

# Wedge

Wedge using car, 107 pages

## Wedge pattern

(1) Withhold what the family needs. If there is not a need, create one, such as planting an invisible obstacle between family members and making the family appear responsible for removing it when the family is powerless to remove it.

(2) An invisible obstacle could be a document that should not be signed, such as a document that would create an accounting entanglement. Give a trusting family member a bad document and instruct that family member to instruct another family member to sign it. When the second family member questions the document, don't respond and don't recognize the problem. The trusting family member is led to believe that the second family member is the obstacle because he won't sign the bad document. There is nothing the second family member can do if the trusting family member continues to trust the creator of the bad document. A wedge is created.

(3) The second family member believes he has two choices; either go without reliable legal advice and sign the bad document, or get reliable legal advice from another attorney on how to write a good document. If he chooses the latter that can be used to make it appear that there are two attorneys representing a divided family and to justify shutting out the second family member and attacking his reputation.

“As a matter of fact I am precluded as an attorney from dealing with an adverse party who is represented by counsel.”

(Edward White, February 2, 1993)

“From inception of this estate including the time that his sisters gave him the vehicle and I merely asked for a receipt so that a proper accounting might be filed, Mr. O'Connell has tried one stunt after another to disrupt the flow of administration, notwithstanding my repeated attempts to calm him down.”

(Edward White, November 5, 1993)



January 16, 1991

Jean M. O'Connell  
3440 S. Jefferson St., #1128  
Falls Church, Virginia 22041

RE: Sales Finance Account No. 203-06-1850-102210

Dear Ms. O'Connell:

Our records reflect receipt of a payment on November 02, 1988 in the amount of \$11,547.89 on the above-referenced account.

\*The current balance is \$958.68 with a net payoff amount owing of \$1,225.15, effective through January 15, 1991, with the interest daily thereafter at \$ 0.33¢ per day.

The original terms are:

|                             |                      |
|-----------------------------|----------------------|
| Date Of Security Agreement: | September 29, 1988   |
| Total Payments:             | \$ 16,735.80         |
| Amount Financed:            | \$ 12,370.31         |
| Finance Charge:             | \$ 4,365.49          |
| Terms Of Loan:              | 60 months @ \$278.93 |

A copy of the Security Agreement is enclosed for your review.

As shown on the Security Agreement, the amount borrowed without the finance charge added was \$12,370.31. The amount credited was only \$11,547.89, which was decreased by \$136.26 for interest accruals.

|   |                    |
|---|--------------------|
| Amount Financed (without Interest):         | \$ 12,370.31       |
| <u>Payment (less Interest of \$136.26):</u> | <u>- 11,411.63</u> |
| Balance (without Interest accruals):        | \$ 958.68          |

The interest has been accruing daily from November 02, 1988 at the rate of \$ 0.33 bringing the net payoff amount as referenced above.

On December 14, 1988, our records show you spoke with our employee Ms. Patricia Conley, and the above information was relayed to you at that time. The reason we have not contacted you for payment is the account is not due until March 29, 1992 as the last payment advanced the due date.



Should you need further assistance, please contact me at (703) 749-1577.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sue McMillion".

Sue McMillion  
Staff Supervisor  
Northern Sales Finance  
Sovran Bank, N.A.

Enclosure

SM/rwh

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7777 Leesburg Pike, Falls Church, Virginia 22043

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
January 18, 1991

Ms. Jean O'Connell  
Room 1128  
Goodwin House West  
3440 South Jefferson Street  
Falls Church, Virginia 22041

Dear Mother:

I could not resolve your title problem with Sovran Bank in a follow up phone call. I was reminded that they could not permit me access to your financial information, but they did agree to send you a complete financial history of the loan for the van.

If it is not resolved to your satisfaction, I suggest that you call your attorney and power of attorney, Mr. Ed White.

Love,

Anthony O'Connell

Jean O'Connell  
died on  
September 15, 1991

Invisible obstacle

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

TELEPHONE 836-5444

February 18, 1992

Mr. Anthony M. O'Connell  
6541 Franconia Rd.  
Springfield, Va. 22150

Re: Estate of Jean M. O'Connell

Dear Mr. O'Connell,

In order to prepare your mother's 1991 income tax returns, I need the amount that the Harold O'Connell Trust paid her during 1991. In the event the payment was not made in 1991, I will need to file the amount which was due as "income with respect to a decedent" on the estate tax and fiduciary tax returns. The cutoff date for your computation will be September 15, 1991. After that date the trust technically terminated, and the income belongs to the beneficiaries of that trust.

Jean and I are making progress on the estate. We have decided to leave the A. G. Edwards accounts in place since they are earning a better rate of return than a bank can give.

I am trying to get to the bottom of the car problem with Sovran and should be able to get the title soon so that it can be transferred to you before the insurance expires.

Jean has informed me that you and your sisters have decided that it is best to try and list the Accotink property at its actual value as of the of death rather than a higher value based on its future value. Since you have worked so diligently on this problem in the past, could you give me the name of an appraiser who could do a valuation which will take into account all of the county inspired problems. It seems to me that the county value of \$600,000.00 is too high based on the hurdles you have run into in trying to develop it.

Could you also send me the address of Lynch Properties?

Sincerely,



Edward J. White

EJW/e  
Copy to: Jean M. Nader



Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
{703} 971-2855  
March 30, 1992

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

Reference: Estate of Jean O'Connell

Dear Mr. White:

I have a few questions I hope you would be kind enough to answer.

1. As you know, the Lynch Limited Partnership plans to pay my Mother's estate \$545,820.43 on April 21, 1992. What is your best guess as to when and in what amount(s) you will make distribution(s) to the beneficiaries?

2. The license plates on my deceased Mother's Van expire in April of 1992. Virginia DMV requires a new title with the new owners name before they will issue new plates {The plates cannot be renewed by the co-executors signing for Jean O'Connell}. The bank will give the co-executors the title if you simply pay them the interest on the loan. I understand the principal on the loan has been paid and I am guessing that the interest is something in the range of \$1200 to \$1400. Would you please pay the bank the interest so they will give you the title? What is your decision as to who gets the van and how much will it costs?

3. What is your fee for being co-executor of my mother's estate?

Yours truly,

Anthony O'Connell

Copy to:

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

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

TELEPHONE 836-5444

April 4, 1992

Mr. Anthony M. O'Connell  
6541 Franconia Rd.  
Springfield, Va. 22150

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

I have received your letter of March 30, 1992.

The answers are:

Question 1. As soon as the money is received, the tax liabilities evaluated and upon consultation with the Co-Executor.

Question 2. Paid. It is not my decision as to what it will cost you, though I have been informed that you know full well.

Question 3. 2 1/2% of the receipts into the probate estate if approved by the Commissioner of Accounts.

I would call to your attention that on two separate occasions I drove to Sovran and spent a lengthy period of time on the question of the car loan. I did this in person since: I knew that you had the vehicle, that your sisters wanted you to have it, that the insurance and tags were due to expire soon and I did not want you to be inconvenienced. I could have done all of this by mail and it probably would have taken about three months, knowing the nature of the loan problem. I assumed I was doing you a favor.

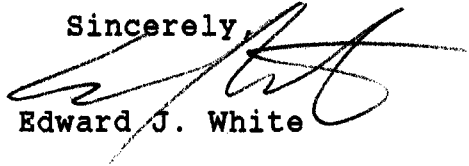
Now I receive your letter asking that I "simply pay them the interest" I paid the interest and principal in one check on March 12, received the title on March 22 and mailed it to Mrs. Nader to sign over to you on March 23. Have you any suggestions as to how it could have gone faster?

The information of the commission was given to you previously by Mrs. Nader.

I do not know what your problem is, but in the future, please address all correspondence to Mrs. Nader.

I am trying to be patient with you, but I find that this estate is time consuming enough without having to deal with letters such as the last two that I have received.

Sincerely,

A handwritten signature in black ink, appearing to be 'E. J. White', written in a cursive style. The signature is positioned above the typed name.

Edward J. White

EJW/e

Copy to: Jean M. Nader

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
April 7, 1992


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

Reference: Estate of Jean O'Connell,  
1988 Plymouth

Dear Mr. White:

This morning I received the papers on my mother's 1988 Plymouth.

The receipt states "RECEIVED of the Estate of Jean M. O'Connell,  
one 1988 Plymouth Station Wagon of a value of \$8,000.00"

Would the recipient of the Plymouth have the \$8,000.00 value  
deducted from their eventual distribution from the estate? In  
effect, is the recipient of the \$8,000 Plymouth choosing between  
\$8,000.00 in cash or the \$8,000.00 value of the Plymouth? 

What are the tax consequences for the recipient?

Yours truly,

Anthony O'Connell

No reply

Copy to:

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

FILE

No response from Edward White

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
{703} 971-2855  
April 21, 1992

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

Reference: Estate of Jean O'Connell

Dear Mr. White:



Enclosed is a receipt for the 1988 Plymouth and a check from the trust to the estate of Jean O'Connell for \$1,475.97. The amount of \$1,475.97 is the balance of the net income due Jean O'Connell for the period 1/1/91 to her death on 9/15/91.

No reply

Yours truly,

A handwritten signature in black ink that reads "Anthony O'Connell".  
Anthony O'Connell

Copy to:  
Ms. Jean O'Connell Nader

April 21, 1992

Today I received from the estate of Jean O'Connell, one 1988  
Plymouth Station Wagon, VIN 1P4FH4037JX221930.

*Anthony M. O'Connell*

Anthony M. O'Connell

COPY

No response from Edward White



**Missing**

**\$545,820**

**April 21, 1992**

The cash payment to the Estate from the payoff of Lynch Note 1 on April 21, 1992, of \$545,820, is not mentioned and does not show in the accountings or tax returns. The accountants were not planning to pay the capital gains taxes on it until it was pointed out that they should. The payment was never reported but the taxes on the payment were apparently paid.

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

April 22, 1992

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

Re: Disbursement

Dear Jean,

Enclosed is an agreement which should satisfy Tony as to the car. It cannot be any clearer.

Also enclosed is a preliminary analysis of the estate tax, which should be close to being accurate. I do need to check with Jo Ann Barnes as to a technical question as to whether or not any of your father's trust comes into this. I do not think it does, but there have been many changes in the law since that trust was established. I will have to ask her to bill us for that advice and any other technical tax matters I am not comfortable with. I can do most of the rest of the tax work and save the estate some money.

The executors' commission shown on the analysis is not figured on the value of the realty; however it does not include the 5% commission on the receipts of the estate in addition to the inventory.

In order to file that return and the subsequent Fiduciary Income tax return we will need an accounting from Tony from the date of his last accounting to the date of death. If he does not want to prepare it, I will not agree to any preliminary disbursement to him at all, and will seek your approval to file suit against him to compel the accounting, plus damages to the estate for his delay. Since that trust terminated on your mother's death, his final accounting is due now and not in October.

There will be no further explanations or written entreaties to him as far as I am concerned. He has the duty and he will perform it under a court order if necessary. Of course he will furnish that receipt.

The preliminary analysis contains three alternatives on Accotink at the bottom for your consideration.

In the event that we do seek a reduction in the assessment Tony will be given written notice that his prompt cooperation is necessary and that if he fails to cooperate that he is aware of the

Page 2  
Ltr to Mrs. Jean M. Nader  
April 27, 1992

adverse consequences to the estate and is responsible for them.

As far as further steps are concerned, we have a lot to do. No gift tax returns were filed for 1989 and 1991 which will have to be done. The results of those gifts are factored in under "Unified Credit used for gifts 9,784".

The paper trail in the court and IRS is as follows:

- File Estate tax by June 15, 1992
- File First Accounting (16 months after qualification but can be sooner)
- Ask for posting of Debts and Demands against the estate.
- File Fiduciary Income tax returns for period 9/15/91-9/15/92, due January 1, 1993.
- File Motion for a Show Cause why distribution should not be made. Submit Show Cause Order.
- Request Executor's exoneration letter from IRS and Virginia.
- Obtain closing letter from IRS and Virginia as to estate tax returns.
- File 1993 Fiduciary tax returns (Sept. 1992-distribution)
- File for Order allowing distribution.
- Distribute estate.
- File Final Accounting.

Normally distribution is withheld until the Order of Distribution is entered. As I indicated the creditors have one year to press claims against the estate. No prudent executor will distribute before that period, the entry of the Order of Distribution and the receipt of the tax closing letters.

Sincerely

  
Edward J. White

EJW/e  
Encl.

