

Henry
Mackall

Henry
Mackall
1985

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

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

July 8, 1985

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

Re: Estate of Harold A. O'Connell

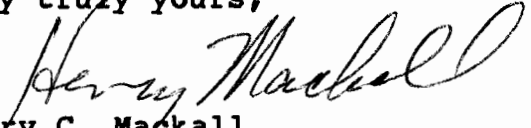
Dear Mr. O'Connell:

I have spoken with Ms. Barnes who agreed with my suggestion that a final account be filed by your mother reflecting the trust's ownership of an undivided percentage interest in the real estate. Funds advanced by your mother to pay the trust's share of the real estate taxes would be treated as a liability of the trust to be repaid when the realty is sold. She advised me that the percentages were not exactly as earlier calculated because of a slight difference in some jointly owned property. She is sending me a new computation which I will forward when it arrives.

In the letter your mother received from Mr. McCandlish, mention was made of your being able to qualify without a co-trustee if you appointed an agent on whom process might be served. I assume he was talking about Section 26-59 of our Code which deals with non-resident fiduciaries. I don't believe it is applicable to your situation. Because of this and because it will make your mother feel more comfortable, I discussed with Ms. Barnes the idea of her qualifying as a co-trustee with you. She has agreed. Since your mother is the sole beneficiary of the trust during her lifetime and is willing to forego any income from the trust there seems no need to sell the land. It has proven to be a good investment and your mother seems willing and able to continue to pay the real estate taxes as they accrue. The Will contains a waiver of bond for the trustee so that expense can be avoided. After an initial account there will only be a requirement to file one every three years showing no activity. When land is sold this situation will change but, at least for now, there will be little expense.

I think we can plan for you to come east at a time when Ms. Barnes is available so the two of you can qualify as trustees. The estate can be closed with little effort.

Very truly yours,

A handwritten signature in cursive script that reads "Henry Mackall". The signature is written in dark ink and is positioned above the typed name.

Henry C. Mackall

HCM/jkw
Enclosure

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

July 11, 1985

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

Re: Estate of Harold A. O'Connell

Dear Ms. Barnes:

Following my phone conversation with you, I reported to Mr. O'Connell that you and I had agreed on a procedure which could be followed in connection with closing the Estate of his father and I recommended that procedure to him. He has just advised me by phone that the procedure is not acceptable. As a result of our phone conversation I am no longer representing him.

Sincerely,



Henry C. Mackall

HCM/jkw

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

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

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

DATE: July 11, 1985

FOR PROFESSIONAL SERVICES

Rendered by Henry C. Mackall,

Re: Estate of Harold A. O'Connell

For services rendered from June 20, 1985 through July 11, 1985
in accordance with the attached computer printout;

pd July 16, 1985

TOTAL FEE \$ 360.00

COST ADVANCED:

Clerk _____ \$ _____
Recording _____ \$ _____
L/D Phone _____ \$ _____
Photocopying _____ \$ _____
Other _____ \$ _____

_____ TOTAL COSTS: \$ _____
TOTAL DUE: \$ 360.00

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

August 20, 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 am sorry you did not understand the distribution from your mother's estate to the trust.

According to the Will, your mother was to receive from all sources (jointly owned property and other assets passing outside the Will and from her share of the probate estate) 50%. In order to determine exactly how much goes into the trust, you must look at the estate tax return. The original computations you furnished me (Ms. Barnes told me there were minor changes in these figures) showed a net probate estate of \$82,809.00. This included the two half interests in real estate valued at \$40,681.00 and \$37,500.00, respectively or a total of \$78,181.00. The share of your mother was one-half of the net estate (gross Estate for tax purposes less debts and expenses) which amounted to \$148,614.00. Her interest was therefore \$74,307.00. She received \$63,580.00 outside the Will. She therefore was entitled to an additional \$10,727.00 from the probate estate leaving the trust with the remaining \$72,082.00.

