

# \$ 545,820

Money disappears using the trust of a family member as unwitting cover. The \$545,820.43 cash payment to the Estate on April 21, 1992, for the full payoff of the Lynch Note, is not reported.

Only the interest of \$26,917.17 is reported. The difference of \$518,903.26 disappears.

$\$545,820.43 \text{ (payment)} - \$26,917.17 \text{ (recorded)} = \$518,903.26 \text{ (disappears)}$

You have to recognize that the \$518,903.26 should not have disappeared.

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 cost?

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

\$545,820.43 (payment) - \$26,917.17 (recorded) = \$518,903.26 (disappears)

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.

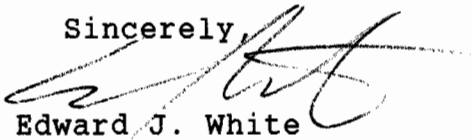
I do not know what your problem is, but in the future, please address all correspondence to Mrs. Nader.

Secrecy is essential to the accountants and fatal to the family

\$545,820.43 (payment) - \$26,917.17 (recorded) = \$518,903.26 (disappears)

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 cursive script, appearing to read 'E. J. White', written in black ink.

Edward J. White

EJW/e

Copy to: Jean M. Nader

**Missing  
\$545,820  
April 21, 1992**

A cash payment of \$545,820.43 was made to the Estate on April 21, 1992, for the full payoff of the Lynch Note. But only the interest of \$27,917.17 is reported. The note continues to be reported to the State and the IRS as late as April 10, 1995, as if it were still on schedule to mature on April 21, 1995..

"Lynch properties note	518,903.26"	Inventory item at bk467p191
"Int Lynch Prop Note DOD-4/21/92	26,917.17"	Receipt during period at bk467p192
	( \$545,820.43	actual payment to the estate on 4/2192)

The Lynch Note disappears between the First and Second Estate Court Accounts without explanation. Can we expose the accounting trails for the April 21, 1992, payment of \$545,820? Where did the money go?

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

The \$545,820 cash payment to the estate on April 21, 1992, is not mentioned in this letter of April 22, 1992,

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

This places the filing of the Trust Account before the filing of the Estate Tax Return that is due on June 15, 1992. This makes it easier to entangle the Trust accounting with the Estate Tax Return accounting. Both accounts are done by the CPA Joanne Barnes.

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.

The signature cover of the accountants and their collaborators is to divide and destabilize the family. Our family has been targeted with varying degrees of the likes of this letter for more than twenty years. Imagine the cumulative effects. Do not buy this cover as anything but cover. This is supposed to be a fiduciary relationship. Our Mother Jean O'Connell did not want her money to disappear or her family torn apart to cover it up.

BK0467 0191

77100  
13-10-92  
10-26-91  
#12921  
11-2-92  
+ 60. debts to demands here

VIRGINIA: IN THE CIRCUIT COURT OF FAIRFAX COUNTY

IN RE: ESTATE OF JEAN M. O'CONNELL

FIDUCIARY NO. 49160

Date of Qualification: December 10, 1991

FIRST ACCOUNTING OF

EDWARD J. WHITE AND JEAN M. NADER

CO-EXECUTORS

September 15, 1991 - September 15, 1992

RECEIPTS

Inventory Items

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	51,396.34	AMD ✓
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	11,200.00	AMD ✓
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 ck 5/10/91	326.60	✓
USAA Subscriber sav acct	25.10	AMD ✓
Sub Total Inventory Items	836,237.10	✓

\$545,820.43 (payment) - \$26,917.17 (recorded) = \$518,903.26 (disappears)

23 1992



The cash payment of an estimated \$545,820 paid to the Estate on April 21, 1992, for the full payoff of the Lynch Note was not recorded except for the \$26,917.17 in interest. Why is the disappearance of this estimated \$545,820 payment not recognized? Why is the disappearance of the Lynch note between the First and Second Estate Accounts not recognized?

Receipts During Period

First Virginia Bank int	399.58
ck Nuveen 11/1/91	66.50
ck WGL 11/1/91	105.00
ck Kemper 10/31/91	162.86
ck Nuveen 10/1/91	66.50
ck Kemper 9/30/91	162.86
Va. 1990 refund	1,605.58
Nuveen 12/31/91	66.50
Kemper 12/31/91	384.95
Kemper 11/29/91	162.86
Signet 11/27/91	39.60
Nuveen 12/2/91	66.50
Blue Cross 10/10/91	88.78
Int B&H earned 2/11	111.22
Nuveen 2/3/92	66.50
WGL div 2/1/92	105.00
Sovran int DOD-3/2/92	71.52
ck Signet 2/26/92	39.60
ck A. G. Edwards (Fx bond) 2/18/92	3,520.00
ck Kemper 2/28/92	171.75
ck Nuveen 3/2/92	66.50
Int B&H 3/10	246.12
ck Kemper 1/31/92	171.75
Int B&H 4/10	210.76
Int Lynch Prop Note DOD-4/21/92	26,917.17
Int fm Harold 'Connell Trust	816.00
Debt fm Harold O'Connell Trust	659.97
Nuveen 4/1/92	66.50
USAA refund	34.37
Int B&H 5/11	1,144.70
A. G. Edwards 5/27-Signet \$107 div	
WGL div 39.60	146.60
Int earned B&H	1,037.93
Nuveen 6/1/92	66.50
Int earned B&H	666.39
Nuveen 7/1/92	66.50
Int earned B&H	451.50
Nuveen 8/3/92	66.50
Nuveen 9/1/92	67.90
Nuveen 9/1/92	24.50
Int earned B&H	406.86
Inc Invest Co. of America DOD-9/15/92	5,403.87
A. G. Edwards acct Fx bond int	3,520.00
A. G. Edwards acct Signet div	39.60
A. G. Edwards acct WGL div	107.00
Kemper Mun Bond Fund DOD-9/15/92	1,468.42
Franklin Va. Fund DOD-9/15/92	5,590.85
Sub Total Receipts during period	56,928.42 ✓
TOTAL RECEIPTS	893,165.52 ✓

