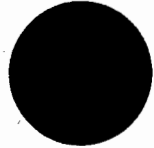


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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY



JEAN MARY O'CONNELL NADER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ANTHONY MINER O'CONNELL, )  
 )  
 Individually and in his capacity as )  
 Trustee under a Land Trust Agreement )  
 Dated October 16, 1992 and as )  
 Trustee under the Last Will and )  
 Testament of Harold A. O'Connell, *et al.* )  
 )  
 Defendants. )

Case No. 2012-13064

ORDER

THIS CAUSE came on to be heard upon the motion of the Plaintiff, Jean Mary O'Connell Nader, by counsel, for summary judgment pursuant to Va. Sup. Ct. Rule 3:20; upon the reply to the motion filed by Sheila Ann O'Connell, *pro se*; and upon the argument of counsel; and

IT APPEARING TO THE COURT as follows:

1. The material facts set forth in the Complaint filed by Plaintiff in this action are deemed to be admitted by Defendant Anthony M. O'Connell pursuant to Va. Sup. Ct. Rule 1:4(e), based on the failure of Defendant Anthony M. O'Connell to deny such facts in the responsive pleading filed by him, entitled "Response to Summons Served on September 8, 2012."



2. In her Answer to the Complaint and Reply to Motion for Summary Judgment, the remaining party-in-interest, Defendant Sheila Ann O'Connell, agrees with the facts set forth in the Complaint and the relief requested by Plaintiff.

3. Because there are no material facts in dispute in this action and the facts alleged in the Complaint support the relief requested therein, summary judgment pursuant to Va. Sup. Ct. Rule 3:20 on all counts alleged in Plaintiff's Complaint is appropriate.



IT IS THEREFORE ORDERED:

A. That judgment in favor of Plaintiff Jean Mary O'Connell Nader as to Count I of the Complaint be, and hereby is, granted; that Anthony Miner O'Connell is hereby removed as trustee under the Land Trust Agreement dated October 16, 1992, pursuant to Va. Code § 64.2-1405 (formerly Va. Code § 26-48), effective immediately; and that all fees payable to Anthony Minor O'Connell under the terms of the Land Trust Agreement, including but not limited to, the trustee's compensation under paragraph 9.01, and all interest on advancements by the trustee to the trust for payment of real estate taxes pursuant to paragraph 9.03, are hereby disallowed and deemed forfeited;

B. That judgment in favor of Plaintiff Jean Mary O'Connell Nader as to Count II of the Complaint be, and hereby is, granted; that Anthony Minor O'Connell is hereby removed as trustee of the trust created under the Last Will and Testament of Harold A. O'Connell, pursuant to Va. Code § 64.2-759 (formerly Va. Code § 55-547.06), effective immediately;

C. That judgment in favor of Plaintiff as to Count III of the Complaint be, and hereby is, granted; that Plaintiff Jean Mary O'Connell Nader is hereby appointed as successor trustee under the Land Trust Agreement and as trustee of the trust under the Last Will and Testament of Harold A. O'Connell; that the term of the Land Trust Agreement is hereby

continued until further Order of this Court or until the real property held under the Land Trust is sold and final distribution of the net proceeds is made to the trust's beneficiaries, whichever occurs first; and that Plaintiff, as successor trustee under the Land Trust Agreement, shall proceed forthwith to sell the real property held by such trust as soon as reasonably practicable upon such terms and conditions as she deems appropriate and consistent with her fiduciary duties; and

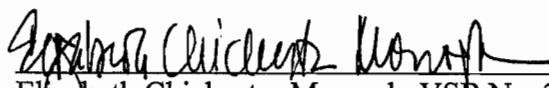
D. That Plaintiff is hereby awarded her reasonable attorney's fees and costs in this action in the amount of \$ 17,504.12<sup>DOE</sup>, to be paid from the Land Trust at such time as funds become available.

ENTERED this 25<sup>th</sup> day of January, 2013.

  
\_\_\_\_\_  
JUDGE

I ASK FOR THIS:

BLANKINGSHIP & KEITH, P. C.  
4020 University Drive  
Suite 300  
Fairfax, VA 22030  
703-691-1235  
FAX: 703-691-3913

By:   
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*Counsel for Plaintiff*

Anthony O'Connell, Trustee  
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Green Valley, Arizona 85614  
January 11, 2013  
anthonymineroconnell@gmail.com

Chief Judge Dennis J. Smith  
Nineteenth Judicial Circuit of Virginia  
Fairfax County Court House  
4110 Chain Bridge Road  
Fairfax, Virginia 22030-4009

Reference:

- (1) Response to Summons
- (2) Re: Harold A. O'Connell(?), CL-2012-13064; Lien, Summons, Injunction, Notice, Order

The Honorable Chief Judge Dennis J. Smith:

I responded to the summons within the required 21 day time period; on September 22, 2012, with one item, and on September 24, 2012, with seventeen items.

