

**“Deed”  
Entangle  
Land**

# Family

(Fund trust with the whole of one land or the other)

## vs

# Accountants

(Fund trust with parts of both lands [entangle])

Family

ANTHONY M. O'CONNELL  
CONSERVATOR  
2327 SOUTH THIRTEENTH STREET  
ST. LOUIS, MISSOURI 63104  

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 (314) 776-4926

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June 18, 1984 5

Ms. Joan Barnes  
Bruner, Kane and McCarthy  
300 North Lee Street  
P.O. Box 1250  
Alexandria, Virginia 22314

Ref: Estate of Harold A. O'Connell

Dear Ms. Barnes:

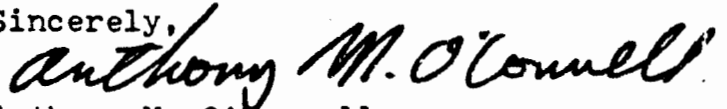
Thank you for your time and expertise in discussing the intended trust in the above estate.

Would you, as a Virginia resident and accountant for Mrs. Jean O'Connell, my mother and executor of the estate, accept the position of agent to receive notices and processes from the Court and Commissioner of Accounts concerning this trust?

The trust is to be funded from the assets now remaining in the estate inventory, ie., real estate. I would contest a cash substitution. The final estate filing should contain the entirety of the Springfield residence or the entirety of the Accotink property, which ever my Mother wishes to be placed in the trust.

Please advise me when the final estate filing is complete in order that I may schedule a trip to Fairfax and set up the trust.

Sincerely,



Anthony M. O'Connell  
Trustee in the above estate

Copies to: Mrs Jean O'Connell  
Mr. Jesse B. Wilson, III  
Deputy Commissioner of Accounts

See "How Much"

June 20, 1985

MR. Henry C. Mackall  
4031 CHAIN BRIDGE RD  
FAIRFAX, VIRGINIA 22030

DEAR MR. MACKALL,

In reference to our phone conversation today, thanks for taking the job. The enclosed Commission's account letter explains the situation.

I need you, unless you advise me otherwise, to:

1. Get the appropriate assets in the ~~the~~ trust according to the 50%-50% intention of the will. To my mind that would include the entirety of ~~one of~~ the other pieces of real estate. This, I think, involves contacting my

★ ★ NOTE: ~~Each~~ Each piece of real estate has appreciated about \$1,000,000 each.

mother's accountant who is now or  
has just completed the final estate  
 account. Her name & address is:

MS JOAN BARNES  
 BRUNER, KANE AND MCCARTHY  
 300 NORTH Lee Street  
 P.O. Box 1250  
 Alexandria, Virginia 22314  
 Tel (703) 549-7800

2. Take me through the point, where  
 I am recognized by the court as  
 trustee.
3. Advise me on what ever you  
 think is important in this situation  
 [Can we use an alternate valuation  
 of the real estate to avoid  
 huge ~~future~~ future capital gains?]

My mother is scared and upset of  
losing control to a trust. I  
know I don't have to ask that  
you be gentle in any contact  
with her. It would be most  
~~beneficial~~ beneficial for all if  
any contact with her is done  
by a woman, if possible.

Thank you  
Sincerely,

Anthony M. Donald



Business

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July 16, 1985

Dear Mother,

First, let me discuss  
the trust.

The lawyer I asked to help me, Henry MacKell said that the a certain percentage of each year of your estate, rather than the entirety of one piece, was to be in the trust as he suggested this to Ms. Barnes. So that's the way you want it. I find with me. That was different from what we had agreed on. In short, if that is the way you want it, fine.

I have not heard anything from Ms. Barnes.

~~Also, from my law~~

above

My lawyer also said that  
he thought I did need a  
co trustee, contrary to the  
letter from the commissione  
of accounts. I wrote the  
commission of accounts  
requesting a definitive answer

Frankly, I doubt if I  
ever get an answer from them

I asked Anoly Higgins  
if he would serve as  
co trustee. He has agreed.

He is already a trustee  
several times including  
trustee for the little  
church. He would not  
charge anything, though  
I insisted he ~~the~~ charge  
an hourly fee.

Would you be comfortable  
with Anoly Higgins as  
co. trustee?  
Sincerely,  
1918

Anoly is a man of  
very high integrity.

Pleasant

July 16, 1985

Dear Mother,

It's very hot here  
Went to ~~the~~ Black River,  
about 2 hours south of  
here last weekend.

The Black River is  
a clear fast moving small  
river, great for canoeing.

But this year I  
couldn't be find it. ~~They~~  
There were dozens and  
dozens of 3-wheel motor  
cycles tearing along the  
bank and in the water  
(They're especially designed  
not to stop in the  
water). It was horrible.  
The canoe business  
was down 70% people  
said.

