

Edward
White

Edward
White
1985

Will
by
Edward
White

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 30th day of
May, 1985.

[Signature]
Notary Public

My commission expires:
8/15/86

1985

PLEASE BE SURE TO DEDUCT CHARGES THAT AFFECT YOUR ACCOUNT

ITEM NO OR TRANSACTION CODE	DATE	DESCRIPTION OF TRANSACTION	SUBTRACTIONS		OTHER Deduct	ADDITIONS	BALANCE FORWARD	
			AMOUNT OF PAYMENT OR WITHDRAWAL (-)			AMOUNT OF DEPOSIT OR INTEREST (+)		
		TO <i>correction - 5-3 deposit</i>	92			92.98	150	41
		FOR					92	98
							273	41
807	5/30	TO <i>White, Edward, lawyer</i>	50	-	✓		50	-
		FOR <i>new will.</i>					223	41
808	5/30	TO <i>Wash. Post. 4/14-6/9</i>	17	20	✓		17	20
		FOR					206	21
	6/1	TO <i>Annuity</i>			✓	1526.65	1526	65
		FOR					1722	86
809	5/31	TO <i>Cash</i>	100		✓		100	-
		FOR					16	31
810	7/3	TO <i>Leisure World NCA FCC</i>	3	-	✓		3	-
		FOR						
811	6/3	TO <i>Cash</i>	100	-	✓		100	-
		FOR					508	51
812	6/3	TO <i>Henderson</i>	308	00	✓		308	50
		FOR					332	36
813	6/3	TO <i>Assn for Am. Hort</i>	20	-	✓		20	-
		FOR <i>(due Jan 1 '85)</i>						
814	6/3	TO <i>Va. Brewer</i>	58	24	✓		58	24
		FOR					110	12
815	6/3	TO <i>Public Citizen</i>	10	-	✓		10	-
		FOR <i>(Madon - Clarksburg)</i>						
816	7/8	TO <i>Beesha</i>	45	-	✓		45	-
		FOR						

Codicil
by
Edward
White

Codicil to Will of Jean M. O'Connell 1985.09.20

Co-executors are Edward White and innocent Jean 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. BRIGHAM,
and _____, witnesses, this 20th 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

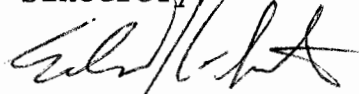
October 23, 1985

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

Dear Mrs. O'Connell:

Enclosed is the Agreement which Mr. Mackell and I discussed. If it meets with your approval, I would appreciate your signing it and returning it to me so that I might forward it to him for the signatures of the Co-Trustees. This document should serve both as the Agreement and as the receipt by the Trustees for the Trust property.

Sincerely



Edward J. White

EJW/mc

Enclosure

*Rec Oct. 28th Returned
Check Ownership.*

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

October 29, 1985

Henry C. Mackall, Esquire
4031 Chain Bridge Road
Fairfax, VA 22030

Re: Jean M. O'Connell-
Anthony M. O'Connell Trust

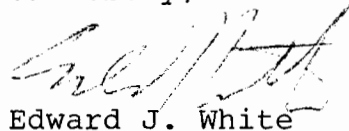
Dear Mr. Mackall:

Enclosed is an Agreement along the lines of that discussed by us previously, which my client has signed.

Ms. Jo Ann Barnes, of Bruner, Kane & McCarthy Accountants, previously has furnished Mr. O'Connell with the numerical data which explains the derivation of the percentages reflected in the Agreement.

If you have any additions or corrections to it, please let me know.

Sincerely,



Edward J. White

EJW/mc

Enclosures

Edward
White
1986

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

January 24, 1986

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

Dear Mrs. O'Connell:

I spoke to Mr. Mackall on January 22nd as to the causes of the delay in obtaining the agreement from your son.

He stated that he had had several discussions with your son and they ironed out some minor details, and that the agreement being sent to Anthony to be signed on that date.

As soon as I receive it, I will review it and forward it to you for your signature. As soon as that is done, we can proceed to wrap up the rest of the Estate.

I spoke to Mr. John McEneaney of McEneaney & Associates, Realtors, and he will contact you concerning putting a value on your property.

Mr. McEneaney has been highly recommended to me by another appraiser, and the advantage of this approach is that you will not incur a large appraisal fee. However, there is no question that putting an appraisal price on this property will be most difficult in view of the numerous variables which might be encountered by a prospective buyer, especially zoning permits, etc.

I will be in touch with you as further developments occur.

Sincerely,



Edward J. White

EJW/mc

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

January 27, 1986

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

Re: Estate of Harold A. O'Connell

Dear Mrs. O'Connell:

At long last we have a signed Agreement concerning the funding of the Trust. The Agreement is enclosed.

The only difference between this Agreement and the previous agreement which I had drafted is the change in the percentage of ownership between you and the Trusts. Originally, Ms. Barnes had computed the ownership of the Trust at 43.525. She and Mr. Mackall and I now agree that the figures should be 46.0994. The Agreement also contains a provision in paragraph 5 that if the property is sold during your life, that you will be reimbursed for the principal of all real estate taxes on that property.

Mr. O'Connell was unwilling to agree to pay interest on the real estate tax advancements. While I am at a loss to understand his attitude, I am of the opinion that we would be best served by signing the Agreement as is.

Ms. Barnes has computed that through 1984 you paid taxes in the amount of \$13,841.24.

Please sign the Agreement and return it to me as soon as possible, and I will forward it to Mr. Mackall for the Co-Trustees' signature and filing with the Commissioner of Accounts. At that point the trust will then be funded and the responsibility for filing accounts and inventories will be that of the Trustees.

We can then have Ms. Barnes complete the final accounting for the Estate and the matter will be closed.

Sincerely,


Edward J. White

EJW/mc
Enclosures

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

January 31, 1986

Henry C. Mackall, Esquire
Mackall, Mackall, Walker & Silver
4031 Chain Bridge Road
Fairfax, VA 22030

Re: Estate of Harold M. O'Connell

Dear Mr. Mackall:

Enclosed is the original Agreement signed by Mrs. O'Connell. I would appreciate it if you could secure the signature of Mr. Higham and send me a copy of the Agreement as finally signed, so that I might file it with the Accounting papers.

I assume that Mr. O'Connell and Mr. Higham will qualify as Co-Trustees as soon as possible.

I certainly appreciate your kind assistance in bringing this matter to a satisfactory conclusion.

Sincerely,


Edward J. White

EJW/mc

Enclosure: Agreement

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

February 27, 1986

Henry C. Mackall, Esquire
Mackall, Mackall, Walker & Silver
4031 Chain Bridge Road
Fairfax, V 22030

Re: Estate of Harold M. O'Connell

Dear Mr. Mackall:

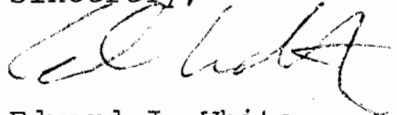
Has Mr. Higham signed the Agreement which I forwarded to you on January 31, 1986?

If he has, please send me a copy so that I can submit it to the accountant and we can use it as a receipt to wind up the Estate.

An accounting is nearly overdue in this case, and I would like to be able to file a Final Accounting.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'E. White', written in dark ink.

Edward J. White

EJW/mc

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

TELEPHONE 836-5444

April 10, 1986

Ms. JoAnn Barnes
Bruner, Kane & McCarthy
300 North Lee Street
Alexandria, VA 22314

Re: Estate of Harold O'Connell

Dear JoAnn:

I have agreed with Anthony O'Connell's attorney that we will provide them with a draft of the final accounting in the Harold O'Connell Estate. This, I think, will allay all of the suspicions that have arisen on the other side in this matter.

If you could commence preparing that, I would appreciate it. I am enclosing a copy of the nearly signed Agreement, by which the Trustees agree to take possession of the percentage interest of the property.

Thank you.

Sincerely,

Edward J. White

EJW/mc

Enclosure

cc: Mrs. Jean O'Connell

C
O
P
Y

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

TELEPHONE 836-5444

April 25, 1986

Henry C. Mackall, Esquire
4031 Chain Bridge Road
Fairfax, VA 22030

Re: Estate of Harold M. O'Connell

Dear Mr. Mackall:

Enclosed is the draft by Ms. Barnes of the Final Accounting.

I have taken the liberty of correcting a typographical error on the distributions to reflect 53.9006% vice 3.9006%.

I would appreciate it if you would forward this to Mr. O'Connell and clarify with him his intention to qualify on May 1st.

If he does not agree or requests further delaying tactics, I feel that I have no other recourse in serving my client than to seek to have him removed as a Trustee. This matter is costing Mrs. O'Connell dearly with the delay.

Sincerely,


Edward J. White

EJW/mc

Enclosure

cc: Mrs. Jean O'Connell ✓

C
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\$75,118.95

ESTATE OF HAROLD M. O'CONNELL

(name of decedent, ward, etc.)

ACCOUNT OF JEAN M. O'CONNELL, EXECUTRIX

FIDUCIARY #

(name of Personal Representative(s) and titles(s))

Number of this account Fourth and Final

(1st, 2nd, third, etc.)

Covering period from January 1, 1985

(date)

to April 30, 1986

(date)

DESCRIPTION

ASSETS RECEIVED
(or on hand)

DISBURSEMENTS

Totals brought forward

\$77,405.48

\$75,118.95

DISTRIBUTIONS: (Continued)

Jean M. O'Connell:

3.9006% interest in residence
and 3.3365 acres at
6541 Franconia Road,
Springfield, Virginia

\$ 3,173.61

3.9006% interest in 15 acres
of unimproved land,
Accotink Station, Fairfax,
Virginia

2,925.45

Due to Jean M. O'Connell for
net advances

(3,812.53)

CLIENT'S DRAFTFor Review Purposes Only
Subject To Change2,286.53TOTALS\$77,405.48\$77,405.48ASSETS REMAININGNONE

Vouchers in support of said disbursements are submitted herewith.

Date: _____

Jean M. O'Connell, Executrix

The appropriate vouchers and filing fee MUST accompany this account

ESTATE OF HAROLD M. O'CONNELL

COMPUTATION OF ASSETS TO BE TRANSFERRED TO RESIDUARY TRUST

PROBATE ASSETS:

1/2 interest - residence
1/2 interest - Accotink
605 shares, Washington Mutual
220 shares, New Virginia
Refund
Overpayment of Virginia tax
Cash

CLIENT'S DRAFT
For Review Purposes Only
Subject To Change

\$ 40,681
37,500
6,709
1,953
5
57
3,245
\$ 90,150

PAYABLE TO WIFE DIRECTLY:

Cash POD
Life insurance
Jointly owned property
Personal property
U. S. Civil Service
Annuity

\$ 16,541
14,918
13,902
500
1,381
16,338
\$ 63,580

Gross estate per return
Funeral expenses, etc., per return
Net estate
Federal estate and Virginia inheritance tax
Net estate
Less property passing directly to wife
Net probate estate
Marital deduction \$74,307
Less passing directly 63,580

\$153,986
5,372
\$148,614
2,225
\$146,389
63,580
\$ 82,809
10,727

Residuary estate

\$ 72,082

ASSETS TO BE TRANSFERRED TO RESIDUARY TRUST:

Fractional interest in real estate:

\$72,082/\$78,181 of 1/2 interest in ☒
real estate = 46.0994%

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

TELEPHONE 836-5444

May ²¹~~13~~, 1986


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

Dear Mrs. O'Connell,

Enclosed is an Order for your endorsement allowing the Trustees to serve without a cash bond. This is needed to save everyone the cost of the bond.

Please endorse it and return it to me.

Sincerely,



Edward J. White

EJW/e
Encl.

recd. 5/30/86

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

May 27, 1986

The Honorable Robert J. McCandlish, Jr.
Commissioner of Accounts
Fairfax County
4069 Chain Bridge Road
Fairfax, VA 22030

Re: Estate of Harold A. O'Connell
Fiduciary No. 21840

Dear Mr. McCandlish:

I represent Mrs. Jean M. O'Connell, Executor of the captioned Estate. Mrs. O'Connell received your notice letter of May 16, 1986, concerning the delinquent account.

The accounting in this case has been prepared by Mrs. O'Connell's accounting firm. This accounting will be a second and final accounting. However, the will established a trust and Mrs. O'Connell's son has been most difficult in coming to terms on qualifying as trustee of the trust. Both Mr. Henry Mackall, who represents the trustee, and I have been working diligently on this case.

In order to prevent my client from incurring double bills from her accountant and increased other fees, I would respectfully request a short extension of the accounting period so that the trustee can qualify and this matter may be completely closed.

Thank you.

Sincerely,

/s/
Edward J. White

EJW/mc

cc: Mrs. Jean M. O'Connell ✓

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

June 2, 1986

Henry C. Mackall, Esquire
4031 Chain Bridge Road
Fairfax, VA 22030

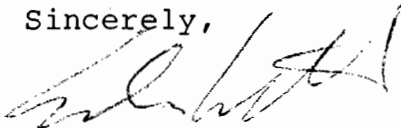
Re: Estate of Harold O'Connell
Fiduciary No. 21840

Dear Mr. Mackall:

Please let me know as soon as the enclosed Order has been entered and the Trustees have qualified, inasmuch as the Commissioner of Accounts' Office is demanding an Accounting.

Thank you.

Sincerely,



Edward J. White

EJW/mc

Enclosure: Order

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

TELEPHONE 836-5444

June 26, 1986

Miss Jo Ann Barnes
Bruner, Kane & McCarthy
300 North Lee Street
Alexandria, VA 22314

Re: Estate of Harold O'Connell

Dear Jo Ann:

I represent Mrs. Jean O'Connell in the above-referenced matter.

We are now ready to file the Final Accounting. Enclosed is a document entitled Agreement, paragraph 1 of which acknowledges receipt of ownership by the Co-Trustees of the percentage interest of the property.

If you need any other documents, please contact me or Mrs. O'Connell.

Thank you.

Sincerely,


Edward J. White

EJW/mc

Enclosure

cc: Mrs. Jean O'Connell

COPY

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

June 26, 1986

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

Re: Estate of Harold O'Connell

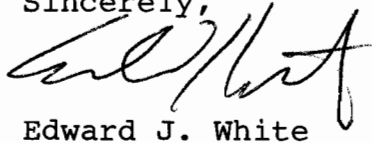
Dear Mrs. O'Connell:

At last, we are ready to file the Final Accounting in this case.

In order to spare you having to mail documents back and forth, I am notifying Jo Ann Barnes to begin the accounting and sending her a copy of the Agreement wherein your son and Mr. Higham acknowledge receipt of the Trust property.

Miss Barnes will contact you at the time your signature is needed.

Sincerely,

A handwritten signature in dark ink, appearing to read 'EJW', is written over the typed name 'Edward J. White'.

Edward J. White

EJW/mc

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

TELEPHONE 836-5444

August 8, 1986

Hon. Robert J. McCandlish, Esq.
Commissioner of Accounts
4069 Chain Bridge Road
Fairfax, Virginia 22030

Re: Estate of Harold M. O'Connell

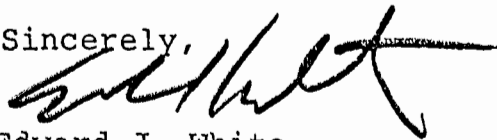
Dear Mr. McCandlish,

Enclosed is the Fourth and Final Accounting in the captioned estate with your checks in the amounts of \$35.00 and \$25.00.

Please note that the Trustees have qualified in this case and the attached agreement is submitted as a receipt for the trust property.

The vouchers for the real estate taxes paid by Mrs. O'Connell add to more than the amount stated but in this case it makes no difference.

Sincerely,



Edward J. White

EJW/e
Encl.
Copy to: Mrs. O'Connell

Edward
White
1987

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

COPY

July 17, 1987

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

Re: Accotink property offer

Dear Mrs. O'Connell,

I have reviewed the contract from Real Estate General Associates, Inc. and have enclosed as an Addendum some changes to it which are not terribly substantive.

I think since you and the Trust are being asked to carry quite a bit of debt that some financial data should be submitted to you. The buyer should be asked to fill in a standard bank loan application form which can be obtained from your (or any bank).

The breach clause should definitely be in the contract.

The miscellaneous additions are standard and should not have been omitted by the realtor.

Of course I can not give any opinion as to the correctness of the price, but it does seem to be in the range of Mr. Higham's earlier estimate. The fact that there is no request for subordination of your mortgage is a strong selling point for this offer.

I am concerned about the size of the commission which will amount to \$51,000.00 off the top. I really think this can be negotiated down to about 4%. Considering the amount of work involved for the realtor in this matter, I think \$34,000.00 is more than generous.

An additional money consideration is the fact that this property was inherited at a basis of \$37,000.00. As I understand it the capital gain would be the difference between the sales price and the inherited price adjusted for the mortgage. I would guess that of the \$250,000.00 cash received the tax might be about 40% or \$100,000.00. By my rough calculations I think your share (53.91%) might net \$53,370.00 at the settlement. You probably will wish to check this with Jo Ann Barnes.

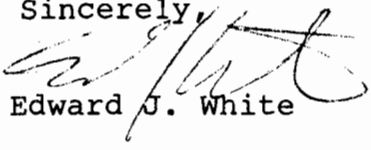
Page 2
Ltr to Mrs. Harold A. O'Connell
July 17, 1987

If the trust were larger the tax would be cut down but that would also cut your net share. Frankly I think the place to increase your share would be through the commission.

I have added an Attachment which reflects the actual sellers and a signature line for them.

Please show this to Andy and either of you feel free to call me.

Sincerely,



Edward J. White

EJW/e
Encl.

COPY

ADDENDUM

DEED OF TRUST

Said note or notes will be secured by a Deed of Trust whose trustees will be designated by the Sellerss.

FINANCIAL DATA

Within five (5) days of the signing of this Contract, Purchaser shall furnish to Sellers a financial statement upon the form provided and in addition shall furnish such other additional financial data as required by the sellers.

This contract is expressly contingent upon approval by the seller of the financial credit worthiness of the Buyer. Sellers shall have no more than five (5) days from the receipt of the requested data in which to reject this contract in the event of dissatisfaction with the financial information furnished. If at the end of the five (5) day period Sellers have not notified Buyer in writing of such a rejection, this contingency shall be automatically removed.

BREACH

In the event of breach, the party at fault shall pay costs and attorney's fees, plus damages incidental to the breach such as: moving and relocation expenses, loss of deposit money, increased interest rates and lost interest earning opportunities.

MISCELLANEOUS

The principals to this contract mutually agree that it shall be binding upon them, their and each of their respective heirs, executors, administrators, successors and assigns; that the provisions hereof shall survive the execution and delivery of the deed aforesaid and shall not be merged thereon; that this contract contains the final and entire agreement between the parties hereto and that neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained.



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mary Sue Terry
Attorney General

H. Lane Kneedler
Chief Deputy Attorney General

R. Claire Guthrie
Deputy Attorney General
Human & Natural Resources Division

Gail Starling Marshall
Deputy Attorney General
Judicial Affairs Division

Walter A. McFarlane
Deputy Attorney General
Finance & Transportation Division

Stephen D. Rosenthal
Deputy Attorney General
Criminal Law Enforcement Division

Deborah Love-Bryant
Executive Assistant

September 9, 1987

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

Dear Mr. O'Connell:

In response to our telephone conversation about discontinuance of maintenance of public roads in Virginia, particularly in Fairfax County, I enclose copies of sections from Title 33.1 of the Code of Virginia. The operative sections are §§ 33.1-150 to 33.1-155, § 33.1-147 referenced in § 33.1-150 and § 33.1-69 and § 33.1-229.

Sincerely,

A handwritten signature in cursive script that reads "John J. Beall, Jr.".

John J. Beall, Jr.
Senior Assistant Attorney General

56-c4/JJB/263

cc: Edward J. White, Esq.

Enclosure

Edward
White
1988

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

April 16, 1988

Mrs. Jean M. O'Connell
Trustees of the Harold O'Connell Trust

TO: EDWARD J. WHITE

For professional services rendered re: sale
of 6541 Franconia Rd.
6.65 hours at \$105.00 per hour
express mail and long distance

TOTAL

\$698.25

14.75

\$713.00

DATE	ACTION	TIME	
3/18/88	Draft note & trust	1.20	
4/6	PC	.10	
4/11	PC	.25	
4/14	PC atty negotiation & redraft		
	LDPC St. Louis	1.75	\$ 4.00
4/15	Redrafting	1.00	
4/16	Redrafting, PC, Exp mail	.75	10.75
4/18	PC	.10	
4/19	Redrafting	.50	
4/21	Settlement	1.00	
TOTALS		6.65	\$14.75

*Handed to me
April 20, 1988
By Mr. White*

*ADDED TO ME
APRIL 20, 1988,
BY MR WHITE, IN HIS
OFFICE.*

Arthur M. O'Connell

DEED OF BARGAIN AND SALE

THIS DEED, made this 21st day of April, 1988, by and between JEAN MINER/O'CONNELL, unmarried; and ANTHONY M./O'CONNELL and HERBERT A./HIGHAM, Trustees of the Trust established by the Will of the late Harold A./O'Connell, hereinafter called Grantors; and LYNCH PROPERTIES LIMITED PARTNERSHIP, a Virginia limited partnership, hereinafter called Grantee, provides:

That for \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, the aforementioned Trustees hereby grant, bargain, sell and convey with Special Warranty, and the aforementioned Jean Miner O'Connell hereby grants, bargains, sells and conveys with General Warranty of title unto the Grantee, the following real estate, located in Fairfax County, Virginia, containing 3.23987 acres:

Beginning at a point marking the intersection of the Easterly right-of-way line of Frontier Drive (Route #2677) and the Southerly right-of-way line of Franconia Road (Route #644), thence with the Southerly right-of-way line of Franconia Road S 86° 51' 59" E, 369.48 feet, to a point marking a Northwesterly corner of the property of the County School Board of Fairfax County; thence with the boundary of said School Board S 00° 49' 33" W, 374.84 feet to a concrete monument; and N 89° 10' 27" W, 369.18 feet, to a point on the aforementioned right-of-way line of Frontier Drive; thence with said right-of-way line of Frontier Drive N 00° 49' 33" E, 389.72 feet to the point of beginning, containing 3.23987 acres of land.

AND BEING the same property conveyed to Harold A./O'Connell and Jean M. O'Connell, his wife, as joint tenants with the common law right of survivorship by deed recorded in Deed Book A-13 at Page 37. Whereas by Deed of Partition recorded in Deed Book 4026 at Page 454, the property was reconveyed to Harold A. O'Connell as to an undivided one-half interest and to Jean M. O'Connell, as to an undivided one-half interest, whereas, Harold A. O'Connell died testate May 26, 1975, and by his Last Will and Testament recorded in Will Book 201 at Page 96, devised his interest to his executor Anthony M. O'Connell, Trustee; whereas Anthony M. O'Connell, Trustee, could not qualify and Herbert A. Higham, Trustee, was appointed to act in his place and stead.

BK7005 0634

PC Box 607
Springfield, VA 22150
COLUMBIA BANNER SETTLEMENT & TITLE SERVICES, INC.
1251 GREENSBORO DR. SUITE 600
MCLEAN, VA 22102
\$1,411.25, 37

This conveyance is made subject to all recorded conditions, restrictions and easements affecting the property hereby conveyed.

The Trustee Grantors covenant that they have the right to convey such lands to the Grantee; that they have done no act to encumber such lands. Jean Miner O'Connell covenants that she has the right to convey such lands to the Grantee; that she has done no act to encumber such lands; that the Grantee shall have quiet possession of such lands free from all encumbrances; and that she will execute such further assurances of such lands as may be requisite.

