

E. A. Prichard  
Out

Death of Harold A. O'Connell  
1975.05.26

LAW OFFICES

**BOOTHE, PRICHARD & DUDLEY**

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June 3, 1975

E. WALLER DUDLEY  
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CARRINGTON WILLIAMS  
JOHN S. STUMP  
EDGAR ALLEN PRICHARD  
HAYNIE S. TROTTER

FRED C. ALEXANDER, JR.  
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ELIZABETH LAND LEWIS

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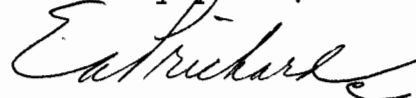
MANASSAS OFFICE  
9256 MOSBY STREET  
P. O. Box 528  
MANASSAS, VIRGINIA 22110

Mrs. Harold A. O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150

Dear Mrs. O'Connell:

Enclosed herewith you will find a copy of Mr. O'Connell's will which was executed in our offices on April 11, 1974. When you are ready to have the Will probated, please let us know and we will be happy to have someone from our firm accompany you to the Court House with the original Will.

Sincerely yours,



E. A. Prichard

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Enc.

# Will of Harold A. O'Connell 1974.04.11

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

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

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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 wife under any other provisions of this Will or which have already passed to her or for her 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 wife 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 wife 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 wife, 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 wife any policy of insurance on the life of my wife, 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 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 wife 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 wife, JEAN M. 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 wife, JEAN M. O'CONNELL, shall live, my Trustee shall pay to her or expend for her 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 wife shall live, my Trustee is authorized to pay to my wife or expend for her 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 her 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 wife so long as income or assets are readily available to her from any other source. In determining whether income or assets are so available to my wife, my Trustee may rely, and shall be fully protected in relying, upon the affidavit of my

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wife or any other person whom the Trustee believes to be conversant with the circumstances.

2. Upon the death of my wife, 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 wife'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 wife, JEAN M. 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

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necessary for the support, maintenance and education (including 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

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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 or 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 wife (or a legal representative of her estate) to the extent permitted by law and may pay out of my estate, without requiring any contribution from her or her 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 time or times, upon such terms, and in such manner as my Executor or 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 any 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 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 discretions 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.

*Handwritten initials*

(b) I appoint my said wife, JEAN M. O'CONNELL, to serve as sole Executrix hereof. In the event that my said wife fails to become or ceases to be Executrix 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, HAROLD A. O'CONNELL, herewith set my hand to this, my last Will, typewritten on twelve (12) sheets of

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paper (including the attestation clause, signatures of witnesses, and acknowledgements) this 11<sup>th</sup> 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.

Harold A. O'Connell (SEAL)  
 HAROLD A. O'CONNELL

On the 11<sup>th</sup> day of April, 1974, HAROLD A. O'CONNELL declared to us, the undersigned, that the foregoing instrument was his Last Will and Testament and he requested us to act as witnesses to his signature thereon. He thereupon signed said Will in our presence, we being present at the same time; and we now, at his request, in his 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 testator to be of sound mind and memory.

Ed Parker residing at Fairfax Va  
George Towbridge residing at Verona, Va  
Carroll J. Taylor, Jr. residing at Chatham, Va.

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

Before me, the undersigned authority, on this day personally appeared HAROLD A. O'CONNELL, Ed Richard, Gary Dowdridge, and Carroll, 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, HAROLD A. O'CONNELL, the testator, declared to me and to the witnesses in my presence that said instrument is his Last Will and Testament and that he had willingly signed or directed another to sign the same for him, and executed it in the presence of said witnesses as his 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 his Last Will and Testament in the presence of the said witnesses who, in his presence and at his 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.

Witness Ed Richard  
~~Testator~~

~~Witness~~ Harold A. O'Connell

Witness Gary Dowdridge

Witness Carroll

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Subscribed, sworn and acknowledged before me by HAROLD A. O'CONNELL, the testator, subscribed and sworn before me by Ed Richards, George Dowbridge, and Carson Lee Dyer Jr. witnesses, this 11<sup>th</sup> day of April, A.D. 1974

Leith S. Casade  
Notary Public



My Commission expires: Jun 24 1976

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia June 18, 1975  
Proved, Probated and ordered to be recorded.