I got honey out of the  
combs last week, that is,

I extracted it. I weighed  
it and it came to a  
little over 200 lbs!  
The bees also for the  
first time filled up  
these ~~these~~ little  
(4 1/2" x 4 1/2") wooden frames.  
I have about 18 of these.  
So - It was a ~~great~~  
bountiful harvest.

I will probably be at  
Sherley's in Portland in the  
next ~~week~~ two weeks.  
So - If you try to reach me  
and I'm not here,  
please try there.

Love, Tony

H. A. HIGHAM  
6208 HIGHAM DRIVE  
ALEXANDRIA, VIRGINIA 22310  
PHONE 971-5200

971-3129

September 5, 1985

Mr. Tony O'Connell  
2337 South Thirteenth Street  
St. Louis, Missouri 63104

Dear Tony:

I am in receipt of and have made a preliminary review of the Estate papers of your father.

I have no problem with serving as co-trustee provided we see eye to eye on how the trust is to be funded. It would appear to me that, as is often the case, there is no "cash" to fund the trust. Therefore, several options are available to secure the trust's assets.

- A - First would be to simply record the trusts interests in the real estate and divide the stock based on the vested interests of the trust.
- B - Negotiate a trade of real estate based on current market values with your mother and settle the difference with the stock. This would give Mrs. O'Connell the properties of her residence and the trust, Accotink.
- C - Forced liquidation, which I am opposed to.

If your goal is some part of A or B I will serve as Co-trustee -- implement the appraisals and negotiations as so directed. If your position is forced liquidation I would not wish to serve as co-trustee.

Please advise.

By the way my legal name is:  
Herbert Anderson Higham  
6208 Higham Drive  
Alexandria, VA 22310  
703-971-3129

Yours truly,  
*H. A. Higham*  
H. A. Higham

ANTHONY M. O'CONNELL  
CONSERVATOR  
2337 SOUTH THIRTEENTH STREET  
ST. LOUIS, MISSOURI 63104  
(314) 776-4926

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September 12, 1985

Mr. Herbert Anderson Higham  
6208 Higham Drive  
Alexandria, Virginia 22310


Re: Estate of H.A. O'Connell

Dear Andy:

Sorry about the mistakes in your name, address and telephone number. It has been corrected with the Commissioner of Accounts.

In response to your options mentioned in your letter of September 5, 1985:

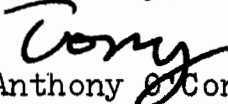
C-Forced liquidation. No way. Never thought of it.

 B-Trade of real estate. J.M. O'Connell and I were initially in agreement on this. She choose to put her residence in trust and the Accotink property totally in her name. Her accountant, Joanne Barnes, convinced her some where along the way to record the trust interest as is, ie., a portion of each property to be placed in the trust. I have no problem with this split.

A-Simple record the trust interest in the real estate. Choice of me and J.M. O'Connell. I am actively pursuing this option. Although it is slightly unwieldy, it does not requir~~e~~e appraisals (dubious anyway) and avoids a source of contention from here and everafter on did the trust or J.M. O'Connell gain or lose.

Your letter reminded me that the best contribution I could make to my family with respect to this estate is having you as co-trustee. Thank you.

Sincerely,

  
Anthony O'Connell

# Accountants

LAW OFFICES

MACKALL, MACKALL, WALKER & SILVER

A PROFESSIONAL CORPORATION

4031 CHAIN BRIDGE ROAD

FAIRFAX, VIRGINIA

22030

HENRY C. MACKALL  
DOUGLASS S. MACKALL, III  
DOUGLAS D. WALKER  
GLENN H. SILVER  
NANCY E. GIBB

TELEPHONES  
(703) 273-0320  
(703) 273-0321

June 25, 1985

Mr. Anthony M. O'Connell  
2337 South Thirteenth Street  
St. Louis, Missouri 63104

Re: Estate of Harold A. O'Connell

Dear Mr. O'Connell:

I received your letter with the enclosures regarding your father's estate and the trust referred to in the Will. From looking at the documents you sent me, it appears that the trust created by the Will was devised a 92.2% interest in each of the real estate interests included in the estate. Because the estate interest was only 50%, this would mean that the interest of the trust in each parcel of real estate is 46.1%. Your mother has apparently paid all of the real estate taxes from the date of your father's death and the trust would owe her 46.1% of those taxes. It seems to me that a final account would be very simple, merely reflecting the ownership percentages as distributions. No formal deed would be required. Obviously if either you or your mother wanted to sell, the other would have to agree. I notice from your letter to Joan Barnes you state that the trust should contain all of one or the other of the two properties. Is there some reason why you do not wish to have the 46.1% interest in each of the properties in the trust?