WITNESS the following signatures and seals:

Jean Miner O'Connell (SEAL)
JEAN MINER O'CONNELL

Anthony M. O'Connell (SEAL)
ANTHONY M. O'CONNELL, TRUSTEE

Herbert A. Higham (SEAL)
HERBERT A. HIGHAM, TRUSTEE

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

I, the undersigned Notary Public, for the jurisdiction aforesaid, do hereby certify that Jean Miner O'Connell, whose name is signed to the foregoing instrument bearing date of April 21, 1988, has acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this 21st day of April, 1988.

David H. Quarter
Notary Public

My Commission Expires: 10-15-91

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

I, the undersigned Notary Public, for the jurisdiction aforesaid, do hereby certify that Herbert A. Higham, Trustee, whose name is signed to the foregoing instrument bearing date of April 21, 1988, has acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this 21st day of April, 1988.

John A. Overton
Notary Public

My Commission Expires: 10-15-91

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

I, the undersigned Notary Public, for the jurisdiction aforesaid, do hereby certify that Anthony M. O'Connell, Trustee, whose name is signed to the foregoing instrument bearing date of April 21, 1988, has acknowledged the same before me in my jurisdiction aforesaid.

John A. Overton
Notary Public

My Commission Expires: 10-15-91

RECORDED W/CERTIFICATE ANNEXED

APR 22 1988

FAIRFAX COUNTY, VA.

TESTE: John T. Frey
CLERK

-3-

A COPY TESTE:
JOHN T. FREY, CLERK

By: William L. Frey
Deputy Clerk

DEED OF TRUST

THIS DEED OF TRUST made this 21st day of April, 1988, by and between E. W. LYNCH and WAYNE M. LYNCH, Trustees for LYNCH PROPERTIES LIMITED PARTNERSHIP, a Virginia limited Partnership, acting under a certain trust agreement recorded among the land records of Fairfax County in Deed Book 5605 at page 1400; hereinafter referred to as "Borrower"; and EDWARD J. WHITE of Alexandria and RICHARD G. WOHLTMAN of Fairfax County, either of whom may act, hereinafter referred to as "Trustees"; and the Beneficiaries, Jean Miner O'Connell; and Anthony M. O'Connell and Herbert A. Higham, Trustees under the trust established by the Will of Harold M. O'Connell; hereinafter collectively referred to as "Noteholder", provides:

Borrower, in consideration of the indebtedness recited herein and the trust created herein, irrevocably grants and conveys to the Trustees, IN TRUST, with general warranty, the following described property located in the County of Fairfax, Virginia:

Beginning at a point marking the intersection of the Easterly right-of-way line of Frontier Drive (Route #2677) and the Southerly right-of-way line of Franconia Road (Route #644), thence with the Southerly right-of-way line of Franconia Road S86° 51' 59" E, 369.48 feet, to a point marking a Northwesterly corner of the property of the County School Board of Fairfax County; thence with the boundary of said School Board S 00° 49' 33" W. 374.84 feet to a concrete monument; and N 89° 10' 27" W, 369.18 feet, to a point on the aforementioned right-of-way line of Frontier Drive; thence with said right-of-way line of Frontier Drive N 00° 49' 33" E, 389.72 feet to the point of beginning, containing 3.23987 acres of land.

which has the address of 6541 Franconia Road, Springfield, Va. 22150.

Together with all improvements and fixtures now or hereafter erected on the property, and all easements, rights and rent (subject however to the rights given to the Noteholder herein to collect and apply such rents) now or hereafter attached to the property ("the property"),

TO SECURE to the Noteholder the repayment of the indebtedness evidenced by Borrower's two notes dated April 21, 1988. Note No. 1 is in the principal sum of SIX HUNDRED TWENTY FIVE THOUSAND NINE HUNDRED FORTY and 86/100 Dollars (\$625,940.86) with interest thereon. Note No. 2 is in the principal sum of FIVE HUNDRED THIRTY FIVE THOUSAND THREE HUNDRED FORTY SIX and 51/100 Dollars (\$535,346.51) with interest thereon. Both of these notes provide for two annual payments of interest only, which payments shall be due on the first and second yearly anniversaries after the date of this instrument, with the balance due and payable thereafter in five equal annual payments of principal plus accrued interest thereon, the payment of all other sums, with interest thereon, advanced under the terms of this trust to protect the security of the trust; and the performance of the covenants and agreements of the Borrower.

This trust shall be due and payable in full with interest accrued on April 21, 1995.

Borrower covenants that he is lawfully seised of the property hereby conveyed and has the right to convey the property, that the property is unencumbered, and that the Borrower will warrant and defend the title to the property against all claims and demands, subject to any easements or restrictions of record listed in an any title insurance policy insuring Noteholder's interest.

The Borrower, for himself and his successors and assigns, covenants and agrees as follows:

1. **Payment.** That he will pay when due, the indebtedness secured hereby, and all taxes, assessments and charges relating to the property, and all other sums required to be paid by him under the terms of the note or this Deed of Trust, including costs, expenses and attorney's fees incurred by the Trustees or the Noteholder with respect to this trust, the note or the property herein described; and in the event of default of any payment, the Noteholder may pay the same and any sum so paid shall be added to the debt hereby secured, shall be payable on demand, and shall bear interest at the rate specified in the note secured hereby.

2. **Application of Payments.** All payments after the first two annual payments of interest, shall be applied first to the interest due and then to the principal of the note.

3. **Borrower not Released.** Extension of time for payment or modification of any amortization schedule to any successor in interest of Borrower shall not operate to release in any manner, the liability of the original Borrower or his successors in interest.

4. **Duties of Trustees.** The Trustees, without obtaining the prior consent of the Noteholder, shall upon request, release from this trust without curtailment and at no cost to Borrower, land to be dedicated to public use including, but not limited to: streets, public utilities, sanitary sewer, water, storm sewer, etc.; and in addition, the Trustees shall sign such plats of subdivision and resubdivisions as desired by Borrower as long as said subdivision and resubdivisions meet the requirements of Fairfax County.

5. **Successors and Assigns.** All terms herein shall be binding upon all of the respective successors and assigns of the Borrower and Noteholder.

6. **Preservation of Property.** That he will keep the property in as good order and condition as they are now and will not commit or permit any waste thereof, reasonable wear and tear excepted; and that he will not act or fail to act in any manner which will jeopardize the lien of the Deed of Trust. It is the intent of the Borrower to demolish the existing dwelling house on the property to enable Borrower to improve the property. If the property is a condominium or other property subject to Owner's Association covenants, regulations and by-laws, Borrower shall perform all obligations under such documents.

7. **Insurance.** That he will maintain liability insurance on the

property in the amount of \$1,000,000.00, and will pay, when due any premiums. All insurance shall be carried in companies reasonably approved by the Noteholder and the certificates of insurance shall be held by the Noteholder and shall contain loss payable clauses in favor of the Noteholder.

8. **Condemnation.** That the proceeds of any award or claim for damages in connection with any condemnation or other taking of the property, or part thereof, or for conveyance in lieu of condemnation are hereby assigned to the Noteholder.

In the event of a total taking of the property, the proceeds shall be applied to the indebtedness with any excess paid to the Borrower. In the event of a partial taking of the property, unless Borrower and Noteholder otherwise agree in writing, there shall be applied to the indebtedness such proportion of the proceeds as is equal to that proportion which the amount of the sums secured by this trust immediately prior to the date of taking bears to the fair market value of the property immediately prior to the date of taking with the balance of the proceeds paid to the Borrower.

Unless otherwise agreed in writing such application of condemnation proceeds to the sums due on this trust shall not extend the due date of payments or change the amount of such payments.

9. **Inspection.** Noteholder may make or cause to be made, reasonable inspections of the property upon prior notice to Borrower specifying the reasonable cause therefor.

10. **Assignment of Rents.** As additional security, Borrower hereby assigns to Noteholder the rents of the property, provided that Borrower, shall prior to acceleration or abandonment of the property, have the right to collect and retain such rents as become due and payable. Noteholder shall be liable to account only for those rents actually received.

11. **Transfer of Property; Assumption.** If all or any part of the property or an interest therein is sold or transferred by Borrower without Noteholder's prior written consent, excluding: (a) the creation of a lien subordinate to this trust, (b) the creation of a purchase money security interest for household appliances, (c) a transfer by devise, descent or by operation of law upon the death of a joint tenant (d) the grant of a leasehold interest of three years or less not containing an option to purchase; (e) a transfer or sale to a partnership or joint venture in which borrower is a partner or joint venturer; Noteholder may at its option, declare all sums secured hereby immediately due and payable.

NOTICE; THE DEBT SECURED HEREBY IS SUBJECT TO CALL IN FULL OR THE TERMS THEREOF MODIFIED IN THE EVENT OF SALE OR CONVEYANCE OF THE PROPERTY CONVEYED. SUBJECT TO THE PROVISIONS ABOVE.

12. **Default and Foreclosure.** Failure by the Borrower to perform any of his obligations under this trust or under the note shall constitute a default and all indebtedness secured shall become immediately due and payable in full at the option of the Noteholder upon written notice to the Borrower of default and acceleration. Any time thereafter, at the request of the Noteholder, the Trustees shall sell the property at public auction, at such time and place and

upon such terms and conditions as the Trustees shall deem best for the interest of all concerned. Advertisement shall be for four successive weeks in a newspaper of general circulation in the county or the city in which the property is located. The Trustees may postpone the sale by public announcement at the time and place of any scheduled sale or by advertising the postponement for two successive weeks in a newspaper as defined above. In case of default by the purchaser, the Trustees shall resell upon such public notice as they shall determine. Upon compliance by the purchaser with the terms of sale, and upon judicial approval as may be required by law, the Trustees shall convey such land in fee simple with Special Warranty to the purchaser at his cost. The purchaser shall not be liable to see to the application of the purchase money.

From the proceeds of sale shall be paid: FIRST, all costs including but not limited to court costs, advertising costs, auctioneer's fees, title correction expenses, bond premiums and attorney's fees, and all monies advanced for taxes, assessments and insurance, with interest thereon at the rate specified in the note. The trustees shall be entitled to a commission of 5% of the sale price; SECOND, to pay the unpaid principal balance of the note, whether the same shall be due or not; THIRD, to pay in priority, liens of record against the property; FOURTH, to pay any sums of the sale proceeds as shall remain to the Borrower, his heirs and assigns.

If the property is advertised for sale and not sold, the Borrower shall pay all costs in connection therewith as such costs are delineated above, AND a Trustees' commission of 2 1/2% of the unpaid principal balance, and the same shall be secured in a like manner as other expenses relating to the execution of this trust and bear interest at the rate stated on the note. In no event shall the total commissions to the Trustees exceed 5% of the sale price of the property.

Upon a sale by the Trustees, a bidders deposit of 10% of the original indebtedness may be required.

13. **Forbearance by Noteholder not a Waiver.** Any forbearance by Noteholder in exercising any right or remedy shall not constitute of waiver of such rights or remedies.

14. **Remedies Cumulative.** All remedies herein provided are distinct and cumulative to any other right or remedy under this trust or afforded at law or in equity and may be exercised concurrently, independently or successively, including the right of the Noteholder to sue for a deficiency judgment after foreclosure in the event the debt is not satisfied therein.

15. **Substitution of Trustees.** The Noteholder may in its discretion remove the Trustees and appoint new Trustees according to law.

16. **Release.** Upon payment of all sums secured hereby, the Borrower shall be entitled to release of the lien of this Trust and return of any note. Borrower shall pay the Noteholder's fee for release and the recording fee for the release.

17. **Homestead Exemptions.** Borrower hereby waives the benefit of all Homestead Exemption laws to the extent that such laws may be waived.

18. **Construction.** In the construction of this instrument, when

reference is made to the parties herein, the singular shall encompass the plural, and the masculine gender shall encompass the feminine and partnerships, Trustees and corporations.

19. **Non Recourse Loan.** Notwithstanding anything herein to the contrary, Borrower and its partners shall have no personal liability for the payment of the Note, and Noteholder shall look solely to the property and other assets conveyed by this Deed of Trust and to the security provided by other instruments securing the Note and proceeds thereof for the payment of all indebtedness. However, the foregoing shall not be deemed to preclude an action for specific performance or injunctive relief, nor shall Noteholder be deemed prohibited from naming Borrower and/or its partners in any action to enforce its remedies hereunder (subject to the foregoing exculpation from personal liability).

The foregoing limitations of Borrower's and its partners' personal liability shall not impair the validity of the Note or the lien created hereby or the right of the Noteholder and the Trustees to foreclose and/or enforce rights with respect to the property and other assets encumbered hereby.

20. **Law Controlling.** This Deed of Trust shall be governed by the laws of the Commonwealth of Virginia.

WITNESS the following signature and seal:

LYNCH PROPERTIES LIMITED PARTNERSHIP

By E. W. Lynch, Jr., Trustee (SEAL)
E. W. Lynch, Jr., Trustee

By Wayne M. Lynch, Trustee (SEAL)
Wayne M. Lynch, Trustee

COMMONWEALTH OF VIRGINIA,
COUNTY FAIRFAX, to wit:

The foregoing Deed of Trust dated April 21, 1988 was acknowledged before me, a Notary Public, for the jurisdiction aforesaid, by E. W. Lynch, Jr., Trustee, on behalf of LYNCH PROPERTIES LIMITED PARTNERSHIP, this 21st day of April, 1988.

[Signature]
Notary Public

My commission expires: 10-15-91

COMMONWEALTH OF VIRGINIA,
COUNTY FAIRFAX, to wit:

The foregoing Deed of Trust dated April 21, 1988 was acknowledged before me, a Notary Public, for the jurisdiction aforesaid, by Wayne. M. Lynch, Trustee, on behalf of LYNCH PROPERTIES LIMITED PARTNERSHIP, this 21st day of April, 1988.



Notary Public

My commission expires: 10-15-91

DEED OF TRUST NOTE No. 1

\$625,940.86

McLean, Virginia

April 21, 1988

FOR VALUE RECEIVED, the undersigned promises to pay to the order of JEAN MINER O'CONNELL the principal sum of SIX HUNDRED TWENTY FIVE THOUSAND NINE HUNDRED FORTY and 86/100 Dollars (\$625,940.86) with interest thereon computed at the rate of nine per cent (9%) per annum at such place and to such persons or entities, as the holder shall designate, in two annual payments of interest only, which payments shall be due on the first and second yearly anniversaries after the date of this instrument, and with the balance due and payable thereafter in five equal annual payments of principal plus accrued interest thereon, which payments shall be due and payable on the third, fourth, fifth, sixth and seventh anniversary dates thereafter.

The entire sum of principal and interest shall be due and payable in full on April 21, 1995.

If any installment of principal and/or interest under this note is not paid when due and remains unpaid after a date specified by notice to the borrower, the entire amount of principal and unpaid interest shall be due and payable in full at the option of the holder. The date specified shall not be less than thirty (30) days from the date the notice is mailed. In the event that suit is brought to collect this note, the holder shall be entitled to collect all the costs of such suit, including, but not limited to reasonable attorney's fees.

The borrower shall pay to the holder a late charge of 5% of any installment not received by the holder within 15 days of the date the installment is due.

The undersigned reserves the privilege of prepaying this Note in full or in part at any time without premium or fee for such prepayment.

Presentment, notice of dishonor, and protest are hereby waived by all makers, sureties, guarantors and endorers hereof. This note shall be the joint and several obligation of all makers, sureties, guarantors and endorers hereof and shall be binding upon them and their successors and assigns.

Notwithstanding any other provisions herein contained to the contrary, the undersigned shall have no personal liability for

payment of the principal or interest of this Note. This provision shall not release the undersigned from liability for the performance of its other obligations hereunder.

This Note shall be governed by the laws of the Commonwealth of Virginia.

LYNCH PROPERTIES LIMITED PARTNERSHIP

By E. W. Lynch, Jr. General Partner (SEAL)
E. W. Lynch, Jr., General Partner

By Wayne M. Lynch, General Partner (SEAL)
Wayne M. Lynch, General Partner

This is to certify that this is the Note described as Note No. 1, in a Deed of Trust dated April 21, 1988 on property located in Fairfax County, Virginia.

Lisa A. Overton
Notary Public

My commission expires: 10-15-91

This is a certified true copy of the original Deed of Trust Note No. 1.
Certified on this first day of October, 1991.

Theresa Ramsey-Elser
Notary Public

My commission expires on: March 20, 1992.

DEED OF TRUST NOTE No. 2

\$535,346.51

McLean, Virginia

April 21, 1988

FOR VALUE RECEIVED, the undersigned promises to pay to the order of ANTHONY M. O'CONNELL AND HERBERT A. HIGHAM, Trustees under the trust established by the Will of Harold M. O'Connell; the principal sum of FIVE HUNDRED THIRTY FIVE THOUSAND THREE HUNDRED FORTY SIX and 51/100 Dollars (\$535,346.51) with interest thereon computed at the rate of nine per cent (9%) per annum at such place and to such persons or entities, as the holder shall designate, in two annual payments of interest only, which payments shall be due on the first and second yearly anniversaries after the date of this instrument, and with the balance due and payable thereafter in five equal annual payments of principal plus accrued interest thereon, which payments shall be due and payable on the third, fourth, fifth, sixth and seventh anniversary dates thereafter.

The entire sum of principal and interest shall be due and payable in full on April 21, 1995.

If any installment of principal and/or interest under this note is not paid when due and remains unpaid after a date specified by notice to the borrower, the entire amount of principal and unpaid interest shall be due and payable in full at the option of the holder. The date specified shall not be less than thirty (30) days from the date the notice is mailed. In the event that suit is brought to collect this note, the holder shall be entitled to collect all the costs of such suit, including, but not limited to reasonable attorney's fees.

The borrower shall pay to the holder a late charge of 5% of any installment not received by the holder within 15 days of the date the installment is due.

The undersigned reserves the privilege of prepaying this Note in full or in part at any time without premium or fee for such prepayment.

Presentment, notice of dishonor, and protest are hereby waived by all makers, sureties, guarantors and endorsers hereof. This note shall be the joint and several obligation of all makers, sureties, guarantors and endorsers hereof and shall be binding upon them and their successors and assigns.

Notwithstanding any other provisions herein contained to the

PAID IN FULL
Anthony M. O'Connell
Herbert A. Higham

contrary, the undersigned shall have no personal liability for payment of the principal or interest of this Note. This provision shall not release the undersigned from liability for the performance of its other obligations hereunder.

This Note shall be governed by the laws of the Commonwealth of Virginia.

LYNCH PROPERTIES LIMITED PARTNERSHIP

By E. W. Lynch Jr. General Partner (SEAL)
E. W. Lynch, Jr., General Partner

By Wayne M. Lynch General Partner (SEAL)
Wayne M. Lynch, General Partner

This is to certify that this is the Note described as Note No. 2, in a Deed of Trust dated April 21, 1988 on property located in Fairfax County, Virginia.

Richard Overton
Notary Public

My commission expires: 10-15-91

PAID IN FULL
Anthony M. O'Connell,
Trustee

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

April 16, 1988

SHOULD
REIMBURSE!
\$603.67

Mrs. Jean M. O'Connell

TO: EDWARD J. WHITE

For professional services rendered re: sale
of 6541 Franconia Rd.
12.15 hours at \$105.00 per hour
express mail and long distance

1285.75
~~\$1170.75~~
14.75

TOTAL

~~1280.50~~ 1309.50
~~\$1185.50~~

DATE	ACTION	TIME	
3/18/88	Draft note & trust	1.20	
4/6	PC	.10	
4/11	PC	.25	
4/14	PC atty negotiation & redraft		
	LDPC St. Louis	1.75	\$ 4.00
4/15	Redrafting	1.00	
4/16	Redrafting, PC, Exp mail	.75	10.75
4/18	PC	.10	
4/19	Redrafting	.50	
4/20	OV A. O'CONNELL	1.50	
4/20	PC's redrafts	2.50	
4/21	Settlement	<u>2.50</u>	
TOTALS		12.15	\$14.75

State of Virginia,
County of Fairfax,
Certified to be a true copy of
the original.

Crestar Bank


Authorized Signature

Dated: September 20, 1993
My Commission Expires on Jan. 31, 1997

PD 4/21/88 by Jean
M. O'Connell
S/P

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

August 18, 1988

Mrs. Harold O'Connell
#1128 Goodwin House, West
3440 South Jefferson St.
Falls Church, Va. 22041

Re: Power of Attorney


Dear Mrs. O'Connell,

I tried to return your call several times but could not reach you.

Enclosed is the power of attorney which is limited to my obtaining a cashiers' check for your bills at Goodwin House. I think this is the best way to handle their requirement, since I do not think it would appear proper for me as your attorney, to hold your general power of attorney.

Please sign this before a Notary Public and return it to me. In addition I would need to know the name of your bank and the applicable account number.

Sincerely,



Edward J. White

EJW/e
Encl.

LIMITED POWER OF ATTORNEY

KNOW YE BY THESE PRESENTS, that I, JEAN M. O'CONNELL, being over the age of eighteen, make this Limited Power of Attorney appointing, and by these presents do make, constitute and appoint EDWARD J. WHITE, my true and lawful attorney in fact, who is hereby authorized to act for me as follows:

(1) To obtain from any financial institution in which I have an account, a cashiers check on my account payable ONLY to Goodwin House, West, or its successors, for any sums of money owed by me to Goodwin House, West.

(2) I hereby ratify and confirm all that my attorney shall lawfully do by virtue of these presents.

(3) Any person, firm or corporation shall be fully protected in relying on this Power of Attorney unless and until actual notice of its revocation or actual notice of my death is received.

(4) THIS POWER OF ATTORNEY SHALL NOT TERMINATE UPON MY MENTAL OR PHYSICAL DISABILITY, INCOMPETENCE OR INCAPACITY.

WITNESS my hand and seal this 22 day of August 1988.

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

STATE OF Virginia
CITY/COUNTY OF Arlington, to-wit:

The foregoing instrument was acknowledged before me this 22nd day of August, 1988, by JEAN M. O'CONNELL

Ellen C. Schbauer
Notary Public

My commission expires: Jan. 10, 1992

ACCEPTED AND DELIVERED TO ME THIS 25th DAY OF August, 1988.

Edward J. White
EDWARD J. WHITE
Attorney in Fact

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

September 12, 1988

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

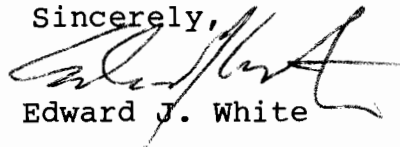
Dear Mr. O'Connell,

Thank you for sending me the copies of the Third Accounting.
I have not had time to digest it yet.

Enclosed is a copy of your mother's power of attorney. As I understand it, Goodwin House requires that someone hold a power of attorney, and this is done simply as an administrative convenience. Under no circumstances would I hold a general power of attorney for a client.

The power is as restrictive as I could make it. As you can see, it gives me no right to do anything except pay Goodwin House by cashiers checks made payable to them for any accounts due.

Sincerely,



Edward J. White

EJW/e
Encl.
Copy to: Mrs. O'Connell

Edward
White
1991

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

March 15, 1991

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

Dear Mr. O'Connell,

Subsequent to our telephone conversation this morning, I reviewed my files in the cases involving Mrs. O'Connell.

I find that I did indeed mail you a copy of the Limited Power of Attorney along with my letter to you of September 12, 1988. I am enclosing another copy of the Limited Power of Attorney and a copy of the letter I sent you. You may not have received it; however, it was not returned to me by the Post Office.

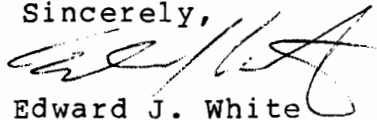
In regard to your inquiry as to why, in 1988, there came a time when I refused to deal with you on the sale, as I said, I recalled that a conceivably adverse relationship had developed between you and your mother concerning the sale. I call your attention to the sixth paragraph in your letter to her of December 8, 1987, a copy of which is enclosed.

As to your complaint that I did not share the sale documents with you, I call your attention to my letter to you of April 16, 1988 in which the deed, note and trust were sent to you. A copy of that letter is enclosed.

