

# Wills

Wills for Jean O'Connell

Tony, This is the draft of will Pritchard sent us. A few changes were made - mostly adding your name as trustee and mine as Executor. My will reads the same. The "Marital Share" part has not been changed, so if the estate ~~for~~ for tax reads 200,000 the trust must be 100,000.

LAST WILL AND TESTAMENT

OF

HAROLD A. O'CONNELL

I, HAROLD A. O'CONNELL, of Fairfax County, Virginia, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils by me at any time heretofore made.

FIRST: I direct my Executor, as soon as practicable after my death, to pay out of the assets of my estate my enforceable debts, in accordance with their terms, the expenses of my last illness and funeral, without regard to any statutory limits on such expenses and the cost of administration of my estate.

SECOND: I give and bequeath all my tangible personal property which is not used exclusively in my business, and all policies of insurance relating to such property, to my wife, JEAN M. O'CONNELL, if she survives me and lives for sixty (60) days after my death, but if she does not so survive me, then I give and bequeath all of the aforesaid property to such of my children, presently, JEAN MARY O'CONNELL NADER, SHEILA ANN O'CONNELL TIERNEY and ANTHONY MINER O'CONNELL, who shall survive me, in equal shares. The judgment of the Executor in making the allocation shall be final and conclusive.

THIRD: Any interest that I may have in any joint bank accounts and joint savings and loan accounts and any stocks and bonds jointly in my name and that of my wife are hereby declared to be the sole property of my wife and my Executor shall make no claim against her on account thereof.

FOURTH: If my wife, JEAN M. O'CONNELL, shall survive me and live for sixty (60) days after my death, I give, devise and bequeath to her an amount equal to fifty percent (50%) of the value

# Will of Jean M. O'Connell 1974.04.11

Executor is Harold A. O'Connell, substitute executor is Anthony M. O'Connell, Trustee is Anthony M. O'Connell. Prepared by Ed Prichard.

LAST WILL AND TESTAMENT

OF

JEAN M. O'CONNELL

I, JEAN M. O'CONNELL, of Fairfax County, Virginia, do make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils by me at any time heretofore made.

FIRST: I direct my Executor, as soon as practicable after my death, to pay out of the assets of my estate my enforceable debts, in accordance with their terms, the expenses of my last illness and funeral, without regard to any statutory limits on such expenses and the cost of administration of my estate.

SECOND: I give and bequeath all my tangible personal property which is not used exclusively in my business, and all policies of insurance relating to such property, to my husband, HAROLD A. O'CONNELL, if he survives me and lives for sixty (60) days after my death, but if he does not so survive me, then I give and bequeath all of the aforesaid property to such of my children,

presently, JEAN MARY O'CONNELL NADER, SHEILA ANN O'CONNELL TIERNEY and ANTHONY MINER O'CONNELL, who shall survive me, in equal shares.

The judgment of the Executor in making the allocation shall be final and conclusive.

THIRD: Any interest that I may have in any joint bank accounts and joint savings and loan accounts and any stocks and bonds jointly in my name and that of my husband are hereby declared to be the sole property of my husband and my Executor shall make no claim against him on account thereof.

FOURTH: If my husband, HAROLD A. O'CONNELL, shall survive me and live for sixty (60) days after my death, I give, devise and

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Superseded  
Jean O'Connell

bequeath to him an amount equal to fifty percent (50%) of the value of my adjusted gross estate as finally determined for federal estate tax purposes, undiminished by estate or other death taxes, either state or federal, less the aggregate value of all interests in property, if any, which pass to my husband under any other provisions of this Will or which have already passed to him or for his benefit otherwise than under this Will, by operation of law, through life insurance policies, or otherwise, but only to the extent that such interests are included in determining my gross taxable estate and are allowable as a marital deduction for federal estate tax purposes. Such amount shall be called the "Marital Share". In making the computations necessary to determine the amount of the Marital Share, the final determinations for federal estate tax purposes shall control. My Executor shall have full power and the sole discretion to satisfy this devise and bequest wholly or partly in cash or in kind, and to select and designate, and to convey and assign to my husband the assets, including real estate and interests therein, owned by me at the time of my death, which will be transferred as the Marital Share; provided, however, that all assets so transferred as the Marital Share to my husband shall be valued at the value thereof as finally determined for federal estate tax purposes; and provided, further, that my Executor, in order to implement this devise and bequest, shall distribute as the Marital Share to my husband, assets having an aggregate fair market value at the date or dates of distribution amounting to no less than the amount of this devise and bequest as finally determined for federal estate tax purposes; and provided, further, that there shall not be conveyed as a part of the Marital Share to my husband any policy of insurance on the life of my husband, or any asset, or the proceeds of any assets, which will not qualify for the marital deduction. This devise and bequest shall abate to the extent that it cannot be satisfied in the manner

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hereinabove provided. The exercise of the foregoing power and discretion by my Executor shall not be subject to question by or on behalf of any beneficiary.