As soon as you advise me on this and on the response you receive from Ms. Barnes, I will have my associate, Amy Blanchard, contact your mother to see if we can't get this resolved.

Sincerely,



Henry C. Mackall

HCM/jkw



BRUNER, KANE & MCCARTHY, LTD.  
A PROFESSIONAL CORPORATION  
CERTIFIED PUBLIC ACCOUNTANTS  
300 NORTH LEE STREET  
POST OFFICE BOX 1250  
ALEXANDRIA, VIRGINIA 22313

MEMBERS  
AMERICAN INSTITUTE OF  
CERTIFIED PUBLIC ACCOUNTANTS

ARTHUR J. BRUNER, C. P. A.  
JOHN T. KANE, C. P. A.  
DANIEL F. MCCARTHY, C. P. A.  
WILLIAM H. ROBERTS, C. P. A. (1977-1978)  
JOANNE L. BARNES, C. P. A.  
CHARLES W. BALLOU, C. P. A.

(703) 549-7800

August 16, 1985

Mrs. Jean M. O'Connell, Executrix  
Estate of Harold M. O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150

Re: Estate of Harold M. O'Connell

Dear Mrs. O'Connell:

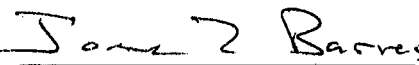
Your son requested that I furnish him copies of the Court Accountings that had been filed for the Estate. I have sent them on to him today. I am also enclosing a copy of the schedule which I believe reflects the fraction of the estate's one-half interest in each property to which you and the Trust are entitled.

If the transfers are made in these percentages, you would then own 56.475% of each property (50% owned individually plus 12.95% of one-half interest of the estate) and the Trust would own 43.525% of each property. If you and the Trust chose at some time in the future to exchange all or part of an interest in a property, I believe it should be done based on the then current fair market value of the properties. In such case, I would recommend that you have the properties appraised by a qualified real estate appraiser.

With regards to your request that I serve as co-trustee of the Trust with your son, I regret that I must decline to be either co-trustee or act as agent to receive notices and processes for him.

Please call me and we can discuss this further.

Very truly yours,

  
Joanne L. Barnes

JLB:jsp  
cc: Mr. Anthony M. O'Connell  
2337 South Thirteenth Street  
St. Louis, Missouri 63104

ESTATE OF HAROLD M. O'CONNELL

COMPUTATION OF PERCENTAGE INTEREST IN TRUST

PROBATE ASSETS:

1/2 interest - residence	\$ 40,681
1/2 interest - Accotink	37,500
605 shares, Washington Mutual	6,709
220 shares, New Virginia	1,953
Refund	5
Overpayment of Virginia tax	57
Cash	3,245
	<u>\$ 90,150</u>

PAYABLE TO WIFE DIRECTLY:

Cash POD	\$ 16,541
Life insurance	14,918
Jointly owned property	13,902
Personal property	500
U. S. Civil Service	1,381
Annuity	16,338
	<u>\$ 63,580</u>

Gross estate per return	\$153,986
Funeral expenses, etc., per return	5,372
Net estate	<u>\$148,614</u>
Federal estate and Virginia inheritance tax	2,225
Net estate	<u>\$146,389</u>
Less property passing directly to wife	63,580
Net probate estate	<u>\$ 82,809</u>
Marital deduction	\$74,307
Less passing directly	<u>63,580</u>
	(12.95% wife's share) 10,727
Residuary estate	(87.05% Trust share) <u>\$ 72,082</u>

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

TELEPHONE 836-5444

January 24, 1986

Mrs. Jean O'Connell  
6541 Franconia Road  
Springfield, VA 22150

Dear Mrs. O'Connell:

I spoke to Mr. Mackall on January 22nd as to the causes of the delay in obtaining the agreement from your son.

He stated that he had had several discussions with your son and they ironed out some minor details, and that the agreement being sent to Anthony to be signed on that date.

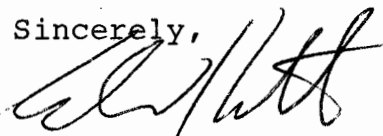
As soon as I receive it, I will review it and forward it to you for your signature. As soon as that is done, we can proceed to wrap up the rest of the Estate.

I spoke to Mr. John McEnearney of McEnearney & Associates, Realtors, and he will contact you concerning putting a value on your property.

Mr. McEnearney has been highly recommended to me by another appraiser, and the advantage of this approach is that you will not incur a large appraisal fee. However, there is no question that putting an appraisal price on this property will be most difficult in view of the numerous variables which might be encountered by a prospective buyer, especially zoning permits, etc.

