

DNR1

Deed Not Recognized 1
Four responses with comments.

Anthony O'Connell

From: "Mellott, Linda C." <Linda.Mellott@fairfaxcounty.gov>
To: <jacksonriver@earthlink.net>
Cc: "Coldsmith, Janet E." <Janet.Coldsmith@fairfaxcounty.gov>; "Strickland, Bettina" <Bettina.Strickland@fairfaxcounty.gov>
Sent: Monday, August 04, 2003 10:59 AM
Subject: RE: Log #1568 FW: Would you please correct the legal description and reference on the tax bill?

I have been requested due to the absence of Janet Coldsmith to respond to your inquiry concerning the deed book information displayed on the Real Estate records and subsequent tax bills for the property located on Map Reference **090-4-01-0017** described as ACCOTINK STATION. Our records contain the reference transferring ownership as WB201-109 as the recorded document with the Land Records of Fairfax County Circuit Court to be the Last Will and Testament of Harold A O'Connell and the transfer of his Fairfax County real estate holdings to his listed heirs. We also display on our record the deed book and page where the heirs of Harold A O'Connell in October of 1992 under a Land Trust agreement named you as the Trustee of this property. DB8845-1444 is the Power of Attorney appointment by the heirs for you to represent them on matters pertaining to this property, and DB8845-1449 further defines your duties and responsibilities as Trustee. It also lists the Percentage of Interest in the Trust. These two documents do not convey ownership and are not required to be a part of the Real Estate records. Since they are recorded with the Land Records of Fairfax County Circuit Court, they are able to be researched by anyone inquiring about the handling of the real estate formerly owned by Harold A. O'Connell.

Linda Mellott
 Records Manager
 Real Estate Division, DTA
 703-324-4833
 Linda.Mellott@fairfaxcounty.gov

-----Original Message-----

From: Coldsmith, Janet E.
Sent: Wednesday, July 30, 2003 2:37 PM
To: 'jacksonriver@earthlink.net'
Cc: Strickland, Bettina; Mellott, Linda C.
Subject: RE: Log #1568 FW: Would you please correct the legal description and reference on the tax bill?

Dear Mr. O'Connell,

We have received your email concerning updating the legal description of your property. Please give us until Monday, August 4th to respond before you email us again with the same question. Your request is important, but repeated requests just clutter our email, please be patient. We will respond on or before Monday.

Sincerely,
 Janet E. Coldsmith, CAE
 Director, Real Estate Division

-----Original Message-----

From: Anthony O'Connell [mailto:jacksonriver@earthlink.net]
Sent: Tuesday, July 29, 2003 11:05 AM
To: DTARED
Subject: Would you please correct the legal description and reference on the tax bill?

Elizabeth J Cole, Division Director,

Thank you for emailing me a copy of the 2003 real estate tax bill for parcel 0904-01-0017. I received it July 28. What is the audit trail for its' Bill Control 403608501

8/4/03

Anthony OConnell

From: "Mellott, Linda C." <Linda.Mellott@fairfaxcounty.gov>
To: <amo@commspeed.net>
Cc: "Greenlief, Kevin C." <Kevin.Greenlief@fairfaxcounty.gov>; "Strickland, Bettina" <Bettina.Strickland@fairfaxcounty.gov>
Sent: Monday, August 09, 2004 4:33 PM
Subject: RE: Would you please correct the legal description on your real estate tax bill for parcel 0904-01-0017?

I have been requested to respond to your inquiry concerning the deed book information displayed on the Real Estate records for the property located on Map Reference **090-4-01-0017** described as ACCOTINK STATION. Our records contain the reference transferring ownership as WB201-109 as the recorded document with the Land Records of Fairfax County Circuit Court to be the Last Will and Testament of Harold A O'Connell and the transfer of his Fairfax County real estate holdings to his listed heirs. We also display on our record the deed book and page, Book 8307 Page 1446, where the heirs of Harold A O'Connell in October of 1992 under a Land Trust agreement named you as the Trustee of this property. The phrase you listed and the wording in this deed define your authority as trustee,

herein by this reference.