FIFTH: All the rest, residue and remainder of my property, real and personal, tangible and intangible, wheresoever situate and howsoever held, including any property over which I have a power of appointment under any instrument, (including, in the event that my husband shall not survive me and live for sixty (60) days after my death, that portion of my estate which otherwise would comprise the Marital Share), herein referred to as my Residuary Estate, shall be disposed of as follows:

A. In the event that my husband, HAROLD A. O'CONNELL, shall survive me and live for sixty (60) days after my death, I give, devise and bequeath my Residuary Estate to my Trustee, hereinafter named, in trust, herein referred to as my Residuary Trust, to be held, administered and disposed of by my Trustee as follows:

1. So long as my husband, HAROLD A. O'CONNELL, shall live, my Trustee shall pay to him or expend for his benefit, in convenient installments, all the net income arising from my Residuary Trust from and after the date of my death. In addition to such income payments, so long as my husband shall live, my Trustee is authorized to pay to my husband or expend for his benefit, from time to time so much of the principal of my Residuary Trust as my Trustee, in the sole discretion of my Trustee, shall deem necessary for his support and maintenance; provided, however, that none of the principal of the Residuary Trust shall be so paid or expended for the benefit of my husband so long as income or assets are readily available to him from any other source. In determining whether income or assets are so available to my husband, my Trustee may rely, and shall be fully protected in relying, upon the affidavit of my husband or any other person whom the Trustee believes to be conversant with the circumstances.

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2. Upon the death of my husband, my Residuary Trust as then constituted shall be paid over and delivered in equal shares to each child of mine who is living at my husband's death and to the then living lawful issue, collectively, of each child of mine who shall have theretofore died, such issue to take per stirpes the share which their ancestor, the deceased child of mine, would have taken if alive, subject, however, to the provisions hereinafter made with respect to the share of a beneficiary who has not attained the age of twenty-one years.

B. In the event that my husband, HAROLD A. O'CONNELL, shall not survive me and live for sixty (60) days after my death, I give, devise and bequeath my Residuary Estate in equal shares to each child of mine who is living at my death and to the then living lawful issue, collectively, of each child of mine who shall predecease me, such issue to take per stirpes the share which their ancestor, the deceased child of mine, would have taken if alive, subject, however, to the provisions hereinafter made with respect to the share of a beneficiary who has not attained the age of twenty-one years.

C. If, under Paragraph A. of this Article, a beneficiary who has not attained the age of twenty-one years, becomes entitled to receive any share or part of the principal of my Residuary Trust, my Trustee is authorized to retain such share or part in trust with power and authority in my Trustee, in the sole discretion of my Trustee, to accumulate the net income therefrom and add it to the principal thereof or to pay to, or expend for the benefit of, such beneficiary, with or without intervention of a guardian, so much of the income and principal of his or her share as my Trustee, in the sole discretion of my Trustee, shall deem necessary for the support, maintenance and education (including

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higher education), of such beneficiary until he or she attains ' twenty-one years of age, at which time he or she shall be entitled to receive his or her share or part free of any trusts. The foregoing provision shall not be construed to postpone the vesting of any share or part of my estate in such beneficiary, but shall have the effect only of postponing his or her uncontrolled enjoyment thereof until he or she attains the age of twenty-one years.

D. If, under Paragraph B. of this Article, a beneficiary who has not attained the age of twenty-one years at my death shall become entitled to any share of my Residuary Estate, then notwithstanding anything herein to the contrary, I give, devise and bequeath such beneficiary's share to my Trustee, hereinafter named, in trust, to pay to or expend for the benefit of such beneficiary, with or without the intervention of a guardian, so much of the income and principal of his or her share as my Trustee, in the sole discretion of my Trustee, shall deem necessary for his or her support, maintenance and education (including higher education), adding to the principal of his or her share any income not so paid or expended, until he or she attains twenty-one years of age, at which time he or she shall be entitled to receive his or her share free of any trusts. This provision shall not be construed to postpone the vesting of any share of my Residuary Estate in such beneficiary, but shall have only the effect of postponing his or her uncontrolled enjoyment thereof until he or she attains the age of twenty-one years.

E. To the extent permitted by law, the interest of each beneficiary of any trust herein created shall be held by the Trustee upon the condition that the principal thereof and the income therefrom shall be applied to the support and maintenance of the respective beneficiary, and the interest of each beneficiary shall not be subject to his or her liabilities, claims of creditors, or to alienation, assignment, or anticipation by such beneficiary.



SIXTH: I direct my Executor to pay out of my Residuary Estate all estate, inheritance, transfer, legacy or succession taxes of death duties, including any interest or penalties thereon, which may be assessed or imposed with respect to my estate, or any part thereof, wheresoever situated, whether or not passing under my Will, including the taxable value of all policies of insurance on my life and of all transfers, powers, rights or interests includable in my estate for the purposes of such taxes and duties. Such payments shall not be prorated or charged against any of the other gifts in this Will or against property not passing under this Will.

SEVENTH: The term "issue", wherever used in this Will, shall be construed to mean lineal descendants in the first, second or any other degree of the ancestor designated, provided, however, that an adopted child and such adopted child's lineal descendants shall be considered as lineal descendants of the adopting parent or parents and of anyone who is by blood or adoption an ancestor of an adopting parent.