On April 19, 1988 you appeared in my office and stated that you refused to settle on the next day. We did not have a happy discourse. We did discuss the sale and I asked you if you had any other questions.

I am somewhat puzzled as to why all of this is re-surfacing and after reviewing my file and my notes, am not at all comfortable with continuing the dialogue.

Sincerely,



Edward J. White

EJW/e

Encl.

Copy to: Mrs. O'Connell

ANTHONY M. O'CONNELL
CONSERVATOR
2337 SOUTH THIRTEENTH STREET
ST. LOUIS, MISSOURI 63104

(314) 776-4926

December 8, 1987

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

Dear Mother:

Thank you for your phone call yesterday telling me about your plans to move. I know it is a heart wrenching experience for you to leave the home you have put so much of yourself into over the past fifty years. I congratulate you again on your decision.

On thinking further of our discussion about controlling the destiny of the house, I feel strongly that deed restrictions or soliciting public support to move the house will only result in obstructing a successful sale.

No one, especially the county, is going to spend \$300,000 to \$400,000 (?) to have it moved so you can make a better profit. If the county did any thing, they would preserve it in situ, perhaps acquiring the land by eminent domain, a logical extension of the Forestdale School playground. I feel when the county did take seven of your ten acres by eminent domain for Forestdale School, they would have taken the entire property if they knew you were not going to live in the house. They did not do you any favors then by compensating you at \$7,000/acre and they are not going to do you any favors now.

At the very least, publicly bringing up the historical significance of the house when you are trying to sell it will make a prospective buyer think very hard about the rezoning battle.

I feel any negotiations concerning the house itself should best be done in private between you and the interested buyer. You also have final control by not selling to a buyer whose plans you find unsuitable. If you cared enough, a successful sale may give you enough money to have the house moved at your expense.

I am disappointed that you apparently do not want me involved in this transaction. As near as I can determine, you are concerned that I will block the sale. Please tell me of your specific concerns and maybe we will all have a more pleasant and successful experience.

If I had any alternative I would not say this- To get a successful sale and to minimize what I know is an incredibly painful experience for you-Walk away from the house and don't look back. Remember it as it was. It's the new owners responsibility and it is lifted from your shoulders.

With respect to your urgency in selling, I am driving to Virginia tomorrow. I can be reached at the home of

RoseMary Haly
220 Wildman 3NE
Leesburg, Virginia 22075
(703) 777-6371

Sincerely,

Copy to:

Mr. Edward White, Attorney
118 South Royal Street 22314
(703) 836-5444 (Alexandria, Virginia)

Mr. Herbert A. Higham
6208 Higham Drive
Franconia, Virginia 22310
(703) 971-5200/971-3129(Home)

Mrs Sheila Tierney-Sbedvenell
44 Carleton
Portland, Maine 04102
(207) 774-1914

Mrs. Jean Nader
350 4th Avenue
New Kensington, Pennsylvania 15068
(412) 337-7537

April 16, 1988

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

Re: O'Connell to Lynch Properties

Dear Mr. O'Connell,

Enclosed for your signature before a notary public is the original deed. Please date it on the first line and return it to me immediately by express mail.

Also enclosed for your review are copies of the note and deed of trust.

Sincerely,

Edward J. White

EJW/e
Encl.

Edward
White
1992

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

TELEPHONE 836-5444
February 18, 1992

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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

In order to prepare your mother's 1991 income tax returns, I need the amount that the Harold O'Connell Trust paid her during 1991. In the event the payment was not made in 1991, I will need to file the amount which was due as "income with respect to a decedent" on the estate tax and fiduciary tax returns. The cutoff date for your computation will be September 15, 1991. After that date the trust technically terminated, and the income belongs to the beneficiaries of that trust.

Jean and I are making progress on the estate. We have decided to leave the A. G. Edwards accounts in place since they are earning a better rate of return than a bank can give.

I am trying to get to the bottom of the car problem with Sovran and should be able to get the title soon so that it can be transferred to you before the insurance expires.

Jean has informed me that you and your sisters have decided that it is best to try and list the Accotink property at its actual value as of the of death rather than a higher value based on its future value. Since you have worked so diligently on this problem in the past, could you give me the name of an appraiser who could do a valuation which will take into account all of the county inspired problems. It seems to me that the county value of \$600,000.00 is too high based on the hurdles you have run into in trying to develop it.

Could you also send me the address of Lynch Properties?

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

February 25, 1992

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

Re: Estate of Jean M. O' Connell

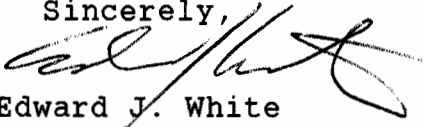
Dear Mr. O'Connell,

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

February 27, 1992

1992 MAR -2 A 10:10

Nuveen Unit Transfer Dept.
P.O. Box 836
Cooper Station
New York, N.Y. 10003

U.S. TRUST COMPANY OF NY
AND CT
SUPPORT-6

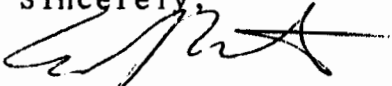
Re: Account #OCONNE2JNA4M000
Premium Income Municipal Fund
Jean M. O'Connell

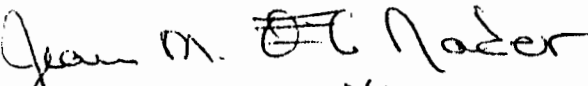
We are the Co-Executors of the estate of Jean M. O'Connell who died on September 15, 1991.

You are requested to transfer the entirety of this account to A. G. Edwards & Sons, Inc., c/o Allison May, 524 King Street, Alexandria, Va. 22314.

Enclosed is a W-9 form, a name affidavit and a current letter of appointment.

Sincerely,


Edward J. White


Jean M. O'Connell NADER
Co-Executors, Estate of
Jean M. O'Connell

EJW/e

Title of new account:

Edward J. White & Jean M. Nader
Co-executors of the estate of Jean M. O'Connell
118 S. Royal St.
Alexandria, Va. 22314
ID # 25-637-7917

SIGNATURE GUARANTEED
A. G. EDWARDS & SONS, INC.

Authorized Signature
(AUTHORIZING RESOLUTIONS FILED
WITH NEW YORK STOCK EXCHANGE)

1992.03.31 (post marked)
Certified P237 220 464
part 1 of 2



Jan Rader
350 48 Ave
New Kensington, PA
15068

Tony O'Connell
6541 Francina Rd
Springfield, Va
22150
MR 4-6-92 W/27



DEAR Tony

1992.03.31 (post marked)

Certified P237 220 464

part 2 of 2

I hope you
are having a
good day -

Enclosed is

- ① the Van title,
- ② a death certificate,
- ③ a court appointment
and a ④ receipt.

You need # 1, 2, 3
to have the van
transferred to your
name - the receipt

4, must be
returned to me or
Ed White as soon
as possible because
it must be filed with
our accounting to
the court -

RECEIVED of the Estate of Jean M. O'Connell, one 1988 Plymouth Station Wagon of a value of \$8,000.00

(This is not a copy of the original, but reconstructed from memory and my letter of April 7, 1992, to the lawyer. Only the above statement was on the receipt and nothing else).

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

April 4, 1992

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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

I have received your letter of March 30, 1992.

The answers are:

Question 1. As soon as the money is received, the tax liabilities evaluated and upon consultation with the Co-Executor.

Question 2. Paid. It is not my decision as to what it will cost you, though I have been informed that you know full well.

Question 3. 2 1/2% of the receipts into the probate estate if approved by the Commissioner of Accounts.

I would call to your attention that on two separate occasions I drove to Sovran and spent a lengthy period of time on the question of the car loan. I did this in person since: I knew that you had the vehicle, that your sisters wanted you to have it, that the insurance and tags were due to expire soon and I did not want you to be inconvenienced. I could have done all of this by mail and it probably would have taken about three months, knowing the nature of the loan problem. I assumed I was doing you a favor.

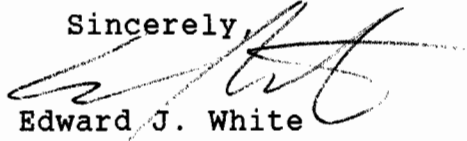
Now I receive your letter asking that I "simply pay them the interest" I paid the interest and principal in one check on March 12, received the title on March 22 and mailed it to Mrs. Nader to sign over to you on March 23. Have you any suggestions as to how it could have gone faster?

The information of the commission was given to you previously by Mrs. Nader.

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

I am trying to be patient with you, but I find that this estate is time consuming enough without having to deal with letters such as the last two that I have received.

Sincerely,

A handwritten signature in dark ink, appearing to be 'EJW', written over the word '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

April 22, 1992

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Disbursement

Dear Jean,

Enclosed is an agreement which should satisfy Tony as to the car. It cannot be any clearer.

Also enclosed is a preliminary analysis of the estate tax, which should be close to being accurate. I do need to check with Jo Ann Barnes as to a technical question as to whether or not any of your father's trust comes into this. I do not think it does, but there have been many changes in the law since that trust was established. I will have to ask her to bill us for that advice and any other technical tax matters I am not comfortable with. I can do most of the rest of the tax work and save the estate some money.

The executors' commission shown on the analysis is not figured on the value of the realty; however it does not include the 5% commission on the receipts of the estate in addition to the inventory.

In order to file that return and the subsequent Fiduciary Income tax return we will need an accounting from Tony from the date of his last accounting to the date of death. If he does not want to prepare it, I will not agree to any preliminary disbursement to him at all, and will seek your approval to file suit against him to compel the accounting, plus damages to the estate for his delay. Since that trust terminated on your mother's death, his final accounting is due now and not in October.

There will be no further explanations or written entreaties to him as far as I am concerned. He has the duty and he will perform it under a court order if necessary. Of course he will furnish that receipt.

The preliminary analysis contains three alternatives on Accotink at the bottom for your consideration.

In the event that we do seek a reduction in the assessment Tony will be given written notice that his prompt cooperation is necessary and that if he fails to cooperate that he is aware of the

Page 2
Ltr to Mrs. Jean M. Nader
April 27, 1992

adverse consequences to the estate and is responsible for them.

As far as further steps are concerned, we have a lot to do. No gift tax returns were filed for 1989 and 1991 which will have to be done. The results of those gifts are factored in under "Unified Credit used for gifts 9,784".

The paper trail in the court and IRS is as follows:

- File Estate tax by June 15, 1992
- File First Accounting (16 months after qualification but can be sooner)
- Ask for posting of Debts and Demands against the estate.
- File Fiduciary Income tax returns for period 9/15/91-9/15/92, due January 1, 1993.
- File Motion for a Show Cause why distribution should not be made. Submit Show Cause Order.
- Request Executor's exoneration letter from IRS and Virginia.
- Obtain closing letter from IRS and Virginia as to estate tax returns.
- File 1993 Fiduciary tax returns (Sept. 1992-distribution)
- File for Order allowing distribution.
- Distribute estate.
- File Final Accounting.

Normally distribution is withheld until the Order of Distribution is entered. As I indicated the creditors have one year to press claims against the estate. No prudent executor will distribute before that period, the entry of the Order of Distribution and the receipt of the tax closing letters.

Sincerely



Edward J. White

EJW/e
Encl.

Unknown Document

SH. NOTES. STOCKS & BONDS

ck Wash Gas Light Co. 8/1/91	105.00
ck Signet 8/5/91	39.60
ck A. G. Edwards 8/15/91	2,346.63
ck Kemper Mun Bond Fund 4/30/91	162.86
ck Kemper Mun Bond Fund 5/31/91	162.86
ck Kemper Mun Bond Fund 7/31/91	162.86
ck Kemper Mun Bond Fund 8/30/91	162.86
Ck Nuveen Fund 3/1/91	63.00
Ck Nuveen Fund 5/1/91	63.00
ck Nuveen Fund 6/3/91	63.00
ck Nuveen Fund 8/1/91	66.50
ck Nuveen Fund 9/3/91	66.50
ck American Funds 9/9/91	424.76
Sovran Bank #4536-2785	3,310.46
First Virginia Bank #4076-1509	22,812.52
Fx Co. Ind Dev Bond	109,587.00
Franklin Va. Fund 4556.001 sh	50,507.84
Investment Co. of America 3861.447 sh	65,663.91
Kemper Mun Bond Fund 2961.152 sh	30,396.23
Nuveen Premium Inc Mun Fund 700 sh	6,450.50
Washington Gas Light Co. 200 sh	6,375.00
Signet Banking Corp 198 sh	4,331.25
Lynch Properties note	518,903.26
Travelers Check	20.00
1988 Plymouth Van	8,000.00
Am Funds 5/10/91	326.60
USAA Subscriber savings acct	25.10
SUB TOTAL	830,599.10

OTHER ASSETS

1990 Virginia Tax refund	1,605.58
Debt from Harold O'Connell Trust	659.97
Blue Cross refund	88.78
SUB TOTAL	2,354.33

JOINT ASSETS

Hallmark Bank #1107849600	40,796.81
---------------------------	-----------

REAL ESTATE

15 acres Fairfax Co. Va. 53.9006% interest	323,403.60
--	------------

TOTAL ASSETS	1,197,153.84
--------------	--------------

DEBTS

Colonial Emerg Phys (med bill)	10.40
Fairfax Circ Ct. letters	14.00
Jean M. Nader probate tax reimb	1,269.00
Sovran Bank Car loan payoff	1,364.97
Checks	15.89
Commissioner of accounts Inventory	61.00
IRS 1991 1040 return	15,332.00
Va. Dept Tax 1991 return	2,856.00
Jean M. Nader, bills pd	8,559.00
Sheila Ann O'Connell-Shevenell, cem bill	475.00
Co-Executors' Commission	41,529.96
Commissioner of Accounts fee for Accounting	1,048.25

TOTAL DEBTS AND EXPENSES	72,535.46
--------------------------	-----------

JEAN M. O'CONNELL ESTATE TAX ANALYSIS

TAX COMPUTATION

GROSS ESTATE	1,197,153.84		
DEBTS & EXPENSES	72,535.46		
	-----	ACC 75%	ACC 60%
TAXABLE ESTATE	1,124,618.38	1,043,767.48	995,256.94
			3 1/2% BRACKET
TENTATIVE TAX 41% bracket	396,893.53	363,744.67	343,950.21
Unified Credit before gift comp 192,800			
Unified Credit used for gifts 9,784			
UNIFIED CREDIT	183,016.00	183,016.00	183,016.00
CREDIT FOR VIRGINIA TAX	40,375.58	35,201.12	32,934.39
NET FEDERAL TAX	173,501.96	145,527.55	127,999.82
VIRGINIA TAX	40,375.58	35,201.12	32,934.39
	-----	-----	-----
TOTAL ESTATE TAXES	213,877.53	180,728.67	160,934.21

AGREEMENT CONFIRMING DISTRIBUTION OF VEHICLE

We, Jean M. Nader and Sheila O'Connell-Shevenell, hereby confirm that one 1988 Plymouth Van was distributed to our brother, Anthony M. O'Connell by the Estate of Jean M. O'Connell, and that we hereby confirm and agree to that distribution.

We further confirm and agree that this distribution shall not be charged against Anthony M. O'Connell's ~~share~~ of the estate and that the remaining net proceeds of the ~~estate~~ after settlement of all debts and obligations shall be divided in three equal shares.

DATE: May 1, 1992

* Jean M. Nader

* Sheila O'Connell

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

May 4, 1992

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Dear Jean,

Enclosed is the form for appealing the tax assessment of the Accotink property. On page 2, it states that there is a June 1 deadline. I do not think we can make a claim of a lesser value on the estate tax return if we do not file an appeal with the county. To fail to do appeal it would hurt our argument with the IRS.

The summary of the estate tax computation and the interplay of the gift tax is as follows:

1. In computing the estate tax, the gross estate (which includes anything which passes due to death whether in the probate estate or not) is figured, the debts subtracted and the "taxable estate" is ascertained.
2. The tax is then computed on the taxable estate. From this figure is subtracted a "unified credit" of \$192,800 (equivalent to a taxable estate of \$600,000).
3. Lifetime gifts in excess of \$10,000 to any one individual are taxable at the estate/gift tax rates. Each year the donor should have filed a gift tax return, though no tax is due unless the entire \$192,800 credit has been used in making the gifts.
4. Each gift over \$10,000 uses a portion of the unified credit, thus reducing the amount of that credit available to apply to the estate tax.

In our case the lifetime gifts used up \$9784.00 of the available credit. A list of the gifts is enclosed. Returns for 1989 and 1991 must be filed. As fiduciaries we must certify to the IRS that the return is true and correct. We have personal liability in that regard. If we have knowledge of a gift to Tony of \$15,000, we must report it. Tony is going to have to answer that question before we can be satisfied. If he claims he did not receive the money, he will have to supply us with an affidavit to that effect.

As far as the management of an estate undergoing the probate process is concerned, the Executors are entitled to some latitude

Page 2
Ltr to Mrs. Jean M. Nader
May 4, 1992

within the confines of their fiduciary duty. The decisions about the estate are theirs.

My personal operational mode in these matters is to keep the heirs fully supplied with the paperwork of the estate, and consult with them fully as to strategic and long range issues, such as the valuation of property in the Accotink situation. The day to day matters and the justification for tactical positions taken such as the contents of forms and accountings are the prerogative of the Executors and subject to the scrutiny and approval of the Commissioner of Accounts or the taxing authorities only.

With regard to the filing of the income tax return, my file indicates that I received a fax copy of the K-1 from the Harold O'Connell Trust on April 9, 1992, only six days before the tax return was due.

Sincerely,



Edward J. White

EJW/e
Encl.

APPLICATION FOR REVISION OF REAL PROPERTY ASSESSMENT

There is no Deadline for Filing this Application 1992.05.07

Use separate application for each parcel
Form must be signed to initiate Appeal
See back for instructions

attachment 1
part 1 of 4

COUNTY OF FAIRFAX, VA.
OFFICE OF ASSESSMENTS
REAL ESTATE DIVISION
SUITE 251
12000 GOVERNMENT CENTER PKY
FAIRFAX VIRGINIA 22035-0027
(703) 222-8234

Map Reference #

90-41-1-1001-17

Owner(s): <u>Sean W O'Connell - NADER - 1/3 owner</u>		
Property Address: <u>15 ACRES ACCOTINK AREA</u>		
		Zip:
Mailing Address: <u>350 4th AVE</u>		
City: <u>NEW KENSINGTON</u>	State: <u>P.A.</u>	Zip: <u>18068</u>

Reason for Review: (Circle all that apply)		
<input type="checkbox"/> A. Not Uniform	<input checked="" type="checkbox"/> B. Over-Valuation	<input checked="" type="checkbox"/> C. Unusual Conditions
* If either A or B were circled, the Comparable Properties page must be completed.		

Property Information:		
Property Type: (Circle one only)		
A. Single Family Dwelling	E. Multifamily Condominium	I. Shopping Center
B. Townhouse	F. Office Condominium	<input checked="" type="checkbox"/> J. Vacant Land
C. Apartment Building	G. Office Building	K. Other (specify) _____
D. Duplex	H. Industrial	
Assessment Information:		Purchase Information:
Year: <u>1992</u>		(If purchased within the past 4 years)
Land Value	<u>\$ 600,000.00</u>	Year Purchased: _____
Improvement Value	<u>\$ _____</u>	Purchase Price: \$ _____
Total Value	<u>\$ 600,000.00</u>	
What do you estimate the current fair market value as of January 1 ? \$ _____		

Structure Information: (Residential only)	
Total Number of Rooms: (include Basement; exclude baths)	Number of Full Baths:
Number of Bedrooms:	Number of Half Baths:
% Basement Finished:	Number of Fireplaces:
Number of Rooms in Basement:	Does the building have Central air conditioning? (Check one) Yes _____ No _____

Give dates and costs of construction for additions, remodeling, et cetera, if within the past five years:		
Addition, Remodeling Comments:	Year of Completion: _____	Cost: \$ _____
Addition, Remodeling Comments:	Year of Completion: _____	Cost: \$ _____
Addition, Remodeling Comments:	Year of Completion: _____	Cost: \$ _____

1992.05.07

Site Information:	attachment 1
Available Utilities: (Check all that apply) <u>NONE</u>	part 2 of 4
<input type="checkbox"/> Public Water <input type="checkbox"/> Well <input type="checkbox"/> Natural Gas	<input type="checkbox"/> Public Sewer <input type="checkbox"/> Septic System <input type="checkbox"/> Paved Street <input type="checkbox"/> Sidewalk
General Site Topography List any special site conditions: (e.g. level lot, steep lot, corner lot, lot on flood plain, private access to lot, et cetera)	
<u>FLOOD PLAIN, NO PRACTICAL ACCESS - CINDERED ROAD</u>	
<u>IS BLOCKED, SEE ATTACHMENTS</u>	

Comments or additional information necessary to the Appeal:
<u>PRIVATE APPRAISAL TO BE SUBMITTED UPON COMPLETION</u>

Deadline for Application to the Board of Equalization is ^{June 1}~~July 1~~.

Applications may be obtained by calling 703-³²⁴~~246~~-4891.

I hereby certify the facts contained herein and attached are true and correct to the best of my knowledge and belief.

Given under my hand this 19 day of May, 191992

Signature Jean O'Connell Nader ^{1/3} owner
 Name JEAN O'CONNELL NADER
 (Printed or typed)

Address 350 4th Ave
New Kensington, PA 15068

Phone (Work) 412-332-7537 (Home) 412-332-7537

Would you like to be present at the time of inspection? Yes _____ No X

Comparable Properties

If your request for review is based on either Over-Valuation or the assessment is NOT UNIFORM, please complete the following form.

For cases where the assessment is NOT UNIFORM, identify similar and comparable properties which will demonstrate a lack of uniformity in your assessment. For cases of Over-Valuation, cite recent sales prior to January 1 of comparable properties demonstrating that your assessment exceeds fair market value.

1992.05.07

attachment 1

part 3 of 4

This information is necessary to review your assessment.

COMPARABLE UNKNOWN

A. Map Reference # _____	Assessed Value
Owner(s):	Land \$ _____
	Improvements \$ _____
	Total Value \$ _____
Property Address: _____	
City: _____	Zip: _____
State property differences and/or sales data: _____	

B. Map Reference # _____	Assessed Value
Owner(s):	Land \$ _____
	Improvements \$ _____
	Total Value \$ _____
Property Address: _____	
City: _____	Zip: _____
State property differences and/or sales data: _____	

C. Map Reference # _____	Assessed Value
Owner(s):	Land \$ _____
	Improvements \$ _____
	Total Value \$ _____
Property Address: _____	
City: _____	Zip: _____
State property differences and/or sales data: _____	

APPLICATION FOR REVISION OF REAL PROPERTY ASSESSMENT

1992.05.07

INSTRUCTIONS FOR FILING

attachment 1

part 4 of 4

This form is provided to assist you in requesting revision of your property's assessed value. The information that you supply is needed to assure that we have complete and correct information on the property which will assist us in determining a fair and equitable assessment. For this reason, it is beneficial to complete the application as fully and accurately as possible. You may still submit this appeal application even if you are unable to answer all of the questions or do not wish to answer certain questions.

Be sure to identify your property on the application as it is identified on your assessment notice. A separate application should be used for each parcel being appealed. Please enter a telephone number where you may be reached and indicate if you wish to be present when the property is inspected. You must date and sign the appeal form to initiate the appeal process.

- If your appeal is based on over-valuation, you should support your appeal by citing market evidence (i.e. sales of similar property) of over assessment.
- If your appeal is based on the inconsistency or lack of uniformity of your assessment with similar properties, you should support your request by identifying similar properties that show your assessment to be inequitable.
- If your appeal is for an income-producing property, you should provide an official copy of the most recent Income and Expense Statement for the property, or complete a special survey form supplied by this office.