Taking a \$72,082.00 interest in the real estate worth \$78,181.00 equates to a .921988718% interest in that real estate. Since the real estate in question was only a half-interest, this equates to a .460994% interest in the whole. In my opinion that is what the trust should now have. In my letter to you of June 25th I rounded off the interests to show the trust with a 46.1% interest in each of the two parcels of real estate. As you will see, the trust does not get all but only 92.2% of the two remaining assets of your father's estate.

I am sorry I did not make this clear in my earlier correspondence. Please let me know if I can be of further help.

Sincerely,



Henry C. Mackall

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

October 7, 1985

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

Re: Estate of H. A. O'Connell

Dear Mr. O'Connell:

Thank you or your letter of September 23 regarding your father's Estate. I will be happy to try to help you. I have serious problems with the limitations you wish to place on me. I believe a great deal can be accomplished by free and open discussion between counsel and I cannot see any harm in throwing out possible alternatives during such a discussion. I cannot hang up each time a new subject comes up in order to get instructions. I never commit a client to any particular course without his approval but I might well discuss actions which later turn out to be unacceptable to the client.

Your plan sounds fine but you cannot insist on it and be certain it will be adopted. There is no problem with funding the trusts as suggested. It seems the only practical way.

I do not know anything about Mr. Higham. I think your mother's wishes must be considered since she is a beneficiary. I know the Court will consider her desires before it makes an appointment.

I see no reason why the intended final account has to be reviewed and approved before it is filed. If it is wrong, objections can be made before the Commissioner of Accounts. If we reach an agreement I assume the account will be drawn as we discussed earlier and that we'll have some input.

If you want me to help further please let me know.

Sincerely,


Henry C. Mackall

HCM/jkw

LAW OFFICES

MACKALL, MACKALL, WALKER & SILVER

A PROFESSIONAL CORPORATION

4031 CHAIN BRIDGE ROAD

FAIRFAX, VIRGINIA

22030

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

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

AMY E. BLANCHARD

November 4, 1985

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

Re: Estate of H. A. O'Connell

Dear Mr. O'Connell:

I have today received executed agreement signed by your mother which would, I believe, carry out the desires you expressed to me in our last conversation. If this agreement meets with your approval please make arrangements to come here and qualify with Mr. Higham as Trustees of the Testamentary Trust. When you do so this agreement can be executed and will become binding. I have both the original and copy signed by your mother in my file and enclose herewith a copy. If you have any problem with this please let me know.

Sincerely,



Henry C. Mackall

HCM/jkw
Enclosure

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

AMY E. BLANCHARD

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

November 25, 1985

Mr. Anthony M. O'Connell
2337 South 13th Street
St. Louis, Missouri 63104

Re: Estate of Harold M. O'Connell


Dear Mr. O'Connell:

I have discussed the percentage of the real estate which is owned by the Testamentary Trust under your father's Will with Mr. White and Ms. Barnes. The correct figure is 46.0994%. When you and Mr. Higham qualify as Trustees, a final account can be filed and the agreement with the revised percentages can be signed. I have made changes in ink and you can initial those changes to reflect the correct percentages.

As I have discussed with Mr. White and Ms. Barnes, the advances which your mother has made and will make to pay the taxes will be treated as loans to the Testamentary Trust which do not bear interest and which will be payable only when the properties are sold. Ms. Barnes advises me that through 1984 the taxes paid for the benefit of the Trust on the percentage ownership which the Trust has have amounted to \$13,841.24. I have not checked her figures but understand that they all came from the annual accounting filed on behalf of the Estate.

I am glad that this matter has been concluded successfully and look forward to seeing you when you come to qualify.

Sincerely,


Henry C. Mackall

HCM/jkw
cc: Edward J. White, Esq.
Ms. Joanna Barnes

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

AMY E. BLANCHARD

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

December 4, 1985

Mr. Anthony M. O'Connell
2337 South 13th Street
St. Louis, Missouri 63104

Re: Estate of Harold M. O'Connell

Dear Mr. O'Connell:

I received the message you left for me last Friday afternoon which was repeated in your letter of November 29. Mrs. O'Connell is the lifetime beneficiary of the Trust under which you will be acting. She is therefore entitled as a matter of right, to use the property which constitutes the corpus of the Trust. I have a great deal of concern over taking a position that she must pay for the right to use the Trust property. This is particularly true since she is a co-tenant in her own right, owning 53.810%. As such, she has a right to occupy the property irrespective of the Trust provisions.

