

1988deed4p

What was used to justify the surprise statement on the 1988 deed that says I could not qualify as Trustee remains a secret. History suggests that what ever it was in 1988 would be used again, such as in a sale of the Trust property.

1992 Deed

Recognizing the 1992 deed for Accotink at Bk8307p1446 would mean recognizing Anthony O'Connell as trustee and grantee.

Is it probable that during a settlement of a sale of Accotink, a title search would result in the 1992 deed being recognized, that there are no accounting entanglements or surprises, and, contrary to the 1988 deed at Bk7005p634, Anthony O'Connell did qualify as trustee u/w of H. A. O'Connell? Can we bring Bk8307p1446 into the sunshine and those who don't recognize it as a deed please explain why?

From: Anthony OConnell <aoconnell@cableone.net>
Subject: **Questions for Stewart Title**
Date: June 13, 2007 7:00:30 AM MST
To: Lisa Overton <LOVERTON@steward.com>, Steve Blizzard
<SBLIZZAR@steward.com>
 1 Attachment, 166 KB

Ms. Lisa Overton, Vice President, and Mr. Steve Blizzard, Attorney, of Stewart Title:

Would you please answer these questions?

(1) The attached copy of Ms. Overton's letter to my mother dated April 22, 1988, shows she handled the settlement for my 1988 sale. I was surprised to be told the day before settlement that I had to sign a deed that said I could not qualify as Trustee. The attached six documents show I qualified as Trustee in 1986. Where does it say in the Court records that I could not qualify as Trustee? I am concerned that something similar may happen again.

(2) Does Stewart Title find the following legal description in the real estate tax records for parcel 0904 01 0017 correct: "ACCOTINK STATION WB201 109 DB8307-1446 DB8845-1444 DB8845-1449"? Please read the documents. Please give me a yes or a no.

(3) Why does Stewart Title allow someone not from Stewart Title to respond to questions for Stewart Title?

Anthony Miner O'Connell, Trustee for parcel 0904 01 0017



[1988 sale.pdf \(166 KB\)](#)

This protects the Attorney
Edward White

From: "Lisa Overton" <LOVERTON@steward.com>
Subject: **RE: Where does it say I could not qualify as Trustee?**
Date: June 14, 2007 10:21:09 AM MST
To: elynchjr@i95businessparks.com, "Anthony OConnell" <aoconnell@cableone.net>, "Steve Blizzard" <SBLIZZAR@steward.com>, "Lisa Overton" <LOVERTON@steward.com>
Cc: "Andy Somerville" <andy@smcconcrete.com>

Hi Bill and Mr. O'Connell:

Yes, that is me from 1988 – can't believe how old you are making me feel, and I can honestly tell you that I do not remember that specific 1988 case. Having said that however, when I look at the documents you attach, you did in fact sign the deed as a Trustee, the qualification simply required that a Co-trustee also sign since you were not a resident of Virginia. I do not recall which firm we were using in 1988 to prepare our deeds, we have used quite a few different firms in the past, but it looks as though in the derivation of title paragraph that you underline they simply tried to consolidate the statement of facts. Perhaps they should have been more clear and said that Mr. Higham was appointed WITH you as co-trustee and not in your place. 

There is no requirement for a Trustee under a land trust to be a Virginia resident; therefore it is a non issue in this case.

*Lisa Overton
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From: Bill Lynch [mailto:elynychjr@i95businessparks.com]
Sent: Tuesday, June 12, 2007 4:31 PM
To: 'Anthony OConnell'; 'Steve Blizzard'; 'Lisa Overton'
Cc: 'Andy Somerville'
Subject: RE: Where does it say I could not qualify as Trustee?

Tony –

I think the short answer is that was then, this is now.

Lisa has handled title work for the Lynch family and me since about 1980 so I am pretty sure she worked on the sale of the home in 1988. I have never had a problem at settlement when she has been involved. She is very thorough and I trust her judgment.

The operative trust agreement is dated in 1992. I don't recall what the documentation was in 1986, but all the documentation that you require to act as Trustee is of record with the 1992 Trust and the Power of Attorney.

Are there any other documents that you are aware of that are not of record?

Bill

-----Original Message-----
From: Anthony OConnell [mailto:aoconnell@cableone.net]
Sent: Tuesday, June 12, 2007 2:46 PM
To: Steve Blizzard; Lisa Overton
Cc: Edwin W. Lynch, Jr.; Andy Somerville
Subject: Where does it say I could not qualify as Trustee?

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:

BK7005 0634

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.



What was used to justify the surprise statement on the 1988 deed that says I could not qualify as Trustee remains a secret. History suggests that what ever it was in 1988 would be used again, such as in a sale of the Trust property.

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