

Render Testator's Family Helpless

Summary

Greatly simplified, the secret advisors render a family helpless by first (1) establishing a wall of secrecy between family members, and then (2) using an innocent family member to carry out advice that is intended to set one family member against another. The innocent family member carries out their advice because they assume it is legitimate advice.

The secrecy and the set-ups render the family legally helpless because they use the innocent family member to carry out their agenda. If another family member tries to find out what the secret advisors are doing, such as exposing their accountings or stopping them from stealing money, they use the innocent family member to contest that other family member. They make the innocent family member accountable under the guise that they are protecting the innocent family member as well as themselves.

As preposterous as it first sounds, rendering the family helpless is a certainty, it is a virtual given, it impossible to prevent, if one innocent family member relies on the fraudulent advice. I anticipated it, I did everything I could think of to try to stop it, and I could not.

Page 1 – Mr. White is asked, on behalf of all the beneficiaries, to relinquish his fiduciary position to Anthony O'Connell.

Page 2 – Mr. White refuses.

Page 3 – I ask Mr. White some questions about his accounting.

Page 4 – The first accounting questions I ask Mr. White results in Mr. White refusing to communicate with me and placing the innocent family member between himself and me. This structure of the secrecy and the use of the innocent family allow Mr. White to run the set ups that render the family helpless.

Pages 5 and 6 – With the wall of secrecy supposedly in place, the set-ups using the innocent family member begin.

Set-up #1
Accounting entanglement using document
AGREEMENT CONFIRMING DISTRIBUTION OF VEHICLE
Please see page 7

Set-up # 2
The lawyer hires the CPA

Edward White unilaterally hires the CPA Jo Ann Barnes to advise the Edward White on the Trust u/w of H. A. O'Connell. I am the Trustee for the Trust u/w of H. A. O'Connell My guess is that the CPA's secret advice to the innocent family member agrees with the lawyer's secret advice to the innocent family member concerning the Trust and the Estate. See CPA. The CPA does not disagree with the lawyer's advice in the lawyer letter of April 22, 1992. I know of no instance of the CPA disagreeing with the lawyer's advice since 1985.

Set-up # 3
Entangle Trust accounting with Estate accounting
Please see pages 10-18

They stress this. This is important. It allows them to "capture" about a million dollars in real estate by entangling it in their accounting of the Trust and their accounting of the Estate.

Jo Ann Barnes and Edward White create accounting entanglements and use them as takeover tools. It gives them control of an asset somewhat like an attachment, except that their entanglements are usually impossible to pin down and address, and only they, and not their clients, have the power to remove them. Because they control the entanglements they control the assets and people they entangle. They exercise these takeover tools at a critical time, such as during a sale negotiation and settlement of real estate. They are used to create conflicts, to set one family member against another, to divide and conquer, to supplant. A good example is the 1985 *Needs how much in Testator*.

Forcing me to file the Trust's account approximately 18 months early allows the CPA and lawyer to entangle their accounting of the Trust's (I unwittingly hired the CPA (firm) to prepare the Trust's Seventh Court Account) with their accounting of the Estate. The Trust's Seventh Court Account is not due until October 20, 1993 (page 10).

- Entanglement by creating a debt from the Estate to the Trust

The CPA (firm) did the Trust's Seventh Court Account in a manner that required me to pay the Estate \$ 1,475.97 (page 11). The lawyer discovers that this is \$659.97 too much (page 12). They report this to the IRS while I can not even get the CPA(firm) or the lawyer to address this \$ 659.97 much less pay it back to the Trust (page 18).

- Entanglement using the real estate tax:
(It is so ambiguous it can be used in any way they want).

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?

