

Non-taxable Exchange

~~SAVE~~
reestablishing a

RE Est of HACC

45,325.00

In answer to your letter of May 8, 1985 regarding progress of the trust to be set up required by the will with Anthony O'Connell as Trustee I would like to report that a ^{co-}Trustee has agreed to serve with him

Ms. Jo Anne Berner
^{Home address}
7225 Pine Dr. }
Annandale, Va 22003 }
354-0673 }
549-7800 -office } office

~~I~~ She will be working on this very soon with a lawyer. I had hoped that the procedure of setting up a trust could be simplified by instead putting title to ^{the Residence estate (my home)} that ~~is~~ in the names of my three children ~~the~~ the same as listed in the will to receive it.

There should be more definite progress soon and I will inform your office then.

V T Y

J M O C Extra

Sent
5/31/85

To Commissioner of Accts.

Sent 5/31/85

Oak Grove
6541 Franconia Road - Springfield, Va. 22150

May 30, 1985

Commissioner's Office of Accts.

Fairfax, Va.

Dear Sir, Re: Estate of Harold S. O'Connell

In answer to your letter of May 8th regarding progress in establishing a trust required by the will with Anthony M. O'Connell as trustee I would like to report that a co-trustee has agreed to serve with him. She is:

Mrs Lo Ann Barnes (Home address 7225 Pine Knive, Annandale, Va. 22003 Tel. 3540673. Office phone 549-7800.) She will be working on this soon with a lawyer.

I had hoped that the procedure of setting up a trust could be simplified by putting title to the "Residuary Estate" (my home) in the names of my three children as listed in the will to receive it.

There should be more definite
progress soon and I will inform
your office then.

Very truly yours

Sean M. O'Connell, Esq.

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

 (314) 776-4926

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:

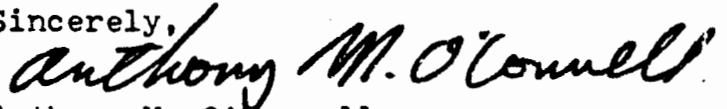
Thank you for your time and expertise in discussing the intended trust in the above estate.

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, i.e., 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

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

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

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

Business

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,
Louis

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 frame.
I have about 18 of these.
So - It was a ~~total~~
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

BRUNER, KANE & MCCARTHY, LTD.

A PROFESSIONAL CORPORATION

CERTIFIED PUBLIC ACCOUNTANTS

300 NORTH LEE STREET

POST OFFICE BOX 1250

ALEXANDRIA, VIRGINIA 22313

(703) 549-7800

August 16, 1985

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.

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:

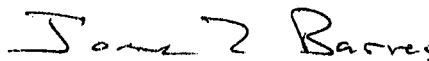
Your son requested that I furnish him copies of the Court Accountings that had been filed for the Estate. I have sent them on to him today. I am also enclosing a copy of the schedule which I believe reflects the fraction of the estate's one-half interest in each property to which you and the Trust are 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) <u>10,727</u>
Residuary estate	(87.05% Trust share) <u>\$ 72,082</u>

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.

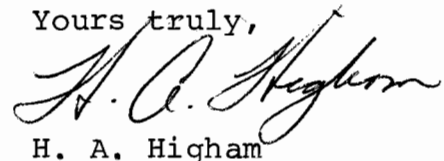
C - Forced liquidation, which I am opposed to.

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

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

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:

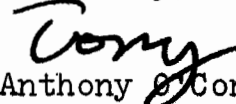
I think I accidentally reversed this.

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 require 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

good man



Newly Muskall
Interest transferred
to trustee

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

James Thompson
Wanted you to be in
trust for James

leave to son -
lawyer & commissioner

long qualify
to be

qualify trustee

Equalization Bd.
691-3213

will call when get
another date open

do not
(Lrd)

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

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

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

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

later non-taxable exchange