Teste: W. FRANKLIN GOODING, CLERK  
By: Francis D. Cornell  
Deputy Clerk

*He*

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF FAIRFAX  
COUNTY, VIRGINIA June 18, 1975 Fid. 21840

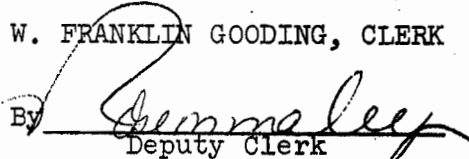
A paper writing purporting to be the Last Will and Testament of HAROLD A. O'CONNELL, dated the 11th day of April, 1974, was this day presented for probate by Jean M. O'Connell, who made oath thereto, and it appearing from the statement filed by her in connection therewith that the said HAROLD A. O'CONNELL died on the 26th day of May, 1975, and was at the time of his death a resident of the County of Fairfax, Virginia, and it further appearing that said paper writing was executed pursuant to the provisions of Sec. 64.1-87.1 of the Code of Virginia, said paper writing is admitted to probate and ordered to be recorded as and for the true Last Will and Testament of HAROLD A. O'CONNELL.

Thereupon Jean M. O'Connell, the Executor named in said will, is appointed and duly qualifies as such by taking the oath prescribed by law and entering into and acknowledging a bond in the penalty of One Hundred Fifty Thousand Dollars (no surety being required by direction of the Testator as set out in said will).

Which said bond, being duly signed, sealed, acknowledged and delivered by the obligor therein named, before me, is approved and ordered to be recorded.

Thereupon the said Executor filed with me, and subscribed and swore to the same before me, a list of the persons who would have been the heirs at law of the decedent had he died intestate, which is received and admitted to record.

Teste: W. FRANKLIN GOODING, CLERK

By   
Deputy Clerk

IN THE CIRCUIT COURT OF THE COUNTY OF FAIRFAX, VIRGINIA

List of the heirs at law, as required by Section 64.1-134 of the Code of Virginia, as amended, of

HAROLD A. O'CONNELL

who died testate on the 25th day of May, 1975.

The following would have been the heirs at law of the decedent had he died intestate:

NAMES OF HEIRS	AGE - YEARS	RELATIONSHIP	ADDRESS
Jean M. O'Connell	63	- wife	6541 Franconia Road Springfield, Va. 22150
Anthony M. O'Connell	33	- son	6525 Clayton Avenue St. Louis, Missouri 63139
Sheila Tierney O'Connell	35	- daughter	44 Carleton Street Portland, Maine 04102
Jean Nader O'Connell	37	- daughter	439 Spring Street New Kensington, Pa. 15061

I do solemnly swear that I have made diligent inquiry as to the names, ages and addresses of the heirs at law of the above named decedent and that I believe the above list of said heirs to be true and correct, so help me God.

*Jean M O'Connell*

Wife of the decedent.

Address: 6541 Franconia Road  
Springfield, Va. 22150

VIRGINIA: Fairfax County, to-wit:

Subscribed and sworn to before me in my said office in the County aforesaid, this 18th day of June, 1975.

*Laura D. Connell*  
Deputy Clerk of the Circuit Court of  
the County of Fairfax, Virginia

In the Clerk's Office of the Circuit Court of the County of Fairfax, Virginia, this 18th day of June, 1975, this List of Heirs was received and filed and admitted to record.

Teste: W. FRANKLIN GOODING, CLERK

By: *Laura D. Connell*  
Deputy Clerk

LAW OFFICES

**BOOTHE, PRICHARD & DUDLEY**

4085 UNIVERSITY DRIVE  
P. O. BOX 338  
FAIRFAX, VIRGINIA 22030  
TELEPHONE (703) 273-4600

E. WALLER DUDLEY  
WILLIAM C. BAUKNIGHT  
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OF COUNSEL  
ARMISTEAD L. BOOTHE  
SCHUYLER WILLIAM LIVINGSTON  
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MANASSAS OFFICE  
9256 MOSBY STREET  
P. O. BOX 528  
MANASSAS, VIRGINIA 22110

June 30, 1975

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

Dear Mrs. O'Connell:

At your request, enclosed find the original of your will.