EIGHTH: (a) Whenever my Executor shall have a choice of dates in valuing property in my gross estate for estate tax purposes, or a choice between claiming any expense of administration as a deduction for income tax purposes or as a deduction for estate tax purposes, my Executor shall be authorized, but shall not be required, to make such choice as in the judgment of my Executor will result in the payment of the least amount of taxes in the aggregate, without regard to the effect thereof upon the respective interests of the persons interested in my estate, and my Executor shall be authorized, but shall not be required to make adjustments between any such interests to compensate for the adverse effect thereof of any such choice. In addition, my Executor is hereby authorized to enter into agreements with appropriate governmental authorities and

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to make such other elections and exercise such other options as may be available on estate, inheritance and income tax returns all in such manner as to my Executor may seem most advisable.

(b) My Executor shall be authorized to join in or consent to income and gift tax returns with my said husband (or a legal representative of his estate) to the extent permitted by law and may pay out of my estate, without requiring any contribution from him or his estate, all income and gift taxes, including interest and penalties thereon, if any, payable for any period in respect of which such returns shall be so filed.

NINTH: In addition to and not in limitation of the rights, powers, privileges and discretions vested in executors by law, including specifically the powers of fiduciaries enumerated in Section 64.1-57 of the Code of Virginia as in force at the date of this Will, which powers are incorporated herein by reference, I give to my Executor in the administration of my estate and to my Trustee in the administration of any trust herein created, the following powers, to be exercised, without application to any court, to such extent, at such times, upon such terms, and in such manner as my Executor and as my Trustee shall, in the absolute discretion of such Executor or Trustee, deem advisable and proper:

(a) To retain any property, real or personal, included in my estate or in any trust herein created, to change investments, and to invest and reinvest from time to time in such other property, real or personal, within or without the United States, including, without limitation, stocks of any classification and shares of or interests in any mutual fund, without being limited in such retention, investment or reinvestment to property authorized for investment by any applicable local law and without regard to diversification of assets.

(b) To sell, without notice, at public or private sale, for cash or on credit, with or without security, to exchange and to grant options to purchase any property, real or personal, not herein specifically devised or bequeathed which is included in my estate or in any trust herein created or is at any time held hereunder, and in so doing to execute all necessary deeds or other instruments.

(c) To borrow money, to mortgage or pledge as security any property held hereunder and to pay interest thereon at the prevailing rate.

(d) To lease for any period, exchange, partition, alter, demolish, improve or otherwise deal with real property.

(e) To make contracts and agreements, to compromise, settle, release, arbitrate or accept arbitration of any debts or claims in favor of or against my estate or any trust herein created and to extend, modify or waive the terms of leases, bonds, mortgages and other obligations or liens.

(f) To vote, in person or by proxy, any stock or securities held hereunder, and to exercise or delegate discretionary powers in connection therewith.

(g) To consent to and participate in any reorganization, consolidation, merger, dissolution, sale, lease, mortgage, purchase or other action affecting any stock or securities held hereunder, and to make payments in connection therewith.

(h) To deposit property with any protective, reorganization or similar committee, to exercise or delegate discretionary powers in connection therewith and to share in paying the compensation and expenses of such committee.

(i) To employ agents, attorneys, accountants, brokers, counsel, including investment counsel, or others, whether individual or corporate, and to pay their reasonable compensation and expenses. Any Executor or Trustee may serve in such additional capacity and be so compensated for services rendered in such additional capacity.

(j) To hold any property, real or personal, in the name of a nominee.

(k) To determine in all cases of reasonable doubt the manner in which receipts and expenditures shall be allocated between principal and income.

(l) In dividing or distributing my estate or any trust herein created, to make such division or distribution in money, in kind, or partly in money and partly in kind, or by allotting or assigning undivided interests in property, even if one or more shares be composed in whole or in part of property different in kind from that of any other share.

(m) To make such divisions, distributions or advances, at any time and from time to time during the period of administration of my estate, of all or any part of the net income or principal of my estate as my Executor may, in the absolute discretion of my Executor, deem appropriate.

(n) To continue any business, joint venture, or investment, in which I may be engaged or in which I may have an interest at the time of my death, including the authority to incorporate any such business, joint venture, or investment, which is not incorporated at the time of my death, and to make funds available for the continuation of any such business, joint venture, or investment, in the form of loans, stock subscriptions or otherwise as my Executor or my Trustee shall deem best.

(o) Generally to do any and all acts and things and to execute any and all such written instruments with respect to any property held hereunder which my Executor or my Trustee would be entitled to do were such property owned absolutely by my Executor or my Trustee.

The provisions of this Article shall continue in effect with respect to any property at any time held hereunder until the administration of my estate or of any trust herein created shall have been completed by the payment or distribution thereof pursuant to the terms of this Will.

TENTH: (a) Every election, determination, or other exercise by my Executor or by my Trustee of any right, power, privilege or discretion granted to my Executor or to my Trustee expressly or by implication in this my Will or by law, whether made upon a question actually raised or implied in the acts or proceedings of my Executor or of my Trustee shall, so far as permitted by law, be conclusive and binding upon all persons affected thereby.

(b) No person dealing with my Executor or with my Trustee shall be required to see to the application of any property paid or delivered to my Executor or to my Trustee, or to inquire into the expediency or propriety of any transaction or the authority of my Executor or of my Trustee to enter into or consummate the same upon such terms as my Executor or my Trustee may deem advisable.