In all cases, you should identify any unusual or abnormal conditions which may affect the property's value.

HOW TO RECEIVE ASSISTANCE

The use of correct and current information is necessary when considering the fairness of your assessment. When listing comparable properties, each must be identified by at least one of the following: Tax Map Reference Number; Street Address; Property Owner(s) Name(s). ~~Correct assessment and sales information is available for your individual research on the 4th Floor of the Massey Building, 4100 Chain Bridge Road, Fairfax Virginia. In addition, assessment information may be obtained from the Office of Assessments by telephoning (703) 591-8599 between 8:00 a.m. and 4:30 p.m., Monday through Friday.~~

CONSTITUTIONAL BASIS OF ASSESSMENT

The Constitution of Virginia requires all real estate to be assessed at fair market value and to be uniform with comparable properties. Fair Market Value is the price at which the property would sell, given a willing buyer and a willing seller in an 'arm's length transaction', that is, one in which there is no special relation between buyer and seller. Uniform with similar properties means that properties comparable in fair market value are also comparable in their assessed value. To meet these requirements, all property in Fairfax County is assessed annually and assessments are effective January 1 of each year.

STATUTORY BASIS FOR APPEAL

Title 58.1, Chapter 32, Article 12 of the Code of Virginia Ann. provides for administrative appeal of your assessment if you feel the property is over-assessed with respect to fair market value, or if you feel your assessment is not equitable with comparable properties. The amount of change in assessment is *not* a basis for revision.

REVIEW PROCESS UPON APPEAL

A request for revision of an assessment will initiate a review of both the land and building portions, as well as the total value of your property. Both market (sales) data and comparable property assessments will be considered and the assessment may be affirmed or adjusted (either upward or downward) to establish a fair and equitable assessment for the property. In all cases, you will be provided with written notification of the results of the review.

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

May 14, 1992


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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

Enclosed is the Estate's check in the amount of \$75,000.00 as a partial disbursement . Similar sums have been paid to Jean and Sheila.

I have mailed an additional check to you in the amount of \$230.14 to Jean to be signed. This represents interest at 4% (the bank rate on the estate account) from April 22, the day of the disbursements to Sheila and Jean, through May 20, 1992, approximately the day you should receive it from her.

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

May 14, 1992

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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

The enclosed letter of this date was written and about to be mailed when I received your letter to Jean of May 12 "Reference Accotink" etc.

In you previous letter you used the phrase "protect me from Mr. White". In this letter you state: "I would not touch this with a ten foot pole for fear of Mr. White convincing you to sue me for something." I do get a little disturbed at this continuing tone.

I do not know how on earth I can convince you that I bear you no animosity and have absolutely no idea nor desire whatsoever of causing you any harm.

As far as Accotink is concerned, as you have noted I am not a beneficiary and I am not involved in the trust which existed prior to your mother's death, and I have no personal interest at all in it.

I have put forward suggestions that might make the receipt of this property more profitable for the three of you. I have done that only out of a desire for the best financial interests of each of you. I do not get paid a cent extra for the time I have expended in this regard. Whatever decision the three of you make is fine with me. I only brought you into this matter at all, having been aware of the superb efforts you have made in the past to make this property a worthwhile venture.

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

May 19, 1992

Mr. Anthony M. O'Connell
c/o Edgar A. Prichard, Esq.
8280 Greensboro Dr.
#900
McLean, Va. 22102

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

In your letter of May 6 to Jean you asked that I communicate with you with regard to the Harold O'Connell Trust.

I am trying to prepare the estate tax, and as usual in these cases, there are problems trying to understand the flow of debts and income.

I do have a few questions which are put forward simply so that the figures on the Trust's tax returns and accounting will agree with the estate's.

1. The K-1 filed by the Trust for 1991 showed income to your mother of \$41,446.00. The Seventh Accounting appears to show a disbursement to her of \$40,000.00 plus first half realty taxes paid by the trust for her and thus a disbursal to her of \$1794.89. If these two disbursals are added the sum is \$41,794.89. This leaves \$348.89 which I cannot figure out. It could well be a disbursal of principal and not taxable.

2. The K-1 filed by the Trust showed a payment of \$816.00 in interest to the estate. You sent a check in the amount of \$1475.97 to the estate. What was the remaining \$659.97? Do I have this confused with the tax debt/credit situation which ran from the Third Accounting?

3. On the Seventh Accounting "Income per 7th Account" is shown as \$5181.71, but I cannot figure that one out either.

I am of the opinion that the estate owes the trust for the second half real estate taxes from September 15, 1991 through December 31, 1991 in the amount of \$1052.35. This is shown on your accounting a disbursed to the heirs. Should this be paid back to the heirs or to the Trust?

I believe that the income received from the savings accounts

Page 2
Ltr to Mr. Anthony M. O'Connell
May 19, 1992

from September 15 to the date the various banks made their next payment to the Trust (9/30 and 9/21) should be split on a per diem basis, since the Trust terminated on her death. This will be a small amount of course.

Are there any other debts which your Mother owed the Trust?

I realize that Jo Ann Barnes prepared this and if you authorize it I can ask her to help me out.

Please understand that I have no problem with the Accounting, I m just trying to match things up. In the long run, since the beneficiaries are the same, the matter is academic.

Please send the bill for the appraisal whenever you receive it. Jean is filing the Fairfax form for re-assessment in her capacity as a co-owner in order to give us a better basis to get this assessment changed and to meet the county's deadline. It will state that the appraisal you have ordered will follow. I think this will be to all of your benefit in the long run.

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

May 26, 1992

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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

Enclosed is the interest check which I received from Jean today.

Sincerely,



Edward J. White

EJW/e

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

TELEPHONE 836-5444

June 11, 1992

Virginia Department of Taxation
Estate Tax Section
P.O. Box 768
Richmond, Va. 23206

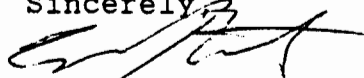
Re: Estate of Jean M. O'Connell
SSN 230 50 6044
Filing Extension Request

Gentlemen:

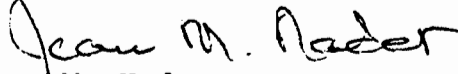
Enclosed is a copy of IRS Form 4768 with attachment and the Estate's check in the amount of \$31,000.00.

An extension of the filing date is requested.

Sincerely,



Edward J. White



Jean M. Nader

Co-Executors

EJW/e
Encl.

ESTATE OF JEAN M. O'CONNELL

PART II EXTENSION OF TIME TO FILE

1. The decedent was a part owner of a tract of ground the value of which is to be determined by an appraisal in progress. The enclosed payment is based on the maximum value for the property and will be changed.

2. The estate does not at this date possess full data for certain gifts and debts of the estate and other needed information.

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

TELEPHONE 836-5444

June 11, 1992

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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

Thank you very much for your letter of June 9 and the appraisal.


I am helping Jean with the county matter and would appreciate your assistance since you certainly have much more expertise in the Accotink affair than anyone else. I agree that we must amplify the material previously sent to the county, and that the letter you enclosed is most pertinent. I had copies you sent me several years ago of the 1987 letters you wrote and received, but did not have the October letter.

Enclosed is a proposed addendum for the county which I wish you would look over, edit and add any comments that you think we should make. I am sure there are many factors that I have missed that you can add and welcome your input.

With regard to the income tax matter and the capital gain from the receipt of principal on the Lynch note in April 1991, I was following the 1990 return and simply did not pick up the fact that there was a principal payment in 1991. I will most certainly pay any interest and penalty which might accrue in this regard, and sincerely appreciate your calling it to my attention.

Again, I appreciate your help.

Sincerely,



Edward J. White

EJW/e

Copy to: Jean M. Nader
Edgar A. Prichard, Esq.

DRAFT

Omitted from the previously submitted appeal was a copy of a letter from the Secretary of Transportation, dated October 13, 1987 in reply to Mr. Anthony O'Connell's letter to her of September 14, 1987 (a copy of which was attached to the appeal).

Mrs. Watts' reply makes quite clear that the county map of Cinderbed Road is in error. The road begins at Newington Road and continues for only 1.0 miles, not 1.5 miles.

The O'Connell tract lies one half mile beyond the end of Cinderbed Road and therefore there is no legal access at all to this property. This is an extremely important factor in justifying a reassessment of the property.

In addition, a full appraisal of the property by Thomas E. Reed has just been received setting a fair market value of \$300,000.00 on the tract. This appraisal notes that one third of the property lies in a flood plain, that the soil conditions are only rated "fair" for residential development and that the terrain is steep and rugged in places.

Mr. Reed is of the opinion that the only potential of the property would be to combine it with the 245 acre Hunter Tract to the south. He notes that the development of that project is apparently on hold due to economic factors.

Attached are extracts of the pertinent part of the report. The entire document is available and a full copy can be delivered to you upon request.

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

TELEPHONE 836-5444

June 30, 1992

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Gift and Income tax returns

Dear Jean,

Enclosed are: Virginia and IRS amended 1991 tax returns to be signed and mailed, letters to the IRS and Virginia, checks for each, and gift tax returns for 1989 and 1991 to be to be signed and mailed.

I will pay any interest and penalty which accrues on the amended tax return. The amount reflects the tax on the \$125,188.17 principal payment made on the Lynch note in the Spring of 1991.

I never heard from Tony after my letter asking his input on the real estate tax matter. I gather from his letter to Fairfax County of June 25, that he is taking it over which is fine with me.

Sincerely,


Edward J. White

EJW/e
Encl.

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

June 30, 1992

INTERNAL REVENUE SERVICE

Re: Jean M. O'Connell
SSN 230 50 6044
1991 INCOME TAX RETURN

Gentlemen:

Enclosed is an amended return in this case. The amendment reflects the receipt of \$99,337.00 of taxable income which was due to a principal payment on a note.

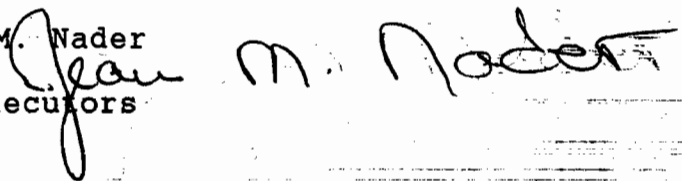
This payment was received in the Spring of 1991. Mrs. O'Connell died in September 1991. The original returns were based upon her previous year's return when there was no such payment. At the time of filing the receipt of this capital gain had not been called to the attention of the Co-Executors.

It is requested that the interest and penalty in this case be waived.

Sincerely,


Edward J. White

Jean M. Nader
Co-Executors



EJW/e

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

June 30, 1992

Virginia Department of Taxation
P. O. BOX 760
RICHMOND, VA. 23206-0760

Re: Jean M. O'Connell
SSN 230 50 6044
1991 INCOME TAX RETURN

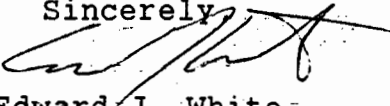
Gentlemen:

Enclosed is an amended return in this case. The amendment reflects the receipt of \$99,337.00 of taxable income which was due to a principal payment on a note.

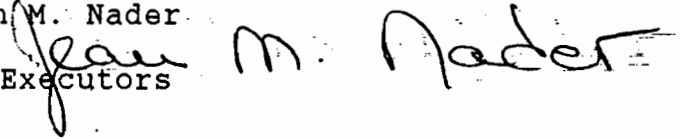
This payment was received in the Spring of 1991. Mrs. O'Connell died in September 1991. The original returns were based upon her previous year's return when there was no such payment. At the time of filing the receipt of this capital gain had not been called to the attention of the Co-Executors.

It is requested that the interest and penalty in this case be waived.

Sincerely,


Edward J. White

Jean M. Nader
Co-Executors



EJW/e

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

July 12, 1992

Ms. Rosemay Charles
Customer Service Representative
U. S. Trust
770 Broadway
New York, N.Y. 10003-9598

Re: Nuveen Premium Income Municipal Fund Inc.
Exchange Traded Fund
Ctf# U-22018 @700 Units
R/N/O Jean M. O'Connell

Dear Ms. Charles,

In accordance with your letter of May 29, 1992, I am enclosing a check in the amount of \$169.26 payable to National Fire Insurance Company of Hartford, a check for \$20.00 to U. S. Trust, affidavits of loss signed by each Co-Executor, a certified Letter of Appointment dated July 2, 1992, an affidavit of domicile signed by each Co-Executor, my original letter of instructions with signature guaranteed, a stock power and an affidavit stating that Jean M. O'Connell Nader and Jean M. Nader are one and the same person.

Please transfer this account in accordance with the letter of instructions.

I note that the affidavit of loss indicates that this account has a value of \$18,284. While I assume this is as of the date you prepared it, my research from the newspaper indicates that on September 14, 1991, the day before Mrs. O'Connell died, there was a bid price of 8.99 and an asked price of 9.44 for an average of 9.215. Accordingly I valued this at \$6450.00. Please let me know if this is correct.

Sincerely,



Edward J. White

EJW/e

Bond 9273300

AFFIDAVIT OF LOSS

Exhibit B

(page 1 of 2)

STATE OF VIRGINIA)
CITY OF ALEXANDRIA) SS:
COUNTY OF)

The undersigned (hereinafter called "Deponent"), being duly sworn, deposes and says that:

1) Deponent is an adult whose mailing address is Estate of Jean M. O'Connell c/o Edward J. White, 118 South Royal St., Alexandria, Va 22314 and is the owner of or is acting in a representative or fiduciary capacity with respect to certain securities (describe type of security, identification number, and number of shares or face value):
NUVEEN PREMIUM INCOME MUNICIPAL FUND INC EXCHANGE TRADED FUND
Clf.#N/A @ N/A units, (Value: 11,284.00), issued by United States Trust Company of New York: (hereinafter called the "Issuing Corporation") and registered in the name of: JEAN M OCONNELL

2) Deponent further says that the aforesaid security or securities (hereinafter called the "Original", whether one or more") have been lost, stolen, destroyed or misplaced under the following circumstances:

3) That said Original (was-was not) endorsed. (If endorsed, describe form of endorsement and state whether signature was guaranteed)

4) Deponent has made or caused to be made diligent search for Original, and has been unable to find or recover same, and that Deponent was the unconditional owner of Original at the time of loss, and is entitled to the full and exclusive possession thereof; that neither the Original nor the rights of the Deponent therein have, in whole or in part, been assigned, transferred, hypothecated, pledged or otherwise disposed of, in any manner whatsoever, and that no person, firm or corporation other than Deponent has any right, title, claim, equity or interest in, to, or respecting Original or the proceeds thereof, except as may be set forth in Statement (5) following.

5) If Deponent's interest in the Original is in a representative or fiduciary capacity, indicate below, the designation of such capacity, i.e., administrator, executor, etc., and the title of the estate, as follows:

Deponent is Co-Executor of the estate of Jean M. O'Connell

(Specify names of any other persons having an interest in the Original. List them below and indicate the nature of their interest, such as heir, legatee, etc.)

NAME

INTEREST

(Each heir, legatee, etc., having an interest in the Original, must execute Agreement of Indemnity)

6) Deponent makes this affidavit for the purpose of requesting and inducing the Issuing Corporation and its agents to issue new securities in substitution for the Original and NATIONAL FIRE INSURANCE COMPANY OF HARTFORD to assume liability in respect thereof under its Indemnity Bond.

7) Deponent agrees that if said Original should ever come into Deponent's hands, custody or power, Deponent will immediately and without consideration surrender Original to issuing corporation, its transfer agents, subscription agents, trustees or NATIONAL FIRE INSURANCE COMPANY of HARTFORD for cancellation.

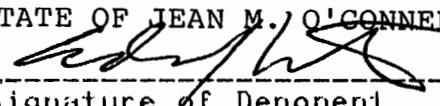
8) And in consideration of NATIONAL FIRE INSURANCE COMPANY of HARTFORD assuming liability or liability attaching under its Idemnity Bond in favor of the issuing corporation and its agents, the undersigned, (jointly and severally, if more than one), hereby agrees at all times to indemnify and save harmless NATIONAL FIRE INSURANCE COMPANY of HARTFORD from and against any and all liabilities, losses, damages, judgements, costs, charges, counsel fees and expenses of every nature and character which they may sustain or incur by reason or on account of assuming liability or liability assuming under its Indemnity Bond.

9) Signed, sealed, and dated: July 13 19 92

Sworn to and subscribed before me


this 13th day of July 19 92

ESTATE OF JEAN M. O'CONNELL


Signature of Deponent

Edward J. White, Co-Executor

Signature of Deponent


NOTARY PUBLIC

(Affix Notorial Seal)

My Commission expires: January 31, 1994

Sworn to and subscribed before me

this 13th day of July 19 92

Signature of Heir (if applicable)

Signature of Heir (if applicable)

NOTARY PUBLIC

(Affix Notorial Seal)

My Commission expires:

Bond 9273300

AFFIDAVIT OF LOSS

Exhibit B

(page 1 of 2)

STATE OF PENNSYLVANIA

)

) SS:

COUNTY OF WESTMORELAND

)

The undersigned (hereinafter called "Deponent"), being duly sworn, deposes and says that:

virginia 22314

1) Deponent is an adult whose mailing address is Estate of Jean M.

O'Connell, c/o Edward J. White, 118 South Royal St., Alexandria/ and is the owner of or is acting in a representative or fiduciary capacity with respect to certain securities (describe type of security, identification number, and number of shares or face value):

NUVEEN PREMIUM INCOME MUNICIPAL FUND INC EXCHANGE TRADED FUND

Ctf.# N/A @ N/A units, (Value: 11,284.00), issued by United States Trust Company of New York: (hereinafter called the "Issuing Corporation") and registered in the name of: JEAN M OCONNELL

2) Deponent further says that the aforesaid security or securities (hereinafter called the "Original", whether one or more) have been lost, stolen, destroyed or misplaced under the following circumstances:

3) That said Original (was-was not) endorsed. (If endorsed, describe form of endorsement and state whether signature was guaranteed)

4) Deponent has made or caused to be made diligent search for Original, and has been unable to find or recover same, and that Deponent was the unconditional owner of Original at the time of loss, and is entitled to the full and exclusive possession thereof; that neither the Original nor the rights of the Deponent therein have, in whole or in part, been assigned, transferred, hypothecated, pledged or otherwise disposed of, in any manner whatsoever, and that no person, firm or corporation other than Deponent has any right, title, claim, equity or interest in, to, or respecting Original or the proceeds thereof, except as may be set forth in Statement (5) following.

5) If Deponent's interest in the Original is in a representative or fiduciary capacity, indicate below, the designation of such capacity, i.e., administrator, executor, etc., and the title of the estate, as follows:

Deponent is Co-Executor of the estate of Jean M. O'Connell

(Specify names of any other persons having an interest in the Original. List them below and indicate the nature of their interest, such as heir, legatee, etc.)

NAME

INTEREST

(Each heir, legatee, etc., having an interest in the Original, must execute Agreement of Indemnity)

6) Deponent makes this affidavit for the purpose of requesting and inducing the Issuing Corporation and its agents to issue new securities in substitution for the Original and NATIONAL FIRE INSURANCE COMPANY OF HARTFORD to assume liability in respect thereof under its Indemnity Bond.

7) Deponent agrees that if said Original should ever come into Deponent's hands, custody or power, Deponent will immediately and without consideration surrender Original to issuing corporation, its transfer agents, subscription agents, trustees or NATIONAL FIRE INSURANCE COMPANY of HARTFORD for cancellation.

8) And in consideration of NATIONAL FIRE INSURANCE COMPANY of HARTFORD assuming liability or liability attaching under its Indemnity Bond in favor of the issuing corporation and its agents, the undersigned, (jointly and severally, if more than one), hereby agrees at all times to indemnify and save harmless NATIONAL FIRE INSURANCE COMPANY of HARTFORD from and against any and all liabilities, losses, damages, judgements, costs, charges, counsel fees and expenses of every nature and character which they may sustain or incur by reason or on account of assuming liability or liability assuming under its Indemnity Bond.

9) Signed, sealed, and dated: _____ July _____ 19_92_____

Sworn to and subscribed before me

this 15th day of July _____ 1992_____

ESTATE OF JEAN M. O'CONNELL

Jean M. O'Connell Nader
Signature of Deponent

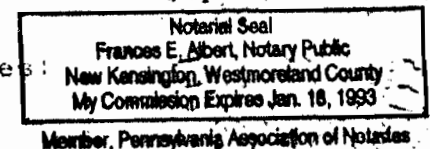
Jean M. O'Connell Nader, Co-Executor

Signature of Deponent

Frances E. Albert
NOTARY PUBLIC

(Affix Notarial Seal)

My Commission expires:



Sworn to and subscribed before me

this _____ day of _____ 19_ _____

Signature of Heir (if applicable)

Signature of Heir (if applicable)

NOTARY PUBLIC
(Affix Notarial Seal)

My Commission expires:



COMMONWEALTH OF VIRGINIA

Circuit Court of Fairfax County



CERTIFICATE OF QUALIFICATION

State of Virginia

County of Fairfax, to-wit:

~~Law~~/Fiduciary No. 49160

I, JOHN T. FREY, Clerk of the Circuit Court of the County of Fairfax, Virginia, the same being a Court of Probate and of Record and having a seal, do hereby certify that it appears of record in my office pursuant to law that EDWARD J. WHITE & JEAN MARY O'CONNELL-NADER

ha ve been duly appointed CO-EXECUTORS for the estate of:
JEAN M. O'CONNELL

and that they ha ve duly qualified as such by taking the oath prescribed by law and by entering into and acknowledging a bond in the penalty of One million seven hundred twenty-four thousand----- Dollars, ~~with surety~~ without surety.

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

IN TESTIMONY WHEREOF I have hereunto set my hand, and affixed the seal of said Court hereto, at Fairfax, Virginia this 2nd day of July 1992.

JOHN T. FREY, CLERK

By [Signature]
Deputy Clerk

AFFIDAVIT OF DOMICILE

(One affidavit required at time of transfer for the stock/bond of each company)

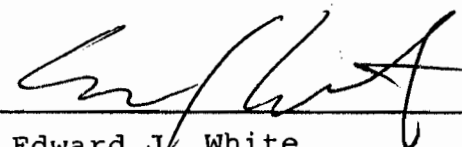
STATE OF VIRGINIA)
CITY)
~~COUNTY~~ OF ALEXANDRIA) ss:The undersigned Edward J. White, residing at 312 North Royal St.
Alexandria, Va. being duly sworn, deposes and

says:

that I am Co-Executor { Executor/trix, Administrator/trix,
Personal Representative, Trustee,
Surviving Joint Tenant
of (the estate/trust of) Jean M. O'Connell who died on Sept. 15, 1991;
that at the time of death the domicile (legal residence) of the decedent was at: 3440 S. Jefferson
Street, Falls Church, Va.and that (s)he resided in the State of Virginia for 25+ years prior to
death and was not a resident of any(other) state within the United States of America at the time of death.

This affidavit is made for the purpose of having securities, bonds, funds and monies transferred.

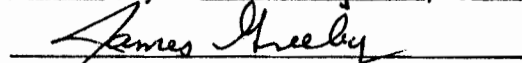
SIGNATURE



Edward J. White

Co-Executor

Sworn to and subscribed before me this

21ST day of JANUARY, 1992
(Signature of Notary Public)My commission expires February 28, 1992

AFFIX SEAL

AFFIDAVIT OF DOMICILE

(One affidavit required at time of transfer for the stock/bond of each company)

STATE OF PENNSYLVANIA)
COUNTY OF _____) ss:

The undersigned Jean M. Nader, residing at 350 Fourth Ave.,
New Kensington, Pa. 15068

says:

that I am Co-Executor

{ Executor/trix, Administrator/trix,
Personal Representative, Trustee,
Surviving Joint Tenant

of (the estate/trust of) Jean M. O'Connell who died on Sept. 15, 1991;

that at the time of death the domicile (legal residence) of the decedent was at: 3440 S. Jefferson
Street, Falls Church, Va.

and that (s)he resided in the State of Virginia for 25+ years prior to
death and was not a resident of any(other) state within the United States of America at the time of death.