SH. NOTES. STOCKS & BONDS

|                                       |            |
|---------------------------------------|------------|
| ck Wash Gas Light Co. 8/1/91          | 105.00     |
| ck Signet 8/5/91                      | 39.60      |
| ck A. G. Edwards 8/15/91              | 2,346.63   |
| ck Kemper Mun Bond Fund 4/30/91       | 162.86     |
| ck Kemper Mun Bond Fund 5/31/91       | 162.86     |
| ck Kemper Mun Bond Fund 7/31/91       | 162.86     |
| ck Kemper Mun Bond Fund 8/30/91       | 162.86     |
| Ck Nuveen Fund 3/1/91                 | 63.00      |
| Ck Nuveen Fund 5/1/91                 | 63.00      |
| ck Nuveen Fund 6/3/91                 | 63.00      |
| ck Nuveen Fund 8/1/91                 | 66.50      |
| ck Nuveen Fund 9/3/91                 | 66.50      |
| ck American Funds 9/9/91              | 424.76     |
| Sovran Bank #4536-2785                | 3,310.46   |
| First Virginia Bank #4076-1509        | 22,812.52  |
| Fx Co. Ind Dev Bond                   | 109,587.00 |
| Franklin Va. Fund 4556.001 sh         | 50,507.84  |
| Investment Co. of America 3861.447 sh | 65,663.91  |
| Kemper Mun Bond Fund 2961.152 sh      | 30,396.23  |
| Nuveen Premium Inc Mun Fund 700 sh    | 6,450.50   |
| Washington Gas Light Co. 200 sh       | 6,375.00   |
| Signet Banking Corp 198 sh            | 4,331.25   |
| Lynch Properties note                 | 518,903.26 |
| Travelers Check                       | 20.00      |
| 1988 Plymouth Van                     | 8,000.00   |
| Am Funds 5/10/91                      | 326.60     |
| USAA Subscriber savings acct          | 25.10      |
| SUB TOTAL                             | 830,599.10 |

OTHER ASSETS

|                                  |          |
|----------------------------------|----------|
| 1990 Virginia Tax refund         | 1,605.53 |
| Debt from Harold O'Connell Trust | 659.97   |
| Blue Cross refund                | 88.78    |
| SUB TOTAL                        | 2,354.33 |

JOINT ASSETS

|                           |           |
|---------------------------|-----------|
| Hallmark Bank #1107849600 | 40,796.81 |
|---------------------------|-----------|

REAL ESTATE

|  |            |
|--|------------|
| 15 acres Fairfax Co. Va. 53.9006% interest | 323,403.60 |
|--|------------|

|              |              |
|--------------|--------------|
| TOTAL ASSETS | 1,197,153.84 |
|--------------|--------------|

-----  
DEBTS

|   |           |
|---|-----------|
| Colonial Emerg Phys (med bill)              | 10.40     |
| Fairfax Circ Ct. letters                    | 14.00     |
| Jean M. Nader probate tax reimb             | 1,269.00  |
| Sovran Bank Car loan payoff                 | 1,364.97  |
| Checks                                      | 15.89     |
| Commissioner of accounts Inventory          | 61.00     |
| IRS 1991 1040 return                        | 15,332.00 |
| Va. Dept Tax 1991 return                    | 2,856.00  |
| Jean M. Nader, bills pd                     | 8,559.00  |
| Sheila Ann O'Connell-Shevenell, cem bill    | 475.00    |
| Co-Executors' Commission                    | 41,529.96 |
| Commissioner of Accounts fee for Accounting | 1,048.25  |

|                          |           |
|--------------------------|-----------|
| TOTAL DEBTS AND EXPENSES | 72,535.46 |
|--------------------------|-----------|

TAX COMPUTATION

|                                 |         |              |                         |                       |
|---------------------------------|---------|--------------|-------------------------|-----------------------|
| GROSS ESTATE                    |         | 1,197,153.84 |                         |                       |
| DEBTS & EXPENSES                |         | 72,535.46    |                         |                       |
|                                 |         | -----        |                         |                       |
| TAXABLE ESTATE                  |         | 1,124,618.38 | ACC 75%<br>1,043,767.48 | ACC 60%<br>995,256.94 |
|                                 |         |              |                         | 3 1/2% BRACKET        |
| TENTATIVE TAX 41% bracket       |         | 396,893.53   | 363,744.67              | 343,950.21            |
| Unified Credit before gift comp | 192,800 |              |                         |                       |
| Unified Credit used for gifts   | 9,784   |              |                         |                       |
| UNIFIED CREDIT                  |         | 183,016.00   | 183,016.00              | 183,016.00            |
| CREDIT FOR VIRGINIA TAX         |         | 40,375.58    | 35,201.12               | 32,934.39             |
| NET FEDERAL TAX                 |         | 173,501.96   | 145,527.55              | 127,999.82            |
| VIRGINIA TAX                    |         | 40,375.58    | 35,201.12               | 32,934.39             |
|                                 |         | -----        | -----                   | -----                 |
| TOTAL ESTATE TAXES              |         | 213,877.53   | 180,728.67              | 160,934.21            |

# Unknown

At first I thought the enclosed document for the car was the document dated May 1, 1992, and signed by my sisters Jean Nader and Sheila O'Connell, but after finding out that the date when we all meet for the dedication of our Mother's Knoll Garden was May 15, 1992, things fell into place. I never saw whatever was enclosed here. On May 15, 1992, Jean Nader was in the process of giving me a document (That I am assuming was the same document that was enclosed here) to sign for the car but I did not sign it or look at it because I had resolved the car problem with my letter to my sisters of May 5, 1992, and Sheila O'Connell had already signed her part on May 9, 1992. The document for the car dated May 1, 1992, has no place for my signature.

Reference:

(1992.04.22 Edward White to Jean Nader, in part) "Enclosed is an agreement which should satisfy Tony as to the car. It cannot be any clearer". /// "Of course he will furnish that receipt."

Going around invisible obstacle

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
May 5, 1992

Mrs. Jean Nader  
350 4th Avenue  
New Kensington. Penn 15068

Ms. Sheila O'Connell  
44 Carleton Street  
Portland, Maine 04102

Dear Jean and Sheila,

Hope you both are well. I would like try to get resolution on the Plymouth Van. Jean, I hope you don't mind me taking the initiative on this.

I talked to Mr. Prichard today. He agreed with me that if I had signed the receipt Mr. White wrote, the Plymouth would have cost me \$8,000.00.

Mr. Prichard said that if it is the will of both of you to sell it to me for \$1, it is necessary that you both sign a statement to that effect. It is the beneficiaries decision. Mr. White is not a beneficiary. If either of you do not wish to do that, no hard feelings. Just tell me, Jean, where you want me to park the Van and I'll mail you the keys.

Please sign and date the appropriate line on the enclosed sheet and return it to me in the enclosed stamped and self addressed envelope. That is all there is to it.

Love,

Anthony O'Connell

Copy  
Mr. White

FILE



It is my decision as a beneficiary of the estate of Jean O'Connell, that Anthony O'Connell may purchase the 1988 Plymouth Van now in the estate, VIN 1P4FH4037JX221930, for one dollar.

\_\_\_\_\_  
Name Date

It is my decision as a beneficiary of the estate of Jean O'Connell, that Anthony O'Connell may not purchase the 1988 Plymouth Van now in the estate, VIN 1P4FH4037JX221930, for one dollar.

\_\_\_\_\_  
Name Date

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
May 6, 1992

Mrs. Jean Nader  
350 4th Avenue  
New Kensington. Penn 15068

Dear Jean,

I will send you and Mr. White a copy of the court accounting from the trust for the period 1/1/91 thru 12/31/91 by the end of this month. If that is not soon enough please let me know and I will do what I can. It is all but complete but I want to go over it again and possible make some adjustments. The estate may owe the trust something. That would be to the beneficiaries benefit because that would avoid the estate tax so the eventual distribution to the beneficiaries would be greater. As you can see from the attached enclosure, the Commissioner of Accounts has advised me that this account is not due until 10-20-93.

If there is any other information Mr. White needs from the trust, he should write to me, the trustee, telling me what it is. If he is not willing to do this, I can not be responsible. Mr. White position as co-executor allows him no authority over the trust. He should not charge us extra to find that out.

Please tell me if there is anything else you need besides the 1991 court accounting from the trust, or of any other way I can be of help to you. For a second opinion on anything, I would suggest you call Mr. Ed Prichard of McGuire, Woods, Battle & Boothe at {703} 712-5000. I will take care of any fees you incur.

Love,

  
Anthony O'Connell

Enclosure (1)

Copy  
Mr. White



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

4-22-92

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

RE: Harold O'Connell Trust  
FIDUCIARY NO: 021840

Please be advised that the 6th Accounting, filed with this office on 6/28/91, and posted for 7/1/91, was approved on 4-18-92, and was, or is being, sent to the Clerk of the Circuit Court of Fairfax County, for filing therein, on 4-22-92

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 10-20-93.

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
May 7, 1992

Mrs. Jean Nader  
350 4th Avenue  
New Kensington. Penn 15068

Dear Jean,

You have been absolutely wonderful in sending information. It blows away mistrust and suspicion. Please keep it rolling, even stuff you think may be borderline relevant.

Would tell me the story behind the penalty wavier? I am not going to nail you for any inaccuracies, just tell me in your own words as best you know it.

I know it is against your trusting personality, but think of the significance and implications of Mr. White purposely misleading you on the receipt for the Plymouth. I trust that if you wanted me to pay \$8,000 for it, you would have been up front and told me so. I will get off my soap box.

Please feel free to call Mr. Ed Prichard at {703} 712-5000 for a second opinion. I will take care of any fees. Mr. Prichard has no self interest in this and is not representing me. I see him occasionally for advice. Going to see him yesterday was like a breath of fresh air.

Above all, I love you.

Love,

**FILE**

It is my decision as a beneficiary of the estate of Jean O'Connell, that Anthony O'Connell may purchase the 1988 Plymouth Van now in the estate, VIN 1P4FH4037JX221930, for one dollar.

Shiela O'Connell

Name

5-9-92

Date

It is my decision as a beneficiary of the estate of Jean O'Connell, that Anthony O'Connell may not purchase the 1988 Plymouth Van now in the estate, VIN 1P4FH4037JX221930, for one dollar.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
May 12, 1992

Mrs. Jean Nader  
350 4th Avenue  
New Kensington. Penn 15068

Ms. Sheila O'Connell  
44 Carleton Street  
Portland, Maine 04102

Reference: My letter of  
May 5, 1992

Dear Jean and Sheila,

I talked to Mr. Prichard yesterday. In reference to the above letter, in which I tried to resolve the Plymouth issue, Mr. Prichard mentioned that his advice to me, concerning Mr. White's receipt, was given without knowledge of Jean Nader's letter of April 14, 1992 (enclosure 1). This is, of course, entirely true. I did not mention this letter because I felt it did not protect me from Mr. White. We discussed numerous issues. If it was a mistake, it is entirely my fault.

Sincerely,



Anthony O'Connell

Copy  
Mr. Ed Prichard  
Mr. White

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
(703) 971-2855  
May 12, 1992

Mr. E. A. Prichard  
McGuire, Woods, Battle and Boothe  
8280 Greensboro Drive  
Suite 900  
Post Office Box 9346  
McLean, Virginia 22102

Dear Mr. Prichard:

I apologize for any misrepresentation or awkwardness that I may have caused you. I value you and your advise to the highest degree.

Yours truly,



Anthony O'Connell

It is my decision as a beneficiary of the estate of Jean O'Connell, that Anthony O'Connell may purchase the 1988 Plymouth Van now in the estate, VIN 1P4FH4037JX221930, for one dollar.

Jean Nader                      May 15, 92  
Name                                      Date

It is my decision as a beneficiary of the estate of Jean O'Connell, that Anthony O'Connell may not purchase the 1988 Plymouth Van now in the estate, VIN 1P4FH4037JX221930, for one dollar.

\_\_\_\_\_  
Name                                      Date



# Meeting

Apparently, Edward White meet secretly with Jean Nader and Sheila O'Connell and had them sign and predate a document that would recreate an accounting entanglement using the car.<sup>1</sup> If the May 1 date on the "Agreement confirming distribution of vehicle" is taken at surface look, it would undo my work in removing the obstacle using the car.

The family (Jean Nader, Sheila O'Connell, and Anthony O'Connell) meet in Virginia on May 15, 1992, for the dedication of the Knoll Garden designed by our mother, Jean O'Connell.<sup>2</sup>

I do not believe the May 1, 1992, date on the "Agreement confirming distribution of vehicle" was the actual date it was signed. I believe it was signed just after May 15, 1992, probably on May 16, 1992.<sup>3</sup>

- I do not believe Jean Nader would ask me to sign a document for the car<sup>4</sup> on May 15 if she had already signed the "Agreement confirming distribution of vehicle" on May 1.
- If Jean Nader had already signed the "Agreement confirming distribution of vehicle" on May 1, I believe she would have mentioned it when I asked her to sign my document for the car. She signed my document for the car on May 15.
- If Sheila O'Connell had already signed the "Agreement confirming distribution of vehicle" on May 1, I believe she would have mentioned it when I asked her to sign my document for the car. Sheila O'Connell signed my document for the car on May 9.
- There is a history of predating.<sup>5</sup> There is a history of bringing something outside of the estate into the estate to create an accounting entanglement.<sup>6</sup> There is a history of secrecy; secrecy generally protects those who have something to hide. Secrecy is a flag.
- If the May 1 date on the "Agreement confirming distribution of vehicle" is taken at surface look, it would preempt the receipt signed by Sheila O'Connell on May 9 and the receipt sign by Jean Nader on May 15. The receipts of May 9 and May 15 do not create accounting entanglements. The "Agreement confirming distribution of vehicle" creates an accounting entanglement and is in conflict with the 1/3 each distribution instructions stated in the Will.
- I mailed the originals of the receipts signed by Sheila O'Connell and Jean Nader to Edward White.<sup>7</sup> He did not respond.
- The "Agreement confirming distribution of vehicle" document dated May 1, 1992, was apparently signed by both Sheila O'Connell and Jean Nader at the same time with the same pen so they would have had to have been physically together. They were not physically together on May 1.

