

Anthony O'Connell  
439 S Vista Del Rio  
Green Valley, AZ 85614  
January 5, 2014

Reference: 1992 Deed at bk8307p1446

To the Honorable Judges of the Nineteenth Judicial Circuit Court of Fairfax County,  
Virginia:

The Honorable Dennis J. Smith  
The Honorable Jane Marum Roush  
The Honorable Randy I. Bellows  
The Honorable Charles J. Maxfield  
The Honorable Bruce D. White  
The Honorable Robert J. Smith  
The Honorable David S. Schell  
The Honorable Jan L. Brodie  
The Honorable Lorraine Nordlund  
The Honorable Brett A. Kassabian  
The Honorable Michael F. Devine  
The Honorable John M. Tran  
The Honorable Grace Burke Carroll

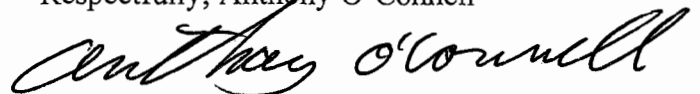
4110 Chain Bridge Road  
Fairfax, Virginia 20030 – 4009

Dear Honorable Judges of the Nineteenth Judicial Circuit Court:

Please tell me if you recognize the enclosed 1992 Deed as a deed. Please give a "Yes" or a "No" so that all concerned can rely upon a clear and accountable position. If "No", please explain why.

Necessity makes me ask this.

Respectfully, Anthony O'Connell



Enclosure: 1992 Deed at bk8307p1446 (first two pages)

Prepared by E. A. Prichard of McQuire Woods Battle & Boothe

This 1992 deed supersedes the 1975 will at wb201p105. See bk8307p1446 for the complete deed.

DEED IN TRUST UNDER LAND TRUST AGREEMENT

THIS DEED IN TRUST UNDER LAND TRUST AGREEMENT, made this 16<sup>TH</sup> day of OCTOBER, 1992 by and between JEAN MARY O'CONNELL/NADER and HOWARD/NADER, husband and wife, SHEILA ANN/O'CONNELL and PIERRE SHEVENELL, husband and wife, ANTHONY MINER/O'CONNELL, divorced and not remarried, and ANTHONY MINER/O'CONNELL, Trustee Under the Last Will and Testament of Harold A. O'Connell (collectively, "Grantors"); and ANTHONY MINER/O'CONNELL, Trustee, of Fairfax County, Virginia (hereinafter sometimes collectively referred to as "Trustees" or "Grantees"):

W I T N E S S E T H:

That Grantors for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, do hereby grant and convey to the Grantees as trustees the hereinafter described parcel of real estate, situate and being in Fairfax County, Virginia, and being more particularly described on the attached and incorporated EXHIBIT A ("Property").

TO HAVE AND TO HOLD the Property in fee simple, with the appurtenances thereunto belonging, upon the trusts and for the uses and purposes set forth herein and in that certain Land Trust Agreement dated as of 16<sup>TH</sup> day of OCTOBER 1992, which is incorporated herein by this reference.

Full power and authority is hereby granted to the Trustee and their successors and assigns to protect and conserve the property; to sell, contract to sell and grant options to purchase the Property and any right, title or interest therein on any terms; to exchange the Property or any part thereof for any other real or personal property upon any terms; to convey the Property by deed or other conveyance to any grantee, with or without consideration; to mortgage, pledge or otherwise encumber the Property or any part thereof; to lease, contract to lease, grant options to lease and renew, extend, amend and otherwise modify leases on the Property or any part thereof from time to time, for any period of time, for and rental and upon any other terms and conditions; and to release, convey or assign any other right, title or interest whatsoever in the Property or any part thereof.

No party dealing with the Trustee in relation to the Property in any manner whatsoever, and (without limiting the foregoing) no party to whom the Property or any part thereof or any interest therein shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, shall be obliged (a) to see to the application of any purchase money, rent or money borrowed or otherwise advanced on the Property, (b) to see that the terms of this trust have been complied with, (c) to inquire into the authority, necessity of expediency of any act of any Trustee, or (d) be privileged to inquire into any of the terms of the Trust Agreement. Every deed, mortgage, lease or other instrument executed by the Trustee in relation to the Property shall be conclusive evidence in favor of every person claiming and right, title or interest thereunder; (a) that at the time of the delivery thereof this trust was in full force and effect, (b) that such instrument

TAX MAP 90-4-001-17  
CODE OF VIRGINIA 55-17.1  
ANTHONY O'CONNELL  
6541 FRANCONIA ROAD  
SPRING FIELD, VIRGINIA 22150

BK8307 1446

was executed in accordance with the trusts, terms and conditions hereof and of the Trust Agreement and is binding upon all beneficiaries thereunder, (c) that the Trustee was duly authorized and empowered to execute and deliver every such instrument, and (d) if a conveyance has been made to a successor or successors in trust, that such successor or successors have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of his, its or their predecessor in trust.

