

resign16p

Resignation of co-trustee Herbert Higham (After Anthony O'Connell, co-trustee, became a resident of Virginia, and after the surprises at the April 21, 1988, settlement of my sale to Lynch Properties)

E. A. Prichard 1988

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 BANKER SETTLEMENT & TITLE SERVICES, INC.
8551 GREENSBORO DR. SUITE 600
MCLEAN, VA 22102

1,411,257.37

McGUIREWOODS
BATTLE & BOOTHE

8280 GREENSBORO DRIVE
SUITE 900, TYSONS CORNER
P.O. BOX 9346
MCLEAN, VA 22101
TELEPHONE: 703/356-2200

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

May 12, 1988
INV# 71210 PAGE 1
CLIENT REFERENCE #

FOR PROFESSIONAL SERVICES RENDERED

TAX I.D. 54-0505857

RE OUR FILE # 1880235.002
O'CONNELL - Prepare Resigna-
tion of Co-Trustee

THROUGH 04/30/88

04/29/88 Research and memorandum to Mr. Prichard re need to
 petition court to allow co-trustee to resign.

SERVICES RENDERED....\$	150.00
TOTAL CURRENT BILLING FOR THIS FILE.\$	150.00
PLEASE REMIT TOTAL BALANCE DUE.....\$	150.00

EAP / EAP
MWBB#1880235

LAW OFFICES IN ALEXANDRIA,
CHARLOTTESVILLE, FAIRFAX,
NORFOLK, RICHMOND,
TYSONS CORNER, WILLIAMSBURG
AND WASHINGTON, D.C.

McGUIRE WOODS
BATTLE & BOOTHE

8280 GREENSBORO DRIVE
SUITE 900, TYSONS CORNER
P.O. BOX 9346
MCLEAN, VIRGINIA 22102
TELEPHONE: (703) 356-2200
TELECOPIER: (703) 356-3660
TELEX: 62021320 MWBB TYS

May 18, 1988

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

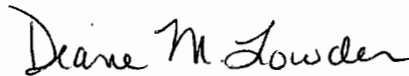
Dear Mr. O'Connell:

I am an attorney working with Ed Prichard. He had to go out of town on business and asked me to send to you the Petition and Order which will be filed in Fairfax Circuit Court requesting the Court's permission to allow Herbert Higham to resign as co-trustee of the trust under Harold O'Connell's will. The Petition is merely a copy which you may keep for your records. The Order, however, must be signed by you and returned to me before we can file it with the Court. I have enclosed a self-addressed envelope for your convenience. Upon receipt, I will then forward it to your mother for her signature as well.

If you have any questions, please give me a call.

With best regards,

Sincerely,



Diane M. Lowder

jws
Enclosures
cc: E. A. Prichard, Esquire

LAW OFFICES IN ALEXANDRIA,
CHARLOTTESVILLE, FAIRFAX,
NORFOLK, RICHMOND,
TYSONS CORNER, WILLIAMSBURG
AND WASHINGTON, D.C.

**MCGUIRE WOODS
BATTLE & BOOTHE**

8280 GREENSBORO DRIVE
SUITE 900, TYSONS CORNER
P.O. BOX 9346
MCLEAN, VIRGINIA 22102
TELEPHONE: (703) 356-2200
TELECOPIER: (703) 356-3660
TELEX: 62021320 MWBB TYS

May 27, 1988

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

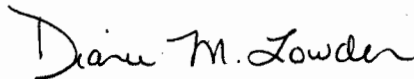
Dear Mrs. O'Connell:

I am an attorney working with Mr. Ed Prichard with regard to the resignation of Herbert Higham as co-trustee of the trust created under your husband's will. Mr. Higham's resignation will permit your son, Anthony, to serve alone as the sole trustee of this trust. In order to facilitate this resignation, the enclosed Petition and Order will be filed in Fairfax Circuit Court. To demonstrate your consent to this resignation and as the primary beneficiary of the trust, I ask that you sign the order and return it to me in the enclosed envelope. The Petition is merely a copy which you may keep for your records.

If you have any questions regarding this resignation, please feel free to give me a call.

With best regards,

Sincerely,



Diane M. Lowder

jws
Enclosures
cc: E. A. Prichard, Esquire

McGUIRE WOODS
BATTLE & BOOTHE

8280 GREENSBORO DRIVE
SUITE 900, TYSONS CORNER
P.O. BOX 9346
MCLEAN, VA 22101
TELEPHONE: 703/356-2200

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

June 21, 1988
INV# 73027 PAGE 1
CLIENT REFERENCE #

FOR PROFESSIONAL SERVICES RENDERED

TAX I.D. 54-0505857

RE OUR FILE # 1880235.002 THROUGH 05/31/88
O'CONNELL - Prepare Resigna-
tion of Co-Trustee

- 04/28/88 Conference with Ms. Lowder re resignation of
Trustee; conference with Mr. Prichard;
- 04/28/88 conference with Mr. Dimos re resignation of
Trustee;
- 05/02/88 drafting petition and order allowing co-trustee to
resign his fiduciary duties;
- 05/12/88 review petition and order;
- 05/13/88 telephone call to Clerk's office to obtain a
certified copy of certificate of qualification;
- 05/16/88 conference with Ms. Lowder re resignation of
co-trustee; telephone call to Court re securing
certificate of qualification;
- 05/16/88 obtain certified copy of certificate of
qualification; conference with Mr. Prichard;
- 05/17/88 arrange messenger to pick up certificate of
qualification for trustees from Court;
- 05/17/88 correspondence to client to forward Petition and
Order for trustee resignation;
- 05/27/88 correspondence to Mrs. O'Connell to forward
Petition and Order for her signature.