Lawyer to Trustee, May 19, 1992 (page 12)

The \$1,794.89 of real estate taxes which you as Trustee paid on behalf of the three heirs (Sheila O'Connell, Jean Nader and Anthony O'Connell) was an obligation owed directly by the three heirs as your mother's interest in this real estate passed directly to each of you at her death. When you received the K-1's for 1991, attached was a schedule for each of you to report 1/3 rd of these real estate taxes on your individual income tax returns

CPA(firm) to Trustee, February 12, 1993 (page 17)

Set-up # 4

A policy of secrecy from me is established

Set-up # 5

This continues a series of set-ups to take control of Accotink

April 22, 1992:

The best scenario of the three alternatives given here would reduce Accotink's value by 40%.

I avoided the structured set up by hiring a professional appraiser and sent Edward White a completed professional appraisal on June 9, 1992 that reduced the value of Accotink by 50%.

December 11, 1992:

The lawyer and the CPA suggest asking for an additional 30% reduction. I believe this is to take control by promoting an adversarial partition suit:

....Since the lands 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 you interest if a buyer could be found.....

Edward White to the beneficiaries

February 2, 1993:

.....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.....

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.

Lawyer to Jean Nader, February 2, 1993

I believe the reevaluations of real estate are not only used as a takeover tool but to steal money in the created confusion:

June 11, 1992:

I gave Edward White the professional appraisal on June 9, 1992, which is before the June 15, 1992 due date for the Estate Tax Return. But on June 11, 1992 the lawyer extends the Estate Tax Return filing due date anyway, telling the IRS on the \$175,000 version of the Estate Tax Return that the appraisal is still in progress:

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.

Edward White to the IRS

January 13, 1992:

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 evaluation, the estate tax liability could increase by about \$67,000.

Edward White to the beneficiaries

Set-up # 6
Entanglement using gift
Please see page 9

My having a copy of the Form 709 for 1988 may or may not have stopped this entanglement.

Set-up # 7
Covers

The Debts and Demands, the Show Cause Against Distribution Order and the Order of Distribution are optional. Because the secret advisors ask for these approval type procedures after keeping accountings secret and stealing money, they apparently believe it will help cover them.

Set-up # 8

The secret advisors got their *Order of Distribution* and the release of liability letter from the IRS clearly knowing that they framed me with the debt of \$ 659.97. Now they can use it to control Accotink and continue to make it appear as if it were my fault. Please imagine the consequences if I had not corrected the huge debts in *My Credibility*.

Certified P 751 862 414

After the 1988 Sale I knew that
the lawyer should not be trusted.

Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150
{703} 971-2855
February 24, 1992

Mr. Ed White, Attorney
118 South Royal Street
Alexandria, Virginia 22314

Reference: Estate of Jean O'Connell

Dear Mr. White:

I understand that my sister, Ms. Jean O'Connell Nader, co-executor of my mother's will, has asked you on behalf of our family, if you would voluntarily relinquish your co-executorship. I understand that you were not willing to do this.

Would you please reconsider your refusal in order that I may serve as co-executor as originally requested by my mother in her will?

Yours truly,

Anthony O'Connell

FILE

Copy to:

Ms. Jean O'Connell Nader
350 Fourth Avenue
New Kensington, Pennsylvania 15068

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

I rule of thumb is that the secret advisors will constantly divert accountability from themselves to the testators family. Please reject this and all variations of it. Or better yet, ask Jo Anne Barnes and Edward White why they did not follow Jean M. O'Connell's instructions in May of 1985 to prepare the final estate accounting for H. A. O'Connell and send it to her.

Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150
{703} 971-2855
March 30, 1992

Mr. Ed White, Attorney
118 South Royal Street
Alexandria, Virginia 22314

Reference: Estate of Jean O'Connell

Dear Mr. White:

I have a few questions I hope you would be kind enough to answer.

1. As you know, the Lynch Limited Partnership plans to pay my Mother's estate \$545,820.43 on April 21, 1992. What is your best guess as to when and in what amount(s) you will make distribution(s) to the beneficiaries?