Very truly yours,

  
Munford R. Yates, Jr.

MRY/msc  
Enclosure

LAW OFFICES

**BOOTHE, PRICHARD & DUDLEY**

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July 30, 1975

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DAVID J. BREWER  
GEORGE FOX TROWBRIDGE, JR.  
C. TORRENCE ARMSTRONG  
N. CARR STOGNER, JR.  
EDWARD F. RODRIGUEZ, JR.  
JAMES MERIWETHER LEWIS  
ELIZABETH LAND LEWIS

OF COUNSEL  
ARMISTEAD L. BOOTHE  
SCHUYLER WILLIAM LIVINGSTON  
GARDNER L. BOOTHE (1872-1964)

ALEXANDRIA OFFICE  
711 PRINCESS STREET  
P. O. BOX 1101  
ALEXANDRIA, VIRGINIA 22313

RESTON OFFICE  
11440 ISAAC NEWTON SQ., N.  
RESTON, VIRGINIA 22090

MANASSAS OFFICE  
9256 MOSBY STREET  
P. O. BOX 528  
MANASSAS, VIRGINIA 22110

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

Dear Mrs. O'Connell:

A check for \$5,000.00, payable to you, has been received in this office from the Federal Employees' Group Life Insurance Company.

We have tried to contact you by telephone, but haven't received any answer. Please let me know whether you want me to mail the check to you, or if you would prefer to pick it up.

Very truly yours,



Edgar Allen Prichard

EAP:pps

*rec'd check  
deposit to W & L Savings*

LAW OFFICES

**BOOTHE, PRICHARD & DUDLEY**

4085 UNIVERSITY DRIVE  
P. O. BOX 338  
FAIRFAX, VIRGINIA 22030  
TELEPHONE (703) 273-4600

August 4, 1975

E. WALLER DUDLEY  
WILLIAM C. BAUKNIGHT  
WILLIAM W. KOONTZ  
FAIRFAX SHEILD MCGANDLISH  
A. HUGO BLANKINGSHIP, JR.  
CARRINGTON WILLIAMS  
JOHN S. STUMP  
EDGAR ALLEN PRICHARD  
HAYNIE S. TROTTER  
  
FRED C. ALEXANDER, JR.  
R. DENNIS MCARVER  
RICHARD R. G. HOBSON  
PHILIP TIERNEY  
J. JAY CORSON, IV  
STANLEY M. FRANKLIN  
ARTHUR P. SCIBELLI  
JAMES HOWE BROWN, JR.  
CHARLES S. PERRY  
COURTLAND L. TRAVER

MINERVA WILSON ANDREWS  
MUNFORD R. YATES, JR.  
RONALD K. INGOE  
R. TERRENCE NEY  
MICHAEL T. BRADSHAW  
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9256 MOSBY STREET  
P. O. BOX 528  
MANASSAS, VIRGINIA 22110

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

Dear Mrs. O'Connell:

Enclosed is a check payable to you for \$5,000.00  
from Federal Employees Group Life Insurance Company.

Also enclosed are form 712s received in this office  
from Federal Employees Group Life Insurance Company, and from  
the Veterans Administration.

Mr. Yates will be returning from his vacation on  
August 11. If you have any questions, give him a call then.

Very truly yours,

*Mary Lynn Tavenner*

Mary Lynn Tavenner  
Paralegal Assistant to  
Mr. Yates

MLT:ps

Enclosures

*3  
exp  
cash*

LAW OFFICES

**BOOTHE, PRICHARD & DUDLEY**

4085 UNIVERSITY DRIVE  
P. O. BOX 338  
FAIRFAX, VIRGINIA 22030  
TELEPHONE (703) 273-4600

September 10, 1975

E. WALLER DUDLEY  
WILLIAM C. BAUKNIGHT  
WILLIAM W. KOONTZ  
FAIRFAX SHEILD McCANDLISH  
A. HUGO BLANKINGSHIP, JR.  
CARRINGTON WILLIAMS  
JOHN S. STUMP  
EDGAR ALLEN PRICHARD  
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MINERVA WILSON ANDREWS  
MUNFORD R. YATES, JR.  
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MICHAEL T. BRADSHAW  
THOMAS L. APPLER  
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MANASSAS, VIRGINIA 22110

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

Re: Estate of Harold A. O'Connell

Dear Mrs. O'Connell:

Enclosed find the responses we received from Washington-Lee Savings and Loan Association and from Civil Service. My file indicates that no letter was ever sent to Northern Virginia Bank.