SERVICES RENDERED....\$ 539.00

COSTS ADVANCED:

05/13/88 Cert. of Qualification \$ 1.00

TOTAL COSTS ADVANCED.....\$ 1.00
TOTAL CURRENT BILLING FOR THIS FILE.\$ 540.00

McGUIRE WOODS
BATTLE & BOOTHE

Anthony M. O'Connell

June 21, 1988
INV# 73027

PAGE 2

PLEASE REMIT TOTAL BALANCE DUE.....\$ 540.00

EAP / EAP
MWBB#1880235

LAW OFFICES IN ALEXANDRIA,
CHARLOTTESVILLE, FAIRFAX,
NORFOLK, RICHMOND,
TYSONS CORNER, WILLIAMSBURG
AND WASHINGTON, D.C.

**MCGUIRE WOODS
BATTLE & BOOTHE**

8280 GREENSBORO DRIVE
SUITE 900, TYSONS CORNER
P.O. BOX 9346
MCLEAN, VIRGINIA 22102
TELEPHONE: (703) 356-2200
TELECOPIER: (703) 356-3660
TELEX: 62021320 MWBB TYS

EDGAR ALLEN PRICHARD
VIRGINIA AND DISTRICT
OF COLUMBIA BARS

July 22, 1988

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

Dear Tony:

Enclosed herewith you will find a plain copy and a certified copy of the Order which was entered by Judge Brown allowing the resignation of your co-trustee. Also enclosed you will find a copy of our petition. The certified copy of the Order can now be presented with an account to the date of Mr. Higham's resignation.

Sincerely yours,

E. A. Prichard
E. A. Prichard

EAP:in

Enclosures a/s

V I R G I N I A :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

HERBERT ANDERSON HIGHAM, Co-Trustee)	
Harold A. O'Connell Trust U/W,)	
)	
Petitioner)	IN CHANCERY
)	NO. _____
v.)	
)	
ANTHONY M. O'CONNELL,)	
Defendant)	

ORDER

This cause came on to be heard upon Petitioner's motion seeking the Court's acceptance of the resignation of Herbert Anderson Higham, as co-trustee;

And the Court being satisfied that Anthony M. O'Connell (formerly a nonresident) was named as trustee of the trust created under the will of Harold A. O'Connell and qualified as such before the Clerk of the Circuit Court of Fairfax County, and to comply with the residency requirements of Section 26-59 of the Code of Virginia, Herbert Anderson Higham (a Virginia resident) also qualified to serve as co-trustee thereunder, and Anthony M. O'Connell is now a resident of the Commonwealth of Virginia; it is therefore

ADJUDGED, ORDERED and DECREED:

that the resignation of Herbert Anderson Higham as co-trustee of the trust under the will of Harold A. O'Connell

is hereby accepted subject to his filing a final account with the Commissioner of Accounts for Fairfax County and approval of said account.

Entered into this _____ day of _____, 1988.

Judge

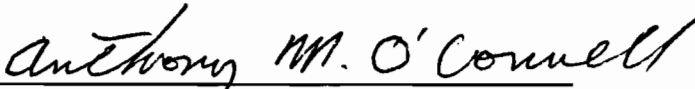
McGUIRE, WOODS, BATTLE & BOOTHE
8280 Greensboro Drive, Suite 900
McLean, Virginia 22102
(703) 356-2200

By:

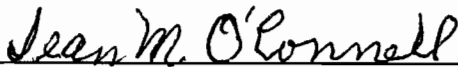


E.A. Prichard
Counsel for Petitioner

SEEN AND AGREED:



Anthony M. O'Connell,
individually and as trustee
of the Harold A. O'Connell
Trust U/W



Jean M. O'Connell, primary
beneficiary of the Harold A.
O'Connell Trust U/W

V I R G I N I A :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

HERBERT ANDERSON HIGHAM, Co-Trustee)	
Harold A. O'Connell Trust U/W,)	
)	
Petitioner)	IN CHANCERY
)	NO. _____
v.)	
)	
ANTHONY M. O'CONNELL,)	
Defendant)	

ORDER

This cause came on to be heard upon Petitioner's motion seeking the Court's acceptance of the resignation of Herbert Anderson Higham, as co-trustee;

And the Court being satisfied that Anthony M. O'Connell (formerly a nonresident) was named as trustee of the trust created under the will of Harold A. O'Connell and qualified as such before the Clerk of the Circuit Court of Fairfax County, and to comply with the residency requirements of Section 26-59 of the Code of Virginia, Herbert Anderson Higham (a Virginia resident) also qualified to serve as co-trustee thereunder, and Anthony M. O'Connell is now a resident of the Commonwealth of Virginia; it is therefore


ADJUDGED, ORDERED and DECREED:

that the resignation of Herbert Anderson Higham as co-trustee of the trust under the will of Harold A. O'Connell

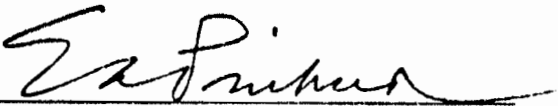
is hereby accepted subject to his filing a final account with the Commissioner of Accounts for Fairfax County and approval of said account.