As things have been proposed, it would not be necessary for you and Mr. Higham to be in Court at the same time as Mrs. O'Connell. In the event no agreement is reached, there will inevitably come a time when a confrontation in Court must take place. I continue to believe this can be avoided.

If we are unable to reach an agreement, I fear that Mrs. O'Connell will contest your request to act as Trustee. The questions will then have to be determined by the Court. I don't know the nature of your disagreement with her but it seems clear

that there is a direct conflict between you and her. I frankly doubt that the Court would permit you to serve as Trustee in view of that conflict. I believe your failure to agree that sums advanced by Mrs. O'Connell to pay real estate taxes due on trust property could lead to the kind of confrontation we have been trying to avoid. From the figures you gave me with respect to the value of the real estate, the small amount of tax payments would not seem to be very important. I think you ought to reconsider your position with respect to these taxes. Please review this question and let me know your decision.

Sincerely,



Henry C. Mackall

HCM/jkw

*P.S. Enclosed is a redrafted agreement for your review.
Hen*

Henry
Mackall
1986

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

AMY E. BLANCHARD

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

February 13, 1986

Mr. Anthony M. O'Connell
2337 South 13th street
St. Louis, Missouri 63104

Re: Estate of Harold M. O'Connell

Dear Mr. O'Connell:

Enclosed is copy of agreement dated January 28, 1986 which has been signed by you and your mother. All that remains is for you and Mr. Higham to qualify as Trustees and for Mr. Higham to sign the agreement. I recommend that we do this at your earliest convenience.

Please let me know when you will be coming to Fairfax for this qualification. I will be out of town on the 6th and 7th of March and hope you will be able to schedule it some other time. I can have someone else from my office go with you if we run into a conflict but I would prefer to do it myself.

Sincerely,



Henry C. Mackall

HCM/jkw
Enclosure

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

AMY E. BLANCHARD

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

February 24, 1986

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

Dear Mr. O'Connell:

I have your letter of February 20, 1986 in which you state that other things must be done before you will come to Fairfax and qualify. I am afraid we are having some difficulty in our communications. There are no "new real estate titles" involved. The property devised by the Will passed automatically to the Trustees, subject to their qualification. the only thing required to vest title in the Trustees is for the Trustees to come here and qualify.

The final estate filings cannot take place until after the Trustees have qualified and the real property has vested in them.

The next step in this procedure is for you and Mr. Higham to qualify. When that takes place the whole thing can be finalized.

Sincerely,


Henry C. Mackall

HCM/jkw

LAW OFFICES

MACKALL, MACKALL, WALKER & SILVER

A PROFESSIONAL CORPORATION

4031 CHAIN BRIDGE ROAD

FAIRFAX, VIRGINIA

22030

TELEPHONES

(703) 273-0320

(703) 273-0321

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

AMY E. BLANCHARD

March 12, 1986

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 have your letter of March 3, 1986. In Virginia there is no such thing as revising real estate deeds under the situation involving your father's estate. I thought I had adequately covered this in one of my earlier letters. Under the Will, the property passed to the Trustees directly. The trustees, however, have not qualified and therefore cannot be said to own the property. As soon as they qualify the property will retroactively be deemed to be owned by the Trustees. I wish you would come East so that you and Mr. Higham can appear in the Clerk's Office and qualify as Trustees. Only then will a receipt signed by the two of you showing the property to have been received be effective. At that point a final account can be filed by the Executrix who has actually had nothing to do with the real estate except by reason of the failure of the Trustees to qualify. I fail to see that there is anything needed other than for you and Mr. Higham to qualify as Trustees and for Mr. Higham to sign the agreement.