I will be in touch with you as further developments occur.

Sincerely,



Edward J. White

EJW/mc

ketu non = payable exchange.

good man



Newly Muskall  
Interest transferred  
to trustee

main thing - go ahead  
showing % goes in interest  
that there to be co-trustee?

James Thompson  
W/land you - James Thompson

leave to son -  
lawyer & commissioner

long qualify  
to law

qualify trustee

Bond fee - Lawyer fee so  
bond pd when sold.  
nominal amt now.

look over carefully. I call for  
qualifying trustee 1/2 questions  
then trust - lawyer

later non-taxable exchange

Equalization Bd.  
691-3213

will call when get  
another date open

do not

Clerk 691-2224  
691-4193 - give  
judiciary no. 21840

(Proceedure  
come in - security bond -)  
(be resident with)  
Patty Mooto)

AGREEMENT

THIS AGREEMENT, made this 23 day of Jan., 1986 by and between JEAN M. O'CONNELL and ANTHONY M. O'CONNELL and HERBERT ANDERSON HIGHAM, Trustees, provides:

WHEREAS, under the Will of the late HAROLD A. O'CONNELL, which Will has been admitted to probate among the records of the Circuit Court of Fairfax County, certain property was left to ANTHONY M. O'CONNELL, Trustee, upon the terms and conditions of the Trust set forth in the aforesaid Will;

WHEREAS, ANTHONY M. O'CONNELL is not a resident of the Commonwealth of Virginia and HERBERT ANDERSON HIGHAM has qualified as Co-Trustee in this case;

WHEREAS, the corpus of the Trust, as presently constituted, consists of a 46.0994 percent ownership of two parcels of real estate located in Fairfax County, Virginia, the first being known as 6541 Franconia Road, and is the residence of JEAN M. O'CONNELL, the second being fifteen (15) acres of land located in Accotink Station, identified as Map Reference number 090-4-01-0017;

WHEREAS, it is the desire of the parties to fund the Trust as set forth in the Will and to provide security for JEAN M. O'CONNELL, and stability for the Trust;

IT IS HEREBY AGREED that in return for mutual promises as consideration for this agreement, the parties agree to the following:

1. The Co-Trustees, by their signatures hereupon, acknowledge receipt of the 46.0994 percent ownership of the two parcels referred to above.
2. JEAN M. O'CONNELL hereby agrees that she is the owner of the remaining 53.9006 percentage interest of the two parcels referred to above.

3. JEAN M. O'CONNELL hereby agrees that she will at all times pay the real estate taxes and other costs of maintaining these two parcels of property.

4. The Trustees hereby agree that during the life of JEAN M. O'CONNELL, they will not sell or attempt to sell by partition or otherwise, either of the two tracts of property without the written permission of JEAN M. O'CONNELL.

5. The Trustees agree that if either property is sold during the life of JEAN M. O'CONNELL she will be reimbursed from the sale proceeds the principal of all real estate taxes on that property paid by her which are attributable to the percentage ownership of the Trust.

In all other respects, the parties hereto agree that they are bound by the terms of the Will and Trust established therein.

*Jean M. O'Connell*  
\_\_\_\_\_  
JEAN M. O'CONNELL

*Anthony M. O'Connell*  
\_\_\_\_\_  
ANTHONY M. O'CONNELL

*Herbert Anderson Higham*  
\_\_\_\_\_  
HERBERT ANDERSON HIGHAM


ANTHONY M. O'CONNELL  
CONSERVATOR  
2337 SOUTH THIRTEENTH STREET  
ST. LOUIS, MISSOURI 63104  
(314) 776-4926

December 28, 1987

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

Dear Mr. White:

I got a buyer for my mothers residence while you were out of town.  
A copy of the purchase agreement is inclosed.

In spite of your excellent advice to my mother to sign nothing  
without your first looking at it, I urged her to sign this   
(December 24, 1987) because it is so clean and I felt strongly  
that it was not good business to wait until January 8, 1988.

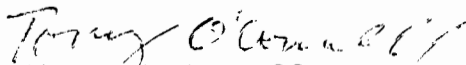
Assuming we pass the study period contingency, I hope you will  
handle the settlement.

I'm taking the liberty of giving your name to the buyer, Mr.  
R E. Lynch. Mr. Lynch mentioned that he may need copies of  
estate taxes, the death certificate, etc., things I don't  
have.

Mr. Edwin W. (Bill) Lynch Jr. can be reached at:

Lynch Properties Limited Partnership  
6340 Brandon Avenue  
Springfield, Virginia 22150  
or  
Guston Land Company  
7514 Rambling Ridge Drive  
Fairfax Station, Virginia 22039  
(703) 569-4992

Sincerely,

  
Anthony O'Connell