September 22, 2012, with one item:

- (1) overview62p

September 24, 2012, with seventeen items:

- (1) 545820-23p
- (2) bk467p191-8p
- (3) blueprint4p
- (4) canweconnectthedots2p
- (5) codeofconduct-18p
- (6) commitments-individually8p
- (7) computer-tax-test35p
- (8) exceptions1994dissappeared
- (9) exceptions2000dissappeared
- (10) overview72p
- (11) percentages12p
- (12) precedence17p
- (13) taxrecords94p
- (14) trust-deed-invisible175p
- (15) trust-documents42p
- (16) unknown14p
- (17) useirs15p

?

"1. The material facts set forth in the Complaint filed by Plaintiff in this action are deemed to be admitted by Defendant Anthony M. O'Connell pursuant to Va. Sup. Ct. Rule 1:4(e);- **based on the failure of Defendant Anthony M. O'Connell to deny such facts in the responsive pleading filed by him, entitled "Response to Summons Served on September 8, 2012.**

.....  
3. **Because there are no material facts in dispute** in this action and the facts alleged in the Complaint support the relief requested therein, summary judgment pursuant to Va. Sup. Ct. Rule. 3:20 on all counts alleged in Plaintiff's Complaint is appropriate."  
(From Chief Judge Dennis Smith's Order dated January 25, 2013)

I don't understand why there was no response from the law firm or from the Court from my response to the Summons except:

“5. As of the date of the filing of this Motion [September 28, 2012], Defendant Sheila O'Connell has been served with the Complaint and the time period for her to file an answer is pending. Upon information and belief, Defendant Anthony M. O'Connell has filed a response to the Complaint, which consisted of a one-page letter directed to the Clerk of Court, and the filing of numerous documents and records containing his annotations. “

(From the injunction dated 2012.09.28)

“RE: In Re: Harold A O'Connell, CL-2012-13064

Dear Mr. O'Connell:

I have received your letter regarding the Notice of Scheduling Conference you received in case CL 2012 -0013064. This is indeed a valid notice from our court provided so that you would be aware of a Scheduling Conference at which we will, if appropriate, set a trial date and enter a scheduling order in accordance with the Uniform Pretrial Scheduling Order adopted by the Supreme Court of Virginia. No evidence will be taken at that time as this is only a hearing to establish the schedule for the orderly processing of the case.

As for accountability for the notice, it clearly indicates that it is sent by the judges of the circuit court and provides you with a phone number at which you can contact our case management staff with regard to the Scheduling Conference. We would not send out a notice indicating that you can contact the judges directly as such contact is inappropriate.

**Your letter also indicates that you do not know what issues are raised in the case but our records indicate that you have responded to the Complaint which sets out the Plaintiff's allegations and prayer for relief so I therefore assume that you are acquainted with the issues which have been raised.** As to whether the Plaintiff's allegations are true or merit relief, these issues will not be dealt with at the December 4, 2012 Scheduling Conference but are instead decided in the course of later proceedings or after a trial at which each side has had an opportunity to present evidence in the form of documents or testimony and make arguments as to the proper disposition of the issues. You also request that our court take certain actions, but please note that Judges take actions based upon pleadings which are properly filed, and even then, only after each interested party has had an opportunity to respond and be heard on the request. Sending a letter to a judge is not filing a pleading in a case as pleadings are properly filed with the Clerk of Court. Additionally, copies of anything sent to the Court for filing must be provided to all other interested parties. As your letter does not indicate copies were sent to the other parties I will provide them with a copy of your letter and this response.

Finally, with regard to your participation in the Scheduling Conference at 8:30 a.m. on December 4, 2012, this is a civil case and it is your choice as to whether you participate in this administrative hearing or any further hearings. If you do not appear, the Court will proceed to establish scheduling without your



input. We will, however, send you a copy of any Order that is entered at that hearing. Sincerely Yours, [Chief Judge Dennis J. Smith] “  
(From Chief Judge Dennis Smith's letter to Trustee Anthony O'Connell of November 27, 2012)

Would you please have your people look at the evidence I sent in response to the Summons and then explain why I was required to appear in Court on December 4, 2012, and am required to appear in Court on January 25, 2013?

Sincerely,

A handwritten signature in black ink that reads "Anthony O'Connell, Trustee". The signature is written in a cursive style with a large, prominent initial 'A'.

Anthony O'Connell, Trustee