Full power and authority is hereby granted to t and their successors and assigns to protect and co property; to sell, contract to sell and grant options t the Property and any right, title or interest therein on to exchange the Property or any part thereof for any otl personal property upon any terms; to convey the Property other conveyance to any grantee, with or without consid mortgage, pledge or otherwise encumber the Property o thereof; to lease, contract to lease, grant options to renew, extend, amend and otherwise modify leases on the any part thereof from time to time, for any period of ti rental and upon any other terms and conditions; and t convey or assign any other right, title or interest whi the Property or any part thereof.

No party dealing with the Trustee in relati

Linda Mellott
 Records Manager
 Real Estate Division, DTA
 703-324-4833

-----Original Message-----

From: Anthony OConnell [mailto:amo@commspeed.net]
Sent: Friday, August 06, 2004 3:49 PM
To: DTARED
Subject: Re: Would you please correct the legal description on your real estate tax bill for parcel 0904-01-0017?

Please, Mr. Greenlief;

What does Book 8307 at page 1446, means to you (For example" *TO HAVE AND TO HOLD the property in fee simple,* ")?

Anthony O'Connell, Trustee

DEED IN TRUST UNDER
LAND TRUST AGREEMENT

THIS DEED IN TRUST UNDER LAND TRUST AGREEMENT, made this 16^{JH} day of OCTOBER, 1992 by and between JEAN MARY O'CONNELL/NADER and HOWARD/NADER, husband and wife, SHEILA ANN/O'CONNELL and PIERRE/SHEVENELL, husband and wife, ANTHONY MINER/O'CONNELL, divorced and not remarried, and ANTHONY MINER/O'CONNELL, Trustee Under the Last Will and Testament of Harold A. O'Connell (collectively, "Grantors"); and ANTHONY MINER/O'CONNELL, Trustee, of Fairfax County, Virginia (hereinafter sometimes collectively referred to as "Trustees" or "Grantees"):

W I T N E S S E T H:

That Grantors for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby grant and convey to the Grantees as trustees the hereinafter described parcel of real estate, situate and being in Fairfax County, Virginia, and being more particularly described on the attached and incorporated EXHIBIT A ("Property").

TO HAVE AND TO HOLD the Property in fee simple, with the appurtenances thereunto belonging, upon the trusts and for the uses and purposes set forth herein and in that certain Land Trust Agreement dated as of 16TH day of OCTOBER 1992, which is incorporated herein by this reference.

Full power and authority is hereby granted to the Trustee and their successors and assigns to protect and conserve the property; to sell, contract to sell and grant options to purchase the Property and any right, title or interest therein on any terms; to exchange the Property or any part thereof for any other real or personal property upon any terms; to convey the Property by deed or other conveyance to any grantee, with or without consideration; to mortgage, pledge or otherwise encumber the Property or any part thereof; to lease, contract to lease, grant options to lease and renew, extend, amend and otherwise modify leases on the Property or any part thereof from time to time, for any period of time, for and rental and upon any other terms and conditions; and to release, convey or assign any other right, title or interest whatsoever in the Property or any part thereof.

No party dealing with the Trustee in relation to the Property in any manner whatsoever, and (without limiting the foregoing) no party to whom the Property or any part thereof or any interest therein shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, shall be obliged (a) to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the Property, (b) to see that the terms of this trust have been complied with, (c) to inquire into the authority, necessity of expediency of any act of any Trustee, or (d) be privileged to inquire into any of the terms of the Trust Agreement. Every deed, mortgage, lease or other instrument executed by the Trustee in relation to the Property shall be conclusive evidence in favor of every person claiming and right, title or interest thereunder; (a) that at the time of the delivery thereof this trust was in full force and effect, (b) that such instrument

TAX MAP 90-4-001-17
CODE OF VIRGINIA 55-17.1
ANTHONY O'CONNELL
6541 FRANCONIA ROAD
SPRINGFIELD, VIRGINIA 22150

BK8307 1446

Anthony OConnell

From: "Greenlief, Kevin C." <Kevin.Greenlief@fairfaxcounty.gov>
To: "Anthony OConnell" <amo@commspeed.net>
Sent: Tuesday, August 10, 2004 7:10 PM
Subject: RE: Would you please correct the legal description on your real estate tax bill for parcel 0904-01-0017?