I am going to forward Mr. Higham a copy of this letter with the request that he sign the agreement and return it to me. As soon as you both qualify I will deliver it to Mr. White. Since the matter has been worked out in such a satisfactory way I think you should do what you must to conclude it.

Sincerely,



Henry C. Mackall

HCM/jkw

LAW OFFICES

MACKALL, MACKALL, WALKER & SILVER

A PROFESSIONAL CORPORATION

4031 CHAIN BRIDGE ROAD

FAIRFAX, VIRGINIA

22030

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

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

AMY E. BLANCHARD

May 8, 1986

Mr. Anthony M. O'Connell
2337 South 13th Street
St. Louis, Missouri 63104

Herbert A. Higham, Esquire
6208 Higham Drive
Alexandria, Virginia 22310

Dear Mr. O'Connell and Mr. Higham:

Enclosed please find a copy of my letter to Mr. White together with copy of a proposed Petition and Order in connection with the bond problem we ran into when you attempted to qualify. I have discussed this with Mr. White and expect no problem getting it entered. If either of you have any objections to anything in either of these documents please let me know.

Sincerely,



Henry C. Mackall

HCM/jkw
Enclosures

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

AMY E. BLANCHARD

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

May 8, 1986

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

Re: Estate of Harold A. O'Connell

Dear Mr. White:

Enclosed is a copy of the Petition I plan to file in connection with the bond matter I discussed with you on the phone. Also enclosed is the original and a copy of the proposed Order. If you have any suggestions for either of these documents please give me a call. If you agree with what I am proposing please have Mrs. O'Connell sign the proposed Order and send it back to me with your endorsement. I think it certainly should be entered and trust that I will not have any difficulty getting it done.

Thank you for your assistance.

Sincerely,



Henry C. Mackall

HCM/jkw
Enclosures

cc: Mr. Anthony M. O'Connell
cc: Mr. Herbert A. Higham, Esquire

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

May 19, 1986

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

Re: Estate of Harold A. O'Connell

Dear Mr. White:

In accordance with our phone conversation of earlier today, I have revised the Petition and Order I had sent you in connection with the above matter. If you and your client are in agreement please sign the original Order and return it to me. I will then file the Petition, have the Order entered, and the Trustee will be qualified.

Thank you for your assistance.

Sincerely,


Henry C. Mackall

HCM/jkw
Enclosures
cc: Mr. Anthony M. O'Connell
cc: Herbert A. Higham, Esquire

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 23, 1986

Mr. Anthony M. O'Connell
2337 South 13th Street
St. Louis, Missouri 63104

Herbert A. Higham, Esquire
6208 Higham Drive
Alexandria, Virginia 22310

Re: Estate of Harold A. O'Connell

Dear Messrs. O'Connell and Higham:

You have officially qualified as Trustees under the Last Will and Testament of Harold A. O'Connell. You have given bond in a penalty of \$842,000.00 without surety. Enclosed are copies of the following documents:

1. Certificate of Qualification issued June 20, 1986.
2. Order entered June 11, 1986 by Judge Middleton.
3. Petition filed on behalf of Mr. O'Connell requesting authority for the Trustees to qualify without surety.
4. Agreement dated January 28, 1985 between the Trustees and Jean O'Connell.
5. Eighteen page notice to Fiduciaries together with Inventory and Accounting forms and fee schedule. The sole asset initially is the undivided interest in the two parcels of real estate. This should be reflected on the Inventory filed in Mr. McCandlish's Office.

Mrs. O'Connell will now be able to file her final accounting as Executrix of the Estate. By copy of this letter I am requesting Mr. White to notify me when this account is filed.

Statement for services is also enclosed.