Since the responsibility of this firm ended on June 26, 1975, I enclose our statement for services rendered which is based solely on time expended by this firm.

Very truly yours,



Munford R. Yates, Jr.

MRY:pps

Enclosures

October 12, 1975

Dear Mr. Prichard,

I have recently received a bill from Mr. Yates for \$696.00.

Because of the exotic size of this bill I have asked the advice of a business man of long standing in Alexandria, a friend and client of some members of your firm, who advises me that the exorbitance of Mr. Yates' bill is probably due to a clerical process which does not correctly reflect the services performed and not performed.

I am enclosing a check for \$210.00 based on the  $3\frac{1}{2}$  hours I was with Mr. Yates at \$60.00 an hour. This amount seems very generous considering how little of the time was actually used for the preparation of an estate tax, the purpose for which I made the appointment.

If this is not satisfactory I would appreciate an itemized account of each charge which I would like to present to the Bar Association and to a consumers TV program.

Yours truly,

Jean M. O'Connell (Mrs. H.A.)



LAW OFFICES

# BOOTHE, PRICHARD & DUDLEY

4085 UNIVERSITY DRIVE  
P. O. BOX 338  
FAIRFAX, VIRGINIA 22030  
TELEPHONE (703) 273-4600

October 17, 1975

E. WALLER DUDLEY  
WILLIAM C. BAUKNIGHT  
WILLIAM W. KOONTZ  
FAIRFAX SHEILD McCANDLISH  
A. HUGO BLANKINGSHIP, JR.  
CARRINGTON WILLIAMS  
JOHN S. STUMP  
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MANASSAS, VIRGINIA 22110

Mrs. Harold A. O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150

Dear Mrs. O'Connell:

I have your letter of October 12, 1975, enclosing your check in the amount of \$210.00 which I return herewith. I also enclose a Xerox copy of the time record showing the services which were performed and the amount of time for each service. Mr. Yates appears as "MRY", Mrs. Tavenner as "MLT" and Mrs. Singer as "PHS". As explained when we talked last spring, Mrs. Singer and Mrs. Tavenner are paralegals. You will also note that I deleted a charge for my own time so that I have charged you nothing.

Sincerely yours,



E. A. Prichard

EAP/rsc  
Enc.

CLIENT/MATTER DATE ATTY HOURS AMOUNT DISB DESCRIPTION

731215-003 6/19/75 ESTATE OF HAROLD A. O'CONNELL, JEAN M. O'CONNELL, EXEC 6541 FRANCONIA ROAD, SPRINGFIELD, VIRGINIA 22150