The secret meeting with innocent family members to sign secret<sup>8</sup> documents with false dates that would undo my work is another reason I have not entered into a sales contract for Accotink in 19 years.

---

<sup>1</sup> This is my best guess of the sequence of events. Secrecy is an obstacle. Should the benefit of the doubt go to the party who creates the secrecy or to the party who tries to remove it?

<sup>2</sup> At Goodwin House Baileys Cross Roads, 3440 South Jefferson Street, Falls Church, Virginia, 22041.

<sup>3</sup> Sheila O'Connell told me that she and Jean Nader meet with Edward White at some point but she does not remember when. I am guessing that it was just after the dedication of the Knoll Garden on May 15, 1992, probably on May 16, 1992, before Sheila O'Connell went back to Maine and Jean Nader went back to Pennsylvania.


<sup>4</sup> Probably the unknown document for the car enclosed in Edward White's letter of April 22, 1992, to Jean Nader, that I have not seen.

<sup>5</sup> See the false lost account with the instructions by an unidentified person to date it 1/3/85.

<sup>6</sup> See Note 5 at Bk467p194 (The trust, not the estate, paid the appraiser).

<sup>7</sup> This was a mistake. There is a long learning curve and a long acceptance curve

<sup>8</sup> I believe innocent Jean Nader sent me a copy of the "Agreement confirming distribution of vehicle" when she was sending me other documents that I was not supposed to have seen, such as Edward White's letter's of April 22, 1992, May 4, 1992, and February 2, 1993.

AGREEMENT CONFIRMING DISTRIBUTION OF VEHICLE 

We, Jean M. Nader and Sheila O'Connell-Shevenell, hereby confirm that one 1988 Plymouth Van was distributed to our brother, Anthony M. O'Connell by the Estate of Jean M. O'Connell, and that we hereby confirm and agree to that distribution.

We further confirm and agree that this distribution shall not be charged against Anthony M. O'Connell's ~~share~~ of the estate and that the remaining net proceeds of the ~~estate~~ after settlement of all debts and obligations shall be divided in three equal shares.

DATE: May 1, 1992

I believe this was actually signed just after May 15, 1992.

\* Jean M. Nader

\* Sheila O'Connell

McGUIRE WOODS  
BATTLE & BOOTHE

Transpotomac Plaza  
1199 North Fairfax Street  
Alexandria, VA 22314

Court Square Building  
Charlottesville, VA 22901

World Trade Center  
Norfolk, VA 23510

8280 Greensboro Drive  
Suite 900  
P.O. Box 9346  
McLean, Virginia 22102

(703) 712-5000  
Fax: (703) 712-5050

One James Center  
Richmond, VA 23219

The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006

41 Avenue des Arts  
1040 Brussels, Belgium

EDGAR ALLEN PRICHARD  
VIRGINIA AND DISTRICT  
OF COLUMBIA BARS  
DIRECT DIAL: (703) 712-5443

May 20, 1992

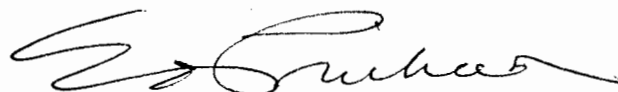
Edward J. White, Esquire,  
Attorney at Law  
118 South Royal Street  
Alexandria, Virginia, 22314

Dear Mr. White:

I acknowledge your two letters concerning Tony O'Connell. I have forwarded to him your letter to him addressed in my care and your letter to me. I cannot resist observing that both you and Tony appear to me to be unduly sensitive. I don't believe Tony bears you any ill will and although I have not had the pleasure of your acquaintance I accept your assurance that you bear none to him.

My understanding of the rule regarding communicating with another's client is that it is a matter of comity. Insofar as it is relevant I hereby give you my prior consent for you to communicate directly with Mr. O'Connell. For as long as I am engaged in this matter I would appreciate your sending me copies of your correspondence to him.

Sincerely yours,



**Missing**

**\$70,051**

**June 11, 1992**

There are two versions of the extension request (IRS Form 4768) and two version of the estate tax return (IRS Form 760) with the same dates but for different amounts. One version says \$175,000 was paid to the IRS on June 11, 1992, and one version says i\$119,000 was paid to the IRS on June 11, 1992. There should only be one version. The \$70,051 over payment reported on the \$175,000 version disappears from the accounting.

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
July 31, 1992

Ms. Jean Nader  
350 4th Avenue  
New Kensington, Penn 15068

Ms. Sheila O'Connell  
44 Carleton  
Portland, Maine 04102

Reference: Accotink

Dear Jean and Sheila:

If you would like me to manage Accotink, please review the three enclosed documents and, if agreeable, sign before a notary and return them to me in the enclosed envelope. Your husband's notarized signature is required on the Deed in Trust Under Land Trust Agreement.

Basically, these documents allow me to proceed with Accotink towards the goal of maximizing its value, selling it at this maximum value, distributing the cash to the beneficiaries and ending the project. If this is also your goal, there is no doubt in my mind that this option is far and away better than whatever may be second. I feel it is essential to have someone on site who cares, who is willing to devote constant attention to what is going on around the raw land and who is willing to contest the adversarial powers who would just like us to go away.

The Virginia Land Trust was used instead of a Subchapter S Corporation or a Limited Partnership because in our last discussion, I understand the two latter methods were ruled out.

My compensation would be on a value added basis. I would receive 1/3 of any increase over the market value of \$300,000 determined by professional appraisal on June 8, 1992. I would be paying 1/3 of my own compensation.

Although the power of attorney can be revoked by you at any time, I would hope you don't enter into the agreement unless you are willing to make a commitment for the completion of the project.

Please call Mr. Ed Prichard at (703) 712-5000 or me if you have any questions.

Enclosures:

Land Trust Agreement  
Deed in Trust Under Land Trust Agreement  
Power of Attorney

Copy:

Mr. Ed Prichard

Love,  
Anthony O'Connell

5. Decedent owned a partial interest in 15 acres of land in Accotink. The Harold O'Connell Trust owned the other share. The estate agreed to pay for the appraisal which hopefully will reduce the value of the tract by 50%. The beneficiaries of the Trust are the same persons as the devisees under the will and in the same shares.

6. When the 1991 income tax was prepared by Edward J. White, Co-Executor, a large capital gain was omitted necessitating the filing of an amended return. \$526.55 was assessed in interest by the IRS. The figure is the amount of interest earned by the estate while the amount due the IRS was in the estate bank account. The balance of the interest assessment was paid by Edward J. White.

7. Jean M. Nader and Sheila O'Connell-Shevenell agreed that the vehicle should be disbursed to Anthony M. O'Connell in addition to his 1/3 share of the remainder of the estate.

RECONCILIATION

|                             |              |
|-----------------------------|--------------|
| SUM RECEIPTS                | 893,165.52 ✓ |
| SUM DISBURSED               | 548,975.29 ✓ |
| RECEIPTS LESS DISBURSEMENTS | 344,190.23 ✓ |

ON HAND

|   |            |
|---|------------|
| Burke and Herbert Bank & Trust Co.                  | 49,110.76  |
| Investment Co. of America (A. G. Edwards)           | 71,067.78  |
| Franklin Virginia Fund (A. G. Edwards)              | 56,987.19  |
| Kemper Municipal Bond Fund (A. G. Edwards)          | 31,864.65  |
| Fx Co. Ind Dev Bond (A. G. Edwards) Inv value       | 109,587.00 |
| A. G. Edwards MMA and cash                          | 3,666.60   |
| Nuveen Premium Inc Mun Fund (A. G. Edwards)(invval) | 11,200.00  |
| Washington Gas Light Co. 200 sh (Inv value)         | 6,375.00   |
| Signet Banking Corp 198 sh (Inv value)              | 4,331.25   |

|                                 |              |
|---------------------------------|--------------|
| TOTAL ON HAND TO BE DISTRIBUTED | 344,190.23 ✓ |
| DIFFERENCE                      | 0.00         |

DATE: October 16, 1992

Edward J. White  
Co-Executor

Jean M. Nader  
Co-Executor

BK0467 0194

Consequences of going around invisible obstacle



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?

**McGUIRE WOODS  
BATTLE & BOOTHE**

Transpotomac Plaza  
1199 North Fairfax Street  
Alexandria, VA 22314

Court Square Building  
Charlottesville, VA 22901

World Trade Center  
Norfolk, VA 23510

8280 Greensboro Drive  
Suite 900  
P.O. Box 9346  
McLean, Virginia 22102

(703) 712-5000  
Fax: (703) 712-5050

One James Center  
Richmond, VA 23219

The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006

41 Avenue des Arts  
1040 Brussels, Belgium

EDGAR ALLEN PRICHARD  
VIRGINIA AND DISTRICT  
OF COLUMBIA BARS  
DIRECT DIAL: (703) 712-5443

December 17, 1992

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

Dear Tony:

I am in receipt of copies of a number of letters between you and Edward J. White, which has been sent to me. He says in his covering letter to me that a K-1 has been prepared for you and sent to your sister for her to sign and send to you. As I was reading Mr. White's letter to you of December 11, which I read first, I thought to myself that I would not advise you to file an amended return in order to reduce the appraisal on the land near Accotink. It is correct that discounting real estate property values for minority ownership is allowed, but that should have been done by the appraiser when the original appraisal was filed. I think the advice he received from Jo Anne, whoever she is, is correct. It would simply stir up the beast and might actually cost you money. I then found your letter and learned that you came to the same conclusion I did and that you have already told Mr. White of your vote. I am glad we are thinking along the same lines.

Merry Christmas to you!

Sincerely yours,



E. A. Prichard

EAP:in

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
{703} 971-2855  
December 21, 1992

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

Re: Mr. Prichard's letter of  
December 17, 1992

Dear Mr. White:

Mr. Prichard's letter of December 17, 1992, suggests to me that I may have been unclear to you with respect to my relationship with Mr. Prichard. I represent myself, so please send all correspondence concerning me to me. At this time, Mr. Prichard is not representing me, so please do not send correspondence concerning me to him.

I ask you this because it generates considerable additional expense for the beneficiaries. I have the absolutely highest regard for Mr. Prichard and hope he continues to allow me the privilege of seeking his advice when I am in need of it.

Yours truly,

Anthony O'Connell

Enclosure; Mr. E. A. Prichard's letter of December 17, 1992

Copy to:  
Mr. Ed Prichard  
Ms. Jean O'Connell Nader  
Ms. Sheila O'Connell

RECEIVED JAN 20 1994

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
January 15, 1993

Mr. E. A. Prichard  
McGuire, Woods, Battle and Boothe  
8280 Greensboro Drive  
Suite 900  
Post Office Box 9346  
McLean, Virginia 22102

Dear Mr. Prichard:

In going through the Commissioner of Accounts file of my mother's estate, I found a copy of Mr. White's enclosed letter of 10/27/93, replying to my letter of 10/25/93. Am I correct in guessing that Mr. White never contacted you before hand?

I have thought long and deeply about your advice to talk with my sisters face to face to try to convince them I am not guilty of Mr. White's allegations, and to write no more letters.

I have not been able to convince my sisters of my innocence in eight years. My relationship with my sisters has been destroyed, and most probable, Accotink (I'm betting Mr. White will get himself a fee for a partition suit here).

I ask you a favor. If there is anything you think I did wrong in the past eight years, please tell me. I will dig out the facts for you, and if it turns out I have been wrong, I would like to know about it. If you can't think of any thing I did wrong, I will write one more letter to my sisters asking them to ask Mr. White for evidence to support his accusations against me. If Mr. White again avoids giving any evidence, and my sisters still accept his accusations at face value, I will write Congressman.

Mr. White destroyed my credibility with my mother, and tricked me into believing he was representing me in the Lynch sale, before I wrote the Virginia Bar.

I know of no other way to stop his smear campaign except to publicly expose it.

Sincerely,

  
Anthony O'Connell

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

|   |            |
|---|------------|
| 6. 198 sh Signet Banking Corp (Edwards)<br>based on Edwards 12/31/92 statement    | 8,910.00   |
| 7. 200 sh Washington Gas Light (Edwards)<br>based on Edwards 12/31/92 statement   | 7,725.00   |
| 8. Centennial Money Market Trust (Edwards)<br>based on Edwards 12/31/92 statement | 3,949.07   |
| 9. Cash at Edwards<br>based on Edwards 12/31/92 statement                         | 224.60     |
| 10. Fairfax Co. 6.4% bond (Edwards)<br>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.