ELEVENTH: (a) Any reference in this Will to my "Executor" or to my "Trustee" shall be deemed to include not only the Executor 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 discretions herein granted to my Executor or to my Trustee shall be deemed to be granted not only to the Executor 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.

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(b) I appoint my said husband, HAROLD A. O'CONNELL, to serve as sole Executor hereof. In the event that my said husband fails to become or ceases to be Executor hereof for any reason, I appoint ANTHONY M. O'CONNELL, as the substitute Executor hereof.

(c) I nominate and appoint as Trustee of any trust herein created ANTHONY M. O'CONNELL.

(d) 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.

(e) Except for willful default or gross negligence, my Executor and my Trustee shall not be liable for any act, omission, loss, damage or expense arising from the performance of duties under this Will, including the act, omission, loss, damage or expense caused by any agent appointed by my Executor or by my Trustee.

TWELFTH: It is my intention that this Will take full advantage of the maximum marital deduction under federal estate tax laws; therefore, all provisions of this Will shall be construed, and all powers of my Executor shall be construed and exercised, accordingly.

THIRTEENTH: The use of any gender herein shall be deemed to be or include the other genders and the use of the singular herein shall be deemed to be or include the plural (and vice versa), wherever appropriate.

FOURTEENTH: All references to this Will in the Articles hereof shall be deemed to mean this instrument as modified by any and all valid codicils hereto.

IN WITNESS WHEREOF, I, JEAN M. O'CONNELL, herewith set my hand to this, my last Will, typewritten on twelve (12) sheets of paper (including the attestation clause, signatures of witnesses,

J.M.O.C.

and acknowledgements) this 11 day of April, 1974, in the presence of each and all of the subscribing witnesses, each of whom I have requested in the presence of each of the others, to subscribe his or her name, together with his or her address, as an attesting witness, in my presence, and in the presence of each other.

Jean M. O'Connell (SEAL)  
JEAN M. O'CONNELL

On the 11 day of April, 1974, JEAN M. O'CONNELL declared to us, the undersigned, that the foregoing instrument was her Last Will and Testament and she requested us to act as witnesses to her signature thereon. She thereupon signed said Will in our presence, we being present at the same time; and we now, at her request, in her presence, and in the presence of each other do hereunto subscribe our names as witnesses. And we each of us declare that we believe this testatrix to be of sound mind and memory.

Ed Rubeck residing at Farmington, Va.  
George Sawbridge residing at Verona, Va.  
Carroll R. Taylor, Jr. residing at Chatham, Va.

J.M.O.C.

STATE OF VIRGINIA  
COUNTY/CITY OF FAIRFAX, to-wit:

Before me, the undersigned authority, on this day personally appeared JEAN M. O'CONNELL, E. Q. Richards, George Trowbridge, and Carson Lee Tyler Jr., known to me to be the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of these persons being by me first duly sworn, JEAN M. O'CONNELL, the testator, declared to me and to the witnesses in my presence that said instrument is her Last Will and Testament and that she had willingly signed or directed another to sign the same for her, and executed it in the presence of said witnesses as her free and voluntary act for the purposes therein expressed; that said witnesses stated before me that the foregoing Will was executed and acknowledged by the testator as her Last Will and Testament in the presence of the said witnesses who, in her presence and at her request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said Will, and that the testator, at the time of the execution of said Will, was over the age of eighteen (18) years and of sound and disposing mind and memory.

Testator Jean M. O'Connell

Witness E. Q. Richards

Witness George Trowbridge

Witness Carson Lee Tyler Jr.

J.M.O'C

Subscribed, sworn and acknowledged before me by JEAN M. O'CONNELL,  
the testator, subscribed and sworn before me by E. L. Richards,  
George Droubridge, and Carson H. Dyer Jr.,  
witnesses, this 11<sup>th</sup> day of April, A.D. 1974.

Louis D. Carrack  
Notary Public

My Commission expires: Jan 24 1976

J.M.O'C



# Will of Jean M. O'Connell 1985.01.03

Co executor are Anthony Miner O'Connell and Philip D. Shalloway.  
Prepared by Philip D. Shalloway.

# Last Will and Testament

OF

JEAN M. O'CONNELL

I, Jean M. O'Connell, of the County of Fairfax, Virginia, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this instrument in writing as and for my Last Will and Testament, hereby expressly revoking all former Wills and other testamentary dispositions heretofore made by me.

1. I direct that all my just debts and funeral expenses be paid as promptly as practicable after my death. I authorized my co-executors, hereinafter named, to expend such sums as they in their sold discretion may deem proper for my funeral and interment, including the acquisition of any burial site and the erection and engraving of grave monuments, regardless of any limitation fixed by statute, rule of court, or otherwise.

2. All the rest, residue and remainder of my property, real and personal, tangible and intangible, wheresoever situate and howsoever held, I give, devise and bequeath, in fee simple, share and share alike, to my children, JEAN MARY O'CONNELL NADER, of New Kensington, Pennsylvania; SHEILA ANN O'CONNELL-SHEVENELL, of Portland, Maine; and ANTHONY MINER O'CONNELL, of St. Louis, Missouri, per stirpes.

