factors as far as time is concerned are: 1) the federal and state tax closing letters, 2) When the Commissioner approves the accounting, 3) When the Commissioner makes his report to the Court, 4) Delays in the Clerk's office. The fiduciary has no control whatsoever over any of these items

Enclosed are checks to be signed to the Commissioner and to Keller-Bruner for the tax preparation. The accountant's bill is reasonable considering the complexity of the return involving tax free income, preliminary distributions and capital gains.

As far as an income prediction for the Estate is concerned, I can make no intelligent prediction since I do not know how long it will remain open. I have been continuously burned in making gratuitous comments about the tax liability of the heirs, and counsel and other attorney friends have stated to me, that given the performance of Mr. O'Connell, that I should make no comment at all. I tried to be helpful, but that did not work. I can only say that had I not been adamant about re-valuing the Accotink property, Mr. O'Connell's initial approach would have cost this estate dearly. From the comments in his recent demands for "information", I can see that he is jumping to conclusions based on no knowledge at all. I will not reply directly to him on any future aspect of this estate. As a matter of fact I am precluded as an attorney from dealing with an adverse party who is represented by counsel. I have no intentions of having him dictate the duties of the fiduciaries. If his counsel wishes to discuss anything, I am certainly available.

The present assets of the estate are:

- | | |
|--|------------|
| 1. Burke and Herbert Bank
at a fluctuating interest rate (3.1% in January) | \$8,602.89 |
| 2. Kemper Municipal Bond Fund (Edwards)
based on January share price x shares owned | 32,484.60 |
| 3. Franklin Va Fund (Edwards)
based on December share price x shares owned | 58,185.78 |
| 4. Investment Co. of America (Edwards)
based on december share price x shares owned | 73,800.59 |
| 5. Nuveen Premium Inc Fund (Edwards)
based on Edwards 12/31/92 statement | 11,812.50 |

6. 198 sh Signet Banking Corp (Edwards) based on Edwards 12/31/92 statement	8,910.00
7. 200 sh Washington Gas Light (Edwards) based on Edwards 12/31/92 statement	7,725.00
8. Centennial Money Market Trust (Edwards) based on Edwards 12/31/92 statement	3,949.07
9. Cash at Edwards based on Edwards 12/31/92 statement	224.60
10. Fairfax Co. 6.4% bond (Edwards) based on face value not market value	110,000.00

This totals \$315,695.03, but is out of date since there have been additions since 12/31/92. These figures are taken from data at hand and do not represent any formal accounting by me. They are not furnished for any individual's use for personal tax purposes, and I disclaim any personal tax liability which might arise.

I am enclosing Edwards 12/31/92 statement which contains an entry for each asset's estimated annual yield. The amounts received from all of these funds will vary with market conditions. All of these Edwards assets are being reinvested, either in the specific funds or in Edwards Centennial Money Market Account. The estimates on Franklin, Kemper and ICA are much harder to figure. A complicating factor is that Nuveen, Kemper, Franklin and the Fairfax bond are tax free, though not all of them are Virginia tax free.

The following are the earnings from 9/1/92, the beginning date for the next fiduciary income tax return.

	GROSS	TAXABLE
Nuveen 9/1/92	67.90	67.90
Nuveen 9/1/92	24.50	24.50
Int earned B&H	406.86	406.86
END FIRST ACCOUNTING		

SECOND ACCOUNTING PERIOD

Nuveen 5/1/92	66.50	66.50
Int earned B&H	150.45	150.45
Virginia Estate tax refund	1,596.01	
Virginia Estate tax refund, interest	14.04	14.04
U S Estate tax refund	14,050.52	
U S Estate tax refund interest	358.01	358.01
Int earned B&H	133.64	133.64


Int earned B&H	151.96	151.96
Int earned B&H	81.46	81.46
TOTAL TO DATE	17,101.85	1,455.32

It should be noted that some of these items are tax free.

Since the tax laws now require payment of estimated taxes after the first estate tax year, I will have to compute these later. They will be due in April, if the estate is still open then.

Finally, I would like, for the record some memorandum from you and Sheila concerning my earlier comments as to attempting a further reduction in the Accotink valuation.

Sincerely,



Edward J. White

EJW/e
Encl.

		15% OFF LAND
1	GROSS ESTATE	1,041,017.55
2	DEDUCTIONS	1,016,776.73
3	TAX EST	108,803.52
4	AJD TAX GIFTS	907,973.21
5	TOTAL 3&4	42,600.00
6	TENTATIVE TAX	974,814.03
7		326,523.55
8	TENTATIVE TAX	335,977.47
9	GIFT TAX	326,523.55
10	GROSS EST TAX	8,824.00
11	UNIFIED CREDIT	317,699.55
12		192,800.00
13	ALLOWABLE UN CREDIT	192,800.00
14	10-13	124,899.55
15	CREDIT FOR STATE TAX	28,046.50
16	14-15 TAX	96,853.05
	FED DIFFERENCE	8,096.43
	STATE DIFFERENCE	1,357.49
	TOTAL DIFFERENCE	9,453.92
	DIFFERENCE TO EACH	3,151.31

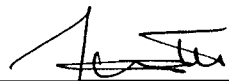
IN THE OFFICE OF THE COMMISSIONER OF ACCOUNTS
CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

At the request of Edward J. White,
Co-Executor and Attorney and Agent _____ of the estate
of Jean M. O'Connell, deceased, I gave
the notice required by Section 64.1-171 of the Code of Virginia,
1950, as amended, setting the 30th day of December, 1992,
at 10:30 A.M. at my office in Fairfax, Virginia, as the time
and place for receiving proof of debts and demands against the
estate of Jean M. O'Connell.