This affidavit is made for the purpose of having securities, bonds, funds and monies transferred.

SIGNATURE Jean M. Nader
Jean M. Nader
Co-Executor

Sworn to and subscribed before me this
24th day of January, 1992

Janet L. Mears
(Signature of Notary Public)

My commission expires _____

AFFIX SEAL

NOTARIAL SEAL
JANET L. MEARS, NOTARY PUBLIC
TARENTUM BORO, ALLEGHENY COUNTY
MY COMMISSION EXPIRES FEB. 22, 1993

Member, Pennsylvania Association of Notaries

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

February 27, 1992

1992 MAR -2 A 10:10

U.S. TRUST COMPANY OF NY
FILED SUPPORT-6

Nuveen Unit Transfer Dept.
P.O. Box 836
Cooper Station
New York, N.Y. 10003

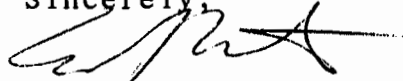
Re: Account #OCONNE2JNA4M000
Premium Income Municipal Fund
Jean M. O'Connell

We are the Co-Executors of the estate of Jean M. O'Connell who died on September 15, 1991.

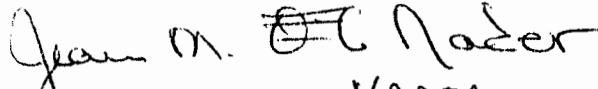
~~the estate of Jean M. O'Connell~~
You are requested to transfer the entirety of this account to A. G. Edwards & Sons, Inc., c/o Allison May, 524 King Street, Alexandria, Va. 22314.

Enclosed is a W-9 form, a name affidavit and a current letter of appointment.

Sincerely,



Edward J. White



Jean M. O'Connell NADER
Co-Executors, Estate of
Jean M. O'Connell

EJW/e

Title of new account:

Edward J. White & Jean M. Nader

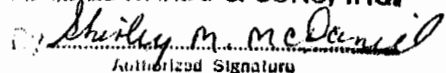
Co-executors of the estate of Jean M. O'Connell

118 S. Royal St.

Alexandria, Va. 22314

ID # 25-637-7917

SIGNATURE GUARANTEED
A. G. EDWARDS & SONS, INC.


Authorized Signature

(AUTHORIZING RESOLUTIONS FILED
WITH NEW YORK STOCK EXCHANGE)

IMPORTANT — READ CAREFULLY

The signature of this Power must correspond with the name(s) as written upon the face of the certificate(s) or bond(s) in every particular without alteration or enlargement or any change.

STOCK OR BOND POWER

ISPLG ☐ Legal Transfer
ISPMF ☐ Mutual Funds
ISPRE ☐ Reorganization
ISPNC ☐ Not Clear Box
ISPCG ☐ Cage

Account Number _____ Attn: _____

FOR VALUE RECEIVED, the undersigned does (do) hereby sell, assign and transfer to

(Name)

(Address)

(City)

(State)

(ZC)

(Social Security or Taxpayer Identifying No.)

IF STOCK,
COMPLETE
THIS
PORTION

(Number) shares of the _____ stock of _____
(Type) (Company)
represented by Certificate(s) No(s). _____ inclusive standing

(Number)
in the name of the undersigned on the books of said Company.

IF BONDS,
COMPLETE
THIS
PORTION

(Number) bonds of _____
(Name)
in the principal amount of \$ _____, No(s). _____ inclusive standing
(Amount) (Number)

in the name of the undersigned on the books of said Company.

The undersigned does (do) hereby irrevocably constitute and appoint _____
(Name)

attorney to transfer the said stock or bond(s), as the case may be, on the books of said Company,
with full power of substitution in the premises.

Dated: _____

X

(Signature)

X

(Person(s) Executing This Power Sign(s) Here)

AGE 61—9/90

CO-EX-047015

NAME AFFIDAVIT

STATE OF PENNSYLVANIA

COUNTY OF Westmoreland,

I Jean M. Nader, being first duly sworn, state that I am one and the same person as Jean Mary O'Connell-Nader.

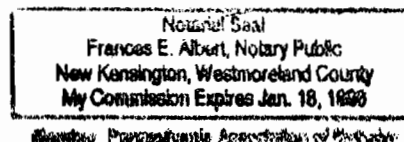
Jean M. Nader
Jean M. Nader

Subscribed and sworn to before me this 6th day of February, 1992, by Jean M. Nader.

Frances E. Albert
Notary Public

My Commission expires:

1-18-93



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

July 16, 1992

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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

In order that I might file an accurate estate tax return, I need to know the following:

At any time prior to your mother's death did you receive in any one or more calendar years, gifts from her totalling more than \$10,000.00?

If you did, please list the dates and amounts of each gift.

If you did not, let me know.

Sincerely,


Edward J. White

EJW/e

Copy to: Jean M. Nader
Edgar A. Prichard, Esq.

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

July 20, 1992

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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

Thank you very much for sending a copy of the 1988 gift tax return. I could tell from the 1990 return that a gift had been made to someone, but I never had a copy of the 1988 return.

Your assistance has been most helpful.

As soon as we can arrive at a final figure for Accotink, we should be able to file the estate tax return.

Sincerely,


Edward J. White

EJW/e

Copy to: Jean M. Nader
Edgar A. Prichard, Esq.

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

September 3, 1992

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Estate Tax returns

Dear Jean,

Enclosed are the federal and state estate tax returns to be signed at the bottom of the first page of each and mailed.


The Federal return (with the Reed appraisal) goes to IRS, Philadelphia, Pa. 19255.

The Virginia return goes to:

Virginia Department of Taxation
Processing Services Division
P. O. Box 6-L
Richmond, Va. 23282

Also enclosed are checks in the amount of \$33,000.00 each.

Sincerely,



Edward J. White

EJW/e
Encl.

P.S. Please send copies to Tony & Sheila

*Here's a copy of the final estate
return - Love David*

O'CONNELL STATUS 9/3/92

CHECKING ACCOUNT

	CKNO	DEBIT	CREDIT	BALANCE
OP BAL				
1/28/92			3,709.07	3,709.07
ck Wash Gas Light Co. 8/1/91	105.00			
ck Signet 8/5/91	39.60			
ck A. G. Edwards 8/15/91	2,346.63			
ck Kemper Mun Bond Fund 8/30/91	162.86			
ck Nuveen Fund 9/3/91	66.50			
ck American Funds 9/9/91	424.76			
ck Nuveen 11/1	66.50			
ck WGL 11/1	105.00			
ck Kemper 10/31	162.86			
ck Nuveen 10/1	66.50			
ck Kemper 9/30	162.86			
1/28 Travellers ck			20.00	3,729.07
1/29 First Va. acct			23,212.10	26,941.17
1/29 Va. 1990 refund			1,605.58	28,546.75
Nuveen 12/31			66.50	28,613.25
Kemper 12/31			384.95	28,998.20
1/31 Hallmark account			41,446.12	70,444.32
2/3/92 Colonial Emerg Phys (med bill)	1	10.40		70,433.92
				70,433.92
2/3 Fairfax Circ Ct. letters	3	14.00		70,419.92
2/3 Jean M. Nader probate tax reimb	4	1,269.00		69,150.92
Kemper 11/29			162.86	69,313.78
Signet 11/27			39.60	69,353.38
Nuveen 12/2			66.50	69,419.88
Nuveen 3/1/91			63.00	69,482.88
Nuveen 5/1/91			63.00	69,545.88
Kemper 4/30/91			162.86	69,708.74
Am Funds 5/10/91			326.60	70,035.34
Blue Cross 10/10/91			88.78	70,124.12
Int earned 2/11			111.22	70,235.34
dep 3/2 Nuveen 2/3/92			66.50	70,301.84
dep 3/2 WGL div 2/1/92			105.00	70,406.84
dep 3/2 ck Nuveen 6/3/91			63.00	70,469.84
dep 3/2 ck Nuveen 8/1/91			66.50	70,536.34
dep 3/2 ck Kemper 5/31/91			162.86	70,699.20
dep 3/2 ck Kemper 7/31/91			162.86	70,862.06
Sovran acct			3,381.98	74,244.04
dep 3/10ck Signet 2/26/92			39.60	74,283.64
dep 3/10ck A. G. Edwards (Fx bond) 2/18/92			3,520.00	77,803.64
dep 3/10ck Kemper 2/28/92			171.75	77,975.39
dep 3/10ck Nuveen 3/2/92			66.50	78,041.89
3/12 Sovran Bank Car loan payoff	5	1,364.97		76,676.92
Int earned 3/10			246.12	76,923.04
2/27 Checks		15.89		76,907.15
3/19 Jean Nader, Hallmark acct	6	41,446.12		35,461.03
3/19 Jean Nader int on Hallmark acct				35,461.03
funds while in estate acct	7	270.82		35,190.21
4/4 Commissioner of accounts Inventory	8	61.00		35,129.21
4/9 Int earned B&H			210.76	35,339.97
4/10 IRS 1991 1040 return	9	15,332.00		20,007.97
4/10 Va. Dept Tax 1991 return	10	2,856.00		17,151.97

4/10	USAA savings acct			25.10	17,177.07
4/10	ck Kemper 1/31/92			171.75	17,348.82
4/21	Lynch properties			545,820.43	563,169.25
4/22	Jean M. Nader, disb	11	75,000.00		488,169.25
4/22	Jean M. Nader, bills pd	12	8,559.00		479,610.25
4/22	Sheila Ann O'Connell-Shevenell, dis	13	75,000.00		404,610.25
4/22	Sheila Ann O'Connell-Shevenell, cem	14	475.00		404,135.25
4/22	Harold O'Connell Trust			1,475.97	405,611.22
4/28	Nuveen 4/1/92			66.50	405,677.72
4/28	USAA refund			34.37	405,712.09
5/14	Anthony M. O'Connell, disb	15	75,000.00		330,712.09
5/14	Anthony M. O'Connell int/dish 4/22-	16	230.14		330,481.95
5/11	Int earned B&H			1,144.70	331,626.65
6/1	A. G. Edwards 5/27-Signet \$107, WGL 39.60			106.60	331,733.25
6/9	Int earned B&H			1,037.93	332,771.18
6/11	IRS estimated Estate Tax	17	119,000.00		213,771.18
6/11	Virginia estimated Estate Tax	18	31,000.00		182,771.18
6/27	IRS 1991 income tax	19	28,334.00		154,437.18
	VOID	20			154,437.18
6/30	Va Dept Tax amended 1991 return	21	5,712.00		148,725.18
7/9	Int earned B&H			666.39	149,391.57
7/13	National Fire Ins Co of Hartford				149,391.57
	Nuveen bond	22	169.26		149,222.31
7/13	U. S. Trust processing fee	23	20.00		149,202.31
7/13	Nuveen 6/1/92			66.50	149,268.81
7/24	Nuveen 7/1/92			66.50	149,335.31
8/11	Int earned B&H			451.50	149,786.81
8/24	Nuveen 8/3/92			66.50	149,853.31
8/24	Harold O'Connell Trust, app fee	24	2,000.00		147,853.31
8/31	Nuveen 9/1/92			67.90	147,921.21
8/31	Nuveen 9/1/92			24.50	147,945.71
9/3	Jean M. Nader, disbursement	101	33,000.00		114,945.71
9/3	Anthony M. O'Connell, disbursement	102	33,000.00		81,945.71
9/3	Sheila Ann O'Connell-Shevenell, dis	103	33,000.00		48,945.71
					48,945.71
					48,945.71
					48,945.71
	TOTAL		582,139.60	631,085.31	48,945.71

O'CONNELL STATUS 9/3/92

RECEIPTS

INV	ck Wash Gas Light Co. 8/1/91	105.00
INV	ck Signet 8/5/91	39.60
INV	ck A. G. Edwards 8/15/91	2,346.63
INV	ck Kemper Mun Bond Fund 8/30/91	162.86
INV	ck Nuveen Fund 9/3/91	66.50
INV	ck American Funds 9/9/91	424.76
INV	Sovran Bank #4536-2785	3,310.46
INV	First Virginia Bank #4076-1509	22,812.52
	First Virginia Bank int	399.58
INV	Fx Co. Ind Dev Bond	109,587.00
INV	Franklin Va. Fund 4556.413 sh	50,507.84
INV	Investment Co. of America 3861.447	65,663.91
INV	Kemper Mun Bond Fund 2961.152 sh	30,396.23
INV***	Nuveen Premium Inc Mun Fund 700 sh	11,200.00
INV	Washington Gas Light Co. 200 sh	6,375.00
INV	Signet Banking Corp 198 sh	4,331.25
INV	Lynch Properties note	518,903.26
INV	1988 Plymouth Van	8,000.00
INV	Travelers Check	20.00
	ck Nuveen 11/1/91	66.50
	ck WGL 11/1/91	105.00
	ck Kemper 10/31/91	162.86
	ck Nuveen 10/1/91	66.50
	ck Kemper 9/30/91	162.86
	Va. 1990 refund	1,605.58
	Nuveen 12/31/91	66.50
	Kemper 12/31/91	384.95
	Kemper 11/29/91	162.86
	Signet 11/27/91	39.60
	Nuveen 12/2/91	66.50
INV	Nuveen 3/1/91	63.00
INV	Nuveen 5/1/91	63.00
INV	Kemper 4/30/91	162.86
INV	Am Funds 5/10/91	326.60
	Blue Cross 10/10/91	88.78
	Int B&H earned 2/11	111.22
	Nuveen 2/3/92	66.50
	WGL div 2/1/92	105.00
INV	ck Nuveen 6/3/91	63.00
INV	ck Nuveen 8/1/91	66.50
INV	ck Kemper 5/31/91	162.86
INV	ck Kemper 7/31/91	162.86
	Sovran int DOD-3/2/92	71.52
	ck Signet 2/26/92	39.60
	ck A. G. Edwards (Fx bond) 2/18/92	3,520.00
	ck Kemper 2/28/92	171.75
	ck Nuveen 3/2/92	66.50
	Int B&H 3/10	246.12
AMDINV	USAA savings acct	25.10
	ck Kemper 1/31/92	171.75
	Int B&H 4/10	210.76
	Int Lynch Prop Note DOD-4/21/92	26,917.17
AMDINV	Int fm Harold 'Connell Trust	816.00
AMDINV	Debt fm Harold O'Connell Trust	659.97

O'CONNELL STATUS 9/3/92

Nuveen 4/1/92	66.50
USAA refund	34.37
Int B&H 5/11	1,144.70
A. G. Edwards 5/27-Signet \$107 div	
WGL div 39.60	146.60
Int earned B&H	1,037.93
Nuveen 6/1/92	66.50
Int earned B&H	666.39
Nuveen 7/1/92	66.50
Int earned B&H	451.50
Nuveen 8/3/92	66.50
Nuveen 9/1/92	67.90
Nuveen 9/1/92	24.50

TOTAL ALL REC	875,740.42
EDWARDS, NOTE & CAR	286,061.23
TOTAL ALL LESS EDWARDS & NOTE	589,679.19

O'CONNELL STATUS 9/3/92

DISBURSEMENTS

Date	Item	Ckno	
2/3/92	Colonial Emerg Phys (med bill)	1	10.40
	VOID	2	
2/3	Fairfax Circ Ct. letters	3	14.00
2/3	Jean M. Nader probate tax reimb	4	1,269.00
3/12	Sovran Bank Car loan payoff	5	1,364.97
2/27	Checks	6	15.89
3/19	Jean Nader int on Hallmark acct		
NOTE 1	while dep in estate acct	7	270.82
4/4	Commissioner of accounts Inventory	8	61.00
4/10	IRS 1991 1040 return	9	15,332.00
4/10	Va. Dept Tax 1991 return	10	2,856.00
4/22	Jean M. Nader, disb	11	75,000.00
4/22	Jean M. Nader, bills pd	12	8,559.00
4/22	Sheila Ann O'Connell-Shevenell, dis	13	75,000.00
4/22	Sheila Ann O'Connell-Shevenell, cem	14	475.00
5/14	Anthony M. O'Connell, disb	15	75,000.00
5/14	Anthony M. O'Connell int/disb 4/22-	16	230.14
5/27	A. G. Edwards legal charge (debit fm div)		40.00
6/11	IRS estimated Estate Tax	17	119,000.00
6/11	Virginia estimated Estate Tax	18	31,000.00
6/27	IRS 1991 income tax	19	28,334.00
6/30	Va Dept Tax 1991 amended return	21	5,712.00
7/13	National Fire Ins Co of Hartford		
	Nuveen bond	22	169.26
7/13	U. S. Trust processing fee	23	20.00
8/24	Harold O'Connell Trust, appriasal f	24	2,000.00
9/3	Jean M. Nader, disbursement	101	33,000.00
9/3	Anthony M. O'Connell, disbursement	102	33,000.00
9/3	Sheila Ann O'Connell-Shevenell, dis	103	33,000.00
TOTAL			540,733.48

O'CONNELL STATUS 9/3/92

CHECK BALANCES

RECEIPTS	589,679.19
ACCT CREDITS less Hallmark &40	589,679.19
DIFF	0.00
DISB	540,733.48
ACCT DEBITS (less Hallmark)&40	540,733.48
DIFF	0.00
BANK BAL	48,945.71
RECEIPTS-DISB less persprop&no	48,945.71

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

September 14, 1992

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: 1991 Income Tax

Dear Jean,

Enclosed is the IRS reply to the amended income tax return which was filed to reflect the Lynch principal payment in 1991 which resulted in an additional \$28,334.00 in federal tax.


They did not assess a penalty, but did assess interest in the amount of \$526.55 for what I gather is the period from April 15 through July 7, 1992.

Since the estate would have had to pay the \$28,334.00 in taxes in April, and as a result of the non payment, earned interest on the money, I have split the payment of the IRS assessment between me and the estate.

During the period of 83 days that the money was in the estate account it earned an average of 3.753% which equates to \$241.81. My share is \$284.74. The checks are enclosed. Please sign the estate check if you agree and mail the package to the IRS. I am sure we will hear from Virginia to a lesser degree.

Please send a copy of this letter to Tony.

Sincerely,



Edward J. White

EJW/e
Encl.

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

November 13, 1992

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

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Mrs. Sheila O'Connell-Shevenell
44 Carlton St.
Portland, Maine 04102

Re: Estate of Jean M. O'Connell

When I agreed yesterday to the disbursement of the A. G. Edwards accounts by the end of the year, I had not looked at the bank balance of the estate for some time. There is \$64,216.83 in the estate account which includes the sum of \$14,408.53 received today from the IRS for the estate tax overpayment.

To date the sum of \$324,000.00 has been disbursed to the heirs, which has been done on the assumption that we have on hand enough money to pay the rest of the debts. Normally an estate is not disbursed until an Estate Tax Closing Letter has been received from the IRS and Virginia.

I cannot agree to a disbursement from the Edwards accounts until a closing letter is received. As you recall the Accotink property is assessed at \$600,000.00 by the county. Based on the appraisal, we used one half of that figure (times the percentage interest owned by your mother). In the event the IRS does not agree and insists on the full valuation, the estate tax liability could increase by about \$67,000.

Out of the bank account must come the executors' commission which will be about \$45,000.00, a fee for the Fiduciary Income Tax return preparation and various filing fees of a small nature. There simply is not enough money left to cover the contingencies. A disbursal in these conditions would be a violation of the duty of the fiduciaries.

Since the IRS has issued the refund (with interest), I would assume a closing letter is not far behind.

Some questions have arisen as to your tax liabilities. The

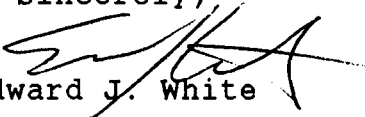
Page 2
Ltr to Heirs
November 13, 1992

Estate paid an estate tax on the value of the property owned by your mother at her death. Since the tax is paid, what is distributed to you is tax free.

In addition there is a fiduciary income tax on the earnings of the estate while it is open. The First Accounting shows income of \$56,928.52 from 9/15/91 through 9/15/92. Basically this is what will be taxed as estate income. Of this \$659.97 can be ignored as it was repayment of a debt from the O'Connell Trust and not income, and at least \$13,388.25 was tax free income. The fiduciary income tax is paid by the estate if it was not disbursed during the tax period. In your case it was disbursed, and you will receive a form K-1 showing how much should be added to your regular income. This is why it is called "pass through" income. This might be about \$14,000.00 each not counting deductions which are due to the estate. Jo Ann Barnes is preparing this return for the estate at present.

The question of capital gains comes up often in estate situations. Any asset owned by a decedent at the time of death is given a "stepped up" basis to its value at the date of death. If the heirs then sell the asset the only taxable capital gain (or loss) is the change in value between the date of death and the date of sale. The Accotink property falls in that category, though the basis on the share formerly held in trust has a basis as of the date of your father's death. The Lynch note will not produce any capital gain since it was taxed in the estate as part of your mother's assets. It will produce an income tax effect on the fiduciary income tax return since \$26,917.17 in interest was received by the estate. This is included in the \$56,928.52 referred to above.

The remaining items left to do in the estate are the filing of a request for the publication of Debts and Demands against the estate, filing a second and final accounting, obtaining a court order for the distribution of the estate and filing a second fiduciary income tax return from the period 9/15/92 through the date of disbursement.

Sincerely,

Edward J. White

EJW/e

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

November 16, 1992

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

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Mrs. Sheila O'Connell-Shevenell
44 Carlton St.
Portland, Maine 04102

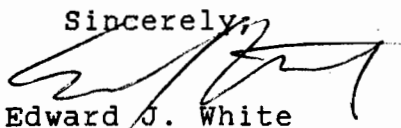
Re: Estate of Jean M. O'Connell

Regretfully I have to amend my letter of Friday. There is no "stepped up basis" on the Lynch note according to the accountants who are preparing the fiduciary income tax return. This is subject to a credit for tax paid on part of it in the estate tax return, but it will result in an estimated \$35,000 to \$40,000.00 in tax to the estate due to the note payoff. This is one of the reasons why a further disbursement would not be wise.

In addition, Jo Ann Barnes commented to me today that the Accotink valuation could well result in a question by the IRS and she feels no disbursement should be made.

Some sale of the Edwards accounts will probably be needed.

Jo Ann also reminds me that each of you should check with your own tax adviser after receiving the K-1 forms as to payment of estimated income taxes.

Sincerely,

Edward J. White

EJW/e

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

November 17, 1992

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

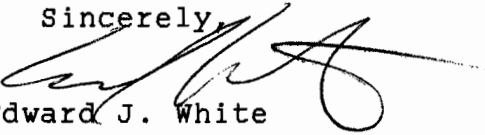
Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

I received your letter of November 16, today. My letter of yesterday answers some of your questions. As I noted in that letter, unfortunately, you are correct on the capital gain situation. The tax will be paid by the estate on its fiduciary return.

Jo Ann Barnes is working hard on the return, and we will get you the K-1 data as soon as possible. The estate's tax year ended on August 31, 1992 and the distribution of the \$33,000.00 in September will have some tax effect on each of you. That distribution will result in a deduction for the post 8/31/92 estate tax year and the money will be passed through to you. At this point I cannot tell how much of it is going to be income and how much a distribution of estate corpus. There has been very little income since 8/31, and I suspect that most of it will be corpus. I will ask Jo Ann to try and work this up as soon as possible so that you all can do some intelligent planning.

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

December 11, 1992

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

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Mrs. Sheila O'Connell-Shevenell
44 Carlton St.
Portland, Maine 04102

Re: Estate of Jean M. O'Connell

As a result of information gleaned at an estate law seminar yesterday, I think there may be a way of reducing the estate tax.