3. I hereby nominate, constitute and appoint my said son, ANTHONY MINER O'CONNELL, and my lawyer, PHILIP D. SHALLOWAY, to be the Co-Executors of this, my Last Will and Testament, to serve without bond or undertaking; and I hereby waive appraisement of my estate. I authorize and empower my Co-Executors in the administration of my estate to sell, transfer, assign and convey, upon such terms as they shall deem proper, any part or all of my real and personal estate, at public or private sale, without order of court, and to execute, acknowledge and deliver proper deeds therefor, without liability on any purchaser to see to the application of the purchase money.

*This has been followed by later will.*  
*Jean O'Connell*

*CPW  
MMS*

*101*

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this my Last Will and Testament, on the margin of each page of which other than this page being any signature and seal, I have signed my name, all on this 3rd day of Jan., 1985, in the County of Fairfax, Commonwealth of Virginia.

Jean M. O'Connell  
JEAN M. O'CONNELL

The foregoing signature of the Testatrix was made, and the foregoing Will was acknowledged by the said Testatrix, in the presence of us, three competent witnesses, present at the same time; and we, the said witnesses do hereunto subscribe said Will in the presence of said Testatrix, and in the presence of each other, at the request of said Testatrix, this 3rd day of January, 1985.

Kellie A. Johnson  
Philip D. Shalloway  
Clement J. Wall

9431 Arlington Blvd Apt 204  
Fairfax, Va 22031  
3090 Greenway Court  
Fairfax, Va 22031  
3219 Highland Lane  
Fairfax, Virginia 22031

STATE OF VIRGINIA  
COUNTY OF FAIRFAX, to-wit:

BEFORE ME, the undersigned Notary Public, on this day personally appeared JEAN M. O'CONNELL, Kellie A. Johnson, Philip D. Shalloway, and Clement J. Wall, known to me to be the Testatrix and the witnesses, respectively, whose names are signed to the foregoing Last Will and Testament, and all of these persons being by me first duly sworn, JEAN M. O'CONNELL, the Testatrix, declared to me and to the witnesses in my presence that said instrument is her Last Will and Testament and that she had willingly signed and executed it in the presence of said witnesses as her free and voluntary act for the purposes therein expressed. Said witnesses stated before me that the foregoing Last Will and

Testament was executed and acknowledged by the Testatrix as her Last Will and Testament in the presence of said witnesses who, in her presence and at her request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said Will, and that the Testatrix, at the time of the execution of said Will, was over the age of eighteen (18) years and of sound and disposing mind and memory.

Jean M. O'Connell  
JEAN M. O'CONNELL

Kellie A. Johnson  
Witness

Philip D. Shalloway  
Witness

Clement J. Wall  
Witness

Subscribed, sworn and acknowledged before me by JEAN M. O'CONNELL, the Testatrix, and LOUIE A. JOHNSON, Philip D. Shalloway, and CLEMENT J. WALL, witnesses, this 3<sup>rd</sup> day of JANUARY, 1985.

[Signature]  
NOTARY PUBLIC

My Commission Expires: 11/3/86

PHILIP D. SHALLOWAY  
ATTORNEY AND COUNSELLOR AT LAW  
SUITE 505  
7620 LITTLE RIVER TURNPIKE  
ANNANDALE, VIRGINIA 22003

POST OFFICE DRAWER 450

TELEPHONE  
(703) 941-3700

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

January 3 ..... 19 85

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FOR PROFESSIONAL SERVICES RENDERED

Review of file, Meeting with Commissioner of Accounts, Review of Fiduciary File, Checking of land records to ascertain title, Telephone calls to accountant, and Conference	6.0 hrs.	\$600.00
Preparation of Last Will and Testament		<u>150.00</u>
BALANCE DUE ON ACCOUNT		\$750.00

**Will of Jean M. O'Connell  
1985.05.30**

Co-executors are Anthony Miner O'Connell and Jo Ann Barnes. Prepared by Edward J. White.

LAST WILL AND TESTAMENT

OF

JEAN M. O'CONNELL

BE IT REMEMBERED that I, JEAN M. O'CONNELL now residing in Fairfax County, Virginia, being of sound mind and memory, and considering the uncertainty of life, do hereby make this as and for my Last Will and Testament, hereby expressly revoking any and all wills and codicils made by me at any time heretofore.

ITEM I. I direct that my Co-Executors, hereinafter named, satisfy and pay all my debts and funeral expenses as soon as possible. My Co-Executors shall not however, be required to pay, prior to maturity, any debts secured by a mortgage, deed of trust, pledge or similar encumbrance on any property owned by me at the time of my death, and such property shall pass subject to such mortgage, deed of trust, pledge or similar encumbrance.

ITEM II. I hereby nominate, constitute and appoint ANTHONY MINER O'CONNELL of St. Louis, Missouri and JO ANN BARNES of Alexandria, Virginia to be the Co-Executors of this my Last Will and Testament, and I direct that they shall not be required to furnish any bond or security for the proper performance of their duties as such and that they shall have full power without application to any court to sell at public or private sale all or any part of my personal property, if such sale, in their opinion, be necessary or desirable.

In the event that either of the above named Co-Executors is unable to serve as Executor, I direct that the survivor shall serve as Executor.