At the said time and place, no one appeared to offer to
prove any debts or demands against said estate.

I hereby certify that I have stated the foregoing account
of Jean M. O'Connell, deceased, after
having given the notice required by law, and have approved the
same. Vouchers for the disbursements were submitted to me.

GIVEN under my hand this 20th day of March,
1993.



Jesse B. Wilson, III
Commissioner of Accounts
Fairfax County, Virginia

BK0467 0195

Certified P 751 862 421

Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 2215
(703) 971-2855
June 29, 1993

Mr. Jesse B. Wilson III
Commissioner of Accounts
Fair Oaks Plaza
Suite 460
11350 Random Hills Road
Fairfax, Virginia 22030

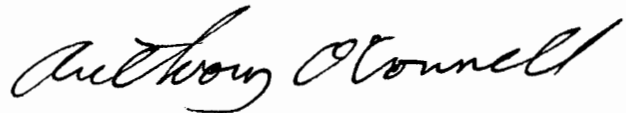
Reference:
Estate of Jean Miner O'Connell
Fiduciary Number 49160

Dear Commissioner Wilson:

As a beneficiary of the above estate, I respectfully request your permission to review the accounting and receipts of the estate before you approve any of the accounts. If you need justification to grant me this, I will provide it.

I thank you in advance.

Sincerely,



Anthony O'Connell

Copy:

Ms. Jean Nader, co-executor of the Estate of Jean O'Connell
Ms. JoAnn Barnes, CPA for Keller, Bruner & Company, P.C.
Mr. Ed Prichard, attorney for McGuire, Woods, Battle & Boothe

FILE



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

July 20, 1993

Mr. Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150

Re: Estate of Jean M. O'Connell
Fiduciary No. 49160

Dear Mr. O'Connell:

This will acknowledge receipt of your letter of June 29, 1993 concerning the above estate.

The first account in this matter was approved in March of this year and has been sent to the Clerk's Office and may be reviewed there.

The second account, for the period ending December 10, 1993, is due on or before April 10, 1994. While these papers are in this office, they are a public record which you may review. However, they will be audited and approved in due course regardless of whether they have been reviewed by you.

Yours very truly,

Jesse B. Wilson, III
Commissioner of Accounts

JBW:va

cc: Edward J. White, Esquire
Jean Mary O'Connell-Nader

Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150
August 16, 1993

Ms Jean Nader
350 Fourth Avenue
New Kensington, Pennsylvania 15068

Mr. Ed White
118 South Royal Street
Alexandria, Virginia 22314

Ref: Estate of Jean O'Connell

Dear Jean and Mr. White:

In your letter to Mr. Prichard of July 7, 1993, you mention that you have chosen to file a Motion to Show Cause.

If the Motion to Show Cause means I am supposed to approve something by my signature, or by my failure to appear somewhere or remain silent is a de facto approval of something, would you please tell me what it is? If the issue includes accounting, would you please send me copies of these accounts?

Because I would be reluctant to approve something I don't understand, I ask you this now in order that there be no possible delay later. This is only a request for information. I thank you in advance.

Sincerely,



Anthony O'Connell

Copy: Mr. Edgar Prichard

Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150
September 13, 1993

Ms. Jean Nader
350 Fourth Avenue
New Kensington, Pennsylvania 15068

Mr. Ed White
118 South Royal Street
Alexandria, Virginia 22314

Dear Ms. Nader and Mr. White:

Would you please send me a copy of your final estate accounting in time for me to go over it before it is approved?

I never knew you had a hearing for "Debts and Demands". Would you please let me know when you do your "Show Cause" for distribution?

Sincerely,



Anthony O'Connell

Copy: Ms. Sheila O'Connell
Mr. Ed Prichard

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 836-5444

September 14, 1993

Edgar A. Prichard, Esq.
8280 Greensboro Dr.
#900
McLean, Va. 22102

Re: Estate of Jean M. O'Connell

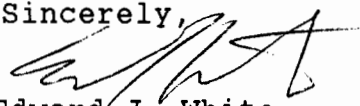
Dear Mr. Prichard,

I have received the enclosed letter from your client. Needless to say I will not reply to same.

As we both know, he is not the fiduciary, and I do not have to submit documents to him for prior review. His comments regarding debts and demands and wanting to be a part of the Show Cause process indicate that he would profit from advice from someone.

Please advise if you have any questions.

Sincerely,


Edward J. White

EJW/e
Copy to: Mrs. Nader

EDWARD J. WHITE
ATTORNEY AT LAW
118 SOUTH ROYAL STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 836-5444

September 14, 1993

Edgar A. Prichard, Esq.
8280 Greensboro Dr.
#900
McLean, Va. 22102

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

I have received the enclosed letter from your client.

He is not the fiduciary, and I do not have to submit documents to him for prior review.

His comments regarding debts and demands and wanting to be a part of the Show Cause process indicate that he would profit from advice from someone. Most of his problems throughout this affair have been from jumping to conclusions based on little or no legal knowledge.

Now that a closing letter has been received, I am moving as fast as possible to get this estate settled. I am frankly sick and tired of your client's actions.

Since you do not see fit to communicate with me despite numerous offers on my part I will admit to being more than frustrated.

Sincerely,

Edward J. White

EJW/e
Copy to: Mrs. Nader

COPY