ESTATE ADMINISTRATION

CLIENT/MATTER	DATE	ATTY	HOURS	AMOUNT	DISB	DESCRIPTION
EAP	6/13/75	MRY	.5	25.00		TE/EAP REVIEW OF FILE
	6/19/75	MRY	.8	40.00		REVIEW FILE AND T/T MRS O'CONNELL
	6/17/75	EAP	.6	40.00		CONF EAP ORDERED WILL PREP OF MEMO & LIST OF HEIRS
	6/18/75	MLT	.8	12.00		C/MRY RE GENERAL INFO & REVIEW OF DATA RE FILE
	6/18/75	MRY	5.3	265.00		CONF EAP & CLIENT QUALIF OF CLIENT AS EXEC
	6/19/75	MLT	2.0	30.00		ARRANGE FILE CONF MLT
	6/19/75	MRY	.9	40.00		CORRESP READ AND ARRANGE FILE
	6/20/75	MLT	.7	10.50		T/T MRS O'CONNELL RE VALUATION C EAP & MLT
	6/20/75	MRY	.4	20.00		CHECK ASSESSMENT MEMO
	6/20/75	MRY	2.0	10.00		REVIEW OF ASSESSMENT INFORMATION & MEMO TO EAP
	6/20/75	MLT	1.2	30.00		CONF MLT
	6/23/75	MRY	.3	60.00		T/F ANS O'CONNELL CONF EAP & TT/MRS O'CONNELL
	6/26/75	MRY	.5	15.00		CONF MLT
	6/30/75	MRY	.2	10.00		T/T MRS O'CONNELL TO GIVE HER BACK HER PAPERS
	7/08/75	MLT	.8	20.00		MEMO TO MLT & PS TO TAKE EST OUT OF SYSTEM
	7/16/75	PHS	.8	20.00		LTR TO MRS O'CONNELL TRANSMITTING WILL
	7/28/75	MLT	.5	12.50		DISCUSS MRY RE RESPONSIBILITY
	8/04/75	MLT	.6	15.00		OBTAIN FORMS CON MRY
						REL FILE INS PROCEEDS RECEIVED
						TEL CALL FROM MRS O'CONNELL RE LIFE INS PROCEEDS
						AND LTR TO HER ENCLOSING SAME

MATTER TOTALS 19.2 721.00  
 ATTY SUMMARY-- 11.0 550.00  
 EAP 6.8 115.00  
 PHS 19.2 721.00  
 - 36.00  
 685.00

\*\* \* SUMMARY TOTALS

MRY - Mumford Gates }  
 MLT - Mrs. Tavernier } paralogals  
 PHS - Mrs. Singer }  
 Itemized acct. requested.  
 (The red numbers added for my own clarity - robin J. O'C.)

Mrs. H.A. O'Connell  
6541 Franconia Road  
Springfield, Va. 22150

October 25, 1975

Mr. Munford Yates  
P.O.Box 338  
Fairfax, Va. 22030

Dear Mr. Yates,

I find your bill incredible. Unless there is some mistake in it I feel forced to ask for help in settling it. As is I plan to ask a review of it by the Bar Assoc. and a consumers program.

My complaints are:

1. For a telephone call from me to you asking for an appointment to do my husband's estate tax you are charging me \$105.00 (see first 8 items on the billing report.) Is it customary to charge for asking for an appointment?
2. The day of the appointment, June 18th, 5.3 hours is listed, 10:00 a.m. to 3:18 p.m.! I don't believe it. How about 10:00 a.m. to 1:30 p.m. No way am I responsible for your late 2 hour lunch hour.
3. Following my return home from that meeting I called you and asked that all work on the estate tax be stopped - no letters to be sent out and no appraisals to be made etc., as I felt you were pressuring me into moving from my home so you could have the property leased. From the time I asked you to stop work until I picked up my papers your billing report is very busy including legal, paralegal fees, etc. for 7.6 hours at \$215.00. How can that be?
4. On June 26th I stopped at the receptionist's desk to pick up the papers. No conference of any kind but you were courteous enough to put the envelope in my car parked near the door. A courtesy for which I was charged \$25.00!
5. June 30th. For the return of my will (made out last year and well paid for at that time) \$10.00!
6. In spite of asking you not to send for bank statements, insurance, etc. as I was doing it you did so charging me \$12.50 for receiving an insurance check and then \$15.00 to forward it to me. Incredible!

I have lived in this county for 38 years and have many friends in similar circumstances to mine. None with whom I have discussed this have experienced such treatment. Certainly it inspires no confidence in the legal community and a lot less in your firm.

Enclosed is a check for \$210.00 for the 3 1/2 hours at \$60.00 which I feel is very much more than ample.

Sincerely

Jean M. O'Connell  
6541 Franconia Road  
Springfield, Va. 22150  
November 11, 1975

Mr. Arnold B. Kassabian, Chairman  
Fairfax County Bar Association Review Board  
7257 Maple Place  
Annandale, Va.

Dear Mr. Kassabian,

I understand that a former client of a county lawyer may appeal to the Bar Association through you when they feel they have been unfairly charged.