Entered into this 21 day of July,

1988.

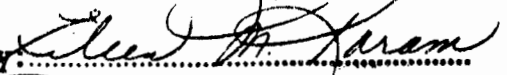

Judge

McGUIRE, WOODS, BATTLE & BOOTHE
8280 Greensboro Drive, Suite 900
McLean, Virginia 22102
(703) 356-2200


By: 
E.A. Prichard
Counsel for Petitioner

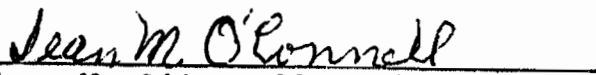
A COPY TESTE:

WARREN E. BARRY, CLERK

By: 
Deputy Clerk

SEEN AND AGREED:


Anthony M. O'Connell,
individually and as trustee
of the Harold A. O'Connell
Trust U/W


Jean M. O'Connell, primary
beneficiary of the Harold A.
O'Connell Trust U/W

V I R G I N I A :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

HERBERT ANDERSON HIGHAM, Co-Trustee)	
Harold A. O'Connell Trust U/W,)	
)	
Petitioner)	IN CHANCERY
)	NO. _____
v.)	
)	
ANTHONY M. O'CONNELL)	
Defendant)	

PETITION FOR RESIGNATION OF TRUSTEE

COMES NOW Petitioner, Herbert Anderson Higham, by counsel, and respectfully petitions this Honorable Court to allow Petitioner to resign as Co-Trustee, and in support thereof states as follows:

1. Harold A. O'Connell (the "decedent"), of Fairfax County, Virginia, died on May 26, 1975. On June 18, 1975, a paper dated April 11, 1974, was admitted to probate as the last will and testament of Harold A. O'Connell by the Clerk of the Circuit Court of Fairfax County, Virginia.

2. The decedent bequeathed to his wife, Jean M. O'Connell, an amount equal to approximately fifty percent (50%) of the value of his adjusted gross estate as finally determined for federal estate tax purposes. The decedent devised and bequeathed the remainder of his real and personal property to a trust established under his will.

3. The primary beneficiary of the trust is the decedent's wife, Jean M. O'Connell. Upon her death, the remaining principal and undistributed income of the trust will be divided equally among the decedent's lineal descendants, per stirpes.

4. Decedent appointed his son, Anthony M. O'Connell, to be the Trustee of any trust created under decedent's will.

5. Anthony M. O'Connell, qualified as Trustee of the trust before the Clerk of the Circuit Court of Fairfax County, Virginia. At the time of his qualification, Anthony M. O'Connell was not a resident of the Commonwealth of Virginia. To comply with the requirements of Section 26-59 of the Code of Virginia, your Petitioner, Herbert Anderson Higham, a Virginia resident, also qualified to serve as trustee. Anthony M. O'Connell and your Petitioner are currently serving as co-trustees. A certified copy of the Certificate of Qualification is attached hereto as Exhibit A.

6. Anthony M. O'Connell is now a resident of the Commonwealth of Virginia. Therefore, the Petitioner wishes to resign as co-trustee of the trust, thus allowing Anthony M. O'Connell to serve as the sole trustee, and does hereby tender his resignation for acceptance by the Court subject to approval of his accounts by the Commissioner of Accounts for Fairfax County, Virginia.

WHEREFORE for the foregoing reasons, Petitioner ,
prays that his resignation as co-trustee of the trust created
under the will of Harold A. O'Connell, will be accepted by
the Court, subject to the filing of an accounting with the
Commissioner of Accounts for Fairfax County and approval of
said accounting.

HERBERT ANDERSON HIGHAM
By counsel

McGuire, Woods, Battle & Boothe
8280 Greensboro Drive, Suite 900
McLean, Virginia 22102
(703) 356-2200

By: 
E. A. Prichard
Counsel for Petitioner



COMMONWEALTH OF VIRGINIA

Circuit Court of Fairfax County



CERTIFICATE OF QUALIFICATION

State of Virginia

County of Fairfax, to-wit:

Fiduciary No. 21840

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

have been duly appointed TRUSTEES of the Trust established under the will of: HAROLD A. O'CONNELL

and that they have duly qualified as such by taking the oath prescribed by law and by entering into and acknowledging a bond in the penalty of eight hundred forty two thousand dollars, with/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 16th day of May, 19 88.

WARREN E. BARRY, CLERK
By [Signature] Deputy Clerk