2. The license plates on my deceased Mother's Van expire in April of 1992. Virginia DMV requires a new title with the new owners name before they will issue new plates {The plates cannot be renewed by the co-executors signing for Jean O'Connell}. The bank will give the co-executors the title if you simply pay them the interest on the loan. I understand the principal on the loan has been paid and I am guessing that the interest is something in the range of \$1200 to \$1400. Would you please pay the bank the interest so they will give you the title? What is your decision as to who gets the van and how much will it cost?

3. What is your fee for being co-executor of my mother's estate?

Yours truly,

Anthony O'Connell

Copy to:

Ms. Jean O'Connell Nader
350 Fourth Avenue
New Kensington, Pennsylvania 15068

COPY

These are my first questions about the accounting.

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

TELEPHONE 836-5444

April 4, 1992

On November 13, 1992 I find out that neither Jo Anne Barnes nor Edward White plan to pay the approximately \$113,336 in federal tax and \$22,848 in Virginia tax on the capital gains from this payment.

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.

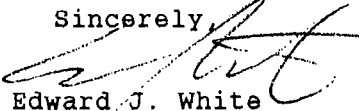
Now I receive your letter asking that I "simply pay them the interest" I paid the interest and principal in one check on March 12, received the title on March 22 and mailed it to Mrs. Nader to sign over to you on March 23. Have you any suggestions as to how it could have gone faster?

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,


Edward J. White

EJW/e
Copy to: Jean M. Nader

This was a two page letter reduced to fit on one page.

This eventually forces me to chose between signing a document I should not sign or asking another lawyer how to draft a proper document.

The secret advisors place the innocent family member between themselves and me after my first questions about the accounting. I am helpless against their advice to Jean Nader. At this point the secret advisors have rendered the testators family helpless. (My last two letters are my enclosed letters of 2/24/92 and 3/30/92).

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

This is a rare glimpse of
the secret adviser's advice
to the innocent family

April 22, 1992

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

Re: Disbursement

Dear Jean,

Setup
#1

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

Setup
#2

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.

Setup
#3

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.

Setup
#4

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.

Setup
#5

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

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".

Setup
#6

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)

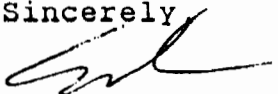
Setup
#7

- 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.

Setup
#8

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.

If you seek legal counsel to protect yourself from these set-ups you become *an adverse party who is represented by counsel* and the lawyer can legitimize his secrecy:

From the comments in his [Anthony O'Connell's] 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....."

Edward White to the innocent family member, February 2, 1993

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

This "Agreement" is another accounting entanglement on Accotink. For one, it is contingent on all the debts and obligations of the estate being settled. I still can't compel the CPA and lawyer to settle the debts and obligations (entanglements) they created.

This is not a valid contract. It does not contain all the essential elements of a valid contract such as consideration, contractual capacity, genuineness of assent (I was not allowed to see this document until after my sisters had signed it), and an offer and an acceptance.

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.

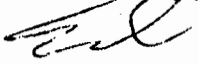
As far as the management of an estate undergoing the probate process is concerned, the Executors are entitled to some latitude

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

This is the advice given to the innocent family member. When the secret advisors ask the Court for a public *Debts and Demands*, a *Show Cause Against Distribution*, and an *Order of Distribution*, they should say that *the accountings are the prerogative of the Executors and subject to the scrutiny and approval of the Commissioner of Accounts or the taxing authorities only.*

Sincerely,

Edward J. White

This K-1 was prepared by the CPA who the lawyer hired and who is working on the estate. I can not prevent the CPA from keeping the K-1 from the lawyer or the estate or herself. I cannot stop the lawyer or the CPA from framing me.

April 22, 1992

In order to file that [Estate Tax] 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 file suit against him to compel the accounting, plus damages to the estate for his delay....

Edward White to the innocent family member

May 15, 1992

Would you please send me a list of all the information and /or requirements you need from me that would help you settle my mother's estate. Please be specific.

Anthony O'Connell to Edward White [No response]

June 15, 1992

Estate Tax Return due

July 16, 1992

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 calender years, gifts from her totaling more than \$10,000.00? If you did, please list the dates and amounts of each gift. If you did not, let me know.