Dear Mr. O'Connell:

My staff has traded e-mails and correspondence with you on numerous occasions. We clearly seem to have some failure to communicate on this issue and for that I apologize. First let me explain our position on this, and then I'll explain what it is we are going to do to try to assist you to the extent possible.

First, the legal description of this vacant parcel of 15 acres is "Accotink Station." The Will Book reference is simply made as a convenience to help citizens (especially title examiners) determine the source of initial property transfer. Our listing does not affect your rights as trustee, nor does this impact the Land Records themselves. I do not understand your complaint that you "cannot properly perform your duties as Trustee until the confusions on the court records have been cleared away." There is no confusion in the court records. The chain of title as recorded in the Land Record Office speaks for itself and any title examiner or court would be able to follow the documents so recorded. The fact that we have listed the Will Book reference should have no impact on that whatsoever. Moreover, in our old computer system we had significant space constraints that limited the information we could list. Since the Will Book was the initial transfer (i.e., the start of the chain), that is the reference we listed. As my staff has repeatedly said however, the **Land Trust Agreement at DB 8307-1446** has also been listed on our records. It simply wasn't displayed in a box entitled "Legal Description."

We have now implemented a new computer system that offers us some additional space flexibility. As a result, my staff has now added the deed book references you desire to the existing references. The reference included in our legal description area will read "Accotink Station; WB201-109; DB8307-1446; DB8845-1444; DB8845-1449."

Again, this is highly unusual and not at all necessary inasmuch as any title examiner, Attorney or court would be able to follow the clear chain of title as recorded in the Land Records. The listing of these deed book references on our assessment record has no bearing on your role as trustee nor does it impact the chain of title ownership. It simply lists deed book references within the chain.

That said, since we have the space and since this appears to be a significant issue for you and does not otherwise impact the validity of our records, we have made this accommodation at your request. You will receive a second installment tax bill in November. This bill should reflect these changes. If you would like to check this on-line before then, you should be able to see these changes within the next two weeks via the following Internet link:

<http://icare.fairfaxcounty.gov/Main/Home.aspx>

I appreciate that estate management can be a very complicated matter. I wish you much success as you deal with this issue. I trust this concludes the matter at hand.

Sincerely,

Kevin C. Greenlief, Director
Department of Tax Administration
Fairfax County, Virginia

-----Original Message-----

From: Anthony OConnell [mailto:amo@commspeed.net]

Sent: Tuesday, August 10, 2004 11:52 AM

To: Greenlief, Kevin C.

Subject: Would you please correct the legal description on your real estate tax bill for parcel 0904-01-0017?

Mr. Kevin Greenlief, Director
Fairfax County Department of Tax Administration
12000 Government Center Parkway, Suite 223
Fairfax, Virginia 22035-0076

Dear Mr. Greenlief:

Would you please correct the legal description on your real estate tax bill for parcel 0904-01-0017? The legal description should not be the list of heirs recorded in WB201p109 dated 1975.

That has been superseded by the following documents dated 1992: (1) Book 8307 pages 1446-1452, Deed in Trust Under Land Trust Agreement; (2) Book 8845 pages 1444-1448, Power of Attorney; and (3) Book 8845 pages 1449-1462, Land Trust Agreement. If you read the documents it is self evident.

I cannot properly perform my duties as Trustee until the confusions on the court records have been cleared away.

Would you please tell me what the following, beginning in Book 8307 at page 1446, means to you?

