

Deed not recognized 1c 3p

Defer

Why, in 2004, defer taking a position on the 1992 deed?

Anthony OConnell

From: "Greenlief, Kevin C." <Kevin.Greenlief@fairfaxcounty.gov>
To: "Anthony OConnell" <amo@commspeed.net>
Sent: Tuesday, August 10, 2004 7:10 PM
Subject: RE: Would you please correct the legal description on your real estate tax bill for parcel 0904-01-0017?

Dear Mr. O'Connell:

My staff has traded e-mails and correspondence with you on numerous occasions. We clearly seem to have some failure to communicate on this issue and for that I apologize. First let me explain our position on this, and then I'll explain what it is we are going to do to try to assist you to the extent possible.

First, the legal description of this vacant parcel of 15 acres is "Accotink Station." The Will Book reference is simply made as a convenience to help citizens (especially title examiners) determine the source of initial property transfer. Our listing does not affect your rights as trustee, nor does this impact the Land Records themselves. I do not understand your complaint that you "cannot properly perform your duties as Trustee until the confusions on the court records have been cleared away." There is no confusion in the court records. The chain of title as recorded in the Land Record Office speaks for itself and any title examiner or court would be able to follow the documents so recorded. The fact that we have listed the Will Book reference should have no impact on that whatsoever. Moreover, in our old computer system we had significant space constraints that limited the information we could list. Since the Will Book was the initial transfer (i.e., the start of the chain), that is the reference we listed. As my staff has repeatedly said however, the **Land Trust Agreement at DB 8307-1446** has also been listed on our records. It simply wasn't displayed in a box entitled "Legal Description."

We have now implemented a new computer system that offers us some additional space flexibility. As a result, my staff has now added the deed book references you desire to the existing references. The reference included in our legal description area will read "Accotink Station; WB201-109; DB8307-1446; DB8845-1444; DB8845-1449."

Again, this is highly unusual and not at all necessary inasmuch as any title examiner, Attorney or court would be able to follow the clear chain of title as recorded in the Land Records. The listing of these deed book references on our assessment record has no bearing on your role as trustee nor does it impact the chain of title ownership. It simply lists deed book references within the chain.

That said, since we have the space and since this appears to be a significant issue for you and does not otherwise impact the validity of our records, we have made this accommodation at your request. You will receive a second installment tax bill in November. This bill should reflect these changes. If you would like to check this on-line before then, you should be able to see these changes within the next two weeks via the following Internet link:
<http://icare.fairfaxcounty.gov/Main/Home.aspx>



This is a deed.

9/18/04

I appreciate that estate management can be a very complicated matter. I wish you much success as you deal with this issue. I trust this concludes the matter at hand.

Sincerely,

Kevin C. Greenlief, Director
Department of Tax Administration
Fairfax County, Virginia

-----Original Message-----

From: Anthony OConnell [mailto:amo@commspeed.net]

Sent: Tuesday, August 10, 2004 11:52 AM

To: Greenlief, Kevin C.

Subject: Would you please correct the legal description on your real estate tax bill for parcel 0904-01-0017?

Mr. Kevin Greenlief, Director
Fairfax County Department of Tax Administration
12000 Government Center Parkway, Suite 223
Fairfax, Virginia 22035-0076

Dear Mr. Greenlief:

Would you please correct the legal description on your real estate tax bill for parcel 0904-01-0017? The legal description should not be the list of heirs recorded in WB201p109 dated 1975.

That has been superseded by the following documents dated 1992: (1) Book 8307 pages 1446-1452, Deed in Trust Under Land Trust Agreement; (2) Book 8845 pages 1444-1448, Power of Attorney; and (3) Book 8845 pages 1449-1462, Land Trust Agreement. If you read the documents it is self evident.

I cannot properly perform my duties as Trustee until the confusions on the court records have been cleared away.

Would you please tell me what the following, beginning in Book 8307 at page 1446, means to you?

"DEED (underline, color, and bold mine) *IN TRUST UNDER LAND TRUST AGREEMENT*

THIS DEED IN TRUST UNDER LAND TRUST AGREEMENT, made this 16th 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"):

WITNESSETH:

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"

Thank you.

Sincerely,

Anthony M. O'Connell,
Trustee for parcel 0904-01-0017
(B8307p1446, B8845p1444, B8845p1449)