# Virginia State Bar

Eighth and Main Building  
707 East Main Street, Suite 1500  
Richmond, Virginia 23219-2803  
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD: (804) 775-0502

February 10, 1993



PERSONAL AND CONFIDENTIAL

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

Re: In the Matter of Edward James White  
VSB Docket No. 93-042-0976

Dear Mr. O'Connell:

This letter is in reference to your complaint against the above-referenced attorney received in our office on December 7, 1992. In addition, I acknowledge receipt of your supplemental correspondence dated January 26, 1993, received in my office on January 29. I have concluded my preliminary investigation of your original complaint and wish to advise you that your complaint presents no basis for further investigation by this office for the reasons I shall set out below.

The Respondent did not file a written answer to your complaint. However, Mr. White is represented by counsel in this matter, David R. Rosenfeld, Esquire, and I met with Mr. Rosenfeld and his associate in Alexandria to go over all of the factual matters related to this complaint.

Your complaint alleges that the Respondent served as co-executor of your father's estate along with your mother and that the Respondent allegedly withheld certain information concerning a trust which was set up under your father's will in which you were named as a trustee.

According to your complaint, you retained the Respondent in 1987 to handle a real estate closing and you allege that the Respondent appointed himself co-trustee on the note securing that transaction. Then, the day prior to closing, Respondent allegedly informed you that he was not representing your interests in this real estate transaction. You have also claimed that the Respondent has handled your mother's estate incompetently.

With respect to your first complaint, it appears that your mother, rather than you, retained the Respondent for legal assistance in her capacity as executrix

Mr. Anthony M. O'Connell  
Page 2  
February 10, 1993

of your father's will. Apparently, your mother removed you from her will as a co-executor and nominated the Respondent in your place. However, none of these matters fall within the scope of the Code of Professional Responsibility particularly in view of the fact that you and the Respondent did not share an attorney-client relationship.

Your father's will poured over into a trust in which you were nominated trustee. By your own complaint, you admit that you hired another attorney to look into the funding of the trust, i.e., what distributions the estate would make to the trust. It is my understanding that you came to Virginia to qualify as a trustee. Again, in respect to that matter, there is no attorney-client relationship between you and the Respondent, Mr. White.

In the absence of an attorney-client relationship between you and Mr. White, Mr. White was under no ethical obligation to follow any of your directions or instructions nor was he obligated to communicate directly with you. His ethical duties regarding competence, promptness and communication were owed to your mother.

It is my understanding, based upon a reading of your complaint, that the Respondent and your attorney reached an agreement regarding the funding of the trust and the Respondent agreed to cooperate by providing your attorney with a draft of the final accounting of your father's estate.

Your complaint initially provoked a thought on my part as to why the father's estate remained open so long. However, as indicated in your complaint, Mr. White was not retained by your mother until 1985. Thus, while your complaint states that you were not aware of the fact that your father had appointed you as a co-trustee until 1985, and that your father passed away in 1975, the Respondent appears to have notified you of that fact after he had become involved in 1985.

You have also complained that your mother executed a codicil to her will removing you as a co-trustee and naming Mr. White in your stead. I find nothing improper about that particular matter as it was certainly your mother's prerogative to amend or modify her will and it was Mr. White's responsibility to follow her instructions in that regard.

Your second complaint involves an allegation that Mr. White undertook to represent your interests in a real estate closing in 1987. By letter dated December 28, 1987, you purportedly asked the Respondent to represent your interests in a transfer of property to the Lynch Properties Limited Partnership. You complain that the Respondent failed to notify you of the closing date which you fortuitously discovered from the purchasers just before the closing. In addition, you point out that the Respondent and another party were named as trustees on the Deed of Trust securing the purchase loan without your knowledge or consent. When you confronted Respondent about this, he advised that he did not represent your interests in this real estate

Anthony M. O'Connell  
Page 2  
February 10, 1993

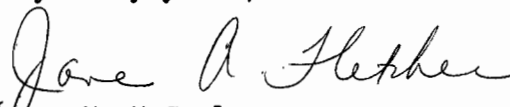
transaction.

My investigation reveals that the Respondent did not serve as settlement attorney for this transaction. In fact, the closing was handled by Coldwell Banker, and the legal instruments for the transaction were prepared under the supervision of McGuire, Woods, Battle & Boothe. I have seen the real estate closing file which was delivered to Mr. Wright by the McGuire, Woods firm, and I am firmly convinced that Mr. White took no part in that transaction other than to perhaps provide informal legal advice to your mother. Your letter of December 28, 1987 is insufficient as a matter of law to establish an attorney-client relationship unless there is some evidence that Mr. White did in fact undertake to handle the closing. Finally, there is no ethical issue raised simply because Mr. White is named as a co-trustee in the Deed of Trust securing the purchase by the Lynch Properties Limited Partnership.

The third complaint involved an allegation that Mr. White allegedly withheld a \$75,000 distribution until you agreed to obtain your own legal counsel. With respect to this allegation, Mr. White, in his capacity as an administrator or executor of an estate is under no obligation by law to make a interim distribution to you. Whether an interim distribution is made is entirely discretionary and the law requires a distribution to be made only upon the filing of a final accounting. With regard to your allegations of incompetence and delay on the part of Mr. White in handling your mother's estate, I have determined that Mr. White has filed in a timely manner the inventory and first accounting for this estate. No delinquency notices or show cause summonses have been issued. The only possible area of neglect appears to be the late filing of Mrs. O'Connell's income tax return, however, I am advised that Mr. White paid one-half of the accrued interest to the IRS, and that no penalties were assessed. In addition, Mr. White timely requested an extension for filing the decedent's last income tax return and therefore no penalties were involved. As justification for the delay, Mr. White points out that he experienced some delay in obtaining the K-1 from you and your own complaint appears to concede that there was a problem with getting the K-1 to Mr. White.

Based on the foregoing, I see no basis in fact or in law to conclude that Mr. White has engaged in any misconduct in violation of the Code of Professional Responsibility. Therefore, please be advised that no further action will be taken on your complaint. By copy of this letter to Respondent's counsel, Mr. Rosenfeld, I am advising him of my determination.

Very truly yours,

  
for James M. McCauley  
Assistant Bar Counsel

JMM/ge  
cc: David R. Rosenfeld, Esquire

RECEIVED JUL 12 1993

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

TELEPHONE 836-5444

July 7, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

Since you represent Mr. Anthony O'Connell, who has once more indicated his displeasure with the administration of this estate, we feel it is best to communicate with you before any precipitous action is taken.

The estate remains undistributed at this time for several reasons. First, no closing letter has been received from the IRS. Second, an amendment to the estate tax returns was filed at the end of June reflecting the existence of a CD which had not been discovered until recently (see IRS correspondence attached).

The first accounting, which was filed in October, 1992 (approximately three months before it was due) was approved on March 20, 1993. The delay apparently being inherent in the Commissioner's office. Debts and Demands were requested on November 13, 1992 and final action was taken by the Commissioner on them on December 30, 1992. A request for discharge of liability letter was sent to the IRS on April 18, 1993. On the same date an informal request as to the cause of the delay was sent to the IRS.

The Philadelphia office of the IRS has spoken to Mr. White on several occasions and is "checking" on the status of things.

As is true in any estate at this point, the following needs to be done:

1. Receive closing letters for the original and amended returns.
2. File a Motion to Show Cause for distribution.
3. Have an Order to Show Cause entered after due publication.
4. Present the Order of Distribution.
5. File the fiduciary income tax returns for the period

ending August 31, 1993.

6. Distribute the estate.

7. File the Second and Final Accounting. (Assuming that the tax matter is cleared so that a Third accounting is not needed.)

As was stated in Mr. White's letter to you of December 16, 1992, no distribution will be made until a final order is entered. If this is not the usual and customary procedure in Virginia, we would appreciate being enlightened.

The bulk of the estate is held in A. G. Edwards and is invested in various accounts, copies of the income from which are attached. The only major financial transaction of the estate which has occurred was in February, 1993 when Signet stock was sold at a gain of more than twice its value. Any claim that the Estate is losing money is spurious.

Mr. O'Connell recently has requested to know how much was charged for the preparation of the amended return. The answer is zero, since Mr. White prepared it as well as the original returns, even though that task is often given to accountants.


Mr. O'Connell's serious accusations against Mr. White, which he lodged with the Virginia State Bar were categorized by the Bar as having "no basis in fact or in law".

Mr. O'Connell's latest request to replace one of the Co-Executors has been denied.

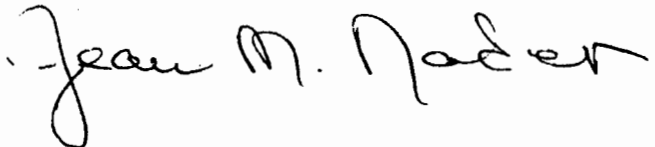
The filing of a law suit is the prerogative of any person, however in this case, the estate will obviously hire counsel to defend itself (which will be a cost of administration) and will assert all possible defenses including Va. Code Ann. Section 8.01-271.1.

We would request that Mr. O'Connell be counseled as to these matters.

Sincerely,

  
Edward J. White

Jean M. Nader



EJW/e  
Encl.

McGUIRE WOODS  
BATTLE & BOOTHE

Transpotomac Plaza  
1199 North Fairfax Street  
Alexandria, VA 22314

Court Square Building  
Charlottesville, VA 22901

World Trade Center  
Norfolk, VA 23510

8280 Greensboro Drive  
Suite 900  
P.O. Box 9346  
McLean, Virginia 22102

(703) 712-5000

Fax: (703) 712-5050

One James Center  
Richmond, VA 23219

The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006

41 Avenue des Arts  
1040 Brussels, Belgium

EDGAR ALLEN PRICHARD  
VIRGINIA AND DISTRICT  
OF COLUMBIA BARS  
DIRECT DIAL: (703) 712-5443

July 19, 1993

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

Dear Tony:

I have received a letter from your friend, Mr. White, a copy of which you will find enclosed. I have not made a copy of the enclosure which is a broker's statement showing the income to the estate.

I gather that Jean has decided not to resign as co-executrix. I have no particular comment on the letter except to say that a show cause order is not strictly necessary. Where there is any controversy about an estate a show cause order is the usual way to go. If there is no disagreement about anything it is a step which can be skipped. I quite understand White's plan to ask for one in this case. It does afford you an opportunity to appear and be heard if you disagree with what is being done.

Sincerely yours,



E. A. Prichard

EAP

Certified  
P 751 862 422

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
July 26, 1993

Ms Jean Nader  
350 Fourth Avenue  
New Kensington, Pennsylvania 15068

Dear Jean,

Each time you send a letter to Mr. Prichard, it generates unnecessary legal fees. In your letter of July 7, 1993, you state that Mr. Ed Prichard represents me. Mr. Prichard has never represented me. I represent myself. If there is something you or Mr. White want me to know, please send it to me directly.

I have asked Mr. Prichard to return to sender any future correspondence that might be sent him concerning me, with a letter stating he does not represent me, and that any correspondence concerning me should be sent to me directly.

I think it is sad that so much time has to be spend on something that should not be a problem at all.

Sincerely,



Anthony O'Connell

Copy: Mr. Ed Prichard  
Mr. Ed White

Certified  
P 751 862 423

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
July 26, 1993

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

Dear Mr. White:

Each time you send a letter to Mr. Prichard it generates unnecessary legal fees. In your letter of July 7, 1993, you state that Mr. Ed Prichard represents me. Mr. Prichard has never represented me. I represent myself. If there is something you or Jean Nader want me to know, please send it to me directly. I have asked you this several times over the years, and I believe Mr. Prichard has asked you once. You have ignored these requests.

You have placed me in the uncomfortable position of having to ask Mr. Prichard to return to you any future correspondence that you might send him concerning me, with a letter stating he does not represent me, and that any correspondence concerning me should be send to me directly.

Sincerely,

  
Anthony O'Connell

Copy: Mr. Ed Prichard  
Ms. Jean Nader



Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
July 26, 1993

Mr. Ed Prichard  
McGuire, Woods, Battle & Boothe  
8280 Greensboro Drive  
Suite 900  
Post Office Box 9346  
McLean, Virginia 22102

Dear Mr. Prichard:

In Mr. White's and Jean Nader's letter to you of July 6, 1993, they say you represent me. What do I have to do to convince Mr. White that you have never represented me and that I represent my self? I have asked Mr. White several times over the years to send any correspondence concerning me directly to me, and I believe you have asked him once. Mr. White has ignored these requests.

Because of the continued unnecessary legal expenses incurred each time a letter is erroneously sent to you, I am placed in the uncomfortable position of having to ask you to send any future correspondence sent to you concerning me, back to the sender, with a letter stating that you do not represent me, that I represent myself, and that any correspondence concerning me should be sent to me directly.