The law has long allowed percentage discount for "minority" interests in land which pass from a decedent. This means that if the decedent owned a partial interest (less than 50%) of a piece of property, that the IRS would allow a discount of its true value since minority interests are extremely difficult to sell.

A very recent case has upheld this discount even where two family trusts with the same trustees and same beneficiaries wound up owning the property. A 15% discount was allowed. In our case, prior to your mother's death, she owned a 53.9006% interest in Accotink and the Harold O'Connell Trust owned the rest.

I have discussed this idea with Jo Ann Barnes who feels that even though 53.9006% is not a minority interest, that we might, nevertheless, get the discount. She suggests amending the return, asking for 30% and settling for 15%.

The IRS will counter with several arguments. One, is that it is not a minority interest. She feels we might prevail since it is only just over 50%. Second, since the land is held as tenants in common, it could be partitioned into smaller facts (zoning problems notwithstanding) and either the trust or any of you could sell your interest if a buyer could be found. The IRS will also argue that aspect. The normal course, however, would be for some discount to be allowed.

The bottom line on this is shown on the enclosed tax computation. A fifteen percent discount would result in a tax

Page 2
Ltr to Heirs
December 11, 1992

savings to each of you of \$3151.31.

The disadvantages are:

1. This will, in Jo Ann's opinion, absolutely trigger an audit and negotiation.
2. The final disbursement will be delayed.
3. The basis to each of you in the property will be reduced and will result in an increased capital gains tax later on when the property is sold.

As to the last item, Jo Ann pointed out that while there might be a higher tax in the future, you would have the use of the tax savings money now, and that the capital gains rate is 28% whereas the estate is in a 39% federal bracket. As to the first and second items, there may well be an audit anyway on the Accotink valuation question.

I will leave this decision to you, and would ask that Jean coordinate the response. I will be going out of town on December 19 and will be back on January 11. I do not see how it can be done before then.

As to other items - We heard from Virginia concerning the amended income tax return. There was a penalty of \$106.00 which I paid. The fiduciary income tax will be \$56,000.00 mainly due to the capital gain on the note payoff. The estate is charged with this. Since the estate and the heirs are in the same bracket, there is no difference whether it is paid by the estate or you. There may even be a savings on state taxes depending on rates.

Sincerely,



Edward J. White

EJW/e

15% OFF LAND

1	GROSS ESTATE	1,041,017.55	1,016,776.73
2	DEDUCTIONS	108,803.52	108,803.52
3	TAX EST	932,214.03	907,973.21
4	AJD TAX GIFTS	42,600.00	42,600.00
5	TOTAL 3&4	974,814.03	950,573.21
6	TENTATIVE TAX	335,977.47	326,523.55
7			
8	TENTATIVE TAX	335,977.47	326,523.55
9	GIFT TAX	8,824.00	8,824.00
10	GROSS EST TAX	327,153.47	317,699.55
11	UNIFIED CREDIT	192,800.00	192,800.00
12			
13	ALLOWABLE UN CREDIT	192,800.00	192,800.00
14	10-13	134,353.47	124,899.55
15	CREDIT FOR STATE TAX	29,403.99	28,046.50
16	14-15 TAX	104,949.49	96,853.05
	FED DIFFERENCE		8,096.43
	STATE DIFFERENCE		1,357.49
	TOTAL DIFFERENCE		9,453.92
	DIFFERENCE TO EACH		3,151.31

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

December 14, 1992

Mrs. Jean M. Nader
350 1/2 Fourth Ave.
New Kensington, Pa. 15068

Re: Fiduciary tax

Dear Jean,


Enclosed for signature and mailing on December 15 are the state and federal returns and checks. If you do not have time to make copies, let me know and I will send them.

The tax on estate income generated must be paid either by the beneficiaries, the estate or a combination of both. In this case the latter applies. The rate is 28% in all cases

I am sorry for the rush on this, but the returns only arrived in my office today.

Dec 14

Sincerely,


Edward J. White

EJW/e
Encl.

*I waited until now to mail
copies so that they would not be
rushed and/or lost in Christmas
mailings*

*Received
1/22/93
AMW*

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

December 14, 1992

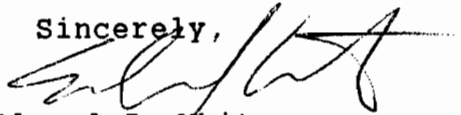
The Hon. Jesse B. Wilson
Commissioner of Accounts
Fair Oaks Plaza, Ste. 500
11350 Random Hills Rd.
Fairfax, Va. 22030

Re: Estate of Jean M. O'Connell
Fiduciary #49160
Debts and Demands

. Dear Mr. Wilson,

The undersigned hereby certifies that to the best of the
fiduciaries' knowledge that there are no outstanding debts nor
demands against this estate of any sort.

Sincerely,



Edward J. White
Co-Executor

Jean M. Nader
Co-Executor



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

December 14, 1992

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Ethics Complaint

Dear Jean,

Enclosed is a complaint filed by your brother with the Virginia State Bar, which I have been directed to answer.

You are more or less involved in Complaint Number 3 which deals with the estate.

I am enclosing a draft of a letter for you which I would ask that you sign in the event you agree with it and are willing to be involved. If you do not wish to, I will understand fully with no change in my feelings to you at all. My counsel has suggested that I draft this for you. The letter is addressed to the counsel I have employed. He also is the owner of my office building. However, lest Mr. O'Connell think I have just grabbed a friend, Mr. Rosenfeld is one of the foremost ethics specialists in the state.

This matter will be contested in every aspect.

Sincerely,

Edward J. White

EJW/e
Encl.

David Ross Rosenfeld, Esq.
118 South Royal St.
Alexandria, Va. 22314

Re: In the Matter of Edward J. White
VSB Docket #93-042-0976

Dear Mr. Rosenfeld,

I am the sister of Anthony M. O'Connell who filed the complaint in this case, and also the Co-Executor with Mr. White of the estate of my mother, Jean M. O'Connell.

I have been directly involved with Mr. White in the administration of the estate. In my opinion he has satisfactorily performed his duties for all purposes and by any standards.

Mr. White has prepared this letter at my request and accordingly it reflects my opinions and observations.

Sincerely

Jean M. Nader

Is this the letter you ?
thought I signed —
Do you understand that I
didn't sign this and was
under no pressure to do
so — (over) Jan

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

December 16, 1992

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

Enclosed is a copy of a letter I received today from your client, Anthony M. O'Connell.

The fiduciary tax return including the K-1's were sent by express mail to Mrs. Nader, the other Co-Executor yesterday (the same day I received them from the accountant). I asked her to distribute them to the heirs.

Your client seeks my "best estimate" of taxable income from the estate, and a schedule of events with his usual request for specificity.

Thus far your client has received \$108,230.14 in discretionary, preliminary distributions. No further disbursements will be made until the Final Order of Distribution is entered.

The remainder of the information he seeks can more appropriately be produced to Mr. O'Connell either by you or his accountant, or is otherwise unavailable.

Sincerely,


Edward J. White

EJW/e

Encl.

Copy to: Jean M. Nader, Co-Executor

*Is this the letter that
you thought Mr. Prichard
sent me?*

Edward
White
1993

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

February 2, 1993

I sent this to you before

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Estate events

Dear Jean,

At present the status of the estate is as follows:

Debts and Demands: A hearing following publication, for any creditors of the estate to come forward and press their claims was held on December 30, 1992 by the Commissioner of Accounts. No one appeared.

First Accounting: is still awaiting approval. I spoke to the Commissioner's office on January 29, and they said they are just beginning to review accounts filed in October. The account must be reviewed and any questions answered. (I have never known of a Commissioner who did not have some questions.) The account is then approved or disapproved, and the Commissioner files his report with the court. No time prediction can be made here as this is solely in the hands of the Commissioner.

Estate Tax Closing Letter or communication in lieu of a closing letter. No time prediction can be made here as this is solely in the hands of the IRS. In estate's of this size an audit of some or all of the return is not at all unusual.

Motion for an Order to Show Cause why the estate should not be distributed. Filed by the estate after the report of the accounting has been filed with the Court by the Commissioner.

Order to Show Cause why the estate should not be distributed. This is entered by the Court upon the request (and appearance) of the estate, following two weeks publication.

Order of Distribution. Presented to the Court following the Show Cause proceeding. The Show Cause - Order of Distribution statutory scheme is the protection for the executors.

Distribution in accordance with the Order.

Second (and Final) Accounting Filed after distribution

showing all transactions since the First Accounting.

Second Fiduciary Income Tax Return Filed after distribution for the period following the first return (9/1/92 - ?)

The unknown factors as far as time is concerned are: 1) the federal and state tax closing letters, 2) When the Commissioner approves the accounting, 3) When the Commissioner makes his report to the Court, 4) Delays in the Clerk's office. The fiduciary has no control whatsoever over any of these items

Enclosed are checks to be signed to the Commissioner and to Keller-Bruner for the tax preparation. The accountant's bill is reasonable considering the complexity of the return involving tax free income, preliminary distributions and capital gains.

As far as an income prediction for the Estate is concerned, I can make no intelligent prediction since I do not know how long it will remain open. I have been continuously burned in making gratuitous comments about the tax liability of the heirs, and counsel and other attorney friends have stated to me, that given the performance of Mr. O'Connell, that I should make no comment at all. I tried to be helpful, but that did not work. I can only say that had I not been adamant about re-valuing the Accotink property, Mr. O'Connell's initial approach would have cost this estate dearly. From the comments in his recent demands for "information", I can see that he is jumping to conclusions based on no knowledge at all. I will not reply directly to him on any future aspect of this estate. As a matter of fact I am precluded as an attorney from dealing with an adverse party who is represented by counsel. I have no intentions of having him dictate the duties of the fiduciaries. If his counsel wishes to discuss anything, I am certainly available.

The present assets of the estate are:

- | | |
|--|------------|
| 1. Burke and Herbert Bank | \$8,602.89 |
| at a fluctuating interest rate (3.1% in January) | |
| 2. Kemper Municipal Bond Fund (Edwards) | 32,484.60 |
| based on January share price x shares owned | |
| 3. Franklin Va Fund (Edwards) | 58,185.78 |
| based on December share price x shares owned | |
| 4. Investment Co. of America (Edwards) | 73,800.59 |
| based on december share price x shares owned | |
| 5. Nuveen Premium Inc Fund (Edwards) | 11,812.50 |
| based on Edwards 12/31/92 statement | |

6. 198 sh Signet Banking Corp (Edwards) based on Edwards 12/31/92 statement	8,910.00
7. 200 sh Washington Gas Light (Edwards) based on Edwards 12/31/92 statement	7,725.00
8. Centennial Money Market Trust (Edwards) based on Edwards 12/31/92 statement	3,949.07
9. Cash at Edwards based on Edwards 12/31/92 statement	224.60
10. Fairfax Co. 6.4% bond (Edwards) based on face value not market value	110,000.00

This totals \$315,695.03, but is out of date since there have been additions since 12/31/92. These figures are taken from data at hand and do not represent any formal accounting by me. They are not furnished for any individual's use for personal tax purposes, and I disclaim any personal tax liability which might arise.

I am enclosing Edwards 12/31/92 statement which contains an entry for each asset's estimated annual yield. The amounts received from all of these funds will vary with market conditions. All of these Edwards assets are being reinvested, either in the specific funds or in Edwards Centennial Money Market Account. The estimates on Franklin, Kemper and ICA are much harder to figure. A complicating factor is that Nuveen, Kemper, Franklin and the Fairfax bond are tax free, though not all of them are Virginia tax free.

The following are the earnings from 9/1/92, the beginning date for the next fiduciary income tax return.

	GROSS	TAXABLE
Nuveen 9/1/92	67.90	67.90
Nuveen 9/1/92	24.50	24.50
Int earned B&H	406.86	406.86
END FIRST ACCOUNTING		

SECOND ACCOUNTING PERIOD

Nuveen 5/1/92	66.50	66.50
Int earned B&H	150.45	150.45
Virginia Estate tax refund	1,596.01	
Virginia Estate tax refund, interest	14.04	14.04
U S Estate tax refund	14,050.52	
U S Estate tax refund interest	358.01	358.01
Int earned B&H	133.64	133.64

Page 4
Ltr to Mrs. Jean M. Nader
February 2, 1993

Int earned B&H	151.96	151.96
Int earned B&H	81.46	81.46
TOTAL TO DATE	17,101.85	1,455.32

It should be noted that some of these items are tax free.

Since the tax laws now require payment of estimated taxes after the first estate tax year, I will have to compute these later. They will be due in April, if the estate is still open then.

Finally, I would like, for the record some memorandum from you and Sheila concerning my earlier comments as to attempting a further reduction in the Accotink valuation.

Sincerely,



Edward J. White

EJW/e
Encl.

1	GROSS ESTATE	1,041,017.55	15% OFF LAND 1,016,776.73
2	DEDUCTIONS	108,803.52	108,803.52
3	TAX EST	932,214.03	907,973.21
4	AJD TAX GIFTS	42,600.00	42,600.00
5	TOTAL 3&4	974,814.03	950,573.21
6	TENTATIVE TAX	335,977.47	326,523.55
7			
8	TENTATIVE TAX	335,977.47	326,523.55
9	GIFT TAX	8,824.00	8,824.00
10	GROSS EST TAX	327,153.47	317,699.55
11	UNIFIED CREDIT	192,800.00	192,800.00
12			
13	ALLOWABLE UN CREDIT	192,800.00	192,800.00
14	10-13	134,353.47	124,899.55
15	CREDIT FOR STATE TAX	29,403.99	28,046.50
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	FED DIFFERENCE		8,096.43
	STATE DIFFERENCE		1,357.49
	TOTAL DIFFERENCE		9,453.92
	DIFFERENCE TO EACH		3,151.31

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

April 18, 1993

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Dear Jean,

Enclosed is a formal request for discharge of liability letter to be signed and mailed to the IRS.

Also enclosed is a copy of a less formal request that they get off the hands and issue the closing letter.

Finally there are copies of the latest financial statements that I have received.

Sincerely,



Edward J. White

EJW/e

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

April 18, 1993

Director
Internal Revenue Service
3131 Democrat Road
Memphis, Tennessee 38110

Re: Estate of Jean M. O'Connell
DOD: September 15, 1991
SSN: 230 50 5044
Est. TAX ID No. 25-6377917

Dear Sir:

Please regard this letter as a request by the undersigned Co-Executors of the captioned estate for determination of tax due on this estate and as a request for discharge from personal liability therefor under IRS Code Section 2204. The Estate Tax return was filed in September 1992.

Also, please regard this letter as a request by the Co-Executors to be released from personal liability for any and all Federal income and gift taxes due by the deceased. This request for discharge of personal liability of the Co-Executors for the decedent's Federal income and gift taxes is made pursuant to IRS Code Section 6905.

I would appreciate you or your delegate receipting and returning the enclosed copy of this letter to signify the date on which it was received by you.

Sincerely,

Edward J. White

Jean M. Nader
Co-Executors

EJW/e
Copy to: IRS
12 North 8th Street
Richmond, Va 23219

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

TELEPHONE 836-5444

April 26, 1993

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Dear Jean,

Enclosed are the old Perpetual papers you sent me which I do not need any more.

Also enclosed are the 1991 and 1992 statements of interest paid by them. I called Crestar and they said the account was closed in January. I had a note stating that it was closed in January 1991, but it must have been 1992. The \$63.17 in earnings would have been for that period of time in 1992. Since this was a joint account, the income was yours. Since you sent me that statement, I assumed you had picked it up for your return.

The 1991 interest was reported under your mother's final return.

Allison's letter is also in this package.

Sincerely,



Edward J. White

EJW/e

RECEIVED JUL 12 1993

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

July 7, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

Since you represent Mr. Anthony O'Connell, who has once more indicated his displeasure with the administration of this estate, we feel it is best to communicate with you before any precipitous action is taken.

The estate remains undistributed at this time for several reasons. First, no closing letter has been received from the IRS. Second, an amendment to the estate tax returns was filed at the end of June reflecting the existence of a CD which had not been discovered until recently (see IRS correspondence attached).

The first accounting, which was filed in October, 1992 (approximately three months before it was due) was approved on March 20, 1993. The delay apparently being inherent in the Commissioner's office. Debts and Demands were requested on November 13, 1992 and final action was taken by the Commissioner on them on December 30, 1992. A request for discharge of liability letter was sent to the IRS on April 18, 1993. On the same date an informal request as to the cause of the delay was sent to the IRS.

The Philadelphia office of the IRS has spoken to Mr. White on several occasions and is "checking" on the status of things.

As is true in any estate at this point, the following needs to be done:

1. Receive closing letters for the original and amended returns.
2. File a Motion to Show Cause for distribution.
3. Have an Order to Show Cause entered after due publication.
4. Present the Order of Distribution.
5. File the fiduciary income tax returns for the period

ending August 31, 1993.

6. Distribute the estate.

7. File the Second and Final Accounting. (Assuming that the tax matter is cleared so that a Third accounting is not needed.)

As was stated in Mr. White's letter to you of December 16, 1992, no distribution will be made until a final order is entered. If this is not the usual and customary procedure in Virginia, we would appreciate being enlightened.

The bulk of the estate is held in A. G. Edwards and is invested in various accounts, copies of the income from which are attached. The only major financial transaction of the estate which has occurred was in February, 1993 when Signet stock was sold at a gain of more than twice its value. Any claim that the Estate is losing money is spurious.

Mr. O'Connell recently has requested to know how much was charged for the preparation of the amended return. The answer is zero, since Mr. White prepared it as well as the original returns, even though that task is often given to accountants.


Mr. O'Connell's serious accusations against Mr. White, which he lodged with the Virginia State Bar were categorized by the Bar as having "no basis in fact or in law".

Mr. O'Connell's latest request to replace one of the Co-Executors has been denied.

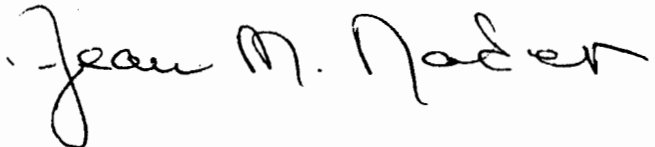
The filing of a law suit is the prerogative of any person, however in this case, the estate will obviously hire counsel to defend itself (which will be a cost of administration) and will assert all possible defenses including Va. Code Ann. Section 8.01-271.1.

We would request that Mr. O'Connell be counseled as to these matters.

Sincerely,


Edward J. White

Jean M. Nader



EJW/e
Encl.

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

July 14, 1993

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

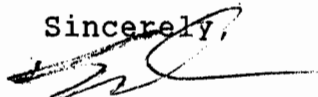
Dear Jean,

Enclosed for your records is the communication I received from Richmond. I spoke to them today and it applies only to income tax returns of your mother.

This is the standard discharge of executors' liability for those taxes.

In light of the fact that we had to amend the estate tax return, the audit will be blessing as far as speed is concerned. Once it is in the hands of an auditor and if we can reach some agreement, the auditor can close it out forthwith.

Sincerely,



Edward J. White

EJW/e
Encl.

Internal Revenue Service
District Director

230 50 6078

Department of the Treasury

Date: July 7, 1993

Your Letter Dated: April 18, 1993

Form Number:

Tax Periods Ended:

Tax Returns of: Estate of Jean M. O'Conne

Person to Contact: K. Turner

Contact Telephone Number: (804) 771-2232

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

PC 7/14 THIS Refers TO Income TAX

We received your request for prompt assessment under section 6501(d) of the Internal Revenue Code. We are pleased to tell you the returns are accepted as filed, and you do not need to take further action.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

Jack D. Petrie
District Director

7/12 Return selected for audit by Richard
WIRZBERGER

Rec'd 7/8/93

(The following words were transcribed by me from the original letter for public view at the Commissioner of Accounts Office. It is transcribed because the public is is not allowed to make copies of correspondence but is allowed tro take notes. I mention this because I may have made some errors in rereading my own handwriting, but there is no willful intent to misrepresent.

Anthony O'Connell 9/10/93)

July 28, 1993

Hon. Jesse B. Wilson III
Commissioner of Accounts
Fair Oaks Plaza
Suite 500
11350 Random Hills Road
Fairfax, Virginia 22030

Dear Jesse,

A Mr. Anthony O'Connell wrote you on July 26, 1993 requesting that no expenses be allowed me for defending myself against an ethics complaint which he filed dealing with events as far back as 1985, when I represented his mother.

Since I am somewhat sensitive to the fact that this was the only such complaint filed against me in 26 years of practice, and the fact that we have known each other professionally and socially for a long time, I am constrained to point out that the complaint was dismissed without a hearing. Bar Counsel noted in his three page letter to Mr. O'Connell that "I see no basis in fact or law to conclude that Mr. White has engaged in any misconduct....."

As far as the estate is concerned, I wrote Mr. O'Connell long ago and explained that the co-executor's commission is 2 1/2% of the receipts of the estate subject to approval by the Commissioner. I have never entertained the idea of submitting any personal expenses for estate matters. There are other ways to deal with that problem. Rest assured that my time in this case is fully documented. With best regards, I am sincerely,

Edward J. White (seal)

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

RECEIVED AUG - 4 1993

August 2, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

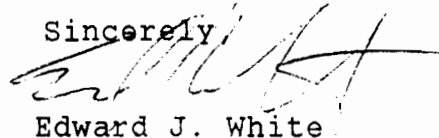
Notwithstanding Mr. O'Connell's direction that I not communicate with you, the Canons and Legal Ethics Opinions are explicit in this regard. I do hope this does not burden Mr. O'Connell, but I have no other choice.

I can happily report that we have received a closing letter from the IRS for the original estate tax return and the discharge of liability form. Of course a closing letter for the amended return must also be received, but I was able to communicate directly with the IRS office by telephone and ask that they expedite the matter. Of course they had lost the amended return and requested a copy, but at least received the check. I am sure we will owe some interest on that return which is only logical since the estate earned interest on it. Once that letter is received, I will move this matter as fast as possible.

Mr. O'Connell's letter of July 30, 1993, goes a long way towards relieving my apprehensions of future acrimony in the waning days of the administration of this estate, and it was sincerely appreciated.

Please be assured that nobody wants this estate closed more than I do. If for no other reason, I would like to be paid. I do not make any charges to estates until they are closed and have not received a penny of commission or expenses from this estate.

Sincerely



Edward J. White

EJW/e
Copy to: Mrs. Nader

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

September 8, 1993

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068


Dear Jean,

HAPPY DAYS! Enclosed is the IRS estate tax closing letter which includes the amendment. Also enclosed for signature and return is a motion and order for Show Cause. The earliest date we can get is October 29th.

As soon as all the bank and account statements come in, I will send the data to Jo Ann to prepare the second fiduciary income tax return for the period which ended on August 31. As far as I can see the expenses are more than the taxable income and should result in deductions to the heirs.

Once the Show Cause Order is entered we can proceed with submitting a Final Order of Distribution and a Final Accounting.

Sincerely,


Edward J. White

EJW/e

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

September 14, 1993

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

Re: Estate of Jean M. O'Connell

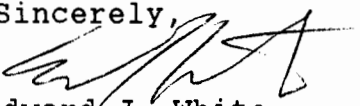
Dear Mr. Prichard,

I have received the enclosed letter from your client. Needless to say I will not reply to same.

As we both know, he is not the fiduciary, and I do not have to submit documents to him for prior review. His comments regarding debts and demands and wanting to be a part of the Show Cause process indicate that he would profit from advice from someone.

Please advise if you have any questions.

Sincerely,



Edward J. White

EJW/e
Copy to: Mrs. Nader

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

September 14, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

I have received the enclosed letter from your client.

He is not the fiduciary, and I do not have to submit documents to him for prior review.

His comments regarding debts and demands and wanting to be a part of the Show Cause process indicate that he would profit from advice from someone. Most of his problems throughout this affair have been from jumping to conclusions based on little or no legal knowledge.