ITEM III. I give, devise and bequeath all of the property, real, personal and mixed that I now own, may hereafter acquire, or whatsoever may be held in trust for me by others to JEAN MARY O'CONNELL-NADER of New Kensington, Pennsylvania; SHEILA ANN O'CONNELL-SHEVENELL of Portland, Maine; and ANTHONY MINER O'CONNELL, of St. Louis, Missouri in equal shares.

in the event any of the above named beneficiaries predecease me, I direct that the share of that person be distributed to the issue of the person predeceasing me, per stirpes.

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this my Last Will and Testament this 30 day of May, 1985.

Jean M. O'Connell (SEAL)

We, the undersigned do hereby certify that JEAN M. O'CONNELL, signed, acknowledged and declared the foregoing paper as and for her Last Will and Testament in the presence of all of us, all persons present together at the same time, who, in her presence and at her request, and in the presence of each other, have hereunto subscribed our names as attesting witnesses on the day and year above written.

Rosemary A. McNulty      Alexandria Va  
Frances W. Gibbs      Alexandria, Va.

COMMONWEALTH OF VIRGINIA,  
CITY OF ALEXANDRIA, to wit:

Before me, the undersigned authority on this day personally appeared JEAN M. O'CONNELL, ROSEMARY A. MCNULTY, FRANCES W. GIBBS, and \_\_\_\_\_, known to me to be the Testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of these persons being first duly sworn, JEAN M. O'CONNELL, the Testator, declared to me and to the witnesses in my presence that said instrument is her Last Will and Testament, and that she had willingly signed or directed another to sign the same for her, and executed it in the presence of said witnesses



as her free and voluntary act for the purposes therein expressed; that said witnesses stated before me that the foregoing Will was executed and acknowledged by the Testator as her Last Will and Testament in the presence of the said witnesses, who in her presence and at her request, and in the presence of each other did subscribe their names as attesting witnesses on the day of the date of the Will; and the Testator, at the time of the execution of the Will was over the age of eighteen (18) years and of sound and disposing mind and memory.

Jean M. O'Connell  
Testator

Frances W. Gibbs  
Witness

Rosemary A. McNulty  
Witness

\_\_\_\_\_  
Witness

Subscribed, sworn and acknowledged before me by  
JEAN M. O'CONNELL, the Testator, subscribed and sworn before me  
by Rosemary A. McNulty, Frances W. Gibbs,  
and \_\_\_\_\_, witnesses, this 30<sup>th</sup> day of  
May, 1985.

[Signature]  
Notary Public

My commission expires:  
8/15/86

1985

PLEASE BE SURE TO DEDUCT CHARGES THAT AFFECT YOUR ACCOUNT				SUBTRACTIONS		ADDITIONS		BALANCE FORWARD	
ITEM NO OR TRANSACTION CODE	DATE	DESCRIPTION OF TRANSACTION	AMOUNT OF PAYMENT OR WITHDRAWAL (-)	✓	OTHER DEDUCT	AMOUNT OF DEPOSIT OR INTEREST (+)			
		TO correction - 5-3 deposit	92			92	98	150	4
		FOR						92	98
807	5/30	TO White, Edward Lawyer	50	-	✓			273	41
		FOR new will.						50	-
808	5/30	TO Wash. Post. 4/14-6/9	17	20	✓			206	21
		FOR						17	20
	6/1	TO Annuity			✓	1526	65	1526	65
		FOR						1722	86
809	5/9	TO Cash	100		✓			100	-
		FOR							
810	4/3	TO Lumber Co. NCA FCC	3	-	✓			3	-
		FOR							
811	6/3	TO Cash	100	-	✓			100	-
		FOR						508	50
812	6/3	TO Hurdberg	308	00	✓			308	50
		FOR						308	50
813	6/3	TO Assoc for Am. Hort	20	-	✓			20	-
		FOR (due Jan 1 '85)							
814	6/3	TO Va. Brewer	58	24	✓			58	24
		FOR						110	72
815	6/3	TO Public Citizen	10	-	✓			10	-
		FOR (Madax - Wash DC)							
816	6/8	TO Receipt	45	-	✓			45	-
		FOR							

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

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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:

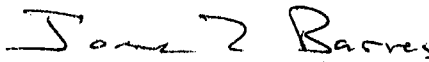
Your son requested that I furnish him copies of the Court Accountings that had been filed for the Estate. I have sent them on to him today. I am also enclosing a copy of the schedule which I believe reflects the fraction of the estate's one-half interest in each property to which you and the Trust are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

**Codicil to Will of Jean M. O'Connell  
1985.09.20**

Co-executors are Edward J. White and Jean Mary O'Connell-Nader.

CODICIL TO  
LAST WILL AND TESTAMENT  
OF  
JEAN M. O'CONNELL

BE IT REMEMBERED that I, JEAN M. O'CONNELL now residing in Fairfax County, Virginia, being of sound mind and memory, and considering the uncertainty of life, do hereby make this as and for a Codicil to my Last Will and Testament dated May 30, 1985.