Edward White to Anthony O'Connell

July 17, 1992

As shown on her enclosed Form 709 for 1988, I received \$15,000.00 on April 22, 1988.

Anthony O'Connell to Edward White

Note: The 1988 gift tax return, which reports the \$15,000.00 gift from my mother to me, was done by the CPA(firm) the lawyer unilaterally hired. It was prepared in 1989 and has been on file there since 1989. My having a copy may or may not have stopped entanglements using gift(s).



JESSE B WILSON, III.
COMMISSIONER OF ACCOUNTS

COMMISSIONER OF ACCOUNTS OFFICE

CIRCUIT COURT OF FAIRFAX COUNTY

FAIR OAKS PLAZA, SUITE 500
11350 RANDOM HILLS ROAD FAIRFAX, VIRGINIA 22030
TELEPHONE: (703) 385-0268



ROBERT J. McCANDLISH, JR.
DEPUTY COMMISSIONER OF ACCOUNTS

4-22-92

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

RE: Harold O'Connell Trust
FIDUCIARY NO: 021840



Please be advised that the 6th Accounting, filed with this office on 6/28/91, and posted for 7/1/91, was approved on 4-18-92, and was, or is being, sent to the Clerk of the Circuit Court of Fairfax County, for filing therein, on 4-22-92

Jesse B. Wilson, III
Commissioner of Accounts

Robert J. McCandlish, Jr.
Deputy Commissioner of Accounts

Supporting vouchers previously returned _____

Supporting vouchers returned herewith _____

The Trust's Seventh Court Account was due on October 20, 1993. But I could not compete against the combined advice of the CPA and lawyer to the innocent family member.

Your next Accounting is due in this office by 10-20-93.

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

ESTATE OF TRUST U/W OF H.A. O'CONNELL

ACCOUNT OF Anthony O'Connell, Trustee

FIDUCIARY # 21840

Number of this account Seventh Account

Covering period from 1/1/91 to 12/31/91

DESCRIPTION	ASSETS RECEIVED (or On Hand)	DISBURSEMENTS
ASSETS HELD ON DECEMBER 31, 1991 FOR FUTURE ACCOUNTING		
Lynch Note		\$ 428,277.21
46.0994% interest in 15 acres		34,574.55
Cash - Continental checking		43,302.55
Computer		2,100.00
Payable to the Estate of Jean M. O'Connell		
Deficit per 3 rd Account	\$ (5,906.72)	
Deficit per 4 th Account	(687.03)	
Income per 5 th Account	5,796.98	
Deficit per 6 th Account (restated)	(2,908.97)	
	\$ (3,705.74)	
Income per 7 th Account	5,181.71	
	<u>\$ 1,475.97</u>	
TOTAL ASSETS HELD FOR FUTURE ACCOUNTING		<u>\$ 508,254.31</u>
TOTALS	<u>\$ 675,522.42</u>	<u>\$ 675,522.42</u>

I realize that Jo Ann Barnes prepared this and if you authorize it I can ask her to help me out.
Edward White to Trustee, May 19, 1992

Entanglement by creating a debt from the Estate to the Trust

Vouchers in support of disbursements are submitted herewith.

5/11/92
Date

Anthony M. Howell, Trustee
Anthony O'Connell, Trustee

This certainly makes me appear responsible. You could not tell from looking at this that I was forced to submit it approximately 18 months before it was due (which makes it fit the filing period of the my mother's estate tax return), or that a debt was planted by the CPA(firm) that the lawyer "discovered", and that I can't get corrected.

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

Entanglement by creating a debt
from the Estate to the Trust

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

Entanglement by creating a debt
the Estate owes the Trust

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

The Show Cause and Order of Distribution procedure is a pro forma matter for the benefits of creditors and Mr. O'Connell is not a creditor.