Now that a closing letter has been received, I am moving as fast as possible to get this estate settled. I am frankly sick and tired of your client's actions.

Since you do not see fit to communicate with me despite numerous offers on my part I will admit to being more than frustrated.

Sincerely,

Edward J. White

EJW/e
Copy to: Mrs. Nader

C
O
P
Y

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

September 21, 1993

Clerk, Circuit Court
Fairfax County
4110 Chain Bridge Rd.
Fairfax, Va. 22030

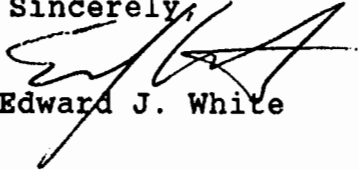
PROBATE SECTION

Re: Show cause order
Estate of Jean M. O'Connell

Enclosed is a Motion and Order for Show Cause Against
Distribution and my check in the amount of \$10.00.

Please send me a copy of the Order when it is signed.

Sincerely,


Edward J. White

EJW/e
Encl.

VIRGINIA: IN THE CIRCUIT COURT OF FAIRFAX COUNTY

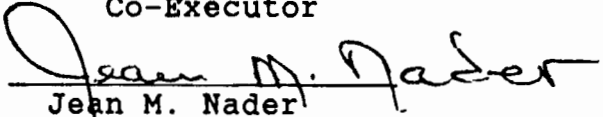
IN RE: JEAN M. O'CONNELL ✓

FIDUCIARY NO. 49160

MOTION FOR ENTRY OF SHOW CAUSE AGAINST DISTRIBUTION ORDER

COME NOW Edward J. White and Jean M. Nader, Co-Executors, and move the Court for the entry of the attached Show Cause Against Distribution Order.


Edward J. White
Co-Executor


Jean M. Nader
Co-Executor

Edward J. White, Esquire
118 South Royal Street
Alexandria, Virginia 22314
836-5444
Va. State Bar #6027

*After proof-reading
~~submit~~ send
upstairs for Judge's
signature.*

FILED

SEP 22 1993

JOHN T. FREY
Clerk of the Circuit Court
of Fairfax County, VA

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

10-28-93

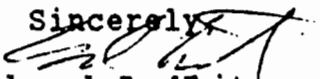
October 27, 1993

Hon. Jesse B. Wilson, III
Commissioner of Accounts
Fair Oaks Plaza
Ste. 500
11350 Random Hills Rd.
Fairfax, Va. 22030

Re: Estate of Jean M. O'Connell
Fid. 49160

Dear Jesse,

Re Mr. Anthony O'Connell's latest to you of October 25, 1993.
He is represented (or advised by) Ed Prichard, with whom I have
been in contact. Neither he nor I have found any problems.

Sincerely,

Edward J. White

EJW/e

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

Page 2
Ltr to Edgar A. Prichard, Esq.
November 5, 1993

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.

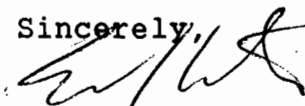
I am including Mr. O'Connell's complaint to the Virginia State Bar and the Bar's reply. I have omitted the 44 pages of enclosures he filed. His outright malicious lies about me (Page 7: "to deliberately mislead a seventy-nine year old woman", "abuse of the fiduciary trust" and "license to steal") in 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

RECEIVED NOV 11 1993

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

TELEPHONE 836-5444

November 8, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

I have just received Mr. O'Connell's letter of November 6. It certainly is not the first time he has had to apologize. Fortunately I did not get his letter of November 3, though Mrs. Nader told me about it with the usual result upon my disposition, but then I assume that is his intent.

I have never had any intention of making any distribution involving the stock and mutual funds without his input. Obviously the estate has the power to sell, and we did sell the Signet stock on the advice of the broker. (Henry Thomas has always advised selling all stock as a matter of fact.) The stock is not Mr. O'Connell's; it is registered in the name of the estate. It will not be available for picking and choosing.

As soon as I can prepare letters from the Co-Executor's to the various funds we will transfer the accounts to the beneficiary's names. I will send you a W-9 which will have to be signed by Mr. O'Connell for each account. Since the estate must have cash, I plan to sell the Washington Gas Light Co. stock and the Nuveen Fund on the advice of Mrs. Allison May at A. G. Edwards. If you think other funds instead should be sold, let me know.

I am enclosing copies of all the accounts' activities since the date of death. The 1993 pages for the funds were sent in my last letter. It will not be necessary for Mr. White to "allow" Mrs. May to do this act. The only charge I can see other than the transfer fees, is the \$197.05 commission on the sale of the Signet stock, which netted a gain to the estate of \$5544.95 (a 128% gain in 15 months). Of course some of these transactions were filed in the first accounting to which Mr. O'Connell voiced no objections. The rest will be reflected in the second and final accounting.

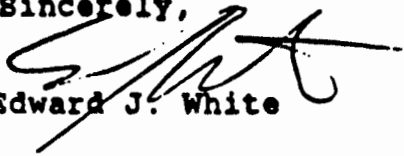
As to promulgation of information is concerned, I have written numerous letters to Mrs. Nader in the course of administration. She has informed me that to the best of her knowledge, she has sent each of them to Mr. O'Connell. Maybe he should share fact that

Page 2
Ltr to Edgar A. Prichard, Esq.
November 8, 1993

with his distribution list.

Please forgive the fact that I am obviously taking out a great degree of umbrage on you. From day one I have been on the receiving end of snide innuendo reflecting upon my honesty and ability. Even though I realize fully that most of it is based upon little or no knowledge and much jumping to conclusions, it finally has an effect. Frankly, when I heard that you were becoming involved in this, I was delighted and remain so.

Sincerely,



Edward J. White

EJW/e

Encl.

Copy to: Mrs. Nader

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

November 11, 1993

Mrs. Allison M. May
A. G. Edwards & Son, Inc.
524 King St.
Alexandria, Va. 22314

Re: Account of Estate of Jean M. O'Connell
AGE #71-507882-027
Tax ID # 25-6377917

Dear Allison,

This is to confirm our instructions of November 11, 1993, to sell the Nuveen Fund, the Washington Gas Light Co. stock and \$5000.00 of the Fairfax County bond.

The residue of the bond should be divided into three (3) equal shares and one of these shares transferred to A. G. Edwards Account No. _____ one in the name of:

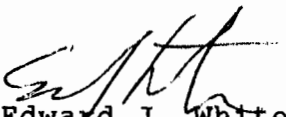
Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068
SSN 225 509 052

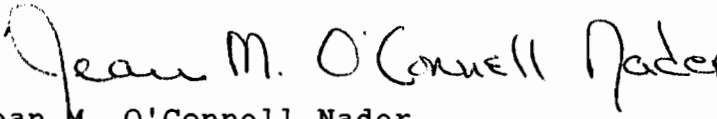
The second share should be transferred to A. G. Edwards Account No. _____ in the name of:

Mrs. Sheila O'Connell-Shevenell
44 Carlton St.
Portland, Maine 04102
SSN 224 547 273

The remaining share should be distributed to:

Mr. Anthony M. O'Connell
6541 Franconia Rd.
Springfield, Va. 22150
SSN 225 527 637


Edward J. White
Co-Executor

Sincerely, 
Jean M. O'Connell Nader
Co-Executor

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

November 11, 1993

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

I have express mailed letters for Mrs. Nader to sign which will be returned to the broker and forwarded to Franklin Fund, Kemper Fund and Investment Company of America directing that these mutual funds be divided in three and the accounts be transferred to each of the beneficiaries. Likewise a letter is being sent to A. G. Edwards directing that the Fairfax County bond be divided into three units and that Mr. O'Connell's portion thereof be distributed to him by Edwards.

The Nuveen Fund, Washington Gas Light stock and \$5000 of the Fairfax bond are being sold to pay expenses. At least that much of the bond would have to be sold anyway to make it divisible by three in \$5000 lots.

This should provide about \$50,000.00 cash in the estate. The final distribution will not be much after paying the commission tax preparation fees and filing fees. This distribution will be made once they are ascertained. I see no way that this will be done before the third week in December. I am going in the hospital on November 19 for back surgery and will be out of my office for at least three weeks. I will have my calls routed to my home and will receive my mail.

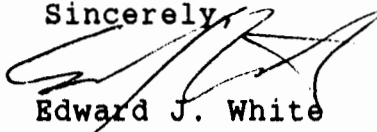
I am enclosing a calculation of the executor's commission. It is based on 5% of the inventory receipts and income plus the appreciation of assets while being administered by the Co-Executors (less the items marked "no comm") and totals \$47,119.74. I have cut off the computation as of the end of October so that the amount will remain the same. As I indicated earlier, Mrs. Nader will give two thirds of her half, less taxes on it, to the other two heirs. The notation "EXEC TAKEN" refers to the commission taken as a deduction on the estate tax return. The excess will be a deduction on the final fiduciary return and will benefit the heirs.

Normally the heirs give their assent to the paying of the commission and this is filed with the final accounting. If Mr.

COPY

O'Connell wishes to do so, it would be appreciated. He should understand that it is not required, and that he holds no veto power.

Sincerely,

A handwritten signature in dark ink, appearing to be 'EJW', written over the printed name.

Edward J. White

EJW/e

Encl.

Copy to: Mrs. Nader

**C
O
P
Y**

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

November 11, 1993

American Funds Service Company
P. O. Box 2280
Norfolk, Va. 23501-2280

Re: investment Company of America
Account No. 59119616
Tax ID # 25-6377917
Estate of Jean M. O'Connell

Gentlemen:

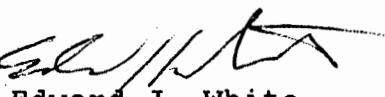
This estate is being distributed and closed. You are hereby directed to divide this account into three (3) equal shares and transfer it and re-register the shares to the following persons:

Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068
SSN 225 509 052


Mr. Anthony M. O'Connell
6541 Franconia Rd.
Springfield, Va. 22150
SSN 225 527 637

Mrs. Sheila O'Connell-Shevenell
44 Carlton St.
Portland, Maine 04102
SSN 224 547 273

Please continue to list as broker of record, Allison M. May, broker number 071027 at A. G. Edwards & Sons, Inc.; 524 King Street, Alexandria, Va. 22314.


Edward J. White
Co-Executor

Sincerely,


Jean M. O'Connell Nader
Co-Executor

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

November 11, 1993

Franklin Virginia
Tax-Free Income Fund
777 Mariner's Island Blvd.
P.O. Box 7777
San Mateo, Cal. 94403-7777

Re: Franklin Virginia Tax-Free Income Fund
Account No. 16310293756
Tax ID # 25-6377917
Estate of Jean M. O'Connell

Gentlemen:

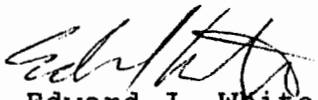
This estate is being distributed and closed. You are hereby directed to divide this account into three (3) equal shares and transfer it and re-register the shares to the following persons:

Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068
SSN 225 509 052

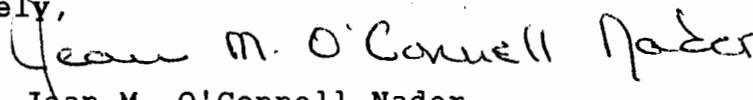
Mr. Anthony M. O'Connell
6541 Franconia Rd.
Springfield, Va. 22150
SSN 225 527 637

Mrs. Sheila O'Connell-Shevenell
44 Carlton St.
Portland, Maine 04102
SSN 224 547 273

Please continue to list as broker of record, Allison M. May, broker number 071027 at A. G. Edwards & Sons, Inc.; 524 King Street, Alexandria, Va. 22314.


Edward J. White
Co-Executor

Sincerely,


Jean M. O'Connell Nader
Co-Executor

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

RECEIVED NOV 15 1993

November 12, 1993

Hon. F. Bruce Bach
Judge, Circuit Court
Fairfax County
4110 Chain Bridge Rd.
Fairfax, Va. 22030

Re: Estate of Jean M. O'Connell
Fiduciary No. 49160

Dear Judge Bach,

Today I received a copy of a letter to you from one Anthony M. O'Connell.

Due to a personal vendetta with me, Mr. O'Connell, obviously without the sanction of his counsel, has decided to voice any conceivable complaint possible about the administration of his mother's estate by his sister and myself. All of his efforts have been rebuffed.

Mr. O'Connell long ago was offered and in-kind distribution and rejected it. When he changed his mind, he was told that an in-kind distribution would be made. He had been told that prior to his letter to you. The distribution is in progress in the form in which he desires (barring a further change of mind). The status of the brokerage accounts has been mailed to his counsel and were at all times available had he requested them. His letter is of course contradictory in that it asks first for 1/3 of each stock and then requests the privilege of picking and choosing stocks of his choice.

The Show Cause and Order of Distribution procedure is a pro forma matter for the benefits of creditors and Mr. O'Connell is not entitled to notice unless he is a creditor. The form of the distribution is not his prerogative to dictate (though here he knew it would be that which he desired). If Mr. O'Connell really wishes to delay the distribution for about seven weeks while I recover from surgery to be performed next week, I would agree. I do have the distinct feeling that the other heirs might not be happy with that action on his part.

Sincerely,

Edward J. White

EJW/e

Copy to: Edgar A. Prichard, Esq.
Jean M. Nader, Co-Executor

C
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Edward
White
1994

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

January ____, 1994

The Hon. Jesse B. Wilson, III
Commissioner of Accounts
Fair Oaks Plaza, Ste. 500
11350 Random Hills Rd.
Fairfax, Va. 22030

Re: Estate of Jean M. O'Connell
Fiduciary #49160

Dear Mr. Wilson,

I hereby request that compensation to me as Co-Executor in the amount of \$23,580.89 (2 1/2% of the adjusted gross receipts of the estate \$943,235.84) be approved. A calculation sheet is attached.

Duties of the Co-Executor since October 1991, have consisted of meeting with heirs, consulting with the broker handling certain of the estate assets as to investments and making decisions on asset management and sale, personally closing out the decedents bank accounts, resolving the matter of an unpaid bank loan to free the title to a vehicle, assisting in a successful appeal of the county assessment of real estate, managing the estate bank account, personal research as to asset value, preparation of all necessary administration documents, preparing decedent's federal and state income tax returns, preparing several years gift tax returns for decedent, preparing state and federal estate tax returns and amendments, personally contacting IRS to obtain closing letters, preparing financial data for the accountant to file three federal and state fiduciary income tax returns, responding to numerous letters of one of the heirs, closing and transferring a brokerage account and court appearance and pleadings for the Order of Distribution.

The time is estimated to be about 125 hours which is probably conservative. Included is at least 4.75 hours which were spent in preparing an answer to a complaint filed with the Virginia State Bar by Anthony M. O'Connell which complaint was dismissed without a hearing.

Mrs. Nader's (the other Co-Executor) request for commission has been approved by the other heirs.

Sincerely,

Edward J. White

EJW/e

Encl.

Copy to: Jean M. Nader
Sheila Ann O'Connell Shevenell
Edgar A. Prichard, Esq.
Counsel for Anthony M. O'Connell

RECEIVED JAN 20 1994

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

January 19, 1994

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

Enclosed is a copy of the final accounting and a receipt for Mr. O'Connell's signature acknowledging the disbursement of the three funds and the Fairfax County bonds. Accompanying it is a letter to me from Mrs. May which established the value on the date of disbursement.

The final fiduciary tax return is being sent to the accountant to be prepared. This will be a 1994 tax event as I understand it.

Mrs. Nader will send the final disbursement check directly to Mr. O'Connell as soon as she signs it. She will also request that he sign a statement agreeing to the payment of her commission. It is my understanding that she will give Sheila and Mr. O'Connell 1/3 of that commission after the deduction of income taxes payable by her on it.

I am not asking that Mr. O'Connell approve the accounting since I do not want it delayed. If he wants to quarrel about it, he can do so with the commissioner. I am enclosing the letter which will be sent to the commissioner concerning the commission.

If you have any questions or comments please contact me.

Sincerely,


Edward J. White

EJW/e
Encl.
Copy to: Mrs. Nader

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

TELEPHONE 836-5444
April 13, 1994

The Hon. Jesse B. Wilson, III
Commissioner of Accounts
Fair Oaks Plaza, Ste. 500
11350 Random Hills Rd.
Fairfax, Va. 22030

Re: Estate of Jean M. O'Connell
Fiduciary #49160

Dear Mr. Wilson,

Enclosed is the Second and Final Accounting in this estate with vouchers, financial account statements, closing letters and the affidavit as to tax payments.

I hereby request that compensation to me as Co-Executor in the amount of \$23,580.89 (2 1/2% of the adjusted gross receipts of the estate \$943,235.84) be approved. A calculation sheet is attached.

Duties of the Co-Executor since October 1991, have consisted of meeting with heirs, consulting with the broker handling certain of the estate assets as to investments and making decisions on asset management and sale, personally closing out the decedents bank accounts, resolving the matter of an unpaid bank loan to free the title to a vehicle, assisting in a successful appeal of the county assessment of real estate, managing the estate bank account, personal research as to asset value, preparation of all necessary administration documents, preparing decedent's federal and state income tax returns, preparing several years gift tax returns for decedent, preparing state and federal estate tax returns and amendments, personally contacting IRS to obtain closing letters, preparing financial data for the accountant to file three federal and state fiduciary income tax returns, responding to numerous letters of one of the heirs, closing and transferring a brokerage account and court appearance and pleadings for the Order of Distribution.

The time is estimated to be about 127 hours which is probably conservative. A time sheet is enclosed. Included is at least 4.75 hours which were spent in preparing an answer to a complaint filed with the Virginia State Bar by Anthony M. O'Connell which complaint was dismissed without a hearing.

C
O
P
Y

Any questions concerning Mrs. Nader's (the other Co-Executor) commission should be addressed the other heirs. Mrs. Nader conducted all liason with the family members which was demanding and invaluable.

Sincerely,

Edward J. White

EJW/e

Encl.

Copy to: Jean M. Nader
Sheila Ann O'Connell
Edgar A. Prichard, Esq.
Counsel for Anthony M. O'Connell

Re: Estate of Jean M. O'Connell

COMMISSION CALCULATION

RECEIPTS FIRST ACCOUNTING PERIOD	\$893,165.52
RECEIPTS SECOND ACCOUNTING PERIOD	<u>66,129.41</u>
TOTAL RECEIPTS	\$959,294.93
LESS:	
VIRGINIA ESTATE TAX REFUND	1,596.01
INTEREST ON VIRGINIA ESTATE TAX REFUND	14.04
U.S. ESTATE TAX REFUND	14,050.52
INTEREST ON U.S. ESTATE TAX REFUND	358.01
AMOUNT ON WHICH COMMISSION COMPUTED	\$943,276.35
2 1/2% PER CO-EXECUTOR	23,581.91
AMOUNT PAID	
JEAN NADER	23,580.90
EDWARD J. WHITE	23,580.89

ESTATE OF JEAN M. O'CONNELL

EDWARD J. WHITE, ESQ.

TIME RECORDS

ITEMIZATION

Date	Event	Hours
1991		
9/18		
10/1	Conf Jean Nader (JN)	1.75
10/2	PC Anthony O'Connell (AOC)	.35
	A.G. Edwards, asset disc	1.25
11/13	PC	.10
1992		
1/20	Corresp, file org	2.60
1/29	Bank, Edwards, accounting work	2.85
1/30	ltr, File rev	2.25 \$1.21
2/3	Hallmark Bank, acct Lotus setup	2.75
2/4	Sovran Bank, ltrs	1.75
2/14	PC, acct, mailings	.85
2/18	bills, ltr	.40
2/27	Edwards conf	1.00
3/1	Tax & acct work	3.15
3/2	PC, filing	.25
3/2	Bank, library res on stocks, records	1.55 \$1.26
3/3	corresp	1.10 .21
3/6	PC JN	
3/12	Sovran Bank, PC acct, 2 ltrs, file rev	.85
3/14	Tax, file rev	2.50
3/15	ltr	.10
3/16	Edwards, Crestar Bank, tax prep	.75
3/17	Hallmark PC, Higham PC	.45
3/18	Brincefield re appraisal	.20
3/19	ltr, Barnes (accountant), acct	1.00
3/23	ltr, car title, release, PC	.75 \$2.80
3/31	PC	.15
4/4	Inv, ltr	1.75
4/8	tax	1.65
4/9	tax, PC Barnes, Assessor	1.50
4/10	tax, ltrs, FR, bank	2.65
4/12	PC	.10
4/13	JN	.10
4/15	JN	.10
4/20	PC re note, FAX	.25 \$.50
4/21	PC, release	.25 \$1.26
4/22	JN, Fx tax	.30
4/22	Acct	.75
4/26	Acct work, tax, file rev	1.50
4/27	tax, ltr	4.20

5/4	tax	.50	\$7.14
5/8	Pritchard ltr	1.75	
5/11	JN	.20	
5/14	Pritchard ltr	1.25	
5/14	JN, tax	.45	\$1.47
5/15	JN	.15	\$1.68
5/19	ltrs, atty conf (DRR)	1.75	
5/26	ltr	.10	
6/1	JN	.15	\$2.86
6/2	ltr	.10	
6/3	JN	.15	\$1.76
6/11	tax, PC	1.10	
6/27	Gift tax, ltr	2.35	
6/30	ltr clerk	.10	
	Test ltrs pd by EJW	.	\$4.00
7/12	Est tax, ltr	3.65	
7/14	Est tax, JN	2.05	
7/15	Est tax, ltr	1.50	
7/16	ltr	.10	
7/20	ltr	.10	
8/24	ltr, PC	.45	
9/2	Est tax, PC	5.25	112xrx
9/3	File rev, tax	1.75	
9/18	PC	.15	\$1.12
9/24	Accounting, PC	1.50	\$1.54
10/14	PC	.10	
10/16	Acct	5.00	3.74pst
10/30	1041 prep to accountant	1.55	66xrx
11/5	JN	.05	.66
11/12	JN	.10	40xrx
11/13	JN, res, D&D, ltr	1.75	
11/16	Acct, ltr	.50	
11/17	AOC ltr	.10	
11/25	JN	.05	.66
12/1	Barnes PC	.10	
12/11	Barnes PC	.10	
12/11	heirs ltr, PC	.50	
12/13	AOC complaint answer	4.75	
12/14	Pritchard ltr, D&D ltr, JN ltr	.45	.22
12/16	Pritchard ltr, atty conf	.55	
1993			
1/23	JN	.15	
1/27	Prichard ltr	.15	
1/27	JN	.10	
1/28	JN	.05	1.10
2/2	JN ltr, file rev, admin	2.25	
2/5	Allison May 2, JN PC's	.15	.22
2/10	JN	.10	
2/12	Bills pd	.10	
3/19	PC Va Tax	.15	
3/31	Ltrs	.45	
4/18	Admin, filing, acct, IRS ltrs, JN ltr	3.25	

5/19	JN PC	.10	1.15
5/21	JN PC	.05	.69
5/24	Ltr to Nader, rev CD	.20	
6/14	PC Jean	.15	1.61
6/17	Crestar Bank	.45	
6/21	Amended est tax returns, ltr, IRS	2.25	.46
6/28	PC Jean, Prichard draft	.60	.23
7/6	PC Jean	.10	1.61
7/7	Prichard ltr	.35	
7/12	IRS, JN	.20	1.61
7/14	IRS Richmond (LD)	.10	.23
7/26	IRS (LD), Nader	.10	1.61
7/27	IRS ltr	.25	2.30
7/28	Nader PC, AOC corresp, Wilson ltr	.45	
8/2	Prichard ltr	.10	
8/3	Conf A. May	.15	
8/4	Tax/admin planning	.35	
8/18	PC Jean re AOC ltr	.10	.96
9/7	Rev IRS ltr	.10	
9/8	Pleadings, PC, ltr	1.00	
9/16	Prichard, JN PC's	.35	3.12
9/21	Clerk PC, ltr	.10	
9/22	Rev 1041 for AOC, PC JN	.15	.48
10/4	Prep 1041	.35	54 xrx
10/12	Prep 1041, Barnes PC, AOC ?'s, ltr	2.10	2.59ps
10/27	Rev AOC ltr, ltr JN, bank, ltr Comm	.75	
10/28	Pleadings	.25	
10/29	Court, Order Distr, LD	1.50	2.40
10/31	Acct	1.10	
11/1	Conf A. May, calc	.35	
11/2	PC Prichard, LD	.05	.24
11/3	PC JN re AOC demand	.20	
11/5	JN PC2, Prichard ltr	2.35	
11/8	Prichard ltr, copying	.60	52xrx
		.00	2.36ps
11/11	Dist ltrs, PC May, Prichrd, ltr, comp	3.65	9.95pst
11/12	Bach ltr	.20	
11/15	Sale acct	.20	
11/18	PC May, Barnes, Nader	.25	
12/1	PC JN	.15	1.92
12/13	PC JN	.10	
1994			
1/12/94	Bookkeeping	1.75	
1/16	Accounting	2.50	118xrx
1/18	Accounting	.50	
1/19	Accountng, ltr	1.25	
1/28	Prep docs for fiduciary tax	.50	
3/22	PC JN, ltr	.20	
4/13	Prep Final Acct	.35	
	25 mos bank acct reconciliations	3.50	
	TOTAL HOURS	127.40	

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

August 9, 1994

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Virginia tax refund

Dear Jean,

Enclosed is a letter and a form from the Virginia Department of Taxation which was mailed to me as Co-Executor. It deals with the settlement of the longstanding Federal retirees' suit against Virginia.