Anyone who tries to interpret this letter as me having anything short of the very highest respect for your integrity and legal advice is in error. I continue to depend on your advice as did my father. I hope you never completely retire.

Sincerely,



Anthony O'Connell

Copy:  
Mr. Ed White  
Ms. Jean Nader

(The following words were transcribed by me from the original letter for public view at the Commissioner of Accounts Office. It is transcribed because the public is is not allowed to make copies of correspondence but is allowed tro take notes. I mention this because I may have made some errors in rereading my own handwriting, but there is no willful intent to misrepresent.

Anthony O'Connell 9/10/93)

July 28, 1993

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

Dear Jesse,

A Mr. Anthony O'Connell wrote you on July 26, 1993 requesting that no expenses be allowed me for defending myself against an ethics complaint which he filed dealing with events as far back as 1985, when I represented his mother.

Since I am somewhat sensitive to the fact that this was the only such complaint filed against me in 26 years of practice, and the fact that we have known each other professionally and socially for a long time, I am constrained to point out that the complaint was dismissed without a hearing. Bar Counsel noted in his three page letter to Mr. O'Connell that "I see no basis in fact or law to conclude that Mr. White has engaged in any misconduct....."

As far as the estate is concerned, I wrote Mr. O'Connell long ago and explained that the co-executor's commission is 2 1/2% of the receipts of the estate subject to approval by the Commissioner. I have never entertained the idea of submitting any personal expenses for estate matters. There are other ways to deal with that problem. Rest assured that my time in this case is fully documented. With best regards, I am sincerely,

Edward J. White (seal)

**McGUIREWOODS  
BATTLE & BOOTHE**

Transpotomac Plaza  
1199 North Fairfax Street  
Alexandria, VA 22314

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Charlottesville, VA 22901

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1040 Brussels, Belgium

EDGAR ALLEN PRICHARD  
VIRGINIA AND DISTRICT  
OF COLUMBIA BARS  
DIRECT DIAL: (703) 712-5443

July 29, 1993

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

Dear Tony:

I have your letter of July 26, 1993. I will, of course, comply with your wishes that I refrain from discussing your affairs with Mr. White or your sister. My recollection is that I have had no more than one brief conversation with Mr. White and I am not sure that I had any. I have had a couple of conversations with your sister, perhaps three.

I must say that I was surprised to read in your letter that I do not represent you and that I have never represented you. Of course, I have never had a power of attorney from you nor acted as your attorney in fact. However, you have consulted me on a number of occasions and I have given you, to the best of my ability, the counsel you requested. Within the usual meaning of the term "represent" as used by the bar I believe that I have represented you, not as your general counsel or your attorney in fact but as someone to whom you turn from time to time for legal and practical advice. That does not mean that you entrusted to me the power to make decisions on your behalf. Of course, you represent yourself. I gave you advice and answered your questions. You decided on your own course of conduct.

In the past I have billed you for some correspondence and telephone calls but in the current year I do not believe that I have billed you anything for the time I spent in reading letters, answering them and receiving telephone calls. If I am incorrect in this please tell me, because I do not recall having authorized a bill to you this year.

It is because I considered that I represented you that I received and responded to letters and telephone calls concerning your affairs. I have kept you posted on these communications. The last one did not indicate that you had been sent a copy so I sent it to you.

I think, frankly, that Mr. White and I both understand the word "represent" to be something different from what you understand it to mean. Nevertheless, from this point forward I do not represent you under any definition of the word.

Sincerely yours,

A handwritten signature in black ink, appearing to read "E. A. Prichard". The signature is fluid and cursive, with a long horizontal stroke at the end.

E. A. Prichard

EAP

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
July 30, 1993

Ms Jean Nader  
350 Fourth Avenue  
New Kensington, Pennsylvania 15068

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

Dear Jean and Mr. White:

I owe you both an apology.

In my letter to you of July 26, 1993, I said Mr. Ed Prichard never represented me. I had a misconception of what "represented" meant. Mr. Prichard has represented me wonderfully, and I hope he will continue to represent me. I was wrong about the representation. You were right. I am genuinely sorry for any ill will it may have caused you. Please accept my apologies.

Speaking of misconceptions, am I right in interpreting your letter of July 7, 1993, as that you think I want to sue you? If that interpretation is true, I would like to assure all concerned that I have never considered it. I would very much appreciate it if you would you tell me what it was that made you think that, then I feel I could clear up that misconception.

Jean, thank you for sending me the information letter last week.

Sincerely,



Anthony O'Connell

Copy: Mr. Ed Prichard

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

RECEIVED AUG - 4 1993

August 2, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

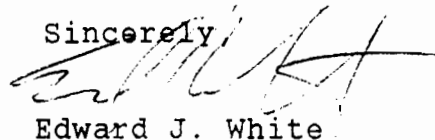
Notwithstanding Mr. O'Connell's direction that I not communicate with you, the Canons and Legal Ethics Opinions are explicit in this regard. I do hope this does not burden Mr. O'Connell, but I have no other choice.

I can happily report that we have received a closing letter from the IRS for the original estate tax return and the discharge of liability form. Of course a closing letter for the amended return must also be received, but I was able to communicate directly with the IRS office by telephone and ask that they expedite the matter. Of course they had lost the amended return and requested a copy, but at least received the check. I am sure we will owe some interest on that return which is only logical since the estate earned interest on it. Once that letter is received, I will move this matter as fast as possible.

Mr. O'Connell's letter of July 30, 1993, goes a long way towards relieving my apprehensions of future acrimony in the waning days of the administration of this estate, and it was sincerely appreciated.

Please be assured that nobody wants this estate closed more than I do. If for no other reason, I would like to be paid. I do not make any charges to estates until they are closed and have not received a penny of commission or expenses from this estate.

Sincerely



Edward J. White

EJW/e  
Copy to: Mrs. Nader

**McGUIRE WOODS  
BATTLE & BOOTHE**

Transpotomac Plaza  
1199 North Fairfax Street  
Alexandria, VA 22314

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VIRGINIA AND DISTRICT  
OF COLUMBIA BARS  
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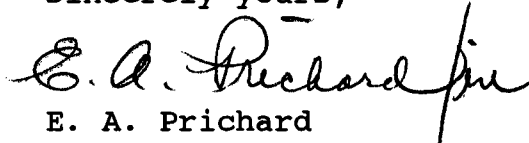
August 4, 1993

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

Dear Tony:

The enclosed letter came today.

Sincerely yours,

  
E. A. Prichard

EAP:in

Enclosure

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
(703) 971-2855  
August 10, 1993

Mr. E. A. Prichard  
McGuire, Woods, Battle and Boothe  
8280 Greensboro Drive  
Suite 900  
Post Office Box 9346  
McLean, Virginia 22102

Ref: Estate of Jean O'Connell

Dear Mr. Prichard:

Thank you for forwarding Mr. White's latest letter to me.

My mistake in saying you did not represent me, and Mr. White's refusal to answer my questions anyway, makes me think I should stop writing to the co-executors. Only bad feeling seems to result.

Mr. Prichard, I bet you \$25 this is what's going to happen: All of a sudden it's an emergency. I will be asked to immediately sign approval on the apparently unusual Show Cause Order (on which I will be denied the information needed to understand the consequences of beforehand), and if I don't sign it, I will be accused of damaging the estate. Am I correct in thinking the main purpose of the Show Cause Order is to cover Mr. White?

Would you be willing to write Mr. White for me? I would like to find out exactly what I would be approving when I am asked to sign the Order to Show Cause. If it includes accountings, I would like to be sent copies of the accountings beforehand. That seems like common sense to me. This is a request for information.

Would a prudent man, or even a mentally competent man, put himself again in the position of trusting and depending on someone who totally tricked them before on the \$1.41 million Lynch sale?

Yours truly,



Anthony O'Connell



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

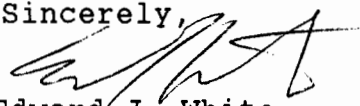
Dear Mr. Prichard,

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

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

10-28-93

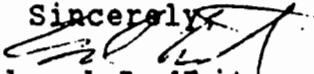
October 27, 1993

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

Re: Estate of Jean M. O'Connell  
Fid. 49160

Dear Jesse,

Re Mr. Anthony O'Connell's latest to you of October 25, 1993.  
He is represented (or advised by) Ed Prichard, with whom I have  
been in contact. Neither he nor I have found any problems.

Sincerely,  
  
Edward J. White

EJW/e



# Virginia State Bar

Eighth and Main Building  
707 East Main Street, Suite 1500  
Richmond, Virginia 23219-2803  
Telephone: (804) 775-0500

Facsimile: (804) 775-0501 TDD: (804) 775-0502

November 1, 1993

PERSONAL AND CONFIDENTIAL 

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

RE: In the Matter of Edward J. White  
VSB Docket #93-042-0976

Dear Mr. O'Connell:

This letter is in response to your certified letter dated September 20, 1993, which was received in this office on September 23, 1993. As you know, the basis for my dismissal of your complaint was the absence of an attorney-client relationship between you and the Respondent. Nothing you have submitted to me under cover letter dated September 20, 1993 changes my conclusion.

The copy of Mr. White's fee statement shows an entry: "4/20 OV A. O'CONNELL." The fact that you had an office visit with Mr. White does not create an attorney-client relationship.

I note that the fee statement dated April 16, 1988 is sent to Mrs. Jean M. O'Connell and I believe that your mother is the client in this particular matter, not you.

Your original complaint alleges that the Respondent handled your mother's estate incompetently. I do not believe you have standing to complain, because you are not a client of Mr. White. The second enclosure, a list of your unreturned telephone calls to Mr. White, also does not change my conclusion. Unless you can show that you are a client of Mr. White, Mr. White was under no ethical duty or mandate to return your telephone calls. This complaint also boils down to your word against Mr. White's as to whether he was representing you at the settlement on the real estate transaction. The Bar would have to prove your position by clear and convincing evidence, and I simply do not see any clear and convincing evidence that Mr. White had agreed to represent you, or that he represented you by his conduct.

Mr. Anthony M. O'Connell

Page 2

November 1, 1993



Finally, you indicate that Mr. White, over a period of seven years, has made defamatory and divisive statements which you consider to be far more damaging than the issue regarding the real estate settlement. The Code of Professional Responsibility does not proscribe defamatory statements by an attorney, and our office is not the appropriate forum to investigate or prosecute your claim. If you feel that you have been defamed or libeled by the Respondent, then your remedy is to file a civil action, but a Bar complaint is not an appropriate vehicle to resolve that issue.

I am truly sorry that I cannot advance your claims or interest, however, I must stand on my original decision to dismiss your complaint. I trust that you will appreciate my explanation, although you disagree with it.

Very truly yours,

A handwritten signature in black ink that reads "James M. McCauley". The signature is written in a cursive style with a large initial "J" and a long, sweeping tail.

James M. McCauley  
Assistant Bar Counsel

JMM/dls

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

November 5, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

On October 29, 1993, Judge Bach entered the Order of Distribution, a copy of which is enclosed.

I am also enclosing the full financial history of the estate including receipts and disbursements from which the final accounting will be prepared, as well as the statements from A. G. Edwards and the mutual funds which will give the approximate value of the assets on hand.

Mr. O'Connell had expressed the desire to be paid in cash, but now has stated to Mrs. Nader that he desires to have the stocks and funds distributed to him. His sisters also desire an in kind distribution. As long as all three want the same thing, I have no problem with in kind or cash distribution.

The commission requested will be 5% of the assets and income received by the estate. Items upon which no commission is due are noted in the Receipts listing. Mrs. Nader has stated that she does not want a commission. Since we took a deduction for the full 5% commission on the 706 and saved money thereby, Mrs. Nader is going to split her share three ways less the income tax which she will pay on it.

The second fiduciary return will be ready next week and copies will be distributed as soon as I receive it.

I wish I could end this letter at this point, but there are some other matters which I did not think would arise after Mr. O'Connell's civil tone in his letter of June 30 and my reply.

Enclosed is a copy of Mr. O'Connell's letter to the Commissioner of October 25, 1993. (Earlier he had written the Commissioner requesting that I be denied reimbursement from the estate for expenses in defending myself from his charge to the Bar. I wrote Jesse Wilson that I never entertained seeking such

payment.) On October 27, 1993, I wrote Jesse and told him that you were representing Mr. O'Connell or at least advising him.

Next, I was informed by Mrs. Nader last week that Mr. O'Connell has demanded that we be bonded. The will flatly states otherwise and to do so would be in violation of our office.

I will admit that I am furious about this continual petty harassment. From inception of this estate including the time that his sisters gave him the vehicle and I merely asked for a receipt so that a proper accounting might be filed, Mr. O'Connell has tried one stunt after another to disrupt the flow of administration, notwithstanding my repeated attempts to calm him down.