Sincerely,


Henry C. Mackall

HCM/jkw
Enclosures
cc: Edward J. White, Esquire



COMMONWEALTH OF VIRGINIA

Circuit Court of Fairfax County



CERTIFICATE OF QUALIFICATION

State of Virginia

County of Fairfax, to-wit:

Fiduciary No. 21840

I, WARREN E. BARRY, Clerk of the Circuit Court of the County of Fairfax, Virginia, the same being a Court of Probate and of Record and having a seal, do hereby certify that it appears of record in my office pursuant to law that ANTHONY M. O'CONNELL & HERBERT ANDERSON HIGHAM

have been duly appointed TRUSTEES under the Last Will and Testament of: HAROLD A. O'CONNELL

and that they have duly qualified as such by taking the oath prescribed by law and by entering into and acknowledging a bond in the penalty of EIGHT HUNDRED FORTY TWO THOUSAND Dollars, with surety/without surety.

I further certify that the said appointment and qualification is still in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF I have hereunto set my hand, and affixed the seal of said Court hereto, at Fairfax, Virginia this 20th day of June, 19 86

WARREN E. BARRY, CLERK

By [Signature] Deputy Clerk

V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

IN RE: ESTATE OF HAROLD A. O'CONNELL

FIDUCIARY NO. 21840

ORDER

This cause came on this 11th day of June, 1986 to be heard on the Petition filed by Anthony M. O'Connell and was argued by counsel. And it appearing to the Court from her signature to this Order that the life beneficiary of the Residuary Trust created by the Will of Harold A. O'Connell has joined in the prayer of the Petitioner, it is

ORDERED, that Anthony M. O'Connell and Herbert Anderson Higham be permitted to qualify as Trustees of the Residuary Trust created by the Will of Harold A. O'Connell without surety on their official bond.

Enter: June 11, 1986

Thomas J. Middleton
JUDGE

AGREED:

Jean M. O'Connell
Jean M. O'Connell

Edward J. White
Edward J. White, Esquire
Counsel for Jean M. O'Connell

Henry C. Mackall
Henry C. Mackall
Counsel for Anthony M. O'Connell

V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

IN RE: ESTATE OF HAROLD A. O'CONNELL

FIDUCIARY NO. 21840

ORDER

This cause came on this 11th day of June, 1986 to be heard on the Petition filed by Anthony M. O'Connell and was argued by counsel. And it appearing to the Court from her signature to this Order that the life beneficiary of the Residuary Trust created by the Will of Harold A. O'Connell has joined in the prayer of the Petitioner, it is

ORDERED, that Anthony M. O'Connell and Herbert Anderson Higham be permitted to qualify as Trustees of the Residuary Trust created by the Will of Harold A. O'Connell without surety on their official bond.

Enter:

June 11, 1986

(Sgd) Thomas J. Middleton, Judge

JUDGE

AGREED:

Jean M. O'Connell
Jean M. O'Connell

Edward J. White
Edward J. White, Esquire
Counsel for Jean M. O'Connell

Henry C. Mackall
Henry C. Mackall
Counsel for Anthony M. O'Connell

A COPY TESTE:
WARREN E. BARRY, CLERK

By: [Signature]
Deputy Clerk

V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

IN RE: ESTATE OF HAROLD A. O'CONNELL

2005 JUN 11 AM 11:13

MARVENE E. HART
CLERK OF THE CIRCUIT COURT
OF FAIRFAX COUNTY, VA

FIDUCIARY NO. 21840

PETITION

COMES NOW your Petitioner, ANTHONY M. O'CONNELL and says as follows:

1. Your Petitioner was named in Paragraph Eleventh (c) as Trustee of the Residuary Trust created by Article Fifth of the Will of Harold A. O'Connell.
2. Your Petitioner resides at 2337 South Thirteenth Street, St. Louis, Missouri 63104.
3. The sole beneficiary of the Residuary Trust during her lifetime is the decedent's widow, Jean M. O'Connell.
4. Your Petitioner and his mother, the said Jean M. O'Connell, have agreed that Herbert Anderson Higham, a resident of Fairfax County, Virginia, shall be appointed Co-Trustee of the said Residuary Trust as required by Section 26-59 of the 1950 Code of Virginia, as amended.
5. Section 26-46.2 states that each Trustee named in a Will, before proceeding to act thereunder, shall qualify and give bond with surety as may be required by the Clerk unless (1) the Will waives surety on the bond.
6. Paragraph Eleventh (d) of the Will of Harold A. O'Connell provides as follows:

"So far as I may lawfully do so, I direct that no bond or other security shall be required of any Executor or Trustee serving hereunder for the faithful performance of duties in any jurisdiction."