From Edward White's letter of November 12, 1993, to Judge F. Bruce Bach

I did not take this advice because I feared another delay and another entanglement.
I paid the appraisal bill from the Trust

Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150
May 29, 1992

Mr. Ed White, Attorney
118 South Royal Street
Alexandria, Virginia 22314

Reference: Your letter of May 19, 1992

Dear Mr. White:

Thank you for your letter concerning the Seventh Trust accounting. In the future would you please send letters concerning me or the trust directly to me? It will save the beneficiaries attorney expense. I would appreciate you sending a copy to Mr. Prichard.

I talked with Mr. Forrest Balderson today. Mr. Balderson prepared the account and states that the numbers are correct. He reminded me that court accounting and taxable accounting are different animals and often do not match. I believe this applies to your questions in paragraphs 1 and 2. Please feel free to call Mr. Balderson at (703) 549-7800.

I will try to address your paragraph 3. Rather than wait until the end of each year and calculate the exact net income of the trust to be distributed to my mother, I estimated the net income in April so I could make the distribution to her immediately after the trust received the annual April payment. The consequent year end adjustments were:

Third Account	\$ -5,906.72	{Mother owed to trust}
Fourth Account	- 687.03	{Mother owed to trust}
Fifth Account	+5,796.98	{Trust owed to mother}
Sixth Account	-2,908.97	{Mother owed to trust}
Net carryover	\$ -3,705.74	{Mother owed to trust}
Seventh Account, 1991	\$ +5,181.71	{Trust owed to mother}

The net carryover of \$ -3,705.74 up to the seventh account combined with the \$ +5,181.71 of the seventh account netted \$1,475.97 the trust owed my mother. This is the \$ 1,475.97 check I mailed to you.

Mr. Balderson tells me he called you concerning the real estate taxes before he did the account and discussed it with you. Is it necessary to change it now?

My trust accounting is on a cash basis. I think a per diem split of the September interest would be accrual accounting. I don't think I can mix the two methods. If the Commissioner of Accounts says it's appropriate, it's fine with me.

At this point in time, I believe Mr. Balderson and I are of one mind that the estate does not owe the trust and the trust does not owe the estate.

Entanglement using
the real estate tax

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Entanglement by creating a debt
from the Estate to the Trust

This is still a secret

I have a few questions concerning my mother's 1991 tax return.

1. My copy shows she should be penalized by IRS and Virginia because adequate estimated tax payments were not made after her death. I believe my sister is convinced I am responsible for this. If it is my fault, I will pay for it out of my pocket. I feel the other beneficiaries should not be charged for the negligence of another. Would you please lay out the specifics on what happened? Please be very specific.

2. My copy also does not show the principal of \$125,188.17 paid to my mother by the Lynch Note in April of 1991. It does show the interest. With a gross profit percentage of .79 on the installment sale, about \$ 98,898.65 of the \$125,188.17 should have been reported on line 13 of the 1040 as a capital gain. It appears that this omission is up and above the penalties and interest already acknowledged. Why was it not reported? Will you amend the return?

3. On Schedule B under dividend income, what is the significance of "***BAL ON 1040 OF JEAN NADER, SSN 225 50 9052"?

I look forward to your response.

This is a setup to make Jean Nader appear responsible for having to amend the Estate Tax Return on June 21, 1993

Would be entanglement using the 1991 capital gains tax. See *My Credibility*

Yours truly,

Anthony O'Connell
Anthony O'Connell

Enclosures:

Your letter of May 19, 1992

IRS Form 1040, Schedule B and Waiver of Penalty Request for Jean O'Connell, 1991. The other IRS forms attached to this return were not included in this enclosure.

Copies to:

Mr. Ed Prichard
Mr. Forrest Balderson
Ms. Jean Nader
Ms. Sheila O'Connell

KELLER BRUNER & COMPANY, P.C.