As I have highlighted on the third page, if the estate is closed, the heirs should sign the form and request the necessary affidavit. Jo Ann Barnes could easily furnish you or Tony with the figures from the back tax returns which she prepared.

At this point no one knows what the amount of the settlement refund will be.

Sincerely,


Edward J. White

EJW/e
Encl.

Tony,

Would you like to handle this - ?
Enclosed are copies of the papers -
I have the original forms -

☐ Yes, I will handle the settlement
☐ No, I will not " " " -
(cc: Jean)

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

October 24, 1994

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Fairfax Memorial Park lots

Dear Jean,


Enclosed is a letter which I requested from the cemetery in order that we may put a value on the lots. From what she says, I think a value of \$1000.00 per lot would be reasonable.

If one or more of you wish to buy the lots from the estate, it can be done. In that eventuality, the estate will require the assent of each of the heirs, in writing, to the sale.

As I said to you, I had no idea of the existence of the lots. I will need a statement from you as to your knowledge, so that we can argue that no penalty should be assessed. The IRS is usually lenient in these matters when good cause is shown. They will assess interest on the tax due as a result of these assets from the due date of the return.

My preliminary estimate of the estate tax increase based on the \$2000.00 is \$780.00 without interest.

Sincerely,



Edward J. White

EJW/e
Encl.



Fairfax Memorial Park
9900 Braddock Road
Fairfax, Virginia 22032
(703) 323-5202

October 20, 1994

Mr. Edward J. White
118 So. Royal Street
Alexandria, VA 22314

Dear Mr. White,

In keeping with our telephone conversation regarding the burial property owned by Jean Miner O'Connell, deceased, this property is identified as Section One, Block Peace, Lot 10A, Sites 1, 2, 3, and 4. Sites 1 and 2 have been used leaving sites 3 and 4 unused.

The current cost per site in this garden (Section One, Peace) is \$1,400.00. When we sell a site pre-need, we give a 10% discount, which brings the price down to \$1,260.00. When someone needs to sell his/her sites, I usually recommend pricing them enough below what they could purchase for from the Cemetery so that it would be attractive to a buyer. Generally the purchaser would need to pay cash for sites purchased from an individual, while we offer a monthly payment plan with interest as well as a 90-day, no-interest plan. With this in mind, I feel that a good price will bring a buyer more readily.

Also, to confirm what I told you over the telephone, the Cemetery does not buy back sites.

I am enclosing a transfer form so that you will have the same form on hand that I sent to Jean Nader.

Please give me a call if I can be of assistance.

Sincerely,

Betty Olson
Family Services Counselor

Enclosure

RECEIVED OCT 27 1994

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

October 25, 1994

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

Enclosed is a copy of your client's most recent effort.

According to the pamphlet sent out by the Virginia Department of Taxation if an estate is closed, the heirs are the proper parties to file for the refund. While an estate in Virginia technically is never closed, for most purposes, including this one, once the final accounting has been approved, the estate is considered closed. That was the status of things at the time your client was asked to sign the form.

However, subsequent to that event, your client informed Mrs. Nader and myself of the existence two cemetery lots of which I had no previous knowledge. This will require formal re-opening the estate. Accordingly, Mrs. Nader and I will sign and submit the refund request form.

Sincerely,


Edward J. White

EJW/e

Encl.

Copy to: Mrs. Jean M. Nader
Mrs. Sheila O'Connell

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

RECEIVED OCT 28 1994

October 27, 1994

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

Re: Estate of Jean M. O'Connell

Dear Mr. Prichard,

I have, this day, signed the Virginia Department of Taxation form requesting a refund of Mrs. O'Connell's taxes. Joanne Barnes of Keller Bruner & Co. is having the form express mailed today to Mrs. Nader for her signature.


The amount of tax paid by Mrs. O'Connell during the refund period was somewhat in excess of \$5000.00. The state proposes a five year payout in some yet to be determined amount.

As Miss Barnes pointed out, since the request was made by the estate instead of the heirs, the payment will be to the estate. This will result in taxable income to the estate if the annual payments are more than the \$100.00 deduction given estates. This will entail the annual filing of 1041 and 770 returns for the five year payout period. Naturally, there will be tax preparation fees involved. Preparation fees for these returns are always higher than for personal income tax forms. Similarly there will be annual accountings to be filed with the Commissioner since there will be activity in the estate. Someone will have to do this and there will be added expenses.

I can only assume that these consequences were envisioned when your client refused to sign the form as an heir. (At that time the estate was in a closed state. The issue of the cemetery lots did not surface until after that date.)

In researching something else today, I came across Judge Lamb's comment in *Virginia Probate Practice* as to court orders discharging executors, which I pass along.

Sincerely,



Edward J. White

EJW/e
Encl.
Copy to: Mrs. Nader

Federal Retiree Settlement Administration

AFFIDAVIT OF AUTHORITY TO CLAIM SETTLEMENT PAYMENT

Pursuant to Senate Bill 2008 (1994 Special Session I, Chapter 5):

- I. This is evidence of my (our) authority to act on behalf of the decedent named below and to accept any settlement payment of the disputed refund for:

Jean M. O'Connell

(Name of Decedent)

c/o Jean M. Nader, Co-executor
350 4th Avenue

(Street Address)

230-50-6044

(Social Security Number of Decedent)

New Kensington, Pennsylvania 15068

(City, State and ZIP Code)

who became deceased on 15 September, 19 91
Day Month Year

Estate is open.

- II. The following person is hereby authorized to act on behalf of the deceased named in Part I and to accept any settlement payment of the disputed refund for the decedent.

Estate of Jean M. O'Connell

(Name)

25-6377917

(Social Security Number)

(Title, if any)

c/o Jean M. Nader, Co-executor
350 4th Avenue

(Street Address)

(412) 337-7537

(Telephone Number)

New Kensington, Pennsylvania 15068

(City, State and ZIP Code)

If the settlement agreement is honored, I (we) hereby hold harmless the Tax Commissioner of the Commonwealth of Virginia, or his successor in office, individually and officially, for any loss or damage which may be asserted against him or which he may sustain by reason of or incidental to the issuance of the settlement payment. The person named in paragraph II above is hereby authorized to act on my (our) behalf for all matters concerning the deceased's claim for refund of taxes paid on federal retirement income received during 1985-1988.

Given under my (our) hand(s) this _____ day of _____, 19____.

Given under my hand this 27th day of October, 1994.

(SIGNATURE OF SURVIVING SPOUSE)
Co-executor

(SIGNATURE OF EXECUTOR OR ADMINISTRATOR)
Co-executor

(SIGNATURE OF HEIR, RESIDUARY LEGATEE, OR BENEFICIARY)

(SIGNATURE OF HEIR, RESIDUARY LEGATEE, OR BENEFICIARY)

(SIGNATURE OF HEIR, RESIDUARY LEGATEE, OR BENEFICIARY)

(SIGNATURE OF HEIR, RESIDUARY LEGATEE, OR BENEFICIARY)

NOTE: Heirs, residuary legatees, or beneficiaries are required to sign this form only if there is no surviving spouse or personal representative (executor or administrator). Additional sheets may be attached if the space provided is insufficient to accommodate all of the signatures of the heirs, residuary legatees, or beneficiaries.

Edward
White
1995

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

January 11, 1995

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Re: Virginia tax refund

Dear Jean,

Enclosed is your copy of the FR5 form which I signed and mailed today. Jo Ann reminded me that we had already filed the FR6 form which allows for payments to be made to you in the case of an estate which is closed or "scheduled to close any time during the settlement payment period". This estate will close in that period, since all that needs to be done is dispose of the lots, file an amended inventory, accounting and tax returns.

You will receive the money as trustee for the heirs. It will NOT go through the estate.

If you desire, send Tony a copy of this letter and the FR5 and FR6 to assuage his desire for "clear and convincing" evidence.

Sincerely,



Edward J. White

EJW/e
Encl.

FINAL SETTLEMENT AGREEMENT MADE PURSUANT TO VIRGINIA LAW ("FEDERAL RETIREE TAX SETTLEMENT LAW")

NOTE: PLEASE READ ACCOMPANYING INSTRUCTIONS.

THIS AGREEMENT is made and entered into by and between:

5510130

230-50-6044

JEAN M O'CONNELL
C/O JEAN M NADER
350 4TH AVE
NEW KENSINGTON, PA 15068

(hereafter "Taxpayer") and the Commonwealth of Virginia, Department of Taxation (hereafter the "Department").

WHEREAS, Taxpayer previously responded to the "Notice of Proposed Settlement" regarding an alleged overpayment of Virginia income tax on federal retirement income received during taxable years 1985, 1986, 1987, or 1988; and by responding, Taxpayer preserved certain rights to pursue a refund of such taxes paid for those years; and

WHEREAS, Taxpayer and the Department desire to resolve all disputes arising out of such income tax payments;

NOW, THEREFORE, the parties covenant and agree as follows:

A. SETTLEMENT OPTIONS - Taxpayer agrees to one of the following options respecting settlement of his or her claim. **CHECK ONLY ONE OF THE FOLLOWING OPTIONS:**

☒ **OPTION 1.** I/we accept the Department's offer to settle my/our claim for the refund of Virginia income taxes paid on federal retirement income received during taxable years 1985, 1986, 1987, and 1988, and any interest that could have accrued thereon, according to the amounts stated below. By checking this box and signing this form, I/we understand that I/we are accepting the Total Settlement Amount to be paid in up to five annual installments in full satisfaction of my/our claim; I/we further understand that I/we are releasing the Department from my/our claim for refund, and promising to hold the Department harmless from any duty, liability or obligation, which is presently existing or determined to exist sometime in the future, to refund Virginia income taxes paid on federal retirement income received during 1985, 1986, 1987, or 1988, and any other amounts related to the Department's taxation of such income; I/we further understand that I/we are barred from obtaining any relief that may be awarded in Harper, et al. v. Va. Dep't of Taxation, or any other existing litigation filed by federal retirees against the Department to obtain tax refunds.

TOTAL OVERPAYMENT \$5,163.00

Settlement Percentage 76.5459 %

TOTAL SETTLEMENT AMOUNT \$3,952.06

Payment Dates: March 31, 1995, 1996, 1997, 1998, and 1999

☐ **OPTION 2.** I/we reject the Department's offer to settle my/our claim for the refund of Virginia income taxes paid on federal retirement income received during taxable years 1985, 1986, 1987, and 1988, and any interest that could have accrued thereon. By checking this box and signing this form, I/we agree instead to be bound by the final disposition of the existing litigation between approximately 400 federal retirees and the Commonwealth of Virginia (Harper, et al. v. Va. Dep't of Taxation) and to accept the relief award in that action, if any, as if I/we were a party to that action.

☐ **OPTION 3.** I/we waive my/our rights to claim a refund of Virginia income taxes paid on federal retirement income received during taxable years 1985, 1986, 1987, and 1988, and any interest that could have accrued thereon. By checking this box and signing this form, I/we understand that the Total Settlement Amount offered to me/us will be retained by the Commonwealth of Virginia and will not be used to increase the Settlement Payments for those retirees who accept the Department's Settlement Offer.

IF A TAXPAYER DOES NOT CHOOSE ONE OF THESE THREE OPTIONS, HIS OR HER ONLY RECOURSE IS TO FILE A LAWSUIT TO CLAIM A REFUND IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF RICHMOND, OR IN THE LOCALITY IN WHICH HE/SHE LIVES, IN COMPLIANCE WITH THE PROCEDURES SET FORTH IN SECTION 58.1-1825 OF THE CODE OF VIRGINIA, BEFORE THE CLOSE OF BUSINESS, FEBRUARY 1, 1995. FAILURE TO FILE THIS LAWSUIT IN A TIMELY MANNER WILL FOREVER BAR TAXPAYER FROM SEEKING RECOVERY OF ALL OR A PORTION OF THE VIRGINIA TAXES PAID ON FEDERAL RETIREMENT INCOME RECEIVED DURING TAXABLE YEARS 1985, 1986, 1987, OR 1988.

- B. PARTICIPATION** - Failure to complete this Form FR5 and file it with the Department by the February 1, 1995 deadline will result in Taxpayer being precluded from any further participation in the settlement.
- C. NO ADMISSION** - The Department does not admit to any liability respecting Taxpayer's claim(s) alleging tax overpayments.
- D. NO MODIFICATION** - This Agreement sets forth the full and final agreement between the parties. There are no other agreements, and this Agreement cannot be modified except in writing and signed by the Taxpayer and the Department.
- E. GOVERNING LAW AND SEVERABILITY** - This Agreement shall be governed and interpreted under the laws of the Commonwealth of Virginia. If any portion or provision of this Agreement shall be adjudged invalid, illegal or unenforceable, the remainder of the Agreement shall remain in full force and effect.
- F. PERSONS BOUND** - This Agreement and the rights and obligations created thereby shall inure to the benefit of, and be binding upon the Taxpayer and his/her respective heirs, executors, administrators, successors and assigns.
- G. VOLUNTARY AGREEMENT** - Taxpayer represents that he or she has read the accompanying Notice and Instructions for Completion of Form FR5 and understands the meaning of the various provisions of this Agreement, and that he or she does not dispute the amounts used by the Department to calculate the Total Settlement Amount. Taxpayer acknowledges that this Agreement is entered as a free and voluntary act, and that Taxpayer believes it to be a fair, just and reasonable compromise of a disputed claim.

PLEASE TAKE NOTICE: IF YOU DO NOT SIGN AND RETURN THIS FORM TO THE DEPARTMENT BY FEBRUARY 1, 1995, OR YOU DO NOT FILE A LAWSUIT AGAINST THE COMMONWEALTH OF VIRGINIA BY FEBRUARY 1, 1995, YOU WILL LOSE ALL RIGHTS YOU MAY HAVE TO RECOVER ANY VIRGINIA TAXES PAID ON FEDERAL RETIREMENT INCOME RECEIVED IN TAXABLE YEARS 1985, 1986, 1987, AND 1988, EVEN IF YOU HAVE ALREADY FILED AN AMENDED RETURN WITH THE DEPARTMENT REQUESTING A REFUND.

Your Signature

Joan Mader

(SEAL)

CO-EXECUTOR

ESTATE OF JOAN M. O'CONNELL

Date

Jan 8 1995

Home Telephone

412-337-7537

Work Telephone

412-337-7537

Spouse's Signature

Edwin J. Mader

(SEAL)

CO-EXECUTOR ESTATE OF

JOAN M. O'CONNELL

Date

1/11/95

Home Telephone

Work Telephone

703-836-5444

Danny M. Payne

Danny M. Payne
Tax Commissioner

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

February 14, 1995

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

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Mrs. Sheila O'Connell-Shevenell
44 Carlton St.
Portland, Maine 04102

Re: Estate of Jean M. O'Connell
Cemetery lots

As you know, after the final accounting in this case had been submitted and approved and the case closed by the Commissioner of Accounts office, I was informed of the presence of two cemetery lots which are part of the estate assets.

Mrs. Nader has sent me a check payable to the estate in the amount of \$2000.00 for the two lots, along with a letter from Mr. O'Connell releasing unto her any interest he might have in the lots.

Unfortunately the discovery of the lots requires a number of steps.

1. Opening a new bank account.
2. Filing an amended Inventory of the estate.
3. Filing an amended Federal estate tax return and paying the additional tax plus interest. (The penalty probably will be waived.)
4. Filing an amended Virginia estate tax return and paying the additional tax plus interest. (The penalty probably will be waived.)
5. Waiting for closing letters from both taxing jurisdictions.
6. Preparing and submitting an Order of Distribution.
7. Disbursal of the proceeds.
8. Filing a final accounting.
9. Various transmittal letters concerning all of the above.

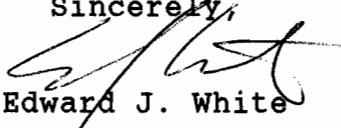
Prior to this letter, I have already expended 1.70 hours of

Page 2
Ltr to Heirs
February 14, 1995

time on this matter since October 18, 1994. Were I to undertake the above actions, I would have to charge for the time expended so far plus the additional work. My hourly rate is \$175.00 per hour, and while I cannot give any firm estimate of time, I feel that it would amount to well over five more hours.

Before I undertake such an action as opposed to declining to further serve as Co-Executor, I would need your unanimous written approval and the prior approval of the Commissioner of Accounts.

Sincerely,



Edward J. White

EJW/e

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

TELEPHONE 836-5444

February 28, 1995

File

The Hon. Thomas S. Kenney
Judge, Circuit Court of Fairfax County
4110 Chain Bridge Rd.
Fairfax, Va. 22030

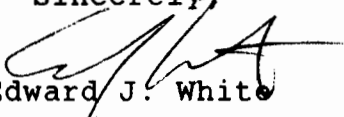
Re: Estate of Jean M. O'Connell
Fid. #49160

Dear Judge Kenny,

Normally I just let these things lie still, but Mr. Anthony O'Connell's latest in his letter to you needs some clarification.

I not only furnished Mr. O'Connell's attorney, Edgar A. Prichard, a copy of the entire financial history of the estate, noting that it would be from that document that the final accounting would be prepared (my ltr of 11/9/93), but a copy of the accounting itself (my ltr of 1/19/94). In addition, he received copies correspondence concerning every other event in the administration of this estate including all of my letters to the co-executor, his sister.

I have never received his "Exceptions" and have only heard from the Commissioner's office that they are 109 pages long.

Sincerely,

Edward J. White

EJW/e

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



The Hon. Thomas S. Kenney
Judge, Circuit Court of Fairfax
County
4110 Chain Bridge Rd.
Fairfax, Va. 22030

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

June 8, 1995

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

Mrs. Jean M. Nader
350 Fourth Ave.
New Kensington, Pa. 15068

Mrs. Sheila O'Connell-Shevenell
44 Carlton St.
Portland, Maine 04102

Re: Estate of Jean M. O'Connell

Since I last wrote you, there have been several developments.

1. As a favor to Jean, I have stayed with this at no cost to you.

2. The Commissioner of Accounts is of the opinion that the cemetery lots are real estate and not subject to administration (inventories, accountings, etc) and pass to the heirs. No amended inventory and accounting filing fees will be payable as a result.

3. The federal and Virginia estate taxes have been amended, and the taxes and interest due have been paid.

4. Jean paid \$2000.00 for the cemetery lots. This was deposited in the estate account, which I persuaded the bank to re-open.

5. The sum of \$426.18 was received shortly after March 31, 1995, as the first installment on the Virginia Department of Taxation-federal retirees refund matter. The state's explanatory letter is enclosed, noting that this is a 10.8% payout.

6. Since the estate previously had directed that this payment be made to the estate, it was run through the account. However, in light of the fact that the estate was closed, I am collecting that only as agent for you, and each of you are responsible for the tax consequences.

7. The tax consequences of the receipt by you of these funds

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Ltr to Heirs
June 8, 1995

encompass the following:

1/3 of \$426.18 as a state tax refund (income) received in 1995
1/3 of the enclosed Keller Bruner bill incurred in filing for the refund (\$350.00), the deductibility of which is for your determination.

You will have to check with your tax advisors as to the treatment of this. Jo Ann Barnes informed me today that if the estate were open at the time of receipt it could file a fiduciary (1041) tax return for this year and then each of you would file in the succeeding for years of the planned payout. Since the estate was closed, this income should be reported by you. She is also of the opinion that this payment does not affect the estate's federal and Virginia estate taxation, since the amount, or even the fact of the payment itself, was unknown at the time of your mother's death.

8. Jean will forward to you for signature, an amended Virginia Form FR6 which instructs the state to pay her on your behalf over the five year payout period.

9. Copies of all of the transactions, tax returns and correspondence as well as a ledger of all activity since the final accounting is enclosed.

10. Finally a check in the amount of \$493.75 will be sent to each of you after Jean has signed them. This is 1/3 of the final balance on hand, and closes the account.

Sincerely,



Edward J. White

EJW/e

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

July 20, 1995

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

Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

I received your letter of July 18, today.

Indeed I did tell you to address your comments to Mrs. Nader; however in light of the tone of your letter and its usual unfounded accusations, I will reply briefly.

You state in your first paragraph that you understand from my June 8, 1995, letter that ". . . your accounting charges, will consume most of the federal pension refund payments due the beneficiaries." That is a clear falsehood. Nowhere in that letter is any mention of accounting fees whatsoever. Mrs. Nader requested that Keller Bruner & Co. prepare the filing for the refund. Whether you chose to reimburse your own sister for whatever charge they made is your decision. I have never made any charge for any accounting fee of any sort. My letter stated clearly that this post estate closing matter was being handled by me for free. Prior to this letter, I spent 6.75 hours on this matter as a gift to your sister, from which you also benefitted.

I am asking you to sign the Virginia Department of Taxation form so that you can receive your share of the future payout of the tax refund from the state. If you do not sign it, I can only hope that the state will go on and send your sister the refund so that she can send you your share.

You ask what is the point of my enclosing copies of all transactions of the estate since it was closed. My point is the same as it has always been, to furnish the beneficiaries, or their counsel, with all financial data. That was done when Edgar Prichard represented you. Since he no longer represents you, I sent it to you in accordance with my custom.

Your question regarding the wording of Schedule F of the estate tax return which was filed in September 1992, implying something or another, makes no sense at all.

For the umpteenth time, I will ignore your plaintive request

Page 2
Ltr to Mr. Anthony M. O'Connell
July 20, 1995

that I identify your "wrongdoings".

Whether you like it or not, the law says that the estate is closed. I feel sure that Mr. Prichard imparted that to you. I believe that the Commissioner of Accounts office has also informed you of that fact. I gather that you want to continue your vendetta forever. In that aspect I refuse to indulge you.

Please cash the check for \$493.75 that was sent to you.

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

December 4, 1995

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

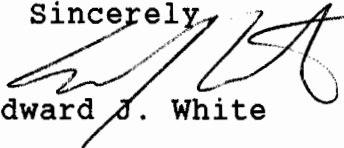
Re: Estate of Jean M. O' Connell

Dear Mr. O'Connell,

Enclosed is a money order in the amount of \$493.75. Previously a check in that amount was sent to you and has never been negotiated.

Since the account has been closed with the purchase of this money order, you may destroy the check if you wish.

Sincerely,



Edward J. White

EJW/e
Copy to: Jean M. Nader