

**VIRGINIA:**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

JEAN MARY O'CONNELL NADER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ANTHONY MINER O'CONNELL, )  
 Individually and in his capacity as )  
 Trustee under a Land Trust Agreement )  
 Dated October 16, 1992 and as )  
 Trustee under the Last Will and )  
 Testament of Harold A. O'Connell, *et al.* )  
 )  
 Defendants. )

Case No. 2012-13064

This is against the law of contracts. The Trust Agreement [contract] says "Trustee Not Individually Liable" at bk8845p1453. Why is this not recognized? Do power and character assassinations trump the law in practice?

**MOTION FOR TEMPORARY INJUNCTION**

COMES NOW the Plaintiff, Jean Mary O'Connell Nader, by counsel, and moves this Court pursuant to Va. Code § 8.01-629 for a temporary injunction for the purpose of continuing the term of the Land Trust pending a Final Order in this action. In support of her motion, Plaintiff states the following.

1. This is an action by which Plaintiff seeks to, *inter alia*, remove Defendant Anthony M. O'Connell as trustee under a Land Trust Agreement dated October 16, 1992 (the "Land Trust"). The beneficiaries under the Land Trust are Plaintiff and her siblings, Defendants Sheila O'Connell and Anthony M. O'Connell, individually.

2. As alleged in the Complaint, the Land Trust holds title to certain real property (the "Property") consisting of approximately 15 acres located near the Franconia area of Fairfax County, Virginia.

3. The terms of the Land Trust Agreement provide for the termination of the trust on October 16, 2012 and, upon the termination date, the trustee is directed to convey record title of the Property to the beneficiaries or sell the Property at a public sale.

4. A conveyance of the Property to the beneficiaries or a public sale of the Property before a Final Order has been entered in this case would result in irreparable harm to the Plaintiff, as a beneficiary of the Land Trust.

5. As of the date of the filing of this Motion, Defendant Sheila O'Connell has been served with the Complaint and the time period for her to file an answer is pending. Upon information and belief, Defendant Anthony M. O'Connell has filed a response to the Complaint, which consisted of a one-page letter directed to the Clerk of Court, and the filing of numerous documents and records containing his annotations.

6. By his own admission, Defendant Anthony M. O'Connell, as trustee, has not paid the real estate taxes on the Property or sold the Property, contrary to the terms in the Land Trust agreement.

7. Under the circumstances, the likelihood of success on the merits and the balance of equities favor the Plaintiff.

8. It is in the public interest to allow the Trust to continue in order for Plaintiff to pursue a remedy that will allow for the orderly sale of the Property for the benefit of the beneficiaries of the Trust.

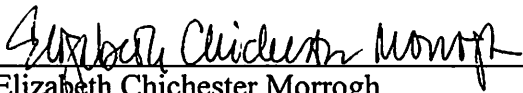
WHEREFORE, Plaintiff Jean O'Connell Nader, by counsel, respectfully requests the entry of an Order as follows:

- A. Providing injunctive relief in the form of continuing the term of the Land Trust until such time as a Final Order has been entered in this case;

- B. Enjoining Anthony M. O'Connell, as trustee under the Land Trust Agreement, from conveying record title of the Property to the beneficiaries or selling the Property at a public sale; and
- C. For all such further relief as this Court deems reasonable and appropriate.

JEAN MARY O'CONNELL NADER  
By Counsel

BLANKINGSHIP & KEITH, P. C.  
4020 University Drive  
Suite 300  
Fairfax, VA 22030  
(703) 691-1235  
FAX: (703) 691-3913

By:   
Elizabeth Chichester Morrogh  
VSB No. 25112  
Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

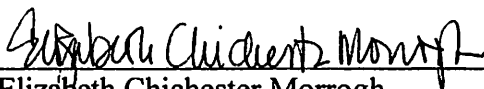
I hereby certify that on this 28<sup>th</sup> day of September, 2012, a true and correct copy of the foregoing Motion for Temporary Injunction was sent as follows:

By regular and electronic mail to:

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

By regular mail to:

Sheila Ann O'Connell  
663 Granite Street  
Freeport, ME 04032

  
Elizabeth Chichester Morrogh