Certified Public Accountants • Management Consultants

February 12, 1993

Mr. Anthony O'Connell
6541 Franconia Road
Springfield, Virginia 22150

Re: Trust u/w of H. A. O'Connell

Dear Mr. O'Connell:

Joanne Barnes has asked me to respond to your letter of January 21, 1993 concerning the differences in the "Total distributions" from the court accounting and the fiduciary return. I will also try to answer the other questions in your letter.

The amount on Page 2, Line 12 of Form 1041 in the amount of \$146,795 is the figure on a workpaper which I previously gave to you (copy attached). Listed below, again in another format, is how that \$146,795 was arrived at:

Mrs. Jean M. O'Connell	
Check #230	\$ 40,000.00
Check #251 (R E taxes)	
(\$3,330 x 53.9006%)	1,794.89
Sheila O'Connell	
Check #268	20,000.00
Check #276	15,000.00
Jean Nader	
Check #267	20,000.00
Check #277	15,000.00
Anthony O'Connell	
Check #269	20,000.00
Check #278	<u>15,000.00</u>
Total amount of checks	<u>\$ 146,794.89</u>

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Mr. Anthony O'Connell
February 12, 1993

Page 2

Entanglement using
the real estate tax

The \$146,794.89 or \$146,795 was the total amount of cash distributed to the beneficiaries or heirs of this trust during the calendar year 1991.

The \$1,794.89 of real estate taxes which you as Trustee paid on behalf of the three heirs (Shelia O'Connell, Jean Nader and Anthony O'Connell) was an obligation owed directly by the three heirs as your mother's interest in this real estate passed directly to each of you at her death. When you received the K-1's for 1991, attached was a schedule for each of you to report 1/3rd of these real estate taxes on your individual income tax returns.

The final point in your letter is in regards how to treat the \$1,475.97 of cash which was paid to your mother's estate in 1992. This is just a cash transfer to cure a cash deficiency as of the date of death and **NOTHING** else. On page 4 of the Seventh Account, your mother owed the Trust at the end of the Sixth Account \$3,705.74 but you had underdistributed \$5,181.71 of cash through her date of death. The \$1,475.97 just completes what was due her. The transfer to her estate has no tax effect for either 1991 or 1992.

I hope that the foregoing has answered your various questions. I am also returning to you, the letter which you sent with your letter of January 21, 1993. I have made a copy of it for our files.

Entanglement by creating a debt
from the Estate to the Trust

Very truly yours,

KELLER BRUNER & COMPANY, P.C.

Forest N. Balderson
Forest N. Balderson

FNB/hoc
Enclosures

The CPA firm does not mention the \$816.00 or the \$659.97 in this letter. I could not find the \$816.00 or the \$659.97 in the three spreadsheets I obtained. I assume the CPA firm intentionally had me pay from the trust to the estate, more than necessary, so as to create a accounting entanglement of a debt (\$1,475.69 - \$816.00 = \$659.97 (net or debt))

Anthony O'Connell
216 Governors Lane
Suite 12
Harrisburg, Virginia 22801
March 4, 1996

Ms. Jo Anne Barnes, CPA
Bruner, Kane & McCarthy, Limited
700 North Fairfax
Alexandria, Virginia 22313
(703) 549-7800

Entanglement by creating a debt
the Estate owes the Trust

Ref: Estate of Jean O'Connell
Trust u/w of Harold O'Connell

Dear Ms. Barnes:

Would you be kind enough to explain item 4 and 5 of Schedule F,
of my mother's estate tax return?

4	Interest due Harold O'Connell Trust	816.00
5	Debt due from Harold O'Connell Trust	659.97

I thank you in advance.

They report the debt to the IRS but
neither the CPA nor the lawyer will
tell me where this \$ 659.97 is. They
did not pay it back to the trust. I can
not stop the CPA or the lawyer from
framing me with their accounting.

Sincerely,

I got no response
from this letter.

Anthony O'Connell

My similar question to Edward White got:

*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.*
From Edward White's letter of July 20, 1995

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Enclosure: Schedule F of the estate tax return of Jean O'Connell