ITEM I. I hereby nominate, constitute and appoint EDWARD J. WHITE, of Alexandria, Virginia and JEAN MARY O'CONNELL-NADER of New Kensington, Pennsylvania to be the Co-Executors of this my Last Will and Testament, and I direct that they shall not be required to furnish any bond or security for the proper performance of their duties as such and that they shall have full power without application to any court to sell at public or private sale all or any part of my personal property, if such sale, in their opinion, be necessary or desirable.

In the event that either of the above named Co-Executors is unable to serve as Executor, I direct that the survivor shall serve as Executor.

IN WITNESS WHEREOF, I have hereunto set my hand and seal to this Codicil to my Last Will and Testament this 20 day of September, 1985.

Jean M. O'Connell (SEAL)

We, the undersigned do hereby certify that JEAN M. O'CONNELL, signed, acknowledged and declared the foregoing paper as and for her Codicil to her Last Will and Testament in the presence of all of us, all persons present together at the same time, who, in her presence and at her request, and in the presence of each other, have hereunto subscribed our names as

attesting witnesses on the day and year above written.

Frances W. Gibbs      Alexandria, VA.

Shirley M. Brigham      Alexandria, VA.

COMMONWEALTH OF VIRGINIA,  
CITY OF ALEXANDRIA, to wit:

Before me, the undersigned authority on this day personally appeared JEAN M. O'CONNELL, FRANCES W. GIBBS, SHIRLEY M. BRIGHAM, and \_\_\_\_\_, known to me to be the Testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of these persons being first duly sworn, JEAN M. O'CONNELL, the Testator, declared to me and to the witnesses in my presence that said instrument is her Codicil to her Last Will and Testament, and that she had willingly signed or directed another to sign the same for her, and executed it in the presence of said witnesses as her free and voluntary act for the purposes therein expressed; that said witnesses stated before me that the foregoing Codicil was executed and acknowledged by the Testator as her Codicil to her Last Will and Testament in the presence of the said witnesses, who in her presence and at her request, and in the presence of each other did subscribe their names as attesting witnesses on the day of the date of the Codicil; and the Testator, at the time of the execution of the Codicil was over the age of eighteen (18) years and of sound and disposing mind and memory.

Jean M. O'Connell  
Testator

Frances W. Gidd  
Witness

Shirley M. Brigham  
Witness

\_\_\_\_\_  
Witness

Subscribed, sworn and acknowledged before me by  
JEAN M. O'CONNELL, the Testator, subscribed and sworn before me  
by FRANCES W. GIDD, SHIRLEY M. BRIGHAN,  
and \_\_\_\_\_, witnesses, this 20<sup>th</sup> day of  
September, 1985.

[Signature]  
Notary Public

My commission expires:  
8/19/86



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

TELEPHONE 836-5444

February 25, 1992

Mr. Anthony M. O'Connell  
6541 Franconia Rd.  
Springfield, Va. 22150

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

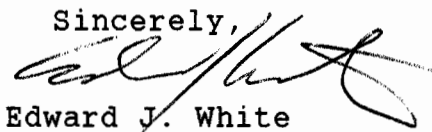
I have received your letter of February 24, 1992 in which you request that I reconsider my refusal to resign as co-executor of your mother's estate.

Once more I decline to take such action.

When your mother approached me about changing the co-executors of her will, we discussed the matter at length. She specifically desired to make the changes which are in effect now, and was quite firm in her decision. It would be clearly disloyal of me to dishonor her intentions.

If you are represented, I will be glad to discuss this matter with your counsel.

Sincerely,



Edward J. White

EJW/e

Copy to: Jean M. Nader

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

November 5, 1993

Edgar A. Prichard, Esq.  
8280 Greensboro Dr.  
#900  
McLean, Va. 22102

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

On October 29, 1993, Judge Bach entered the Order of Distribution, a copy of which is enclosed.

I am also enclosing the full financial history of the estate including receipts and disbursements from which the final accounting will be prepared, as well as the statements from A. G. Edwards and the mutual funds which will give the approximate value of the assets on hand.

Mr. O'Connell had expressed the desire to be paid in cash, but now has stated to Mrs. Nader that he desires to have the stocks and funds distributed to him. His sisters also desire an in kind distribution. As long as all three want the same thing, I have no problem with in kind or cash distribution.

The commission requested will be 5% of the assets and income received by the estate. Items upon which no commission is due are noted in the Receipts listing. Mrs. Nader has stated that she does not want a commission. Since we took a deduction for the full 5% commission on the 706 and saved money thereby, Mrs. Nader is going to split her share three ways less the income tax which she will pay on it.

The second fiduciary return will be ready next week and copies will be distributed as soon as I receive it.

I wish I could end this letter at this point, but there are some other matters which I did not think would arise after Mr. O'Connell's civil tone in his letter of June 30 and my reply.

Enclosed is a copy of Mr. O'Connell's letter to the Commissioner of October 25, 1993. (Earlier he had written the Commissioner requesting that I be denied reimbursement from the estate for expenses in defending myself from his charge to the Bar. I wrote Jesse Wilson that I never entertained seeking such

payment.) On October 27, 1993, I wrote Jesse and told him that you were representing Mr. O'Connell or at least advising him.

Next, I was informed by Mrs. Nader last week that Mr. O'Connell has demanded that we be bonded. The will flatly states otherwise and to do so would be in violation of our office.