467 0192

\$545,820.43 (payment) - \$26,917.17 (recorded) = \$518,903.26 (disappears)

DISBURSEMENTS

Item	Ckno	
1 Colonial Emerg Phys (med bill)	1	10.40 ✓
VOID	2	
2 Fairfax Circ Ct. letters	3	14.00 ✓
3 Jean M. Nader probate tax reimb	4	1,269.00 ✓
4 NationsBank Car loan payoff	5	1,364.97 ✓
5 Checks		15.89 ✓
6 Jean Nader int on Hallmark acct while dep in estate acct	7	270.82 <sup>1</sup> ✓
7 Commissioner of accounts Inventory	8	61.00 ✓
8 IRS 1991 1040 return	9	15,332.00 ✓
9 Va. Dept Tax 1991 return	10	2,856.00 ✓
10 Jean M. Nader, disb	11	75,000.00 ✓
11 Jean M. Nader, bills pd SHE IS OWED 30 <sup>cents</sup>	12	8,559.00 ✓
12 Sheila Ann O'Connell-Shevenell, disb	13	75,000.00 ✓
13 Sheila Ann O'Connell-Shevenell, cem bill	14	475.00 ✓
14 Anthony M. O'Connell, disb	15	75,000.00 ✓
15 Anthony M. O'Connell int/disp 4/22-5/20	16	230.14 <sup>2</sup> ✓
16 A. G. Edwards legal charge (debit fm div)		40.00 ✓
17 IRS estimated Estate Tax	17	119,000.00 <sup>3</sup> ✓
18 Virginia estimated Estate Tax	18	31,000.00 <sup>3</sup> ✓
19 IRS 1991 income tax	19	28,334.00 ✓
20 Va Dept Tax 1991 amended return	21	5,712.00 ✓
21 National Fire Ins Co of Hartford Nuveen bond	22	169.26 <sup>4</sup> ✓
22 U. S. Trust processing fee	23	20.00 <sup>4</sup> ✓
23 Harold O'Connell Trust, appraisal	24	2,000.00 <sup>5</sup> ✓
24 Jean M. Nader, disbursement	101	33,000.00 ✓
25 Anthony M. O'Connell, disbursement	102	33,000.00 ✓
26 Sheila Ann O'Connell-Shevenell, dis	103	33,000.00 ✓
27 IRS est share of int due 91 amd tax	104	241.81 <sup>6</sup> ✓
28 1988 Plymouth Van to Anthony O'Connell		8,000.00 ✓
<b>TOTAL DISBURSED</b>		<b>548,975.29 ✓</b>

BK0467 0193  
 VOUCHER  
 ETC.

Vouchers in support of these disbursements are submitted herewith.

NOTES:

1. Decedent had a POD account in Hallmark Bank with Jean Nader. The bank erroneously paid the amount to the estate. This figure is the interest earned on that sum while in the estate account.
2. This represents interest earned in the estate account on the amount of the disbursement while the disbursal was delayed. This is to equalize the disbursements among the legatees.
3. Estimated tax was paid with an extension request.
4. Expenses incurred due to lost Nuveen certificate of ownership.

The Lynch Note disappears between the First Court Account and the Second Estate Accounts.

No Lynch Note

VIRGINIA: IN THE CIRCUIT COURT OF FAIRFAX COUNTY

IN RE: ESTATE OF JEAN M. O'CONNELL

FIDUCIARY NO. 49160

Date of Qualification: December 10, 1991

**SECOND AND FINAL ACCOUNTING OF**

**EDWARD J. WHITE AND JEAN M. NADER**

**CO-EXECUTORS**

**September 16, 1992 - January 19, 1994**

FID.# 49160  
QUAL 12-10-91  
FILED 9-14-94  
PAID 163.00  
TAPED [initials]  
POSTED 5-8-94

CARRIED OVER FROM FIRST ACCOUNTING		
Burke and Herbert Bank & Trust Co.	49,110.76	
Investment Co. of America	71,067.78	
Franklin Virginia Fund	56,987.19	
Kemper Municipal Bond Fund	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)	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 AT BEGINNING OF PERIOD	344,190.23	✓
RECEIPTS DURING PERIOD		
Nuveen ck dated 5/1/92	66.50	
Int earned Burke and Herbert Bank	661.30	
Virginia Estate tax refund	1,596.01	

**\$545,820.43 (payment) - \$26,917.17 (recorded) = \$518,903.26 (disappears)**

JUN 1 1994