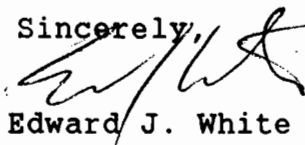
I am including Mr. O'Connell's complaint to the Virginia State Bar and the Bar's reply. I have omitted the 44 pages of enclosures he filed. His outright malicious lies about me (Page 7: "to deliberately mislead a seventy-nine year old woman", "abuse of the fiduciary trust" and "license to steal") in his complaint to the Bar are unforgivable and most decidedly actionable. In this regard please inform him that I would accept a full written apology for these remarks and let the matter drop even though no one has ever made such a statement about me.

I am fully aware of the root cause of all of this; however, it is not my fault that Miss Jo Ann Barnes refused to serve as a Co-Executor with Mr. O'Connell or that his mother came to me and directed his removal from that clause of the will.

I would fervently pray that he be counselled insofar as possible to let this estate be wound up in a normal fashion. He does not have to like me; he needs only to get off my back.

I assume that if he does not let matters drop, the next step will be to try and deny all or part of the commission due. I have spent well over 110 hours in this case without any payment of any sort and will most certainly expect to be paid the customary commission (2 1/2%) which I have explained to Mr. O'Connell in the past, provided it is approved by the Commissioner.

Sincerely,



Edward J. White

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
November 6, 1993

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

Ms. Alison M. May  
A. G. Edwards & Sons, Inc.  
P O Box 590  
Alexandria, Virginia 22313

Ms. Jean O'Connell Nader  
350 Fourth Avenue  
New Kensington, Pa 15068

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

Ref: My letter to you of 11/3/93

In rereading my 11/3/93 letter to you this morning, I realized I had misquoted Mr. Prichard. I wrote:

"Yesterday, Mr. Prichard told me that Mr. White was going to sell my 1/3 share of the stocks before distribution, and that he was going to make distribution in the next few weeks."

In reflecting back, I understood Mr. Prichard to understand, that Mr. White had a letter from me, saying I wanted my 1/3 share of the stocks in cash, and Mr. White was going to make distribution in the next few weeks. This was my mistake. Please accept my apologies, and I ask this especially of Mr. Prichard.

I believe the conclusion is the same. My urgency in getting out that 11/3/93/letter, was not diminished by discovering on that same day, Mr. White's Show Cause Against Distribution, and his Order of Distribution, of 10/29/93, had come and gone, because neither I, nor I believe, Mr. Prichard, was notified before hand. I would appreciate Mr. White telling me, in his opinion, as to whether my letter of perhaps a year and a half ago (I could not find a copy and don't remember the letter), coupled with his Show Cause Against Distribution, and Order of Distribution, is basis for him to sell the stock against my wishes.

COPY



I request that my 1/3 share of the stocks be distributed to me in kind, that it be 1/3 of each stock or bond in the estate, and that I be allowed to take physical possession of the certificates.

If Mr. White would allow Ms. May to give each beneficiary the status of the stock portfolio at mother's death, on 9/15/91, and at present, with an explanation of what happened in between, and at what cost, I believe each beneficiary could pick the stocks of their choice, and all the beneficiaries would benefit.

Sincerely,

*Anthony O'Connell*

Anthony O'Connell

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

COPY

RECEIVED NOV 11 1993

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

TELEPHONE 836-8444

November 8, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

I have just received Mr. O'Connell's letter of November 6. It certainly is not the first time he has had to apologize. Fortunately I did not get his letter of November 3, though Mrs. Nader told me about it with the usual result upon my disposition, but then I assume that is his intent.

I have never had any intention of making any distribution involving the stock and mutual funds without his input. Obviously the estate has the power to sell, and we did sell the Signet stock on the advice of the broker. (Henry Thomas has always advised selling all stock as a matter of fact.) The stock is not Mr. O'Connell's; it is registered in the name of the estate. It will not be available for picking and choosing.

As soon as I can prepare letters from the Co-Executor's to the various funds we will transfer the accounts to the beneficiary's names. I will send you a W-9 which will have to be signed by Mr. O'Connell for each account. Since the estate must have cash, I plan to sell the Washington Gas Light Co. stock and the Nuveen Fund on the advice of Mrs. Allison May at A. G. Edwards. If you think other funds instead should be sold, let me know.

I am enclosing copies of all the accounts' activities since the date of death. The 1993 pages for the funds were sent in my last letter. It will not be necessary for Mr. White to "allow" Mrs. May to do this act. The only charge I can see other than the transfer fees, is the \$197.05 commission on the sale of the Signet stock, which netted a gain to the estate of \$5544.95 (a 128% gain in 15 months). Of course some of these transactions were filed in the first accounting to which Mr. O'Connell voiced no objections. The rest will be reflected in the second and final accounting.

As to promulgation of information is concerned, I have written numerous letters to Mrs. Nader in the course of administration. She has informed me that to the best of her knowledge, she has sent each of them to Mr. O'Connell. Maybe he should share fact that

Page 2  
Ltr to Edgar A. Prichard, Esq.  
November 8, 1993

with his distribution list.

Please forgive the fact that I am obviously taking out a great degree of umbrage on you. From day one I have been on the receiving end of snide innuendo reflecting upon my honesty and ability. Even though I realize fully that most of it is based upon little or no knowledge and much jumping to conclusions, it finally has an effect. Frankly, when I heard that you were becoming involved in this, I was delighted and remain so.

Sincerely,



Edward J. White

EJW/e  
Encl.  
Copy to: Mrs. Nader

**MCGUIRE WOODS  
BATTLE & BOOTHE**

Transpotomac Plaza  
1199 North Fairfax Street  
Alexandria, VA 22314

Court Square Building  
Charlottesville, VA 22901

World Trade Center  
Norfolk, VA 23510

8280 Greensboro Drive  
Suite 900  
P.O. Box 9346  
McLean, Virginia 22102

(703) 712-5000

Fax: (703) 712-5050

One James Center  
Richmond, VA 23219

The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006

41 Avenue des Arts  
1040 Brussels, Belgium

EDGAR ALLEN PRICHARD  
VIRGINIA AND DISTRICT  
OF COLUMBIA BARS  
DIRECT DIAL: (703) 712-5443

November 8, 1993

Mr. Antony O'Connell  
65341 Franconia Road  
Springfield, Virginia, 22150

Dear Tony:

To my surprise I received this morning quite a packet of material from our mutual friend, Mr. White. I have made copies of what he sent me except for a copy of your complaint to the Virginia State Bar, the answer thereto from the Bar and a copy of your letter to Jesse Wilson, Commissioner of Accounts. I am sure you have those papers in your files already. Mr. White does not ask me for a reply and I have not answered his letter. I assume that he has written me as a way of communicating with you.

Among the papers which he sent is a copy of his accounting, the order approving distribution and a list of the assets remaining in the Nuveen fund. In his letter he indicates that he expects to ask for 2 1/2 per cent as his commission. That is usual and will be approved.

Sincerely yours,



E. A. Prichard

EAP

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

TELEPHONE 836-5444

November 11, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

I have express mailed letters for Mrs. Nader to sign which will be returned to the broker and forwarded to Franklin Fund, Kemper Fund and Investment Company of America directing that these mutual funds be divided in three and the accounts be transferred to each of the beneficiaries. Likewise a letter is being sent to A. G. Edwards directing that the Fairfax County bond be divided into three units and that Mr. O'Connell's portion thereof be distributed to him by Edwards.

The Nuveen Fund, Washington Gas Light stock and \$5000 of the Fairfax bond are being sold to pay expenses. At least that much of the bond would have to be sold anyway to make it divisible by three in \$5000 lots.

This should provide about \$50,000.00 cash in the estate. The final distribution will not be much after paying the commission tax preparation fees and filing fees. This distribution will be made once they are ascertained. I see no way that this will be done before the third week in December. I am going in the hospital on November 19 for back surgery and will be out of my office for at least three weeks. I will have my calls routed to my home and will receive my mail.

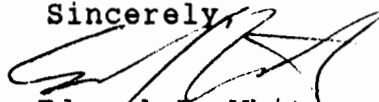
I am enclosing a calculation of the executor's commission. It is based on 5% of the inventory receipts and income plus the appreciation of assets while being administered by the Co-Executors (less the items marked "no comm") and totals \$47,119.74. I have cut off the computation as of the end of October so that the amount will remain the same. As I indicated earlier, Mrs. Nader will give two thirds of her half, less taxes on it, to the other two heirs. The notation "EXEC TAKEN" refers to the commission taken as a deduction on the estate tax return. The excess will be a deduction on the final fiduciary return and will benefit the heirs.

Normally the heirs give their assent to the paying of the commission and this is filed with the final accounting. If Mr.

COPY

O'Connell wishes to do so, it would be appreciated. He should understand that it is not required, and that he holds no veto power.

Sincerely



Edward J. White

EJW/e

Encl.

Copy to: Mrs. Nader

**C  
O  
P  
Y**

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

RECEIVED NOV 15 1993

November 12, 1993

Hon. F. Bruce Bach  
Judge, Circuit Court  
Fairfax County  
4110 Chain Bridge Rd.  
Fairfax, Va. 22030

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

Dear Judge Bach,

Today I received a copy of a letter to you from one Anthony M. O'Connell.

Due to a personal vendetta with me, Mr. O'Connell, obviously without the sanction of his counsel, has decided to voice any conceivable complaint possible about the administration of his mother's estate by his sister and myself. All of his efforts have been rebuffed.

Mr. O'Connell long ago was offered and in-kind distribution and rejected it. When he changed his mind, he was told that an in-kind distribution would be made. He had been told that prior to his letter to you. The distribution is in progress in the form in which he desires (barring a further change of mind). The status of the brokerage accounts has been mailed to his counsel and were at all times available had he requested them. His letter is of course contradictory in that it asks first for 1/3 of each stock and then requests the privilege of picking and choosing stocks of his choice.

The Show Cause and Order of Distribution procedure is a pro forma matter for the benefits of creditors and Mr. O'Connell is not entitled to notice unless he is a creditor. The form of the distribution is not his prerogative to dictate (though here he knew it would be that which he desired). If Mr. O'Connell really wishes to delay the distribution for about seven weeks while I recover from surgery to be performed next week, I would agree. I do have the distinct feeling that the other heirs might not be happy with that action on his part.

Sincerely,

Edward J. White

EJW/e

Copy to: Edgar A. Prichard, Esq.  
Jean M. Nader, Co-Executor

COPY

McGUIRE WOODS  
BATTLE & BOOTHE

Transpotomac Plaza  
1199 North Fairfax Street  
Alexandria, VA 22314

Court Square Building  
Charlottesville, VA 22901

World Trade Center  
Norfolk, VA 23510

8280 Greensboro Drive  
Suite 900  
P.O. Box 9346  
McLean, Virginia 22102

(703) 712-5000

Fax: (703) 712-5050

One James Center  
Richmond, VA 23219

The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006

41 Avenue des Arts  
1040 Brussels, Belgium

EDGAR ALLEN PRICHARD  
VIRGINIA AND DISTRICT  
OF COLUMBIA BARS  
DIRECT DIAL: (703) 712-5443

November 15, 1993

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

Dear Tony:

This is your post office calling. I have received three more communications from Mr. White. I enclose copies of all of them. I have not responded by letter to Mr. White but I have spoken with him by telephone. He tells me that he plans to wind up the estate before January one so that it will no be necessary to file an accounting or pay a tax next year. He is moving as quckly as possible because he will shortly have an operation on his back which will keep him out of the office for some weeks. He plans to wind up everything first.

I have not checked his calculations on commission but at first glance they appear correct. My understanding is that he will take half of the 5% commission and that your sister will take hers and then share it with you and your other sister, after deducting the cost of sharing it. That seems fair.

I told Mr. White that I did not believe you were carrying on a personal vendetta against him. I told him that I deduced that you were deeply hurt when your mother substituted him for you as co-executor of her will and that you had concluded that it was his advice which brought that about.

Again, Tony, I hope you will find occasion to speak to your sisters face to face. I believe that would be more effective than all of the letters you can write.

Sincerely yours,



E. A. Prichard



Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
(703) 971-2855  
November 26, 1993

Mr. E. A. Prichard  
McGuire, Woods, Battle and Boothe  
8280 Greensboro Drive  
Suite 900  
Post Office Box 9346  
McLean, Virginia 22102

Ref: Your letter of 11/15/93

Dear Mr. Prichard:

Thank you for your kind letter.

You mentioned that Mr. White plans to wind up the estate by January one so that it will not be necessary to file an accounting or pay a tax next year. Last year the estate fiduciary's return (Form 1041) covered the period 9/15/91 to 8/31/92. Unless Mr. White has since changed the accounting period, the estate's tax year ended 8/31/93, and his K-1 to the beneficiaries is due them by 12/15/93. I would like to know what portion of the \$33,000.00 distribution made to the beneficiaries on 9/15/92 is taxable. So--, I don't understand Mr. White's January one thing.

You write that you hope I will find occasion to speak to my sisters face to face, and that you believe that would be more effective than all the letters I can write. I am sure you are right in 99.99% of the cases, but I feel like the repair shop in Alexandria that spent \$100,000 in legal fees to win a \$1 judgement against the TV program, 60 minutes, for defamation, and was happy about it. After eight years of Mr. White, I've found the only way I can defend myself is expose him to public officials for what he is. I know I will lose, but this time I won't lose by not defending myself.