"DEED (underline, color, and bold mine) *IN TRUST UNDER LAND TRUST AGREEMENT*

THIS DEED IN TRUST UNDER LAND TRUST AGREEMENT, made this 16th day of October, 1992 by and between JEAN MARY O'CONNELL NADER and HOWARD NADER, husband and wife, SHEILA ANN O'CONNELL and PIERRE SHEVENELL, husband and wife, ANTHONY MINER O'CONNELL, divorced and not remarried, and ANTHONY MINER O'CONNELL, Trustee Under the Last Will and Testament of Harold A. O'Connell (collectively, "Grantors"); and ANTHONY MINER

From: Anthony OConnell <aoconnell@cableone.net>
Subject: Questions for Stewart Title
Date: June 13, 2007 7:00:30 AM MST
To: Lisa Overton <LOVERTON@steward.com>, Steve Blizzard
<SBLIZZAR@steward.com>
 1 Attachment, 166 KB

Ms. Lisa Overton, Vice President, and Mr. Steve Blizzard, Attorney, of Stewart Title:

Would you please answer these questions?

(1) The attached copy of Ms. Overton's letter to my mother dated April 22, 1988, shows she handled the settlement for my 1988 sale. I was surprised to be told the day before settlement that I had to sign a deed that said I could not qualify as Trustee. The attached six documents show I qualified as Trustee in 1986. Where does it say in the Court records that I could not qualify as Trustee? I am concerned that something similar may happen again.

(2) Does Stewart Title find the following legal description in the real estate tax records for parcel 0904 01 0017 correct: "ACCOTINK STATION WB201 109 DB8307-1446 DB8845-1444 DB8845-1449"? Please read the documents. Please give me a yes or a no.

(3) Why does Stewart Title allow someone not from Stewart Title to respond to questions for Stewart Title?

Anthony Miner O'Connell, Trustee for parcel 0904 01 0017



[1988 sale.pdf \(166 KB\)](#)

From: "Lisa Overton" <LOVERTON@steward.com>
Subject: **RE: Where does it say I could not qualify as Trustee?**
Date: June 14, 2007 10:21:09 AM MST
To: elynchjr@i95businessparks.com, "Anthony OConnell" <aoconnell@cableone.net>, "Steve Blizzard" <SBLIZZAR@steward.com>, "Lisa Overton" <LOVERTON@steward.com>
Cc: "Andy Somerville" <andy@smcconcrete.com>

Hi Bill and Mr. O'Connell:

Yes, that is me from 1988 – can't believe how old you are making me feel, and I can honestly tell you that I do not remember that specific 1988 case.

Having said that however, when I look at the documents you attach, you did in fact sign the deed as a Trustee, the qualification simply required that a

Co-trustee also sign since you were not a resident of Virginia. I do not recall which firm we were using in 1988 to prepare our deeds, we have used quite a few different firms in the past, but it looks as though in the derivation of title paragraph that you underline they simply tried to consolidate the statement of facts. Perhaps they should have been more clear and said that Mr. Higham was appointed WITH you as co-trustee and not in your place.

There is no requirement for a Trustee under a land trust to be a Virginia resident; therefore it is a non issue in this case.

*Lisa Overton
Stewart Title and Escrow Inc.
10505 Judicial Drive, #300
Fairfax, Virginia 22030
Ph: 703-352-2924
Fax: 703-991-2449
Cell: 703-447-9348
email: loverton@steward.com*

From: Bill Lynch [mailto:elynychjr@i95businessparks.com]
Sent: Tuesday, June 12, 2007 4:31 PM
To: 'Anthony OConnell'; 'Steve Blizzard'; 'Lisa Overton'
Cc: 'Andy Somerville'
Subject: RE: Where does it say I could not qualify as Trustee?

Tony –

I think the short answer is that was then, this is now.

Lisa has handled title work for the Lynch family and me since about 1980 so I am pretty sure she worked on the sale of the home in 1988. I have never had a problem at settlement when she has been involved. She is very thorough and I trust her judgment.

The operative trust agreement is dated in 1992. I don't recall what the documentation was in 1986, but all the documentation that you require to act as Trustee is of record with the 1992 Trust and the Power of Attorney.

Are there any other documents that you are aware of that are not of record?

Bill

-----Original Message-----
From: Anthony OConnell [mailto:aoconnell@cableone.net]
Sent: Tuesday, June 12, 2007 2:46 PM
To: Steve Blizzard; Lisa Overton
Cc: Edwin W. Lynch, Jr.; Andy Somerville
Subject: Where does it say I could not qualify as Trustee?