I would appreciate such a review of my bill from Mr. Munford Yates. Briefly the situation:

Following the death of my husband I called Mr. Prichard's office to have the forms for the estate taxes made out, and was referred to Mr. Munford Yates. The appointment was made to meet with him June 18 at 10:0 a.m. to which I was to bring all the pertinent papers. Of some papers he had copies made while I was there and returned them to me then. He took me to the Clerk of the Court's office for the qualification of myself as executor, and I left for home about 1:30 p.m.

Upon returning home I had second thoughts about the process of how a very simple uncomplicated estate was being handled, and felt I was being maneuvered into leasing or selling my home which I did not wish to do. I called Mr. Yates that same afternoon and asked him to hold everything. No appraisals, no letters to banks or annuity or insurance requests, etc. to be made by him, and said I would call him within 2 days about my final decision. This I did and made an appointment to pick up my remaining papers on June 26th. It was quite clear to me then that Mr. Yates was not about to take care of my affairs as I wished and I wanted him to know positively that all services were terminated.

For the 3½ hours with Mr. Yates I felt his \$696 bill (copy enclosed) was exorbitantly exorbitant and sent him \$210 (3½ hours at \$60 per hour), hoping to get this settled quickly. The conference was a complete waste of my time. I received my qualification as executor which I could easily have done myself and a complete distrust of the legal profession which may or may not turn out to be a benefit.

The estate is a simple affair consisting of 2 pieces of real estate (the home and an unimproved piece) both paid for years ago, one savings account, one checking account, a few certificates of deposit, two stocks, an annuity and Veterans and Civil Insurance.

An itemized account of Mr. Yates bill is enclosed.

The first item appears to be \$25 for Mr. Prichard's office to refer my request for an appointment to Mr. Yates, and the second item of \$40 seems to be his call to me setting the time of the appointment and what papers to bring, and the third item of another \$40 for looking at my husband's will (drawn up in Mr. Prichard's office last year and well paid for then) and making a list of heirs - me. Then \$12 for another review. So before I even get there with my papers I'm billed \$117.00!  
(Mr. Prichard removed the \$36 for his services so it is not included here.)

To Mr. Kassabian  
Nov. 11, 1975

Page 2

From Jean O'Connell

For the appointment itself the bill is \$265 for 5.3 hours. I was there at 10:00 a.m. and left about 1:30 p.m. or  $3\frac{1}{2}$  hours (used as explained above). Even if Mr. Yates felt the need of a long lunch hour I do not think I should be charged for it.

The next 8 items totaling 7.6 hours and \$215 appear to be for nothing as I had asked Mr. Yates to terminate any actions on June 18th.

The next item of \$25, listed as "conference and memo" was actually just giving me back the envelope of remaining papers. No conference or memo of any kind.

Then comes \$10 for sending me my will (drawn up last year in Mr. Prichard's office and retained there) which Mr. Yates had not been able to give me when I picked up my papers.

The last 4 items - \$52.50 - appear to be more padding, and was actually the simple process of sending me a life insurance check. Even though I asked him on June 18th not to apply for it he did, wrote that he had received it and was unable to contact me, and for me to call his office. I did call and asked to have the check sent to me. Even if I had asked him to send for it is it proper to have such a simple thing worked up to a \$52.50 procedure?

I feel Mr. Yates has taken advantage of me in a very gross manner and hope that I have given you enough information to be able to do whatever a Review Board does, hopefully resulting in a fair settlement and soon. I am preparing a letter to a Consumer TV program hoping they also may be able to help me.

Thank you for any consideration you can give to this problem. I would appreciate an early answer either by phone (971-2855) or note.

Sincerely,

Mrs. Jean O'Connell

P.S. Sorry about the typing. I am a better cook.

LAW OFFICES

**BOOTHE, PRICHARD & DUDLEY**

4085 UNIVERSITY DRIVE  
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MANASSAS OFFICE  
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MANASSAS, VIRGINIA 22110

December 26, 1975

E. WALLER DUDLEY  
WILLIAM C. BAUKNIGHT  
WILLIAM W. KOONTZ  
FAIRFAX SHEILD McCANDLISH  
A. HUGO BLANKINGSHIP, JR.  
CARRINGTON WILLIAMS  
JOHN S. STUMP  
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PAGE D. CRANFORD  
MINERVA WILSON ANDREWS  
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EDWARD F. RODRIGUEZ, JR.  
JAMES M. LEWIS  
ELIZABETH LAND LEWIS  
C. THOMAS HICKS, III  
GRADY C. FRANK, JR.