The Trustee shall have no individual liability or obligation whatsoever arising from his ownership, as trustee, of the legal title to said property, or with respect to any act done or contract entered into or indebtedness incurred by him in dealing with said property, or in otherwise acting as such trustee, except only so far as said Trust Property and any trust funds in the actual possession of the Trustee shall be applicable to the payment and discharge thereof.

The interest of every beneficiary hereunder and under the Trust Agreement and of all persons claiming under any of them shall be only in the earnings, avails and proceeds arising from the rental, sale or other disposition of the Property. Such interest is hereby declared to be personal property, and no beneficiary hereunder shall have any right, title or interest, legal or equitable, in or to the Property, as such, but only in the earnings, avails and proceeds thereof as provided in the Trust Agreement.

This deed is governed by and is to be read and construed with reference to Section 55-17.1, Code of Virginia (1950 as amended) and now in force.

Except as hereinafter noted, the Grantors covenant that they have the right to convey the Property to the Trustee, that Grantors have done no act to encumber the Property, that the Trustees shall have quiet possession of the Property, free from all encumbrances, and that Grantors will execute such further assurances of the Property as may be requisite.

Howard Nader and Pierre Shevenell join in this Deed in Trust Under Land Trust Agreement for the sole purpose of consenting to the conveyance of the Property, and hereby forever convey, release and waive any marital rights or right to claim an elective share in such Property as part of their spouses' augmented estate pursuant to Code of Virginia, Section 64.1-13, et seq., as amended, and give no covenant or warranty of title to the property hereby conveyed.



## NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

Fairfax County Courthouse  
4110 Chain Bridge Road  
Fairfax, Virginia 22030-4009

703-246-2221 • Fax: 703-246-5496 • TDD: 703-352-4139

DENNIS J. SMITH, CHIEF JUDGE  
JANE MARUM ROUSH  
RANDY I. BELLOWS  
BRUCE D. WHITE  
ROBERT J. SMITH  
DAVID S. SCHELL  
JAN L. BRODIE  
LORRAINE NORDLUND  
BRETT A. KASSABIAN  
MICHAEL F. DEVINE  
JOHN M. TRAN  
GRACE BURKE CARROLL  
DANIEL E. ORTIZ  
JUDGES

COUNTY OF FAIRFAX

CITY OF FAIRFAX

BARNARD F. JENNINGS  
THOMAS A. FORTKORT  
RICHARD J. JAMBORSKY  
JACK B. STEVENS  
J. HOWE BROWN  
F. BRUCE BACH  
M. LANGHORNE KEITH  
ARTHUR B. VIEREGG  
KATHLEEN H. MACKAY  
ROBERT W. WOOLDRIDGE, JR.  
MICHAEL P. McWEENEY  
GAYLORD L. FINCH, JR.  
STANLEY P. KLEIN  
LESLIE M. ALDEN  
MARCUS D. WILLIAMS  
JONATHAN C. THACHER  
CHARLES J. MAXFIELD  
RETIRED JUDGES

February 11, 2015

My previous letter to the Judges  
was mailed on January 5, 2015.  
I received this reply from Chief  
Judge Smith on February 23, 2015

Anthony O'Connell  
439 S Vista Del Rio  
Green Valley, AZ 85614

Dear Mr. O'Connell:

We received your letter of January 5, 2014. I am sure the year was simply a typographical error as the letter was just received. Your request for an opinion regarding an enclosed document is not made in the context of any pending matter in the Fairfax Circuit Court. Furthermore, even if it was, sending a letter to judges does not constitute the filing of pleadings as pleadings are filed with the Clerk of Court.

A request for an opinion or ruling by a judge not properly made in a pending case requests an advisory opinion. Judges "will consider, sua sponte, whether a decision would be an advisory opinion, because we do not have the power to render a judgment that is only advisory." *Charlottesville Operators Ass'n v. Albemarle Cnty.*, 285 Va. 87, 99-100, 737 S.E.2d 1, 14 (2013); see also *Martin v. Zihel*, 269 Va. 35, 40, 607 S.E.2d 367, 369 (2005).

Accordingly, on behalf of our entire court, we decline your request for an opinion.

Respectfully yours,

Dennis J. Smith,  
Chief Judge, 19<sup>th</sup> Judicial Circuit of Virginia