Under Mr. White influence, my relationship with my mother, and now my sister, has been basically destroyed. My crime has been asking for information. That is not right.

I know you do not have to put up with a client like me, who is not taking your advice. Of course I would like to continue to be able to seek your advice, but realize you have your limits, too. I am trying to say I understand if you don't want to represent me anymore.

I believe my credibility with my sisters is shot beyond repair. There is no doubt in my mind that White has broken only

PAGE 2 OF THIS 3 PAGE  
LETTER IS MISSING.

Thank you for your continuing and excellent service.

Yours truly,

Anthony O'Connell

RECEIVED JAN 20 1994

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

TELEPHONE 836-5444

January 19, 1994

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 the final accounting and a receipt for Mr. O'Connell's signature acknowledging the disbursement of the three funds and the Fairfax County bonds. Accompanying it is a letter to me from Mrs. May which established the value on the date of disbursement.

The final fiduciary tax return is being sent to the accountant to be prepared. This will be a 1994 tax event as I understand it.

Mrs. Nader will send the final disbursement check directly to Mr. O'Connell as soon as she signs it. She will also request that he sign a statement agreeing to the payment of her commission. It is my understanding that she will give Sheila and Mr. O'Connell 1/3 of that commission after the deduction of income taxes payable by her on it.

I am not asking that Mr. O'Connell approve the accounting since I do not want it delayed. If he wants to quarrel about it, he can do so with the commissioner. I am enclosing the letter which will be sent to the commissioner concerning the commission.

If you have any questions or comments please contact me.

Sincerely,

  
Edward J. White

EJW/e  
Encl.  
Copy to: Mrs. Nader

**MCGUIRE WOODS  
BATTLE & BOOTHE**

Transpotomac Plaza  
P.O. Box 25047  
Alexandria, VA 22313

The Blaustein Building  
One North Charles Street  
Baltimore, MD 21201

Court Square Building  
P.O. Box 1288  
Charlottesville, VA 22902

World Trade Center  
P.O. Box 3767  
Norfolk, VA 23514

8280 Greensboro Drive, Suite 900  
Tysons Corner  
P.O. Box 9346  
McLean, Virginia 22102

(703) 712-5000

Fax: (703) 712-5050

One James Center  
901 East Cary Street  
Richmond, VA 23219

The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006

Avenue des Arts 41  
1040 Brussels, Belgium

*associated office:*  
P.O. Box 4930  
Bahnhofstrasse 3  
8022 Zurich, Switzerland

Edgar Allen Prichard  
Virginia and District  
of Columbia Bars  
Direct Dial: (703) 712-5443

January 21, 1994

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

Dear Tony:

I have your letter of January 15 which arrived in the same mail as a letter dated January 19 from Mr. White. With Mr. White's letter there were enclosed a copy of his second and final accounting, a letter from Alison May concerning transfer of securities to you and your sisters, an undated letter to the Commission of of Accounts concerning his commissions and a copy of a receipt he expects you to sign. If you do not have copies of these documents my secretary can copy them and send them to you.

He asks a 2 1/2 per cent commission on gross receipts and he says in his letter to me that your sister expects to divide her commission of 2 1/2 percent among the three children of your mother.

A five per cent commission of gross receipts is usual, although it is not mandatory. It is possible for a Court to order more or less than five per cent or to pay no commission at all. I would say to you, however, that I believe it would not be worth your while to contest the 2 1/2 per cent asked by Mr. White. He might reetaliatate by asking more and he might get it.

I did not see the letter which Mr. White sent to Jesse Wilson. I have never met Mr. White. I have spoken with him on the telephone four or five times. It is possible that he mentioned writing to Jesse. I do not recall that he did.

With respect to your relationship to your sisters, I still believe that your best chance of restoring those broken

relationships would be for you to see each of your sisters, face to face and to say to them that if you injured them in any way such was not your intention. If either of them indicates that you did hurt her you should admit your fault and ask her forgiveness. It is difficult to admit fault and it is difficult to ask for forgiveness without at the same time trying to justify one's self, but nothing disarms a hostile person as quickly as an admission of fault and a request for forgiveness.

To answer your question I do not see White as having set out to destroy your relationship with your mother or your sisters. I do not see him as a rival for the affections of your sisters. Obviously he wanted the legal business so that he could earn a fee. Any interference by you with that plan was a threat to his pocketbook. As an old trial lawyer said to me years ago: when you shoot at a man's heart and miss and hit his pocketbook instead you haven't missed the mark far.

I have been a Christian all of my life but I did not really understand grace and forgiveness until middle age when I was finally able to admit my own sinfulness and to accept the forgiveness of Christ. The peace which came from the grace and forgiveness of Christ has made me a happy man. That peace is available to you, Tony I'd be happy to talk to you about it.

Happy New Year!

Sincerely yours,



E. A. Prichard

EAP

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
(703) 971-2855  
March 2, 1994

Mr. Ed Prichard  
McGuire, Woods, Battle and Boothe  
Suite 900  
Tysons Corner  
Post Office Box 9346  
McLean, Virginia 22102

Dear Mr. Prichard,

I wish I had your skill at words and diplomacy. The only good quality I can claim, in this general area, is being straight forward.

I don't want to put you in an awkward position. I know you have advised me not to write to public officials, concerning Mr. White, but I can not do otherwise. After eight years, I know the consequences of doing nothing. Besides the probable breakup of Accotink, I am not willing to passively accept, for the rest of my life, Mr. White's destruction of my credibility in the eyes of my family. There is no evidence. After all you have done for me and my family, particularly the thousands of dollars of free legal service you have volunteered of late, I simple do not want to put you in an awkward position, even at the loss of your superb, in depth and clear legal advice.

I do want to make it clear that I am not firing you. I can not imagine how you could have helped me more. I am aware of your wonderful reputation, and consider myself very lucky that you were willing to accept me as a client.

If you want to send out a letter to Mr. White, saying you no longer represent me, I understand. In retrospect, two advantages of this would be:

1. Mr. White could not continue to write defamatory letters to you about me, with copies to my sister. I believe those letters, with their appearance of legal truths, solidify in my sisters mind that I must have done some awful, but undefined thing.
2. Mr. White could not continue to give the appearance of communicating with me by writing the above letters.

The disadvantage to me, is that I no longer have the benefit of your legal advice. I will not consciously put you in an awkward position. So, I give you permission to fire me. Of course, I hope you won't, but I feel I have exceeded the limit of what I can ask of you.

Sincerely,  
Anthony O'Connell

*Anthony O'Connell*

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

TELEPHONE 936-5444  
April 13, 1994

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

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

Dear Mr. Wilson,

Enclosed is the Second and Final Accounting in this estate with vouchers, financial account statements, closing letters and the affidavit as to tax payments.

I hereby request that compensation to me as Co-Executor in the amount of \$23,580.89 (2 1/2% of the adjusted gross receipts of the estate \$943,235.84) be approved. A calculation sheet is attached.

Duties of the Co-Executor since October 1991, have consisted of meeting with heirs, consulting with the broker handling certain of the estate assets as to investments and making decisions on asset management and sale, personally closing out the decedent's bank accounts, resolving the matter of an unpaid bank loan to free the title to a vehicle, assisting in a successful appeal of the county assessment of real estate, managing the estate bank account, personal research as to asset value, preparation of all necessary administration documents, preparing decedent's federal and state income tax returns, preparing several years gift tax returns for decedent, preparing state and federal estate tax returns and amendments, personally contacting IRS to obtain closing letters, preparing financial data for the accountant to file three federal and state fiduciary income tax returns, responding to numerous letters of one of the heirs, closing and transferring a brokerage account and court appearance and pleadings for the Order of Distribution.

The time is estimated to be about 127 hours which is probably conservative. A time sheet is enclosed. Included is at least 4.75 hours which were spent in preparing an answer to a complaint filed with the Virginia State Bar by Anthony M. O'Connell which complaint was dismissed without a hearing.

COPY



Any questions concerning Mrs. Nader's (the other Co-Executor) commission should be addressed the other heirs. Mrs. Nader conducted all liason with the family members which was demanding and invaluable.

Sincerely,

Edward J. White

EJW/e

Encl.

Copy to: Jean M. Nader

Sheila Ann O'Connell

Edgar A. Prichard, Esq.

Counsel for Anthony M. O'Connell

**MCGUIRE WOODS  
BATTLE & BOOTHE**

Transpotomac Plaza  
P.O. Box 25047  
Alexandria, VA 22313

The Blaustein Building  
One North Charles Street  
Baltimore, MD 21201

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Charlottesville, VA 22902

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(703) 712-5000

Fax: (703) 712-5050

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The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006

Avenue des Arts 41  
1040 Brussels, Belgium

*associated office:*  
P.O. Box 4930  
Bahnhofstrasse 3  
8022 Zurich, Switzerland

Edgar Allen Prichard  
Virginia and District  
of Columbia Bars  
Direct Dial: (703) 712-5443

April 14, 1994

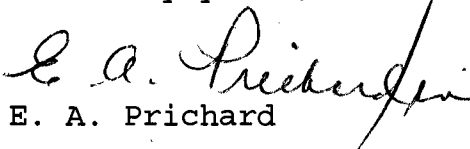
Anthony M. O'Connell  
6541 Franconia Road  
Springfield, VA 22150

Re: Estate of Jean M. O'Connell

Dear Tony:

Since you no longer wish me to represent you, I am forwarding Mr. White's letter which I have not read. I have not retained a copy.

Sincerely yours,

  
E. A. Prichard

EAP:in

Enclosures

McGUIRE WOODS  
BATTLE & BOOTHE

Transpotomac Plaza  
P.O. Box 25047  
Alexandria, VA 22313

The Blaustein Building  
One North Charles Street  
Baltimore, MD 21201

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Avenue des Arts 41  
1040 Brussels, Belgium

*associated office:*  
P.O. Box 4930  
Bahnhofstrasse 3  
8022 Zurich, Switzerland

Edgar Allen Prichard  
Virginia and District  
of Columbia Bars  
Direct Dial: (703) 712-5443

May 9, 1994

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

Dear Tony:

Enclosed herewith you will find a letter from Mr. White and an income tax return. I have not read the return and have not kept a copy.

Sincerely yours,



E. A. Prichard

EAP

RECEIVED OCT 27 1994

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

TELEPHONE 836-5444

October 25, 1994

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 your client's most recent effort.

According to the pamphlet sent out by the Virginia Department of Taxation if an estate is closed, the heirs are the proper parties to file for the refund. While an estate in Virginia technically is never closed, for most purposes, including this one, once the final accounting has been approved, the estate is considered closed. That was the status of things at the time your client was asked to sign the form.

However, subsequent to that event, your client informed Mrs. Nader and myself of the existence two cemetery lots of which I had no previous knowledge. This will require formal re-opening the estate. Accordingly, Mrs. Nader and I will sign and submit the refund request form.

Sincerely,

  
Edward J. White

EJW/e

Encl.

Copy to: Mrs. Jean M. Nader  
Mrs. Sheila O'Connell

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

RECEIVED OCT 28 1974

October 27, 1994

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

I have, this day, signed the Virginia Department of Taxation form requesting a refund of Mrs. O'Connell's taxes. Joanne Barnes of Keller Bruner & Co. is having the form express mailed today to Mrs. Nader for her signature.

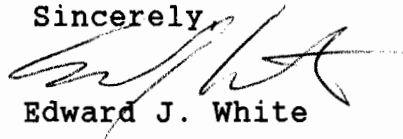
The amount of tax paid by Mrs. O'Connell during the refund period was somewhat in excess of \$5000.00. The state proposes a five year payout in some yet to be determined amount.

As Miss Barnes pointed out, since the request was made by the estate instead of the heirs, the payment will be to the estate. This will result in taxable income to the estate if the annual payments are more than the \$100.00 deduction given estates. This will entail the annual filing of 1041 and 770 returns for the five year payout period. Naturally, there will be tax preparation fees involved. Preparation fees for these returns are always higher than for personal income tax forms. Similarly there will be annual accountings to be filed with the Commissioner since there will be activity in the estate. Someone will have to do this and there will be added expenses.

I can only assume that these consequences were envisioned when your client refused to sign the form as an heir. (At that time the estate was in a closed state. The issue of the cemetery lots did not surface until after that date.)

In researching something else today, I came across Judge Lamb's comment in *Virginia Probate Practice* as to court orders discharging executors, which I pass along.