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

Re: Estate of Harold A. O'Connell

Dear Mrs. O'Connell:

Please be advised that this firm is negotiating the \$210.00 check which you submitted in payment of our \$696.00 statement of September 10, which statement was later reduced to \$685.00 by Mr. Prichard.

I have also been authorized to advise you that this firm will make no efforts to recover the remainder of such fee, and that we are closing our file in this matter.

Very truly yours,

  
Munford R. Yates, Jr.

MRY:pps

cc: Robert C. Whitestone, Esquire  
Fairfax County Bar Association  
Review Board

**ROBERT C. WHITESTONE**  
ATTORNEY & COUNSELOR AT LAW  
4057 CHAIN BRIDGE ROAD  
THE LAW BUILDING, SUITE 302  
FAIRFAX, VIRGINIA 22030  
TELEPHONE 591-6153 & 591-6863  
AREA CODE 703

December 30, 1975

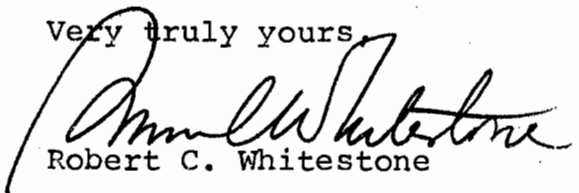
Mrs. Jean O'Connell  
6541 Franconia Road  
Springfield, Virginia 22150

RE: Grievance Committee - Munford Yates

Dear Mrs. O'Connell:


I have this day received a copy of Mr. Yates' letter to you of December 26, 1975. Please advise the undersigned whether this satisfactorily concludes your complaint against him. I should hope that this settles this matter.

Very truly yours,

  
Robert C. Whitestone

RCW/kvj

cc: Munford Yates, Esquire

  
Jan. 3. Thanked Mr. W. for prompt & effective attention to complaint. Also that Mr. Yates letter satisfactorily concluded my complaint against him.

Virginia Individual Income Tax Return

Department of Taxation For calendar year 1974 or taxable year beginning 1974, and ending 19

First name and initial: Harold A. (Deed. 5/26/75) and Jean M. O'CONNELL
Last name: O'CONNELL
Your social security number: 577 58 9818
Present home address: 6541 Franconia Road
City: Springfield, Virginia
ZIP code: 22150
Your occupation: Retired Civil Service
Spouse's occupation: Housewife

FILING STATUS: Married, filing separately on this combined return
PERSONAL EXEMPTIONS: Yourself 1, 85 or over 1, Blind 1, Dependents 2
Number of Exemptions: 4
Amount to be entered on line 8 below: 600, 1,200

Table with 3 columns: Description, Column A, Column B
5 Federal adjusted gross income: 3,681, 18,946
6 Additions: 0, 0
7 Total: 3,681, 18,946
8 Personal Exemptions: 600, 1,200
9 Subtractions: 50, 466
10 Deductions: 2,505
11 Total: 653, 4,171
12 Virginia taxable income: 3,028, 14,775
13 TAX: 61.13, 629.56
14 Total tax: 61.13, 690.69

15 CREDITS: (a) Virginia income tax withheld, (b) 1974 estimated Virginia income tax payments, (c) Out-of-State tax credit
Total credits: 797.95
16 BALANCE DUE: 107.26
17 OVERPAYMENT: 107.26
18 Amount to be CREDITED: 0
19 Amount to be REFUNDED: 107.26

File this return by midnight May 1, 1975, with your local Commissioner of the Revenue or Director of Finance. ATTACH COMPLETE COPY of each Federal schedule C, D, E, or F filed with your Federal return and all other schedules supporting gross receipts and depreciation.

Sign here: Your signature: Victor R Monte, Date: 1/12/76
Signature of preparer: STANSON, HEMPER AND BRUNER, 100 N. Pitt St., Alex., Va. 22314
Spouse's signature: (not required)