I will admit that I am furious about this continual petty harassment. From inception of this estate including the time that his sisters gave him the vehicle and I merely asked for a receipt so that a proper accounting might be filed, Mr. O'Connell has tried one stunt after another to disrupt the flow of administration, notwithstanding my repeated attempts to calm him down.

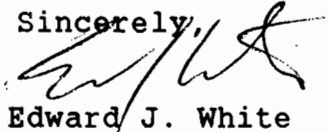
I am including Mr. O'Connell's complaint to the Virginia State Bar and the Bar's reply. I have omitted the 44 pages of enclosures he filed. His outright malicious lies about me (Page 7: "to deliberately mislead a seventy-nine year old woman", "abuse of the fiduciary trust" and "license to steal") in his complaint to the Bar are unforgivable and most decidedly actionable. In this regard please inform him that I would accept a full written apology for these remarks and let the matter drop even though no one has ever made such a statement about me.

I am fully aware of the root cause of all of this; however, it is not my fault that Miss Jo Ann Barnes refused to serve as a Co-Executor with Mr. O'Connell or that his mother came to me and directed his removal from that clause of the will.

I would fervently pray that he be counselled insofar as possible to let this estate be wound up in a normal fashion. He does not have to like me; he needs only to get off my back.

I assume that if he does not let matters drop, the next step will be to try and deny all or part of the commission due. I have spent well over 110 hours in this case without any payment of any sort and will most certainly expect to be paid the customary commission (2 1/2%) which I have explained to Mr. O'Connell in the past, provided it is approved by the Commissioner.

Sincerely,



Edward J. White

EJW/e

Dear Tony,

Sept. 6 1988

It was a treat to have your letter and especially nice typed. I never know for sure if I have read your writing correctly.

Thanks for the copy of the Accotink tax bill. I had called them (the assessment office) to find out why I hadn't received it. They told me "the name had been changed to Anthony M. O'Connell" but did not explain or say if you had paid it. I am relieved to know you did pay it. ~~As~~ I understand correctly that you will be paying the other half in Dec.? Anyway will you let me know when you pay it in the future as I do like to be sure its paid. The rate sure has gone up! I am sure there will be an accounting of what the trust owes as you suggested. Before tax time I have to have much information about what money has been put in the house since we bought it in 1937. I did the same when the county took land for the school.

We do seem to have a lot of misunderstandings. When I said I did not want to see the place again I was not referring to how you had landscaped it because I haven't seen what you have done. I would like to have seen that but couldn't get there and that you had asked me not to trespass. It was the drought damage I was referring to - the dead umbrella pine (value 1000 ±)

the magnolia trees damage. I do hope you can get there in time to water the boxwood and that you will sell it or use it ~~something~~ as it is worth quite a lot. You could check a good nursery like Hills just off Glebe Rd. to get an idea of the price and then advertise it for sale in papers - Journal or Post etc.

The "no trespassing" sign has been torn off your barricade. There are 2 tiny wisps of cloth left. I could not see from the road whether the place had been ransacked or not.

If you want some one to check it, fix sign, water boxwood etc. you could call Warren Hosa flock 971-2529 - near where Dodson's live. He can also mow with The Snapper. Did it once for me. He is a retired post man. He may have sold & moved by now. &

J. M. Sheila and Andy were here the weekend before Labor Day. We ate lobster and crab cakes and shopped & shopped and traded clothes. It was a wonderful time.

I guess you must be having a difficult time selling your house and hope you have good luck soon. It must be very frustrating being all packed up and waiting. Have any nibbles.

I am enjoying myself more all the time. In fact have been so busy have missed many meals! It is really a delightful way to live. Have signed up for a trip to Richmond Art Museum

and a trip to Ken Center for "Tosca". Shopping with the girls finally bought a desk. Wish I had one years ago. It is a delight to have places to put things.

Received the rug. Thanks so much for sending it. Didn't expect it until you came.

Sorry you that I resented your coming here. Quite the contrary. I think you should be here to take advantage of the prosperity and to enjoy your old friends and all the things there are that you are interested in.

You said you would like to air our misunderstandings which I think is a wonderful idea. I think it all stems from lack of information mostly. I would feel so much better if you could keep me advised of what you are doing with the trust and some of your personal plans - such as what you will be doing when you begin living here. Real estate - conservatorship or browsing for a different career. It would be so much easier if I knew what you were currently interested in. I try to keep everyone up on my main interests but think sometimes it is a waste of energy.

I also would like you to be at least courteous to my friends. They know you do not want them around so you may not see much of them. They are people who helped me when I was desperately in need of help and had no place to turn. Joanne especially was helpful. When Ed Britchard was going to

charge me over 1/4 of your Dad's estate for his fee  
and Shalloway had a mental break down  
when he was going to work on the estate it was  
Joanne who helped me by explaining what  
I had to do. She did not want to be a co-trustee  
but I begged her and she agreed reluctantly  
tho she had never done it for anyone else.  
~~I still think~~ you ~~owe her an apology~~  
and a box of candy or bouquet of flowers.  
Better late than never. And I would feel  
ever so much better. Please. ~~Just treat my~~  
~~friends~~ like you want me to treat yours.

Maybe that is enough for now and  
you can have time to let me know how  
you feel.

I do love you - you know

m