Sincerely,



Edward J. White

EJW/e  
Encl.  
Copy to: Mrs. Nader

**MCGUIRE WOODS  
BATTLE & BOOTHE**

Transpotomac Plaza  
P.O. Box 25047  
Alexandria, VA 22313

The Blaustein Building  
One North Charles Street  
Baltimore, MD 21201

Court Square Building  
P.O. Box 1288  
Charlottesville, VA 22902

World Trade Center  
P.O. Box 3767  
Norfolk, VA 23514

8280 Greensboro Drive, Suite 900  
Tysons Corner  
P.O. Box 9346  
McLean, Virginia 22102

(703) 712-5000

Fax: (703) 712-5050

One James Center  
901 East Cary Street  
Richmond, VA 23219

The Army and Navy Club Building  
1627 Eye Street, N.W.  
Washington, DC 20006

Avenue des Arts 41  
1040 Brussels, Belgium

*associated office:*  
P.O. Box 4930  
Bahnhofstrasse 3  
8022 Zurich, Switzerland

Edgar Allen Prichard  
Virginia and District  
of Columbia Bars  
Direct Dial: (703) 712-5443

October 31, 1994

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

Dear Tony:

I herewith enclose several letters which I have received from Mr. White. Since I no longer represent you I have not responded to the letters and do not plan to do so. I hope that all goes well with you.

Sincerely yours,



E. A. Prichard

EAP:in

Enclsoures a/s

Certified P 751 862 425

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
November 3, 1994

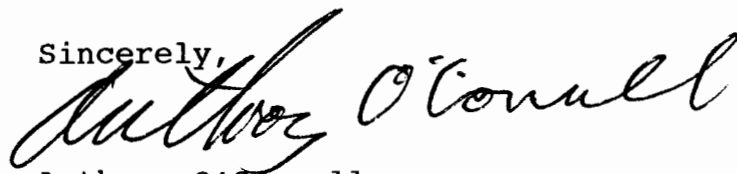
Mr. Edward J. White  
118 South Royal Street  
Alexandria, Virginia 22314

Ref: Estate of Jean O'Connell

Dear Mr. White:

Yesterday I received several of your letters that Mr. Prichard was kind enough to forward to me. I have the highest regard for Mr. Prichard, and ask that you not inconvenience him. Again, Mr. Prichard does not represent me. Please contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Anthony O'Connell". The signature is written in black ink and is positioned above the typed name.

Anthony O'Connell

Copies:

Mr. E. A. Prichard  
Ms. Jean Nader

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
January 17, 1994 5

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

Ref: Estate of Jean M. O'Connell  
Fiduciary # 49160

Dear Mr. White:

My copy of a letter from the Virginia Department of Taxation does not list you as being responsible for the pension payments due the estate.

Would you please send me some clear and convincing evidence as to whether you have, or whether you have not, accepted this responsibility in your capacity as co-executor?

A recent Washington Post article states that 371 claims have been rejected because they were not signed properly. The instructions for signing were, in part; *If the estate is open, the personal representative must file the affidavit and the claim on behalf of the decedent's estate.*

This is my third request to you.

If your justification for withholding this information is that I am represented by counsel, I am not represented by counsel. If your justification is that the estate is closed, the estate has never been closed (enc. 1). If you have some other justification for withholding this information, please let me know what that is, in order that it may be addressed.

Sincerely,

*Anthony O'Connell*  
Anthony O'Connell

Enclosure (1)

Copies:

Ms. Jean Nader

Honorable Judge F. Bruce Bach, Nineteenth Judicial Circuit of Va  
Commissioner of Accounts  
Virginia State Bar, VBS Docket #93-042-976

FILE



**MCGUIRE WOODS  
BATTLE & BOOTHE LLP**

8280 Greensboro Drive  
Suite 900, Tysons Corner  
McLean, Virginia 22102-3892  
Telephone/TDD (703) 712-5000 • Fax (703) 712-5050


January 23, 1995

Edgar Allen Prichard  
Virginia and District  
of Columbia Bars  
Direct Dial: (703) 712-5443

Edward J. White, Esquire  
Attorney at Law  
118 South Royal Street  
Alexandria, VA 22314

Re: O'Connell Estate

Dear Mr. White:

  
I have your letter of January 20, 1995, which I have sent along to Tony O'Connell. I write to assure you that what Tony says is correct. I no longer represent him in this matter. That was his decision, not mine.

With all good wishes for the coming years,

Sincerely yours,



E. A. Prichard

EAP:in

cc: Anthony O'Connell

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

TELEPHONE 836-5444

February 28, 1995

File

The Hon. Thomas S. Kenney  
Judge, Circuit Court of Fairfax County  
4110 Chain Bridge Rd.  
Fairfax, Va. 22030

Re: Estate of Jean M. O'Connell  
Fid. #49160

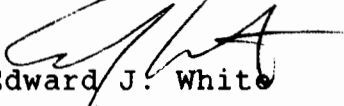
Dear Judge Kenny,

Normally I just let these things lie still, but Mr. Anthony O'Connell's latest in his letter to you needs some clarification.

I not only furnished Mr. O'Connell's attorney, Edgar A. Prichard, a copy of the entire financial history of the estate, noting that it would be from that document that the final accounting would be prepared (my ltr of 11/9/93), but a copy of the accounting itself (my ltr of 1/19/94). In addition, he received copies correspondence concerning every other event in the administration of this estate including all of my letters to the co-executor, his sister.

I have never received his "Exceptions" and have only heard from the Commissioner's office that they are 109 pages long.

Sincerely,

  
Edward J. White

EJW/e

# Wrongdoings

1995.04.11  
part 1 of 2

April 11, 1995

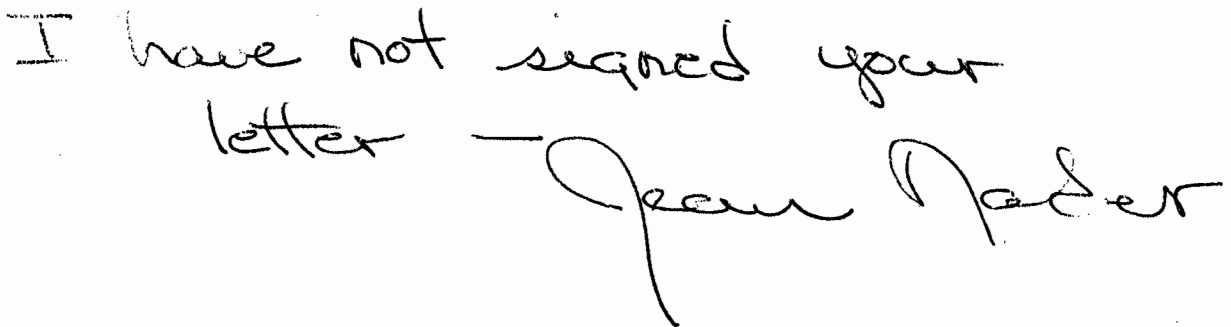
Dear Jean and Sheila,

I ask your support in signing the enclosed joint letter to Mr. White, and returning it to me. I believe it is self explanatory.

If you choose not to sign it, I would appreciate some notation.

Sincerely,

  
Tony

  
I have not signed your  
letter — Jean Pader

Jean Nader  
350 Fourth Avenue  
New Kensington, Penn 15068

Sheila O'Connell  
44 Carleton Street  
Portland, Maine 04102

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150

May 27, 1995

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

Ref: Estate of Jean O'Connell

Dear Mr. White:

We would very much like to know about any wrongdoing for which you consider Anthony O'Connell responsible.

Would you please describe any such wrongdoing, with specifics, so that there is no misunderstanding?

We thank you in advance.

---

Jean Nader

*Sheila O'Connell*  
Sheila O'Connell

*I have no awareness of any wrongdoing on the part of my brother, Anthony*

---

Anthony O'Connell

*Anthony O'Connell*

Anthony O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150  
July 18, 1995

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

Ref: Estate of Jean M. O'Connell  
Fiduciary # 49160  
Mr. White's letter of June 8, 1995

Dear Mr. White:

I understand from your letter of June 8, 1995, that your accounting charges, will consume most of the federal pension refund payments due the beneficiaries, unless the beneficiaries sign your revised FR6 Form, stating that you are not responsible for these payments, and that the estate is closed.

Would you be willing to answer some questions?

1. As co-executor for my mother, why would you not be responsible for any source of income due her estate?
2. Your FR6 Form of October 27, 1994, filed with the Virginia Department of Taxation, states that the estate is open, but that only Ms. Jean Nader, and not you, are responsible for the pension payments. If the accounting charges to the estate were not justification for you to avoid responsibility for the payments then, why are they justification now?
3. Previously, you had stated that:

*Mr. O'Connell recently has requested to know how much was charged for the preparation of the amended return. The answer is zero, since Mr. White prepared it as well as the original returns, even though that task is often given to accountants.*

If that were true then, why isn't it true now?

4. When my sister asked you, on behalf of all the beneficiaries, if you would be willing to allow me to serve as co-executor in your place, and as my mother originally intended, you refused on the justification that:

*When your mother approached me about changing the co-executors of her will, we discussed the matter at length. She specifically desired to make the changes which are in effect now, and was quite firm in her decision. It would be clearly disloyal of me to dishonor her intentions.*

If that were true then, why would it not be disloyal to her now, to leave early?

5. The court has never confirmed the final accounting because of the still unresolved *Exceptions to Commissioners Report*. For this reason, if no other, the estate is open, and has never been closed. Why are you asking the beneficiaries to sign a document contrary to this?

6. Why have you apparently made no effort to address this *Exceptions to the Commissioner's Report*?

7. Why are you asking the beneficiaries to sign a document that you obviously know I can not? Would you respect a less than unanimous response?

8. Paragraph nine of your letter states:

*Copies of all of the transactions, tax returns and correspondence as well as a ledger of all activity since the final accounting is enclosed.*

What is your point here?

Since you refused to tell me\* what you would charge me for my mother's Van over three years ago (Which meant I had to go to another attorney to find out how to draw up a proper receipt, to show that it was a gift from my sisters), I believe it's been down hill.

*\*4/4/92: I do not know what your problem is, but in the future, please address all correspondence to Mrs. Nader.*

*I am trying to be patient with you, but I find that this estate is time consuming enough without having to deal with letters such as the last two that I have received.*

Would you please reference what letters justified your refusal to communicate with me?

9. One of the enclosures with your letter was a Schedule F from what I believe is part of the second amended federal estate tax return. This Schedule F states, in part:

|   |                  |
|---|------------------|
| <i>Interest due Harold O'Connell Trust</i>  | <i>\$ 816.00</i> |
| <i>Debt due from Harold O'Connell Trust</i> | <i>659.97</i>    |

Would you tell me why the trust's \$1,475.97 check to the estate on April 21, 1992, which was the balance of the net income from the trust due my mother before her death, is recorded to appear as if something is still due from the trust, the trust of which I am trustee?

10. I believe my sister, Ms. Jean Nader, who is serving as co-executor with you, is quite convinced that I must be guilty of some serious wrongdoings. Consequently, our previously good relationship has been destroyed. Would you please identify any wrongdoing(s) for which you consider me responsible? Please be specific, in order that it can be addressed.

Sincerely,



Anthony O'Connell

Copy to:

The Honorable Judge Thomas S. Kenny, with enclosures  
Ms. Jean Nader, beneficiary and co-executor



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

July 20, 1995

Mr. Anthony M. O'Connell  
6541 Franconia Rd.  
Springfield, Va. 22150

Re: Estate of Jean M. O'Connell

Dear Mr. O'Connell,


I received your letter of July 18, today.

Indeed I did tell you to address your comments to Mrs. Nader; however in light of the tone of your letter and its usual unfounded accusations, I will reply briefly.

You state in your first paragraph that you understand from my June 8, 1995, letter that ". . . your accounting charges, will consume most of the federal pension refund payments due the beneficiaries." That is a clear falsehood. Nowhere in that letter is any mention of accounting fees whatsoever. Mrs. Nader requested that Keller Bruner & Co. prepare the filing for the refund. Whether you chose to reimburse your own sister for whatever charge they made is your decision. I have never made any charge for any accounting fee of any sort. My letter stated clearly that this post estate closing matter was being handled by me for free. Prior to this letter, I spent 6.75 hours on this matter as a gift to your sister, from which you also benefitted.

I am asking you to sign the Virginia Department of Taxation form so that you can receive your share of the future payout of the tax refund from the state. If you do not sign it, I can only hope that the state will go on and send your sister the refund so that she can send you your share.

You ask what is the point of my enclosing copies of all transactions of the estate since it was closed. My point is the same as it has always been, to furnish the beneficiaries, or their counsel, with all financial data. That was done when Edgar Prichard represented you. Since he no longer represents you, I sent it to you in accordance with my custom.

Your question regarding the wording of Schedule F of the estate tax return which was filed in September 1992, implying something or another, makes no sense at all. 

For the umpteenth time, I will ignore your plaintive request

Page 2  
Ltr to Mr. Anthony M. O'Connell  
July 20, 1995

that I identify your "wrongdoings".

Whether you like it or not, the law says that the estate is closed. I feel sure that Mr. Prichard imparted that to you. I believe that the Commissioner of Accounts office has also informed you of that fact. I gather that you want to continue your vendetta forever. In that aspect I refuse to indulge you.

Please cash the check for \$493.75 that was sent to you.

Sincerely,

  
Edward J. White

EJW/e

Copy to: Jean M. Nader