7. Paragraph Eleventh (a) of the Will of Harold A. O'Connell reads as follows:

"Any reference in this Will to my "Executor" or to my "Trustee" shall be deemed to include not only the Executrix or Trustee herein first named, but also any substitute or successor (or special or ancillary Co-Executor) at any time serving in a fiduciary capacity hereunder; and all rights, powers, privileges and dis-cretions herein granted to my Executor or to my Trustee shall be deemed to be granted not only to the Executrix or to the Trustee herein first named; but also to any substitute or successor (or special or ancillary Co-Executor) at any time serving in a fiduciary capacity hereunder."

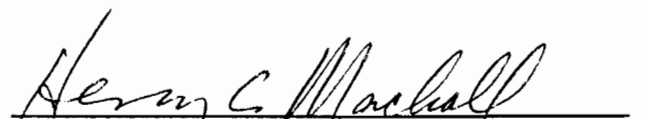
8. The sole assets constituting the corpus of the "Residuary Trust" consists of a 46.0994% interest in two parcels of real estate located in Fairfax County, Virginia.

9. The undersigned Petitioner, his proposed resident Co-trustee, and the life-beneficiary of the Trust, Jean M. O'Connell, have reached an agreement prohibiting sale of the real estate during the lifetime of the said beneficiary without her written permission. A copy of said Agreement dated January 28, 1986 is attached hereto and prayed to be read as a part hereof.

WHEREFORE, your Petitioner prays that he and Herbert Anderson Higham be permitted to qualify as Trustees of the Residuary Trust created under the Will of Harold A. O'Connell, without surety on their official bond.



Anthony M. O'Connell
By Counsel



Henry C. Mackall
Counsel for Petitioner
Mackall, Mackall, Walker & Silver
4031 Chain Bridge Road
Fairfax, Virginia 22030
703-273-0320

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

MACKALL, MACKALL, WALKER & SILVER
4031 Chain Bridge Road
Fairfax, Virginia 22030

Statement as of 6/20/86

Our file # 2144.01

Matter: Estate of O'Connell

Anthony O'Connell

=====

FEEES

8/20/85 HCM Review file; read ltr. fr. O'Connell
ltr. to O'Connell

10/ 1/85 HCM Tel.Con w/Edward J. White
836-5444

10/ 4/85 HCM Letter to Mr. O'Connell to continue
representation

10/17/85 HCM Tel.Con w/Mr. O'Connell re: agmt.
not to sell if she pays taxes
Tel.Con w/Edward White re: discuss
agmt. which might work

11/ 4/85 HCM Review agreement rec'd from White;
Ltr. to Mr. O'Connell w/copy

11/ 8/85 HCM Tel.Con w/Mr. O'Connell; T/C to
Mr. White - left message to return

11/21/85 HCM Tel.Con w/Atty. White re: computa-
tions; T/C to J.Barnes -

11/22/85 HCM Tel.Con w/Joanna Barnes re:
accounting

11/25/85 HCM Tel.Con w/Joanne Barnes; Ltr to
Mr. O'Connell

11/29/85 HCM Tel.Con w/Mr. O'Connell re: add
clause re: loan & taxes w/o int.

12/ 2/85 HCM Letter from O'Connell & phone mess.
T/C to White

12/ 4/85 HCM Tel.Con w/Atty. White; redraft agmt.
and Ltr. to Mr. O'Connell

1/22/86 HCM Tel.Con w/Atty. White and Ltr to
White sending agreement

2/12/86 HCM Letter to Mr. O'Connell w/copy of
agreement

2/24/86 HCM Review ltr from Mr. O'Connell and
Ltr to Mr. O'Connell

3/12/86 HCM Letter to Mr. O'Connell trying to
explain re: Trustees & qualificatio

4/ 7/86 HCM Tel.Con. from Mr. O'Connell -wants
accounting first

4/ 8/86 HCM Tel.Con. w/Mr. White re: acctg. for
Mr. O'Connell

4/30/86 HCM Tel.Con. w/Mr. O'Connell; Conf.w/
Mr. Higham; T/C from Mr. White

5/ 1/86 HCM To Courthouse -to qualify the
trustees in Court

5/ 7/86 HCM Prepare draft of petition on surety

MACKALL, MACKALL, WALKER & SILVER
 4031 Chain Bridge Road
 Fairfax, Virginia 22030

Statement as of 6/20/86

Our file # 2144.01

Matter: Estate of O'Connell

Anthony O'Connell

5/15/86	HCM	Tel.Con. with Mr. O'Connell re: bond and surety	
		Tel.Con. w/Mr.O'Connell re: redo petition and order - no surety!	
5/19/86	HCM	Revise order and petition; T/C to Mr. White; Ltr to White & O'Connell	
6/16/86	GHS	Tel.Con.w/Clerk re: Order	
6/17/86	HCM	Tel.Con. Atty. White re: value of trust land; T/C Patty at Clerk's	
		Total Fees	----- \$1,862.50

=====

COSTS

6/20/86		Court Filing Fee-Qualification fee to Warren Barry, Clerk, Fairfax Co.	\$31.00
		Total Costs:	----- \$31.00

=====

TOTALS

Prior balance:	\$0.00
Less payments received:	0.00
Current fees:	1,862.50
Current costs:	31.00
	=====
Amount due:	\$1,893.50

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

AMY E. BLANCHARD

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

August 11, 1986

Mr. Anthony M. O'Connell
2337 South 13th Street
St. Louis, Missouri 63104

Herbert A. Higham, Esquire
6208 Higham Drive
Alexandria, Virginia 22310

Re: Estate of Harold A. O'Connell

Dear Messrs. O'Connell and Higham:

I have received today from Mr. White and enclose herewith a copy of the Fourth and Final Accounting which was filed with Mr. McCandlish in connection with the Estate of Harold O'Connell.

Sincerely,



Henry C. Mackall

HCM/jkw
Enclosures

Henry
Mackall
1995

LAW OFFICES
MACKALL, MACKALL & GIBB
A PROFESSIONAL CORPORATION
4031 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA
22030

HENRY C. MACKALL
DOUGLASS S. MACKALL III
NANCY EDDY GIBB
CELESTE BURNS VELLA
WM. QUINTON ROBINSON
MARY D. WAGAMAN
RICHARD B. LANKFORD
LAURA LEIGH RATCHFORD

(703) 273-0320
FAX (703) 273-0267

August 29, 1995

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

Re: Trust of Harold A. O'Connell

Dear Mr. O'Connell:

I am in receipt of your letter of August 25, 1995. In addition to the letter from Mr. White referred to in your letter, I have letters from him of the following dates: October 29, 1985, January 31, 1986, February 27, 1986 and June 2, 1986. I also have a copy of a letter from him to Mr. McCandlish dated August 8, 1986. Copies of these letter are enclosed herewith.

Very truly yours,



Henry C. Mackall

HCM/jkw
Enclosures
c:\wp60\ltr

LAW OFFICES
MACKALL, MACKALL & GIBB
A PROFESSIONAL CORPORATION
4031 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA
22030

(703) 273-0320
FAX (703) 273-0267

HENRY C. MACKALL
DOUGLASS S. MACKALL III
NANCY EDDY GIBB
CELESTE BURNS VELLA
WM. QUINTON ROBINSON
MARY D. WAGAMAN
RICHARD B. LANKFORD
LAURA LEIGH RATCHFORD

August 29, 1995

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

STATEMENT

=====

Copies of letters from Attorney Edward White
Re: Trust U/W of Harold O'Connell

5 at \$1.00 each

\$5.00